This document contains the following:

➢ **CMPD Directives**

Section:

- o 100 - Organization
- o 200 - Administration and General Management
- o 300 - Personnel Management and Employee Programs
- o 400 - Equipment and Uniforms
- o 500 - Searches, Arrest and Detention
- o 600 - Operations
- o 700 - Impounded Property
- o 800 - Information and Records
- o 900 - Departmental Information Policies

Note: The Police Law Bulletins and City of Charlotte Polices may now be found on the main CMPD Portal Page. CMPD personnel are responsible for reading the directives and law bulletins as they appear on the employee’s Learning Assignment in the MySuccess system.
I. PURPOSE

The Charlotte-Mecklenburg Police Department implements solutions and expands collaborative relationships within our organization and community to enhance trust, fairness and respect, to increase public safety.

II. WE VALUE:

- Oath of Office – Upholding the United States and North Carolina Constitutions
- Human Life – Recognizing the value of every person
- Integrity – Promising to uphold the highest standards of integrity, being honest and ethical in all our actions.
- People – Treating all people with dignity, respect, fairness and compassion.
- Community – Meeting citizens where they are, working together to achieve a shared vision.
- Inclusion – Fostering a diverse and equitable culture that is committed to embracing all differences.

III. VISION

We envision becoming the trusted, respected and sought-after community partner by serving our citizens and taking care of our employees.

We will achieve our vision through:

- Crime management
- Community Collaboration
- Professional Accountability
- Employee Wellness

IV. POSITIVE PROGRESS

Positive progress will be embraced by CMPD and will be defined by:

- A strong community that will embrace collaboration.
- Reflecting the community we serve.
- Becoming the model for law enforcement organizations.
- Being the safest major city.
I. PURPOSE

This manual consists of departmental directives, which are for the internal use of the Charlotte-Mecklenburg Police Department and in no way enlarges an officer’s civil or criminal liability. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the departmental directives, if proven, can only form the basis of a complaint by this Department in a non-judicial administrative hearing.
I. PURPOSE

The purpose of this policy is to define the territorial jurisdiction and delegation of authority of sworn officers of CMPD.

II. POLICY

A. Jurisdiction

1. CMPD derives its authority from the North Carolina General Statutes and Session Laws, the Code of the City of Charlotte, and the Agreement between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg Police Departments.

2. The Chief of Police and all sworn officers will have full law enforcement authority within the boundaries of Mecklenburg County and on all property owned by or leased to the City or County wherever located within the State of North Carolina.

   NOTE: The territorial jurisdiction of CMPD extends to and includes the entirety of Lake Norman, Lake Wylie and Mountain Island Lake, and the shoreline area of each body of water.

3. The Chief of Police and all sworn officers have the authority to arrest anywhere in the State of North Carolina for a felony committed in Mecklenburg County as described in paragraph II - A - 2, and have the authority to pursue an offender who is in immediate and continuous flight, outside of this jurisdiction, in accordance with CMPD policy.

4. When an offense is committed within the territory described above, under circumstances that would authorize an arrest without a warrant, an officer has the authority to pursue and arrest an offender who is in immediate and continuous flight, outside said territory, in accordance with CMPD policy.

5. Officers in pursuit of a person who is in immediate and continuous flight from the commission of a crime dangerous to life are authorized to enter South Carolina in a vehicle or foot pursuit to affect the arrest of the offender. Officers engaged in a vehicle pursuit into the state of South Carolina for a crime dangerous to life must adhere to the provisions set forth in CMPD Directive 600-022 Emergency Response and Pursuit Vehicle Operations.

6. Cooperation Between Law-Enforcement Agencies

   The Chief of Police, or designee, pursuant to state law, may temporarily provide assistance to another municipal or county police department, or sheriff’s office in enforcing the laws of North Carolina if so requested in writing by the head of the requesting agency. While working for the requesting agency, officers will have the same jurisdiction, powers, rights, privileges and immunities as the officers of the requesting agency.
7. Assistance to State Law Enforcement Agencies

The Chief of Police, or designee, pursuant to state law, may temporarily provide assistance to a state law enforcement agency in enforcing the laws of North Carolina if so requested in writing by the head of the State agency. While working with the State agency, an officer will have the same jurisdiction, powers, rights, privileges and immunities as the officers of the state agency.

B. Oath of Office

Before entering upon the discharge of their duties, the Chief of Police and each CMPD officer will swear or affirm to the following oath administered by the City Clerk or other official authorized by law to administer such oaths:

_I, [individual officer's name], do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent herewith; that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any manner on account of personal bias or prejudice; that I will faithfully and impartially execute the duties of my office as a law enforcement officer according to the best of my skill, abilities, and judgment; so help me, God._

C. Discretion

CMPD officers are authorized to make discretionary decisions within their lawful span of authority. Officers have the discretion not to arrest except for offenses and violations in which the suspect, by law, must be arrested. The use of discretion includes the use of alternatives to arrest.

Alternatives to arrest available to officers include, but are not limited to, the use of citations for non-violent misdemeanors; verbal and written warnings; and referral to other agencies.

D. Empowerment

Empowerment is the concept of transferring decision-making, controls and information to the lowest ranking levels of CMPD.

1. Supervisors and managers must create a work environment where employees will choose to exert themselves to deliver a higher level of service to the public and to the department. This environment will enable employees to make prompt, informed decisions within their responsibility.

2. This decision making ability is accompanied by the delegated authority and each employee is accountable for the use of this delegated authority.

3. The empowerment of employees will require supervisors to clearly communicate expectations to employees to transfer decision-making responsibility to the employee. Supervisors will remain accountable for the activities of employees under their immediate command.
E. Delegated Authority

When Command level supervisors and managers are unavailable to provide command and supervision of their area of responsibility, they will delegate this authority to another supervisor or manager. When delegating this authority, notification will be made electronically or in writing to their immediate superior and Communications supervisors.

1. The supervisor that has been delegated the authority of his/her command level supervisor or manager will have the authority and responsibility to supervise their delegated area of responsibility and all personnel. These supervisors are accountable for the decisions made under that delegated authority.

2. In the sudden or unplanned absence of the Command level supervisor or manager, and if no acting commanding officer or manager has been designated, the senior ranking officer in that same chain of command will assume command until relieved by higher authority.

III. REFERENCES

600-025 Incident Command System
NCGS 15A-402 Territorial Jurisdiction of Officers to Make Arrests
NCGS 77-38 Authority of Law Enforcement Officers and Special Officers (Lake Wylie)
NCGS 77-78 Enforcement (Mountain Island Lake)
NCGS 160A-285 Powers and Duties of Policemen
NCGS 160A-286 Extraterritorial Jurisdiction of Policemen
NCGS 160A-288 Cooperation Between Law-Enforcement Agencies
NCGS 160A-288.2 Assistance to State Law Enforcement Agencies
Session Law 1969-1089
Session Law 1969-1170
Session Law 2017-42
Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg County Police Departments, October 1, 1993, July 1, 1996
Code of the City of Charlotte, Section 16-28
CMPD Jurisdiction Map
CMPD Regional Mutual Aid Agreements
CALEA
Tensions and hostility are a part of policing. Police officers must, as part of their job, issue orders to people, catch them in violation of laws, deprive them of their freedom, and bring charges that may lead to the imposition of severe punishment. Contacts between officers and citizens are often initiated under conditions that are emotionally charged, such as immediately after a fight or other disturbance, or following the commission of a crime. Even the person getting a traffic ticket frequently becomes indignant. However scrupulous the police may be in carrying out their responsibilities, they are bound to incur the wrath of some of those against whom they must proceed. This hostility manifests itself in various forms -- sometimes immediately, by verbal abuse or physical resistance to the police; sometimes later by alleging that the officer’s actions were improper or illegal. Under such circumstances an officer must be able to count on support for actions taken in the line of duty. The police officer expects and indeed needs some insulation from the community being served. But insulation can serve as a shield for the officer who is not so scrupulous -- who in fact acts improperly. Herman Goldstein

**Policing a Free Society** - 1977

The adversarial nature of policing is one of the key factors noted by Herman Goldstein that complicates the control and review of police actions and behavior. The public grants the police considerable authority to act on its behalf in the effort to create an environment as free of crime, the fear of crime, drug abuse, violence, and disorder as possible. Although in almost all encounters with the public, police officers and civilian employees use this authority appropriately, there are times when citizens have legitimate questions about how this authority has been used. Unfortunately there are also times when that authority has been abused. Therefore, it is critical that a system of discipline be established that contributes to minimizing abuse of authority and promotes the department’s reputation for professionalism.

The most effective disciplinary system is one that combines the reinforcement of the right set of values in all employees with behavioral standards that are established in clear policies, procedures and rules that are consistently and fairly applied. Each employee of the Charlotte-Mecklenburg Police Department must understand and be guided by the standards that have been established in the department policies, rules, regulations and procedures.

Employees of the Charlotte-Mecklenburg Police Department are expected to conduct themselves, both in interactions with each other and with the public, in a manner that conveys respect, honesty, integrity, and dedication to public service. In turn, employees of the department can expect to be treated fairly, honestly and respectfully, by their peers and other employees of the department who hold positions of greater or lesser organizational authority.

It is recognized and understood that employees of the department will make judgmental errors from time to time in carrying out their responsibilities. In fact, employees who never make any mistakes may be doing very little to try to improve the performance of the department. While each error in judgment offers an opportunity for the department and the individual to learn, it is also understood some errors will have greater consequences than others will for the public, the department and the employee. The department has an obligation to make its expectations as clear as possible to employees. The department has an equal obligation to make the consequences for failing to meet those expectations clear. While both of these obligations are difficult to meet, the latter is obviously more complex. There are often circumstances that may have contributed to errors of judgment or
poor decisions that need to be considered when determining the appropriate consequences for behavior found improper.

In trying to define fair and consistent treatment in disciplinary matters in the abstract, employees often say they would like the department to give them a list of the prohibited behaviors along with the consequences for engaging in those behaviors. Experience tells us though, when employees are directly involved in the disciplinary process -- either as the subject of the process or in a review capacity to recommend or decide on the consequences -- most want to consider the consequences in light of the circumstances that might have contributed to the violation. This of course is a critical aspect of the application of discipline in a consistent and fair manner. For some employees consistency is seen as the same treatment for the same behavior in every case, and it is thought if this is done, the consequences will be fair to everyone. For the Charlotte-Mecklenburg Police Department consistency is defined as holding everyone equally accountable for unacceptable behavior and fairness is understanding the circumstances that contributed to the behavior while applying the consequences in a way that reflects this understanding. In order to ensure that employees are treated in a consistent and fair manner, the application of consequences for behaviors that are not in keeping with the expectations of the department will be based upon a balanced consideration of several factors.

A number of factors that are considered in the application of discipline are identified and discussed below. All of these factors will not apply in every case. Some factors may not apply to the particular set of circumstances. Also, there may be a tendency to isolate one factor and give it greater importance than another. These factors should generally be thought of as being interactive and having equal weight, unless there are particular circumstances associated with an incident that would give a factor greater or lesser weight. The factors which will be considered in disciplinary matters include:

**Employee Motivation:** The police department exists to serve the public. One factor in examining an employee's conduct will be whether or not the employee was operating in the public interest. An employee who violates a policy in an effort to accomplish a legitimate police purpose that demonstrates an understanding of the broader public interest inherent in the situation will be given more positive consideration in the determination of consequences than one who was motivated by personal interest. Obviously there will be difficulty from time to time in determining what is in the public interest. For example, would it be acceptable for an employee to knowingly violate an individual's First Amendment right to the freedom of speech to rid the public of what some might call a nuisance? Or is it acceptable as being in the public interest to knowingly violate a Fourth Amendment right against an unlawful search to arrest a dangerous criminal? Although it would clearly not be acceptable in either case for an employee to knowingly violate a Constitutional right, these are very complex issues that officers are asked to address. The police have a sworn duty to uphold the Constitution. It is in the greater public interest to protect those Constitutional guarantees in carrying out that responsibility even though it might be argued the public interest was being better served in the individual case. But if an employee attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures; the desire to encourage creativity in our efforts at producing public safety will carry significant weight in dealing with any discipline that might result.
The Degree of Harm: The degree of harm an error causes is also an important aspect in deciding the consequences of an employee's behavior. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. An error that causes significant damage to a vehicle, for example, could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes such as the consequences of an unnecessary level of control. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal behavior – selling drugs for example – could affect the public's confidence in the police if the consequences do not send a clear, unmistakable message that this behavior will not be tolerated.

Employee Experience: The experience of the employee will be taken into consideration as well. A relatively new employee (or a more experienced employee in an unfamiliar assignment) will be given greater consideration when judgmental errors are made. In the same vein, employees who make judgmental errors that would not be expected of one who has a significant amount of experience may expect to receive more serious sanctions.

Intentional/Unintentional Errors: Employees will make errors that could be classified as intentional and unintentional. An unintentional error is an action or decision that turns out to be wrong, but at the time it was taken, seemed to be in compliance with policy and the most appropriate course, based on the information available. A supervisor, for example, might give permission for a vehicle pursuit to continue on the basis that the vehicle and occupants met the general description of one involved in an armed robbery. The pursuit ends in a serious accident and it is learned the driver was fleeing because his driver's license was expired. Under these circumstances, the supervisor's decision would be supported because it was within the policy at the time it was made. Unintentional errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm (backing a police cruiser into a pole, for example, failing to turn in a report, etc.). Employees will be held accountable for these errors but the consequences will be more corrective than punitive unless the same errors persist.

An intentional error is an action or a decision that an employee makes that is known (or should be known) to be in conflict with law, policy, procedures or rules at the time it is taken. Generally, intentional errors will be treated more seriously and carry greater consequences. Within the framework of intentional errors there are certain behaviors that are entirely inconsistent with the responsibilities of police employees. These include lying, theft, or physical abuse of citizens and other equally serious breaches of the trust placed in members of the policing profession. The nature of the police responsibility requires that police officers be truthful. It is recognized, however, that it is sometimes difficult to determine if one is being untruthful. The department will terminate an employee's employment when it is clear the employee is intentionally engaging in an effort to be untruthful. Every effort will also be made to separate individuals from the department found to have engaged in theft or serious physical abuse of citizens.

Employee's Past Record: To the extent allowed by law and policy an employee's past record will be taken into consideration in determining the consequences of a failure to meet the department's expectations. An employee that continually makes errors can expect the consequences of this behavior to become progressively more punitive. An employee that has a record of few or no errors can expect less stringent consequences. Also, an employee whose past reflects hard work and
dedication to the community and department will be given every consideration in the determination of any disciplinary action.

Following the careful consideration of all applicable factors in any disciplinary review, every effort will be made to determine consequences that consistently and fairly fit each specific incident. The rationale for disciplinary decisions will be explained as clearly as possible.

The Charlotte-Mecklenburg Police Department has a well established tradition of serving the community with integrity and in a professional manner. It is among the finest police organizations in this nation. To maintain that tradition and continue improving the quality of service the department provides to the community, each and every employee must accept the responsibility for their role in maintaining integrity, quality and high professional standards.
I. PURPOSE

This directive outlines the general organizational structures and composition of the Charlotte-Mecklenburg Police Department’s (CMPD) Patrol Services Group.

It is designed to provide patrol personnel with a source of information to assist in accomplishing administrative tasks, preliminary investigations, and basic service functions. It is possible that patrol personnel will find themselves in situations not specifically addressed in this policy. In those cases, officers must use discretion and sound judgment; and direct questions to their immediate supervisor or chain of command.

II. POLICY

CMPD will provide twenty-four (24) hour police service to the City of Charlotte and the unincorporated areas of Mecklenburg County. Every patrol division within Patrol Services will maintain shift configurations to ensure adequate staffing for twenty-four (24) hour police coverage for their assigned geographic locations. CMPD undergoes periodic evaluations to ensure that it is organized in such a way as to meet the needs of the Charlotte-Mecklenburg community. These evaluations may result in changes to organizational structures, resources, and the distribution of personnel as required.

III. DEFINITIONS

A. Patrol Services Group: A geographical location which is divided by, and includes, all Service Areas.

B. Service Area: A geographical location within the Patrol Services Group that is divided by Patrol Divisions.

C. Patrol Division: A geographical location within a Service Area that is divided by Response Areas.

D. Response Area: A geographical location within a Patrol Division to which patrol officers are assigned to provide police services.

E. Division Detective: An officer assigned to a Patrol Division whose primary responsibility is conducting follow-up investigations for Part One offenses, or other crimes at the direction of the Patrol Division Captain, or designee.

F. Community Coordinator: An officer assigned to a Patrol Division Response Area whose primary responsibility is serving as the liaison between CMPD and members of our community who are seeking a partnership with the police to resolve both immediate and long term concerns which directly impact the quality of life within the community. Coordinators will also provide updated information to the community so that an atmosphere of transparency exists in regards to police operations and its impact on reducing criminal activity within the Patrol Division.

G. Crime Reduction Unit: A group of officers assigned to a patrol division tasked with focusing on specific crime trends in the community. These officers will be configured at the discretion of the Division Captain.
IV. PROCEDURE

A. Administration Command and Control

1. The CMPD Patrol Services Group contains Service Areas which are further divided into Patrol Divisions and additionally into Response Areas.
   a. The Patrol Services Group is commanded by a Deputy Chief.
   b. Service Areas are commanded by a Patrol Major.
   c. Patrol Divisions are commanded by a Patrol Captain.
   d. A Patrol Division is assigned two Lieutenants who share the responsibility over all three Response Areas within the division. One Patrol Lieutenant is tasked primarily with supervision of the patrol component of the division and the second Lieutenant is primarily tasked with the supervision of all other personnel assigned to the division, including, but not limited to, Division Detectives, Community Coordinators, and the Crime Reduction Unit.

2. Each employee is accountable to one chain of command at any given time. Patrol supervisors will have shared authority when working together in the same Division.

B. Patrol Services Group Staffing and Shift Assignments

In order to achieve organizational goals and objectives, provide effective coverage and ensure accountability, the Patrol Services Group has established the following:

1. Staffing levels will be determined by the Patrol Services Group Deputy Chief.

2. Upon graduation from the Police Academy, officers will be assigned to a Service Area within the Patrol Services Group with a designation to a Division. This initial assignment will in part be determined in the following manner:
   a. Recruit completes the Personal Information Form.
   b. Service Area Majors will make selections based on Division needs and recruit skills.

3. Officers are assigned to a specific shift or non-patrol function within their Division and responsibility.
   a. Managing Patrol Performance is one of many tools used by the Division Captain for determining monthly shift staffing; including the establishment of minimum staffing levels and the rotation of days off. Day to day staffing is the responsibility of the Patrol Services Lieutenants and shift sergeants.
b. Officers may be transferred out of the Division/Service Area at the recommendation of the involved Command Staff and the approval of the Patrol Services Deputy Chief.

4. All staffing during emergency situations will follow the CMPD Emergency Mobilization Plan. This plan allows for maintaining twenty-four (24) hour police services within the Divisions while providing adequate staffing for response to calls for service and managing the emergency situation.

   a. Divisions are responsible for maintaining current emergency lineups, eight (8), ten (10), and twelve (12) hour schedules for use by the Command Center.

   b. Division emergency lineups will reflect all available personnel.

V. PERSONNEL DUTIES, AUTHORITY AND RESPONSIBILITIES

A. Authority and Responsibility

1. All supervisory personnel are accountable for the activities of employees under their immediate command.

2. When an employee holding the rank of Captain or above needs to delegate their authority to a lower or equal ranking supervisor, notification must be made to the appropriate CMPD Command Staff. Delegation of authority exceeding thirty (30) days must be approved by the Patrol Services Deputy Chief. Lieutenants and Sergeants cannot delegate their authority to a subordinate.

3. The Division Captain has overall responsibility for ensuring the Division staff focuses on quality of life issues and crime trends. The Captain will encourage involvement of all division personnel in community-based problem solving efforts. The Captain will establish performance expectations for the Response Areas and analyze the effectiveness of the division’s problem solving efforts.

4. Lieutenants assigned to a Patrol Division will be responsible for the following:

   a. Lieutenants over non-patrol function officers, such as Community Coordinators, Detectives, and the Crime Reduction Unit (CRU) within a Patrol Division are responsible for ensuring that problems within the response area are being identified and analyzed and then developing, implementing, and assessing responses to those problems. They are also responsible for ensuring effective and thorough investigations are completed for all cases assigned to Division Detectives.

   b. Lieutenants over patrol function officers and staffing are responsible for ensuring proper staffing levels are maintained, critical information is communicated to line staff, and conducting internal investigations as needed, to include completing IACMS investigations and review of DMVR and BWC footage as needed.
c. Lieutenants will be responsible for all employees within their assigned Patrol Division, regardless of their primary assignment, and will take appropriate action as needed to ensure efficient supervision of the Patrol Division’s staff.

5. Patrol Sergeants will have responsibility for a shift or other functions as directed by the Patrol Division Captain and the Patrol Division’s Patrol Services Lieutenants and the day to day supervision of the officers assigned to a shift. Patrol Sergeants will ensure that at the start of each shift officers are made aware of:
   a. Unusual situations, wanted persons, stolen vehicles, major investigations, etc.
   b. Changes in schedules and assignments.
   c. New policies and procedures or changes in policy or procedure.

6. Supervisors are responsible for responding to and the notification of the Division Captains and/or Operations Command when the following incidents occur:
   a. Fatal or serious injury collisions;
   b. Homicides;
   c. Pursuits;
   d. Serious incidents inside police facilities;
   e. Any incident where a person is seriously injured by a police officer;
   f. Any incident where a police officer is seriously injured;
   g. Incidents involving hostages or barricaded subjects;
   h. Any incident in which an officer discharges a firearm. Authorized animal euthanasia with a shotgun does not require Division Captain Notification;
   i. Any incident requiring a response from a large number of officers;
   j. Calls for service where CIT officers are requested;
   k. Calls for service where the patrol rifle is deployed;
   l. Calls for service for an armed person.

7. Supervisors will conduct inspections of personnel under their command and take corrective action on deficiencies.
   a. Shift Inspections: A daily informal inspection of personnel, police equipment, personal protective equipment, and vehicle will be conducted
by Patrol supervisors. Supervisors will ensure that action is taken to correct any deficiencies such as missing or damaged equipment or appearance violations.

b. Line Inspections: These inspections are designed to help ensure compliance with CMPD’s written directives and SOP’s particularly with regard to uniform, equipment, and appearance standards. At least once per calendar year, every officer below the rank of sergeant assigned to the Patrol Services Group will be formally inspected. Using the Line Inspection form available on the CMPD portal, sergeants will document their findings and route the form as instructed to the Professional Standards Bureau. Sergeants are expected to take corrective action to remedy the deficiency or deficiencies immediately. Any disciplinary action applied should be progressive in nature based on the sensitivity of the equipment and/or if repeat violations occur consistent with the CMPD Discipline Philosophy.

8. Patrol Sergeants will ensure that:
   a. The division is adequately staffed throughout the shift with proper deployment of officers within the assigned service area.
   b. Officers are reminded about required in-service training as needed.
   c. Officers’ status on calls will be continuously monitored to ensure timely completion of calls for service.

9. Supervisors and managers should routinely observe the facilities under their command to ensure security with regards to locked weapons storage rooms, security of police equipment, safety of arrestees, interview rooms, and general site security. Action must be taken to correct any problems.
   a. Division Equipment will be kept in a locked secured location with access limited to authorized personnel.
   b. Laptop computers can be secured in the police vehicle unless the vehicle is taken out of service, at which time it must be kept in a locked secured location with access limited to authorized personnel.
   c. Vehicle sign in and out logs will be kept in each division for a period of at least 6 months.
   d. Bike supervisors are responsible for maintaining an accurate inventory of bike equipment, officers’ assigned equipment and division surplus equipment to include maintenance records/receipts. A yearly proof of this inventory will be submitted to Professional Standards. Inventory Items will include uniforms, shoes, helmets, gloves, sun and safety glasses, and web gear.
10. Directed Patrol Assignments

Patrol supervisors will ensure directed patrol assignments are assigned and completed.

a. Directed patrol assignments can be issued for but are not limited to, the following:

(1) Burglaries;
(2) Large crowds in parking lots (after football games or in hang-out areas);
(3) Traffic control and violations (red lights, collisions, etc.);
(4) Thefts;
(5) Active rapist or sex offenders;
(6) Armed robberies;
(7) Looking for wanted persons;
(8) Attending school, community and social functions or events.

b. A need for special patrol effort is needed as shown by one of the following:

(1) Review of Crime Analysis reports;
(2) Information provided by detectives;
(3) Intelligence information;
(4) Personal knowledge and experience;
(5) Division Representatives.

c. Administrative Orders

(1) Patrol supervisors may be required to initiate a directed patrol assignment to address any special problem that may arise.

(2) Administrative orders may be issued in an inter-office memorandum, electronically, or verbally.

(3) Communications will be notified by the officers who are assigned directed patrols. Personnel assigned to a directed patrol will utilize appropriate CAD call signs, so that the time spent on a directed patrol can be documented and tracked.

B. Administrative Sergeant Responsibilities
1. Patrol Administrative Sergeants will have responsibility for non-patrol functions as directed by the Patrol Division Captain and the Patrol Division’s Patrol Services Lieutenants and may have the day to day supervision of officers assigned to non-patrol functions, such as Community Coordinators or Detectives.

2. Patrol Administrative Sergeants may be called upon to handle a variety of tasks, at the direction of the Patrol Division Captain or Patrol Division’s Patrol Services Lieutenants. These tasks may include, but are not limited to, case management and assignment, equipment inventories, fleet maintenance, facilities maintenance, Grand Jury calendars, manpower pulls for special assignments/events, maintenance of the staffing report, training coordination, and video requests.

C. Patrol Officer Primary Responsibilities

1. Beginning Tour of Duty
   a. Officers will make themselves available for calls for service immediately after the conclusion of the roll call briefing by logging onto the computer of their assigned vehicle.
   b. After logging onto the computer, a vehicle inspection in accordance with CMPD Directive 600-001 will be performed prior to leaving the office.

2. Ending Tour of Duty
   a. Officers will not logoff of their vehicle’s computer more than 10 minutes prior to the end of their shift unless they receive permission from a supervisor.
   b. Officers will ensure their patrol vehicle:
      (1) Is refueled to 3/4 level.
      (2) Is cleared of all trash before the end of shift.
      (3) Is locked with all windows rolled up.
      (4) Has all electronic items turned off.
   c. Unless an officer is held over or is late due to being on a call, officers will report to their supervisor at the end of the shift. Prior to leaving, he/she will ensure all reports are completed.
   d. When officers are late ending a shift they will ensure that all reports are completed, turned in or downloaded and will check out with any supervisor available at the division office.

3. Keys Locked in Vehicles
Officers will not assist motorists who have locked their keys in their vehicles by attempting to unlock the vehicle. Motorists should be directed to seek help from a private business capable of unlocking the vehicle. Officers are authorized to assist in emergency situations in which children, elderly, disabled or injured person and animals have been locked inside a vehicle.

4. Emergency Messages
   a. The officer will attempt to deliver the message in person, if at all possible.
   b. If personal contact cannot be made, the officer will leave a message attached to the front door instructing the occupants of the home to call the requesting agency.
   c. Notify Communications of the action taken or log the information in the call history.

5. Notification of Service Providers
   Officers will notify the Communications Division by radio of the service required in order to obtain proper assistance (i.e. CFD, Medic, DOT, tree in roadway, animal carcass, etc.).

D. Community Partnerships
   1. CMPD will build problem solving partnerships with our community to prevent the next crime and enhance the quality of life throughout our community, always treating people with fairness and respect.

   2. Each Patrol Division will contain definable Response Areas to which officers are specifically assigned, across all shifts and days of the week. Each Response Area will have at least two community coordinators whose responsibility it is to identify all crime and quality of life issues within the Response Areas and coordinate a response. The Lieutenants are accountable to the Division Captain for all activities within the Response Areas. The Response Area is designed to strengthen ownership and accountability for crime reduction and community safety. It enables officers to become more familiar with the people who live and work in that area and the patterns of crime and suspect behaviors, and community resources that may be leveraged to address crime and quality of life issues.

   3. The Patrol Services Lieutenant over non-patrol function officers in the division will deploy the Crime Reduction Unit officers, in consultation with the Division Captain, to crime hot spots or areas where emerging crime trends are identified. Each division shall set its own deployment priorities.

E. Division Detective Responsibilities:
1. Detectives will review all cases upon assignment.

2. Detectives will review reports of evidence submitted.

3. Detectives will:
   a. Contact or attempt to contact victims within 24 hours after case assignment for Crimes Against Persons and within 72 hours of case assignment for Property Crimes;
   b. Document initial follow-up within 14 days;
   c. Document all contacts or attempts.

4. Detectives will respond to a crime scene:
   a. When requested by a Patrol Division Sergeant, Lieutenant, or Captain;
   b. When directed by Operations Command;
   c. When immediate follow-up is necessary;
   d. For high profile cases that may generate unusual media or public interest;
   e. When it serves the best interest of the investigation.

5. A Detective’s follow up investigation procedures should include the following when applicable:
   a. Review each report and determine if the assigned case is related to any other reported cases of a similar nature.
   b. Attempt to locate, identify, and interview all victims/witnesses.
   c. Attempt to interview any and all suspects.
   d. Prepare and conduct photo or body lineups as needed.
   e. Ensure the collection and analysis of physical evidence.
   f. Present the case to the Papering District Attorney in a logical and orderly manner.
   g. Case investigation will be properly documented in supplement form within fourteen (14) days of assignment.
   h. Detectives will apply for and obtain search warrants and court orders in accordance with departmental policy.
   i. Utilize all available resources to identify, apprehend and prosecute suspects and prevent future incidents.
j. Complete property dispositions in accordance with department policy.

6. Division Detectives shall ensure that they are in compliance with CMPD Directive 800-004 Public Records Retention and Disposition, and all state and federal records retention laws.

VI. REFERENCES

100-003 Jurisdiction and Authority
600-001 Departmental Vehicles
600-017 Arbitrary Profiling
800-004 Records Retention and Disposition
800-011 Staff Inspections
Crisis Intervention Team SOP
Operations Command SOP
Patrol Rifle Program SOP
CALEA
I. PURPOSE

To establish a procedure for addressing employee misconduct in a uniform manner, to provide the public with a fair and effective avenue for complaints against Charlotte-Mecklenburg Police Department (CMPD) or CMPD employees, and to ensure that accused employees are treated fairly.

II. POLICY

A. CMPD expects all employees to maintain professional standards in their conduct on and off duty, and observe all policies and procedures in carrying out their responsibilities.

B. CMPD will investigate all complaints against employees to final disposition. When directed by the designated department authority, employees are required to make truthful statements during administrative investigations or inquiries.

C. CMPD has the responsibility of identifying and addressing employee behavior that discredits the organization or impairs its operational efficiency. Rights of the employee and the public must be preserved, and any investigation or hearing arising from a complaint will be conducted in a fair and timely manner with truth as its primary objective.

III. DEFINITIONS

A. Chain of Command Review Board (COC): A disciplinary review board comprised of an employee’s immediate chain of command.

B. Independent Chain of Command Review Board (ICOC): A disciplinary review board comprised of supervisors and peers when selected who are not members of the employee’s immediate chain of command. Independent review board members are selected from a pool of available supervisors and peers.

C. Mini Board: An independent chain of command board that reviews investigations where there is less than a fair probability that employee misconduct occurred. These cases will be given a final disposition of not sustained, exonerated, unfounded, or will be recommended for a full Chain of Command Review Board. The employee is not required to attend the hearing.

D. Training and Tactics Review Team (TTRT): An internal review team comprised of personnel designated by the Chief of Police and who have advanced knowledge, training, and experience regarding a specific subject.

The TTRT will review employee case files in accordance with the TTRT SOP, and serve as a resource for the employee’s review board hearing. All TTRT members are required to sign a confidentiality agreement to review employee case files. In addition, the employee requesting the TTRT review must provide written consent authorizing TTRT review.
The TTRT may review the following types of internal cases.

1. Response to Resistance and CEW
2. Fourth Amendment
3. Any other investigation as determined by the Chief of Police.

E. Civil Service Board (CSB): A seven member board whose principal function is establishing requirements for police and fire applicants. The CSB also convenes to hold hearings of sworn employees against whom charges have been brought and approves all agency hirings, promotions, demotions, and terminations. Members of the board are appointed to three year terms by the City Council and the Mayor.

F. Citizens Review Board (CRB): An eleven member advisory board to the Chief of Police, City Manager, and City Council with the principal function of reviewing appeals by complainants on dispositions imposed by the Chief of Police regarding allegations of misconduct against sworn police officers. The board may hear appeals regarding allegations concerning:

1. Excessive Response to Resistance
2. Unbecoming Conduct
3. Arrest Search and Seizure
4. Arbitrary Profiling
5. Neglect of Duty

G. Internal Affairs Case Management System (IACMS): A secure software application where investigations can only be accessed by Internal Affairs, the Police Attorney’s Office, an investigated/accused employee’s chain of command, or anyone designated at the discretion of the Chief of Police.

H. Adjudication: Each allegation of employee misconduct entered into IACMS must be adjudicated with one of the following rulings:

1. Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint.
2. Unfounded: An adjudication whereby the investigation proved the allegation to be false. The incident never occurred or the employee was not involved in the incident, or the investigation conclusively proved that the employee’s alleged act or actions that would constitute misconduct did not occur.
3. Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
4. Exonerated: The acts which provided the basis for the complaint or allegation occurred, but the investigation revealed that the acts were justified, lawful and proper.

IV. PROCEDURE

A. All allegations of employee misconduct and complaints against CMPD will be fully investigated and documented. All allegations of employee misconduct and completed investigations will be recorded and stored in IACMS except for investigations conducted by Human Resources. Any paper copies of complaint investigations will be stored and maintained in the secured storage area in the Internal Affairs Office.

B. All IACMS investigations of employee misconduct require review and disposition by a chain of command, and review by Internal Affairs. Upon completion of review and disposition each member in the chain of command will utilize the transfer function in IACMS to route the investigation to the next higher level in the chain of command. All dispositions and discipline will be recorded and stored in IACMS.

C. When an employee's continued presence at work would be a detriment to the efficiency of the department or to public safety, the Chief of Police or designee may place an employee on administrative leave with or without pay. This action may be taken prior to the employee being provided an opportunity to explain or justify his or her behavior. When such action is taken, Internal Affairs will notify the employee in writing and submit a copy of the notification to the Human Resources Division and the employee’s chain of command.

D. The Chief of Police may exercise final disposition in any disciplinary matter.

V. RECEIVING AND PROCESSING ALLEGATIONS OF EMPLOYEE MISCONDUCT

A. Complaint Reception

1. Complaints will be accepted from any source, including by person, mail, email, CMPD Website or telephone. Supervisors must make reasonable and diligent efforts to obtain a statement from any complaining party.

   a. Every complaining party will be referred to a supervisor, the Internal Affairs Bureau, or Human Resources so the complaint may be received.

   b. Without exception, every complaint, which, if true, would constitute a violation of CMPD policy must be thoroughly investigated and documented by a supervisor or Human Resources.

   c. When the complainant’s address is known, the supervisor receiving the complaint will complete the complaint acknowledgement letter and mail it to the complainant. If the complaint was received electronically or telephonically, the supervisor may respond in that manner and document the communication. A scanned copy of the acknowledgement letter shall be attached to the electronic IACMS case file.
d. Anonymous complaints will be accepted. The Internal Affairs Commander or his/her designee will review each anonymous complaint and determine the feasibility of further investigation.

2. Internal Affairs may be contacted for consultation on any allegations of employee misconduct.

3. Any allegation of employee misconduct serious enough to require immediate action, such as suspension from duty, must be referred promptly to Internal Affairs and the employee’s Chain of Command up to the rank of Deputy Chief for review and recommendation to the Chief of Police.

4. The Internal Affairs Commander reports directly to the Chief of Police. The Internal Affairs Commander will review all complaint investigations with the Chief of Police.

5. The investigating supervisor will notify the employee as soon as practical following receipt of the complaint unless doing so would impact the integrity of the administrative and/or criminal investigation.

B. Complaint Processing

1. Supervisors and commanders will make every effort to fully investigate and adjudicate a complaint, including employee notification of complaint disposition, within forty-five days of its reception.

2. All supervisors will ensure that they enter a preliminary synopsis of all facts known at that time in the system prior to ending their tour of duty on the day in which the event occurred.

3. Having an open internal investigation can be a source of stress for employees. In recognition of this, supervisors will adhere to the following timeframes for investigations. If more time is required for a more thorough investigation, the employee should be informed of the delay. This timeframe includes the time for the incident to be investigated and ruled upon by the employee’s chain of command. They are as follows:

   a. Motor vehicle crashes 14 days
   b. Employee injury 14 days
   c. Animal euthanasia 14 days
   d. Raid and search 14 days
   e. Deployment of Tire Deflation Device (TDD) 14 days
   f. Response to Resistance (non-deadly) 14 days
   g. Non-Force subject injury 14 days
h. Pursuit 24 days
i. All others 45 days

4. Complaints will be investigated by the responsible unit as outlined in Appendix - A of this directive, unless otherwise directed by the Chief of Police or the Internal Affairs Commander. The employee’s Deputy Chief must be notified of any transfer/referral of an investigation/complaint by Internal Affairs to the employee’s Chain of Command or transfer/referral of an investigation/complaint from the employee’s Chain of Command (other than for the formal closing of the case) to Internal Affairs.

5. Notifying Complainants of Case Status and Final Dispositions:
   a. The supervisor assigned to the complaint will ensure that the complaining party and the accused employee are promptly notified, either orally or in writing, of any delay that extends case adjudication beyond the forty-five day time period. Those communications will include the reason for the delay and anticipated completion date.
   b. The supervisor will record all delay notifications in the electronic IACMS by noting the date/time and person notified, and the explanation for the delay, in the Supervisor Synopsis or by attaching a written notification to the electronic case file.
   c. The supervisor for the accused employee will ensure the accused employee is notified and acknowledges the allegation through the IACMS case file.
   d. Internal Affairs will notify all complainants in writing of the complaint conclusion, ensuring that the notification is consistent with all personnel privacy law provisions. Internal Affairs will attach the record to the electronic IACMS case file.

5. Supervisors will ensure that employees involved, to include witness employees, enter their statements prior to ending their tour of duty. Employees will not transcribe their IACMS Statement to their KBCOPS Statement or vice versa (eg. cut and paste).

VI. EMPLOYEE MISCONDUCT ALLEGATION INTERVIEW
   A. Interviews will be conducted at a reasonable hour, determined by the urgency of the investigation and with respect to the employee’s normal work schedule.
      1. The employee being interviewed will be informed of the name and rank of all persons present.
      2. The employee’s supervisor will be notified when the employee is required to leave his or her assigned duties or area of assignment.
3. In an administrative investigation, the employee will not be allowed the presence and assistance of counsel during the interview. The employee, however, will be allowed to have a supervisor present. Any supervisor who is selected by an employee to be present during an administrative interview will not be an employee who is subject to investigation in the same incident.

4. Before the interview begins, the employee must be informed in writing of the administrative advice of rights, the nature of the allegations against him or her.

5. Reasonable rest periods will be allowed during the interview period.

6. The employee being interviewed will not be subjected to any offensive or abusive language, nor threatened with dismissal or other corrective action.

7. Employee Participation in the Interview:
   a. The employee must truthfully answer all questions posed by the investigating supervisor in an administrative investigation.
   b. Prior to the interview, the employee must be informed that refusal to answer questions in an administrative investigation can become the basis for corrective action.
   c. Prior to the interview, the employee must be advised in writing (or orally, if the interview is conducted by telephone and the conversation is recorded) that he or she has no constitutional right to refuse to answer questions relating to the investigation, because nothing he or she says in response to questions can or will be used against him or her in a criminal prosecution.
   d. The investigating supervisor shall attach the advisement of administrative rights form or recorded acknowledgement to the case file in the IACMS.

8. Criminal investigations will not be conducted by Internal Affairs, but will be referred to the appropriate criminal investigative unit or agency. Employees who are the subject of criminal investigations will be afforded all applicable constitutional rights.

B. Investigation referrals to the Training and Tactics Review Team (TTRT) will be made in accordance with the TTRT SOP.

C. Polygraph Examination - The following procedures will be used in situations involving polygraph examinations.

1. In a criminal investigation, the employee must be advised of the right to refuse a polygraph examination. Should the employee waive this right and consent to take the polygraph examination, the employee will be informed that any statement or evidence derived from the examination can be used by the Department in both administrative and criminal action.
2. Employees can be required to submit to a polygraph examination in an administrative investigation. Failure to submit may result in corrective action.

3. An employee who is the subject of an investigation may request a polygraph examination.

D. Searches

1. Desks, lockers, storage space, rooms, offices, equipment, information systems, work areas and vehicles are the property of the City of Charlotte or Mecklenburg County and are subject to inspection. They may also be searched to retrieve City or County property, or to discover evidence of work related misconduct, if there is reason to suspect such evidence is there.

2. Private property can be stored in areas mentioned above; however, employees will not expect privacy in those areas. Only those employees who are acting in their official capacity may be authorized to search or inspect areas assigned to other employees.

E. By using a police telephone line, an employee consents to the conversation being monitored. This includes all communication on city owned cellular phones.

F. The procedure outlined in this policy does not preclude a supervisor from holding a corrective interview with any assigned employee in regard to conduct, work performance, efficiency, attendance, or appearance at any time the supervisor deems necessary when the employee is on duty.

VII. CHAIN OF COMMAND REVIEW

A. Independent Chain of Command review boards will be convened for the following Internal Affairs level administrative investigations:

1. Arrest, Search, and Seizure;
2. Arbitrary Profiling;
3. Unbecoming Conduct;
4. Excessive Response to Resistance;
5. Response to Resistance / Discharge of a Firearm at a Person;
6. Harassment

B. In Internal Affairs investigated/ ICOC review level cases where audio and/or video exists that clearly indicates that the officer had a lawful basis for the action(s) taken that resulted in the complaint or where audio/video clearly refutes the allegation made, a mini ICOC hearing may be convened to review and adjudicate the investigation. The employee will not be required to attend the mini hearing. These cases will be given a final dispositions of not sustained, exonerated, unfounded, or will be recommended for
a full ICOC Board.

C. Except as noted above in section VII.A, investigations conducted by Internal Affairs that indicate there is less than a fair probability that employee misconduct occurred will be reviewed by the employee’s Major and Captain/Manager, or through a mini board hearing. These cases will be given a final disposition of not sustained, exonerated, unfounded, or will be recommended for a full Chain of Command Review Board. If recommended for a full board hearing, the employee may select either a Division/Section level COC Review Board or an ICOC Review Board.

D. Investigations conducted by Internal Affairs that indicate there is a fair probability that employee misconduct has occurred will be heard by an ICOC Review Board or a Division/Section level COC Review Board, at the employee’s selection as outlined in Appendix A, to determine the final disposition.

E. Investigations conducted by the Service Area/Bureau level or Section level Chain of Command will be given a final disposition of sustained, not sustained, exonerated, or unfounded. The employee may choose to waive a hearing and have his or her Chain of Command adjudicate the investigation, or select Division/Section level COC Review Board or an ICOC Review Board to determine the final disposition. Internal Affairs will facilitate all ICOC Review Boards. Internal Affairs will send a representative from Internal Affairs to assist with any Division/Section level COC Review Boards.

F. The Chief of Police or designee may convene an ICOC Review Board anytime he or she deems appropriate. The Chief of Police or designee may recommend a TTRT in circumstances deemed appropriate.

G. Review of Discharge of Firearms Investigations:

1. All allegations involving discharge of firearms at a person will be investigated by the Internal Affairs Bureau.

2. All discharge of firearms cases involving persons will be reviewed by a standing shooting review board which will consist of:
   a. A Deputy Chief
   b. A Community Relations Committee representative
   c. The Training Academy Major
   d. The Communications Division Captain
   e. The Firearms Training Unit Sergeant

3. Each employee discharge of firearm will be adjudicated in one of the following ways:
   a. Negligent Discharge
b. Justified

c. Not Justified

4. Any employee discharge of a firearm with a disposition of Not Justified or Negligent Discharge will be adjudicated under the appropriate Rule of Conduct violation.

H. Peer member of the Chain of Command Review Board:

1. For any level Independent or Division Chain of Command Review Board, the accused employee may elect to have a peer serve as a member of that board.

2. Peer Selection Process:

a. The peer will be selected from a pool of all eligible employees department wide who are in the accused employee’s job classification. If no pool of employees exists within the accused employee’s job classification, the Internal Affairs Commander will select a peer from a similar class of employees.

b. The peer may not be a probationary employee, be involved in the case to be heard, have disciplinary action pending, have disciplinary action taken against him or her within the previous twenty-four (24) months, be selected from the accused employee’s division, or be on suspension or other leave.

c. Internal Affairs provides two (2) peer employee names to the accused employee, who selects one or rejects both.

d. If the employee rejects the first two (2) peer employee names, Internal Affairs will provide one (1) more name for the employee to select or reject. The accused employee must select one (1) of the three (3) names or elect not to have a peer.

e. The Internal Affairs Commander may replace any peer for just cause.

I. The presence and assistance of the employee’s counsel during the review is not permitted.

VIII. ADJUDICATION OF ALLEGATIONS OF EMPLOYEE MISCONDUCT

A. Each allegation of employee misconduct entered into IACMS must be adjudicated with one of the following rulings: Sustained, Not sustained, Unfounded, or Exonerated.

B. Dispositions resulting in active suspensions will not be deferred or “suspended”.

C. The accused employee will be notified electronically through the IACMS or in writing of the final disposition of each allegation. This notification will occur as soon as practical
after the disposition is made and the notification form will be attached to the electronic case file in the IACMS.

D. The employee will have the opportunity to read, sign, and date any document that contains the results and/or disposition of any investigation, prior to the document being placed in the employee’s personnel file. The employee may attach a reply to any adverse complaint in his/her personnel file. Any reply will also be attached to the electronic case file in the IACMS.

E. Supervisors must ensure that an employee’s annual Performance Review and Development (PRD) record includes a brief summary of any sustained complaint and related counseling or reprimand which was adjudicated in a performance year.

F. Employees seeking their Deputy Chief’s review of the adjudication of any hearing resulting in a suspension exceeding forty (40) hours must do so in writing at the time of acknowledging the ruling, which occurs immediately after the hearing. The employee’s Deputy Chief will then have 5 business days upon notification to review the case, meet with the employee and make a ruling. In more complex cases the Deputy Chief review may be extended but will not exceed 10 business days. This review process is in addition to any other appeals processes afforded the employee (i.e. Civil Service appeal or grievances). The Deputy Chief’s ruling may include:

1. Concurrence with the ruling;
2. Amending the adjudication of the board's ruling (i.e. sustained to not sustained, unfounded, or exonerated) or amending the corrective action (i.e. suspension hours).
3. Any recommended amendments to the adjudication or corrective action by the Deputy Chief will require consultation with the Chief of Police prior to notifying the employee.
4. Any recommended corrective actions resulting from board hearings will be held in abeyance and not activated until the Deputy Chief review process has concluded. However, at the discretion of the Chief of Police or designee, corrective action to include transfers may be immediate in cases where an employee has been cited for termination or the alleged acts that provided the basis for the investigation are considered egregious.
5. Internal Affairs will facilitate and record the review meeting with the Deputy Chief and the employee, and document the meeting and final ruling.
6. Employees who have separated from the Department are not eligible for the Deputy Chief review process.

G. Sworn officers who have completed their probation period have the right to appeal to the Civil Service Board the imposition of any suspension. Any appeal to the Civil Service Board must be made within 15 days of the date the officer has been notified of the suspension.
1. The Major assigned to the Internal Affairs Bureau will be responsible for coordinating any departmental response to an appeal to the Civil Service Board filed by an employee.

2. The Captain assigned to the Internal Affairs Bureau will prepare and document an annual analysis of all appeals to the Civil Service Board.

3. Should the Civil Service Board hearing result in the termination of the employee, that employee will be provided the following information in writing:
   a. A written statement citing the reason for the termination.
   b. The effective date of the termination.
   c. Referral to CMPD’s Human Resources Division for a written statement covering the status of any fringe or retirement benefits earned.

H. Sworn employees who have not completed their probationary period may be terminated by the Chief of Police. Terminated probationary officers have no right to appeal to the Civil Service Board, but may file a grievance in accordance with City grievance procedures.

I. Any sworn or civilian employee who has completed six months of service with the City has the right to file a grievance concerning any corrective action. A sworn employee who is covered by Civil Service protection may appeal a disciplinary action to the Civil Service Board. Employees not covered by Civil Service protection may file a grievance in accordance with city grievance procedures.

J. All reports resulting from an investigation of an employee, including any corrective actions taken, are to be provided to the City Manager if he/she makes such a request, or the Chief of Police determines that the City Manager should be apprised of the investigation.

K. The resignation of an employee will not prevent CMPD from rendering a decision concerning an internal investigation.

L. The Internal Affairs Chain of Command Hearing Diversion Program aims to provide an avenue to adjudicate eligible cases without subjecting employees to the stress of a full board. This process includes:
   1. Only internally generated complaints are eligible. External complaints, (complaints generated by a member of the public) must follow the standard Board process.
   2. The employee must admit to violating the Rule of Conduct under investigation to the investigating Internal Affairs Sergeant.
   3. The employee will be given the option of having the case adjudicated by his or her Service Area Major.
4. The Service Area Major will be limited in the severity of the corrective action imposed. The maximum corrective action will be twenty-four (24) hours suspended without pay. If the Service Area Major believes that the corrective action could or should exceed a twenty-four (24) hour suspension, the case will be returned to Internal Affairs and an ICOC Review Board will be convened.

5. Cases eligible for diversion will be determined by Internal Affairs Command Staff. The determination will be dependent on the severity of the event with the purpose of maintaining department-wide consistency within the discipline process.

IX. CORRECTIVE ACTION GUIDELINES FOR SUSTAINED ALLEGATIONS OF MISCONDUCT

A. Any internal investigation that results in a “sustained” finding requires appropriate corrective action by the Chief of Police or designee. All corrective actions will be guided by the Department’s Discipline Philosophy.

B. Training is a non-punitive component of the CMPD Discipline Philosophy designed to improve a member’s productivity and effectiveness through the use of positive education and instructional methods. Training may be implemented on its own, combined with, or take the place of, other components of the CMPD Discipline Philosophy to correct employee misconduct and/or improve performance deficiencies. Training may also be recommended for allegations not sustained but where a performance deficiency has been noted.

When training is implemented, the employee’s supervisor will coordinate with the Training Division Commander to develop a specific training plan.

C. Counseling is a non-punitive component of the CMPD Discipline Philosophy intended to correct minor acts of employee misconduct and/or performance deficiencies. Counseling affords supervisors the opportunity to discuss improvement strategies with the employee in relation to work performance deficiencies and/or minor acts of misconduct.

D. A written reprimand is the lowest form of formal corrective action and is not to be issued when previous corrective actions have not resulted in the expected improvement or when an employee commits a more serious act of misconduct.

Written reprimands will include a description of the incident(s) of misconduct that includes, but is not limited to, specific dates and times, locations, policies and/or procedures violated.

E. All records of training, counseling or reprimand which are a result of a complaint investigation shall be incorporated as an attachment to the electronic IACMS case file prior to forwarding the case file to Internal Affairs.

F. Suspension without Pay

1. Any suspension hours imposed upon an employee as a result of a formal
corrective action will be levied in 8 hour increments.

2. Any suspension hours imposed upon an employee will be entered into the IACMS system where the employee will be electronically notified of the final adjudication and suspension hours prior to case closure by Internal Affairs.

3. Any employee who is suspended without pay for twenty-four (24) hours or less may forfeit accrued vacation leave for all or part of the suspension.

4. Any employee who is suspended without pay for thirty-two (32) hours or more may forfeit accrued vacation leave for as much as one-half the suspension.

5. An employee may forfeit accrued vacation leave for all or part of a suspension only one time in any consecutive twelve-month period.

6. This provision applies only to suspensions imposed by the Chief of Police or his designee. It does not apply to any suspension imposed by the Civil Service Board.

G. Employees are prohibited from engaging in law-enforcement related secondary employment while on suspension from CMPD.

H. Employees who have been served a subpoena are still legally bound to attend court while on suspension.

I. Coaching upon Returning from Suspension

1. Employees receiving a minimum of 40 hours suspension will also receive 6 months of mandatory coaching.

2. Coaches will be at the rank of Lieutenant or above or the civilian equivalent, and assigned in coordination with the employee’s Major and Deputy Chief. Coaches and employees will have a minimum of one session a month for six months.

3. Each month the coach and employee will review the employee’s Compliance Dash Board and identify the need for any additional voluntary departmental services such as Peer Support or EAP.

4. The coach is responsible for identifying any potential training needs and recommending professional development opportunities that enhance the employee’s development.

5. The coach will close out the 6 month sessions by completing a PRD entry in CMPD’s system of record.

6. The coaching sessions are a confidential part of the employee’s personnel file.

X. RELEASE OF EMPLOYEE INFORMATION IN ADMINISTRATIVE CORRECTIVE ACTION

Administrative corrective action that would be identified with any individual employee may not be released to the public or other parties except as provided by N.C.G.S. 160A-168.
statute specifies that the following information must be disclosed to the public: name, age, date of original employment or appointment to the service, current position title, office to which the employee is assigned, current salary, date and amount of all increases or decreases in salary, and the dates of all promotions, demotions, transfers, suspensions, separations, or other changes in position classification. This statute also specifies the following information is public record and will be released upon request: Complete salary history to include benefits, incentives, bonuses and all other forms of compensation, information regarding all promotions, suspension or terminations to include date and amount of each with a general description, and date and type of each dismissal, suspension, or demotion for disciplinary reasons and a copy of the final decision stating the specific acts that form the basis for the dismissal. An employee may have access to his or her personnel file in accordance with the provisions set forth in N.C.G.S/ 160A-168(c) – (c1).

XI. REFERENCES

Rules of Conduct
100-004 Discipline Philosophy
600-019 Response to Resistance
Officer Involved Critical Incident SOP
Subject Matter Expert Board SOP
N.C.G.S 160A-168
City of Charlotte HR11Employee Grievance Process
City of Charlotte Code of Ordinances; Part 1-Chapter 4, Article III, sec 4-61
CALEA
## Appendix A

<table>
<thead>
<tr>
<th>Rule of Conduct</th>
<th>Charge Code</th>
<th>Investigation Level</th>
<th>Review Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of Position</td>
<td>22 (A1-A3,B-G)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Arbitrary Profiling</td>
<td>41 (A-D)</td>
<td>IA</td>
<td>ICOC Review Board</td>
</tr>
<tr>
<td>Arrest, Search, and Seizure</td>
<td>29</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Associations</td>
<td>15</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Conformance to Laws</td>
<td>14 (A-C)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Duty to Report</td>
<td>43 (A-C)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Gifts and Gratuities, and Donations</td>
<td>23 (A,B,C1,C2,D)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Harassment</td>
<td>39</td>
<td>IA/HR</td>
<td>ICOC Review Board/HR</td>
</tr>
<tr>
<td>Improper Use of Property and Evidence</td>
<td>31</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Insubordination</td>
<td>4 (A,B)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Intervention</td>
<td>30 (A1,A2,B)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Labor Activity</td>
<td>12</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Neglect of Duty</td>
<td>10 (A-H)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Participation in Administrative Investigations</td>
<td>35 (A,B,C1-C5)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Political Activity</td>
<td>13</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Possession and Use of Drugs</td>
<td>18 (A,B)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Public Statements and Appearances</td>
<td>24 (A-D)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Residence/Telephone Requirement</td>
<td>7 (A-C)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Truthfulness</td>
<td>38 (A1-A6,B,C)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Unbecoming Conduct</td>
<td>6 (A,B1-B4)</td>
<td>IA</td>
<td>ICOC Review Board</td>
</tr>
<tr>
<td>Unsatisfactory Performance</td>
<td>5 (A-C)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Use of Alcohol on Duty or in Uniform</td>
<td>17 (A,B)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Use of Department Equipment</td>
<td>32 (A,B)</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Response to Resistance</td>
<td>28 (A,B)</td>
<td>IA</td>
<td>ICOC Review Board</td>
</tr>
<tr>
<td>Use of Weapons</td>
<td>27</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Visiting Prohibited Establishments</td>
<td>16</td>
<td>IA</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Absence from Duty</td>
<td>9 (A1,A2,B,C)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Chain of Command</td>
<td>3</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Complaints</td>
<td>26 (A,B)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Courtesy</td>
<td>25 (A-D)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Departmental Reports and Records</td>
<td>34 (A,B)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Driving</td>
<td>40 (A-D)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Employment Outside CMPD</td>
<td>11</td>
<td>Sec. Emp. Unit</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Identification</td>
<td>21 (A-C)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Knowledge of Regulations</td>
<td>1 (A-D)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Legal processes Brought By or Against Employees</td>
<td>36</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Personal Appearance</td>
<td>19 (A,B)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Radio Communications</td>
<td>33</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Reporting for Duty</td>
<td>8 (A-C)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Supervision</td>
<td>37 (A,B)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Use of Tobacco</td>
<td>20</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Violations of Rules</td>
<td>2</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
<tr>
<td>Use of Body Worn Cameras</td>
<td>42 (A-D)</td>
<td>COC</td>
<td>ICOC or Service Area/Bureau</td>
</tr>
</tbody>
</table>

*Internal Affairs or Human Resources may intervene in any departmental investigation*
I. PURPOSE

To establish guidelines for employees who are transferring to a new assignment within or separating from the Department.

II. POLICY

When employees separate their employment, or transfer within the department, they must transfer the responsibilities of their current position in an organized manner. Employees must have adequate time to complete the final separation. Employees transferring within the Department are obligated to ensure a smooth transition between assignments. The Chief of Police has the sole discretion on all personnel assignments. CMPD desires to assign the best possible employee for each assignment.

III. DEFINITIONS

A. Transfer: Reassignment from a currently held position to another position. A newly assigned position made through a transfer can be within or outside of the current organizational unit and can be used to fill vacant positions or positions created by organizational expansion.

B. Department-Wide Transfer: A transfer that is open to any eligible and qualified employee within CMPD for the purpose of filling a vacancy. The vacancy will be approved by the Assistant Chief of Police or designee and will be forwarded to the CMPD Human Resources Division (CMPD HR) for posting.

C. Division/Bureau-Level Transfer: A transfer that is open to any eligible and qualified employee within the Division/Bureau for the purpose of filling a vacancy for a non-patrol function. Division Level transfers can be changed to Department-Wide transfers at the discretion of the Division Manager. The vacancy will be approved by the Service Area Major of the unit attempting to fill the vacancy.

D. Organizational Fit: The compatibility and balance between the work-related skills of a candidate and the needs of the organization.

E. Relevant Job Experience: Describes previous work, assignments, training, etc. that a person has in preparation for a new assignment for which he or she is applying.

F. Ride-Along: An opportunity available to officers to spend a short duration of time (typically less than 14 days) working in another assignment for professional development.

G. Specialized Assignment: Duties that require specialized training in order to successfully perform the job requirements. This includes those functions for which both pre- and post-assignment specialized training is required. The following units are considered specialized assignments:

1. Aviation – Helicopter,
2. Bomb Squad,
3. Canine Unit (K9),
4. DWI Task Force,
5. Lake Enforcement Unit,
6. Major Crash Investigation Unit,
7. Motorcycle Unit,
8. Special Weapons and Tactics (SWAT) Team,
9. Violent Criminal Apprehension Team (VCAT).

The eligibility requirements and the process for selection to these assignments are covered in the individual division and unit SOP’s.

Vacancies for these specialized assignments will be advertised department wide.

All specialized assignments will be evaluated annually by the appropriate chain of command. This evaluation will include a review of the initial problems or conditions that justified the creation of the assignment, and a review of the services provided during the previous year to determine the continued need for the specialized assignment.

IV. PROCEDURE FOR SEPARATING EMPLOYEES

A. Employees separating from the Department will be scheduled for first shift duty for the final two weeks of their employment. Employees must provide sufficient notice of their resignation or retirement date to allow their supervisor to schedule them for first shift duty.

B. During this two-week period, separating employees will complete the following tasks:

1. Participate in an exit interview to be scheduled, conducted, and evaluated by CMPD Human Resources.
2. Properly transfer responsibility for, or dispose of, all evidence, safe-keeping, and found property in the Property and Evidence Management Division.
3. Make arrangements regarding pending court cases and cases under active investigation with the supervisor of the division or unit in which the employee worked.
4. All employees separating from the Department shall turn in all equipment and uniforms issued by the City.

The Property and Evidence Management Division shall hold equipment and uniforms for employees returning as Hirebacks and complete reissuance upon the employee’s reinstatement.

5. Complete all appropriate documentation required before proper separation from the Department. This documentation will include the Property Return
Statement, Supervisor’s Separation Form, and final clearance forms needed by the Human Resources Division.

C. Supervisors of separating employees will:

1. Ensure all evidence is properly disposed of or, if needed, transferred to an officer for continued follow up on retention.

2. Ensure that all open-further investigation cases are transferred in KBCOPS to another officer for continued follow up on new information when it becomes available.

3. Contact the CMPD District Attorney Liaison Sergeant and the Court Liaison Sergeant and make notification of impending separation and determine impact on current court cases.

4. Ensure that employees complete all appropriate documentation required before proper separation from the Department. This documentation will include the Property Return Statement, Supervisor’s Separation Form, and final clearance forms needed by the Human Resources Division.

V. PROCEDURES FOR TRANSFERRING EMPLOYEES

A. Posting a Vacancy

1. Division-Level Transfer

   a. All vacancies for an assignment must be posted and announced within the Division for at least seven (7) days.

   b. The vacancy announcement should include:

      (1) A description of the job assignment;

      (2) Required minimum knowledge, skills, abilities, and relevant body of work;

      (3) Division contact for questions and Letters of Interest;

      (4) Application submission due date.

   c. Any Division-Level transfer position may be changed to a Department-Wide transfer position at the discretion of the Division Manager. If a Division Manager decides to change a Division-Level transfer to a Department-Wide transfer, division candidates will be afforded an opportunity for feedback if they request it. The feedback will be documented in the Notes section of MySuccess. Managers should seek to develop employees from within their Division.

   d. Refer to the Patrol Training Officer (PTO) SOP for procedures on posting and selecting Division PTOs.
2. Division Shift Transfer
   a. Division shift transfer requests may be initiated by a division supervisor or requested by the employee.
   b. The Division Shift Transfer Form, located on the CMPD Portal, will be completed when an employee is assigned from one shift to another within their division.
   c. The form must be signed by the employee and the employee’s chain of command up to the rank of Division Commander, and must include reasons for the shift transfer.
   d. A copy of the completed form will be provided to the employee. The Division shall maintain a copy on file.

3. Department-Wide or Specialized Assignment Transfers
   a. Any Division manager with a vacant position they desire to fill will submit an electronic memo justifying the need to fill the position through their Chain of Command to the Assistant Chief by e-mail. Upon approval the Assistant Chief or designee will then forward the e-mail to CMPD’s Human Resources Division for posting.
   b. CMPD HR will be responsible for announcing the vacancy to CMPD employees. All vacancies for a Department-Wide transfer must be posted and announced to CMPD employees for at least seven (7) days.
   c. The vacancy announcement should include:
      (1) A description of the job assignment;
      (2) Required minimum knowledge, skills, abilities, and relevant body of work;
      (3) Division contact for questions and Letters of Interest;
      (4) Application submission due date;
      (5) Any employee selected to a Department-Wide or Specialized Assignment will be placed on probation for a period of six months from the date of transfer and may be removed for performance concerns, disciplinary reasons, or concerns of team cohesiveness.

B. Selecting Employees to Fill a Vacancy

Division managers must ensure a fair, consistent process is used to select candidates for vacant positions. Division managers should consider organizational fit, relevant job experience, special knowledge, skills, and abilities of candidates when making
selections. Division Managers may contact the candidate’s current chain of command for feedback during the selection process.

1. Division-Level Transfers
   a. Interested employees will submit a Letter of Interest to the Division Manager.
   b. Division managers shall review all candidates’ last three (3) annual performance evaluations, as well as the candidates’ Internal Affairs history for the past three (3) years before making a selection.
   c. Division managers are required to interview candidates before making a selection. To ensure that interviews are conducted in a consistent manner throughout the Department, the following are required:
      (1) One (1) or more personnel from outside of the division, to serve as an objective independent party, if available.
      (2) Interviews shall include standardized and/or scenario based questions specific to the job skills necessary for the assignment. All questions and scenarios for the interview will be approved by the Bureau Major and Human Resources.
      (3) The interview panel should include personnel from multiple ranks.
      (4) The Division Manager is responsible for making all personnel changes within the division.

2. Department-Wide Transfers
   a. Interested employees will submit a Letter of Interest to the Division Manager.
   b. All employees participating in a Department-Wide transfer process must notify their immediate supervisor by e-mail that they are competing for a position within 5 days of submitting their Letter of Interest for the vacancy. The supervisor must notify their Chain of Command.
   c. Division managers are required to review all candidates’ last three (3) annual performance evaluations, as well as the candidates’ Internal Affairs history for the past three (3) years before making a selection.
   d. Interviews should be conducted in the same manner as those for Division-Level transfers (see V. B. 1.).

C. Transferring Employees for Department-Wide Transfers

1. Final recommendations for filling any vacancy will be made at the discretion of the Division Manager. That Division Manager should forward through the Chain
of Command via an email a memorandum to their Assistant Chief of Police. The e-mail shall include the following:

a. Two potential candidates for each vacant position will be submitted. For example, if there is one vacancy, two names will be submitted. If there are two vacancies, three names will be submitted. For units with ongoing vacancies, a list may be created at the discretion of the Bureau Major. Any list will be valid for up to six months from the date of the interviews.

b. All transfers should be effective on a Saturday as this is the first day in a pay period and should be at least two weeks from the transfer date to give employees time to transition to the new assignment.

c. Once the applicant is approved, the Assistant Chief of Police or designee will then forward the e-mail to the CMPD HR Manager and copy the Division manager who held the selection process.

2. The Division Commander or Manager is responsible for notifying the selected employee’s current chain of command including the Deputy Chief prior to notifying the selected employee. The Division Commander or Manager and the selected employee’s current chain of command will agree on the appropriate effective date of the transfer.

3. The Deputy Chiefs of the Service Groups involving transferring employees for Department-Wide vacancies have the final authority to allocate effected personnel as needed.

4. The selected employee’s new chain of command will be responsible for notifying the selected employee.

5. The Division Commander or Manager will notify the candidates that were not selected for the position and give them the opportunity to receive feedback.

6. Selected Employee

a. The transferring employee must meet with his or her current supervisor before transferring to their new assignment to ensure pending court cases, cases under active investigation, and property dispositions are properly closed, disposed of or transferred to another employee.

b. The transferring employee’s supervisor will ensure that all pertinent files including performance appraisals, citation receipts, etc., are forwarded to the employee’s new supervisor.

c. In addition, the transferring employee’s supervisor will ensure that any outstanding PRD’s for that employee are completed and submitted to HR. If the transferring employee has a PRD due within the following 90 days, then the new supervisor will send the PRD to the previous supervisor.
through the “get feedback” option in MySuccess to obtain comments and a proposed rating from the previous supervisor.

d. The transferring employee shall return any issued equipment belonging to the division or unit which will not be needed in their new assignment.

e. To ensure communication is taking place, the selected employee’s current supervisor will complete the electronic HR Transfer of Personnel, Divisions, or Units form in coordination with the receiving supervisor.

https://charlottenc.seamlessdocs.com/w/EMP_UNITtransfer

7. Human Resources will ensure all pertinent information is updated in the current personnel management system as well as make notification to Business Services. Human Resources will also include any employee separations or transfers in the weekly Personnel Order that is distributed to all employees.

8. Financial Management will be responsible for accounting for all appropriated funding transfers as necessary.

9. The Business Services Administrative Officer will be responsible for updating any changes in the organizational chart.

D. Command Reassignments

The Service Group Deputy Chief where the employee is currently assigned is responsible for making command reassignment notifications to include the reason(s) for reassignment. The Service Group Deputy Chief will document the reason for the reassignment as professional development, organizational fit, promotion, performance, or some combination. This will be documented in the Notes section of MySuccess for that employee.

E. Ride-Along

All employees seeking to participate in a ride-along in a specialized unit for professional development must have the approval of their current chain of command through Major, as well as the chain of command through Major of the unit in which they desire to participate in a ride-along.

The approval for any ride-along longer than 14 days must be approved up to the rank of Assistant Chief over the area in which the ride-along will occur.

VI. REFERENCES

200-003 Career Development
300-011 Promotional Procedures
400-001 Uniforms and Grooming Standards
400-003 Equipment
Field Services SOP
CALEA
I. PURPOSE

To establish guidelines for employees seeking professional development to enhance opportunities for selection to other departmental assignments as well as prepare for the promotional processes.

II. POLICY

CMPD recognizes the importance of providing opportunities for employees to develop knowledge and skills that increase job satisfaction, increase employee retention, and identify future leaders within the Department. CMPD encourages employees to prioritize their learning development and seek additional opportunities to acquire the skills essential to achieving their professional goals.

III. DEFINITIONS

A. Department-Wide Transfer: A transfer open to any eligible and qualified employee within CMPD for the purpose of filling a vacancy.

B. Division/Bureau Transfer: A transfer open to any eligible and qualified employee within the Division/Bureau for the purpose of filling a vacancy for a non-patrol function.

C. PRD: Annual Performance Review and Development evaluation.

D. Promotion Probation: The period in which all newly promoted sworn personnel are on probation and therefore subject to demotion in the event of unsatisfactory performance. This period is effective for 6 months from the date of promotion.

E. Ride-along: A professional development opportunity available to officers to spend a short duration of time (typically less than 14 days) working in another assignment of interest.

F. Senior Police Officer Incentive (SPO): Incentive available to sworn employees at the rank of officer who have reached the top step in the Public Safety Pay Plan (does not include education, second language, or training incentive pay in determining top pay step). Employees must complete all prerequisites identified in the program prior to receiving the SPO financial incentive.

G. Specialized Assignment: Duties that require specialized training to successfully perform the job requirements. This includes those functions for which both pre- and post-assignment specialized training is required. The following units are considered specialized assignments:

1. Aviation – Helicopter,
2. Bomb Squad,
3. Canine Unit (K9),
4. DWI Task Force,
5. Lake Enforcement Unit,
6. Major Crash Investigation Unit,
7. Motorcycle Unit,
8. Special Weapons and Tactics (SWAT) Team,
9. Violent Criminal Apprehension Team (VCAT).

IV. PROCEDURE

A. Minimum Requirements for Specialized Assignment Transfers

Each CMPD Division can establish eligibility requirements for transfer to specific assignments. However, the following is the minimum standard that all employees must maintain to be considered for transfer to any specialized assignment or promotion:

1. At minimum: an “Achieved Expectations” on their most recent PRD.
2. No sustained violations under the following Rules of Conduct adjudicated within the previous two years prior to the date of the job posting:
   a. Unsatisfactory Performance;
   b. Use of Force (ROC 28A only);
   c. Truthfulness;
   d. Harassment.
   e. Insubordination
   f. Conformance to laws that result in arrest or a warrant for arrest (i.e. DWI, Domestic violence, Communicating Threats)

3. Length of Service Requirements
   a. Department-wide Transfers (including Specialized Assignments) - to be eligible for a Department-wide transfer, employees must have a minimum of three (3) years of service at CMPD. Lateral officers may be eligible for a Department-wide transfer with a minimum of two (2) years of service at CMPD.
   
   b. Division Transfers - to be eligible for a Division transfer, employees must have a minimum of two (2) years of service at CMPD. Lateral officers may be eligible for a Division transfer with a minimum of one (1) year of service at CMPD.
   
   c. Sergeant Transfers- Sergeants will be eligible to transfer to other areas of CMPD after they have successfully been released from their promotion probationary period (typically six months).
B. Transfer to Investigative Assignments

1. In addition to the eligibility requirements listed in section IV. A., sworn employees must complete the following prior to being considered for a transfer to an officer assignment in the Investigative Services Group or the Patrol Services Group:
   a. CMPD’s Basic Search Warrant Course 101,
   b. CMPD’s Investigations 103: Crime Scene Search,
   c. CMPD’s Investigations 104: Interview and Interrogations.

   Waivers for the above required courses may be issued for substantially similar course work or experience at the discretion of the appropriate Service Group Deputy Chief. All sworn employees requesting such a waiver must include an addendum in their letter of interest which must be signed by the appropriate Service Group Deputy Chief and included in the packet reviewed throughout the selection. Waivers are issued on a case by case basis.

2. Although not required, sworn employees are encouraged to schedule a ride-along with the specific division in the Investigative Services Group Division of interest prior to requesting a transfer. Ride-alongs will be conducted consistent with CMPD Directive 200-002 Employee Transfers and Separation.

C. Transfers to Covert Operations Division

1. In addition to the eligibility requirements listed in section IV. A. and B., sworn employees must complete CMPD’s Vice/Narcotics 102 Imprest Fund-Confidential Informant Training prior to being considered for a transfer to an officer assignment in the Special Investigations Bureau.

2. Although not required, sworn employees are encouraged to schedule a ride-along with the specific unit in the Covert Operations Division of interest prior to requesting a transfer. Ride-alongs will be conducted consistent with CMPD Directive 200-002 Employee Transfers and Separation.

D. Transfers to Specialized Assignments

1. In addition to the eligibility requirements listed in section IV. A., sworn employees seeking transfer to a Specialized Assignment are required to comply with any specific eligibility requirements of the individual Specialized Unit’s SOP, as well as CMPD Directive 200-002 Employee Transfers and Separation. Employees may also contact the Commander of the specialized unit for specific eligibility requirements.

2. Although not required, sworn employees are encouraged to schedule a ride-along with the Specialized Assignment of interest prior to requesting a transfer. Ride-alongs will be conducted consistent with CMPD Directive 200-002 Employee Transfers and Separation.
E. Senior Police Officer Incentive Program

1. Sworn employees at the rank of Officer who have reached the top step in the Public Safety Pay Plan are eligible to participate in the Senior Police Officer Program.

2. Employees eligible to participate in the Senior Police Officer Program must complete the following:
   a. CMPD’s Nobility of Policing Training,
   b. CMPD’s De-Escalation Scenario Training.

3. All employees who have completed the SPO requirements will receive a 5% pay incentive effective on their merit date.

F. Promotion to Supervisor

1. In addition to the eligibility requirements listed in section IV. A., employees seeking promotion to first-line supervisor are required to complete the following prior to applying to participate in the promotional process:
   a. CMPD’s Supervisor’s Career Path 101,
   b. CMPD’s Supervisor’s Career Path 102,
   c. CMPD’s Supervisor’s Career Path 103,
   d. CMPD’s Supervisor’s Career Path 104.

2. All employees promoted to Sergeant will be initially assigned to the Patrol Services Group.

3. Appointments are made at the discretion of the Chief of Police. Preference will be given to sworn employees seeking promotion to the rank of Major who have completed CMPD’s Command College, Police Executive Research Forum (PERF) Senior Management Institute for Policing (SMIP) or the Federal Bureau of Investigation (FBI) National Academy (NA).

4. Sworn employees seeking a promotion to any rank should also review CMPD Directive 300-011 Promotional Procedures for further eligibility requirements.

G. Leadership Management Courses

1. Annually, CMPD provides opportunities for Command Staff members to attend various leadership management courses, such as the Police Executive Research Forum’s (PERF) Senior Management Institute of Policing (SMIP) or the Federal Bureau of Investigation’s (FBI) National Academy (FBINA).

2. Completion of CMPD’s Command College is preferred prior to seeking selection for attendance to any other leadership management course.
3. Selection Process for Command Level Courses
   a. The Professional Standards and Training Bureau Major will coordinate with PERF and the FBI to reserve spaces in SMIP and FBINA courses annually.
   b. The Professional Standards and Training Bureau Major will send an announcement to all command level employees and those interested in attending the leadership management course must submit a letter of interest to be considered.
   c. The Professional Standards and Training Bureau Major will compile the list of those employees interested and forward to the Administrative Services Deputy Chief for presentation to the other Deputy Chiefs and Chief of Police to agree on the selectee(s) for each leadership management course.
   d. The Professional Standards and Training Bureau Major will communicate with selected command staff and serve as the liaison between the selected employees and PERF and FBI management course representatives.

V. REFERENCES

Directive 200-002 Employee Transfers and Separation
Directive 300-011 Promotional Procedures
Directive 300-018 Performance Review and Development
Charlotte, North Carolina, Code of Ordinances Part 1-Charter, Chapter 4.-Administration, Article III. Civil Service
Academy SOP
Rules of Conduct
CALEA
I. PURPOSE

To provide employees with necessary information to ensure that Charlotte Mecklenburg Police Department (CMPD) meets the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS) 29 CFR 1910.1200.

II. POLICY

CMPD employees shall be familiar with the location of chemicals stored or maintained for use inside CMPD facilities and the location of the relevant Safety Data Sheets (SDS) that reference these chemicals.

III. DEFINITIONS

A. Employee: All sworn, civilian, volunteers, and contract personnel working at CMPD.

B. Chemical: Any element, chemical compound or mixture of elements and/or compounds that can be in a solid, liquid or gas form.

C. Container: Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a chemical.

D. Safety Data Sheet (SDS): Information about the chemical, containing its chemical and common name, physical and health hazards, OSHA exposure limits, safe handling precautions and emergency first aid procedures.

E. Hazard Communication Standard (HCS): The OSHA Standard pertaining to the “Worker’s Right to Know Act” which requires that each employee be informed of the hazardous properties of chemicals used in their work environment, and the precautions to take to protect themselves from these chemicals.

F. Hazard Communication Coordinator (HCC): The Hazard Communication Coordinator (HCC) is responsible for the Hazard Communication Standard's development and implementation.

G. Division Coordinator (DC): Each Division or affected specialized unit will have an employee assist in maintaining that section's SDS Information.

IV. PROCEDURE

A. The Professional Standards Division (PSD) is responsible for the overall coordination of the HCS standards and will be the active HCC.

B. The Division Coordinator will ensure that each division updates their chemical list and SDS's. A copy of the HCS along with the lists and SDS's are kept on the Portal for easy access to all employees.

Hard copies of SDS’s are kept at the CMPD Headquarters security desk and access is available to all employees anytime during their shift.
Division specific (Animal Care and Control, Aviation, Bomb, Crime Lab, Crime Scene Search, and SWAT) SDS hard copies will be kept by the division in a conspicuous area (e.g., easily identified, well known and easily attainable), and access shall be available to employees anytime during their shift.

1. An SDS on each chemical reported to the HCC will be maintained on the Portal, and a hard copy will be kept at the CMPD Headquarters first floor security desk.
   a. The SDS will consist of a fully completed OSHA Form 174 or equivalent.
   b. The Division Coordinator will be responsible for acquiring and maintaining updated forms and providing electronic copies to the HCC for portal updates.

2. Division Coordinators will ensure that the SDS will be fully completed and on file with CMPD before or upon receipt of the first shipment of any potentially hazardous chemicals purchased from a vendor.

3. SDS that are no longer applicable must be kept on file in an inactive section of the SDS manual for a period of 30 years.

C. The HCC will consult with OSHA to address questions or concerns regarding the Hazardous Communications Standards.

V. HAZARDOUS CHEMICAL LIST

A. The HCC will maintain a list of all hazardous chemicals used in CMPD facilities, and will update the list as necessary.

B. Division Coordinators will have a chemical list generated and made available to employees.

C. Any modifications to existing chemical lists must be immediately forwarded to the HCC for accurate record keeping in the form of a revised inventory list and along with a hard copy and electronic copy of the SDS.

VI. LABELS AND OTHER FORMS OF WARNING

The Division Coordinator will ensure that all hazardous chemicals in their assigned area(s) are properly labeled. Labels shall list the chemical's identity using words, pictures, or a combination thereof, appropriate hazard warning with specific information regarding the physical and health hazards of the hazardous chemical, the name and address of the manufacturer, importer or other responsible party, and other pertinent information. Corresponding SDS’s will be used to verify label information. Immediate use containers (i.e., small containers into which materials are drained for use on that shift by the employee drawing the material) do not require labeling. The Division Coordinator will ensure that their labels are legible and current.

VII. TRAINING
A. The Division Coordinator will be responsible for advising their division of any potentially hazardous chemicals being introduced as soon as the information becomes available and any necessary training.

B. Training will emphasize the following elements:
   1. A summary of the HCS.
   2. A written HCS policy.
   3. A comprehensive guide to SDS including the information it contains.
   4. Location of Safety Data Sheets and how employees may obtain and use appropriate information.
   5. Awareness of the emergency plan for the specific work area assigned.

C. The Training Academy monitors training needs and maintains records of employee training.

VIII. OUTSIDE CONTRACTORS

When necessary, the Division Coordinator will consult with the HCC regarding any chemical hazard that outside contractors may encounter in the normal course of their work on the premises.

IX. NON-ROUTINE TASKS

Any CMPD employee contemplating a non-routine task involving hazardous chemicals will consult with the Division Coordinator responsible for their section. The Division Coordinator will ensure that employees are informed of hazards associated with the performance of these tasks, and advised of the appropriate protective measures. The HCC and Division Coordinator will meet with affected employees before such work is conducted.

X. CONTRACTOR, EMPLOYER, AND EMPLOYEES

A. The Division Coordinator or Facilities Manager will ensure that the contractors have access to information about hazardous chemicals at a job site. The Division Coordinator or Facilities Manager will advise contractors of any chemical hazards, the labeling system, protective measures to be taken, and safe handling procedures that may be encountered in the normal course of work on CMPD property. The location of the SDS and their availability will be explained to the contractor.

B. Any chemicals brought onto CMPD property by the contractor must be explained and the appropriate hazard information, including SDS and labels used, will be forwarded to the HCC. The HCC will ensure that this information is made available to all affected CMPD employees.

C. If work is being performed in and around chemicals that require emergency eye wash or safety showers the Division Coordinator or Facilities Manager will inform the
employer(s) employees of the location of such quick flushing/drenching facilities on-site.

XII. REFERENCES

- Fire Emergency SOP
- CALEA
I. PURPOSE

To establish procedures for the returning of Charlotte-Mecklenburg Police Department (CMPD) issued uniforms and equipment.

II. POLICY

It is the policy of CMPD that all uniforms and equipment issued to employees will be returned to CMPD under specific circumstances and established guidelines.

III. DEFINITIONS

A. Administrative Assignment/Leave: Employee has been removed from performance of all police duties with no loss of salary. Employee is assigned to perform non-police authority related clerical or other tasks within the department which limits public contact.

B. Administrative Leave with Pay: Employee has been removed from performance of all duties with no loss of salary and will be available by phone to their chain of command and Internal Affairs Monday-Friday 0800-1700.

C. Administrative Leave Without Pay (Including Suspension): Employee has been removed from performance of all duties with loss of all salary. Employee will have no agency contact other than those required to resolve or adjudicate the matter resulting in this status.

D. Extended Military Leave: Any military leave for any period over 30 days and up to 5 years.

E. Extended Sick Leave: An illness or injury requiring the use of more than thirty consecutive sick days.

F. Hireback: Rehired retiree that is responsible for a specific task approved by the Chief of Police or designee. Position may be sworn or civilian. This may include sworn employees responsible for working special events or at any other time deemed necessary by the CMPD. All sworn retirees must maintain NC State Law Enforcement Officer Certification with the CMPD.

G. Light Duty: Employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty and has been assigned to a CMPD unit with no loss of salary.

H. Property Return Statement: Form completed by the Property and Evidence Management Division Technician indicating all uniforms and equipment returned to CMPD.

I. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, Body Worn Camera (BWC), Badge, ID, and access cards, take home cars, keys and fuel cards, and any other items as so deemed by the CMPD chain of command.
J. Volunteer: Civilian partner of CMPD who is not authorized to perform any law enforcement actions or other duties restricted to sworn personnel.

IV. PROCEDURE

All employees and volunteers are required to return all issued uniforms and equipment, to include cell phones, data files, and computer equipment to the CMPD as described in the following circumstances. When practical, employees, supervisors, and volunteers shall contact the Property and Evidence Management Division to schedule an appointment prior to returning issued uniforms and equipment:

A. Resignation or Retirement from CMPD

The Division Captain/Manager in coordination with the Property and Evidence Management Division will ensure that upon resignation or retirement, employees return all issued uniforms and equipment to the Property and Evidence Management Division.

1. Upon learning of an employee’s pending resignation or retirement from CMPD, the Human Resources Division shall direct the employee to coordinate the return of all issued uniforms and equipment with the Property and Evidence Management Division and notify the Property and Evidence Management Division of the employee’s pending resignation or retirement.

2. The employee shall contact the Property and Evidence Management Division and arrange an appointment for the return of all uniforms and equipment. Officers will notify the Property and Evidence Management Division if they anticipate returning to CMPD as a Hireback when making this appointment.

3. Employees will use the Equipment Inventory Form located on the CMPD portal as a guide for uniforms and equipment to be returned at the scheduled appointment.

   Equipment Inventory Form

4. Employees shall return the following equipment to the Civil Emergency Unit/Logistics in advance of the appointment with Property and Evidence Management Division technician:

   a. CEU equipment to include gear bag, baton, turtle suit/ballistic plates and shields;
   b. One-time Significant Event Related issued equipment;
   c. Gas Mask;
   d. Ballistic/Riot Helmet;
   e. Taser Equipment.
5. Employees will meet with the Property and Evidence Management Division technician as scheduled to provide the uniforms and equipment. The return of uniforms and equipment shall be documented on the Equipment Inventory Form by the Property and Evidence Management Division Technician.

6. The Equipment Inventory Form shall be signed by the separating employee and the Property and Evidence Management Division employee receiving the returned uniforms and equipment.

7. The Property and Evidence Management Division employee will note any missing uniforms or equipment on the Property Return Statement seamless document.

8. The Property and Evidence Management Division will send the employee the Property Return Statement seamless document, which will be electronically signed by the CEU/Logistics commander, the employee’s division commander, the Lieutenant of the Property and Evidence Management Division, and the departing employee, stating that all uniforms and equipment issued to the employee have been returned to the Department. The Property Return Statement will also have a certification statement regarding the transfer of the CMPD issued service firearm to eligible retiree’s ownership.

   a. The completed Property Return Statement seamless document will be emailed to the separating employee, the division Captain, the Property and Evidence Management Division, and will be retained electronically by the Property and Evidence Management Division.

   b. Separation from the Department will not be final until the Property Return Statement seamless document has been completed and returned to the Property Evidence Management Division.

B. Light Duty/ Worker’s Compensation

1. Sworn employees that are anticipated to be on light duty/workers’ compensation for a period exceeding 240 hours are required to turn in issued firearms, related components, and other sensitive items designated by the employee’s Chain of Command while on light duty status. Any exceptions to this requirement must be approved by the Chief of Police or designee.

2. The employee’s first-line supervisor is responsible for ensuring all sensitive items are collected and turned in to the Property and Evidence Management Division for storage within 48 hours. There shall be no property stored in the division. The SWAT sergeant will coordinate the storage of SWAT firearms.

C. Extended Sick Leave

An employee who expects to be absent for more than 30 consecutive work days, or who has been absent for 30 consecutive work days and does not know when he or she
will be able to return to work, shall turn in all Department issued uniforms and equipment (to include ID, access card, and badge at the discretion of the Chain of Command) to the Property and Evidence Management Division until the employee’s return to work. If the employee is unable to return the CMPD issued uniforms and equipment, the employee’s supervisor must arrange to retrieve the employee’s uniforms and equipment and submit it to the Property and Evidence Management Division on behalf of the employee.

D. Administrative Assignment

Employees on Administrative Assignment may be required to surrender all CMPD issued sensitive items and other CMPD issued uniforms and equipment to the Property and Evidence Management Division at the discretion of the Chief of Police or designee in consultation with the CMPD Internal Affairs Commander.

E. Administrative Leave with Pay

Any employee being placed on Administrative Leave with Pay may be required to surrender all CMPD issued sensitive items and other CMPD issued uniforms and equipment to the Property and Evidence Management Division at the discretion of the Chief of Police or designee in consultation with the CMPD Internal Affairs Commander. These items will be temporarily stored in the Property and Evidence Management Division until the matter is resolved or adjudicated. Employees will be allowed to retain their ID and access cards.

F. Administrative Leave without Pay

Any employee placed on Administrative Leave without pay is required to surrender all CMPD issued uniforms and equipment to the Property and Evidence Management Division. This will include all ID cards and access cards. These items will be temporarily stored with the Property and Evidence Management Division until the matter is resolved or adjudicated.

G. Reissuance of Uniforms and Equipment after Administrative Assignment/Leave

A copy of the written notification restoring the employee to full duty status must be provided to the Property and Evidence Management Division prior to the reissuance of any uniforms and equipment.

H. Extended Military Leave

All Divisions will assist employees who will be absent on military leave for more than 30 days with the turning in and temporary storage of all issued uniforms and equipment to the Property and Evidence Management Division no less than twenty-four hours before the start of the military leave. The Property and Evidence Management Division will complete the Equipment Inventory form.

I. Leave of Absence
The Division Captain or equivalent in coordination with the CMPD Human Resources Division will ensure that employees with an approved leave of absence, return all issued uniforms and equipment to the Property and Evidence Management Division no less than twenty-four hours before the start of the leave of absence, unless otherwise directed by the Chief of Police or designee. Property and Evidence Management Division will provide the employee with a copy of the completed Equipment Inventory Form.

J. Suspension

1. The Division Captain or equivalent will ensure that **Sworn employees suspended for forty (40) hours or more turn in their sensitive items**. The employee’s immediate supervisor will return this equipment to the Property and Evidence Management Division for storage pending the officer’s return to duty. However, sensitive items may be retained for suspensions of less than forty (40) hours at the discretion of the Chief of Police or designee.

2. The Division Captain or equivalent will ensure that all issued uniforms and equipment of **sworn employees who are suspended from duty and cited to the Civil Service Board for termination**, or are suspended for a period of greater than 240 hours (30 days), are retrieved and the employee’s immediate supervisor returns the uniforms and equipment to the Property and Evidence Management Division at the beginning of the suspension or citation, unless otherwise directed by the Chief of Police, or designee. This retrieval may include a supervisor personally escorting the employee to the location where the CMPD issued uniforms and equipment are stored. The supervisor returning the equipment will work with the Property and Evidence Management Division to complete the Equipment Inventory Form.

3. The Division Captain or equivalent will ensure that all issued uniforms and equipment of **civilian** employees who are suspended from duty is retrieved and submitted to the Property and Evidence Management Division for storage pending the employees return to work.

K. Termination

1. The Division Captain or equivalent will ensure that all issued uniforms and equipment of **sworn** employees who are terminated is retrieved and that the employee’s immediate supervisor returns the uniforms and equipment to the Property and Evidence Management Division. This retrieval may include a supervisor personally escorting the employee to the location where the CMPD issued uniforms and equipment is stored.

2. The Division Captain or equivalent will ensure that all issued uniforms and equipment of **civilian** employees who are terminated is retrieved. The Division Captain or equivalent will ensure that the employee’s immediate supervisor returns the uniforms and equipment to the Property and Evidence Management
Division at the beginning of the suspension or termination, unless otherwise directed by the Chief of Police, or designee. This retrieval may include a supervisor personally escorting the employee to the location where the CMPD issued uniforms and equipment is stored.

3. The supervisor returning the uniforms and equipment will work with the Property and Evidence Management Division to complete the Equipment Inventory form and the Property Return Statement.

L. Volunteers

Upon resignation or dismissal, Volunteers will return department issued uniforms and equipment to include the issued Identification Card. Volunteers will work in coordination with the Community Wellness Division Commander to ensure that all issued uniforms and equipment have been returned.

M. Technology

In circumstances described above wherein all issued uniforms and equipment are to be returned, Division Commanders will ensure that employees have surrendered all data files, mobile devices, and computer-related equipment belonging to CMPD.

N. Internal Affairs

The Internal Affairs Bureau will take all necessary and appropriate action to collect all property of the Department remaining in the possession of former employees and volunteers.

V. REFERENCES

200-002 Employee Transfers and Separation
300-004 Sick Leave Policy
300-006 Light Duty Policy
300-010 Administrative Assignment/Leave
300-016 Military Leave Policy
400-001 Uniform and Grooming Standards
400-003 Equipment
400-004 Use of Technology
Hireback SOP
Volunteer Unit SOP
I. PURPOSE

The purpose of this directive is to establish guidelines for the Charlotte-Mecklenburg Police Department (CMPD) employees dealing with the administration of the Youth Diversion Program.

II. POLICY

The CMPD administers the Youth Diversion Program. The goal of the program is to improve patterns of youth behavior through alternatives outside of the criminal justice system.

Qualified juveniles will be referred to the Youth Diversion Program Manager who will oversee the program. Participants will undergo an assessment which may recommend various interventions with the goal of reducing the number of repeat offenders. Officers should clearly articulate any reason for not referring qualified participants to the Youth Diversion Program in their confidential narratives.

III. DEFINITIONS

A. Youth: For the purposes of this directive, the term “Youth” will refer to any offender ages 6-17 years old.

B. First Time Offender: An offender who has never been charged with any crime in the past.

C. Youth Diversion Program Manager: Responsible for daily administration of the Youth Diversion Program.

D. Program Supervisor: Sergeant who supervises the overall operations of the Youth Diversion Program.

IV. PROCEDURE

A. Screening

Prior to completing a juvenile arrest, officers will check the offender’s juvenile (6-17 YOA) arrest histories. If the offender has a previous arrest history he/she may not qualify for Diversion. Under limited circumstances, Diversion will accept offenders with a prior arrest or a prior referral. In these cases, the officer must articulate knowledge of the prior arrest or Diversion referral and request that, due to special circumstances, the offender be considered for Diversion. The Youth Diversion Program Manager and Program Supervisor will review the case to determine the offender’s eligibility.

Youth Diversion Program Disqualifiers:

1. The case under review is a felony case.

2. The offender lives outside of Mecklenburg County.

3. The victim makes a request for restitution to be paid.
4. The victim makes a request for the offender to be criminally prosecuted.

B. Referrals

Officers will refer lesser category offenses for first time offenders to the Diversion Program. The target offenses include but are not limited to:

1. Public Affray;
2. Simple Assault;
3. Disorderly Conduct;
4. Communicating Threats;
5. Trespassing;
6. Undisciplined Juvenile;
7. Truancy;
8. Larceny;
9. Damage to Property; and
10. Curfew Violation.

Officers may contact the Youth Diversion Program Manager to inquire about other offenses that may qualify for Diversion.

C. If the offender has no arrest history and the offense is one of those listed in IV.B, a referral will be made. Officers will complete the KBCOPS report and click “Diverted” under the suspect status instead of “not in custody.” Officers will also include at the bottom of the narrative: “This case has been routed to the Youth Diversion Program”. The case will be marked for “Further Investigation” and the officer’s involvement with the case will end (unless the offender does not successfully complete the Youth Diversion Program).

If the officer believes the youth can benefit from diversion for being undisciplined a miscellaneous incident report should be completed in KBCOPS. In the event the case remains in the officer’s queue, the case was not routed properly, and the officer should follow-up with a member of the Youth Diversion Unit.

D. Division supervisors approving officer reports will route all Diversion cases to 30-Juvenile Diversion located in the KBCOPS routing options. The Youth Diversion Program Manager will assign the cases to the Diversion Specialist, who will track the Diversions through completion and clear cases as needed. The Diversion Program Manager will close/clear the reports from the KBCOPS system.

E. If an offender does not successfully complete Diversion Program requirements within 12 weeks, the Diversion Specialist will complete a supplement indicating the youth did
not complete the program. If a juvenile arrest is warranted, an email will be sent to the originating officer along with the KBCOPS report. The final disposition will be at the discretion of the originating officer to arrest or not arrest. This decision should be clearly articulated in the confidential narrative prior to closing the case.

V. REFERENCES

CALEA
I. PURPOSE

The purpose of this directive is to clearly establish departmental procedures for sworn and civilian employees, concerning the consequences of driving or boating while impaired.

II. POLICY

No person is exempt from the consequences of his or her actions as a result of an arrest for an impairment offense. CMPD recognizes the seriousness of these charges and their effect on the employee, the department, and the community. Therefore, employees found to have committed an impairment offense will face disciplinary action up to and including being cited for termination. This Directive describes disciplinary procedures for charged employees.

III. DEFINITIONS

A. Impairment Offense: For the purposes of this directive, an impairment offense is defined as Driving While Impaired or Boating While Impaired as defined below.

B. Driving While Impaired: The charge of Impaired Driving as defined by N.C.G.S. 20-138.1 or the equivalent statute of another state or country.

C. Impaired Driving in Commercial Vehicle: As defined by N.C.G.S. 20-138.2 or the equivalent statute of another state or country.

D. Boating While Impaired: The charge of Impaired Boating as defined by N.C.G.S. 75A-10(b1) or the equivalent statute of another state or country.

E. BAC: Blood Alcohol Content which may be obtained by a breath or blood sample.

IV. PROCEDURE

A. An employee arrested or cited for an impairment offense shall notify his or her supervisor and/or Internal Affairs as soon as possible after being cited or released from custody. Any employee who fails to notify the Department of an arrest for an impairment offense as required by this Directive will be cited for termination.

B. If an employee is arrested or charged for an impairment offense, Internal Affairs will investigate the allegation.

C. The employee will be administratively charged with CMPD Rule of Conduct 14A: Conformance to Laws.

D. Barring any aggravating factors related to the impairment offense arrest or charge, CMPD may make accommodations for the employee until he or she is able to obtain a limited driving privilege and resume his or her duties while the case is processed through the criminal court system.

E. CMPD Internal Affairs will work to have the case investigation complete and convene a COC or ICOC board hearing no later than ten (10) working days after the date of the
incident or upon notification by a third party that an employee committed an impairment offense.

F. An employee receiving his or her first sustained violation related to an impairment offense arrest (with no other aggravating factors other than the arrest itself, regardless of B.A.C. and court outcome) will receive an automatic standard minimum of 30-days active suspension. In addition, the Department may remove the employee from any assignment, departmental program, or privilege.

G. An employee receiving his or her first sustained violation related to a DWI arrest with aggravating factors such as a vehicle accident, personal injury, death, or other unbecoming conduct will receive the minimum 30-day active suspension up to a recommendation for termination.

H. An employee who is arrested for an impairment offense and whose behavior results in a police-level of control response due to resistance will be cited to the Civil Service Board for termination.

I. An employee who is arrested for DWI and who has his or her driver’s license suspended for refusal to submit to a certified Blood Alcohol Content (B.A.C) test (breath or blood) will be Cited for Termination.

J. An employee who is arrested for DWI and who has a B.A.C. result above .14 will be Cited for Termination.

K. An employee who is arrested a second time for DWI will be Cited for Termination.

V. REFERENCES

200-001 Discipline, Internal Investigations, and Employee Rights
300-009 Employee Drug and Alcohol Testing
N.C.G.S. 20-138.1
N.C.G.S. 20-138.2
N.C.G.S. 75A-10(b1)
CALEA
I. PURPOSE

This directive provides an overview and guidelines for CMPD officers who would like to participate in the following youth programs: Right Moves for Youth, Police Activities League, Girls On The Run, Do the Right Thing and REACH OUT.

II. PROGRAMS

A. Right Moves for Youth Program

The Right Moves for Youth program is a unique 501C-3 organization with a volunteer board of directors. It is a collaborative effort of volunteers from local law enforcement agencies, Charlotte Mecklenburg Schools and community volunteers. The program is designed to help students become more successful in school by improving their behavior and class work, reducing the likelihood that they will drop out of high school. Clubs have been established for “at risk” students as identified by school personnel. Club members meet weekly for various activities, tutoring, and evaluation of their behavior and school participation during the prior week. Members who successfully achieve their goals receive incentives for improvement in behavior and school participation. Each club is led by club leader who is a school teacher, police officer, or a community volunteer.

B. Police Activities League (P.A.L.)

The Police Activities League is a separate 501C-3 organization with a volunteer board of directors. The goal of the Police Activities League is to provide educational, programmatic, and structured support to youth in underserved communities, while aiding them in improving their decision-making skills and preparing them for a successful future. These programs and activities are intended to enhance the quality of their lives and allow them to make positive contributions to society.

C. Girls On The Run (GOTR)

The Girls On The Run program is a separate 501C-3 organization with a volunteer board of directors. The goal of the program is to provide educational opportunities that enhance decision-making relative to healthy life choices for young girls in grades 3 through 8. The program is also for physical fitness, as the young girls are coached toward completing a 5K run at the completion of a 12 week course with their coaches. GOTR follows the Guidelines for Participation listed under P.A.L. above. The GOTR Program is led by the GOTR Department Coordinator.

D. Do the Right Thing Program

1. Discussion

The Charlotte-Mecklenburg Police and Charlotte Fire departments have collaborated to formally organize the "Do the Right Thing" program in our community. Do the Right Thing of Charlotte-Mecklenburg is a 501C-3 non-profit corporation which is dedicated to recognizing and rewarding students for their good deeds or positive behavior. The Program ensures that students are
rewarded not only for doing the right thing, but they are publicly recognized as role models for their peers. All Charlotte-Mecklenburg youth who reside in Mecklenburg County are eligible to participate in the program. Teachers, parents, firefighters, police officers, and other adults in the community nominate students for their good deeds and leadership in encouraging good behavior among their peers.

2. CMPD Employee Obligations

All CMPD employees are encouraged to identify students who have performed deeds that merit recognition, such as turning in guns or other dangerous weapons; acting as role models in their classroom and community; etc.

3. Nomination Forms

a. Officers are asked to complete a nomination form and forward it through interoffice mail to:

b. Do the Right Thing of Charlotte-Mecklenburg Community Outreach

c. Nomination forms are located in each patrol division and the Human Resources Division.

4. Nominations

A sergeant assigned to the Diversion & Youth Services Division will collect the nomination forms and ensure that the selection committee meets to review them quarterly.

5. Awards and Recognition

Every student who is nominated will receive a certificate and a tee shirt. Ten students will be selected quarterly by the selection committee and each will receive a plaque, prize package, and will be invited to attend the program’s recognition ceremony. Local television and newspaper media will spotlight the winners and their achievements.

E. Respect Engage Accountability Character Honesty Officers Understanding Teens (REACH OUT)

1. REACH OUT is a collaborative effort of the CMPD, Mecklenburg County Sheriff’s Office, and Division of Adult Correction and Juvenile Justice to provide the necessary services and resources to effectively and positively change the lives of selected youthful offenders. The components of REACH OUT include:

   a. Youthful Offender, targets 16-24 year old individuals post-arrest and offers life skills programs, interview skills, job placement, and mentoring by law enforcement officers.
b. Teen Engagement and Mentorship (TEAM), pairs CMPD officers, trained as mentors, with teens in the communities where they serve. Teens are engaged by officers through voluntary contact at magnet locations for crime.

c. Jail North, provides life skills programming while participants are incarcerated and pairs them with officers serving as mentors after release.

2. Officers can contact Community Engagement personnel to sign up for mentoring training through the City of Charlotte. Once trained, officers will be introduced to youth in the program of their interest for pairing as a mentor. One contact with their mentee is requested per month and participation in bi-monthly group sessions.

III. GUIDELINES FOR PARTICIPATION

A. Any non-probationary officer may request participation in Right Moves for Youth and P.A.L.; however, prior approval must be obtained from the employee's division captain. The request for approval must be submitted in the form of a memorandum.

B. Officers who have received approval to participate in the program must coordinate their assignments with the P.A.L. Liaison.

C. Division and departmental staffing needs may preclude an officer's ability to participate in a meeting or an event. Therefore, volunteers must inform his/her shift supervisor of all scheduled meetings and events that the officer is required to attend.

D. Officers involved in the program are allowed to participate on-duty, or receive up to a maximum of eight (8) hours of compensation for off-duty time spent working with the club during a twenty-eight (28) day cycle.

E. Officers are permitted to wear police uniforms or plain clothes while engaged in club activities. The utilization of departmental vehicles for transportation of club members is allowed. Officers can reserve vans assigned to the Right Moves Program by contacting the volunteer coordinator, or reserve P.A.L. vans by contacting the P.A.L. supervisor. Trips involving the use of a departmental vehicle are generally restricted to a fifty mile radius from the center of Charlotte. Any trips outside of Mecklenburg County must be approved by the Community Services Bureau chain of command.

F. Any officer transporting club members in departmental vehicles must notify his or her normal supervisor prior to providing such transportation including such information as planned destinations and participant information.

G. Right Moves For Youth and P.A.L. bumper stickers are approved for display on all marked Charlotte-Mecklenburg Police vehicles. The sticker will be placed on the left rear bumper.
H. The CMPD employees and volunteers that participate in the department's Youth Programs are required to take the approved Boy Scouts of America Youth Protection Training. Continuing Education may be required and each employee must maintain a current training certificate.

I. Exceptions to Guidelines: Any exceptions to the above stated guidelines must be approved by the Deputy Chief of the Support Services Group and the deputy chief in the officer's chain of command.

IV. REFERENCE

Boy Scouts of America Youth Protection
CALEA
I. PURPOSE

This directive establishes procedure for the development and approval of all Charlotte-Mecklenburg Police Department (CMPD) directives. A written directive system provides employees with guidance and a clear understanding of the expectations relating to the performance of their duties. While such a system is not intended to be all-inclusive, the establishment of written directives will help to ensure a high degree of planned, consistent and accountable police service.

II. POLICY

A. All directives and standard operating procedures (SOPs) must be written on the standard template available from the Professional Standards Division (PSD). All directives and SOPs must reflect CMPD's values and philosophy of policing when written, and will be promptly updated whenever a major change occurs that directly impacts the directive or SOP.

B. The Chief of Police shall have the authority to issue, approve and modify all written directives within CMPD, as necessary.

III. DEFINITIONS

A. Directives: Interactive documents governing all CMPD activities and employees.

B. Standard Operating Procedures: Interactive document governing persons under the command of the issuing authority.

C. Coordinator: An individual charged with creating or changing a directive or SOP. Coordinators are generally subject matter experts or have oversight of the functional area covered by a directive or SOP.

D. Summary of Changes: A cover sheet listing the changes, additions and/or deletions in an updated directive.

E. Policy Management Group (PMG): Group designated by the Chief of Police which is responsible for reviewing and approving all directives prior to presentation to the Assistant Chief of Support for review and final approval by the Chief of Police or designee.

F. Signature Sheet: Document designating official record of approval.

IV. PROCEDURE


1. The electronic directive manual will serve as the official repository for all CMPD directives and SOPs and is available on the CMPD Portal. This manual is maintained by the PSD.
2. New directives will be disseminated through the City of Charlotte’s Learning Management System (LMS). Electronic acknowledgment of the receipt and understanding of all newly issued directives will be managed through the LMS. The LMS will maintain a database with electronic signatures and acknowledgments for documentation and tracking purposes.

3. After final approval by the Chief of Police or designee, directives will be posted to the CMPD Portal and the CMPD.org website.

4. After final approval by the appropriate Deputy Chief, an SOP will be placed on the CMPD Portal. SOPs will not be posted to the CMPD.org website.

B. Development or Update of Written Directives and SOPs

1. Directives and SOPs must be developed with the assistance of the PSD to ensure compliance with a general format and accreditation standards. The PSD will furnish the coordinator with the appropriate template or draft that must be used to construct the directive or SOP. The following format will be used to construct all directives and SOPs:
   a. HEADER: containing the policy number, title and effective date.
   b. PURPOSE
   c. POLICY
   d. DEFINITIONS
   e. PROCEDURE
   f. REFERENCES: section citing all sources that may provide additional information to the reader, including CALEA standards.

2. Directives and SOPs will be reviewed every three years or as needed. The PSD assigns directives and SOPs for review to a coordinator who determines if the document is still relevant and if the described procedures reflect current practice. The coordinator is responsible for making any draft revisions as needed.

3. For Directives, the assigned coordinator will have 14 days from the date of assignment to review and submit any draft changes to the directive to the PSD or notify the PSD that no changes are required.

4. The assigned coordinator will be scheduled to present the policy draft to the Policy Management Group at the next scheduled meeting after their 14 day deadline.

5. For SOPs, the assigned coordinator will have 30 days from the date of assignment to review and submit any draft changes to the SOP to the PSD for formatting or notify the PSD that no changes are required.
6. Directives and SOPs which require no changes following the review by the coordinator will have the date of the review added in the document header.
   a. Directives will be forwarded to the Assistant Chief of Support for review and final approval by the Chief of Police or designee.
   b. SOPs will be forwarded to the appropriate Deputy Chief for final approval.

7. The policy and directives officer will track all changes to updated policies in addition to supplying a cover sheet listing all of the changes.
   a. The cover sheet provides a brief review of the changes contained within the document.
   b. The cover sheet will be provided with the appropriate signature sheet for final approval and attached to the document for training.

8. Directives and SOPs that are proposed, new or updated must be reviewed by CMPD’s Accreditation Manager to ensure formatting and compliance with accreditation standards.

9. Approval
   a. Directives
      (1) All proposed directives must be approved by the CMPD Policy Management Group.
      (2) After approval by the PMG, Directives are reviewed and signed by the Deputy Chief of the Administrative Services Group and the Assistant Chief of Support.
      (3) The Directive is then presented to the Chief of Police for final approval and signature.
      (4) Any requests to rescind or remove any directive must be made in writing and reviewed by the Assistant Chief of Support and approved by the Chief of Police or designee.
   b. SOPs
      (1) A signature sheet will be supplied by the PSD.
      (2) Final approval takes place when the signature sheet is signed by the affected Deputy Chief.
      (3) Any requests to rescind or remove any SOP must be made in writing and approved by the appropriate Deputy Chief.
c. All existing directives and SOPs will remain in effect until amended or rescinded. Whenever a new or updated directive or SOP is approved the PSD will purge and replace the directive or SOP. Once purged, the PSD will maintain a historical record of the directive or SOP.

d. Once signed, the original signature sheet must be returned to the PSD where it will be kept on file.

e. No written communication will conflict or supersede any directive without the expressed written authority of the Chief of Police or designee.

V. REFERENCES

800-007 Communications and Reports
CALEA
I. PURPOSE

Establish uniform procedures for asset and inventory management of CMPD Capital and Sensitive Non-Capital Assets.

II. POLICY

The Charlotte-Mecklenburg Police Department will monitor and maintain an accurate inventory of agency held Capital and Sensitive Non-Capital Assets to reduce risk, demonstrate compliance, and support a robust life-cycle replacement plan.

III. DEFINITIONS

A. Asset Management System: The CMPD asset and inventory management software system that monitors and maintains Capital and Sensitive Non-Capital Assets.

B. Audits: Audits are a statistically valid sampling of items that show compliance with Directives and Standard Operating Procedures. Audits will typically be used in areas which lend themselves to quantified numerical analysis such as evidence storage and financial matters.

C. Inventory Control Coordinator (ICC): Division sergeant or above responsible for maintaining an accurate and complete inventory for the Division in the Asset Management System including all additions, deletions, modifications, assignments and/or transfers.

D. Capital Asset: A tangible non-consumable asset that has a useful life of more than one year and has a value of $5,000 or more.

E. Sensitive Non-Capital Asset: A tangible non-consumable asset that has a useful life of more than one year, has a value of less than $5,000 and is critical and/or essential to operations.

F. Staff Inspections: Inspections conducted by personnel who do not have direct supervisory responsibilities of the unit, employees, facilities, or procedures being inspected.

IV. PROCEDURE

A. Designated Assets

1. All CMPD assets listed in the CMPD Asset List (Appendix A) must be entered and maintained in the Asset Management System.

2. Any additional equipment with a value of $5,000 or more not listed in the CMPD Asset List (Appendix A) must also be maintained in the Asset Management System.

3. Body Worn Cameras (BWC) and Tasers are tracked in Axon.

B. Minimum Asset Information
The Asset Management System record for each asset shall include the following:

1. Make/Brand;
2. Model;
3. Category;
4. Location;
5. Assignee (if applicable);
6. Purchase Date;
7. Grant Name (if applicable);
8. Price/Cost;
9. Replacement Date/Life Cycle;
10. Serial number (if applicable).

C. Responsibilities

1. Division Commander
   a. Assign one individual to act as the Inventory Control Coordinator for the Division.
   b. Prior to any change of command, the departing commanding officer shall ensure the inventory in the Asset Management System is complete and accurate. If an asset cannot be accounted for, the Inventory Control Coordinator is responsible for notifying the commanding officer that an item is missing and ensuring that an Inventory Discrepancy Form, located on the CMPD portal, is completed and submitted to the Financial Management Division:

   https://tinyurl.com/Inventory-Discrepancy

   c. The incoming commanding officer shall validate inventory information within thirty (30) business days of arrival. Upon completion, an Inventory Acknowledgement Form, located on the CMPD portal, must be completed and submitted to the Financial Management Division:

   https://tinyurl.com/inventory-acknowledgement

2. Inventory Control Coordinator
   a. Upon receipt of newly acquired assets, the Inventory Control Coordinator shall determine whether the asset should be entered into the Asset Management System. If the asset needs to be entered into the Asset
Management System, the Inventory Control Coordinator shall determine the asset classification (Capital or Sensitive Non-Capital Asset) and enter the asset within three (3) business days.

b. Maintain a complete and accurate inventory of assets.

c. Conduct an annual Sensitive Non-Capital Asset physical inventory to ensure inventory is complete and accurate.

d. If an asset cannot be accounted for, the Inventory Control Coordinator is responsible for notifying the commanding officer that an item is missing and ensuring that an Inventory Discrepancy Form is completed and submitted to the Financial Management Division:

https://tinyurl.com/Inventory-Discrepancy

e. Assist with the completion of the Annual Equipment Inventory for Capital Assets as requested by Financial Management.

3. Financial Management

a. Provide oversight to ensure compliance with this directive by administering the Asset Management System application, including creating, modifying and inactivating user accounts.

b. Facilitate completion of the City's Annual Equipment Inventory for Capital Assets.

c. Routinely audit a sample of Sensitive Non-Capital Assets purchased through the City's Financial System to validate they were accurately recorded in the Asset Management System.

d. Receive Inventory Discrepancy Forms submitted by Divisions. Ensure proper investigation, follow-up and resolution for inventory discrepancies.

e. Receive and maintain Inventory Acknowledgement Forms submitted by Divisions.

f. Identify violations of this Directive and notify the appropriate Chain of Command for violations of this directive.

4. Professional Standards and Training Bureau

Pertinent assets shall be subject to staff inspections. A select sample of assets will be inspected to verify inventory information, location and assignment (if applicable). Additionally, the inspection should determine if the assets are operational and well maintained.
V. REFERENCES

800-011 Inspections and Audits
City of Charlotte Capital Asset Policy MFS 23
## Appendix A

### CMPD Asset List

<table>
<thead>
<tr>
<th>Asset</th>
<th>Responsible Cost Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycles</td>
<td>Patrol Divisions</td>
</tr>
<tr>
<td>Body Armor Vest</td>
<td>Property &amp; Evidence Management Division</td>
</tr>
<tr>
<td>CCTV Camera</td>
<td>Computer Technology</td>
</tr>
<tr>
<td>CMPD Facility Cameras</td>
<td>Computer Technology</td>
</tr>
<tr>
<td>Crime Lab Equipment</td>
<td>Crime Lab Equipment</td>
</tr>
<tr>
<td>Digital Cameras</td>
<td>All Divisions</td>
</tr>
<tr>
<td>Electronic Monitor</td>
<td>Electronic Monitoring</td>
</tr>
<tr>
<td>Department Owned Firearms – Duty Pistol</td>
<td>Property &amp; Evidence Management Division</td>
</tr>
<tr>
<td>Grant Funded Assets (may include computers and laptops)</td>
<td>All Divisions</td>
</tr>
<tr>
<td>Lake Enforcement Equipment</td>
<td>Patrol Divisions</td>
</tr>
<tr>
<td>Mobile License Plate Reader</td>
<td>Fleet</td>
</tr>
<tr>
<td>Stationary License Plate Reader</td>
<td>Computer Technology</td>
</tr>
<tr>
<td>Trailer</td>
<td>Logistics</td>
</tr>
<tr>
<td>Radar/Lidar</td>
<td>Motorcycle &amp; Accident Reconstruction Patrol Divisions</td>
</tr>
<tr>
<td>Radio Portable</td>
<td>Communications</td>
</tr>
<tr>
<td>Ballistic Helmet</td>
<td>Logistics/ Property and Evidence Management Division</td>
</tr>
<tr>
<td>Active Shooter Kit Vest</td>
<td>All Divisions/ Property and Evidence Management</td>
</tr>
<tr>
<td>Shotgun (per Directive 900-010)</td>
<td>Patrol Divisions/Property and Evidence Management</td>
</tr>
<tr>
<td>SWAT/Arson/Bomb Equipment- Firearms, Pistols, 40mm and</td>
<td>SWAT/Arson/Bomb</td>
</tr>
<tr>
<td>Sniper Pistols</td>
<td></td>
</tr>
<tr>
<td>Vehicles &amp; Equipment including: Computer</td>
<td></td>
</tr>
<tr>
<td>DMVR</td>
<td></td>
</tr>
<tr>
<td>Printer</td>
<td></td>
</tr>
<tr>
<td>Router</td>
<td></td>
</tr>
<tr>
<td>ATVs</td>
<td></td>
</tr>
<tr>
<td>Rhinos</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
I. PURPOSE

To establish a procedure for documenting employee work schedules, timekeeping, attendance, and absences and to acknowledge CMPD’s compliance with the City of Charlotte’s pay policy, while ensuring compliance with the Fair Labor Standards Act.

II. POLICY

Due to the nature of law enforcement, duty hours and days vary widely within the Department. Because of this diversity in scheduling, it is essential that an accurate record be kept of each employee’s schedule, work hours and absences.

This Directive sets forth a standardized procedure for accurate recording of schedules and payroll information, including employees’ work time and absences, while allowing for flexibility regarding the compensation of employees with compensatory time or overtime pay within the guidelines of the Fair Labor Standards Act (FLSA) and the City of Charlotte policies.

III. DEFINITIONS

A. Exempt Sworn Employees: Includes the sworn assignment of Staff Sergeant and above. These employees are exempt from overtime under the Fair Labor Standards Act.

B. Exempt Civilian Employees: Certain civilian employees who are exempt from overtime under the Fair Labor Standards Act.

C. Non-Exempt Sworn Employees: Includes police officers and sergeants. Employees in these positions are not exempt from overtime under FLSA for time worked above 171 hours in a 28-day cycle.

D. Non-Exempt Civilian Employees: Includes civilian employees who are not exempt from overtime under FLSA for hours worked above the standard 40 hours in a 7-day pay cycle.

E. Training & Education Time: Time spent in department-approved training or education classes, regardless of whether the employee is in or out of town.

F. Standard Schedule: All Employees are scheduled to work a weekly standard schedule. These standard schedules include:

1. Regular Full time
   a. 40 hours weekly
   b. 41 hours weekly designated as 10-hour shift Roll-Call schedule
   c. 41.25 hours weekly designated as 8-hour shift Roll-Call schedule
   d. 42.50 hours weekly designated as School Resource Officer schedule
2. Part time—regular: Standard half-time schedule of 20 hours, or three-quarter time schedule of 30 hours, as defined by the employee’s position.

3. Temporary: Temporary employees may be full-time (40 hrs) or part-time (20 – 30 hrs). The length of the appointment and work schedule shall be specified by the Human Resources Division upon the start of employment.

F. Compensatory Time:

1. Earned Compensatory: Hours worked, in addition to those required by a fulltime employee’s standard schedule, but not yet paid as overtime or used as time off.

2. Used Compensatory: Hours worked, in addition to those required by a fulltime employee’s standard schedule, but then used as time off.

3. Paid Compensatory: Hours worked, in addition to those required by a fulltime employee’s standard schedule, and then paid out at the end of the employee’s pay cycle. This will be a 7-day or a 28-day cycle, depending on the employee’s position.

G. Reason Codes: Codes used in the system to indicate why a sworn or non-exempt civilian employee’s standard schedule is adjusted. Reason codes also denote when benefit time is used.

1. A Reason Code must be selected anytime a sworn or non-exempt civilian employee’s standard schedule is adjusted. Reason Codes will also be used to denote benefit time for all employees. A list of reason codes can be found in Appendix A.

2. Upon departmental approval, reason codes will be created by Human Resources for special projects and initiatives.

3. A Reason Code should be selected by the person initiating the schedule change. If the change is requested by the employee, the employee is responsible for selecting the appropriate reason code. If the change is initiated by a supervisor, the supervisor must select the appropriate reason code.

H. Immediate Family: Immediate family for the purpose of using sick time is defined as spouse, same sex domestic partner, parent or child who resides either within or outside of the employee’s home, or other immediate family member (brother, sister, grandparent) who resides within the employee’s home. (Note: The list of family members for which an employee may use sick leave may vary from those listed to qualify for leave under the Family Medical Leave Act and the Funeral Leave section of this policy.)

I. Scheduling Administrators: Civilian or sworn employees at the rank of sergeant or above who have been designated as responsible for selecting and building out employee schedules. Each division will have at least one Scheduling Administrator. Divisions with
rotating schedules will have two Scheduling Administrators. Scheduling Administrators will be responsible for building a schedule for each sworn and non-exempt civilian employee in the division.

IV. CITY OF CHARLOTTE’S WEEKLY PAY SCHEDULE

A. All CMPD employees will be paid on the City’s weekly pay schedule, which runs from Saturday through Friday of each week. Paychecks and direct deposits will be effective the following Friday.

B. Non-exempt sworn employees will be paid for their standard hours worked unless they surpass 171 hours in a 28-day-cycle. These employees will be paid an additional .5-time for hours worked in excess of 171 when that threshold is met within the cycle. Straight time for hours worked over 171 will be accrued as compensatory time and paid at the end of the cycle unless that time is used prior to the end of the cycle.

C. Non-exempt civilian employees will be paid all regular hours and applicable overtime in a seven-day cycle.

V. SCHEDULING

A. All sworn and non-exempt civilian employees will be assigned a standard weekly schedule for each pay cycle. Any variances from that schedule must be documented in the system. Civilian exempt employees will be assigned a standard weekly schedule but it is not necessary for it to be recorded in the system in advance.

1. All sworn and non-exempt civilian employees must be scheduled in the system for the current 28 day pay cycle.

2. All changes to sworn and non-exempt civilian employee schedules must be recorded in the system.

3. All leave time usage must be recorded in the system.

4. All accrued overtime must be approved in advance and recorded in the system.

5. Non-exempt employees will not change their own schedule without prior approval from their immediate supervisor.

B. Scheduling and Time Adjustment Responsibilities

1. Sworn Division Commander, Civilian Unit Manager
   a. Each division commander or unit manager will appoint a Schedule Administrator for his/her division or unit. Divisions with a rotating schedule must have two Schedule Administrators.
b. When a Schedule Administrator is promoted or reassigned, the commander/manager is responsible for ensuring a replacement is immediately identified.

c. Division commanders and unit managers will ensure that sworn and non-exempt civilian employee schedules are built a year out and updated quarterly, at a minimum.

2. Schedule Administrator

Schedule Administrators are required to select and build out employee schedules, as directed by their supervisor, for all sworn and non-exempt civilian employees in their division. These schedules must be built a year out and updated quarterly, at a minimum.

3. Supervisor

a. All supervisors must manage all schedule requests that occur during their daily tour of duty.

When an adjustment is necessary on the same day or after an employee’s shift has begun, a supervisor must review and approve (or deny) that request in the system within 24 hours, or prior to the payroll deadline if it occurs first. If the schedule change request is for the use of benefit time, a supervisor must review, approve (or deny) the request before the end of the employee’s scheduled shift.

Examples:

- Employee needs to go home sick; must be approved by end of shift.
- Employee takes late call and works beyond scheduled shift end; must be approved within 24 hours or before the payroll deadline if deadline occurs first.

b. Supervisors of units with employees subject to callback must document schedule requests/changes during their next scheduled tour of duty.

c. All schedule requests are subject to compliance with minimum staffing levels.

d. Supervisors will ensure all training is attended during the employee’s duty hours when possible. In the event training is outside of the employee’s duty hours, the supervisor, when possible, will adjust the employee’s duty hours to accommodate the training schedule.

e. Supervisors must notify Human Resources if an employee’s standard weekly schedule is permanently changed in a way that changes the total
number of standard scheduled hours per week. Only Human Resources employees can make this change in the On-Duty system. Changes can only occur at the beginning of an employee’s pay cycle.

4. Employee
   a. All sworn and non-exempt civilian employees
      (1) Must use the electronic system to request benefit leave time. These requests should be submitted as far in advance as is reasonable. All requests are subject to compliance with minimum staffing levels.
      (2) When an adjustment is necessary on the same day or after an employee’s shift has begun, the employee must also notify a supervisor of the request. A same-day request must be submitted in the system prior to the end of the employee’s tour of duty. If the employee is off-duty and does not have access to the system, the supervisor will enter the change into the system upon request of the employee.
   b. Civilian exempt employees
      (1) Must request benefit leave time from their supervisor as far in advance as is reasonable. All requests are subject to compliance with minimum staffing levels.
      (2) Are not required to have a schedule built into the system and therefore do not have responsibility related to schedule adjustment in the electronic system. These employees must review and, if necessary, adjust their hours in the timesheet section of On Duty.

VI. COMPENSATORY TIME & OVERTIME

A. Compensatory Time/Overtime
   Compensatory time may be used only after it is earned.

B. Court Time
   Court Appearances: Employees will make electronic entries at the Court Liaison Office to document all time spent in court, whether on or off duty. When possible, court attendance should occur during an employee’s standard schedule time. As staffing allows, supervisors may adjust schedules to accommodate court appearances.

C. Papering/Case Review
   Employees will make electronic entries at the District Attorney’s Office to document all time spent reviewing or papering cases. Supervisors will make electronic entries in the
system to track any time spent on trial preparation, if it results in hours worked beyond those scheduled. Unless the employee is assigned to third or fourth shift, papering and case review should occur during an employee's standard schedule time. Employees must have prior approval before papering or reviewing a case outside their standard schedule time.

VII. REPORTING ABSENCES / CATEGORIES OF ABSENCES

An employee’s supervisor must be notified prior to the use of any leave time.

A. Day Off

No information is required to be submitted in the system for regular days off as they will be part of the standard schedule.

B. Vacation Leave

1. Vacation leave is to be coded as “Vacation Leave” in the system.
2. Vacation leave may be taken as earned, subject to the approval of the supervisor.
3. Vacation leave may be taken in quarter hour increments such that: 15 min = 0.25; 30 min = 0.50; 45 min = 0.75. When an entire day is taken as vacation, hours must be used in an 8 or 10-hour block. Employees may not add 15-minute increments to make up for lost roll call or School Resource Officer travel pay.
4. No employee shall take more than twenty consecutive workdays of vacation leave except with the approval of their Chain of Command, to include the Chief of Police.
5. Earned vacation leave cannot be used as a substitution for sick leave unless sick leave has been exhausted.
6. Under normal circumstances employees should use accrued vacation leave prior to requesting unpaid leave.

C. Sick Leave

1. Sick (personal and family) are to be indicated as “Sick Leave” in the system.
2. Leave without pay for any period up to 30 days must be approved by the employee’s chain of command up to the rank of Deputy Chief and coded as Leave without Pay in the system. Leave without pay for more than 30 days must be approved by the Chief of Police.
3. Sick leave shall be accumulated without limit and may be taken in quarter-hour increments (personal and family) such that: 15 min = 0.25; 30 min = 0.50; 45 min = 0.75.
D. Holiday Leave

1. All sworn personnel and non-exempt civilian employees who are required to work shift schedules of twenty-four (24) hours per day, to support seven days a week operation will not receive Holiday Pay. Rather, those employees will accrue eleven (11) additional vacation days per calendar year.

2. All other CMPD employees may receive pay for days officially designated as City Holidays. Eligible employees should only be paid for a City holiday when they have worked their assigned workday schedule before and after the holiday, unless on approved paid leave. There is no accrual for unused holiday leave.

3. A non-exempt civilian employee who is eligible to receive Holiday Pay and works the holiday may receive compensatory time or be paid straight time for the holiday at the discretion of the supervisor.

E. Military Leave:

(See Directive 300-016, Military Leave Policy)

F. Funeral Leave

1. Funeral leave may be taken in whole hour increments of one or more and is to be coded as “Funeral Leave” in the system.

2. For death in the immediate family, up to 40 hours non-accumulative paid funeral leave may be granted in any calendar year. Family is defined as spouse, same sex domestic partner, parent, grandparent, child, brother, sister, comparable in-law relationships, and relationships resulting from a remarriage. Funeral Leave is not cumulative.

3. If the need for funeral leave exceeds forty hours in any calendar year, an employee may take leave without pay, compensatory time, or vacation leave with the supervisor’s approval.

G. Jury Duty/ Court Appearance

1. Absences required for jury duty shall be excused and will be used as the employee’s duty day. This is to be reported as “Jury Duty” in the system.

2. A procedure for court leave for employees required for jury duty who are assigned to work second or third shift and/or a weekend schedule shall be determined by the employee’s supervisor.

3. Employees required to appear in court as a witness in the public interest (when the employee is serving in the capacity of a City representative) may use that time as part of their duty day if court time conflicts with the employee’s normal work schedule, upon permission of the supervisor.
4. Legal matters of a personal nature shall not be reported as Jury Duty. In this instance, employees may be granted vacation leave or leave without pay upon the approval of the supervisor.

H. Training & Education

Time spent in department-approved training or education classes, regardless of whether the employee is in or out of town, should be coded as “Training & Education” in the system. This only includes training and education approved by the supervisor as part of the employee’s employment. It does not include courses approved through the tuition reimbursement program. If a training/education session does not extend beyond an employee’s standard scheduled shift, the employee must return to work or use leave time for the remainder of their duty day. All training and education time, other than online training, should be tracked in the system.

I. School Support Leave

1. School support leave must be designated as “School Support Leave” in the system.

2. Employees participating in parent-teacher conferences, scholastic-related school support activities, and guest lecturing activities may charge up to eight (8) hours per calendar year. School Support Leave is non-cumulative.

3. Employees participating in tutorial programs (parent-child) will be allowed to use up to eight (8) hours per calendar year.

4. School support activities are those associated with assisting in school-related learning programs during designated school days. School Support Leave does not include activities such as attending graduations and after-school social or sporting events.

J. Suspension without pay

Absence due to active disciplinary suspension is to be reported as “Suspension” in the system. This must be entered by the Human Resources Division.

K. Excused Leave Without Pay

1. Unpaid Leave for any period up to 30 days must be approved by the employee’s chain of command up to the rank of Deputy Chief. Leave without pay for more than 30 days must be approved by the Chief of Police.

2. Unpaid leave of more than 30 days must be coordinated with Human Resources to determine pay status.

3. Unpaid leave will be reported as “Leave w/o Pay Approved” in the system.
L. Unexcused Absence Without Leave/ Unexcused Absence
   1. This is to be reported as “AWOL – Absence without leave” in the system.
   2. Employees who are absent from work for two consecutive days without notifying their supervisor are considered to have “resigned without proper notice,” and are therefore not entitled to pay for accumulated vacation leave.

M. Family and Medical Leave
   1. In order to be eligible under the Family and Medical Leave Act (FMLA), an employee must have worked for the City for a minimum of 12 months; and have a minimum of 1,250 hours of service for the employer during the 12-month period immediately preceding the leave.
   2. FMLA entitles eligible employees to take up to 12 weeks in a one-year period for specified family and medical reasons. The 12 weeks can be taken intermittently over a one-year period.
   3. Per the National Defense Authorization Act, an eligible employee may take up to 26 work weeks of leave during a “single 12-month period” to care for a covered service member with a serious injury or illness. Covered service member is defined as a current member of the armed forces, including the National Guard or Reserves, who is also the eligible employee’s spouse, son, daughter, or parent.
   4. The employee must request leave 30 days in advance when the need for leave is foreseeable. Employees on approved FMLA leave will confirm options of leave without pay and/or benefit use with the Human Resources Division prior to taking leave, when foreseeable.
   5. Employees are responsible for contacting the current City of Charlotte vendor regarding their FMLA certification status. Human Resources will manage the time entry process for the employee.

N. Paid Parental Leave
   1. Paid Parental Leave (PPL) allows parents the opportunity to use six weeks of paid leave to bond with their child due to birth, adoption, or foster placement within twelve months of the event.
   2. An employee must be eligible for FMLA to use Paid Parental Leave.
   3. When requesting Paid Parental Leave, the employee must notify his or her supervisor and Human Resources at least 30 days prior to the start date when the need for leave is foreseeable.
   4. An employee must take PPL in week blocks. The employee may take the leave intermittently one week at a time or blocks of weeks or all six weeks at one time.
5. It is the employee’s responsibility to enter time in PeopleSoft when the employee is using PPL intermittently. Employees utilizing PPL in consecutive weeks will have time entered and approved by the CMPD HR Division.

O. Worker’s Compensation

1. City of Charlotte employees are covered by Workers’ Compensation benefits when injured on-the-job. Workers’ Compensation coverage is provided to employees in accordance with the laws of the State of North Carolina.

2. Workers' Compensation wage replacement benefits begin on day eight of an employee’s on-the-job injury absence. An employee may use accumulated sick or vacation leave for days one through seven. If an employee’s injury absence extends beyond 21 days, they will receive Workers' Compensation wage replacement benefits for the initial seven day waiting period.

3. If injury leave continues beyond 7 days, employees may supplement Workers’ Compensation wage replacement benefits with accrued sick or vacation leave.

4. Employees on Workers’ Compensation leave for more than twelve consecutive weeks will have their merit date extended by the total number of full pay weeks that the employee was absent from duty.

5. Merit/salary increases will be delayed providing sufficient time to evaluate the employee’s performance or until such time as the employee returns to his/her regular assigned duties. In either event, the employee shall not receive a merit or salary increase until such time as the supervisor can evaluate a full 52-weeks of performance, whether concurrently or non-concurrently.

6. Entitlement to the leave benefits provided herein shall be contingent upon entitlement to Workers’ Compensation benefits under the laws of the State of North Carolina and City Policy.

VIII. TIME ENTRY

A. All employees (both sworn and civilian) will enter time directly into the system.

B. All employees must review and, if necessary, adjust all time with applicable reason codes in the system before 8 a.m. each Monday, unless there is early processing for the holiday. Benefit time must be declared with a reason code.

C. All hours submitted in the system are to be reported in whole or quarter hour increments such that: 15 min = 0.25; 30 min = 0.50; 45 min = 0.75. Funeral leave is an exception to this rule and must be reported in one-hour increments.

IX. TIME APPROVAL
A. All employees must review and confirm their time in the system before 8 a.m. each Monday, unless there is early processing for a holiday.

B. All hours submitted in the system are to be reported in whole or quarter hour increments such that: 15 min = 0.25; 30 min = 0.50; 45 min = 0.75. Funeral leave is an exception to this rule and must be reported in one-hour increments.

C. Supervisors must verify accuracy of time for each employee under their command daily and require employees to correct issues and ensure time entry is accurate. Supervisors must approve employee time before 9 a.m. each Monday, unless there is early processing for a holiday.

D. The Human Resources Division will notify the employee’s division manager when a trend occurs of repeated incorrect time entry and approval. In addition, the Human Resource Division will notify the supervisor’s chain of command when a trend occurs of schedule adjustments not being acted upon (approved or denied) by the payroll deadline.

E. Schedule Change Requests not approved by a supervisor by the payroll deadline will not be approved or processed by HR.

X. REFERENCES

Personnel Rules and Regulations for the City of Charlotte
Fair Labor Standards Act
300-002 Court Attendance
300-004 Sick Leave
300-005 Worker’s Compensation
300-007 Secondary Employment
300-010 Administrative Leave
300-016 Military Leave
800-004 Public Record Retention
900-013 District Attorney’s Papering Process
CALEA
### Appendix A - Reason Codes

<table>
<thead>
<tr>
<th>Reason Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative</td>
<td>Minimum Staffing</td>
</tr>
<tr>
<td>Administrative (civilian)</td>
<td>Minimum Staffing (civilian)</td>
</tr>
<tr>
<td>Airport Overtime</td>
<td>Civilian COMP used</td>
</tr>
<tr>
<td>Scheduled Day</td>
<td>NULL</td>
</tr>
<tr>
<td>Cadets</td>
<td>OCDEFT ATF</td>
</tr>
<tr>
<td>Call Back</td>
<td>OCDEFT DEA</td>
</tr>
<tr>
<td>Call Back (civilian)</td>
<td>OCDEFT</td>
</tr>
<tr>
<td>Civil Emergency Unit Activation</td>
<td>OCDEFT FBI</td>
</tr>
<tr>
<td>Change Start End Times (no leave)</td>
<td>OCDEFT ICE</td>
</tr>
<tr>
<td>7KU Comp Time</td>
<td>Overtime</td>
</tr>
<tr>
<td>Patrol Crime Fight Initiative</td>
<td>Overtime (civilian)</td>
</tr>
<tr>
<td>Court</td>
<td>Paid Parental Leave</td>
</tr>
<tr>
<td>Court (civilian)</td>
<td>Property &amp; Evidence</td>
</tr>
<tr>
<td>Court Papering</td>
<td>Regular Earnings</td>
</tr>
<tr>
<td>Inauguration Detail</td>
<td>Sick Family</td>
</tr>
<tr>
<td>Emergency\Crisis Management</td>
<td>Sick Personal</td>
</tr>
<tr>
<td>FBI Safe Streets Task Force</td>
<td>School Support Leave</td>
</tr>
<tr>
<td>FMLA Leave w/o Pay</td>
<td>SP1</td>
</tr>
<tr>
<td>Funeral Leave</td>
<td>SP2</td>
</tr>
<tr>
<td>FMLA Sick</td>
<td>SP3</td>
</tr>
<tr>
<td>Fugitive Task Force</td>
<td>Suspension</td>
</tr>
<tr>
<td>FMLA Vacation</td>
<td>Swap Day</td>
</tr>
<tr>
<td>Gang Reduction Initiative</td>
<td>SWAT ACTIVATION</td>
</tr>
<tr>
<td>Government Center Function</td>
<td>Training</td>
</tr>
<tr>
<td>Holiday</td>
<td>Truancy</td>
</tr>
<tr>
<td>JAG</td>
<td>AWOL</td>
</tr>
<tr>
<td>Jury Duty</td>
<td>Vacation Leave</td>
</tr>
<tr>
<td>Late Call</td>
<td>Workman's Comp</td>
</tr>
<tr>
<td>Leave w/o Pay</td>
<td>Weed 'n Seed</td>
</tr>
<tr>
<td>Military Leave Time</td>
<td></td>
</tr>
</tbody>
</table>
I. PURPOSE

To establish a procedure for court attendance, recording court attendance, and compensation for employees attending court.

II. PROCEDURE

A. All personnel required to appear in court, on or off-duty, will log in and out on the computer located in the Court Liaison Office.

1. Police personnel will accurately enter their personnel information into the computer to document their court appearance. No compensation will be made, if this entry is not properly completed. Employees obtaining evidence from the Property and Evidence Management Division will do so before their court appearance, and will notify the Court Liaison Office of any necessary time adjustment.

2. Police personnel will not log in or log out any other employee, under any circumstance, when reporting for court.

3. Any employee appearing before a State of North Carolina District Court, Superior Court, Grand Jury, Juvenile Court or other court located in the Mecklenburg County Courthouse will log in and out on the computer located in the Court Liaison Office in the Mecklenburg County Courthouse.

4. Employees appearing in District Court, Superior Court, Juvenile Court or Grand Jury will not log in more than 15 minutes prior to the specified time on the subpoena.

5. If, during a court appearance, the court is in recess for an extended period of time, and the employee is required to make an appearance in the same court immediately after such a recess, the employee will notify the Court Liaison Office. The Court Liaison Office will decide if the employee is paid through lunch or receives an additional two-hour minimum.

B. Civilian employees who are required to attend court while off-duty will be compensated according to the guidelines of the City of Charlotte Personnel Rules and Regulations.

C. If an employee receives a witness fee or mileage allowance for a court appearance related to performance of law enforcement duties, that fee should be submitted to the CMPD Human Resources Division.

D. Off-Duty employees will be compensated when appearances at Civil Service or other administrative hearings are mandatory. An appearance is mandatory when the officer has received a subpoena or has been ordered to attend by a supervisor.
E. Employees will schedule any offense for which a citation is issued for Administrative Court room 1130. The scheduled date of appearance will be 28 days from the citation’s date of issue. When a conflict exists between the proposed court date, a non-business day (weekend), or a recognized state or national holiday, the citation will be given the date of the following business day from the 28th day from the citation’s date of issue.

F. Police personnel subpoenaed to court are required to attend court. Employees will not go directly to the District Attorney to be excused from any court appearance.

G. Employees will notify the Court Liaison Office of any anticipated absences by completing the Anticipated Absence Form and submitting the form to the Court Liaison Office upon approval of their immediate supervisor. The Anticipated Absence form will be scanned into an e-mail and sent to the Court Liaison supervisor for approval and submission to the District Attorney’s Office. The Anticipated Absence Form will not be submitted less than six weeks before the absence. The employee’s supervisor must sign the Anticipated Absence Form verifying the employee was approved for leave. The District Attorney’s Office will determine whether the employee can be released. The Court Liaison Office will notify the employee by e-mail that the District Attorney’s Office has or has not released the employee during that anticipated absence. An approved anticipated absence form excuses the employee from District Court appearances ONLY. Excusal from Superior Court and Juvenile Court must be approved by the District Attorney’s Liaison Unit or assigned Assistant District Attorney.

H. Employees will avoid scheduling training and vacation leave on their assigned court date. Any conflict an employee has with a court date because of training or vacation must be documented by written memo on the lower portion of the Anticipated Absence form and signed by the employee’s appropriate captain before being forwarded to the Court Liaison Office. The memo, in brief, will explain the reason for the conflict, why the training cannot be rescheduled, or why the vacation notification is less than six week’s notice. All notification must be sent to the Court Liaison’s office before the scheduled court date by email. The Court Liaison Officer will follow the established procedures outlined in this directive. Additionally, any extended sick leave or military leave must utilize the Anticipated Absence Form to communicate with the District Attorney’s office via the Court Liaison office at the first opportunity. All Anticipated Absence forms must have a projected date of return.

I. Employees will notify a supervisor in their assigned area and the Court Liaison Office prior to a scheduled court appearance, if they can not attend court due to sickness or funeral leave. The Court Liaison Office will provide direction in how to be released from that scheduled court appearance.

J. Employees who are on duty and involved in a call for service and anticipate that they will be late for a court appearance must notify their immediate supervisor. The employee must request the telecommunicator contact the Court Liaison Office
advising of the officer's delay in reporting for court. The employee must report for court immediately upon clearing from the call for service.

K. If an employee receives a subpoena that incorrectly lists the employee's assigned district court date, or has incorrectly subpoenaed the employee, the employee will make a copy of the subpoena and send it to the Court Liaison Office with a written explanation of the problem. The Court Liaison Office will attempt to have the court date changed or have the employee excused from that appearance. The employee must honor the subpoena and attend court as directed by the subpoena, unless notified by the Court Liaison Office or the District Attorney's Office. Releases from court appearances will not be granted when an employee has listed an incorrect "Arresting Officer" status code on the arrest worksheet.

L. If an employee must be excused from a subpoena for any reason, the employee must discuss the situation with the employee's immediate supervisor. With the supervisor's approval, the employee must submit a memo to the Court Liaison Office explaining the need to be excused. The Court Liaison Supervisor will seek to have the employee excused by the designated Assistant District Attorney for that court appearance, and will make proper notification to the employee. The employee is required to appear in court unless notified by the Court Liaison Office, or the District Attorney's Office.

III. SUPERIOR COURT AND JUVENILE COURT SUBPOENA PROCEDURE

A. Superior Court and Juvenile Court subpoenas will be generated and served electronically using the "Outlook" e-mailing system. Electronic subpoenas should only be opened using a computer connected to the LAN otherwise a blank screen will appear if opened from the vehicle or home computer. Electronic subpoenas must be acknowledged by the employee by clicking on the "Reply" button. The employee will complete all contact information and will document any conflicts including planned vacation leave, training or other matters in the notes section. *Note- Employees are reminded that completing an Anticipated Absence Form does not excuse the employee from Superior Court or Juvenile Court. The District Attorney Liaison Unit Detective assigned to the case will inform the assigned Assistant District Attorney of any conflicts listed in the notes section. The Assistant District Attorney assigned to prosecute the case will have the final decision to release the employee from Superior Court or Juvenile Court.

B. Superior Court subpoenas are typically issued for trial terms usually lasting a period of one week. Employees will remain on stand-by until called upon by the DA Liaison Unit Detective or assigned Assistant District Attorney. Employees must be available when called upon to testify. If a case begins later in the trial term (i.e. Friday morning), the employee will remain on stand-by until that specific case is concluded.

C. Juvenile Court subpoenas are issued for a specific date and time for the employee to appear and testify. In the event a case begins late in the week, the employee will remain available if the case continues into the following week.
D. Employees appearing for Superior Court or Juvenile Court without having been contacted to testify will not receive court pay.

IV. GRAND JURY SUBPOENA PROCEDURE

A. Each patrol division will have a designated Grand Jury Officer receive Grand Jury subpoenas each week. These subpoenas will be sent using the Outlook e-mail system with a delivery/receipt confirmation attached. The designated Grand Jury Officer is responsible for attending Grand Jury unless he/she has a substitute officer testify on his/her behalf. If a substitute officer is selected to testify, the substitute officer will ensure the Grand Jury Deputy and Court Liaison office is aware of the substitution. The substituting officer must ensure his/her name is written on each bill of indictment prior to testifying before the Grand Jury.

B. Specialized units and investigative units may have a designated Grand Jury Officer assigned to handle Grand Jury each week. The same substitution rules apply in the previous section. In complex cases the officer assigned to a case may choose to testify.

C. The final Grand Jury schedule will be posted on the CMPD Portal page under “Grand Jury Schedule.” This final schedule which includes “add-on” cases will be posted no later than Friday morning before the following Monday’s Grand Jury. The Court Liaison’s Office will be responsible for posting this final Grand Jury Schedule.

V. COMPENSATION FOR COURT APPEARANCE

A. A minimum of two hours pay will be paid to an employee who is required to make an off-duty court appearance.

B. The two-hour minimum does not apply, however, when a court appearance is necessary directly before or after a scheduled tour of duty. When a court appearance is necessary directly before or after a scheduled tour of duty, the employee will be compensated for the actual time spent in court. For example, an employee working 0700-1500 who attends court from 1330-1600 would be paid one-hour straight time in addition to the regular eight hours of pay.

VI. PERSONAL APPEARANCE IN COURT

A. Employees are prohibited from wearing Charlotte-Mecklenburg Police Department uniforms or carrying firearms while appearing in court or entering the courthouse when engaged in personal business unrelated to duties of a law enforcement officer.

B. An employee will not enter the courthouse while in uniform or while carrying firearms when the employee is a defendant or witness in any court proceeding arising from any personal activities, unless authorized by the Chief of Police.
C. Any employee who is requested or subpoenaed to appear and testify by, or on behalf of, a defendant in a criminal case as to matters unrelated to the employee's official duties will notify the District Attorney's Office of the request prior to the court date.

D. Personal activities may include, but are not limited to:
   1. Appearing as a defendant in criminal actions.
   2. Appearing as a party or witness in civilian actions on matters not related to the employee's official capacity (personal lawsuits, restraining orders, etc.).
   3. Appearing as a defendant or witness in domestic violence cases when such appearance does not arise from actions taken as a law enforcement officer.
   4. Appearing as a party in an action in Superior court.
   5. Appearing for jury duty.

VII. OFFICIAL APPEARANCE IN COURT

A. Officers who are on official business (court date, grand jury, etc) and are in uniform, or who are not in uniform but have appropriate photo identification displayed on the outermost garment and CMPD badge displayed will enter through the screening checkpoint, but will be allowed to remain armed.

B. Undercover or plainclothes officers who do not display proper identification will not be allowed to enter the complex while armed.

VIII. COURT LIAISON OFFICER

A. The Court Liaison Office is responsible for assisting the District Attorney's Office with the assignment of employees' court dates, and the distribution of the court assignment roster to all CMPD divisions.

B. Division/Unit commanders are responsible for returning the subpoenas for their respective commands to the Court Liaison Office no later than the next day after service upon the subpoenaed officer.
I. PURPOSE

To establish guidelines for the appropriate use and recording of paid sick leave. To establish that the City of Charlotte and the Charlotte-Mecklenburg Police Department are in compliance with the federal Family Medical Leave Act (FMLA) through City of Charlotte Policy HR9.

II. DEFINITIONS

A. Limited Duty Status: A temporary inability to perform the essential functions of the job.

B. Light Duty: Employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty and has been assigned to a CMPD unit with no loss of salary.

C. Light Duty / Workers' Compensation: Employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty and has been assigned to a CMPD unit with no loss of salary. This status is due to an on the job injury.

D. Administrative Assignment/Leave: Employee who has had their police enforcement authority temporarily suspended pending the resolution of an internal and/or external personnel matter and has been assigned to perform administrative tasks within the agency or has been directed to remain at home. See Directive 300-010 Administrative Leave Policy for additional guidance.

E. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, Badge, ID and access cards, take home cars, keys and fuel cards or any other items as deemed by the CMPD Chain of Command.

F. Extended Sick Leave: An illness or injury requiring the use of more than thirty consecutive sick days.

G. Short Term Sick Leave: An illness or injury requiring the use of thirty or less consecutive sick days.


III. PROCEDURE

A. Notification of Unforeseeable Illness or Injury

An employee needing to use paid sick leave for an unforeseeable illness or injury is responsible for ensuring that the supervisor is informed at least one hour prior to the beginning of the employee's scheduled work shift.

1. Notification will be given to the employee's immediate supervisor each scheduled working day of the employee's absence up to and including the
employee's third consecutive day of absence. The employee must make direct contact with an on duty supervisor in the same unit.

2. When requesting sick leave from a supervisor, an employee is responsible for advising the supervisor of any schools, training, court, or other assignments the employee will miss. The supervisor will notify the appropriate persons of the employee's expected absence.

B. Notification of Foreseeable Illness or Injury

An employee needing to use paid sick leave for a foreseeable illness or injury shall give as much prior notice as possible to the starting date of the leave in writing to their supervisor and to CMPD Human Resources. The prior notice shall not apply to circumstances that indicate the need for immediate medical treatment for the employee or a member of their immediate family in which case the employee will notify their supervisor and Human Resources as soon as possible.

C. Extended Absences

An employee having an illness or injury requiring the use of more than three consecutive sick days must obtain the supervisor's permission to use sick leave without maintaining daily contact with the employee's immediate supervisor.

1. The employee's supervisor will establish the appropriate reporting schedule (weekly contact, monthly contact, etc.) The employee will conform to the division reporting schedule specified by the supervisor.

2. The employee's supervisor will notify his or her chain of command, and CMPD Human Resources if an employee has notified them that they will need be on sick leave for an extended period of time, the division reporting schedule that has been established for that employee, and any change in the employee's condition which comes to the supervisor's attention that might lengthen or shorten the employee's absence. The employee is not required to provide any medical updates or information to their supervisor or division. All medical information or documentation for the employee regarding the absence should be forwarded to Human Resources. No medical information should be kept at the division or in the employee’s division file.

3. Should an employee need to be out on sick leave that qualifies for FMLA they must contact CMPD Human Resources to facilitate FMLA qualification process.

4. An employee who expects to be absent for more than 30 consecutive work days, or has been absent for 30 consecutive work days and does not know when he or she will be able to return to work, will be required by the CMPD to turn in all department-issued equipment (to include ID, access card, and badge at the discretion of the Chain of Command) to the Property and Evidence Management Division until returning to work. If the employee is unable to turn in the department-issued equipment, the supervisor must make
arrangements to retrieve the equipment and turn it into the Property and Evidence Management Division.

5. All extended medical leaves must be reviewed by the Human Resources Division prior to being submitted to the Chief of Police for final approval.

6. Should a department supervisor receive medical documentation of any kind, they should immediately forward this to CMPD Human Resources.

D. Abuse

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

E. No CMPD employee may work off duty at police or non-police related employment on any day the employee is on workers' compensation leave or is on personal sick leave (except for doctor's appointments). After having been absent on workers' compensation leave or personal sick leave (except for doctors' appointments), no employee may work off duty until the employee has reported back to work and worked one regular duty shift.

F. Any employee who is absent from work for two consecutive work days without permission and without reporting that absence to their supervisor on a daily basis is presumed to have resigned from CMPD without proper notice.

G. Returning to Work

1. An employee who is absent from duty due to illness or injury for more than three consecutive work days may be required to obtain medical clearance from a medical doctor approved by the City of Charlotte before returning to work.

2. If a physician is involved, the employee must submit documentation from the physician explaining the need for the absence to the Human Resources Division. This documentation will be retained in the employee's medical file. The Human Resources will forward information related to any restrictions to the employee's supervisor.

3. Human Resources can require the employee to obtain written clearance from the City of Charlotte’s contracted medical facility. Contact with the City of Charlotte’s contracted medical facility will be arranged and coordinated by the Human Resources Division.

IV. REFERENCE

300-001 Scheduling, Timekeeping, and Attendance
300-006 Limited Duty Policy
300-007 Secondary Employment
300-013 Return to Duty
400-001 Uniforms
400-003 Equipment and Grooming Standards
Rule of Conduct # 9 Absence from Duty
City of Charlotte Policy HR9 - Leave of Absence Under the Family-Medical Leave Act
City of Charlotte Policy HR15- Shared Sick Leave
CALEA
I. PURPOSE

To establish guidelines for reporting on the job injuries, discuss civil claims against City employees, and light duty that is subject to Workers’ Compensation.

II. DEFINITIONS

A. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, badge, ID, and access cards, take home cars, keys, fuel cards, or any other items as deemed by the CMPD Chain of Command.

B. Medical Service Provider: Contracted by the City of Charlotte to provide medical care when a City Employee is injured while performing their work related duties.

C. Exposure Incident: Specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

III. PROCEDURE

A. Every employee will immediately report an on the job accident or injury to their supervisor. The supervisor will complete a Supervisor's Investigative Report.

B. An employee injured on the job is to report directly to the contracted medical service provider for referral to a physician, except in cases of serious injury.

C. If an employee receives medical attention for an on the job injury at night, on weekends or holidays, the contracted medical service provider is to be notified at the beginning of the next working day. The employee's supervisor will report injuries, if the employee is unable to.

D. Prior to returning to work, the injured employee will coordinate with Human Resources as required by Directive 300-013 Return to Duty.

E. An employee out of work due to any injury will not work at any secondary employment jobs until returned to full duty.

F. Workers’ Compensation Coverage-Jurisdictional Boundaries: On-duty officers who are injured outside their jurisdictional boundaries are not covered under Workers' Compensation except in the following instances:

1. Pursuit of a fleeing offender.

2. Transporting prisoners.

3. Educational leave, at times when the employee is considered on duty; such as, attending class, etc.

4. While in the performance of assigned duties.
G. Civilian employees are covered by Workers’ Compensation during assigned duty hours and at any time other than regular duty hours when they are requested by the Department to return to duty or to provide services for the City's benefit. Civilian employees may not place themselves on duty or assume duty functions unless authorized by the Department.

H. Sworn officers who take action within the scope of their employment and duty or engage in the good faith performance of their duties will be defended by the City against any civil claim of judgment.

I. Secondary Employment

Officers working secondary employment for a private employer may be covered under the private employer's or the City of Charlotte’s Workers’ Compensation for injuries received in the course of their duties. The injury packet will be submitted to City of Charlotte Risk Management and will be decided on a case by case basis.

J. Responsibility

It is the responsibility of the employee to notify their supervisor immediately or as soon as reasonably possible after receiving a job related injury or exposure.

1. Employee

a. When an employee is injured on the job, regardless of severity, they are to report the injury or exposure to their supervisor immediately.

b. If the injury is life threatening the employee is to seek treatment at the nearest medical facility. If an employee goes to an ER, they must go for a follow up visit at the City’s contracted medical service Provider location the next calendar day or when medically able.

c. If an employee is in need of follow-up treatment, they are to receive a medical treatment referral form from their supervisor and report to one of the designated City’s contracted medical service Provider locations. When the employee is seen by a doctor, he/she will complete the bottom of the Medical Treatment Referral form.

d. The employee will receive a copy of the Activity Status Report after each visit with the medical services provider.

e. All paperwork received during treatment or follow-up should be forwarded to the Human Resources Division in person or via fax. Due to HIPPA, email is not acceptable for medical information. This must be done after every visit.

f. Sworn employees that are anticipated to be on light duty/Worker’s Compensation for a period exceeding 30 days are required to turn in
g. Employees on Workers’ Compensation are prohibited from engaging in police related secondary employment.

h. An employee on Workers’ Compensation will not return to regular duty without meeting the requirements set forth in Directive 300-006 Light Duty Policy.

i. When an employee has been taken out of work by the City’s Medical provider, the employee is required to use their own benefit time during the first seven days of injury. Per city policy, an employee may opt to use accrued sick in lieu of leave without pay.

j. From the 8th day, an employee will receive Workers’ Compensation payments equal to two-thirds gross salary, up to the time limit established by the North Carolina Industrial Commission. Employees may opt to supplement the two-thirds payments with accrued sick leave.

k. After the 21st day, employees will receive Workers’ Compensation payments for the first seven days of injury previously paid using the employee’s benefit time. Employees injured on the job are not eligible to apply for short term disability.

l. If an employee is eligible for Shared Sick Leave, after all sick and vacation leave is exhausted they may apply for 45 days of sick leave through the City of Charlotte’s Shared Sick Leave Program. This benefit is only available if an employee has donated 8 hours of their own sick time to the shared sick bank during annual Open Enrollment. If all leave time is exhausted and the employee is not a part of the Shared Sick Leave Program they must take the remainder of their leave without pay. Employees will be notified that they will be billed monthly by the City for their portion of their benefit premiums.

2. Supervisor

a. The supervisor for both sworn and civilian employees must complete an Internal Affairs Case Management System (IACMS) packet that alerts CMPD Human Resources of an injury or exposure, regardless of severity. The supervisor must also complete the required On the Job Injury Report located on the Intranet to be submitted to Risk Management within 24 hours of the incident/exposure. This report is needed to file a claim with the N.C. Industrial Commission for Workers’ Compensation benefits. If the injury is related to a vehicle accident, a Vehicle Accident Report Form (VARF) must also be completed. This form can also be found on the Risk Management website on the same page as the On the Job Injury Report.
b. The supervisor will contact HR for all updates concerning the injured employee’s work status. At no time should a supervisor ask an employee for their medical information.

c. If an employee is placed on light duty for more than 30 days, the employee’s supervisor will be responsible for ensuring the employee’s sensitive items are collected and turned in to the Property and Evidence Management Division for storage until such time that the employee is released back to full duty.

d. The supervisor will complete the Medical Treatment Referral Form. Be sure to note if the injured employee requires a post-accident drug and/or alcohol test.

3. Human Resources/City’s Workers’ Compensation Provider

a. Human Resources will ensure all time is entered and approved for employees out of work due to on the job injuries.

b. For employees placed on light duty due to a Workers’ Compensation claim, Human Resources will determine an assignment based upon the needs of CMPD as a whole.

c. Human Resources will monitor periods of Workers’ Compensation light duty which generally do not exceed two years. When an employee gets within 120 days of the specified light duty period Human Resources will meet with the employee to discuss next steps concerning employment going forward.

d. The City’s contracted Worker’s Compensation provider will notify the employee of approval or denial of the Workers’ Compensation claim.

4. Physician Responsibilities

a. A physician will perform a complete evaluation of the injured/ill employee and fill out an Injury/Illness Flow sheet.

b. The Injury/Illness Flow sheet will be utilized to create an Activity Status Report.

c. The employee will receive one copy of the Activity Status Report and a copy will be placed on a Medical Service Provider Portal that will generate an email to the designated department personnel. Both the department representative and Risk Management will have access to the Medical Service Provider Portal Activity Status Report.

d. The Activity Status report will show:

(1) Physician seen along with time in and time out;
(2) Work Status;
(3) Specific Restrictions;
(4) Remarks;
(5) Follow up visit information.

e. Every visit will generate an Activity Status sheet to keep all essential parties advised on the progress of the injured employee.

f. Physician will refer employee to a specialist if/when necessary.

IV. DEFENSE AGAINST CLAIMS AND JUDGMENTS

A. An employee who takes action within the scope of their employment and duty or engages in the good faith performance of their duties on behalf of the City will be defended by the City against any civil claim or judgment arising or resulting there from. This also includes the good faith performance of these duties while engaged in secondary employment.

B. The City will not defend a claim or lawsuit or pay a claim or judgement against when an employee willfully:

1. Acts or fails to act because of actual fraud, corruption, or actual malice.

2. Acts or fails to act as a result of or at a time when their self-indulgence substantially impaired the officer's judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or under the influence of drugs while on the job).

3. Acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to instructions from his superior or directly contrary to the advice of the Police Attorney.

4. Acts or fails to act in such manner as to constitute a criminal act.

V. REFERENCES

300-004 Sick Leave Policy
300-006 Light Duty Policy
300-013 Return to Duty
N.C.G.S. 97-22
N.C.G.S. 160A-167
Resolution of City Council, Book 13, page 141
Human Resources Standards and Guidelines, page 21, section 5
I. PURPOSE

To inform employees of the Department's policy and procedure for employees placed on light duty status.

II. POLICY

It is the policy of CMPD to allow an employee who has been placed in a light duty status due to an injury or other temporary medical restriction, to work in a light duty capacity until such time the employee is cleared for regular duties by a medical doctor or expiration of any time limitations for light duty as outlined in this policy.

All light duty assignments are coordinated by the CMPD Human Resources Division. Should a manager receive any documentation from an employee requesting light duty and/or cannot perform the essential functions of their job, that manager should refer the employee immediately to the Human Resources Division for further consideration.

III. DEFINITIONS

A. Light Duty: Employee, because of injury or other temporary medical restriction, has been certified as capable of performing certain types of light duty and has been assigned to a CMPD unit with no loss of salary.

B. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, Badge, ID and access cards, take home cars, keys and fuel cards or any other items as deemed by the CMPD Chain of Command.

IV. PROCEDURE

A. Work Related Injury (subject to workers' compensation) Light Duty

Employees who are injured on the job and who are eligible for Workers' Compensation benefits will be assigned to light duty subject to the following conditions:

1. All requests for light duty should be directed to the Human Resources Division.

2. The employee is temporarily unable to perform the essential functions of the job.

3. A medical doctor, satisfactory to the City, certifies the employee is unable to perform the essential functions of the job, and the expected length of time to recover from the contributing condition; and that there is no risk of contagion or infection to other employees.

4. Light duty will only be offered if there is a position available that meets the employee's restrictions. There is not a guarantee of division, shift, or duties. If CMPD does not have a position available that meets the employee’s restriction, the employee must use benefit time.
5. There is no set limit for duration of worker’s compensation related light duty. There is a limit of 365 days for non-work related light duty.

B. Light Duty Guidelines

1. Each employee will be evaluated on a case by case basis based on medical information to determine the length of time on light duty and accommodation will be at the discretion of the Chief of Police or Human Resources designee.

2. An employee will be required to provide Human Resources with all statements, from a medical doctor satisfactory to the City, regarding the employee’s ability to perform the full range of his or her duties. At the conclusion of authorized light duty, the employee must either return to full duty or utilize other forms of leave.

3. Sworn employees that are anticipated to be on light duty/workers’ compensation for a period exceeding 30 calendar days are required to turn in their CMPD issued firearm, related components and other sensitive items designated by the employee’s Chain of Command while on light duty status. Any exceptions to this requirement must be approved by the Chief of Police or designee.

4. The employee’s first line supervisor is responsible for ensuring all sensitive items are collected and turned in to the Property and Evidence Management Division for storage within 48 hours. There is to be no property stored in the division’s storage. SWAT firearms will be stored with the SWAT sergeant.

5. Employees under this section are prohibited from engaging in police related secondary employment.

6. Acceptance of non-worker’s compensation light duty will be voluntary on the part of the employee involved. Available leave may be used if the employee so desires, subject to City and Department regulations.

7. All requests for light duty assignments will be forwarded to and coordinated by the Human Resources Division. An employee will not be assigned to light duty until written approval has been received from the employee's personal physician. The final decision will be made by the Human Resources Division.

8. All light duty assignments will be coordinated by the Human Resources Division in consultation with the employee’s Chain of Command. The light duty assignment will take into consideration the needs of the organization and not solely the division where the employee is assigned.

9. While on light duty, employees will wear civilian, business casual clothing which is professional in appearance and adheres to directive 400-001 Uniform and Grooming Standards Policy.

C. Return from Light Duty

1. Return from Work Related Injury (subject to workers’ compensation) Light Duty
An employee on work related injury light duty will not return to regular duty without first receiving written clearance from the City's designated physician. Upon receiving clearance, the employee must notify the Human Resources Division and provide a copy of the written clearance.

2. Return from (not subject to workers' compensation) Light Duty

An employee on non-work related injury light duty will not return to regular duty without first receiving written clearance from their treating physician. Upon receiving clearance, the employee must notify the Human Resources Division and provide a copy of the written clearance.

3. Employees will adhere to the following when returning from either type of light duty:

   a. Human Resources will notify the employee’s Chain of Command and the Training Academy staff that the employee has been released by the physician to return to full duty status.

   b. Employees returning from light duty are required to shoot at the Academy to demonstrate proficiency with firearms and to complete all missed state mandated training before returning to full duty.

   c. Supervisors will not allow an employee to return to regular duty until the employee has been released by the Human Resources Division.

V. REFERENCES

300-001 Scheduling, Timekeeping and Attendance
300-004 Sick Leave Policy
300-005 Workers Compensation & Defense Against Claims & Judgments
300-007 Secondary Employment
300-013 Return to Duty
300-021 Fitness for Duty
400-001 Uniform and Grooming Standards
Fair Labor Standards Act
Pregnancy Discrimination Act
Americans with Disabilities Act
Family Medical Leave Act
City Policy HR 23
I. PURPOSE

To provide guidelines for sworn and civilian employees regarding the types of secondary employment which are appropriate, and establish procedures to maintain accountability for any Charlotte-Mecklenburg Police Department (CMPD) employees engaged in secondary employment.

II. POLICY

Standard of conduct while engaged in Secondary Employment

A. Sworn and civilian employees engaged in secondary employment will conform to all laws and Departmental policies when working a secondary employment assignment.

B. Sworn employees engaged in secondary employment will take appropriate action to enforce the law and preserve public safety.

C. Sworn employees engaged in secondary employment will not act to enforce the rules and regulations of an employer, which are not otherwise violations of the law.

D. Sworn and civilian employees engaged in employment outside of CMPD have a duty to report those activities to the Secondary Employment Unit for review, accountability, and approval on behalf of the Chief of Police.

III. DEFINITIONS

A. Secondary Employment: The provision of a service by Department employees for an employer other than CMPD in exchange for a fee or other services. Secondary Employment is a privilege extended to the employee by the Chief of Police, and the ability to work Secondary Employment rests solely at the discretion of the Chief of Police or designee. The Secondary Employment Unit will maintain full discretionary authority over all secondary employment matters on behalf of the Chief of Police.

B. Law Enforcement Secondary Employment: The provision of a service conditioned on the actual or potential use of law enforcement authority by a sworn employee outside the normal CMPD duty hours of an employee for an employer in exchange for a fee or other service; secondary employment shall always remain ‘secondary’ to an employee’s on-duty job responsibilities, and shall not in any way infringe upon an employee’s on-duty job performance. By definition, secondary employment will always occur within the jurisdiction of the department. Secondary employment also includes unpaid volunteer or charitable work when the sworn employee is in uniform or presents themselves as a member of CMPD.

C. Non-Law Enforcement Secondary Employment: Any secondary employment that does not require the actual or potential use of law enforcement authority by a department employee, sworn or civilian. This includes teaching, contracting, sales jobs, and personally-owned businesses (Note: this is not an all-inclusive list of examples). All employees are prohibited in engaging in any Outside Employment that would reflect
unfavorably upon the employee, impair the operational efficiency of the Department, or adversely affect the Department.

D. Extra duty: Assignments outside of a sworn employee’s normal CMPD work hours performed on behalf of the City in furtherance of special law enforcement projects or initiatives, such as JAG Grant work, are not considered Secondary Employment. Extra duty assignments at Special Events and Special Event venues designated for payment as “SP” time are considered Secondary Employment.

E. Probationary Period: The probationary period for sworn employees begins on the date the employee is sworn as a CMPD officer and ends one year from that date. The probationary period for civilian employees is six months from the date of hire.

F. Work Permit: Permit required by sworn employees to engage in secondary employment.

G. Restricted Secondary Employment: Employment that by its nature requires more stringent guidelines than other secondary employment. Restricted Secondary Employment generally requires the sworn employee to complete and sign an addendum attached to this policy. All completed and signed addendums will be forwarded to and maintained by the Secondary Employment Unit.

H. Apartment Courtesy Officer: Employment of a sworn employee by an apartment or residential community for the provision of on-site criminal law enforcement in exchange for pay, housing, reduction in rent or other benefits. Sworn employees must submit a Courtesy Officer application prior to accepting any Courtesy Officer position. Apartments or residential communities shall submit an Authority to Act As Agent (ATAAA) form to authorize courtesy officers to enforce trespass laws during times that common areas are closed.

I. High Profile Venue: Any location, establishment or event that due to its unique importance within the City’s Infrastructure will require the command and/or coordination of a member of Command Staff (Captain or above), referred to as the Venue Commander, regardless of staffing levels. The determination as to whether a location or event is considered a High-Profile Venue rests with the Chief of Police, as does the determination of the sworn member of Command Staff that holds this position. Staffing for these venues will in turn be established by the Venue Commander.

J. Venue Commander: The sworn member of Command Staff, holding the rank of Captain or above, responsible for the management of a High-Profile Venue. The appointment of a Venue Commander is made by the Chief of Police. Any exceptions to this policy will be determined by the Chief of Police.

K. Secondary Employment Commander: The sworn member of command staff, holding the rank of Captain, who manages the Secondary Employment Unit. The Secondary Employment Commander maintains full discretionary authority over secondary employment matters on behalf of the Chief of Police, subject to the concurrence of the Secondary Employment Chain of Command.
L. Secondary Employment Sergeant: The sworn employee who investigates and either approves or denies all requests for secondary employment, maintains all documentation concerning secondary employment, and makes secondary employment opportunities available to sworn employees on an equitable basis. The Secondary Employment Sergeant is responsible for supervising the Secondary Employment Unit and for performing investigations of any rule violation solely of the Secondary Employment policy, and subsequently imposing consistent and fair corrective action upon the disposition for rule and policy violations solely of the Secondary Employment Policy.

M. Job Site Coordinator: Any full time sworn employee who schedules, manages, and coordinates other sworn employees working a specific secondary employment site, making secondary employment opportunities available to sworn employees on an equitable basis.

N. Secondary Employment System: The computer system where secondary employment jobs are posted, sworn employees’ secondary employment history and status are stored and maintained, and where secondary employment employer’s information is stored.

O. Alcohol Establishment: Any business that sells alcoholic beverages for on-site consumption as a regular and primary part of their business. The final determination of whether a business is operating as an alcohol establishment for purposes of this policy rests with the Secondary Employment Commander, and should be based primarily upon the percentage of food being sold versus alcohol. The Secondary Employment Commander will make this determination in consultation with the Commander of the ABC Unit.

P. Personal Protection Secondary Employment: When a person enlists a sworn member of CMPD to accompany them during their daily activities for purposes of personal security. Personal Protection secondary employment is prohibited. Protection of property associated with a person is not considered Personal Protection for purposes of this policy.

IV. EMPLOYEE SECONDARY EMPLOYMENT PERMITS

A. Probationary officers may apply for a work permit, through their chain of command, once they have completed the Department’s Police Training Officer (PTO) program. Probationary Officers may work traffic or security secondary employment jobs, but will not work at any alcohol establishment or plain-clothes assignment. Sworn employees who are hired as a lateral transfer from another law enforcement agency are considered to be non-probationary for purposes of this policy once they complete the Department’s PTO program. The Chief of Police or designee may assign personnel to work certain events regardless of work permit status.

B. No sworn employee will work at a secondary employment job without an approved work permit. A sworn employee may have his/her work permit suspended for cause at any time at the discretion of the Chief of Police or designee, the Secondary Employment
Commander for Secondary Employment matters or the employee's Chain of Command for work performance issues. A sworn employee may appeal the permit suspension to his/her Deputy Chief; however, the employee should consider their permit to be suspended until such time as the Deputy Chief decides otherwise.

C. Sworn employees must submit a completed Work Permit Form through their Chain of Command to the level of Major. Once the permit has been approved by the sworn employee’s chain of command, a copy of the approved work permit will be forwarded to the secondary employment unit to be maintained in a file.

D. Probationary officers are required to work the following events where an on-duty pull is required: New Year’s Eve, July 4th, Martin Luther King (MLK) Parade, Thanksgiving Day Parade along with 7 events at BOA stadium, Speed Street, Taste of Charlotte, Novant Marathon, and any other event determined by the Chief of Police or his designee.

V. PROHIBITED SECONDARY EMPLOYMENT

A. Employees are prohibited from engaging in any secondary or outside employment that would reflect unfavorably upon the Department or the employee, impair the operational efficiency of the Department, or adversely affect the Department.

B. Sworn employees are specifically prohibited from engaging in the following secondary employment:

1. Employment that presents a real, potential, or apparent conflict of interest between the sworn employee's duties as a Department employee and their duties for the secondary employer. Employees may refer to the City of Charlotte’s Conflict of Interest Policy: [HR13](#).

2. Employment inside alcohol establishments is prohibited. For the purposes of this Directive, events such as festivals, sporting events, and concerts will not be considered alcohol establishments.

3. Employment at establishments which sell merchandise of a sexual or pornographic nature as their primary source of revenue or that otherwise provides entertainment or services of a sexual nature; employment at topless bars, X-rated video or bookstores or adult entertainment establishments.

4. Employment as a process server, bail bondsman, property re-possessor, bill collector, towing vehicles, or any other employment in which police authority might tend to be used to collect money or merchandise for private or commercial purposes.

5. Any employment for private security companies, company police, or any business that provides private investigations or background checks.

6. Protection of management, employees, or property during a strike or labor dispute.
7. Employment solicited in direct competition with private security firms.

8. Personal Protection or “Bodyguard” secondary employment.

C. Sworn and civilian employees are specifically prohibited from engaging in the following secondary employment:

Any programs and services provided through contract work or private business ownership that presents a conflict of interest with CMPD, or any of its programs and services is prohibited. All employees are subject to the City of Charlotte Conflict of Interest policy.

D. Soliciting any secondary employment from any person is prohibited. All requests for employment will be referred to the Secondary Employment Unit.

E. Civilian employees are not permitted to use their position with CMPD to perform any secondary employment, unless approved by the Secondary Employment Commander.

VI. RESTRICTED EMPLOYMENT

A. Courtesy Officer Positions

1. Sworn employees are permitted to hold apartment Courtesy Officer positions consistent with other Department regulations.

2. Sworn employees requesting to engage in a Courtesy Officer Position must obtain and complete aCourtesy Officer Application Packet obtained in the Secondary Employment Office.

3. The apartment or residential community must submit an ATAAA form in order to authorize courtesy officers to enforce trespass laws during times that common areas are closed.

4. Officers may not act to enforce any rule, regulation or policy of the apartment or residential community that are not otherwise violations of the law.

5. Sworn employees must notify the Secondary Employment office when the Courtesy Officer Position ends and/or before moving to another Courtesy Officer Position.

B. Sworn employees are permitted to engage in traffic control and direction in the public streets subject to the restrictions outlined in the “Rules Governing Off-Duty Traffic Control on Public Streets” section, at the end of this directive.

C. Sworn employees may be permitted to work the exterior of alcohol establishments subject to the restrictions outlined in the “Rules Governing Alcohol Establishments” section, at the end of this directive.
D. Sworn employees may be permitted to engage in neighborhood or apartment patrols subject to the restrictions outlined in the “Rules Governing Neighborhood and/or Apartment Complex Patrols” section, at the end of this directive.

E. Majors, Captains and Lieutenants will not work a recurring secondary employment job during regular business hours (Monday–Friday 0800-1600) unless they are assigned to Operations Command. This does not preclude Command personnel from working a short term secondary employment job with prior approval through the rank of Deputy Chief.

1. Recurring job: a job that occurs at a specific time and day that is repeated daily, weekly or monthly.

2. When closing the job Command Personnel must document the Deputy Chief’s name, and date of approval in the Job Notes.

F. Secondary employment that requires the use of specialized equipment received by a sworn or civilian employee through the Department and/or specialized training, to include performing training or teaching in all areas of law enforcement. These subjects may include but are not limited to: police driving, police firearms, police defensive tactics, personal safety, community relations, and legal training and must be approved as follows:

1. Sworn and civilian employees using specialized equipment must obtain approval in writing through the level of Deputy Chief from the Chain of Command assigned the equipment as well as the Secondary Employment Commander.

2. Sworn and civilian employees performing training and/or teaching in all areas of law enforcement must obtain approval in writing through the level of Deputy Chief from the Training Academy Chain of Command as well as the Secondary Employment Commander. When requested by the Training Academy Chain of Command, the employee shall provide to the Training Academy Commander copies in writing of any lesson plans and instructor materials prior to approval. Copies of lesson plans and instructor materials will be maintained on file by the Training Academy Commander. Any training and/or teaching by any sworn or civilian employee for secondary employment purposes in the areas of police driving, police firearms, police defensive tactics, personal safety, community relations and legal training whether performed inside or outside of the jurisdiction, will always be considered secondary employment subject to all the secondary employment rules specified in this policy.

3. Instructor materials must be resubmitted every two years or upon request from the Training Academy Commander or Secondary Employment Commander.

G. All sworn and civilian employees engaged in non-law enforcement secondary employment must notify the Secondary Employment Unit by completing the electronic form:
https://charlottenc.seamlessdocs.com/w/Non_LESecEmploy

Notification must be made to the Secondary Employment Unit, or upon a status change, completion, or termination of the non-law enforcement secondary employment. Non-law enforcement secondary employment information must be updated every two years. Failure to comply with this request will be addressed by the individual’s Chain of Command.

H. Sworn employees are permitted to engage in “plainclothes” secondary employment but must have prior approval from the Secondary Employment Commander. These assignments are required to be entered into the Secondary Employment system as “plainclothes” to distinguish the restrictive nature of this employment.

VII. SUPERVISION OF SECONDARY EMPLOYMENT

A. A sworn employee of any rank may work any approved secondary employment job staffed by less than five (5) officers.

B. Any secondary employment job calling for five to ten (5-10) officers will require one (1) supervisor. The affected Division Commander, Operations Command for last minute jobs, or the Secondary Employment Commander may waive this supervisory requirement based upon a variety of factors, to include, but not limited to, the presence/absence of duty supervision, estimated attendance, the sale/or consumption of alcoholic beverages on the premises, previous history, site layout, traffic and/or parking issues, and general crime trends in the vicinity.

<table>
<thead>
<tr>
<th># of Officers</th>
<th>Supervisor</th>
<th>Second Level Supervisor</th>
<th>Third Level Supervisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>5-10</td>
<td>1 Supervisor of any rank: sergeant, lieutenant, captain, or major</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>11-20</td>
<td>2 Supervisors: any combination of sergeant, lieutenant, captain, or major</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21-29</td>
<td>2 Supervisors: Any combination of sergeants and lieutenants</td>
<td>1 lieutenant, captain or major</td>
<td></td>
</tr>
<tr>
<td>30-39</td>
<td>3 Supervisors: Any combination of sergeants and lieutenants</td>
<td>1 lieutenant, captain or major</td>
<td></td>
</tr>
<tr>
<td>40-49</td>
<td>4 Supervisors: Any combination of sergeants or lieutenants</td>
<td>2 lieutenants or captains</td>
<td>1 captain or major</td>
</tr>
<tr>
<td>50+</td>
<td>Staffing levels determined by secondary employment or special events</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Supervisory Requirement Chart
Interactive Directives Guide

Secondary Employment

Effective Date: 06/27/2019

*No supervisor will be allowed to work a secondary employment job where they are supervised by an employee of lower rank.*

1. Secondary Employment supervisors will be responsible for the supervision of officers working a secondary employment job. Supervisors will ensure that sworn employees working secondary employment comply with all applicable CMPD policies and the law.

2. Secondary Employment supervisors will assist on-duty supervisors in the preparation of any supervisor reports necessitated by secondary employment officers' actions. Supervisors working secondary employment in a non-supervisory capacity will assist on-duty supervisors with any report preparation as needed.

3. No supervisor will be allowed to work a secondary employment job where they are supervised by an employee of a lower rank.

4. The 911 Communications Division will be notified of the location and hours of each secondary employment job.
   a. At the beginning of a secondary employment job, sworn employees will advise, over the radio with a dispatcher for the patrol division in which the job occurs of the officer's name, code number, location, and hours of employment. The dispatcher shall then be responsible for entering the off-duty officer into CAD with his/her location, and to then transfer the off-duty officer to the appropriate Division based on the location.
   b. Sworn employees will also notify the dispatcher at the conclusion of the job.
   c. For major secondary employment jobs, the event commander/supervisor or the job coordinator will provide the Communications Supervisor with a job roster. The submission of the job roster to Communications will satisfy this requirement for major secondary employment jobs. The dispatcher shall create a CAD event for the major secondary employment job.

C. Any secondary employment job requiring staffing levels that exceed more than four (4) officers will require notification to the Secondary Employment Unit for a determination of appropriate staffing levels. This includes jobs with regular job site coordinators.

D. Any secondary employment job may be required to have an operational plan depending on the size or type of event, at the discretion of the Chief of Police or designee, or the Secondary Employment Commander. The supervisor in charge of the job is responsible for completing the plan and submitting it to both the division captain where the job is located and the Secondary Employment Unit prior to the job. Operational plans shall include the traffic plan for the job.
E. All secondary employment jobs with 21 or more officers and requiring at least a second level supervisor and it is anticipated that the division’s communications will be adversely impacted may be required to hire a CMPD Communications Telecommunicator or Communications Supervisor. The Secondary Employment Commander will review these jobs and make the final determination if a Telecommunicator is required.

VIII. COMPENSATION FOR LAW ENFORCEMENT SECONDARY EMPLOYMENT

A. Sworn employees working Law Enforcement Secondary Employment jobs will be compensated at an hourly rate of pay established by the Department commensurate with current market trends. Employees may not work for a rate of pay less than the established minimum rate of pay. The minimum compensation for any job will be three hours pay at the given rate with the exception of certain traffic jobs which require traffic control for short periods of time. The three-hour rate of pay for those jobs deemed to be too short in duration as to require the three-hour minimum may be waived by the Secondary Employment Commander and an exception to the hourly requirement may be permitted.

B. Sergeants or command personnel working as a supervisor will be compensated at the minimum supervisor rate unless they are working as a second level or third level supervisor as necessitated by staffing requirements. Command personnel assigned to work as a second level or third level supervisor will be compensated at the corresponding rate they are assigned as required by staffing. These rates will be evaluated annually. Sergeants or command personnel working as an unspecified Supervisor will be paid the minimum supervisor rate. The Supervisor rate of pay will also be evaluated annually. Sergeants or command personnel working secondary employment, but not designated as supervisors for the job, are paid at the same rate as police officers. The police officer rate of pay will be evaluated annually.

C. Rates of pay and fees for equipment for secondary employment will be established by the Chief of Police or designee.

D. Sworn employees requesting payment from any employer must only seek compensation for those hours actually worked, unless an agreement has been reached between the employee and the employer. Sworn employees will not receive compensation or attempt to receive compensation from any other employee of the Department. Sworn employees who arrange for the secondary employment of another officer will not charge a fee from that employee or attempt to obtain any portion of that employee’s designated pay for this service.

E. A sworn employee may accept offered benefits from an employer if those benefits are offered to all employees of that employer.

F. Neither CMPD nor the City of Charlotte can be held responsible for any employer’s failure to pay for secondary employment work by a sworn employee.
G. For workers’ compensation issues employees should consult directive 300-005 Workers Compensation and Defense Against Claims and Judgments, section III. Letter I.

H. Employees are prohibited from negotiating rates of pay with an employer; any pay for any job that exceeds the established minimum rate of pay must be arranged through an agreement between the Secondary Employment Sergeant and the employer.

IX. JOB SITE COORDINATORS FOR LAW ENFORCEMENT SECONDARY EMPLOYMENT

A. The job site coordinator will be responsible for the following duties:

1. Maintaining an accurate updated schedule in the system.
2. Keeping the roster of officers for the job updated in the system.
3. Serving as a liaison between the officers and employer.
4. Updating employer information in the system.
5. Ensuring staffing for the jobs/shifts.
6. Establishing the pool of officers that work the job and ensure staffing is done on an equitable basis. The officers working in a job pool and the rationale for their selection shall be subject to the approval of the Secondary Employment Sergeant.
7. Ensuring that the Department’s Secondary Employment Agreement and Application are completed every two years by the employer for every job coordinated.
8. Any other reasonable duties assigned by the Secondary Employment Sergeant.

B. The job site coordinator is not the supervisor of sworn employees being scheduled, but can serve in that capacity if they are of appropriate rank. The job site coordinator shall not negotiate rates of pay with an employer.

C. Job site coordinators desiring to dismiss an officer from a job for cause will forward the reasons for the dismissal to the Secondary Employment Unit in writing prior to taking any action. The officer may appeal the decision to the Secondary Employment Commander, whose decision is final.

D. Sworn employee’s request to become job site coordinators will be approved by the Secondary Employment Sergeant after consulting the officer’s division captain. An employee who expresses interest in becoming the job coordinator for an employer must have demonstrated a familiarity with the job assignment by working for the employer at that job site or a different site operated by the same employer. An employer may still make a request for a specific officer to coordinate their job assignments.
E. Job site coordinators may coordinate for up to five (5) active employers with a combined maximum of four hundred (400) monthly scheduled hours. If a single employer is routinely scheduled for more than four hundred (400) hours a month then that will be the only employer a job site coordinator may coordinate. A branch or single location for a large employer is considered one employer.

F. Job site coordinators may be paid up to three (3) hours pay per week, for administrative time related to job coordination. Job site coordinators must enter this administrative time in the secondary employment system on a weekly or monthly basis. The job type must be listed as (Coord Admin Time) when the jobs are created.

G. Any deviation from the standard secondary employment rate must be approved by the Secondary Employment Sergeant.

H. Job site coordinators must work any job they coordinate at least once a month while the job is active.

I. Job site coordinators will not maintain any sensitive personal information on any employee working for the coordinator.

J. School resource officers will serve as the job site coordinator for any jobs at their school. The School Resource Sergeant shall have primary responsibility for ensuring compliance with this policy regarding the job site coordinator responsibilities for school resource officers, however, the Division Commander of the officer shares in this responsibility.

K. Police Hire Backs are not permitted to serve as job site coordinators or work as Courtesy Officers unless they receive written approval from the Secondary Employment Commander.

L. Job Site Coordinators can be removed at the discretion of the Secondary Employment Commander.

X. APPROVAL OF LAW ENFORCEMENT SECONDARY EMPLOYERS

A. No Law Enforcement Secondary Employment is permitted until the employer and the type of employment is approved.

B. All requests for secondary employment of a sworn employee must be vetted by the Secondary Employment Unit. Employees shall not solicit nor negotiate for new secondary employment. Sworn employees may submit a Request for Approval of Secondary Employment form on behalf of an employer, to the Secondary Employment Unit; however, this does not guarantee that the sworn employee presenting this request will be employed by the employer.

C. The Secondary Employment Unit will determine which jobs are considered “ongoing jobs” which are described as jobs that are occurring for longer than 30 days and should be assigned a job coordinator. “Short term jobs” are jobs that are temporary in nature...
occurring for less than 30 days and would not require a job coordinator. An employer may request that a particular sworn full-time employee be the job coordinator. Such requests will be taken into consideration, but will not be binding. Certain employers may be required to be coordinated by a supervisor or member of command staff based on the size or nature of the jobs requested by that employer.

D. In the absence of the Secondary Employment Sergeant, approval for a short-term job may be given by Operations Command.

E. No job will be considered approved unless the Division in which the specific job is located is noted in the proper field within the Secondary Employment System. It will be the responsibility of the person entering the job to ensure that the proper Patrol Division is delineated without exception.

F. It is the responsibility of the Secondary Employment Unit to renew all Secondary Employment Agreements and Applications every two years or when there is a change in the pay rate. In instances where the job has a job site coordinator, it is the responsibility of the job site coordinator to ensure the Agreement and Application is renewed every two years. The purpose of the renewal will be to maintain accurate contact information for each employer. Once the renewal is received, it will further be the responsibility of the Secondary Employment Unit to ensure all Employer information is continually updated within the Secondary Employment System. Failure on the part of the Employer to respond in a timely manner with the renewed application and agreement or to fail to respond completely and accurately will result in the suspension of the Employer’s ability to hire CMPD officers; failure on the part of the job site coordinator in ensuring the Employer responds in a timely manner with the renewed application and agreement or failure to provide complete and accurate information will result in the removal of the sworn employee as the job site coordinator and/or the suspension of the Employer’s ability to hire CMPD officers.

XI. WORK HOURS AND RECORD-KEEPING

A. All Law Enforcement Secondary Employment jobs must be entered and assigned to a sworn employee in the Secondary Employment System at least twenty-four hours (24) before the job begins. Only the Secondary Employment Unit can enter and/or assign jobs less than twenty-four (24) hours before the job begins, with the exception of one-time jobs entered by Operations Command in exigent situations.

B. A sworn employee may work sixteen (16) hours of secondary employment on a non-duty day, and sixteen (16) hours daily of combined secondary employment and actual duty hours to include city approved overtime, court time or training time outside of the employee’s duty hours. No sworn employee shall exceed a total of eighty (80) accumulated hours per week in any combination of actual duty hours, city approved overtime, court time or training time outside of the employee’s duty hours, and secondary employment hours.

1. A day is considered to start at 0000 hours and end at 2359 hours.
2. A week begins at 0000 hours on Saturday and ends at 2359 hours on Friday.

3. During each day, the sworn employee must have a minimum of six (6) consecutive hours in which the employee is not working on-duty or engaging in secondary employment.

4. Any exception to the hourly maximum requirements may be granted by the sworn employee’s Division Commander subject to the concurrence of the Secondary Employment Commander, or the Secondary Employment Commander in instances affecting the Department as a whole. All department wide exceptions must state which event, venue or time frame the exception applies. A department wide exception does not constitute permission for an employee to violate this Directive by working excessive hours at jobs not tied specifically to the exception. Any exception granted will be done in writing, and it will be the responsibility of the affected employee to denote that an exception has been granted in the job comments section when the employee closes out the job. Unforeseen circumstances may present themselves while an employee is working a secondary employment job that may necessitate an increase in time of the employee’s secondary employment shift. In these instances, Operations Command should be notified by the employee or the supervisor of a major secondary employment job and the circumstances causing the increase in time to the job shall be detailed in the comments section when closing out the job.

5. An employee shall not work any secondary employment job if they are not showing scheduled in the secondary employment system by the time the job is scheduled to begin. It is incumbent on all employees working secondary employment to ensure they are in fact showing as scheduled in the secondary employment system prior to working any job; if an employee is not showing as scheduled in the secondary employment system prior to the time the job is scheduled to begin, the employee shall NOT work the job. In instances where exigencies exist that make it necessary for an employee to find a last-minute substitute for a job in lieu of leaving the job unfilled and the substitute is therefore not scheduled, the Secondary Employment Commander should be contacted immediately.

6. Any changes made to the secondary employment system after the time a job is scheduled to begin shall only be made by the Secondary Employment Sergeant.

7. In circumstances whereby off-duty officers may be activated to an on-duty status, any conflicts between on and off-duty pay will be resolved by the Secondary Employment Commander.

C. Closing Jobs

Sworn employees working secondary employment jobs must close the job in the secondary employment system by accurately indicating the total hours and minutes that
they worked within five (5) days of completing each job. On-duty job assignments entered into the secondary employment system, must also be closed by the employee within five (5) days of completing the job and the employee’s actual work hours listed.

1. Any significant circumstances or events occurring while working the secondary employment job must be entered as notes in the comments section.

2. If a vehicle was used at a job, the vehicle number must be entered in the narrative when the job is closed.

D. Sick Leave

1. Sworn employees will not work Law Enforcement Secondary Employment while on personal sick leave, sick family leave, funeral leave, workers compensation leave, limited or restricted duty, or while on special assignment due to physical reasons. Sworn employees on personal or family sick leave must return to regular duty status and work one regular duty shift or receive permission from the Secondary Employment Commander. Any sworn employee who calls in Sick Personal or Sick Family to Court or Training will not be eligible to work Secondary Employment until they return to regular duty status and work one regular duty shift.

2. Sworn employees may continue to serve as job site coordinators while on limited or restricted duty, but may not be financially compensated for job site coordination while on limited or restricted duty.

3. An employee on approved non-personal FMLA or paid Parental Leave may be allowed to work Secondary Employment jobs without returning to regular duty status, but only after obtaining written approval of the Secondary Employment Commander and the Chain of Command in conjunction with Human Resources.

E. Sworn employees are prohibited from engaging in Law Enforcement Secondary Employment while on suspension or administrative assignment.

F. Sworn employees are prohibited from performing work for any secondary employer or for self-employment during on-duty hours and traveling time which must be accounted for. Traveling time will be AT MINIMUM fifteen (15) minutes between actual duty hours and any secondary employment or between any secondary employment and another secondary employment job provided that the secondary employment is not at the same physical location. The actual distance between both locations should be considered, and the traveling time calculated and adjusted accordingly.

G. Sworn employees are not permitted to work Law Enforcement Secondary Employment during any time span whereby the employee’s on-duty shift is split.

H. Sworn employees engaged in Secondary Employment shall not overlap their duty hours with their secondary employment hours, nor shall they overlap any Secondary Employment job with another Secondary Employment job. When considering if an
overlap occurs between Secondary Employment jobs, scheduled hours will be the basis of comparison, not hours actually worked. All traffic jobs being paid at a negotiated rate outside of the three-hour minimum must be scheduled in one-hour increments, with a minimum scheduled time of one hour. If an employee works a traffic control job for one employer and remains at one physical location, only one work shift may be scheduled if the officer's work requires them to be on site for 3 hours or less. For jobs being paid the three-hour minimum and beyond, the job must be scheduled for a minimum of three hours, with fifteen-minute increments utilized thereafter. No sworn employee shall utilize scheduling to in any way circumvent the requirements of this policy.

I. All jobs must be set for specific hours in the day; it is not permitted for a job to be worked when it is set up for flexible hours, or unspecified hours in the day. The hours specified in the job must be the hours actually worked.

J. Job Site Coordinators building jobs in the secondary employment system shall accurately note the job type as “Traffic” or “Security” and the pay rate shall accurately reflect the rate of compensation. If the job is traffic related and has been approved for an exception to the three-hour minimum, the pay rate entered should equal the agreed upon shift rate between the officer and the employer.

XII. AVAILABILITY OF SECONDARY EMPLOYMENT JOBS

A. The Secondary Employment Sergeant will ensure that all jobs are available on an equitable basis.

1. Sworn employees may sign up for available jobs on a first come first served basis in the secondary employment system.

2. Sworn employees will not sign up other sworn employees for job assignments with the exception of job site coordinators signing up officers in their job pool.

3. Sworn employees will sign up for only those jobs they intend to work.

B. Employers may request particular sworn employees to work or have a sworn employee serve to recruit other employees for their jobs. However, no employer may discriminate with regard to race, sex, religion or ethnic origin in hiring employees to work secondary employment. An employer’s desire to have a particular officer work does not guarantee that the officer will in fact work that employment.

C. A sworn employee scheduled to work a Law Enforcement Secondary Employment job must promptly confirm that job assignment with the employer when specified.

D. Employees scheduled for a Law Enforcement Secondary Employment job may utilize the transfer feature in the Secondary Employment System to transfer their job to another officer, or to the Department as a whole. Transfer of a job to another officer must be done with prior consent and approval of the accepting officer. All jobs not accepted for transfer shall be considered assigned to the originating employee and the transfer feature shall not be utilized after the job is scheduled to begin.
E. A sworn employee who accepts a Law Enforcement Secondary Employment job will report for duty at the time and place assigned with all necessary equipment required by CMPD guidelines for that particular job, including a marked vehicle, if specified in the job instructions.

Any sworn employee who is unable to report for a secondary employment job must contact the job site coordinator or the Secondary Employment Office during business hours, and Operations Command after hours and on weekends, prior to the start of the job.

1. Sworn employees may self-cancel their assignment to a secondary employment job up to five days (one hundred and twenty hours) prior to the start of the assignment. At the discretion of the Job Coordinator, some jobs may have a longer self-cancellation period. A sworn employee may be excused from their assignment inside the set cancellation period prior to the assignment by finding a substitute and advising the job site coordinator or the Secondary Employment Sergeant of the replacement up to the time the job is scheduled to begin, except in emergency situations as outlined in this policy.

2. Absences inside the cancellation period will only be excused for personal or family illness and family emergencies.

3. Changes in on-duty schedules, court, training or other departmental duty assignments will take precedence over any secondary employment. Sworn employees should cancel a conflicting secondary employment job as soon as they are notified of the on-duty conflict.

4. Employees are required to work the scheduled hours assigned in the secondary employment system. Any officer unable to complete the designated hours of employment must contact the job site coordinator or the Secondary Employment Office during business hours or Operations Command after hours and on weekends, prior to leaving the employer’s work site.

XIII. CORRECTIVE ACTION

A. Employees found to be in violation of section XI.B. (Work Hours and Record Keeping) of this Directive may have the violation documented in a written entry to their personnel file for their first documented violation. A first violation of section XI.B. may be documented in the IACMS system at the discretion of the Secondary Employment Commander. Further violations of XI.B. will result in the violation being documented in the IACMS system and may result in the revocation of the employee’s work permit at the discretion of the Secondary Employment Commander, or their designee.

B. All other violations of any provision of the Secondary Employment Policy without exception shall be documented in the IACMS system, and those violations solely of the Secondary Employment policy will be forwarded to the Secondary Employment
Sergeant for further investigation and disposition. In instances where a Secondary Employment Policy violation is combined with a violation of another policy or regulation, the investigation will be forwarded to the affected sworn employee’s Chain of Command for further investigation and disposition. In limited situations, some policy violations may be referred to the involved officer’s Division for investigation.

C. Upon the adjudication of any rules violation involving secondary employment in combination with any other policy violation(s), the ruling body shall consider whether an employee’s permit to engage in secondary employment should be suspended in conjunction with any other corrective action considered.

D. An employee violation of the Secondary Employment policy shall be addressed as a first violation if the employee has had no other documented violations of the Secondary Employment policy within thirty-six (36) months prior to the date of the new violation.

XIV. REFERENCES

300-003 Reporting Employee Attendance
300-004 Sick Leave Policy
300-005 Workers Compensation and Defense Against Claims and Judgments
400-001 Uniforms and Grooming Standards
400-003 Equipment
HR 13 Conflict of Interest Policy for City, Secondary and Other Employment Relationships
Charlotte City Code 14-9
CALEA
RULES GOVERNING OFF-DUTY TRAFFIC CONTROL ON PUBLIC STREETS

1. Officers seeking Law Enforcement Secondary Employment at a firm or establishment that requires traffic control on public streets will advise the prospective employer to notify the Secondary Employment Sergeant in writing. No traffic control secondary employment may begin prior to the employer and conditions of employment being approved by the Department. The employer must:
   
a. Obtain, if the job will be within the city limits of Charlotte, a valid traffic direction permit from the City of Charlotte Department of Transportation as required by City Code 14-9. A copy must be provided to the sergeant.
   
b. Advise the Secondary Employment Sergeant of the intent to employ secondary employment officers and identify the specific need for police services.
   
c. State the duties to be performed, the hours of employment and the salary to be paid to the officers.

2. All requests for secondary employment traffic direction will be forwarded to the Secondary Employment Commander or Secondary Employment Sergeant for approval. If approved, the Secondary Employment Sergeant will determine the number of officers required at each location.

3. Officers will not act to enforce any rule, regulation or policy of the firm or establishment that are not otherwise violations of the law. Officers will act only to enforce the law and preserve public safety.

4. Officers will not impede the normal flow of vehicular traffic during peak travel hours, except in instances where a valid Parade, Festival, or Right of Way Use Permit is issued by the City Department of Transportation (CDOT); although a valid permit may be issued by CDOT as described above, the Special Events Commander will make an independent assessment that the use of CMPD officers is in the best interest of the public and CMPD. Peak travel hours are 0700-0830, 1100-1300 and 1630-1830 on Monday through Friday. As a rule, traffic direction should coincide with the nearest traffic control signals. Officers will serve the interests of all motorists in a fair and equitable manner without special regard to those entering or leaving the employer's business.
RULES GOVERNING ALCOHOL ESTABLISHMENTS

1. Officers seeking secondary employment at alcohol establishments will advise the prospective employer to contact the Secondary Employment Sergeant. Employment will not be authorized until the employer and conditions of employment are approved by the Secondary Employment Sergeant.

2. Duty guidelines for officers working at approved alcohol establishment parking locations:
   a. Officers must confine their duties to those of a law enforcement nature.
   b. Officers shall limit their duties and responsibilities to the exterior of the alcohol establishment unless they develop reasonable suspicion that criminal activity is occurring, has occurred, or is likely to occur inside the alcohol establishment and this information necessitates immediate action.
   c. When responding to situations where enforcement action is anticipated, officers will notify the Communications Division and furnish the location and nature of the situation and request assistance from on-duty officers if needed.
   d. Officers will ensure that all alleged crimes are documented in a KBCOPS report, regardless of the desire of the victim to prosecute the matter. It will then be the responsibility of the job site coordinator to maintain a cumulative log of all such reports as well as the documentation of any enforcement activities that occur relative to this employment. This log will be made available to the Secondary Employment Sergeant upon request.
   e. Officers will originate the appropriate call for service through the Communications Division in any instance where entry is made for law enforcement purposes into the interior of an alcohol establishment itself. Officers shall articulate in the appropriate clearance paperwork the purposes for entry and any action taken. This information will be forwarded to the job site coordinator for maintenance in the location log.
   f. Officers shall enforce any observed ABC violations and copies of any enforcement action will be forwarded to both the ABC Unit and the job site coordinator for maintenance in the location log.
   g. Failure to abide by the restrictions in this Attachment will result in both the revocation of the employer work permit and corrective action to the officer(s).
RULES REGARDING NEIGHBORHOOD AND/OR APARTMENT COMPLEX PATROLS

1. Officers working Law Enforcement Secondary Employment when employed by a neighborhood or an apartment complex to conduct neighborhood/apartment complex patrols will confine their actions to violations of law only. Officers shall not take any action for violations of neighborhood rules, neighborhood association rules, or apartment complex rules not regulated by criminal law or City Ordinance.

2. Off duty officers working neighborhood/apartment complex patrols will monitor the radio channel for the specific neighborhood/apartment complex at all times. In any instance where the off-duty officer monitors a crime in progress outside the confines of the neighborhood/apartment complex but within close proximity to their location, the off-duty officer will be expected to notify the dispatcher of their location and their intent to respond to assist on-duty units. The off-duty officer will then respond to the crime in progress until relieved by on-duty officers. Any questions regarding time (on-duty versus off-duty) will be resolved by the Secondary Employment Commander.

3. It is the responsibility of the job site coordinator to keep all off-duty officers working secondary employment in their respective neighborhood informed regarding any information relayed to them by the Response Area personnel.
SECONDARY EMPLOYMENT AGREEMENT

A. NOTICE TO EMPLOYERS

Off-duty officers are subject to Charlotte-Mecklenburg Police Department policies. An employer has no authority over police personnel and is restricted to providing only a general assignment of duties to be performed by the officer.

**Officers must confine their duties to those of a law enforcement nature; officers cannot enforce the rules and regulations of the employer that are not otherwise a violation of law.**

Officers do not have the same authority over private property that the employer or the employer’s other employees have. The officer’s actions are limited ONLY to any breach of the peace or violation of law.

Officers will not regulate entry into a facility or venue; officers will not check identification and/or entry tickets, operate metal detectors or perform searches of people coming into a business or event, question persons about the validity of their presence within a business or venue, or ask persons to leave a business or venue without an employee being present that has already asked the person to leave.

Officers will not make ANY record check of any individual unless that record check is designed to uncover a violation of law.

Officers will not initiate or otherwise authorize the towing of any vehicle from private property unless that vehicle is determined to be stolen.

Employers are responsible for maintaining records of each officer’s hours and shall make those records available for review by CMPD representatives during business hours.

CMPD representatives will make periodic inspections of secondary employment jobs. If any job is discovered to be using officers for duties not of a law enforcement nature, the permit for that job will be suspended immediately and officers will no longer be able to be employed by that employer.

*Any deviation from the restrictions imposed above must be outlined in writing and formally approved in writing by the Secondary Employment Commander.*

B. RATE SCHEDULE

<table>
<thead>
<tr>
<th>Rank</th>
<th>Minimum Rate Per Hour*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer / Security</td>
<td>$ 36.00 effective July 1, 2019</td>
</tr>
<tr>
<td>Officer / Traffic</td>
<td>$ 38.00 effective July 1, 2019</td>
</tr>
<tr>
<td>Supervisor</td>
<td>$ 45.00 effective July 1, 2019</td>
</tr>
<tr>
<td>CMS School Traffic</td>
<td>$ 49.00 effective July 1, 2019</td>
</tr>
</tbody>
</table>
Additional levels of supervision may be required for large scale events. Those additional levels of supervision will be compensated at rates higher than the supervisor rate listed above. Employers will be notified by the Secondary Employment office of pay rates prior to an event requiring additional supervision being approved for staffing.

Lieutenant $47.00* effective July 1, 2019  
Captain $49.00* effective July 1, 2019  
Major (Event Commander) $54.00* effective July 1, 2019  

*Employers may compensate officers at the minimum rate or higher at the employer's discretion. CMPD officers cannot negotiate rates with an employer; any rate paid to any officer that exceeds the minimum rate must be approved by the Secondary Employment Unit.

The minimum rate of pay may be changed at the discretion of the Chief of Police or designee.

Holiday Rates may equal to one and a half the minimum secondary employment rate per rank and may take effect up to three (3) days before the holiday for those jobs/events associated with a Charlotte Department of Transportation Permit on certain holidays. The holidays in question are:

- New Year’s Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day
- New Year’s Eve

C. COMPENSATION

The officer(s) work for the employer as a sub-contractor. The employer is responsible for paying the officers directly. The employer must specify in the application the procedure that the officer(s) should follow to receive payment, including any tax forms that must be completed.

D. MARKED POLICE VEHICLE

Employers may request that the officer bring a marked police vehicle for the job. The Secondary Employment Sergeant will determine if the use of a police vehicle is appropriate for the job. There is no extra charge for the use of a police vehicle if it is approved. Even if a job is approved for a marked police vehicle it cannot be guaranteed that one will be available for use in an off-duty job.

E. STAFFING REQUIREMENTS

The Secondary Employment Unit will review each application to determine the correct staffing levels; staffing levels are based upon a variety of factors, to include, but not limited to, the
following: estimated attendance, the sale and/or consumption of alcoholic beverages on the premises, previous event history, physical layout of the site, traffic and/or parking issues, and general crime trends in the vicinity.

Jobs that require more than (4) officers will require a supervisor. Additional supervisors may be required for certain large jobs. A supervisor may be required for certain jobs regardless of the number of officers required for the job. Larger venues may require the employment of Police Lieutenant(s), Police Captain(s) and/or a Police Major.

In cases where the employer underestimates the attendance of an event, a supervisor may call in additional on-duty officers for the event. The employer may be billed for the on-duty officers at the appropriate corresponding rate for the average on-duty police officer cost per hour. This rate will be reviewed on an annual basis.

F. CANCELLATION PROCEDURES

Cancellations by the employer must be made at least 24 hours before the assignment begins. If the Secondary Employment Sergeant receives less than 24 hours notice from the employer, and is unable to contact officers working the job, the employer will be required to pay the officers assigned to the job for three hours of pay at the minimum rate.

During business hours (Monday – Friday 8am – 4pm) contact the Secondary Employment Office at 704-336-3229. You may also notify us by email at SecondaryEmploymentAdministration@cmpd.org.

After business hours and on weekends contact Operations Command 704-336-3245.

It is the responsibility of the employer to notify the Secondary Employment Office if the business or organization will be closed for a holiday or for any other purpose when off-duty officers are normally scheduled. If the employer fails to notify the Secondary Employment Office that officers are not needed that day, the three-hour minimum charge will apply.

G. FILLING ASSIGNMENTS

Secondary employment is voluntary and done on an officer’s time off from the department. Therefore, it can never be guaranteed that an off-duty assignment will be filled. The employer may request that a particular officer or officer(s) staff a job; however, whether this officer or officer(s) actually are employed at this job is at the discretion of the CMPD. When an employer asks to hire a CMPD officer, it is understood that ANY officer may in fact work the job.

Under extraordinary circumstances, off-duty officers may be activated to an on-duty status and pulled away from their off-duty assignments. The priority of CMPD officers is their full-time assignment within the Police Department and any obligations, such as call-back or court, which come with their CMPD assignment.

H. OFFICER NOT REPORTING FOR OFF-DUTY JOB

If an officer is scheduled to work and did not report, the employer should notify the Secondary Employment Office at 704-336-3229. After business hours or on weekends notify Operations
Command at 704-336-3245. You may also notify us by e-mail at SecondaryEmploymentAdministration@cmpd.org.

I. SCHEDULED HOURS CHANGED

The Secondary Employment Sergeant will try to accommodate schedule change requests if made more than 24 hours prior to the time of the event/job.

J. MINIMUM HOURS FOR ASSIGNMENT

Officers will be compensated at the agreed upon rate for a minimum of (3) hours, even if the assignment is less than (3) hours.

K. PROCEDURES FOR SECONDARY EMPLOYMENT APPLICATION

1. Assistance for applications can be provided by calling the secondary employment office at (704) 336-3229, or by e-mail at: SecondaryEmploymentAdministration@cmpd.org.

2. Applications will be accepted by fax, mail, or e-mail.

3. Applications must be submitted no less than (5) days prior to the job.

The employer cannot retain the services of off-duty CMPD officers until such time as this agreement is acknowledged by signature and the signed form is received by the Secondary Employment Unit. Once the agreement has been received by the Secondary Employment Unit, the employer will be notified as to when a Secondary Employment application can be submitted. Both forms can be obtained at www.charmeck.org.

Please complete and sign the secondary employment agreement. Agreements are accepted by mail, fax, email, or in person (Mon-Fri 8:00AM-4:00PM)

Fax: 704-336-6892 e-mail: SecondaryEmploymentAdministration@cmpd.org

Mail: CMPD / Secondary Employment Unit 601 E Trade St.
Charlotte, NC 28202

Employer Signature____________________________________________
Date_________________________________________________________

For Office Use Only:
Secondary Employment Sergeant ________________________________
Disposition___________________________________________________
Date Notified_________________________________________________
I. PURPOSE

To establish a procedure for the administration of employee records.

II. POLICY

This directive sets forth a standardized procedure for accurate maintenance of employee records and information, as well as explains the procedure to review employee files in accordance with North Carolina personnel law.

III. DEFINITIONS

A. Non-Restricted Personnel File: CMPD Documents with a low level of confidentiality, including public information (this includes anything the employee has provided or signed, personnel audit report, Notice of Payroll action, PeopleSoft screenshots prior to 2002, Internal Affairs Dispositions, School Transcripts, Military Discharge Documents, North Carolina Department of Justice Forms F-5b, F-9, F-8, F-19).

B. Personnel File: Any employment related or personal information of an individual employee gathered by the Charlotte-Mecklenburg Police Department.

C. Personnel Information: Information about an employee related to his or her application, selection, employment actions, such as demotion, promotion, compensation, performance reviews and disciplinary actions, along with any personal information that is contained within a personnel file.

D. Restricted Personnel File: CMPD documents with a high level of confidentiality (this may include polygraph results or questionnaire, anything medical related including drug/alcohol screenings, psychological evaluations, fingerprint cards, anything related to background investigations, recruitment’s internal notes on candidate before, during, or after the selection process).

IV. PROCEDURE

A. Personnel Information

1. Employees will notify the Human Resources Division of any change in address or telephone number by the end of the next business day following any such change. Employees will notify the Human Resources Division of changes to family or beneficiary status as soon as possible.

2. Employees will enter any change of address, telephone numbers, or emergency contact information into the CMPD Personnel Information System.

3. The Human Resources Division will enter the changes in the City of Charlotte Human Resources Management System (All changes will take effect the following business day).

4. The CMPD Personnel Information System will include an employee’s emergency contact and special skill(s) (i.e. SWAT, Spanish, etc.) information.
Employees shall update their information in the Personnel Information System as it changes.

5. Any employee receiving an inquiry concerning another employee’s telephone number should assist the caller in contacting the employee while he or she is “on duty”. In no case will an employee’s personal telephone number be given to any person who is not an employee of the CMPD. An employee may attempt to contact an “off duty” officer in emergency situations, when necessary.

B. Review of Personnel Files

1. Any employee interested in reviewing his or her own personnel file can review their personnel file by appointment in the Human Resources Division during normal business hours (Monday-Friday 8:00 a.m.-5:00 p.m.).

2. Additional personnel who are authorized to review an employee's personnel file include the following*:
   a. The employee's Chain of Command;
   b. Police Attorney;
   c. Internal Affairs Personnel;
   d. City of Charlotte Human Resources;

   * The Police Attorney's Office may see the entire personnel file, while the additional authorized viewers may only see the non-restricted file.

3. A Human Resources Division employee must remain present while a file is being reviewed.

4. Whenever the department or employee is subject to litigation, a copy of the personnel file, upon request, will be delivered to the Police Attorney's Office.

5. Information from the personnel file shall only be revealed pursuant to North Carolina General Statute 160A-168.

C. Changes in Personnel File Entries

1. All entries included in the personnel file will remain as a permanent part of the employee's record.

2. If it becomes necessary to delete or modify an entry, the following procedure will apply:
   a. The Human Resources Division must receive written orders from the Chief of Police or designee explaining what action is necessary.
   b. Human Resources Division employees will make the change by adding another entry. Previous entries will not be destroyed or defaced.
3. The contents contained in the personnel file will not be changed, altered in any fashion, or removed from the employee's file without adhering to this procedure.

V. REFERENCE

N.C.G.S. 132-6
N.C.G.S. 160A-168
I. PURPOSE

To establish a policy concerning the inappropriate use of drugs, alcohol and controlled substances by employees, volunteers, or applicants, and to explain the Department’s drug testing procedures.

II. POLICY

The protection of citizens, as well as its employees, is of prime concern to the Charlotte-Mecklenburg Police Department (CMPD). CMPD recognizes that substance abuse can have an adverse impact on the general public, City government, CMPD operations, and can adversely affect the image and general health, welfare, and safety of CMPD employees. To maintain the public's confidence and trust in CMPD and its employees, as well as to protect the safety of the public and CMPD employees, all employees must remain free from any physical and/or mental impairment. The unlawful use of any drug or controlled substance is prohibited, and may result in denial of employment, termination, or other disciplinary action. Substance abuse cannot be tolerated and CMPD shall have the right and authority to require employees to submit to substance analysis.

III. PROCEDURE

A. To ensure that CMPD employees remain free from unlawful drug and alcohol impairment and use while on duty, CMPD will conduct drug testing through urinalysis and alcohol testing through chemical analysis for impairing substance. This does not preclude other appropriate drug testing methods in a particular case, where cause exists.

B. A Breath Alcohol Test administered by a Chemical Analyst is an analysis of the breath to check for the presence of alcohol in the body. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. Chemical analysis that produces a Blood Alcohol Content (BAC) reading of more than .00 can result in termination, or other disciplinary action.

C. CMPD can require drug and alcohol testing under any of the following circumstances:

1. Pre-Placement/Employment;
2. Reasonable Suspicion;
3. Random selection;
4. Post-accident/ Critical Incident;
5. Return to duty.

D. The collection of urine, blood, and breath samples will occur at a City designated drug and alcohol collection site.

1. The selected drug testing agency will follow the National Institute on Drug Abuse (NIDA) standards governing the collection and chain of custody of urine samples.
2. The selected breath testing site will conduct a breath test administered by a chemical analyst.

E. The analysis of urine samples will be performed by a private laboratory certified by NIDA. The drug testing procedure will be performed at the lab, and will consist of an enzyme immunoassay preliminary test. If the preliminary test is positive, a confirmatory test, gas chromatography/mass spectrometry (GC/MS), will be performed.

F. Urinalysis drug testing will screen for the following classes of drugs at NIDA specified or industry accepted cutoff levels:

1. Amphetamines
2. Barbiturates
3. Benzodiazepines
4. Cocaine
5. Methaqualone
6. Opiates
7. Phencyclidine
8. Propoxyphene
9. Cannabinoids
10. Methyleneedioxy Methamphetamine (MDMA)
11. Methamphetamine

G. The results of any drug test administered under this policy will not be used as evidence in a criminal prosecution. The test results will be used in considering suitability for employment or fitness for duty.

H. Deliberate obstruction or substitution of a urine sample for the purpose of defeating a drug test will result in denial of employment, termination, or other disciplinary action.

I. Once a CMPD employee has been designated for drug screening, he/she is not eligible to participate in the Employee Assistance Program (EAP) in connection with, or because of, any illegal drug or substance, including dependency or addiction to any illegal drug or other illegal substance. Prior to being selected, any CMPD employee is eligible to participate in the EAP.

J. Failure to participate in any procedure required by this policy will result in denial of employment, termination, or other disciplinary action.

K. Medical Review Officer (MRO)

1. All positive drug test results will be reviewed by a MRO. The MRO determines if the result was caused by a legally used medication. The MRO may review any
relevant medical histories or records of the applicant or employee prior to making a decision. The MRO will also conduct a medical interview with the applicant or employee. There is no MRO review of alcohol tests.

a. Based on appropriate dates or facts, the MRO may deem a positive result to be scientifically insufficient for further action and declare the results to be negative.

b. Any positive test result not satisfactorily explained to the MRO is considered a positive test.

c. Should questions arise from the MRO concerning the legitimacy of a positive result, the MRO may cancel the results of the original specimen or request collection and testing of a new specimen.

2. If the test is positive, the MRO will contact the donor immediately prior to issuing the results. Failure of the employee to contact the MRO within five (5) business days will result in the MRO issuing results as “positive without review.”

L. Employee Responsibility

1. Abide by this policy as a condition of employment.

2. Comply with all applicable laws regulating the manufacture, distribution, dispensing, use or possession of illegal drugs, alcohol, or prescription drugs.

3. Ensure that their ability to perform their job duties are not negatively affected due to the use of drugs or alcohol when scheduled to report to work or when on “on call” status.

4. Advise their supervisor that they are unable to perform their duties or that they have consumed alcohol within the last four hours prior to reporting for duty, should they be requested to report to work for a safety sensitive job earlier than their normal or previously assigned time. If the employee had received prior notice that he or she is on call, the employee may be subject to disciplinary action regarding their inability to report for duty as determined by his or her chain of command.

5. Submit immediately to a drug or alcohol test when requested by their supervisor.

M. Record Keeping and Reporting

1. All information concerning an applicant’s or employee’s participation in drug testing procedures will be considered part of the individual’s personnel records and subject to the nondisclosure provision of G.S. 160A-168.

2. Pursuant to state law, for all sworn personnel, CMPD will report to the North Carolina Criminal Justice Education & Training Standards Commission any refusal to be tested or any reported positive results on a drug test administered to any applicant or lateral transferee seeking employment as a CMPD Officer. Any positive result on a drug test administered to any currently certified police
officer employed by CMPD will also be reported to the State. This may result in the suspension, revocation, or denial of the individual's state law enforcement certificate by the North Carolina Criminal Justice Education & Training Standards Commission.

N. Procedures for Pre-Employment and Lateral Transfer Drug Testing (Sworn Positions)

1. All applicants for employment in sworn positions, to include lateral transfers to sworn positions and Hirebacks in CMPD will submit to pre-employment drug testing procedures.

2. Each applicant will be tested no more than thirty (30) days prior to employment. These drug testing procedures will require the applicant to complete a Consent Form and a Drug Screening Questionnaire prior to the testing. The collection of the urine sample will be in accordance with NIDA standards, and will occur at a drug collection agency selected by the City of Charlotte.

3. All applicants for employment in a sworn position, lateral transfer to a sworn position, and Hirebacks, in CMPD must test negative on the pre-employment drug test. A positive result or refusal to submit to testing will eliminate the applicant from further consideration for employment.

4. Any applicant seeking a sworn position, including Hirebacks, who tests positive or refuses to submit to drug testing will not be eligible for employment with CMPD. The Recruitment Section of the Training Bureau will verify with the North Carolina Criminal Justice Education & Training Standards Commission the certification status of each applicant.

O. Procedures for Pre-Employment Drug Testing (Civilian Positions)

1. All applicants seeking employment in civilian positions in CMPD, and applicants for internships, volunteer positions, and other non-paid positions will submit to pre-employment drug testing procedures and must have a negative result.

2. Any applicant that refuses to submit to drug testing will not be eligible for employment with CMPD.

P. Procedures for In-Service Drug and Alcohol Testing

1. When there is a reasonable basis for suspecting that an employee may be intoxicated or impaired, or may have been recently engaged in the unlawful use of any alcohol, drug, or controlled substance, CMPD can require that employee to submit to drug and alcohol testing procedures in order to confirm or dispel the suspicion.

2. Failure to follow or cooperate with drug and alcohol testing procedures as stated in the policy will be treated as a refusal to comply with a direct order.

3. The supervisor will determine when sufficient cause exists based upon the City’s Reasonable Suspicion Checklist to order an employee to submit to drug and/or alcohol testing.
The Internal Affairs Bureau will be responsible for conducting administrative investigations regarding allegations of illegal drug use or substance abuse by CMPD employees.

4. When reasonable suspicion exists that a CMPD employee may have engaged in illegal drug use or substance abuse, the following procedures apply.
   a. The supervisor should complete and provide a copy of the Reasonable Suspicion Checklist (RSC) located on the CMPD Portal Page, to the Internal Affairs Bureau and the Human Resources Division.
   b. At the time the supervisor determines reasonable suspicion, the employee shall remain in the sight of the supervisor at all times prior to testing.
   c. The supervisor along with Internal Affairs personnel will accompany the employee to the test location. Internal Affairs will ensure the necessary paperwork is available for testing.
   d. The supervisor will complete the City of Charlotte Appointment Form and Authorization for Drug and Alcohol Test. This form should be completed in triplicate and routed to the appropriate locations.
   e. The Forensic Drug Testing Custody and Control Form must also accompany the donor but not be completed. This form will be completed by the collection agent who collects the sample and processes it for analysis.
   f. Because this is a “reasonable suspicion” test, the employee will be given a direct order to submit to the testing.
   g. Two (2) supervisors of the same gender as the employee will be selected by the Internal Affairs Bureau and will accompany the employee to the collection site. Collection of the urine sample will be in accordance with NIDA standards, except that the employee will enter the collection site and provide a urine specimen while under direct observation of both the selected supervisors. Direct observation will only be by persons of the same gender as the employee.
   h. If the employee claims to be unable to provide a specimen, the employee will remain at the designated collection site until the specimen is provided or three (3) hours has passed, whichever occurs first. Failure to provide a urine specimen of at least sixty (60) ml. within three (3) hours will be considered a refusal to comply with a direct order.
   i. After the testing is completed, the employee will be made available to Internal Affairs Bureau.

5. Analysis results will be reported directly to the Chief of Police or appropriate designee. All positive test results will be reported to the North Carolina Criminal Justice Education & Training Standards Commission.
6. CMPD policy forbids employees from consuming alcohol while on duty, (except in the performance of duty), or appearing for duty while intoxicated or with alcohol on their breath. If reasonable suspicion exists that an employee has violated CMPD's policy regarding the use of alcohol, the employee's supervisor can order the employee to submit to a reasonable suspicion test.

Q. Random In-Service Drug/Alcohol Testing

1. All sworn personnel and any personnel assigned to a safety sensitive position are subject to random selection for drug and alcohol testing.

2. Failure to submit to a random drug or alcohol test when requested will be treated as a refusal to comply with a direct order and will result in a recommendation of termination or a recommendation of termination to the Civil Service Board for sworn personnel. Failure to provide a urine specimen of at least sixty (60) ml. within three (3) hours will be considered a refusal to comply with a direct order.

3. Random selection will be accomplished through the use of a computer program.

4. The following procedures will apply to random drug or alcohol testing of eligible employees.
   a. On the first business day an employee works after selection, the employee's supervisor will be notified of the employee's selection.
   b. The employee's supervisor and/or other appropriate supervisor is required to transport the selected employee to the drug or alcohol testing agency as soon as possible during the employee's tour of duty.
   c. If an employee is unable to be immediately transported for testing, the supervisor must contact Human Resources and provide the following information:
      1) The employee's name (first and last);
      2) The reason the employee is unable to test (which may include leave such as vacation, sick, military, FMLA etc.);
      3) The employee's next work day with date and time(s).
   d. Failure of the employee’s supervisor to immediately send Human Resources the affected employee’s information, including the reason for the inability to be immediately transported for testing and/or failure of the supervisor to execute the random drug test per this directive may result in the responsible supervisor and/or Chain of Command through Captain being subject to a Rule of Conduct #2: Violation of the Rules investigation.
   e. Sample collection(s) of urine or breath will be done in accordance with NIDA standards.
f. The urine or breath sample collection will occur on the day of notification, except when extraordinary circumstances intervene. Employees on vacation leave, sick leave, or other approved temporary absence will be tested upon their return to work. Employees on extended sick leave, leave of absence, or educational leave who return to work within the same month they are selected will be tested.

g. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the City addressing the employee's medical ability to provide the adequate amount of breath. If there is no medical reason for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be terminated.

h. Test results will be sent to the Human Resources Manager. All positive test results will be issued by an MRO.

5. Collection of an employee's urine sample will occur while the employee is on duty whenever possible. Employees providing a urine sample during non-duty hours will be appropriately compensated.

6. Employees who test positive for illicit drugs have the right to request of the MRO to have the Sample B tested by a second NIDA approved laboratory at the employee's expense.

7. The Internal Affairs Bureau will investigate any drug tests that are confirmed positive after review by an MRO and all positive alcohol tests. A positive drug test will result in immediate suspension and recommendation of termination. A recommendation of termination to the Civil Service Board will be made for sworn personnel. A positive alcohol test will result in discipline action up to and including termination.

R. Post-Accident/ Critical Incident Drug / Alcohol Testing

1. Employees involved in a vehicular accident, non-vehicular accident, or a critical incident may be required to take a drug and/or alcohol test. All accidents should be documented using the Post Accident Testing Checklist.

   a. The drug and alcohol test is required when the following vehicular conditions exist:

      1) The crash involves a fatality, or
      2) The city driver receives a moving traffic violation arising from the accident, or
      3) Any involved vehicle requires towing from the scene, or
      4) Any person involved requires medical treatment away from the scene of the accident, or
5) The City cannot completely discount the employee’s conduct as a contributing factor to the accident (based on reasonable suspicion of drug or alcohol use).

b. The drug and alcohol test is required when the following non-vehicular conditions exist:

1) The incident involves a fatality of any kind;

2) Any line of duty discharge of a firearm by an officer (excluding the use of a shotgun for authorized animal euthanasia);

3) Other critical incidents as directed by the Chief of Police.

c. If none of the above conditions exist, then under the City of Charlotte authority, any employee, to include safety-sensitive employees and non-safety sensitive employees, involved in a vehicular accident or a non-vehicular incident shall be required to take a non-USDOT post-accident drug and alcohol test following an accident or incident only if it is determined that reasonable suspicion of drug or alcohol use may be a contributing factor.

2. A Post Accident/Incident drug test shall be administered within 32 hours following the accident or incident. If the drug test is not administered within 32 hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test.

3. A Post Accident/Incident alcohol test should be administered within two (2) hours following the accident or incident. If the test is not administered within two (2) hours the supervisor must document the reason(s) the alcohol test was not administered promptly.

4. In the event an alcohol test is not conducted within eight (8) hours, the supervisor must cease attempts to administer the test and must document the reason(s) for not administering the test. The employee will not be allowed to remain on duty and may not return to work for 24 hours following the accident.

5. Employees involved in an accident which requires an alcohol test shall not consume any alcohol for eight (8) hours following the accident or until a Post-Accident/ Incident Alcohol Test is performed, whichever comes first.

6. No employee may refuse to submit to a drug and/or alcohol test required by this policy. Employees shall remain ready and available when a post-accident test is required.

7. Failure to remain ready and available will be considered as a “refusal to submit” to testing.

IV. REFERENCE
Interactive Directives Guide | Employee Drug and Alcohol Testing

Effective Date: 09/16/2019

G.S. 160-A-168
CMPD Rules of Conduct 2, 6, 17, and 18
200-001 Discipline, Internal Investigations and Employee Rights
300-005 Workers Compensation and Defense Against Claims and Judgments
City of Charlotte HR4 Drug and Alcohol-Free Workplace Policy
CALEA
I. PURPOSE

To inform employees of the Department’s policy and procedures for employees placed on Administrative Assignment/Leave status.

II. POLICY

It is the policy of CMPD to place employees on Administrative Assignment/Leave status under certain circumstances for the protection of the employee and/or the department pending administrative review.

III. DEFINITIONS

A. Administrative Assignment: Employee has been removed from performance of all police duties with no loss of salary. Employee is assigned to perform non-police authority related administrative work or other tasks within the department which limit public contact.

B. Administrative Leave with Pay: Employee has been removed from performance of all duties with no loss of salary, and will be available by phone to his or her chain of command and Internal Affairs Monday-Friday 0800-1700.

C. Administrative Leave without Pay (Including Suspension): Employee has been removed from performance of all duties with loss of all salary. Employee will have no agency contact other than those required to resolve or adjudicate the matter resulting in this status.

D. Administrative Training Status: Period after an employee has been released by Human Resources and Internal Affairs for return to full duty status to ensure that any required training is completed.

E. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons/CEW, body worn cameras, or any other items deemed sensitive by the CMPD Chain of Command pursuant to Directive 400-003, Equipment.

IV. PROCEDURE

A. The decision to place or remove an employee on any type of Administrative Leave status rests with the Chief of Police in consultation with the Internal Affairs Commander.

1. Employees on Administrative Assignment/Leave are expected to perform any assigned administrative tasks and report to work as directed by CMPD. Employees on Administrative Assignment/Leave will be considered “on call” and are expected to report when called to facilitate the resolution of any inquiries or investigations.

2. An employee being placed on Administrative Leave will be informed of the action in writing from the Chief of Police/designee or the Internal Affairs Commander. An employee being returned to full duty status will also be
informed of this action in writing. Copies of this correspondence will also be forwarded to Human Resources and the employee’s chain of command.

3. Any sworn member being placed on Administrative Leave will acknowledge in writing that they understand their police authority has been suspended until such time they are notified of restoration. Sworn members on Administrative Leave are prohibited from taking any police enforcement actions.

4. Any civilian member being placed on Administrative Leave will acknowledge in writing that they understand their police related functions are suspended until such time they are notified of restoration. Civilian members on Administrative Leave with pay will only perform those duties approved by the Chief of Police or designee in consultation with the Internal Affairs Commander.

B. Administrative Leave with Pay

1. Shall be enacted under the following circumstances:
   a. A Response to Resistance that results in a serious injury.
   b. Deaths while subjects are In-custody or under police control.
   c. Vehicle accidents resulting in a fatality.
   d. Exposure to any other major traumatic event.
   e. Any other circumstances as determined by the Chief of Police.

2. Any employee being placed on Administrative Leave with pay may be required to surrender all CMPD issued sensitive items and other departmental equipment at the discretion of the Chief of Police in consultation with CMPD Internal Affairs. These items will be temporarily stored in the Property and Evidence Management Division until such time as the matter is resolved or adjudicated. Employees will be allowed to retain their ID and access cards.

3. Any employee in the care of a subject who dies while in-custody or under CMPD control will be placed on a mandatory minimum of 3 days Administrative Leave with Pay. Prior to returning to full duty employees must meet with the department’s approved Mental Health Program Clinician in coordination with Internal Affairs and Human Resources.

4. Employees on Administrative Leave with Pay are expected to comply with all policies and procedures and to abide by any issued subpoenas. The Court Liaison Sergeant in conjunction with the District Attorney’s Office will determine if an employee will appear in court or be released from a subpoena while on Administrative Leave.

5. Human Resources is responsible for maintaining periodic contact with all employees on paid administrative leave exceeding 30 days. This contact ensures that employee contact information is still valid and to answer questions
related to the employee’s leave status. The contact is documented in the employee’s personnel file.

6. Human Resources will notify the appropriate chain of command of any special needs or concerns regarding any employees on paid administrative leave.

C. Administrative Leave without Pay

1. Will be enacted under the following circumstances:
   a. Felony arrest or criminal indictment.
   b. Conviction of any offense that would preclude future performance of police powers.
   c. Any other circumstances as determined by the Chief of Police.

2. Prior to any employee being placed on Administrative Leave without Pay, the employee will be provided notice of the rule(s) of conduct that he or she is accused of violating and an opportunity to respond to those charges.

3. Any member being placed on Administrative Leave without Pay is required to surrender all department issued equipment and clothing to include ID and access cards. These items will be temporarily stored in the Property and Evidence Management Division until the matter is resolved or adjudicated.

D. Administrative Assignment

1. Any sworn member who is temporarily assigned to an Administrative Assignment will have their police authority suspended during that period of time and are prohibited from engaging in any law enforcement activity including law enforcement secondary employment.

2. Sworn members on Administrative Assignment may be required to surrender all CMPD issued sensitive items and other departmental equipment at the discretion of the Chief of Police in consultation with the CMPD Internal Affairs Commander.

3. Employees should be allowed to retain their access and ID cards for entry into their assigned duty locations.

4. Employees on Administrative Assignment are expected to comply with all policies and procedures and to abide by any issued subpoenas. The Court Liaison Sergeant in conjunction with the District Attorney’s Office will determine if an employee will appear in court or be released from a subpoena while on Administrative Assignment.

E. Administrative Training Status

1. Internal Affairs will notify Human Resources, the employee’s Division Commander, and the Training Academy Director when Internal Affairs
determines the employee is prepared to return to full duty from Administrative Assignment /Leave.

2. The Training Academy in consultation with the Administrative Services Group Deputy Chief and Human Resources will determine if any training must be completed before the employee returns to full duty status.

3. The employee may be held in a temporary Administrative Training status to ensure that any required training is completed before the employee returns to full duty.

F. A copy of the written notification restoring the employee to full duty status must be provided to the Property and Evidence Management Division prior to the reissuance of any equipment.

G. Human Resource Division Supervisors will ensure that any employee on Administrative Leave is correctly coded in Payroll System to accurately reflect the current status.

V. BENEFITS

Employees on unpaid administrative leave (including suspension) may continue their benefits by paying their employee contributions. The Human Resources department will notify the employee of such costs and form of payment when the leave begins.

VI. REFERENCES

300-006 Light Duty Policy
300-013 Return to Duty
300-020 Police Critical Incident Stress
300-021 Fitness for Duty
Officer Involved Critical Incident SOP
I. PURPOSE

This directive explains Charlotte-Mecklenburg Police Department's (CMPD) promotional procedures.

II. POLICY

The evaluation and selection of personnel for promotion is an essential part of professional development and leadership continuity at CMPD. Relevant and impartial promotion procedures will be used to identify those employees who possess the skills, knowledge, and abilities required to perform at a higher rank or position. It is the policy of CMPD to select and promote employees using standards and evaluation techniques that ensure qualified individuals are promoted into leadership positions with the skills, knowledge, and abilities that match the specific job description being filled.

III. PROCEDURES

A. The Human Resources Division is responsible for the administration of the promotional procedures for all Civil Service positions. Promotional processes for sworn personnel will be initiated by the Human Resources Division with the publication to all personnel of a promotional process announcement. This announcement will be specific to rank. It will provide, among other information, an eligibility date, a process commencement date, the dates of the written examination or other exercises, instructions for registering to participate in the promotional process, and any other information that may be appropriate.

B. To participate in the promotional process, eligible candidates must begin by registering in the Human Resources Division. Resumes and other documentation should not be submitted unless specifically requested in the promotional process announcement.

C. Eligibility requirements related to service time, education, and discipline must be met by the eligibility date noted in the promotional process announcement. Lateral Police Officer Entry Program employees must follow the same eligibility requirements as outlined in section IV. C. of this directive.

D. It is the responsibility of the promotional candidate to ensure that he or she is properly registered to participate in the promotional process and has the correct dates, times, and locations for the promotional exercises.

E. In the Sergeant's, Lieutenant's and Captain's promotional processes, the combined score from all exercises will constitute a cumulative score for each candidate. The Sergeant’s multiple-choice exam is not included in the cumulative score, but is, however, used to determine the officer’s eligibility to proceed to the next phase of the process. If a candidate fails to complete the Sergeants multiple-choice exam at the scheduled time, it may result in the candidate being disqualified from the promotional process. The cumulative scores of the candidates who complete all portions of the process will be consolidated into a rank-ordered promotional eligibility list. Being placed on the eligibility list does not guarantee promotion.
F. All recommendations by the Chief of Police for promotions to any sworn rank are subject to final approval by the Civil Service Board.

G. Promotional eligibility lists for Sergeant, Lieutenant, and Captain will expire twenty-four months after the date on which they are initially established. At the discretion of the Chief of Police, an existing promotional eligibility list may be terminated early or extended.

H. Promotional eligibility lists will be structured to minimize identical scores. In the event that a promotional eligibility list contains identical scores, ties will be resolved by Employee Code Number (priority given to the lowest code number) prior to an eligibility list being published.

I. Administration of a promotional examination at a site and/or date different from the regularly scheduled examination session may be permitted by the Chief of Police or designee.

J. Reporting to a promotional process exercise.

1. Late arrivals at any promotional exercise may be permitted at the discretion of the Chief of Police or designee. If you are unable to arrive by your scheduled time, you must notify the HR Administrator for the promotional process immediately and prior to your scheduled time. What you deem as an emergency might not be viewed as an emergency by the leadership of CMPD and may result in being disqualified from the section which you are late for and potentially the entire promotional process.

2. No Call/No Show – If a candidate is a no call/no show to any promotional exercise that candidate will be disqualified from the entire promotional process. A no call/no show is defined by failing to show up for any portion of the promotional process exercises and not properly notifying the HR Administrator in advance of your scheduled exercise. If you have become incapacitated from meeting the communication requirements, your case will be reviewed, but it does not guarantee any accommodations and may still result in being disqualified from the promotional process.

K. Questions regarding the CMPD’s promotional policies should be directed to the Human Resources Division.

L. All promotional material will be kept in a secure location.

1. Any material that is being reviewed, proposed or amended prior to the commencement of any testing taking place will be secured in the office of the Human Resources Division Manager. Any person who receives that material for review must properly secure the material while in their possession and immediately return all the material to the Human Resources Division Manager upon completion of that review.

2. Once finalized, all testing material will be kept in a secured location at the testing consultant’s office or at the CMPD Human Resources Division.
3. After completion of the promotional process, all material will be stored in a secured area controlled by the Human Resources Division Manager. The material will be stored and disposed of as directed under Departmental Directive 800-004 Public Records Retention and Disposition.

M. The Chief of Police has authority to make promotions of sworn employees, subject to majority approval by the Civil Service Board. Promotions are probationary for six months from the date they become effective. Any demotions after the probationary period, except voluntary demotions, shall be made only after an employee is cited to the Civil Service Board for demotion by a Chain of Command Review Board following an Internal Affairs investigation, and a hearing held before the Civil Service Board.

1. Newly promoted employees will be closely observed and evaluated by their supervisor to ensure their performance meets expectations.

2. The newly promoted employee’s supervisor will complete a quarterly review at three (3) months and a “Promotion Probation” PRD at six (6) months from the date the promotion becomes effective.

3. All quarterly reports will be promptly sent to CMPD Human Resources.

4. An employee receiving a score lower than “Performance Achieved Expectations (A)” on his or her quarterly PRD may be subject to Performance Probation and/or additional training.

5. Any employee who believes the promotional process was unfairly administered may grieve that process by following the procedures outlined in the City of Charlotte Human Resources Policy HR 11, Employee Grievance Process. Non-selection for promotion is not grievable when the allegation by the employee is solely that he or she is better qualified than the selected person.

IV. ELIGIBILITY FOR PROMOTION

A. Educational Requirements

Any degree or semester hours used to fulfill promotional eligibility requirements must be from an educational institution which is accredited by one of the accrediting agencies recognized by the United States Secretary of Education. Questions regarding accreditation may be directed to the Human Resources Division.

B. Performance Review

To be eligible to participate in a promotional process, an employee’s last Performance Review and Development (PRD) assessment must meet a rating of “Performance Achieved Expectations (A)” or higher. To remain eligible throughout a promotional process or the life of a promotional eligibility list, an employee must maintain a PRD assessment rating of “Performance Achieved Expectations (A)” or higher.
C. Sergeant

Service Requirements:

1. CMPD officers must have served a minimum of five (5) years from their date of hire in the job class of Police Officer with the Charlotte-Mecklenburg Police Department as of the eligibility date noted in the promotional process announcement.

2. CMPD officers with a break in service must have a cumulative minimum of five (5) years active service in the job class of Police Officer with the Charlotte-Mecklenburg Police Department as of the eligibility date noted in the promotional process announcement.

3. Lateral Police Officer Entry Program Officers must have served with the Charlotte-Mecklenburg Police Department for a minimum of two (2) years and have combined full-time active police service of a minimum of five (5) years of qualifying experience (outlined in the Lateral Police Officer Entry Program SOP) as of the eligibility date noted in the promotional process announcement.

4. CMPD Officers must have completed the Supervisor’s Career Path 101, 102, 103, and 104 to be eligible to participate in the Sergeant’s promotional processes. Extensions may be granted for emergency purposes by the Chief of Police or designee.

D. Lieutenant

1. Service Requirement: Sergeants must have served a minimum of two (2) years from their date of promotion to Sergeant to the eligibility date noted in the promotional process announcement.

2. Educational Requirement: Sergeants must have completed an Associate’s Degree, or have completed a minimum of sixty (60) semester hours or equivalent quarter hours toward a Bachelor’s Degree by the eligibility date noted in the promotional process announcement.

E. Captain

1. Service Requirement: Lieutenants must have served a minimum of two (2) years from their date of promotion to Lieutenant to the eligibility date noted in the promotional process announcement.

2. Educational Requirement: Lieutenants must have completed a Bachelor’s Degree by the eligibility date noted in the promotional process announcement.

F. Major

1. Service Requirement: Captains must have completed at least two (2) years of service from their date of promotion to the rank of Captain.
2. Educational Requirement: Captains must have completed a Bachelor's Degree by the eligibility date noted in the promotional process announcement.

G. Eligibility for promotion to any rank above Captain is at the discretion of the Chief of Police and requires a Bachelor's Degree.

H. In addition to performance, education and service time requirements, the factors listed below will apply to all promotional processes of any rank. If these factors develop during the course of a promotional process or during the effective life of an eligibility list, they will disqualify a candidate from promotion.

1. Any sworn employee who receives a sustained violation from the list below will be ineligible for promotion or participating in a promotional process for a period of two (2) years from the date of the adjudication of said allegation:
   a. Unsatisfactory Performance;
   b. Response to resistance (ROC 28A only);
   c. Truthfulness;
   d. Harassment;
   e. Insubordination;
   f. Conformance to laws that results in arrest or a warrant for arrest (i.e. DWI, Domestic violence, Communicating Threats).

2. Any sustained violation(s) resulting in a cumulative total of more than forty hours active suspension, will result in an employee being ineligible for promotion or participating in a promotional process for a period of two years from the date of adjudication.

3. Sworn personnel who have been placed on performance probation at any time within two years prior to the eligibility date specified in the promotional process announcement are not eligible to participate in the promotional process for a period of two (2) years after the performance probation ends.

4. Sworn employees who have allegations of misconduct pending against them, but who have not had those allegations resolved or adjudicated as required by departmental regulations may participate in any promotional process, assuming they are otherwise eligible.

5. When the opportunity for promotion occurs for an employee on an active rank-ordered eligibility list and that employee is the subject of an unresolved allegation from the list above, the Chief of Police will retain the discretionary right to promote or bypass that employee. If such allegation(s) results in a finding other than “sustained,” that employee shall be installed in the remaining rank-ordered list at a position no lower than his or her original rank.
I. Sworn employees who do not meet all eligibility standards by the eligibility date will be excluded from the promotional process. In addition, sworn employees who become ineligible during the promotional process or during the effective life of the promotional eligibility list will be eliminated as candidates for promotion.

J. It is the employee’s responsibility to determine if he or she is eligible to participate in a promotional process. In every process the final promotional eligibility list will be checked against CMPD records, and any candidate on the list who should have declared himself or herself ineligible will be eliminated at that point.

V. PROMOTIONAL PROCESS FOR SWORN RANKS

A. The promotional process (including the process components, their relative values, and details of administration) for the ranks of Sergeant, Lieutenant and Captain will be defined in the promotional process announcements for those ranks.

B. All candidates who complete the full process for the ranks of Sergeant, Lieutenant and Captain, as defined by the respective promotional process announcements, will be placed on a promotional eligibility list in rank order as determined by their cumulative scores. Being placed on the eligibility list does not guarantee promotion.

C. Promotions to the rank of Sergeant, Lieutenant, and Captain will be made from the final eligibility list.

1. For promotion to the rank of Sergeant, candidates will be selected from the final eligibility list in rank order.

2. For promotion to the ranks of Lieutenant and Captain, the Chief of Police will select from the top five (5) candidates without regard to rank order. For each additional promotion made at that rank at the same time, the Chief may consider the next candidate on the eligibility list.

   For example, if two (2) promotions will be made simultaneously at a rank, the Chief can consider the top six (6) candidates, if three (3) promotions will be made at that rank, the Chief can consider from the top seven (7) candidates, etc.

3. To aid in the selection, the Chief of Police may designate members of Executive Staff to be responsible for the administration of additional examinations or interviews of promotional candidates. He or she may require the production of any documentation or other materials he or she considers appropriate.

4. If a candidate participates in any additional examination or interview that the Chief of Police or designee requires to aid in the selection, that candidate may request the opportunity to receive feedback from the Executive Staff member who coordinated that particular exercise.

5. Any candidates not selected for promotion will remain on the list in the original rank order and will be eligible for future promotions.
D. Appointments to the rank of Major and Deputy Police Chief will be made at the discretion of the Chief of Police. However, preference will be given to those candidates who have completed CMPD’s Command College, Police Executive Research Forums (PERF), Senior Management Institute for Policing (SMIP), or the Federal Bureau of Investigation’s (FBI) National Academy.

E. All factors considered in the promotional process will be job-related and non-discriminatory. Factors to be considered when making promotions may include:

1. The skills, knowledge, and abilities needed for a specific vacancy and the candidate’s demonstrated skills, knowledge, and abilities.

2. The ability of the candidate’s demonstrated interpersonal skills to enhance the team where the vacancy exists.

VI. PROMOTIONAL PROCESS FOR CIVILIAN POSITIONS

A. Civilian personnel are eligible to compete for promotion whenever vacancies occur for which they may be qualified. There are no service time requirements for civilian promotions, although length of service may be considered as one of a number of factors affecting overall qualifications.

B. Notice of promotional opportunities in civilian job classes will be published by the Human Resources Division. All questions concerning such opportunities should be directed to that office.

C. Civilian candidates seeking promotion must submit their application to Human Resources.

D. The affected bureau/service area, division, or unit will coordinate a competitive interview and selection process.

E. Promotion of civilian personnel will be at the discretion of the Chief of Police.

F. All newly promoted civilian personnel are on a probationary period of six (6) months from the date their promotion becomes effective. Employees will be closely observed and evaluated by their supervisor to ensure their performance meets expectations.

1. The newly promoted employee’s supervisor will complete a quarterly review three (3) months from the date the promotion becomes effective and a “Promotion Probation” PRD six (6) months from the date the promotion becomes effective.

2. An employee receiving a score lower than “Performance Achieved Expectations (A)” on his or her quarterly PRD may be subject to Performance Probation and/or additional training, and/or termination.
VII. REFERENCES

City of Charlotte Human Resources Policy HR -11
City of Charlotte Human Resources Policy HR -12
Rule V, Personnel Rules and Regulations
Directive 300-018 Performance Review and Development
Lateral Police Officer Entry Program SOP
Charlotte, North Carolina, Code of Ordinances Part 1-Charter, Chapter 4.-Administration,
Article III. Civil Service
CALEA
This directive was last effective on 11/9/2020
I. PURPOSE

To establish a procedure for recognizing and rewarding Charlotte-Mecklenburg Police Department (CMPD) employees and citizens who distinguish themselves through heroic actions and outstanding performance or service to the Department and the community.

II. DEFINITIONS

A. Bravery: The act of facing or enduring danger with courage.

B. Extraordinary: Going beyond that which is usual, regular or expected.

C. Merit: Character or conduct deserving reward, honor or esteem.

III. CMPD AWARDS COMMITTEE

The Awards Committee will review all nominations for awards except for Service Area/Bureau Level awards (i.e. Certificate of Commendation and Certificate of Appreciation), Officer of the Month, Detective of the Month, Community Partner of the Month and Civilian Employee of the Month awards. In addition, the Awards Committee will review and make decisions on award requests from outside agencies unless the agency expresses a desire to make the decision independent of CMPD, such as the Police-Community Relations Awards.

A. The Awards Committee is composed of a minimum of ten (10) members of the Department, (except as stated in III. E.). Four (4) of the positions on the Awards Committee are permanent and will consist of:
   1. Chairperson: A Major appointed by the Chief of Police,
   2. The Major of Internal Affairs,
   3. A Public Affairs Office representative,
   4. The Human Resources Division Manager or designee.

B. Six (6) of the positions are volunteer positions consisting of:
   1. A Major,
   2. A Captain,
   3. A Lieutenant,
   4. A Sergeant,
   5. An Officer,
   6. A Civilian Manager.

   One of these positions will be filled by a supervisor assigned to the Investigative Services Group.

C. Three positions selected at the discretion of the Chairperson.
D. Volunteer members of the Committee will serve a minimum of two (2) years and may continue to serve on the Committee after two (2) years at the discretion of the Chief of Police.

E. The Chief of Police will appoint a Major to serve as the Chairperson for the Awards Committee and act as the liaison to the Chief of Police. In cases where the appointed chairperson is also the Internal Affairs Major then the committee will only consist of nine (9) members.

1. The Chairperson of the Awards Committee will be responsible for ensuring that nominations for Departmental Awards are presented to the Awards Committee members prior to a decision being made about a nomination.

2. The Chairperson or his/her designee will notify the nominator and the nominee’s Chain of Command about any decision regarding a nomination and the reason for the decision.

3. The Human Resources Manager or his/her designee will be responsible for placing appropriate documentation in employee’s personnel files when an award is received. The HR Division will also be responsible for maintaining all award pins and/or recognition bars.

4. The Awards Committee will coordinate with the Chief of Police to determine the appearance of the award for each category.

5. The Awards Committee will coordinate with the Chief of Police to determine the dates and locations of awards ceremonies. Members may be asked to assist in arranging the ceremonies.

IV. ELIGIBILITY FOR AWARDS

A. All employees of CMPD, including hire backs, and volunteers, are eligible for awards. There is no limit to the number of awards that can be earned by a CMPD employee.

B. Citizens are eligible for the Civilian Medal of Valor, Meritorious Award, the Citizen’s Service Award, and the Certificate of Appreciation, for actions that benefit CMPD and/or the community. Citizens may be eligible for the Chief’s Award for Excellence in Policing for their work with CMPD personnel on community-related items.

C. An employee of law enforcement or other service agency is eligible for an award, if earned while aiding, assisting or working with any officer or member of CMPD.

V. CMPD AWARD CATEGORIES

The following are the awards which may be given by CMPD:

A. The Gold Police Cross (or alternative award as desired by the member’s beneficiary) is awarded posthumously to any member of the Department killed in the line of duty, and is presented to the member's beneficiary.
B. The Purple Heart is awarded to members who are seriously injured in the performance of their duties due to assaults or other circumstances requiring action of the employee.

1. It may be awarded to members who are seriously injured during the performance of their duties. The Awards Committee will consider all circumstances in making a determination to approve the award.

2. It may be awarded in conjunction with another award where the facts demonstrate the recipient is entitled to such an award.

3. The injury must not be the result of or concurrent with any conduct of the recipient that is less than acceptable by all standards.

4. The award will not be awarded for accidental injuries.

C. The Medal of Valor may be awarded to employees who have distinguished themselves by acts of extraordinary bravery in the performance of an act to preserve life or property with the clear risk of serious injury or death present during the action.

1. Behavior that is considered reckless or rash will not be considered for this award.

2. This award will not be given if the action taken was to rectify a previous mistake or poor judgment by the same employee being nominated for the award.

3. This award may be given in conjunction with the Gold Police Cross or Purple Heart.

D. The Civilian Medal of Valor may be awarded to citizens who have distinguished themselves by acts of extraordinary bravery, heroism or sacrifice, while preserving the life, liberty and safety of others.

E. The Lifesaving Award recognizes an employee for saving a human life.

1. This award recognizes employees who are directly responsible for saving a human life.

2. Documentation and other supportive evidence such as statements from physicians, witnesses, and/or supervisors must be included for the nomination to be considered.

3. When an employee’s actions saved a life to the extent that the person lived for any period of time after the lifesaving effort, the employee is eligible to receive this award even though the person may die at a later time.

F. The Medal of Merit Award recognizes CMPD employees who have performed admirably in response to specific situations. The incident may have been of an emergency nature or a routine event, but the employee’s exceptional performance merits special recognition.

1. Behavior that is considered reckless or rash will not be considered for this award.
2. This award will not be given if the action taken was to rectify a previous mistake or poor judgment by the same employee being nominated for the award.

3. The action meriting award may include activities which did not place the employee in a perilous situation, but the employee’s actions were clearly intended to restore or enhance public safety.

G. The Chief’s Award for Excellence in Policing may be awarded to CMPD employees who have distinguished themselves by exceptional performance that clearly benefited CMPD, citizens, the communities we police and/or advanced the field of policing in general.

1. The performance may be related to an individual response to a situation or crime resulting from a call for service. In such cases, the performance must involve extraordinary diligence, selfless attention to duty and/or unique efforts to ensure a positive outcome.

2. The performance may be related to problem-solving initiatives that have proven effective in addressing substantive community concerns revolving around crime and quality of life and involve collaboration with other city or public agencies, private organizations, multiple law enforcement agencies or multiple units within the department.

3. The performance may be development of a new initiative, process or system that leads to a significant improvement in how CMPD conducts its business and must involve collaboration and extraordinary diligence and effort.

4. The performance may be one of sustained excellence in an employee’s everyday work characterized by exceptional initiative and effort that results in: multiple/significant arrests or case clearances over a significant period of time, exceptional customer service and/or significant positive contributions to citizens and the community.

5. Any other actions by an employee(s) that are clearly exceptional in nature and meet the criteria for this award as determined by the Chief of Police or the Awards Committee.

H. The Sworn Employee of the Year Award is presented to a sworn member of CMPD who distinguishes him/herself through either an accumulation of exceptional contributions or a single incident, and whose actions clearly place the individual well above others of equal rank or grade. Areas of recognition include, but are not limited to: extraordinary valor, positive community impact, administrative accomplishments, crime prevention, training programs, traffic safety and innovation in policing. This award may be presented to an employee who has also won other awards.

I. The Chief’s Unit Citation is awarded to a departmental unit or section whose performance is indicative of a high degree of initiative, determination diligence and cooperative effort in the fulfillment of a difficult mission, operation, task or project.
1. The award shall be presented in the name of the unit. Units receiving the citation for the initial time shall receive a plaque that includes an engraved plate noting the year the award was earned. If a unit earns the Chief’s Unit Citation in subsequent years, another engraved plate will be added to the plaque.

2. The participating employees will be awarded a certificate in conjunction with the unit award.

J. The Meritorious Award is given to citizens who distinguish themselves by meritorious service. This award is given for extraordinary actions during which the citizen is at risk of serious injury or death.

K. The Detective of the Year Award is presented to the Detective whose body of work demonstrated a high degree of creativity, tenacity, and sense of urgency in solving cases. The Detective worked cases with a high level of complexity, either as part of a team or alone, from which their work stood out. The Detective demonstrated a respected relationship and high level of confidence from partners including patrol officers and members of the criminal justice system (i.e. Mecklenburg County District Attorney’s Office) as it related to the quality of the Detective’s work, case preparation, and case acceptance.

L. The Civilian Employee of the Year is presented to a civilian member of CMPD who has distinguished him/herself through either an accumulation of exceptional contributions or in a single incident. The actions of the employee clearly place him or her above others of an equal status. Areas of recognition to be considered are noted in the preceding section (I).

M. The Police Training Officer (PTO) of the Year Award is presented to the PTO who has demonstrated exceptional leadership qualities in training newly sworn officers in patrol functions, preliminary investigative functions, in State and municipal laws and departmental policies, practices and procedures. The actions of the PTO of the Year expose new officers to a variety of experiences and encourage career development. The PTO of the Year is a positive role model for newly sworn officers both on and off duty. The PTO of the Year is selected by a committee independent of the Awards Committee; however the award will be presented at the CMPD’s annual awards ceremony.

N. The School Resource Officer (SRO) of the Year Award is presented to the SRO who has demonstrated exceptional leadership qualities to reduce crime on school property and throughout the surrounding communities to develop a positive learning environment. The SRO serves as a positive role model and mentor through appropriate behavior and demeanor by initiating positive contact with students. He/she acts as a club leader and promotes police sponsored agencies such as Police Activities League, Right Moves for Youth, Do the Right Thing, and Gang of One. The SRO conducts thorough investigations of all criminal incidents and encourages and facilitates the development of appropriate solutions to crime and related problems. The SRO of the
Year is selected by a committee independent of the Awards Committee; however the award will be presented at the CMPD’s annual awards ceremony.

O. The Citizen’s Service Award is presented to citizens who have worked with the police and exhibited considerable initiative and resolve in one or more of the following areas: addressing problems within the community, improving neighborhood safety and conditions, serving as a community leader as demonstrated by their actions, service or work with youth, and/or have accomplished some other extraordinary act of service to CMPD or the community.

P. The Certificate of Commendation is awarded to an individual or groups of CMPD employees who have distinguished themselves through the accomplishment of a difficult task or act that clearly benefits the Department and/or the community. The Certificate of Commendation is considered a Bureau-level award and as such will be approved by the employee’s Chain of Command to the Bureau-level manager unless the nominated person is of Bureau manager rank within the Department, with the Deputy Chief of Police approving such nominations.

Q. The Certificate of Appreciation is awarded to citizens who have distinguished themselves through the accomplishment of some feat or service highly beneficial to CMPD and/or the community. The Certificate of Appreciation is considered a Bureau-level award and will be approved by the appropriate Bureau-level manager.

R. The Civilian Employee Service Award (CESA) is presented to a civilian police employee who exemplifies the mission and principles of CMPD. The day-to-day performance of the employee is indicative of a high degree of initiative, determination, diligence and cooperative effort shown through continual efforts, expertise, exceptional service, commitment, and/or dedication. Civilian employees selected for this award have contributed to the overall success of CMPD.

S. The Citizen Long-Term Achievement Award is awarded to an individual who, over the past 10 years or more, has made long term and significant contributions to the community and has improved the quality of life for citizens or whose accomplishments have brought recognition to Charlotte.

T. The Citizen Achievement Award is awarded to an individual who has made significant contributions to the community and has improved the quality of life for citizens or whose accomplishments have brought recognition to Charlotte.

VI. NOMINATION FOR AWARDS

A. Nominations for any CMPD award may be made by any member of the Department or the community who has knowledge of an act or service deserving recognition.

Awards nomination must include all relevant information for committee consideration to include, but not limited to:

a. Clear and concise narratives.
b. KBCOPS Report information

c. Body Worn Camera (BWC) Footage (if applicable) to include complaint number and bookmark information for involved employees.

d. Relevant statistics

e. Witness statements

f. Physician statements

g. Supervisory statements

h. Any other relevant supporting documentation

Nominations found to be lacking the appropriate supporting documentation may be removed from the list of considered nominations.

B. Nominations for departmental level awards must be submitted on a Recognition Request Form and forwarded to the manager of the Human Resources Division or their designee.

1. The Recognition Request Form will be available on the CMPD Portal for employees and on the CMPD web site for citizens and non-CMPD employees.

2. The Recognition Request Form must contain the date, place, and time of incident or service concerned, the names of all persons involved, either as participants or as witnesses, and a detailed account of the incident or service performed. If applicable, a copy of the offense report including statements pertaining to the actions of the persons involved in the event should be included.

3. The Recognition Request Form shall be reviewed by the employee’s Chain of Command (through the rank of Major) which will then make a recommendation of approval, modification or disapproval. Any notations of modification or disapproval shall include the reasons for the modification or disapproval. All reviewed nominations shall then be returned to the manager of the Human Resources Division or their designee for submission to the Chairperson of the Awards Committee.

4. All Chain of Command reviewed and approved nominations will be presented by the Chair to the Awards Committee for final voting, approval and selection for presentation at the annual CMPD award ceremony(s). Final voting by the committee will occur in person and be based on a review of the nomination and whether it satisfies the recommended award type criteria. Approval does not require a unanimous vote but will be based upon a “Yea” vs. “Nay” vote.

5. Documentation of awards will be placed in the awardee’s CMPD Personnel File.
VII. COMMENDATION AND RECOGNITION BARS

Up to four issued commendation bars may be worn with the appropriate bar holder centered above the name plate on the uniform shirt.

VIII. REFERENCES

400-001 Uniform and Grooming Standards
CALEA
ADDENDUM

AWARD INSIGNIA

The Gold Police Cross

The Purple Heart

Medal of Valor

Lifesaving Award

Medal of Merit

Chief’s Award for Excellence in Policing

Sworn Employee of the Year
I. PURPOSE

To establish CMPD policy to assist and prepare employees returning to duty after extended periods of leave, including military leave.

II. POLICY

It is the policy of CMPD to provide employees returning from extended leave all the necessary support and training to ensure proper integration back into the CMPD workforce.

III. DEFINITIONS

A. Extended Military Leave: Any military leave for any period over thirty (30) days and up to five (5) years cumulatively.

B. Extended Leave: Any period of leave exceeding 30 calendar days, whether paid or unpaid. Leave includes long term medical, personal, for disability reasons or other circumstances requiring the employee to curtail his or her normal duties.

C. Human Resources Military Liaison (HRML): Person within the Human Resources Division designated to address administrative needs for all personnel in preparation for extended military leaves of absence, during the period of time the employee is absent, and upon returning to duty.

D. In-Service Training Supervisor: Supervisor designated to identify and coordinate all needed training for all personnel returning to duty after extended periods of military leave or extended leave.

IV. Return Procedures

A. Human Resources Procedures: The Human Resources Employee Relations and Leave Supervisor or designee, for all extended leave returning employees, will ensure that all administrative functions have been scheduled or initiated to allow the employee to return to work. Areas to be addressed include:

1. Access cards, computer access permissions;
2. Payroll, benefits, insurance; etc.
3. Additionally, employees from military leave must provide:
   a. Military discharge orders/paperwork.
   b. Credit of deployed time for retirement purposes. (DD-214 required)

B. Upon returning to work, sworn employees who have been absent for 30 or more calendar days will be directed to the Training Bureau where they will report to the In-Service Training Sergeant. All required training (including demonstrating firearms proficiency) will be completed prior to returning to full duty in their assigned division. In some instances, absences of fewer than 30 days may require the employee to demonstrate firearms proficiency if the reason for the leave (as with an injury) has the
potential to negatively affect the employee’s physical performance. (Decision will be made in consultation with the Training Academy / Range Master.)

C. CMPD Human Resources will provide the employee with information for various assistance programs available should the employee desire to use them. These include but are not limited to:

1. Employee Assistance Program
2. Agency Chaplains
3. Peer Support
4. Veterans Administration
5. Military One Source
6. CMPD Benevolent Fund
7. CMPD Psychologist

D. Patrol Return / Reorientation Process

It shall be mandatory for any patrol officer who has been out of the patrol function for 179 calendar days or more to participate in a reorientation process to fulfill the following requirements prior to returning to patrol. An officer who has been out of the patrol function for less than 179 calendar days may also request to participate in the reorientation process with approval being at the discretion of the Patrol Services Group Deputy Chief on the recommendation of the division captain or the training division commander. The Patrol Services Group Deputy Chief may, at his or her discretion, mandate participation in a reorientation process for an employee who has been out of the patrol function for less than 179 calendar days.

1. In-Service Training: The In-Service Training Supervisor will ensure the returning employee completes all mandated training requirements. In-service training will take place immediately upon completion of the administrative in-processing by Human Resources. Returning employees will be directed to the Training Division and report to the In-Service Training Supervisor for completion of all mandated training. Sworn employees absent from duty for more than one year will be reassigned to their division in an administrative status pending reinstatement of their Law Enforcement Certification by the State.

2. Firearms: The Academy will ensure that the returning employee has demonstrated firearms proficiency and/or qualified as required at the Range.

3. Field Training: The employee's assigned division commander will ensure that:
a. The returning employee will, immediately upon reinstatement of his or her certification, be assigned to ride with a PTO for a minimum period of one week and up to a maximum period of six weeks.

b. The length of the field training period will be a joint decision of the returning employee, PTO, shift supervisor and the division commander. Should deficiencies be identified at the end of the maximum six week period, the Division Commander has the discretion to extend this training period.

c. Upon successful completion of the reorientation process, the Division Commander will notify Secondary Employment as needed when Field Training is complete and ensure a copy of the training record be retained in the division PTO file before the employee can return to working Secondary Employment.

d. The employee understands there is no requirement for the Field Training phase to be completed in one week; the goal is to have the employee comfortable returning to the normal shift assignment.

e. The Division commander or designee will maintain contact with the employee throughout this training cycle and inquire as to any problems or needs the employee might have.

4. Documentation of the completion of these requirements will be placed in the officer’s personnel file.

5. Any employee who is out of work for longer than 12 weeks consecutively will have his or her merit date adjusted for the respective weeks per current pay guidelines as approved by City Council.

E. Non-Patrol Return/Reorientation Process

It shall be mandatory for any non-patrol assigned officer who has been absent from his or her assignment for 179 calendar days or more to participate in a reorientation process to fulfill the following requirements prior to returning to his or her assignment.

1. In Service Training: The In-Service Training Supervisor will ensure the returning employee completes all mandated training requirements. In-service training will take place immediately upon completion of the administrative in-processing by Human Resources. Returning employees will initially be directed to the Training Division and report to the In-service Training Supervisor for completion of all mandated training. Sworn employees absent from duty for more than one year will be reassigned to their division in an administrative status pending reinstatement of their Law Enforcement Certification by the State.

2. Firearms: The Academy will ensure that the returning employee has demonstrated firearms proficiency and/or qualified as required at the Range.
3. Assignment Training: The employee’s assigned Division Commander will ensure:
   
a. The returning employee will, immediately upon reinstatement, be required to participate in a re-orientation process as designated by the Division Commander for a minimum period of one week and up to six weeks to re-familiarize the employee with the assignment.

b. Upon successful completion of the assignment training phase, the Division Commander will notify Secondary Employment as needed when training is complete and ensure documentation of successful completion of training is entered into the division’s file for the employee before the employee can return to working Secondary Employment.

c. The employee understands there is no requirement for the assignment training to be completed in one week; the goal is to have the employee comfortable returning to his or her normal assignment.

d. The Division Commander or designee will maintain contact with the employee throughout this training cycle and inquire as to any problems or needs the employee might have.

4. Documentation of the completion of these requirements will be placed in the officer’s personnel file.

5. Any employee who is out of work for longer than 12 weeks consecutively will have his or her merit date adjusted the respective weeks per current pay guidelines as approved by City Council.

V. REFERENCES

300-016 Military Leave Policy
300-005 Workers’ Compensation
300-004 Sick Leave Policy
300-001 Scheduling, Timekeeping, and Attendance
300-010 Administrative Leave Policy
CALEA
I. PURPOSE

The following policy provides guidelines for the educational incentive and educational reimbursement program for all Charlotte-Mecklenburg Police Department (CMPD) employees.

II. POLICY

CMPD recognizes the importance of higher education and seeks to recruit and retain an educated and diverse workforce. CMPD supports the efforts of all employees to further their educational goals.

III. DEFINITIONS

A. Regular Full time:
   1. 40 hours weekly
   2. 41 or 41.25 hours weekly designated as Roll-Call schedule
   3. 42.50 hours weekly designated as School Resource Officer schedule

B. Regular Part Time: Standard half-time schedule of 20 hours, or three-quarter time schedule of 30 hours, as defined by the employee’s position.

III. PROCEDURE

A. Educational Incentive – Sworn Public Safety Pay Plan Employees

1. Police Recruits

   Eligibility for Educational Incentive
   a. Recruits are eligible to receive the educational incentive of 5% for an associate degree or 10% for a bachelor’s degree at the time of hire. The total maximum educational incentive is 10%.
   b. Documentation of the degree must be submitted to the Human Resources office. Recruits will not receive the incentive without proper documentation (Official transcripts with grades, indicating that a bachelor’s or associate degree has been conferred). The employee will receive the increase on the following pay period upon submission of the appropriate paperwork to Human Resources. There will be no retroactive pay.
   c. All coursework must be from a public or private academic institution, accredited by one of the regional accrediting associations. (US Dept. of Education Accredited Institution List)
2. Eligibility for Sworn Public Safety Pay Plan Employees
   a. Employees below the rank of Sergeant are eligible to receive an educational incentive of 5% for an associate degree or 10% for a bachelor's degree. The total maximum educational incentive is 10%.
   b. Employees must submit proper documentation (Official transcripts with grades, indicating that a bachelor's or associate degree has been conferred) to the Human Resources office. The effective date for the incentive pay will be the Saturday following the day the documentation was received.
   c. The degree must be from a public or private academic institution, accredited by one of the regional accrediting associations. (US Dept. of Education Accredited Institution List)
   d. The City of Charlotte and/or CMPD can withhold educational incentives and reimbursements at any time.

B. Educational Reimbursement Program- All Eligible Existing Employees
   1. All regular full time and regular part time employees of CMPD are eligible for the educational reimbursement program.
   2. The program applies only to courses taken for academic credit and does not cover regular training provided by CMPD or the City of Charlotte.
   3. The Chief of Police or designee may determine the type of coursework that enhances the business goals of the organization and are eligible for reimbursement.
   4. Reimbursement will only be made for one degree at each level: associate, bachelor's, and master's. Reimbursements will not exceed UNCC fee rates for a bachelor’s or master’s degree and CPCC fee rates for an associate degree.
   5. The degree must be from a public or private academic institution, accredited by one of the regional accrediting associations. (US Dept. of Education Accredited Institution List).
   6. CMPD will not reimburse for PhD’s, Juris Doctorate, or other doctorate programs.
   7. Approval must be obtained from the employee’s supervisor and Human Resources prior to enrollment in each new term. The application for reimbursement must be signed by the employee’s supervisor and the Human Resources Director or designee.
8. Eligible expenses submitted must have prior signed approval from Human Resources and the employee’s supervisor to be processed for reimbursement.

9. Employees must receive a grade of C or higher in undergraduate courses or, B or higher in graduate courses to qualify for reimbursement.

10. An official grade report or certified transcript is required after successfully completing each course. A certified transcript is required after every $2,000 of reimbursements.

11. Expenses eligible for reimbursement are:
   a. Tuition (not to exceed UNCC fee rates for a bachelor’s or master’s degree or CPCC fee rates for an associate degree);
   b. Lab Fees and other required fees (UNCC or CPCC fee rates);
   c. Required learning materials and/or text books.

   When submitting for reimbursement, a copy of the course syllabus indicating the required learning materials and/or books accompanied by receipts for these materials and/or books is required.

12. Expenses not eligible for reimbursement are:
   a. Tools and supplies (other than text books);
   b. Meals, lodging, parking, and transportation;
   c. Pre-enrollment testing, graduation fees, transcripts;
   d. Computer and internet access fees.

13. Employees may not claim reimbursement for costs covered by other sources. This includes grants, scholarships, G.I. Bill, and any other program where the employee receives educational reimbursements.

14. Non-credit courses are not eligible for reimbursement. (Certificate, and/or diploma programs, continuing education credits, etc.).

15. Educational reimbursement will be taxed based on the current federal tax guidelines at the time of reimbursement.

16. Reimbursement rates may be subject to change based on current rates at UNCC or CPCC.
17. Forms and policies are located at: https://cnet/Departments/hr/payroll/Pages/default.aspx

IV. REFERENCES

HR18-City of Charlotte Educational Assistance Policy
Tax Benefits for Education
US Dept. of Education Accredited Institution List
CALEA
I. PURPOSE

To establish uniform procedures for the procurement of goods and services and to strengthen internal controls for CMPD’s procurement process.

II. POLICY

In accordance with city policy, all CMPD users will employ the city’s financial system (Referred to as MUNIS or The System) to procure all goods and services. CMPD will maintain a responsible process that guides how CMPD procures goods and services and to assist employees in the procurement process to ensure that such processes are in compliance with applicable law, City of Charlotte policy and Charlotte City Council directives.

III. DEFINITIONS

See City of Charlotte Citywide Procurement Policy.


IV. General Procurement Rules

A. All Purchases of Goods, Services, and Technology shall be made using a Purchase Order (PO) or Procurement Card (P-Card), unless otherwise provided for in Section 1.12 of the Citywide Procurement Policy (MFS 24). Certain limited, authorized purchases may also be made using a Request for Check, as defined and approved by the Accounts Payable Payment Policy (MFS 6).

B. Goods, Services, and Technology shall be purchased from Citywide Master Contracts except as provided in Section 1.13 of the Citywide Procurement Policy.

C. All supporting documents (quotes, proposals, bids, contracts, PO’s, etc.) shall be maintained in accordance with applicable federal, state, and local records retention requirements and policies. Certain documents are required to be maintained in the System as attachments to relevant contract, purchase order, invoice, receiving, or P-Card transaction records.

D. Purchases made via purchase order or check request may only be made from a vendor properly registered with the city in accordance with the Citywide Vendor Policy (MFS 19). While vendor registration is not required prior to P-Card transactions, the Office of the Chief Procurement Officer and the City P-Card Administrator will monitor frequency and cumulative spending by vendor for registration opportunities.

E. Unless subject to one of the exceptions set forth in Section 1.12 of the Citywide Procurement Policy. Purchases shall follow the procurement process set forth in the Thresholds, Processes, and Approval Authorities Table, based on dollar amount and type of procurement.
F. Purchases must be approved by the individual specified in the Thresholds, Processes, and Approval Authorities Table, based on dollar amount.

G. Individuals conducting procurements are responsible for estimating the total need for a Good, Service, and/or Technology, to the extent practicable, to ensure proper application of this policy.

H. Procurements shall not be split into multiple purchases to circumvent thresholds and approval authorities established in the Table.

I. All purchases, regardless of type, shall be entered into the System.

J. All purchases shall be encumbered or accounted for using a contract, PO, P-Card, and/or request for check (RFC).

K. The use of P-Cards shall be in accordance with the Management & Financial Services, Citywide Procurement Card Policy (MFS 25), and may be, from time to time, governed by executive directive as required.

L. A PO or P-Card shall be used when making purchases against an approved contract (encumbered or unencumbered) for Goods, Services, and/or Technology.

M. A PO shall be used for procurement of items identified in the City’s Master Item File or available through a punch-out vendor in The System, except as provided in Section 1.12 of the Citywide Procurement Policy.

N. A Blanket PO shall not be used for the procurement of goods, except in those instances where the Office of the Chief Procurement Officer has designated an exception for a specific individual good. The Financial Management Division will maintain a list of approved exceptions.

O. A Blanket PO may be used in the purchase of Services and Technology, but only in those situations where a specific relationship between quantity and cost is not available.

P. All purchases initiated on a requisition must be properly designated in the requisition entry purchase type field, from the available options.

Q. Project accounts must be applied to all contracts, requisitions, and P-Card transactions to be charged to a project. A list of city-wide contracts is available at: City-wide & County-wide Contracts

V. PROCEDURE

A. Prior to entering a purchase order requisition into The System (Munis), employees will obtain quotes as noted in Table #1. In addition, sole source purchases will require prior written approval from the Procurement Management Division (PMD) of the Management & Financial Services Department. Other than obtaining
informal quotes, employees will refrain from conversations with potential vendors before meeting with the procurement officer for direction.

B. Any personnel soliciting goods, bids or quotes for services or goods should not make any actual or implied comments to vendors that would make a reasonable person feel they have exclusivity for a particular purchase or contract.

C. The City of Charlotte is not tax exempt. Certain North Carolina taxes need proper allocation. Do not break out taxes from another state. If there is a tax from another state, include in the tax amount with the receipt subtotal.

D. All procurement of goods and or services not purchased on a procurement card (P-Card) must be procured through a written contract, purchase order, or request for check.

E. All technology purchases of $10,000.00 or more must be approved by TPET prior to entering the requisition in the system.

F. Any new Uniform/Clothing purchases that are not covered by an existing contract must first be approved by completing a “Uniform and Equipment Request and Review Form” and forwarding it through the requesting officer’s chain of command. The requesting officer’s chain of command will indicate approval or disapproval of the request. Disapproval by any member of the chain will stop any further action with regard to the request. The Deputy Chief should forward the denied request and documentation to the Property and Evidence Management Division’s Manager. The chain of command should not base its decision solely on the unit or section, but the overall impact the request may have on the entire organization. The Uniform and Equipment Committee will research and discuss all items submitted for review and make recommendations regarding the requested action to the Chief of Police or designee.

G. Equipment purchases where an individual piece of equipment exceeds $5,000 must be marked as a Fixed Asset on the purchase order requisition in The System.

VI. THRESHOLDS, PROCESSES, AND APPROVAL AUTHORITIES

The following table outlines CMPD’s internal process and shows the CMPD Workflow Approval and the signature authority needed for purchases by requisition or invoice. Final authorization is from the signature authority. It is the CMPD Workflow Approval’s responsibility to ensure that the signature authority has been notified and has approved the purchase. For the purchases that require multiple signature authorities, all signatures must be obtained in the order provided.
### CMPD Procurement Process

**Effective Date 01/24/2018**

4 of 11

---

**Thresholds, Processes, and Approval Authorities Table**

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Method of Procurement</th>
<th>Goods: Workflow Approval</th>
<th>Goods: Signature Authority</th>
<th>Services: Workflow Approval</th>
<th>Services: Signature Authority</th>
<th>Technology: Workflow Approval</th>
<th>Technology: Signature Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1,000</td>
<td>• P-Card • PO • Request for Check • Contract</td>
<td>Captain or civilian manager; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
<td>Captain or civilian manager; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
<td>Captain or civilian manager; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
</tr>
<tr>
<td>$1,000-$4,999</td>
<td>• P-Card • PO • Request for Check • Contract</td>
<td>Major or civilian manager; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
<td>Major or civilian manager; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
<td>Major or civilian manager; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
</tr>
<tr>
<td>$5,000-$9,999</td>
<td>• PO • Request for Check • Contract</td>
<td>Deputy Chief; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
<td>Deputy Chief; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
<td>Deputy Chief; Financial Manager</td>
<td>Financial Manager (or higher level signature authority)</td>
</tr>
<tr>
<td>$10,000-$19,999</td>
<td>• PO • Request for Check • Contract</td>
<td>Assistant Chief; Financial Manager</td>
<td>Chief of Police; Chief's Executive Officer; or Business Services Manager</td>
<td>Assistant Chief; Financial Manager</td>
<td>Chief of Police; Chief's Executive Officer; or Business Services Manager</td>
<td>TPET; Assistant Chief; Financial Manager</td>
<td>Chief of Police; Chief's Executive Officer; or Business Services Manager</td>
</tr>
<tr>
<td>$20,000-$49,999</td>
<td>• PO • Request for Check • Contract</td>
<td>Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer</td>
<td>Chief of Police; Chief's Executive Officer; or Business Services Manager</td>
<td>Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer</td>
<td>Chief of Police; Chief's Executive Officer; or Business Services Manager</td>
<td>TPET; Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer</td>
<td>Chief of Police; Chief's Executive Officer; or Business Services Manager</td>
</tr>
<tr>
<td>$50,000-$99,999</td>
<td>• PO • Request for Check • Contract</td>
<td>Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)</td>
<td>City Manager (or designee)</td>
<td>Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)</td>
<td>City Manager (or designee)</td>
<td>TPET; Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)</td>
<td>City Manager (or designee)</td>
</tr>
<tr>
<td>Over $100,000</td>
<td>• PO • Request for Check • Contract</td>
<td>Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)</td>
<td>City Council</td>
<td>Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)</td>
<td>City Council</td>
<td>TPET; Assistant Chief; Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)</td>
<td>City Council</td>
</tr>
</tbody>
</table>
VII. Procurement Card (P-Card) Responsibilities (Responsibilities for cardholder & approvers)

A. All P-Card transactions will be entered into The System the following Friday after the transaction is made by the cardholder. Any use of the P-Card is for business related expenses. Business information, such as business address, phone number or business email address is the only information a Vendor should request. There is never a need to provide a Vendor with personal information such as social security number, home address, cell phone or personal email address. The P-Cardholder is fully responsible for any transaction and the associated reconciliation process.

1. Cardholders will:
   a. Allocate transactions in The System weekly after they are entered into The System.
   b. Scan all receipts and related documents into The System (TCM) at or prior to the weekly allocation.
   c. Check the dashboard from The System at least weekly (normally on the day transactions are downloaded from the bank) to monitor card spending.
   d. Reconcile their monthly P-Card statement to the transactions recorded in The System and release the reconciled transactions within two business days following month end.

2. Cardholders will not:
   a. Split a transaction to circumvent a credit limit.
   b. Use the P-Card for a personal transaction.
   c. Accept cash in lieu of credit to the P-Card.
   d. Use the P-Card to buy alcohol.
   e. Use the P-Card to gamble.
   f. Purchase a gift card or gift certificate (the IRS considers a gift card as taxable income for an employee and is not a valid P-card transaction).
   g. Make a cash advance on the P-Card.
   h. Lend the P-Card to another person for use.
   i. Circumvent the Employee Travel and Reimbursements policy by use of P-Card.
B. Understand that misuse of the P-Card and the policy and procedures may result in disciplinary action including termination (dismissal), P-Card revocation, or temporary card suspension.

C. Procurement cards are issued to CMPD personnel that have justified a business need for that form of procurement. When the P-Cards are issued, there is an implicit understanding that the P-Cardholder must use the P-Card in accordance with city policy and keep their chain-of-command informed of such purchases on a weekly basis at a minimum.

VIII. Emergency Purchases

To the extent possible, CMPD should utilize acceptable procurement processes even in emergency situations. Departments are not required to use a Formal Solicitation when a special emergency is in effect, such that the health and safety of the people or their property are in jeopardy. Purchases needed in response to a natural disaster or other sudden and unforeseeable situations most closely reflect the intent of the emergency exception. The requirements for invoking the emergency exception are:

1. The emergency must be present, immediate, and existing.
2. Harm cannot be averted through temporary measures; and
3. The emergency cannot be self-created due to failure to take precautions.

IX. Captain Responsibilities

A. Ensure the item requested is an essential need.
B. Ensure their chain of command has approved the purchase.
C. Ensure in advance the requested purchase/item is budgeted and funds are available for the purchase.
D. Ensure purchases with contract terms and conditions are not extended, increased, decreased or modified in any way without the approval of Financial Management.
E. Review and approve all P-Card transactions released into The System by the P-Card holder within 1 business day of its release.
F. The System dashboard should be reviewed at least daily for pending transactions awaiting approval. Transactions waiting for approval should be approved or rejected on a daily basis.
G. Keep the CMPD Financial Manager informed of significant issues involving vendors. (ex. vendor non-performance, non-delivery etc.)

X. Major Responsibilities

A. Ensure the item requested is an essential need and that the item is not already available for use in other areas of the department prior to purchase.
B. Determine the most appropriate funding source has been selected (ex. Asset forfeiture, grant, etc.).

C. Ensure the purchase is an authorized purchase and has followed all procurement guidelines prior to approval by the Assistant Chief.

D. Monitor Bureau’s spending to ensure compliance with cumulative spending signature authorities. (See the Thresholds, Processes, and Approval Authorities Table)

E. The System dashboard should be reviewed at least daily for pending transactions awaiting approval. Transactions waiting for approval should be approved or rejected on a daily basis.

XI. Deputy Chief Responsibilities

A. Oversee the financial operations of their assigned Service Group.

B. The System dashboard should be reviewed at least daily for pending transactions awaiting approval. Transactions waiting for approval should be approved or rejected on a daily basis.

C. Ensure corrective action is taken on any unauthorized purchases that have not gone through the proper procurement process.

XII. Assistant Chief Responsibilities

A. Oversee the financial operations of their assigned Service Groups.

B. The System dashboard should be reviewed at least daily for pending transactions awaiting approval. Transactions waiting for approval should be approved or rejected on a daily basis.

C. Ensure corrective action is taken on any unauthorized purchases that have not gone through the proper procurement process.

XIII. CMPD Financial Management Responsibilities

A. Oversee the financial operations of CMPD including:
   1. The operating budget;
   2. Capital budget;
   3. Grants;
   4. Contracts;
   5. Asset forfeiture, travel, and procurement.

B. Ensure all CMPD procurement activities are completed in an efficient manner while adhering to all statutory requirements, City procurement policies and best business practices.
C. Assist in the development of CMPD procurement policies and procedures that will result in compliance.

D. Review and approve procurement requests to ensure compliance with CMPD and City procurement policies, proper approval (signature authority) has been obtained and adequate funding is available to complete the procurement process.

E. Monitor vendor spending during each fiscal year to ensure compliance with cumulative spending and signature authorities.

F. Ensure that any contract terms and conditions that are not on an approved existing contract are reviewed by the Police Attorney’s Office prior to contract execution.

G. Establish departmental P-Card processes, as needed that do not supersede City of Charlotte Procurement Card Policy and Procedures.

H. Recommend corrective actions through the appropriate Chain of Command for violations of Procurement Card Policy and procedures.

I. Ensure any purchase or transaction determined to be unauthorized shall be forwarded to the Business Services Manager, Executive Officer and Assistant Chief of the purchasing unit.

XIII. Petty Cash

A. Each Petty Cash Custodian is responsible for ensuring that their petty cash box contains the required amount of funds in them at all times.

B. Petty Cash Custodians with petty cash issues only, will report them to the CMPD Financial Manager. Unannounced audits can be conducted by Financial Management to determine compliance with City of Charlotte procedures.

C. Petty Cash Custodians are responsible for reconciling cash boxes when funds are replenished and keying expense allocations into The System.

D. The Petty Cash Fund is reconciled by the Financial Management designee at least quarterly and more often if the balance is low.

E. Employees found to be abusing the petty cash system either through questionable use or late receipts will be reported to the employee’s chain of command and may be subject to disciplinary action.

XIV. Travel and P-Card Purchases

A. All travel shall be in accordance with the City’s Employee Travel & Reimbursements policy (MFS 18).

B. All CMPD Employees must receive prior authorization from their Chain of Command up to the Deputy Chief before making travel arrangements. (I.e. hotel reservation, air fare, registration fees, etc.).
C. At least 3 weeks prior to date of travel, all CMPD Employees must complete and submit the CMPD Travel Request Authorization Form located at:

https://charlottenc.seamlessdocs.com/w/TravelAdv_form

D. Upon electronic submission of the CMPD Travel Request Authorization Form, the form will be routed for electronic approval by the employee’s Chain of Command.

E. Upon approval by the Chain of Command, Financial Management staff will complete the FIN FS 05-Travel Form and submit to City Finance. Traveler will be notified when the advance check is available for pickup. Based on processing cost, a minimum amount of $150.00 is required for advance requests unless either a business reason or a statement that the employee prepaying would create a hardship is noted on the advance form.

F. Upon returning from travel, all receipts excluding meals must be submitted to Financial Management via email at cmpdtravel@cmpd.org within five (5) business days of returning. This includes, but may not be limited to, the following:

1. Copy of P-Card Statement
2. Copy of P-Card Receipts
3. Original receipts other than P-Cards (Ex: AAA, conferences paid by check, hotel, transportation, rental car, etc.)

G. Once all receipts have been received by Financial Management, staff will complete the FIN FS 05-Travel Form based on actual expenses and forward an electronic copy to the employee for signatures. The signed form must be scanned and emailed back to Financial Management at cmpdtravel@cmpd.org for submission to City Finance.

In advance of the due date, Financial Management staff will provide at least one reminder to the traveler that the expense report is due. After five (5) business days, the CMPD Financial Manager will send a communication to the employee and their Chain of Command up to Deputy Chief requesting submission of all travel receipts.

H. A travel expense may include airfare, hotel, car rental, lodging, meal, tip, and registration fee.

I. When traveling on approved business, per diem should be used for all meal expenses. Accordingly, the P-Card shall not be used for meals when traveling, but any other valid travel expenses may go on the P-Card.

J. The P-Card shall not be used for personal expenses. A traveling cardholder is personally responsible for any payment of a personal expense by personal means other than a City P-Card. Misuse of P-Card may result in disciplinary action including termination/dismissal, P-Card revocation, or temporary suspension of P-Card.
K. Travel Advance requests not submitted at least three weeks in advance will be subject to using personal funds to cover all approved expenses and then reimbursement upon returning from travel.

L. All meal reimbursement requests should be calculated according to the current rates located at: GSA Per Diem Rates.

M. If meals are provided during the trip, the per diem amount should be adjusted accordingly. More information can be found at: Meals and Incidental Expenses Breakdown.

N. Emergency travel for criminal investigations must receive authorization from the affected Chain of Command. All emergency travel request forms must be completed immediately upon return to duty.

O. Each employee is expected to be fiscally responsible in making travel arrangements for hotel, air fare, and other City approved travel.

P. Each employee should keep in mind that failing to comply with this directive may result in disciplinary action, including: counseling; written reprimand; and/or suspension of travel privileges.

XV. Charlotte Business Inclusion Program (CBI)

The CMPD is committed to promoting equal opportunities by employing goals and good faith efforts to promote the utilization of a CBI for CMPD contracts of goods or services. Employees are encouraged to seek out Minority and Women Owned (MW) and or registered CBI’s for participation in the procurement of goods and services. Certified MW/SBE firms can be located on the Charlotte-Mecklenburg Website at: Charlotte Business Inclusion.

A. Financial Management will keep employees updated on current vendors that qualify as registered CBI’s.

B. Financial Management will monitor requests for goods and services to ensure opportunities to utilize registered CBI’s become best business practices.

XVI. Ethics and Conflict

A. The City has established several policies outlining the standards for ethical practices by City staff. Individuals conducting procurement activities shall comply with these policy standards at all times. In addition, all individuals responsible for procurement activities shall perform their responsibilities with the highest level of professionalism, integrity, and civic stewardship.

B. Gifts and Favors (HR 12)

The City has established the Gifts and Favors Policy (HR 12), which requires that public employees be independent, impartial, and responsible to the people, and that public positions not be used for personal gain. Individuals responsible for procurement activities are explicitly prohibited from the solicitation and acceptance
of gifts or favors in any amount, including any actual or promised payment (Kickbacks), gifts, donations, services, or other offerings.

C. Conflict of Interest (HR 13)

The City has established the Conflict of Interest Policy for City, Secondary, and Other Employment Relationships (HR 13). Individuals responsible for procurement activities shall employ principles of fairness and avoid favoritism or personal gain in their activities so as not to create a situation which represents actual conflict of interest, or the reasonable appearance of a conflict.

XVII. REFERENCES

Accounts Payable Payment Policy (MFS 6)
Citywide Procurement Card Policy (MFS 25)
Citywide Procurement Policy (MFS 24)
Citywide Vendor Policy (MFS 19)
Conflict of Interest Policy (HR 13)
Employee Travel and Reimbursements (MFS 18)
Gifts and Favors (HR 12)
I. PURPOSE

To provide guidelines concerning the Department’s and employee's rights and responsibilities when the employee performs duties as part of the Uniformed Services of the United States.

II. POLICY

The Charlotte-Mecklenburg Police Department is committed to supporting employees in the Uniformed Services. In accordance with federal and state law, it is the Department’s policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform services for any of the Uniformed Services. Specifically, no person will be denied employment, reemployment, reinstatement, promotion, or any other benefit based on such membership. Furthermore, no person will be subjected to retaliation because such person has exercised his or her rights under this directive.

This policy references guidelines established by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and provides an outline of rights and expectations. Additional details and information may be obtained by contacting Human Resources to discuss your specific situation.

III. DEFINITIONS

A. Short-Term Military Leave: Any military leave up to 30 days. The 30 days may involve consecutive days or may be fragmented (for example, monthly training exercises).

B. Extended Military Leave: Any military leave for any period over 30 days and up to 5 years.

C. Uniformed Services: The Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service. This includes the Reserve or National Guard components and any other category of persons designated by the President in time of war or national emergency.

D. Human Resources Military Liaison (HRML): Person with the Human Resources Division designated to address administrative needs for all personnel in preparation for extended military leaves of absence, during the period of time the employee is absent and upon returning to duty.

IV. REPORTING DISCRIMINATION

If any employee believes that he or she has been subjected to discrimination in violation of this directive, the employee shall immediately contact a Human Resources representative for assistance.

V. PROCEDURES

A. Pre-Deployment Procedures
1. Military Leave – Notice to the Department
   a. An employee who has received written or verbal military orders shall notify their direct supervisor and Human Resources as soon as such orders have been received by the employee.
   b. The employee should notify his/her direct supervisor if such orders are anticipated by the employee.
   c. No advance notice is required if such notice is precluded by military necessity or under circumstances in which the giving of such notice is otherwise impossible or unreasonable.

2. Human Resources Responsibilities: The HR Military Liaison (HRML) will meet with the deploying employee and ensure that all the required administrative tasks are initiated, determine if there are any anticipated needs for family members, and update contact information for the employee’s family. The HRML will be the point of contact for official agency business communications with the deployed employee.
   a. The HRML will strongly encourage the employee to provide copies of documents to ensure smooth transition. These documents will include:
      (1) Written orders if received;
      (2) Leave and Earnings Statement.
   b. The HRML will ensure that any changes in payroll are prepared and that any questions regarding benefits are addressed.
   c. The HRML will maintain and update contact files for all deployed CMPD members and their families.
   d. The HRML will maintain a centralized list of activated personnel for distribution on a need to know basis.

3. Division Level Responsibilities: The Division will assist the employee pre-deployment as follows:
   a. The Division will assist with the completion of any Division level administrative tasks needing to be completed prior to the CMPD member deploying.
   b. The Division will maintain contact with the HRML regarding any status changes for the employee or family members.
   c. Upon notification, additional workload (i.e., case assignments) should cease and current case assignments should be reassigned if reasonable to complete before departure.
d. The Division will assist employees who will be absent for military leave for more than 30 days with the turning-in and temporary storage of all issued uniforms and equipment (including but not limited to: service weapon, radio, Conducted Electrical Weapon (CEW)) to the Property and Evidence Management Division no less than twenty-four hours before the start of the military leave.

B. Deployment Procedures

Human Resources Procedures: The HRML for CMPD will be responsible for monitoring the status of deployed employees and to address questions of benefits and payroll as they arise.

When contacted by a deployed employee or authorized family member the HRML, in addition to addressing that immediate inquiry, will also make referrals as needed regarding any status changes or benefits.

VI. BENEFITS DURING MILITARY LEAVE

A. Insurance

As an employee of the City of Charlotte, employees are eligible to continue benefits during their leave of absence. Employees should meet with CMPD Human Resources to establish a benefits plan which best suits each employee’s unique situation.

B. Retirement Plan

Upon re-employment the employee will be credited with the time spent in the Uniformed Services for purposes of vesting. Upon re-employment, the employee may elect to make contributions that the employee would have paid had the employee not entered the Uniformed Services. Employees must contact CMPD Human Resources in order to properly complete this process.

C. Vacation

The employee may, at his or her option, use any or all accrued vacation leave during short term or extended military leave. How an employee accrues benefit time when on Military Leave must be discussed with the HRML.

An employee will not accrue any benefit time once no time has been entered.

VII. MILITARY TRAINING/ PAYROLL

A. Military Training Leave is to be designated as “MLS – Military Leave Time” in the approved payroll system.

B. A regular employee may be granted up to eighty (80) hours of Military Training Leave per year for required annual training as a member of the Uniformed Services and may be used in half or full increments. While on Military Training Leave, the employee shall be paid for one-half of his or her scheduled workdays during the approved leave
period. The remaining scheduled workdays during this period at the employee’s option, may be charged to accrued vacation leave, or be taken as leave of absence without pay. The time paid is not counted towards time worked in the calculation of overtime.

C. Employees shall provide advance notice and a copy of their training orders to Human Resources prior to the training.

D. The remaining scheduled workdays during this period may be designated as vacation leave or leave without pay, at the employee’s discretion.

E. Unused Military Training Leave not used by the end of the calendar year will be forfeited.

F. For employees who are called to active duty, a supplement will be provided if the employee’s gross military pay is less than the employee’s City base salary. The amount of the supplement is the difference between the military pay and City base salary. Official military verification of the reservist pay must be provided in order to receive the supplement. Military Leave and Earnings Statements or paycheck stubs may be used for verification. LES Statements must be sent to CMPD Payroll by the 10th of each of month for payment to be processed on the fourth Friday of each of month regardless of the number or weeks in the month.

VIII. ELIGIBILITY FOR EMPLOYMENT RESTORATION

A. A member of the uniformed services shall be required to meet the following criteria to be eligible for full reemployment restoration with the Department:

1. The employee must be in compliance with the notification requirement in section V-A-1.

2. The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services must not exceed five years. Any employee who believes that their cumulative length of absence will exceed five (5) years shall contact Human Resources to determine if there is a statutory exception to this general requirement. The five year total excludes certain activities such as inactive duty training (drills) and annual training.

3. The employee must have, at the time of discharge from active duty, satisfactorily completed their service obligations and the release/discharge must be “honorable” “general” or “under honorable conditions.”

4. The employee must report to Human Resources in accordance with the following guidelines:

   a. Uniform Service of 30 calendar days or less: The employee must report to their direct supervisor within eight (8) hours after the beginning of the first full regularly scheduled work period following the completion of the
period of service. In the event it is impossible or unreasonable, through no fault of the employee, to report before the expiration of the eight hour period, then the employee must report as soon as possible.

b. Uniform service of 31 to 180 calendar days: The employee must report to Human Resources no later than fourteen (14) calendar days after the completion of the period of service unless submitting the application is impossible or unreasonable in which case the employee may submit the application the first full calendar day when the submission of the application becomes possible.

c. Uniform service for more than 180 calendar days: The employee must report to Human Resources not later than ninety (90) calendar days after the completion of the period of service.

B. An employee who fails to report pursuant to the above requirements will be treated as absent without leave and subject to the City’s disciplinary process.

IX. EMPLOYEE REINSTATEMENT RIGHTS

An employee returning from uniformed service shall be promptly re-employed in a position of employment in accordance with the following order of priority:

A. Uniformed Service 90 calendar days or less

1. The employee will be employed in the position which he/she would have been employed with the City had not his/her employment been interrupted by Uniformed Service; or

2. If the employee is not qualified to perform the position described immediately above after reasonable efforts are made to qualify him/her, then the employee will be employed in the position of employment in which he/she was employed on the date of commencement of the service.

B. Uniformed Service more than 90 calendar days

1. The employee will be employed in the position of employment in which he/she would have been employed with the City had not his/her employment been interrupted by Uniformed Service or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform; or

2. If the employee is not qualified to perform the duties referred to immediately above after reasonable efforts are made to qualify him/her, in the position of employment in which he/she was employed on the date of the commencement of service, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

3. In the event the employee is not qualified to be employed as set forth in 1 and 2 above and, after reasonable efforts are taken by the City, the employee will be employed to a position of equivalent pay and benefits.
X. ADDITIONAL INFORMATION & RESOURCES

This directive provides an outline of basic rights and expectations. Additional details and information may be obtained by contacting your HR Representative to discuss your specific situation.

Additionally, employees may access the United States Department of Veterans’ Affairs by calling 1 (800) 827-1000 or through their web site at www.va.gov. The booklet "Federal Benefits for Veterans, Dependents, and Survivors" is available on the web site or from the nearest Veterans’ Affairs office.

Please note that the information provided in this directive is intended only to provide a summary of some of the benefits available to employees on military leave in an easy to understand format. It is not intended to provide full descriptions of all applicable laws, benefits plan or programs, terms of eligibility, or plan restrictions.

XI. REFERENCES

300-001 Scheduling, Timekeeping and Attendance
300-013 Return to Duty
400-001 Uniform and Grooming Standards
400-003 Equipment
Rights of Applicants For, and Service Members and Former Service Members of the Uniformed Services (7-01-02 Edition)
32 CFR Part 104
CALEA
I. PURPOSE

This directive establishes the proper method for planning and completing the City of Charlotte Performance Review and Development employee evaluations.

II. POLICY

The City of Charlotte has adopted a pay-for-performance philosophy to reward employees based on the level of their achievements. The performance review process provides opportunities for supervisors and employees to communicate and to ensure that employees receive consistent verbal and written feedback about their performance. Also, by communicating about the quality and value of their performance and behaviors, employees will be able to achieve continuous improvement that will contribute to the achievements of the Charlotte Mecklenburg Police Department.

Since performance reviews are often used to make personnel decisions, they are subject to Equal Employment Opportunity (EEO) guidelines. Therefore, the performance review process must be consistently applied, be job-related, and based on clear and non-arbitrary criteria. All decisions and judgments should be based on the achievements of the individual.

CMPD has moved to an electronic system, MySuccess. This system will allow the PRD process to flow seamlessly from employee to supervisor to reviewer and then to Human Resources.

III. DEFINITIONS

A. Competencies: Skills and behaviors that are required of an employee. They are based on the employee’s position level within the department.

B. Goals: An observable and measurable end result to be achieved. They are derived from CMPD’s strategic goals and are specific to the employee’s role within the organization.

C. Performance Development and Management System/MySuccess: MySuccess is an electronic system that provides an electronic PRD, which allows both the employee and employer to input goals and accomplishments.

D. Performance Review and Development (PRD): The Performance Review and Development (PRD) is the City of Charlotte’s formal employee performance management and appraisal program. The PRD is a performance management, planning, coaching, review and development program that focuses on performance standards that are specific to the employee’s assignment, and are to be achieved by employees during the rating period.

E. Performance Ratings:

1. Exceptional Performance (X): Performance consistently exceeded job requirements and employee regularly produced superior and unique results. Ratings of Exceptional require written explanatory comments.
2. Performance Exceeded Expectations (E): Performance met and frequently exceeded job requirements.


4. Marginal Performance (M): Performance did not consistently meet or only met minimum job requirements. Rating indicates that there is room for improvement.

5. Unacceptable Performance (U): Performance rarely met or did not meet job requirements and/or performance standards. Employee is placed on performance probation. Ratings of unacceptable performance require written explanatory comments.

F. PRD Reviewer: That supervisor, sworn or civilian, who is directly responsible for the actions of a subordinate supervisor.

G. Supervisor: That employee, sworn or civilian, who is directly responsible for the actions of those employees directly subordinate to them.

IV. PROCEDURE

Performance evaluations must be conducted and documented on an annual basis. The due date of the evaluation is one calendar year from the last evaluation date except in the case of promotion, demotion, change of job class, or performance probation.

A. Employee Responsibilities

It is the employee’s responsibility to review their work utilizing the expectations of their supervisors and to understand how their achievements contribute to the success of CMPD.

1. Key Responsibilities:

   a. Maintain open and frequent communication with your supervisor.

   b. Request the tools and support you require to take greater ownership of your performance and future development.

   c. Be sure you know the behaviors that are expected for your success and how your behavior impacts the success of your co-workers, department and your own performance.

   d. Be proactive about talking to your supervisor about what you can do to perform better; be sure you know what is expected of you; understand your performance strengths and weaknesses, and work with your supervisor to develop and follow a plan for your future growth.

   e. Refer to the goals and competencies regularly to assess your performance and evaluate your progress. An employee may not change
or delete their goals without a supervisor’s permission.

f. Know your performance review/merit date. If you don’t know, ask your supervisor.

2. Employee’s role in preparation for the year-end performance review conference:

a. Complete your PRD self-evaluation on time for your supervisor prior to the year-end performance review conference.

b. Be prepared to discuss your performance openly and honestly with your supervisor; think positively about your supervisor’s comments in order to maintain a high standard of performance.

c. Bring your notes and ideas for new goals with you for your discussion with your supervisor about your performance plan for the next review period.

d. You will be asked to electronically sign your performance review form at the end of the review conference; remember your signature does not mean that you agree with the evaluation.

e. Provide your comments on your performance review whether you agree or disagree about the accuracy and fairness of your review. Your supervisor and reviewer will review your comments. You should submit your comments soon after your performance review has been discussed with you.

B. Supervisor Responsibilities

It is the supervisor’s responsibility to formally and informally review and evaluate employees’ performance as it relates to Division/Department objectives and help employees understand how their achievements contribute to the success of CMPD.

1. Key Responsibilities:

a. Set expectations for achievement of goals and competencies and self-management.

b. Give employees the tools and support to assist them with taking greater ownership for individual performance and future development.

c. Ensure that the employee’s goal plan is aligned with the Department’s business plan and initiatives.

d. Communicate with the employee about performance expectations, job standards and goals and competencies. When new goals are adopted, amend goal plans and inform the affected employees.
e. Ensure that goals and competencies include appropriate performance measures.

f. Meet with employees quarterly to assess progress and provide feedback on goals assigned for the year, as well as competencies.

g. Ensure that employees receive relevant and frequent feedback on performance, achievements and areas of weakness. Vague, generalized or subjective evaluations are not helpful and can lead to misunderstandings.

h. Routinely review goals and the employee’s progress toward the goals. Ensure that goals are consistently aligning with CMPD’s strategic goals. Review and update as necessary.

i. Occasionally, the performance review process involves the need for constructive criticism, corrective action and clarification of what is expected, including the consequences to the employee if the required level of performance is not met.

j. Promptly deal with poor performance or non-productive employees. When supervisors tolerate poor performance for extended periods, they are giving employees a wrong message.

k. Maintain on-going employee performance communication throughout the performance review period so that there are no surprises when evaluating an employee at the end of the review period.

2. Supervisor’s role in preparation for the year-end performance review conference:

The year-end review is a time for evaluating the employee’s performance in terms of achievements and behaviors in relation to outcomes, responsibilities, personal development, and contributions to organizational and team success. Frequent feedback between supervisor and employee during the review period will ensure that there are no unpleasant surprises in the year-end review.

a. Get the employee’s input and perspective before finalizing a performance review. Employee input includes but is not limited to the following sources:

(1) Completed employee self-evaluation.

(2) Quarterly meetings with the employee to discuss documented performance achievements;

(3) Information from any work documentation and ongoing communication with the employee;

(4) Input from the reviewer when preparing Supervisor’s Comments
b. Before conducting the performance conference, be sure to schedule a time with the employee in advance. This will give the employee an opportunity to prepare and review achievements, consider areas that need to be strengthened and begin to plan for the next period.

c. Schedule a time to discuss goals to be included in the next PRD to ensure employee input in the performance planning process.

d. Separate performance review and pay discussions. When having an annual performance discussion, it is best to keep the discussion focused on the employee’s performance. Hold the discussion on pay until the end of the performance conference or for another time. This will keep the focus on the employee’s performance and not distract the employee from the developmental benefits and opportunities related to the discussions on performance.

e. Inform the employee of merit increase.

f. Ensure PRD is completed and signed by all parties.

g. The end of the discussion on the current year’s performance is a good time to begin planning for the next review period. During this discussion, supervisors should discuss which goals will be continued from the previous year, as well as add new goals. The preparation of the new goal plan should be finalized within four to six weeks after the conclusion of the current performance review process.

C. Reviewer Responsibilities

The role of the Reviewer is important in order to ensure that each employee receives a meaningful and clear message about their performance and to ensure that job assignments and performance are aligned with the department’s business plan.

1. Key Responsibilities:

   a. Ensure that employees are treated fairly and consistently in regards to performance ratings, compliance with policies, rules and legal matters or concerns.

   b. Ensure that supervisors receive assistance with resolving performance problems.

   c. Ensure that performance reviews are completed on time.

   d. Ensure that year-end performance evaluations are reviewed and discussed with the supervisor prior to the discussion with the employee.

   e. Ensure that the supervisor’s evaluation of the employee is respected.
The reviewer should avoid using the performance evaluation process for micromanaging the supervisor.

f. Discuss the reasons for proposed changes to the supervisor’s comments or recommended ratings before making them. The goal for both the reviewer and supervisor is to listen to each other and reach agreement or compromise.

g. Ensure that there is a level of consistency in ratings and compliance with policies, rules and legal matters or concerns.

h. Review all employee comments after completion of the performance review process and take appropriate action, if needed.

i. Include goals related to effective supervision, effective use of MySuccess and timely completion of performance reviews in the performance plan for each subordinate supervisor.

2. Reviewers Role in Preparation of the Performance Review Process:

a. Review employee goal plans with supervisors at the beginning of the performance review year and recommend changes, if necessary.

b. Review the completed employee performance review submitted by the supervisor. The completed PRD should include all relevant documents, written comments by the supervisor, recommended ratings for each objective and a recommended overall rating.

c. Discuss areas where there is not full agreement between the reviewer and supervisor. The supervisor, who works with the employee on a day-to-day basis, often may have more information/observations to offer concerning the area of disagreement.

d. Ensure that the performance message to the employee is complete and clear. The documentation in the performance review and supervisor’s comments should be honest and helpful to the employee.

e. Work with the supervisor to help them rewrite, add or delete supervisory comments that may be needed.

f. Electronically signing the PRD after both the employee and supervisor have signed.

g. In difficult or unusual circumstances, or for interpretation of ADA or FMLA issues related to evaluating performance, get advice from CMPD’s Human Resources Division.

h. View any written comments submitted by employees on their year-end PRD form and discuss appropriate action with the supervisor and ensure appropriate follow-up.
D. The Performance Review Conference

1. A successful performance review session requires input by both the supervisor and employee. It is the supervisor’s opportunity to let employees understand the value of the performance review, to give credit for their strengths and to plan ways for employees to improve performance where needed. It is also the employees’ opportunity to express their feelings about their performance, strengths and needed improvements.

2. Supervisors should discuss the completed performance review, the rating and merit increase with the reviewer.

   Supervisor should review again their rating of the employee's performance.
   a. Ensure you have considered the employee input;
   b. Consider why you rated the employee as you did;
   c. Have available specific facts or illustrations of job performance to support your rating and comments;
   d. Define the major purpose of the conference and the goals you hope to achieve;
   e. Outline the items you want to discuss. (This outline should be used as a guide.) During your actual discussion with the employee, you may wish to vary the order to meet the employee’s need. However, having a plan will enable you to cover important points without wasting time or causing embarrassing confusion.
   f. Set the time and place for the conference and inform the employee. Allow enough time for the review conference to be conducted in a relaxed manner. Do not schedule the conference too soon after a disciplinary action or disagreement. The conference should be held at a location that will allow for privacy and freedom from interruption in a neutral setting. The discussion should be treated as confidential.
   g. Notify the employee well in advance (several days) of your intention to hold a performance review conference. This advance notice will give the employee a chance to prepare for the conference.

3. When conducting the performance review conference the supervisor should review each goal/competency and encourage the employee to give feedback as needed.
   a. Discuss the rating for each goal and competency and relate it to specific incidents or accomplishments. Emphasize both positive and weak aspects of performance to provide a complete picture of the job performance.
b. In situations where there has been a performance issue, summarize the information and define the problem by identifying the goal and competency and stating the reason it has not been achieved. Focus on the problem or behavior, not the person.

c. Establish objectives for improvement jointly with the employee.

d. Inform the employee about the overall rating.

e. Allow the employee to react to the evaluation, the review process or any related issues. Discuss with the employee any extenuating circumstances that affected the performance rating. Although the employee may not agree with all the ratings, try to ensure that the employee understands the reasons for the ratings.

f. The employee must electronically sign the performance form to indicate that the review was discussed; the employee’s signature does not indicate agreement. If an employee refuses to sign, the supervisor should notify Human Resources.

g. Discuss goals for the next evaluation period, even though the performance plan for the next period may not be finalized during this conference.

h. Include career counseling relative to advancement, specialization or additional training that would assist the employee in their current position. This counseling may also include additional training that would assist the employee in obtaining any desired positions.

i. Discuss where to find the completed form in MySuccess.

E. Documenting Performance

1. Documentation is an important part of the PRD program; documentation is a written record of employee accomplishments and performance incidents, based on job requirements and expectations. All documentation should be included in the employee’s goal plan.

2. Although supervisors are required to document employees’ performance, documentation is not a record of everything the employee does.

   a. Documentation should record only those incidents, actions and behaviors that are relevant to monitoring and reviewing performance. Typically, incidents, actions and behaviors outside the range of “Performance Achieved Expectations” should be documented.

   b. Documentation should describe specific information about actual performance. It should be developed from direct observation and be factual, job-related, specific, and consistent.
c. Documentation of continued poor performance is necessary to ensure the employee is aware of the issue or problem and understands the consequences of the failure to improve.

d. Documenting and discussing poor performance as soon as incidents occur is recommended to give employees the maximum time to improve. Documentation should be specific about the incident and should also include changes expected.

e. Poor performance needs close monitoring. The goal is to help the employee improve performance to an acceptable level, if possible.

f. Identify training needs. Complete the Law Enforcement Enhancement and Development (LEED) Form and forward it to the Training Lieutenant. At the conclusion of training, the Lieutenant will return the form to the employee’s Chain of Command and document in employee’s training module in MySuccess.

g. The employee needs to understand what performance they need to improve, what the supervisor’s expectations are, how quickly the improvement needs to occur and what the consequences will be if sufficient improvement is not made.

h. In addition to documenting poor performance, the supervisor should also document incidents, action and behaviors that describe the employee’s performance that exceeds job requirements.

i. Employees should also be encouraged to monitor and document specifics of significant incidents of their own performance, which can be included in their performance review.

F. Supervisor (Rater) Training

All supervisors will receive training on MySuccess. The training will include the development of employee performance objectives, proper completion of the various PRD forms, proper documentation of employee activities and methods on conducting the performance review conference.

The Department’s Human Resources Division will monitor the PRD process and the quality of the submitted PRD forms in order to develop any additional training required.

G. Probationary Evaluations

1. Probationary Employees

Probationary sworn employees will be reviewed on a quarterly basis and these reviews will include a brief description of employee performance and performance goals for the next quarter. These quarterly reviews are especially
important for entry level employees to ensure their suitability for the position and to ascertain whether they can actually perform the required functions of their assignment.

a. Sworn Employees

1) All probationary sworn employees will receive their first quarterly review after the first three months of basic recruit training. This review will include, at a minimum, a review of their academic and physical training performance.

2) The second quarterly report will be generated upon graduation from basic recruit training. This review will be an overview of their performance while in basic training. The PRD form “Initial Review” (which is required at the end of the first six (6) months of employment) will be used to document the second quarter.

3) The third quarterly review will consist of the “Mid Term Evaluation Form” in the PTO program. This evaluation comes after the first three months of assignment to a Police Training Officer. The quarterly review form may be used but should include similar information as in PTO Mid Term Evaluation.

4) The fourth quarterly review will consist of the “Final Evaluation Form” in the PTO program. This evaluation comes after completion of the PTO program. The quarterly review form may be used but should include similar information included in the PTO Final Evaluation Form. After completing this final quarterly review, the PRD will be completed as outlined in this directive.

b. Civilian Probationary Employees

Civilian probationary employees will be reviewed quarterly. At the end of the first six (6) months of employment the review will be documented on the PRD form “Initial Review”.

2. New Sworn Promotion Evaluations

a. Per Article III. Sec. 4.61. of the Charlotte City Civil Service Ordinance, all newly promoted sworn personnel are on a probationary period of six (6) months from their effective date of promotion. These employees will be closely observed and evaluated by their supervisor to ensure their suitability for the position and to ascertain whether they can actually perform the required functions of their assignment.

b. Upon promotion, the current PRD will be closed and a new one opened.

c. The newly promoted employee’s supervisor will complete a quarterly review three (3) months from the date the promotion becomes effective.
and a PRD under “Promotion Probation” six (6) months from the date the promotion becomes effective.

d. All quarterly reports will be promptly sent to CMPD Human Resources.

3. Performance Probation

Performance probation is designed to inform employees that their performance is unacceptable and they have a limited time to improve or they will be demoted or terminated. Non-probationary employees must be advised in writing that their performance is deemed to be unsatisfactory prior to the end of the annual rating period.

a. An employee may be placed on performance probation for unacceptable performance at any time during the year with chain of command concurrence and approval of the department’s Human Resources Division Director or designee. This will only occur should an employee’s performance suddenly reach a level that the employee or department is placed at risk due to non-performance. The strong message of this action is that immediate improvement or change is mandatory.

b. Employees are typically placed on performance probation for 90 days. If sufficient improvement has not occurred during that period, the employee may be terminated, or the probationary period can be extended for an additional 90 days.

c. Employees should not be placed on performance probation for longer than six months except in extenuating circumstances.

d. Employees on performance probation at any time during the year may not be eligible for incentives and other awards that may be available to City employees.

e. Employees placed on performance probation will have their merit dates extended by the length of time they are on probation.

f. To place an employee on performance probation, the supervisor must close out the current PRD and assign a rating of Unacceptable with appropriate documentation to justify placing the employee on probation.

H. Evaluation Appeal

The Performance Review and Development process is designed to provide an opportunity to communicate and ensure that employees understand what is expected of them in order to meet the required level of performance. The process is much more than just a once-a-year conversation about performance. It involves daily leadership and ongoing feedback to and from the employee. It’s assisting the
employee to be successful, by providing clear direction, guidance, correction and helping the employee achieve current objectives and future career goals.

By following the steps outline in this directive the number of disagreements concerning performance evaluations will be kept to a minimum. Should an employee feel that the evaluation is not accurate they can appeal the evaluation as outlined below.

1. During the performance review conference the employee should ensure that the supervisor has all the information provided by the employee on the self-evaluation. If no written documentation was provided prior to the development of the PRD, the employee should ensure the supervisor has all information the employee feels is relevant to the evaluation.

2. If the conflict is not resolved at the performance review conference, the employee should schedule a meeting with the reviewer of the PRD. The name of the reviewer will appear on the MySuccess route map. Prior to the meeting the employee should complete the self-evaluation and/or other written documentation to be used during the discussion with the reviewer.

3. If the conflict is not resolved during the conference with the reviewer, the employee may schedule a meeting with the next higher level in the command structure. The same procedure will be followed as in the conference with the reviewer.

4. The Deputy Chief of the appropriate service group will have the final decision as it relates to any appeals of evaluations from their chain of command.

I. Records Retention

Performance Review and Development files are considered part of an employee’s official personnel file and will be maintained as outlined under CMPD Directive 800-004.

V. REFERENCES

MySuccess (CMPD Portal)
Charlotte, North Carolina, Code of Ordinances Part 1-Charter, Chapter 4.-Administration, Article III. Civil Service
CALEA
I. PURPOSE

To establish requirements for sworn Charlotte-Mecklenburg Police Department (CMPD) employees to achieve and maintain a level of physical fitness sufficient to competently perform essential job functions and to establish a work atmosphere that both encourages and supports healthy lifestyle choices.

II. POLICY

The law enforcement profession requires a level of fitness sufficient to perform emergency functions involving a variety of physical attributes. All sworn officers have a responsibility to themselves, the public, and their fellow officers to maintain a reasonable level of fitness. The Department has a responsibility to provide the resources and assistance necessary for each employee to make healthy lifestyle choices.

This policy details physical ability test requirements and medical clearance as well as exercise facility guidelines and professional guidance for all employees. Promotional programming (e.g. incentives, competitions) are not included in this policy as these offerings may vary from year to year.

III. DEFINITIONS

A. Light Duty: Employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty and has been assigned to a CMPD unit with no loss of salary (300-004).

B. Limited Duty Status: A temporary inability to perform the essential functions of the job (300-004).

C. Medical Clearance: Clearance to perform essential job functions with no restrictions prior to returning to full duty status. Clearance must be obtained and approved by CMPD Human Resources.

D. PAT (Physical Ability Test): Validated test simulating the essential physical tasks performed by CMPD officers.

E. Officer: a sworn employee (of all ranks and assignments including Hire Back officers).

F. Physical Fitness Coordinator: Employee responsible for administration of all incumbent physical ability testing and compliance with the Physical Fitness policy.

IV. PHYSICAL ABILITY TEST REQUIREMENTS

All Officers are required to participate in the PAT during scheduled testing.

A. The Physical Ability Test (PAT) is a timed test that consists of the following activities (in order). The test participant will wear long pants and a protective vest. A successful completion of the PAT in 4 minutes and 55 seconds or less is considered “passing” the test.
1. Run #1: Run 400 feet (approximate). The run course will involve turns in several designated locations.

2. Climb onto an elevated surface (40 inches), assume a standing position, and get down from the elevated surface.

3. Push a weighted sled 10 feet (total weight of sled = 248 pounds)

4. Pull a 175 pound dummy 10 feet.

5. Run #2: Run 460 feet (approximate). The run course will involve turns in several designated locations.

6. Climb over a 4 foot high chain link fence.

7. Crawl under a 2 foot high obstacle.

8. Complete 4 repetitions of a “Roll Drill” (rolling over a 100 pound heavy bag). End test.

B. Test Results and Application

1. Participation: Officers are required to test annually.

2. Medical: If an officer is unable to test due to injury at his or her scheduled time, the officer will be placed on light duty (in coordination with Human Resources) until medically cleared to participate.

3. Incomplete: Failure to participate in the PAT during 2018 scheduled testing will result in the following:
   a. A makeup date will be assigned and copied to the employee’s supervisor.
   b. Failure to participate in the test on the makeup date will result in the officer being subject to disciplinary action for failure to complete training and will be treated as a test failure.

4. Fail: Test failure will result in the following (effective 2019):
   a. Mandated on duty workout two times per week (workout will be prescribed by the Physical Fitness Coordinator based on areas of need as demonstrated by PAT participation). The Physical Fitness Coordinator will contact the employee’s immediate supervisor to establish a plan for providing time for the mandated exercise program within one week of test failure. The employee will complete a monthly report (form supplied by the Physical Fitness Coordinator) detailing mandated exercise program participation. The report will be provided to the Physical Fitness Coordinator.
b. Mandated participation in PAT one time per month beginning in the month following test failure.
   
   1. If the remedial PAT is passed, remedial test participation and mandated workout requirement will be removed.
   
   2. If the remedial PAT is not passed, the employee must demonstrate “tangible improvement” month to month. Failure to do so may result in referral to the Office of the Chief for consideration of duty status.

V. GUIDANCE

A. Professional health and fitness guidance is available on a voluntary basis to all CMPD employees through both CMPD and City resources. These resources include but are not limited to exercise guidance, nutritional counseling, and medical services. Contact the Physical Fitness Coordinator for a current list of service options.

B. On duty test participation/practice with guidance will be available on a voluntary basis to all sworn personnel.

VI. EXERCISE FACILITY GUIDELINES

A. The use of CMPD exercise facilities is limited to CMPD employees only, including full time sworn, hire back, civilian, and contracted staff (retirees with building access approval may utilize the exercise facilities after signing a waiver).

B. Unless otherwise noted, exercise facilities are available at all times.

C. If unfamiliar with the use of provided fitness equipment, contact the Physical Fitness Coordinator for guidance.

D. Users of CMPD exercise facilities are required to return all equipment to designated storage (i.e. dumbbells on rack). In addition, users are expected to spray and wipe down equipment exposed to sweat.

E. Report broken, inoperable, or unsafe equipment to the Physical Fitness Coordinator.

VII. REFERENCES

300-006 Light Duty Policy
300-004 Sick Leave Policy
CALEA
I. PURPOSE

To provide guidelines that will assist personnel in coping with extremely stressful incidents.

II. POLICY

Law enforcement duties often expose officers and support personnel to emotionally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. It is the desire of the Charlotte-Mecklenburg Police Department to provide employees with information on coping with stress. CMPD will take immediate action after such incidents to safeguard the continued good mental and emotional health of all involved employees.

III. DEFINITIONS

A. Critical Incident Stress: An intense but normal reaction to any event that is sufficiently powerful enough to overwhelm usual coping mechanisms. Reactions to traumatic stress can continue for an extended period. These reactions may or may not seriously interfere with the ability to function in one’s normal duties. Examples of critical incidents include:

1. Shooting incidents;
2. Death or serious injury to a fellow officer;
3. The sudden, unexpected or violent death of person well-known to the law enforcement community;
4. Multiple fatalities;
5. Death of a child;
6. Prolonged incidents such as hostage situations, particularly when a death or injury has occurred.

B. Traumatic Stress Response: An organizational response to critical incidents based on the needs of the CMPD employees involved.

C. Post-Traumatic Stress Disorder: A psychological disorder that can result from exposure to short-term severe stress or the cumulative effects of prolonged milder stress.

D. Critical Incident Support Supervisor: A supervisor dispatched to the scene that is not responsible for the incident whose primary responsibility will be to attend to the involved personnel. For the purposes of this directive, "supervisor" refers to the rank of sergeant.

E. Defusing: an informal, initial debriefing which occurs within a few hours post incident (as soon as practical). It is usually conducted by peer support and/or immediate supervisor and may occur quite spontaneously.

1. It should be positive and supportive. Focusing on common reactions after a critical incident, reminders of resources, and effective self-care practices.
2. This is not the time for a critique, but an opportunity to ensure basic needs are being met. There is no pressure for anyone to talk but, if they choose, for those involved to share how they are doing right now.

3. Information shared during a defusing is not privileged information.

F. Tactical Debriefing: A formal discussion of the incident with employees who were involved in the situation. The debriefing should allow involved employees to explain their involvement and to ask questions. Confidential information critical to the investigation should not be shared during this session. The personnel conducting the debriefing will be aware of indicators that an employee may be in distress. Information shared during a tactical debriefing is not privileged information.

G. CMPD Psychologist: An operational psychologist assigned to the CMPD. The CMPD psychologist’s role is to enhance existing/develop programs of psychological support and wellness for CMPD employees; to include peer support, critical incident/traumatic stress response coordination as well as outreach and education programs. The CMPD psychologist’s goals are to create an overall resilient CMPD force and mitigate distress and increase positive growth after critical incidents. Only information shared with the CMPD Psychologist on a one to one basis is privileged information.

H. Peer Support: The CMPD’s peer support program is a team of employees who have received special training to offer voluntary and confidential support and assist fellow employees in dealing with stress, emotional difficulties, or other personal and job-related circumstances pursuant to Directive 300-025, Peer Support Program. Peer support members may sit with the employee during periods of waiting, contact family members or necessary friends if requested and provide for necessary physical needs such as change of clothes, food, drinks, etc. Peer support members are not to discuss the incident with an involved or witness officer.

I. Privileged Communication: Any communication made by the employee or immediate family member to the peer support team member while engaged in a support session that does not fall within the exceptions noted in Directive 300-025 Peer Support Program.

IV. PROCEDURE

A. Post Critical-Incident Procedures

1. Involved personnel will be removed from line duties pending the investigation but will remain available for any necessary administrative investigations. As soon as practical, the employee(s) will be granted up to three (3) days of administrative leave with pay by his/her division/unit commander. Additional administrative leave days may be approved by the Chief of Police or his designee.

   a. During this leave, the employee(s) will remain available for administrative call-back needs.
b. The work status of the employee(s) will be reviewed by the employee's chain of command within ten (10) days of the incident.

2. Administrative investigations will be conducted as soon as practical. However, investigators will be cognizant of the traumatic stressors following a critical incident, and allow a break if necessary.

3. Peer support personnel will be available to employees following the incident. Peer support team members may sit with the employee during periods of waiting, contact family members or necessary friends if requested and provide for necessary physical needs such as a change of clothes, food, drinks, etc. A peer support response to a critical incident should be requested through the Community Wellness commander.

4. A brief defusing for all affected personnel is recommended as soon as is practical following a critical incident.

5. If the affected personnel are clearly experiencing significant stress, the peer support personnel, unit commander/manager, Community Wellness commander, or CMPD psychologist shall recommend a traumatic stress response.
   a. The affected personnel's unit commander/manager is responsible for coordinating with the Community Wellness commander prior to scheduling the response session which will include peer support team members and/or the CMPD psychologist, who will provide support and information on available resources.
   b. The response should take place as soon as possible and should take place within 72 hours following the incident.
   c. It is recommended that all personnel directly involved in the incident, including communications personnel and crime scene personnel, attend the traumatic stress response session or tactical debriefing.
   d. Generally, defusing and traumatic stress response participation should be mandatory, although supervisory staff have discretion to exempt attendance if it would constitute an unreasonable hardship for any individual to attend.

6. Employees directly involved in a critical incident involving serious injury or death may meet with the CMPD psychologist for a confidential session to address post-incident trauma reactions and stress management.

7. All officers who willfully discharge their firearm in the course of their duties (except animal euthanasia) and officers directly exposed to the incident will meet with the CMPD psychologist for a confidential session to address post-incident trauma reactions and stress management.
a. This session will be arranged by Human Resources. If possible, this session will occur within a few days of the incident, followed by a second session approximately 16 weeks after the incident. This will not be a fitness for duty evaluation and no report will be required from these visits, except that the employee did or did not attend. The employee's first line supervisor will work with Human Resources to ensure that the initial and follow-up appointments are made.

b. The involved officer(s) unit commander will be responsible for making reasonable attempts to keep the officer(s) informed about the progress of the investigation(s) and other pertinent information on a regular basis.

8. In the event of a critical incident involving serious injury or death to an officer, the CMPD recognizes that support personnel and non-sworn employees can be seriously affected. A traumatic stress response will be implemented if needed.

9. The CMPD strongly encourages the family of the involved employee(s) to take advantage of available counseling and support services.

10. The CMPD Public Affairs will make reasonable attempts to keep employees informed on a timely basis of critical incidents. Agency members are encouraged to show the involved employees their concern and support.

11. When considering assignment for administrative duty following a shooting incident, return of the officer to the service area where he or she is most familiar may be helpful in their psychological adjustment. Determination of the assignment will be made with input from the affected officer(s).

12. Human Resources will evaluate on a case by case basis with the employee and their supervisor any need for additional Leave of Absence (LOA) or an accommodation requirement under the Americans with Disabilities Act As Amended (ADAAA) as a result of the incident.

B. Response to Other Incidents

Immediate supervisors of both sworn and non-sworn personnel will consider the impact of incident stress situations on individuals and on the unit’s functioning. They may coordinate with the Community Wellness commander, who, in consultation with the CMPD psychologist, may decide to deploy a peer support team member to provide one to one support to the affected individual, or may recommend a more involved traumatic stress response. The goal of all interventions is to minimize the impact of incident stress and facilitate the return of affected personnel to active duties as quickly as possible.

C. Stress Recognition

A supervisor may request through CMPD Human Resources that an employee seek assistance or counseling from a mental health specialist or an Employee Assistance Program counselor, or psychologist based on a reasonable belief that stress may be disrupting the employee's job performance.
V. REFERENCES

300-006 Limited Duty Policy
300-023 Employee Assistance Program
300-025 Peer Support
300-026 Line of Duty Serious Injury and Death Procedure
Officer Involved Critical Incident SOP
City of Charlotte Employee Assistance Program
I. PURPOSE

To establish a consistent procedure for ordering and implementing psychological fitness for duty evaluations of Charlotte-Mecklenburg Police Department (CMPD) employees. Fitness for duty evaluations are necessary for ensuring and maintaining the safety and welfare of the community and CMPD personnel.

II. POLICY

This policy is intended to provide an objective mechanism for the assessment of an employee’s mental and emotional ability to perform essential functions of his or her position. Employees will undergo a fitness for duty evaluation only if the employee exhibits observable behavior that indicates continued service by the employee may be a threat to the safety of the employee or others, or the inability of the employee to perform the essential functions of a CMPD employee. It is not the intention of this policy to interfere with a supervisor’s ability to recommend or suggest personal counseling to a subordinate, nor is this policy intended to alter or replace confidential peer support interventions or stress debriefings provided by CMPD as the result of critical incidents.

III. PROCEDURES

A. Scope of Conducting Fitness for Duty Evaluations

1. To reduce the likelihood of an employee from engaging in behavior harmful to self or others.

2. To determine fitness for continued duty when observed performance or behavior raises a reasonable question regarding an employee’s psychological fitness for duty.

B. Criteria

In order to determine the continued emotional and mental fitness of CMPD employees to carry out the essential job functions, all supervisors should be alert to any behavior that may cause concern for an employee’s emotional and/or mental wellbeing. Such indications may include, but are not limited to, the following factors:

a. An abrupt and negative change in customary behavior, objectively demonstrating an inability to perform essential functions of the position.

b. Irrational verbal conduct or behaviors, including delusions or hallucinations.

c. Suicidal statements or behaviors, or personal expressions of mental instability.

d. Inappropriate use of alcohol, medications or other drugs, including symptoms of illegal drug use.

e. A pattern of impatience or impulsiveness, especially with a loss of temper.

f. Conduct indicating either an inability to defuse tense situations or a tendency to escalate situations or create confrontations.
g. Any other factor or combination of factors that may cause a supervisor to reasonably suspect that a fitness for duty evaluation may be necessary.

The mere presence of any one factor or combination of factors may not be sufficient to order an evaluation. However, the presence of such factors should not be ignored and may lead to ordering an evaluation.

C. Reporting

1. If an employee’s behavior indicates that emotional or mental fitness may be in question, the immediate supervisor and division/unit captain/manager should meet with the employee if there is a reasonable belief that doing so will not aggravate the situation.

2. The supervisors may explore the conduct, behavior, or circumstances that give rise to their concerns. When appropriate, the supervisors may refer the employee to the Employee Assistance Program.

3. If the meeting does not relieve the supervisor’s concerns, or no meeting is conducted, the involved supervisor will contact the division commander and prepare a written report of the circumstances. The division commander will advise the Chief of Police or designee and Human Resources of the circumstances.

D. Relief from Duty

1. When an employee’s conduct is a threat to self or another’s safety, a supervisor will immediately relieve the employee of duty with pay pending further evaluation.

   a. In these cases, the supervisor will immediately notify the Division Commander and if after normal business hours, the Operations Commander.

   b. In circumstances where the employee is a danger to self or others, the supervisor will notify the CMPD Human Resource Department and ensure the employee obtains treatment.

   c. If the employee refuses treatment but the employee is a danger to self or others, the supervisor will ensure that an emergency commitment proceeding is initiated.

   d. Before ending his or her shift, the supervisor will prepare a report outlining the circumstances leading to the decision to relieve the employee from duty. This report will be completed and submitted to the Division Commander or Operations Commander and Human Resources.
2. The Chief of Police or designee may relieve employees from duty with pay or reassign them as necessary, for public safety and/or the efficient operation of the CMPD, pending completion of an evaluation.

3. Any CMPD owned weapon(s) and other CMPD property in the possession of the employee may be seized by the employee’s supervisor. The supervisor may place personal weapons readily accessible to the employee in the custody of CMPD Property and Evidence Management Division for safekeeping with the consent of the employee.

4. The employee will be ordered not to exercise official police powers.

5. Nothing in this policy is intended to prevent or limit a supervisor from taking any emergency action reasonably necessary to protect life or property.

E. Order for Evaluation

1. The Chief of Police or designee, in consultation with Human Resources, may determine whether a fitness for duty evaluation is warranted. If an examination is warranted, it will be scheduled at the earliest opportunity.

2. The employee will receive a written order for the evaluation from Human Resources. Such order will include a brief description of the reasons for the ordered evaluation. It will also specify the date, time, and place of evaluation; the name of the psychologist/psychiatrist conducting the evaluation and a directive to cooperate completely and honestly with the psychologist's/psychiatrist’s and/or staff requests.

3. A Human Resources representative will coordinate and schedule all fitness for duty evaluations upon receipt of a written order from the Chief of Police or designee.

4. When a fitness for duty evaluation is ordered the Human Resources representative will coordinate the daily duty status of the employee until a final disposition is reached.

5. All fitness for duty evaluations will be scheduled and conducted with the approved City of Charlotte psychological services provider.

F. Limited Scope of Fitness for Duty Evaluation Reports

1. The CMPD has a right to evaluation information that is necessary to achieve a legitimate purpose. This evaluation is ordered by, and conducted for, the CMPD. It is not for the purpose of treatment but to determine fitness for duty.

2. The report and information received by CMPD will be limited to:
   a. A conclusion regarding the determination of fitness for duty;
   b. A description of the functional limitations of the employee;
c. Other information authorized by law necessary to achieve a legitimate purpose for the employer.

G. Disposition of Reports

1. Depending upon the results of the evaluation and recommendation of the evaluator, CMPD may:
   a. Return the employee to full duty;
   b. Place the employee on temporary light, modified, or administrative duty;
   c. Remove the employee from any duties pending treatment and reevaluation;
   d. Conditionally allow full or modified duty on receipt of treatment;
   e. Institute or resume disciplinary proceedings as appropriate.

2. It is always the CMPD’s intent to assist employees in resolving mental and emotional problems and achieve a return to full duty status.

H. Confidentiality

All information about an employee will remain confidential and may only be disclosed as provided in N.C.G.S. §160A-168.

IV. REFERENCES

300-006 Limited Duty Policy
300-009 Employee Drug and Alcohol Testing
300-010 Administrative Leave Policy
300-013 Return to Duty
300-023 Employee Assistance Program
300-025 Peer Support Program
N.C.G.S. §160A-168

This directive was previously updated on 3/30/2017
I. PURPOSE

To establish guidelines and uniformity for participation in events and activities organized by Charlotte-Mecklenburg Police Department (CMPD) employees that do not fall under the supervision of the Special Events or Community Engagement Divisions. Examples of such events and activities may include sports events or challenges, charitable fundraisers, community engagement activities, etc. It is also the intent of this policy to ensure Department-sponsored activities support the mission of the Department, promote positive awareness of the law enforcement community, and/or provide a direct benefit to the community.

II. POLICY

CMPD may sponsor or co-sponsor events that are mission related or that otherwise further law enforcement interests. The Chief of Police or designee holds full discretion to approve or deny the sponsorship of any event by CMPD. The purpose of this policy is to manage employee participation in events and activities planned and organized by CMPD employees only. It is not the intent of this policy to govern employee participation in any non-CMPD event or activity on the employee’s personal time, provided that activity does not constitute a violation of any Department policy.

III. DEFINITIONS

A. Department Sponsored Event: Any event approved by the Chief of Police in which the Department sponsors or co-sponsors the activity and/or establishes the parameters in which CMPD employees may participate to contribute to the success of the event. Sponsorship of an event may include any combination of the following: monetary support; use of CMPD property, facilities, or equipment; authorization of on-duty employee resources; use of any CMPD logo, image or likeness, or any involvement in which CMPD and its employees would be recognized as hosting or co-hosting the event.

B. Community Engagement Event: An event designed to bring CMPD and members of the community together to foster ongoing, permanent relationships with citizens. Community Engagement events are events hosted primarily for citizen attendance/participation.

C. Charitable Event: An activity or fundraiser held for the primary purpose of soliciting contributions for a designated charitable cause.

D. Support Staff: On-Duty CMPD employees who are assigned to a specific event for the purpose of providing operational support of the event.

E. Participant: CMPD employees who voluntarily participate in or are involved in a specific activity or event, and may be on or off duty at the discretion of the Chief of Police or designee.

IV. PROCEDURE

A. Approval process for CMPD Department Sponsored and Co-Sponsored Events
Any employee seeking Departmental support and/or sponsorship of an event or activity must submit a SeamlessDocs proposal through his or her chain of command to be routed to the Chief of Police or designee. The proposal and subsequent approval will be required anytime CMPD employees are hosting an event for the purposes of community engagement, or seeking any of the aforementioned means of support from the Department. The proposal must be submitted a minimum of 30 days prior to the event. When submitting the proposal allow sufficient time to complete all event planning and coordination following the 30-day proposal process. The written proposal will include the following information: CMPD Request for Sponsored Events / Activities Form

1. Scope of the event – Relationship to Department Mission
2. Other organizations, businesses, or agencies involved
3. CMPD resources requested, such as use of facilities, equipment (vehicles, utility vehicles, etc.), financial support, on-duty man hours, etc.
4. Liabilities and Exposures associated with the event, such as transportation of non CMPD employees in CMPD vehicles, risks of injury associated with sporting type events, etc.
5. Any charitable affiliations or contributions associated with the event, to include if partnering organizations hold a 501(c)3 status.
6. Confirmation that partnering agencies or organizations are insured and have a waiver in place.
7. Requests for permissions to utilize the CMPD Logo or any CMPD likeness.

B. Waivers

1. For any event in which CMPD is the primary sponsor (CMPD employee(s) established the event independent of another organization), a waiver form will be drafted, approved by the Police Attorney’s Office, and signed by all participants.
2. Signed waivers will be maintained and saved by the primary event organizer for a minimum of 5 years.
3. For events in which CMPD is a co-sponsor, and the lead organization or event host already has a waiver in place, the waiver will be submitted and reviewed by the Police Attorney’s Office as part of the initial written proposal.

C. Duty Status for Department Sponsored and Co-Sponsored Events

1. Duty Status of the employee will be predetermined prior to the event and based on the employee’s role for the event.
   a. An employee designated as a “participant” will be assigned as “off-duty” during the time of participation (day off, shift differential, vacation, or
compensatory time). The Chief of Police or designee may authorize on-duty participation to some, or all CMPD employees who participate in the event. No employee will be designated as an “on-duty” participant without prior approval by the Chief of Police or designee.

b. For a CMPD sponsored event, supervisors should make an effort to accommodate employees who wish to participate in an “off-duty” manner through schedule adjustments or benefit time if necessary.

c. An employee designated as “support staff” will be assigned as “on-duty” and work the event as part or all of his or her duty day. No employee will be designated as “support staff” without first acquiring approval from a Deputy Chief or above.

2. Employees participating in any non-CMPD sponsored events will be designated as “off-duty” in compliance with Directive 300-001 (Scheduling, Timekeeping, and Attendance).

3. Employees on active Administrative Leave (with or without pay) or on suspension will not participate in CMPD sponsored events in an “on-duty” capacity.

4. Employees on limited duty will not participate in a Department sponsored event if the activity would violate their work restrictions as determined by Human resources.

5. Requests for CMPD employee attendance or participation at community events held by community partners falls within the scope of an employee’s duties and will be considered “on-duty”. Examples may be attending community meetings or festivals, faith based activities or school activities, or any activity in which CMPD’s presence will foster positive police-citizen interaction and/or provide opportunities for community education. All requests for CMPD employee attendance or participation within the employee’s division or work assignment will be evaluated and approved by the employee’s chain of command up to the rank of Major.

D. Injuries

1. Injuries sustained while participating “on-duty” for a pre-approved CMPD sponsored event will be documented in the Internal Affairs Case Management System. Workers compensation claims and use of benefit time related to the injury will be managed by Human Resources as standard with any “on-duty” injury.

2. Employees who sustain an injury as an “off-duty” participant in a CMPD sponsored event will obtain medical treatment from their personal physician and submit claims to their personal insurance as they would for any non-duty related injury.

E. Solicitation of donations, goods or services
1. Employees will not use their position to solicit any donations while representing themselves as a CMPD employee in any regard without the prior approval of the Chief of Police.

2. Employees desiring to seek donations for Department sponsored events from any entity will submit a written request to the Deputy Chief of Administrative Services. The request will include entity’s name, type of donation, and the amount requested.

3. Employees are prohibited from seeking donations while in uniform, or otherwise representing themselves as CMPD employees, for any non-Department sponsored events.

F. Use of CMPD Logo

1. Employees are prohibited from using the CMPD Logo or other CMPD copyrighted information to promote, solicit, or represent any non CMPD sponsored event.

2. Employees seeking to utilize the CMPD Logo for CMPD Sponsored events must have pre-approval from the Chief of Police or designee.
   a. Requests for CMPD Logo usage will be included in the written proposal for CMPD sponsorship
   b. Requests will include a detailed description of how the logo will be utilized for the event, for example, on printed materials such as event fliers or letters requesting support, T-shirts or other event merchandise, etc.
   c. Use of the CMPD Logo throughout the event will not exceed the scope of the permissions granted as described in the written proposal, nor will the Logo be altered or edited in any way.

G. Establishment of 501(c)3 nonprofit organization status by CMPD employees: Employees are prohibited from establishing a 501(c)3 using the Charlotte-Mecklenburg Police name, logo, or other copyrighted information without prior written approval from the Chief of Police or designee.

V. REFERENCES

300-001 Scheduling, Timekeeping, and Attendance
Rules of Conduct
CALEA
I. PURPOSE

To provide information regarding the Employee Assistance Program (EAP) that is designed to assist employees and their families who experience personal problems and/or problems that may adversely affect their work performance.

II. POLICY

A. The intent of this program is to identify problems at the earliest possible moment, to motivate the employee to seek help and to direct the employee to the most appropriate source of assistance in resolving personal difficulties and restoring acceptable job performance.

B. This directive parallels the City’s Employee Assistance Program. The nature of the EAP and the services provided contain substantial guarantees of privacy and confidentiality for its participants, and these same guarantees are applicable to Charlotte-Mecklenburg Police Department (CMPD) employees, both sworn and civilian, except in the event of child abuse or threat of harm to the employee or others. However, the nature of police work and the role of the Police Department make it imperative that police employees adhere to these guidelines.

III. PROCEDURE

A. Restrictions: Once a CMPD employee has been designated for drug screening, he/she is not eligible to participate in the Employee Assistance Program (EAP) in connection with, or because of, any illegal drug or substance, including dependency or addiction to any illegal drug or other illegal substance. Prior to being selected, any CMPD employee is eligible to participate in the EAP. Self-referral to EAP does not shield an employee from future drug screening and appropriate disciplinary actions based upon the results of any drug screening.

B. Problems Covered: The City recognizes that a wide range of behavioral, medical and/or personal problems can affect an employee’s job performance. Examples of such problems include the disease of alcoholism, mental or emotional illness, marital or family stress, financial or legal problems. These problems and others may result in deterioration of job performance.

C. Normal Disciplinary Action: While it is not the City’s intent that this policy is used by supervisors and managers as a disciplinary measure, it is also not to be used as a shield of protection by employees to avoid appropriate and/or standard disciplinary action. This directive does not supersede appropriate disciplinary action.

D. Performance and Attendance: Any problems which affect work performance and attendance are legitimate concerns of the City. The City recognizes that most of these problems can be successfully treated provided they are identified early and referrals made to the appropriate resource.

E. Problems Not Covered: The EAP is not intended to assist in job related grievances not affecting individual performance (i.e., scheduling problems, job assignment, personality
conflicts, training opportunities, etc.) which should be handled between the employee and his or her supervisor through other City policies and procedures.

F. Voluntary Use of EAP: Employees are encouraged to use the Employee Assistance Program voluntarily when they need professional or personal assistance or guidance.

G. Job Security and Promotional Opportunities: Participation in the EAP will not affect an employee’s job security or promotional opportunities. Such matters are governed by ability, experience, and job performance.

H. Referral to the EAP May Occur in Two (2) Ways:
   1. An employee may seek help on his or her own by contacting the EAP.
   2. A supervisor or CMPD Human Resources may refer an employee via a formal referral due to deteriorating job performance and/or personal problems. When this occurs, and if the employee has given verbal consent, the supervisor will be notified if the employee kept the appointment and the extent to which the employee is cooperating with the EAP only if the employee agrees and signs a consent.

I. Employee Compliance: Compliance with the recommendations of the EAP is the responsibility of the employee. An employee who is referred by the City and who refuses to accept diagnosis and treatment recommended by the EAP will be expected to accept the responsibility of maintaining adequate job performance or be subject to normal disciplinary action.

J. Confidentiality: All EAP records are confidential. EAP will not discuss the personal problems of the employee without written permission of that employee, except in the event of child abuse or threat of harm to the employee or others. In these cases, the counselor is legally obligated to notify the appropriate authority in order that action can be taken to protect those who may be in danger.

K. Short-term Counseling and Long-term Treatment: The two types of treatment the EAP counselor can recommend are short-term counseling and long-term treatment.
   1. Short-term counseling is defined as counseling for personal problems, which requires six or fewer individual counseling sessions. Depending upon the nature of the treatment, short-term counseling may require an employee to be absent from work. Supervisors are encouraged to grant leave of absence (i.e., sick leave, vacation, excused leave without pay) in accordance with City Policy and/or CMPD Work Rules. For a formal referral, the first appointment can be completed on City time.
   2. Long-term treatment is defined as treatment for personal problems, which requires more than six (6) individual counseling sessions. In most cases, long-term treatment will require an employee to be absent (i.e., sick leave, vacation, excused leave without pay, and Accident and Sickness benefits) in accordance with City Policy and/or CMPD Work Rules. It will be the employee’s responsibility
to request leave in accordance with CMPD attendance requirements, if long-term treatment is required.

L. Household Members Assistance: EAP is available to all household members.

IV. RESPONSIBILITIES

A. The Human Resources Division is responsible for the coordination of this directive.

B. All employees have the right to request assistance from EAP to help them cope with personal problems.

C. Supervisors will ensure that employees under their supervision are aware of services available through EAP.

E. Due to the unique factors that compose each employee’s situation, there is not one specific procedure for requesting assistance from the EAP. Both the supervisor and the employee have the right to contact the EAP and to request a meeting with an EAP counselor, and each should do so in a way that is consistent with the declarations and provisions described in this directive.

V. REFERENCE

300-009 Employee Drug and Alcohol Testing
HR-2 - City of Charlotte Employee Assistance Program (CNET)
I. PURPOSE

The Peer Support Program was designed by Charlotte-Mecklenburg Police Department (CMPD) employees to offer voluntary and confidential support and assist fellow employees in dealing with stress, emotional difficulties, or other personal and job-related circumstances. These circumstances could have an impact on the employee, and in some cases, could present a danger to the welfare and safety of the employee, his or her family, the public, and/or fellow employees.

II. POLICY

Peer Support Team members are not professional therapists. When problems are acute or require professional assistance, team members will provide information on professional referral resources to the employee.

The promotion of trust and confidentiality is of utmost importance for the success of this program. N.C.G.S. 8-53.10 provides that all information shared with a peer support team member will remain confidential, except as outlined in this policy. Employees who receive assistance through the Peer Support Program will be informed of those exceptions prior to engaging in any peer support session.

III. DEFINITIONS

A. Privileged Communication: Any communication made by the employee or immediate family member to the peer support team member while engaged in a support session that does not fall within the exceptions noted in this directive.

B. Peer Support Team Member: CMPD employees designated by the Chief of Police who are trained to be effective listeners and provide feedback to employees, clarify issues, provide emotional and moral support, and assist employees in identifying options for problem resolution.

C. Peer Support Officer Involved Shooting (OIS) Team: Sworn CMPD employees designated by the Chief of Police or his or her designee who are trained to be effective listeners and provide feedback to employees, clarify issues, provide emotional and moral support and assist employees in identifying options for problem resolution. Furthermore, these officers have specific training and experience related to Officer Involved Shootings to include being involved in a fatal shooting.

D. Officer Support Detail: A sworn CMPD officer detailed to the room of a law enforcement officer who has been admitted or is being treated at a Mecklenburg County hospital or trauma center. In addition to providing any necessary security, the officer is an immediate liaison between the injured officer, their family and that department or agency.

E. Peer Support Coordinator: The Command Staff member of the Peer Support Team designated by the Chief of Police responsible for:

1. Chairing the meetings of the Peer Support Team.
2. Making recommendations to the Chief of Police concerning the selection and removal of Peer Support Team members.

3. Making recommendations for modifications to the program and providing annual statistical reports to the Deputy Chief of the Support Services Group on the use of the program.

4. Acting as a liaison between the Peer Support Team, other areas of CMPD, and other peer support organizations.

F. Peer Support Selection Committee: A committee including the Peer Support Coordinator and supervisors who are members of the Peer Support Team.

G. Immediate Family: A spouse, child, stepchild, parent or stepparent.

IV. PROCEDURE

A. Peer Support Team Member Selection

1. Employees Interested in serving as Peer Support Team Members will submit a memorandum of interest to the Peer Support Coordinator containing the candidate’s length of service, motivating factors, and any other pertinent background information.

2. The Peer Support Selection Committee will review the following in order to select Peer Team Members based upon their character, integrity, interpersonal communication skills, and a history of solid decision making and wisdom.
   a. Memorandum of interest;
   b. Recent performance appraisal ratings;
   c. Disciplinary history.

3. The selection process for the Peer Support Officer Involved Shooting (OIS) Team is conducted in the same manner as the Peer Support Team selection process.

   A candidate’s final selection to the Peer Support Team is approved by the Chief of Police as recommended by the Peer Support Selection Committee.

B. Training

1. Candidates will successfully complete CMPD approved Peer Support Team training before serving as peer support team members.

2. These members will then be involved in ongoing training and supervision under the direction of the Peer Support Coordinator.

C. Removal of Members
Peer Support Team members may be removed from the program by the Chief of Police as recommended by his or her designee.

D. Peer Support Services

1. Peer Support Team members are to be easily accessible to employees who need their services. A list of members is available on the CMPD Portal Page under “Officer Resources” “Peer Support”.

2. Peer Support sessions are confidential. (See section F. below)

3. Supervisory approval is required for support sessions that require the team member or employee to leave their assigned duty.

4. Peer Support Team members who engage in unexpected support sessions while off-duty must contact their supervisor as soon as possible for their time to be recorded for compensation purposes.

E. Officer Support Detail

1. In the event an outside agency law enforcement officer is seriously injured on-duty (e.g., shooting, stabbing, assault, motor vehicle crash, etc.) and arrives at a Mecklenburg County trauma center for treatment and recovery, CMPD will be notified by any means necessary.

2. Operations Command will be notified when the hospital, Communications, Shift Supervisor, officer, etc. learn of another agency or department’s officer being treated for a serious duty-related injury at one of Mecklenburg County’s hospitals.

3. Upon determining the circumstances, the Operations Commander will determine the need for an Officer Support Detail. An available officer will be dispatched to provide immediate security for the injured officer’s room. The Support Officer does not need to be a member of Peer Support.

4. It should be determined if the injured law enforcement officer has any immediate needs or has family present that have any immediate needs.

5. An initial watch detail for the first 24 hours will be set up until more information can be obtained and the situation fully assessed. The detail may be extended or concluded based on need and the circumstances and wishes of the officer and their agency.

F. Confidentiality

1. Peer Support Team members will make no written record of the details of support sessions. Employees who seek assistance through the Peer Support Program must be made aware that Peer Support Team members will maintain confidentiality by not disclosing any information developed in peer support sessions, except as indicated below.
2. N.C.G.S. 8-53.10 makes communication with a peer counselor privileged and confidential which can only be revealed in limited circumstances.

3. Peer Support Team members will advise employees prior to any support session that confidentiality will be maintained with the following exceptions:
   a. When information revealed must be disclosed by law, such as in cases of child abuse, elder abuse, or when the employee reveals that he or she has committed a crime that presented a clear and immediate danger to self or others.
   b. When due to mental, emotional or substance abuse problems, the employee presents a clear and immediate danger to self or others.
   c. When information revealed gives reason to believe the employee has violated or conspired to violate a person’s civil rights. Federal law (42 U.S.C. 1986) requires anyone with knowledge of such violations to report them or be subject to liability for the civil rights violations.
   d. When the Peer Support Team member is directed by court order to disclose the information or is compelled to disclose the information by rules of civil or criminal discovery.
   e. When the Peer Support Team member is directly involved in an incident as a participant, witness, or investigator.

4. Peer Support Team members will stop discussion of issues listed in the exceptions and refer employees to another professional resource.

5. When information described in the exceptions above is revealed during a peer support session, the Peer Support Team member will take the necessary steps to immediately notify the appropriate authority.

V. REFERENCES

NCGS 8-53.10
I. PURPOSE

This directive establishes departmental procedures to be followed in the event of an employee's line of duty serious injury or death.

II. POLICY

Coordination of the Department’s response to the serious injury or death of an employee is critical to the employee involved, the investigation, other employees involved, the Department and the community. The Department’s response to, and care for, the employee’s family is an important responsibility. This procedure is not intended to address or affect any survivor benefits or the investigation that may apply due to an employee’s serious injury or death.

In the event of an employee’s non-line of duty death, CMPD will make available the appropriate command staff personnel to assist the family of the deceased.

III. DEFINITIONS

The Chief of Police may institute any part of this procedure for cases of a sworn or civilian employee’s serious injury or death not covered by these definitions.

A. Line of Duty Serious Injury: An injury that results from performing a law enforcement action, either on-duty or off-duty, that renders debilitating medical injuries for the employee that reduces his/her effectiveness either temporarily or permanently. Such injuries can even lead to death.

B. Line of Duty Death: A death that was unlawful or accidental and occurred while an employee was performing police duties, either on-duty or off-duty.

IV. PROCEDURE

Due to the complexity of a Line of Duty Serious Injury or a Line of Duty Death, all department personnel involved in managing the situation will adhere to Area Command protocol. The Chief of Police will designate an Incident Commander for the incident who may make the following section and liaison assignments:

A. Incident Commander (IC): The Incident Commander will be a Deputy Chief. The IC will have overall command of all functions and details related to planning and implementing police services. The IC is responsible for ensuring that a thorough after-action report is completed within 45 days of the conclusion of this event.

1. The Command Center Operations Manager, the Funeral Operations Manager, and Public Affairs Director will report directly to the IC. The IC will have final approval for all plans involving services, motorcade routes, and employee travel relating to this event.

2. Command Center Support: The Command Center will be staffed and operational from the beginning of business hours, normally 0800 until all operations regarding the day’s events are completed. The Command Center
will serve as the collection and dissemination point of all requests and information concerning any visitation, funeral, motorcade, and memorial service. In the event any service is located outside of the Charlotte region, the IC or their designee will arrange for a modified Command Center within the local jurisdiction.

B. Command Center Operations Manager (CCOM): The Command Center Operations Manager will be a Major and report directly to the IC. The CCOM will be responsible for tracking the work of the Funeral Operations Manager and Public Affairs Director. The CCOM will also coordinate the staffing needs for an affected division to ensure officers or employees are available to cover normal operations for a time period determined by the IC.

1. Planning Section: The Planning Section will be commanded by a Captain and support the Incident Commander and is responsible for short and long-term planning, including, but not limited to:
   a. Develop short-term operational plans for the first twelve hours including relief for employees assigned to the various scenes.
   b. Develop long-term operational plans for the next seventy-two hours.
   c. Work with the Family Liaison to develop the visitation and funeral plans.
   d. Work with the Family Liaison to develop an assistance plan for the family following the funeral and burial.
   e. Coordinate and develop a plan with the appropriate police agency if the deceased employee is buried outside of the Charlotte region.
   f. Develop and maintain a roster of all police agencies attending the funeral, including the name of the Chief, address of the agency, number of employees attending, and the number of police vehicles that will be involved in the funeral procession.

2. Family Liaison: The Family Liaison coordinates with the Planning Section Commander. The Family Liaison may be the Division Commander of the employee involved. The Family Liaison will:
   a. Ensure that, whenever possible, the needs of the family come before the needs of the Department.
   b. Coordinate with the employee’s family and keep them informed of new information about the investigation.
   c. Notify appropriate agencies that may be available to provide emotional support or assistance to the family.
d. Develop a relationship with the family to maintain close contact with the Department and to meet the family’s needs for as long as they need support.

e. In the event of an employee’s death:

(1) Assist the family with funeral arrangements and advise them of any services the Department can offer including, but not limited to, Honor Guard, assistance to family members who may be arriving from outside of Charlotte-Mecklenburg with transportation, lodging, or meals if they choose a police funeral, and others outlined in this directive and addendums. The Family Liaison will work with the Planning Section to ensure the family’s requests are met.

(2) Inform the Incident Commander of the family’s wishes in regard to funeral proceedings.

3. Funeral Home/Faith Liaison: Appointed by the Family Liaison and will:

a. Serve as the liaison between the Funeral Home/Faith institution and the Family Liaison.

b. Assist in the development of site security, parking plans, and traffic control for the Funeral Home/Faith institution.

4. Benefits Coordinator: A Human Resources employee appointed by the Family Liaison and will:

a. Work to gather all information regarding benefits available to the employee or the surviving family and assist in completing necessary paperwork.

b. Contact the appropriate agencies immediately to ensure that the process for obtaining benefits is initiated.

c. Follow up with the family to ensure all benefits are received.

5. CMPD Headquarters Liaison: The CMPD Headquarters Liaison is appointed by the Planning Section Commander and is responsible for maintaining control of the headquarters building as it relates to the incident and will:

a. Establish a location where employees may gather to wait for information concerning the incident and the employee’s condition.

b. Designate a media staging area where a Public Affairs Officer will serve as a liaison with the media.

c. Establish security and traffic control in the area immediately around the CMPD headquarters.
6. Notification Liaison: Reports to the Planning Section Commander and will:
   a. Ensure the employee's family is notified in a timely manner. The Chief of Police or designee should make the notification. The notification should be made in person. A Chaplain should accompany the person making the notification.
   b. Notify the appropriate agency for a personal notification if the deceased employee's family lives a considerable distance outside of the Charlotte-Mecklenburg area.
   c. Arrange transportation to the medical facility for the employee's family. Before leaving for the hospital, the Notification Liaison should notify the Hospital Liaison that the family is enroute.
   d. Arrange for child/family care and initial security for the residence.
   e. Arrange for an appropriate media staging area near the family home which does not negatively impact the employee's family. Identify a Public Affairs Officer and Logistics Officer to assist with the family residence.

7. Hospital Liaison: Reports to the Planning Section Commander and will:
   a. Coordinate with a hospital representative to direct responding CMPD employees to an appropriate location.
   b. Obtain appropriate rooms or areas to accommodate the family, close friends, and co-workers who will arrive at the hospital.
   c. Coordinate with the appropriate hospital representative to ensure that order is maintained, due to the increase in activity in and around the hospital, which may include traffic control and security in certain hospital areas.
   d. Ensure that hospital operations are not affected by parties interested in the CMPD situation and coordinate requests and needs with the CCOM.
   e. Arrange for an appropriate media staging area which does not negatively impact hospital operations and designate a Public Affairs Officer who will serve as a liaison with the media.
   f. Facilitate communications between the hospital representative(s) and the Command Center.

8. Logistics Section: The Logistics Section will be commanded by a Captain and will support the Incident Commander and the Liaisons as needed, including, but not limited to:
a. Provide assistance to family members who may be arriving from outside Charlotte-Mecklenburg with transportation, lodging, or meals.

b. Provide support for the various scenes involved, including hospital, family residence, place of worship, funeral home, funeral procession, and cemetery.

c. Provide assistance to CMPD personnel who must travel to another location for funeral services. (i.e. Honor Guard and Command Staff)

d. If needed, appoint additional personnel to assist with travel, transportation, lodging, and meals.

C. Funeral Operations Manager (FOM): The Funeral Operations Manager will be a Major and report to the IC. The FOM will coordinate all operations relating to the visitation, funeral/memorial service, motorcade, and internment. The FOM will designate command level officers, captain or civilian manager, to serve as Visitation Commander, Funeral Location Commander, Motorcade Commander, and Cemetery Site Commander. Each designated commander will be responsible for all details relating to that assignment and will report to the FOM.

1. Visitation Commander (VC): Captain or Civilian Manager who will be responsible for coordinating site parking, location set up, and all details as they relate to the service being held on site.

2. Funeral Location Commander (FLC): Captain or Civilian Manager who will be responsible for coordinating site parking, procession staging, location set up, and all details as they relate to the service being held on site.

For funeral services that take place outside of our jurisdiction the FLC will coordinate site details and make contact with local police agencies to ensure the site operations are coordinated.

A Sergeant will assist the FLC with parking and procession staging. This sergeant will ensure that all vehicles in the burial procession are in the proper place as designated by the FOM.

3. Honor Guard Commander: The Honor Guard Commander will report to the FOM and coordinate all service honors as outlined within the unit’s SOP. The Honor Guard will coordinate with the faith institution, memorial service and burial location Commanders.

4. Cemetery Site Commander (CSC): Captain or Civilian Manager who will be responsible for coordinating site parking, location set up, and all details as they relate to the service being held on site.

5. Motorcade Commander (MC): Captain who will coordinate all processions and vehicular movements of family and deceased employee(s) as determined by the Funeral Operations Manager. This responsibility can be divided into smaller
commands depending on the number of locations and deceased employee movements.

Burial services outside of our jurisdiction will be assigned a MC who will coordinate our participation with the appropriate agency.

D. Public Affairs Director (PAD): The Public Affairs Director will report to the IC. The PAD will coordinate all media requests, press conferences, interviews, event coverage, and designate a VIP Liaison. The PAD will work with the Funeral Location Commander and Cemetery Site Commander to coordinate coverage and broadcast of services. They will be responsible for meeting with media outlets prior to these services and establishing ground rules of coverage to comply with department and family wishes.

1. The Public Affairs Director will also:

   a. Work closely with the Family Liaison to ensure the needs of the family are fulfilled as much as possible.

   b. Provide appropriate information surrounding the serious injury or death to Department employees and the media.

   c. Coordinate news media briefings throughout the incident and coordinate the activities of the Public Affairs Officers assigned to the various scenes. If a family member wishes to grant an interview, the Public Affairs Director will arrange the interview and assist the family member as needed.

   d. Ensure that proper notification (DCI Message) is sent to all law enforcement agencies with the following information:

      (1) Name and rank of the employee,

      (2) Date and time of the incident,

      (3) Circumstances surrounding the event,

      (4) In the event of an employee's death:

         (a) Funeral arrangements.

         (b) Family wishes in regard to expression of sympathy (donation, fund, memorial, etc.)

         (c) Contact person and telephone number for visiting departments to indicate desire to attend and to obtain further information.

2. Public Affairs Officer (PAO): PAO will assist the PAD as directed. In addition, a PAO will be on site at all scheduled services to assist the Funeral Location Commander or Cemetery Commander 3 hours prior to the service to address
all media issues. The PAO will report to the PAD in coordination with the Funeral Location Commander.

3. VIP Liaison: Captain designated by the PAD in consultation with the IC and will serve as the department point of contact for visiting police dignitaries, local politicians, and any other person designated as such by the IC. VIP Liaison will be on site of all services at least 2 hours prior to the event to coordinate special requests or needs. This captain will work closely with the Public Affairs Director and other location commanders to ensure the needs of our guests are addressed.

The VIP Liaison will also be responsible for working with the FLC and Honor Guard Commander on seating arrangements for employees and guests who attend visitation or funeral services. The VIP Liaison will work with ushers to ensure that any reserved seating is designated and that persons are placed in the appropriate area.

V. REFERENCES

300-020 Police Critical Incident Stress
300-025 Peer Support Program
600-025 Incident Command
Addendum #1

SERVICE CORPORATION OF AMERICA

Dignity Memorial Public Servants Program: [http://www.dignitymemorial.com](http://www.dignitymemorial.com)

Recognizing the courage and selflessness of those who serve the public, Dignity Memorial network providers created the Public Servants Program for emergency service personnel. This program offers dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers and firefighters who fall in the line of duty.

For more than ten years, the program has helped families deal with the emotional and financial burden associated with the sudden loss of a loved one. In addition to providing burial services, the program offers extended counseling services to family members who experience this unsettling change in their lives, as well as the opportunity to create an Internet tribute to memorialize their fallen hero.

The funeral and cremation benefits include:

**Funeral:**
- Faith institution, graveside or memorial service
- 1 day of Visitation
- Professional service fees to include embalming (if requested or required)
- Customary transportation fees, such as removal from place of death (50-mile radius), transportation to the cemetery, limousine, funeral coach and flower car on day of service
- Funeral option: 20-gauge protective steel or hardwood casket, minimum lined concrete vault at burial site and a 24X14 personalized bronze marker with vase mounted onto granite base Register book, acknowledgement cards, and memorial folders

**Cremation:**
- Casket rental or cremation container
- Sheet bronze urn / capsule
- Personalized cast bronze memorial plaque.
- Cemetery, niche or garden space in a Dignity Memorial affiliated cemetery (where available)
- Interment or crematory fees

**Family Support Benefits:**
- 24-hour Compassion Helpline to assist those coping with loss
- The Aftercare Planner, a comprehensive guide to help settle an estate
- An everlasting memorial permanent internet memorial
- One-year membership in a legal services plan
Addendum #2:

VISITATION, FUNERAL OR MEMORIAL SERVICE, AND BURIAL

The Funeral Operations Manager, faith liaison and Honor Guard Commander are responsible for the honors and police part of the service. The Funeral Operations Manager will coordinate with the family liaison, funeral director, faith leader, or police chaplain to coordinate the remaining part of the service. The below guideline is an example which may be helpful in planning, but the service should be based on the wishes of the family of the deceased.

VISITATION SERVICE:
- Visitation should be expected to last 4-5 hours.
- Honor Guard members will meet at the designated location for set up and pre-service walk through 3 hours prior to service.
- Casket Guards are posted on each side of casket as determined by Honor Guard supervisor.
- A private room, if available, will be needed for family members to take breaks.
- MEDIC should be on site to assist with medical needs.
- Water and light food should be available for officers working onsite. Command Center Logistics can coordinate this.
- PIO should be on site to address all media issues.
- VIP/Political Liaison should be on site to assist with any issues that arise.
- Seating plan during the visitation for visitors to be seated while waiting. Officers assigned to the location will usher visitors to their seats and direct them into the visitation line.
- A parking plan may be necessary depending on the location of the service. If so, this responsibility will be under the appropriate location commander.

FUNERAL OR MEMORIAL SERVICE:
- Honor Guard should arrive 3 hours prior to service for set-up and walk-through
- Casket Guards posted
- Officer seating locations are determined and reserved
- VIP and Police Executive seating is determined and reserved
- Family seating area is determined and reserved
- Family and faith leaders enter and seated
- Service begins
  - Bagpipes play introduction and lead into the sanctuary (CFD Bagpipe & Drum Corps)
  - CMPD Color Guard posts colors and retires
  - Casket Guards changed, attendees sit at the direction of the faith leader
  - Faith service begins
  - **Insert faith Order of Service** (provided by a faith leader)
  - Conclusion of faith service
- Color Guard retrieves colors and Casket Guards exit sanctuary
- Casket exits followed by: faith leader, pall bearers, and family to the hearse
- Color Guard renders salute and casket is placed in the hearse
- Family enters limousines or personal vehicles
- Officers and civilians prepare for departure to burial site
- Procession departs service location
BURIAL SERVICE:

- Honor Guard arrives at burial site ahead of funeral procession and assembles
- Bagpipe/Drum Corps arrives at burial site ahead of funeral procession
- Hearse/Family and Main procession arrives at burial site
- Honor Guard arranges officers
- Bagpipes play from a distance
- Honor Guard/Color Guard renders salute as casket is carried into place
- Faith Service begins
- Interment
- Faith Message
- Honor Guard folds U.S. flag (identify recipient prior to service)
- Honor Guard presents flag to Honor Guard Commander
- Honor Guard Commander presents flag to Chief of Police
- Chief of Police presents flag to next of kin
- 21 Gun Salute (if requested)
- CMPD Helicopter flyover (if requested and available)
- Funeral Operations Manager will call helicopter at the first volley of 21 Gun Salute. Timing should allow approximately 30 seconds form the third volley to the arrival of the helicopter at the burial site. This short silence gives attendees the ability to hear the helicopter inbound.
Addendum #3

MEDIA PROTOCOLS

The Public Affairs Director or designee will coordinate with the media to ensure an unobtrusive opportunity to view the funeral / memorial service and burial from a designated staging location. These guidelines should be developed along with the families, while balancing the public interest to honor the employees and keeping the services respectful.

Media personnel could be asked to leave any service by the Public Affairs Director or Funeral Location Commander should any deviations from these guidelines occur.

Visitation:
- NO cameras (video or still) will be allowed inside the service venue.
- Reporters who wish to enter the service venue can do so as a visitor, wait in line, pay their respects and leave.
- Predetermined staging area for media personnel will be in an accessible, but not intrusive location. Boundaries will be established that allow cameras to capture images.

Funeral:
- Local television network will provide video pool feed via satellite to all outlets.
- Media will not be allowed access to the inside of the service venue for early morning stand-up.
- The PAD will select a pool photographer for still shots inside the service venue. The photographer will be in a location selected by the PAD in conjunction with the Funeral Location Commander. The FLC should be mindful of undercover officers attending and the necessity to protect their identity.
- Flash photography will not be allowed inside.
- Two full copies of the video of the service will be provided to CMPD (clean and with graphics for presentation to the families and for use in future memorial tributes to the employees (with credit given to the participating news agencies).
- A full set of all photos taken by the pool photographer that are published in the paper and online will be provided to CMPD for presentation to the families and for use in future memorial tributes to the employees (with credit given).
- Local television satellite truck will be parked in the appropriate place near the service venue. All other media vehicles will be parked in predetermined staging location with other news personnel.
- Cameras will only be allowed in certain location(s) that maintain a respectable distance from mourners attending the service.
- Reporters without cameras (video or still) will be allowed into the service (no cameras, no live shots, no stand-ups from inside the service venue, no loitering during visitation).
- All still and video photographers will sign an agreement with CMPD not to publish any photos of plainclothes officers or civilian employees without prior review and approval of the Public Affairs Director or designee.

Procession:
- Media vehicles will not be allowed to participate in the official motorcade.

Burial:
- Any media vehicle (live truck) must be in place at the cemetery 2 hours prior to funeral service or access will not be allowed.
- No wireless mikes will be allowed at burial site.
- Area will be identified by Burial Site Commander for news crews to capture images with minimal intrusions to service.
- Media helicopters will not be allowed to hover or make continual passes over the cemetery during burial services.
- All still and video photographers will sign an agreement with CMPD not to publish any photos of plainclothes officers or civilian employees without prior review and approval of the Public Affairs Director or designee.
- Two full copies of the video of the service will be provided to CMPD (clean and with graphics) for presentation to the families and for use in future memorial tributes to the employees (with credit given to the participating news agencies).
- A full set of all photos taken by the pool photographer that are published in the print media and on-line will be provided to CMPD for presentation to the families and for use in future memorial tributes to the employees (with credit given).
Addendum #4

MOTORCADE PROCESSION

Motorcade Commander is responsible for the procession and will plan the route from the service location to the cemetery by assigning officers to specific traffic control points. The Mecklenburg County Sheriff’s Office and other local agencies should be utilized, if available, to allow CMPD personnel to attend the funeral.

Procession may include:
- Motorcade Commander
- Funeral Director
- Funeral Hearse
- Family Limousine(s)
- Faith Leader
- Immediate Family
- Chief of Police
- Deputy Chiefs of Police
- Extended Family (cousins, aunts, uncles, etc…)
- Buses containing the fallen employee’s division/unit
- Plain clothes MEDIC personnel (if requested)
- Cemetery Lead Vehicle - Lead other vehicles to parking locations in cemetery
- Funeral Operations Manager
- MEDIC Van
- All other police and private vehicles will self assemble behind the lead procession.
- Political dignitaries will be placed behind Funeral Operations Manager. All issues regarding this will be the responsibility of the Funeral Location Commander.
- Media vehicles are not allowed in the official motorcade.
Addendum #5

ORGANIZATIONAL CHART

Line of Duty Commander
Deputy Chief

Funeral Ops Mgr. (Major)

Visitation Commander (Captain)

Funeral Location Coordination (Captain)

Honor Guard Commander

Cemetery Site Coordinator (Captain)

Motorcade Commander (Captain)

Command Center Ops Mgr. (Major)

Logistics Section (Captain)

Travel

Transportation

Lodging

Media

Planning Section (Captain)

Family Liaison

Parental Home Liaison

Benefits Coordinator

HQ Liaison

Notification Liaison

Hospital Liaison
I. PURPOSE

To establish guidelines for the dress and grooming standards of Charlotte-Mecklenburg Police Department (CMPD) employees while at work, on duty, or in uniform, in order to maintain the professional image of the Department.

II. POLICY

While in uniform, in plain clothes or on duty, CMPD personnel are expected to maintain a professional appearance at all times. Employees are expected to adhere to the guidelines set forth in this directive while engaging in professional police activities. All uniform and grooming standard guidelines must adhere to work safety standards in accordance with the Occupational Safety and Health Administration (OSHA) Respiratory Protection standard and CMPD Respiratory Protection Plan.

III. DEFINITIONS

A. Employees: For the purpose of this directive, employees are identified in the following groups:

1. Officer: A sworn police officer of any rank, uniformed civilian Animal Care and Control officer, and Crime Scene Search investigator.

2. Plain-Clothed Officer: A sworn police officer of any rank assigned to a plain clothes position or wearing plain clothes in an on-duty capacity. Officers assigned to the Covert Operations Division are not included.

3. Civilian Uniformed Employee: An employee who is not a sworn law enforcement officer and is issued a work uniform. Their uniforms are defined in the unit’s respective Standard Operating Procedures (SOP).

4. Plain-Clothed Employee: A civilian employee not provided with a uniform.

B. Uniforms:

1. Class A Uniform: The Class A uniform consists of the blue uniform pants, long sleeve uniform shirt with the issued tie. An approved sweater may also be worn with the Class A uniform.

2. Class B Uniform: The Class B uniform consists of the blue uniform pants and a short sleeve uniform shirt or the long sleeve uniform shirt with an approved plain black mock turtleneck or one with “CMPD” embroidered on it. The long and short sleeve patrol alternate duty uniform (often referred to as the 5.11’s) is also considered a Class B Uniform.

3. Class C Uniform: The Class C utility uniform varies according to the needs of specific units. It must be consistent with the Class A and B uniform in style and is consistent with the image of the law enforcement profession.
4. Specialized Uniform: The Specialized Uniform will be determined by the unit's SOP. The Specialized uniform is worn only when performing the duties of the unit that it was designed for e.g. S.W.A.T., A.L.E.R.T., Training Academy, etc.

C. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, Badge, ID and access cards, take home cars, keys and fuel cards, CMPD issued cell phones, or any other items as deemed by the CMPD Chain of Command.

IV. PROCEDURES

A. Grooming Standards

1. Hair Styles

   a. All employees are required to wear their hair clean, combed and neatly trimmed or arranged. Hair that is unkempt is not permissible regardless of length for any on-duty employee.

   b. Hair must be of natural color, and styles shall be in keeping with the professional image of CMPD.

   c. Hair styles must not prevent the proper wear and seal of required safety equipment, to include respiratory devices.

   d. All male uniformed officers will conform to the following standards of appearance.

      (1) Hair on top of the head will be neatly groomed. The length/bulk of the hair will not be excessive or present a ragged or extreme appearance. When combed, the hair may only extend ¼ inch below the top of the ears and may not touch or extend below the shirt collar in back. Vertically, short hair will be worn no more than 1 ½ inches from the scalp at any point on the head.

      (2) In all cases, the bulk or length of the hair will not interfere with the normal wear of the uniform hat.

      (3) Male employees will not wear hair accessories while on duty.

   e. All female uniformed officers will conform to the following standards of appearance.

      (1) Long hair that extends below the bottom of the collar must be worn pinned up in a neat manner. While up, no part of the hair will extend below the bottom of the shirt collar. If it is worn up and begins to become disheveled, it must be put up again or worn down, meeting the length regulations.
(2) Hair accessories must be functional, not ornamental, and are restricted to the following:

(a) Dark blue or black ribbons or terry-covered rubber bands.
(b) Silver, gold, black, dark blue or dark brown barrettes or clips.
(c) Black, white, dark blue or dark brown head bands.
(d) All other accessories are restricted to black, white, dark blue or dark brown.
(e) No accessory may have decorations on it and each accessory may be only one color.
(f) In all cases, the bulk, length, or style in which the hair is worn will not interfere with the normal wear of the uniform hat.

2. Facial Hair

The following standards are in accordance with OSHA standard 1910.134 and the CMPD Respiratory Protection Plan, which prohibit the presence of facial hair growth that may prevent the proper seal and wear of respiratory devices.

a. Any employee, either civilian or sworn, who is required to properly operate and wear a respiratory device as an essential function of their position, will be clean-shaven in accordance with OSHA standards and the CMPD Respiratory Protection Plan.

b. Beards, goatees, or other growth of facial hair that prevent the proper seal and wear of respiratory devices will not be permitted.

c. Mustaches which do not interfere with proper fit and/or wear of respiratory devices are permitted. Mustaches will be neatly trimmed and will not exceed more than ¼ inch laterally beyond the corners of the mouth and will not extend below the corners of the mouth. Mustaches will be professional and neat in appearance and will not cover any part of the upper lip.

d. Sideburns which do not interfere with the proper fit and/or wear of respiratory devices are permitted. Sideburns will not extend below the earlobe and will at no point be more than 1 inch wide. Sideburns will not exceed ¼ inch in bulk, will not flare, and will be trimmed horizontally across the bottom.

e. Any employee with a medical diagnosis which prevents the employee from performing the essential job function of the wearing of a respiratory device due to facial hair will submit documentation from a licensed
medical doctor to CMPD HR. Such documentation shall state and describe the medical condition and the treatment plan to correct the medical condition.

(1) Upon receipt of sufficient medical documentation, the employee shall be placed on light duty for up to 30 days to receive treatment for the medical condition. On or before 30 days, the employee shall conduct a follow up with his/her physician to obtain medical clearance to adhere to CMPD grooming standards. This clearance will be provided to CMPD HR who will return the employee to full duty.

(2) In the event the employee is not cleared to return to duty because the employee cannot be clean shaven in accordance with OSHA standards and CMPD Respiratory Protection Plan, the Chief of Police or designee may require a second medical evaluation, up to and including a Fitness for Duty evaluation with a physician of the department’s choosing. The City of Charlotte’s physician can request an extension of up to 30 days for treatment.

3. Accessories and Makeup

Female Uniformed Officers may wear no more than one earring per ear, and it must be worn in the lobe of the ear. Plain-Clothed Officers and Civilian Employees may wear up to two earrings per ear and they must be worn in the lobe area of the ear. Pierced earrings must have a small post.

a. Ball earrings may be gold, silver, or white (pearl) in color and no larger than 6mm.

b. Disc earrings may be gold or silver in color and no larger than 12mm.

c. Solitaire earrings may be any gemstone or their facsimile and no larger than ½ karat.

d. Female Uniformed Officers may not wear hoop or dangling-style earrings while on duty in uniform.

e. Plain-Clothed Officers and Civilian Uniformed Employees may wear hoop or dangling-style earrings as long as they do not exceed one inch in width or 2 inches in length and do not interfere with the employee’s duties.

4. Tattoos, Brands and Scarification

All CMPD personnel must maintain standards of appearance that project a professional image to the public. Tattoos, brands, or scarification markings which depict violence, are obscene in nature, contain sexually explicit
language, or in any way ridicule, malign, disparage or express bias against any individual are not in keeping with CMPD’s professional image, are inappropriate for the work environment, and may undermine public trust and confidence. All employees’ tattoos or markings are subject to the standards and review process set forth in this directive.

a. Employees are permitted to have visible tattoos or markings that meet the following conditions

1. Visible tattoos or markings on an employee’s limb may not exceed 3 inches in length by 2 inches in width.

2. Visible tattoos or markings may not exceed one per limb, including the hand. For the purpose of this policy a ring tattoo symbolizing a wedding band will not count towards the one per limb.

3. A tattoo or marking located behind the employee’s ear or nape of the neck may not exceed 1 inch in length by 1 inch in width. No other visible tattoos or markings are permissible on the face or forward of the nape of the neck.

b. Tattoos or markings that depict violence, nudity, or lewd images or content are not permitted to be visible while on duty or while on any City of Charlotte property regardless of duty status.

c. Tattoos or markings that do not meet the conditions of this directive must be covered by clothing that meets the guidelines of this directive, tattoo covering make-up, or by an approved “Tat-Jacket”. Any other method of covering tattoos or markings must be approved by the Professional Appearance Committee.

d. Items such as tattoo covering make-up or “Tat-Jackets” will be purchased at the employee’s expense.

e. Employees’ chains of command are responsible for ensuring any tattoos or markings which are inappropriate, or do not meet the restrictions outlined above, are properly covered.

f. Employees who disagree with their chain of command regarding the appropriateness or inappropriateness of a tattoo or marking may seek to have their tattoo or marking reviewed by the Professional Appearance Committee.

5. Restricted Tattoos, Brands or Scarification

a. Tattoos or markings that promote racism, sexism, discrimination, gang affiliations, or extremist or supremacist philosophies are strictly prohibited, regardless of location on the body.
b. Tattoos or markings that depict “scorekeeping” related to police activity or signify membership in unofficial law enforcement or militia groups are strictly prohibited, regardless of location on the body.

c. Tattoos or markings of the above nature or content do not conform with CMPD’s values and undermine public trust and the trust of co-workers. Such tattoos or markings would negatively affect the reputation of the employee and bring CMPD into disrepute.

d. Employees identified as having a tattoo or marking which may be restricted under this directive will be reported to the Internal Affairs Bureau. The tattoo or marking may be reviewed by the Professional Appearance Committee as part of the administrative investigation.

6. Professional Appearance Committee

a. The Professional Appearance Committee will convene on an as needed basis to review the content of tattoos or markings for adherence to this policy.

b. The Professional Appearance Committee will be comprised of the Deputy Chief of Administrative Services (Chairperson), the Professional Accountability Major, a police attorney, and a minimum of 7 members of the Uniform and Equipment Committee of various rank and position.

c. The Deputy Chief of Administrative Services, in consultation with the committee, will make the decision as the appropriateness or inappropriateness of a tattoo or marking, or whether the tattoo or marking is restricted. The Chief of Police may override this decision.

Applicants to CMPD will disclose all tattoos or markings regardless of nature, content or location during the hiring process to their background investigator. The CMPD Recruiting Chain of Command will determine the permissibility of each tattoo or marking in accordance with this directive. The notation of tattoos and markings will be part of the employee’s permanent personnel file.

B. General Dress

1. Court

a. Male employees who are attending court will wear either a Class A or B uniform, a business suit, or sport coat and slacks with a tie.

b. Female employees who are attending court will wear either their Class A or B uniform or a blazer with slacks, a blazer with a skirt, or a dress that is professional in appearance.

c. When attending district court, Officers have the option of wearing the clothing described above or their uniform of the day. The Class C
uniform will not be worn to court with the exception of the following units, provided that the uniform is clean and neat in appearance, when attending district court only:

(1) On-duty canine officers.
(2) On-duty bicycle patrol officers, however, on-duty bicycle officers will not wear short pants.
(3) On-duty Motorcycle Unit officers.

2. Training Academy

Jeans or other denims are permissible during Training Academy classes provided they are neat, properly fitted and free of holes and tears. Such clothing as tank tops, shorts, overalls, etc., is prohibited.

3. Other Meetings and functions

Employees attending Division or Bureau meetings or other official meetings are considered to be on-duty and will wear uniforms or business casual attire.

4. Uniformed Dress

a. Maintenance of the uniforms will be the responsibility of the person to whom they are issued. Uniforms will be maintained and of neat appearance at all times.

b. Employees will present themselves in an orderly and professional manner. Uniforms will be clean, pressed and worn neatly at all times. Uniform shirts must be tucked in. Faded, worn, damaged, or tight-fitting clothing are not acceptable.

c. Only departmental approved black shoes or boots will be worn. Worn out or unkempt shoes will not be permitted.

d. Black or navy socks must be worn with designated shoes.

5. Sworn Officer Uniforms

a. Ballistic Vests

(1) Ballistic vests are required to be worn by all uniformed officers and supervisors assigned to the Patrol Service Group.

(2) Ballistic vests are required to be worn by all sworn personnel when engaged in pre-planned high-risk activities which include warrant service, raids, searches and other activities deemed to be high risk by the supervisor in charge of the activity.
(3) The wearing of a ballistic vest is mandatory for any sworn personnel working in uniform in any secondary employment capacity regardless of their rank or normal assignment.

(4) Supervisors will conduct inspections of all personnel required to wear a ballistic vest as described above. These inspections will occur on a daily basis as part of the regular inspection of assigned equipment.

(5) It is also encouraged that all officers assigned to Investigative, Support and Administrative Divisions wear a protective vest during their tour of duty. However, those officers who choose not to wear their protective vest must have it readily available at all times during their tour of duty.

(6) All sworn personnel will be issued CMPD approved protective vests.
   (a) CMPD approved protective vests will comply with protective and related requirements prescribed by current standards of the National Institute of Justice.
   (b) CMPD approved protective vests will be replaced at no cost to the officer upon reaching of the manufacturer’s product expiration date or due to non-negligent damage and normal wear and tear.

(7) Officers are responsible for the care and maintenance of their assigned protective vest.
   (a) Officers are responsible for inspecting their protective vests for signs of damage or other conditions that warrant replacement.
   (b) Officers are responsible for the proper storage and cleaning of the protective vest in accordance with the manufacturers instructions.

b. Medical Exemptions

(1) Any sworn personnel seeking a medical exemption to the mandatory wear of ballistic vest guidelines will obtain a detailed written justification from a licensed medical doctor that describes the physical condition and how this condition prevents the wearing of a ballistic vest. The justification will be forwarded through the Chain of Command to the Chief of Police or his/her designee.
(2) The Chief of Police or his/her designee may require a second medical evaluation through a physician identified by CMPD for confirmation that the ballistic vest cannot be worn. If it is determined that the employee’s medical condition is such that prohibits the wear of a ballistic vest, then the employee may be referred to a physician identified by CMPD for a “Fitness for Duty” evaluation.

c. When the uniform coat is worn the embroidered badge serves as the outermost badge.

d. The uniform of the day, Class A, B, or C will be worn in the intended manner with the badge worn on the outermost garment.

e. The 5.11 style Alternate Duty Uniform (both long and short sleeve) is considered a Class B uniform.

(1) A necktie or mock turtleneck is optional attire with the Class B Alternate Duty uniform.

(2) Screen printing or embroidery of badges and/ or nameplates is prohibited on the Class B Alternate Duty Uniform.

(3) Officers may obtain, at their expense, Department approved web gear for use with the Class B Alternate Duty Uniform.

f. The nameplate will be worn on the uniform shirt.

(1) An appropriate alternative to the nameplate, such as screen printing or embroidering may be used only on Class C uniforms not suitable for wearing of the nameplate.

(2) Officers may purchase the "serving since" plate to be worn as part of the nameplate.

g. Officers must wear the issued uniform dress hat while attending formal ceremonies such as funerals and parades on or off-duty when the Class A uniform is worn.

h. Officers may obtain, at their own expense and use on duty, approved sweaters/jackets, mock-turtlenecks, and winter hats. (See 400-003 Equipment)

i. Department approved baseball style caps can be worn only with the Class C Uniform.

(1) Baseball style caps will not be worn to court or while working in a secondary employment capacity.
(2) The Chief of Police or his designee may approve the wearing of baseball style caps for special events involving CMPD personnel in uniform.

j. Officers will wear the appropriate standard duty police uniforms (Class A, B, or C) when engaged in uniformed law enforcement related secondary employment. Class C uniforms such as bicycle or motorcycle will only be worn when operating those types of equipment in a secondary employment capacity.

The following units are approved for baseball caps. These are part of a Class C and Specialized Uniform:

**Sworn Units:**
- ALERT Team
- Aviation
- K-9/Vice K-9
- Lake Patrol (North and Steele Creek Divisions)
- SWAT
- Training - Drivers Training Unit
- Training – Range
- Motorcycle Officers

**Civilian Units:**
- Animal Care and Control
- Citizens on Patrol/ Lakes COPS
- Crime Scene Search

k. Ornaments, jewelry, civic pins, fraternity pins, etc., will not be worn on the uniform. The only exceptions are those pins awarded or issued by the Department or approved by the Chief of Police.

(1) Up to four issued commendation bars may be worn with the appropriate bar holder centered above the name plate on the uniform shirt.

(2) A single tie bar or tie pin, in keeping with the professional image of the Department, may be worn.

l. Officers have the option to wear either the Class A, Class B, or Class C uniform, unless otherwise specified by this directive, throughout the year. Undershirts worn with the Class B and C uniform will be white, dark blue, or black in color with no visible stripes, patterns, or decorations and may be either V-neck or crew style. Uniformed personnel wearing the Class B and C uniform shirt are prohibited from leaving any buttons below the top button open.
m. Officers assigned to light duty temporary assignments will wear business casual dress in accordance with this directive (Plain-Clothed Employees).

n. Prohibited Activity While in Uniform

(1) Uniformed Employees will refrain from activities which are inappropriate to CMPD’s professional image or which might be misinterpreted by the public.

(2) Employees are prohibited from wearing CMPD uniforms while appearing as a plaintiff or defendant in any court proceedings unrelated to law enforcement activity unless authorized by the Chief of Police.

7. Plain-Clothed Positions

All employees, when not in uniform, will wear their department issued photo identification card in obvious view at all times when inside Police Headquarters or any CMPD facility.

a. Sworn Officers Assigned to Plain-Clothed Positions

(1) Sworn officers assigned to plain-clothed duty will wear professional business attire.

   (a) Appropriate dress for men will be business suits, or sports coats and slacks with ties.

   (b) Appropriate dress for women will be business suits, slacks or skirts with blouses or sweaters and a blazer or jacket or a dress.

   (c) All employees assigned to plain-clothed positions will adhere to this directive when attending court.

(2) Officers in plain clothes must wear dress shoes that do not impair their ability to carry out the normal duties of their job.

   (a) Male officers in plain clothes may wear any type of business dress shoes, except sandals, open shoes or cowboy boots.

   (b) Female officers in plain clothes may wear any type of business dress shoe except sandals, cowboy boots, open-toe shoes or any shoe with a heel exceeding 3 inches in height.
(3) The Chief of Police, or designee, may alter the personal appearance and dress requirements of Plain-Clothed Officers as necessary.

(4) Employees assigned to plain-clothed duties of the rank of sergeant and below will:
   (a) Carry their service weapons and handcuffs while on duty.
   (b) Wear their badge or police identification cards in obvious view on the outermost garment during a police raid or other police emergency.

b. Plain-Clothed Employees
   (1) Employee dress and overall appearance should present a business-like image to the public.
   (2) Business casual or professional business attire will be worn while on duty.
   (3) Business Casual- While standards of formality in dress are somewhat relaxed; employees are expected to present a professional and business-like appearance. The following standards apply:
      (a) Slacks – khakis, cotton and other slacks are acceptable if clean and neatly pressed. Denim is not acceptable. Other inappropriate items include sweatpants, stretch pants, shorts, bib overalls, stirrup pants, and spandex and other form fitting pants.
      (b) Shirts – casual shirts with collars, golf shirts, capped-sleeved shirts, sweaters, non-collared fitted shirts and turtlenecks are acceptable. Shirts with small trademarked logos placed on the front pocket area of the shirt are acceptable. Tee-shirts, tank tops, spaghetti strap shirts, tube tops, halter-tops, revealing or midriff-baring tops, shirts with lettering, cartoon characters, phrases, pictures or any tops with bare shoulders (unless worn under another blouse or jacket) are unacceptable.
      (c) Skirts and Dresses – casual dresses and skirts that are no higher than 2 inches from the knee are acceptable. Spaghetti strap dresses and mini-skirts are not acceptable.
      (d) Footwear – dress boots, loafers, flats, dress sandals, and leather deck shoes are acceptable. Athletic shoes, hiking
or climbing boots, tennis shoes, thongs, casual sandals, slippers, and flip flops are not acceptable.

(e) Hats – hats of any kind may not be worn on duty.

V. EXCEPTIONS

A. Deviation from the CMPD issued uniform is allowed for business purposes when approved by the division/unit manager in consultation with his or her chain of command.

B. Unit Managers in divisions that have little or no contact with the public may permit their employees to wear business casual attire or denim provided the clothing is neat, properly fitted and free of holes and tears.

C. Officers operating exposed vehicles, i.e. bicycles etc., may wear sunglass straps to prevent loss or damage while in motion.

D. Officers on special assignment, where their dress, hairstyle and accessories must be conducive to the nature of the assignment and clientele dealt with, will be temporarily exempt from this policy for the duration of the assignment. For the purpose of this directive, the employee’s Deputy Chief will determine what constitutes a special assignment within the meaning and intent of this exception and will submit a memorandum to the Chief of Police indicating which assignments and personnel are exempt and the timeframe of the exemption. A copy of the memorandum will be provided to CMPD HR.

E. During special campaigns such as United Way and/or Blood Donor programs, the emblem or symbol of participation may be worn during the campaign.

F. Police recruits are governed by the Police Academy Rules and Regulations regarding personal appearance.

VI. ENFORCEMENT

A. Supervisors and Managers are fully responsible and accountable for ensuring employees are appropriately groomed and dressed based on this policy. In addition, supervisors and managers may require business attire be worn in instances where employees are expected to appear in a formal setting such as a hearing, tribunal, or professional community meeting.

B. If it is determined that an employee is dressed inappropriately, the employee may be asked to leave work to change clothing, and vacation leave will be charged for the missed time.

C. Questions about uniform dress or grooming standards will be answered by the employee’s chain of command.

VII. RESPONSIBILITY FOR UNIFORMS AND EQUIPMENT
A. The Property and Evidence Management Division is responsible for proper storage and issuing of all employee uniforms.

B. Uniforms that are damaged, worn out, or destroyed in the line of duty will be repaired or replaced by CMPD. Employees who need to replace a worn out or damaged article of clothing must submit a request for approval through the CMPD Uniform Purchase System.

C. If uniforms need to be taken out of service due to contamination or if the duty uniform is needed as evidence in an investigation, the Emergency Clothing Bag, located in the Property and Evidence Division is available for employees to use. This emergency issue of a t-shirt, sweat shirt, and sweat pants are only to be used to assist the employee with clothing in which to travel home.

D. Uniforms damaged or destroyed through negligence or abuse must be repaired or replaced at the responsible employee’s expense.

E. Employees will be responsible for uniform alterations made 30 days or more after the date of issue.

VIII. RETURNING EQUIPMENT AND UNIFORMS

Uniforms and Equipment will be returned in accordance with Directive 200-005 Returning of Issued Uniforms and Equipment.

IX. UNIFORM AND EQUIPMENT COMMITTEE

A. The Uniform and Equipment Committee will be composed of personnel assigned to the following positions:

- Deputy Chief of Administrative Services Group – Chairperson
- One Administrative Major – Alternate Chairperson
- One Patrol Services Group Captain
- One Investigative Services Captain
- Support Services Captain
- Property and Evidence Management Manager
- Training Director
- Fiscal Affairs Manager
- Policies and Directives Officer
- One Communications Representative
- One Animal Care and Control Representative
- One Patrol Services Group Sergeant
- One Investigative Services Sergeant
- One Investigative Services Detective
- Three Patrol Services Group Officers (Patrol North, Patrol South, Patrol Central)
- Safety Coordinator

B. Personnel requesting a change in departmental approved equipment, uniforms, or items worn on uniforms shall complete a “Uniform and Equipment Request and
Review Form” and forward it up the requesting officer’s chain of command. The requesting officer’s chain of command will indicate approval or disapproval of the request. Disapproval by any member of the chain will stop any further action with regard to the request. The Deputy Chief should forward the denied request and documentation to the Property and Evidence Management Division’s Manager. The chain of command should not base its decision solely on the unit or section, but the overall impact the request may have on the entire organization. The Uniform and Equipment Committee will research and discuss all items submitted for review and make recommendations regarding the requested action to the Chief of Police or designee.

X. REFERENCES

- 300-006 Limited Duty
- 400-003 Equipment
- 200-005 Returning of Issued Uniforms and Equipment
- Occupational Safety and Health Administration (OSHA) 1910.34 Respiratory Protection
- OSHA Standard, Title 29, Code of Fed Regulations
- CMPD Respiratory Protection Plan
- CALEA
- This directive was previously updated on 5/1/2020
I. PURPOSE

To establish appropriate guidelines for training and qualification for the carrying of firearms by CMPD sworn personnel in all law enforcement related capacities, and to comply with the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), codified at 18 U.S.C. § 926B and 926C.

II. POLICY

The nature of law enforcement requires on-duty sworn personnel to carry firearms. Safeguards designed to enhance employee performance for the protections of citizens as well as the employee are of prime concern. These safeguards reduce the probability of criminal and civil liability that could arise from questions of competency, training and standards. In order to ensure that they are able to perform their duties and protect themselves and the public, officers are required to demonstrate reasonable proficiency in all aspects of firearms use. In addition, officers receive annual training in the use of firearms, levels of control, firearms safety, and basic marksmanship.

Many sworn personnel wish to carry concealed firearms in off-duty capacities and are authorized to do so under federal and state law, with certain limitations. This directive will guide sworn personnel that choose to carry concealed firearms in off-duty capacities so that their conduct will comply with applicable laws as well as the requirements of CMPD.

III. DEFINITIONS

A. Firearm: A handgun, shotgun, or rifle which expels a projectile by action of an explosion.

B. Service Weapon: The handgun issued to sworn personnel by CMPD that is an officer’s primary firearm in all but specialized circumstances.

C. Back-up Weapon: A handgun personally owned by a sworn CMPD officer that the officer has successfully qualified with and has been approved by the CMPD Range Master for on-duty and law enforcement secondary employment to be carried by that officer as a supplement to that officer’s service weapon. A back-up weapon shall only be a caliber ranging from .380 to .45 and can reasonably be carried and easily concealable.

D. Off-Duty Weapon: A handgun personally owned by a sworn CMPD officer that the officer has successfully qualified with and has been approved by the CMPD Range Master for off-duty concealed carry in a non-law enforcement capacity under LEOSA. An off-duty weapon shall only be a caliber ranging from .380 to .45.

E. Handgun: A firearm that is commonly referred to as a pistol or revolver.

F. Shotgun: The shotgun issued to sworn personnel by CMPD that is an officer’s secondary firearm in all but specialized circumstances.
**G.** Rifle/Patrol Rifle: The rifle or sub-machine gun issued by CMPD to an officer that is to be used only under specialized circumstances and with supervisor approval (except in circumstances when, in the officer’s judgment, contacting a supervisor is not feasible).

**H.** Weapon Mounted Light: An approved weapon mounted light used only when justified to draw and point/cover a person or area in which the officer would be legally justified to do so with a weapon without a light.


**J.** Sworn Personnel: All state-certified sworn law enforcement officers regardless of rank or assignment currently in service with CMPD, including hireback officers.

**IV.** PROCEDURE

**A.** General Firearm Rules

1. Sworn personnel shall not consume or have in their body any quantity of alcohol, an unlawful controlled substance, or other impairing substance while carrying:
   
   a. Any firearm issued by CMPD.
   
   b. A back-up weapon in an on-duty or law enforcement secondary employment capacity.
   
   c. Any firearm in a concealed manner outside of property owned by the officer.

2. Off-duty sworn personnel are prohibited from possessing a firearm while subject to an N.C.G.S. 50B order or other domestic violence restraining order that forbids the possession of firearms. In the event that the court order allows the officer to possess a firearm for official use, the officer shall comply with the dictates of the order and shall only possess firearms issued by CMPD while on-duty. Officers shall not carry back-up weapons on-duty while under such a court order and shall not engage in law enforcement secondary employment.

3. Off-duty sworn personnel are prohibited from possessing firearms in buildings owned or leased by the federal government in violation of 18 U.S.C. § 930.

4. Civilian employees, including those holding a valid concealed handgun permit, are prohibited from possessing any firearm or other dangerous weapons on all CMPD properties.

5. Modifications, alterations to factory specifications, or added accessories to any firearm issued by CMPD are not permitted, except for firearms used by Range Staff and members of the CMPD SWAT Team with the consent of the Chief of Police or designee. Any firearm issued by CMPD that appears to be
malfunctioning shall be turned in to CMPD Firing Range Staff, or in the event that Range Staff are unavailable, to the Property and Evidence Management Division for repair. Under no circumstances shall anyone other than Range Staff or the Chief of Police authorize the destruction of a CMPD issued firearm. Any officer that modifies, alters, or adds an accessory to a back-up or off-duty weapon shall notify Range Staff of such and shall re-qualify with the back-up weapon if so directed by Range Staff.

6. Firearms issued by CMPD and back-up or off-duty weapons shall be cleaned at the Police Training Academy immediately following any practice or qualification.

7. Sworn personnel are prohibited from carrying any firearm on-duty or on CMPD property at any time while under suspension, on restricted duty, or light duty because of an inability to perform the essential job functions of their position. (See 300-006 Light Duty Policy)

8. Sworn personnel shall only carry ammunition issued by CMPD Range Staff for use in any firearm issued by CMPD or any back-up weapon used while in uniform, on-duty, or while engaged in law enforcement secondary employment.
   a. Officers shall only carry the authorized amount of ammunition to fully load the service weapon and the number of authorized magazines carried by the officer. All service weapon ammunition shall only be carried loaded in the service weapon and authorized magazines. S.W.A.T officers must be qualified with any additional specialized ammunition.
   b. Supervisors may have available, as needed, extra ammunition for CMPD issued firearms as provided by Range Staff.

9. Sworn personnel shall not carry any firearm while in uniform, on-duty, or while engaged in law enforcement secondary employment, except in a manner authorized by the CMPD Range Master.

10. Officers will carry all handguns (service weapon, backup and off-duty) in holsters approved by the CMPD Range Master.

B. Firearm Storage

1. Any firearm issued by CMPD shall only be stored in a safe and secure manner. Officers shall take all reasonable steps to ensure that no unauthorized person can gain control of any firearm issued by CMPD at any time. Gunlocks are issued for use with all service pistols.

2. Firearms issued by CMPD, other than shotguns, patrol rifles and SWAT rifles, will not be stored in a vehicle unless reasonably necessary. If it is necessary to temporarily store a CMPD firearm in a vehicle, the firearm shall be placed in the locked trunk of the vehicle (if the vehicle has a trunk). CMPD issued shotguns shall be securely stored in a CMPD vehicle shotgun rack. If a CMPD vehicle is
not equipped with a shotgun rack, CMPD shotguns may be temporarily stored in a vehicle trunk. Unattended vehicles in which a firearm issued by the CMPD is stored shall be locked at all times.

3. **Patrol Rifle Storage**
   
   a. When on-duty, Patrol Rifle Officers shall store their patrol rifles in the interior vehicle locking mount, weapon on safe, bolt forward, empty chamber with loaded magazine inserted. For vehicles not equipped with the interior locking mount, the patrol rifle will be secured in the locked vehicle trunk of their assigned police vehicle. The rifles will be stored inside the issued hard gun case unloaded, with the bolt forward, dust cover closed, and magazines removed.
   
   b. At the beginning and end of the officer’s shift, the patrol rifle shall be issued and returned face to face with a supervisor. At that time the patrol rifle inspection sheet will be completed. If the patrol rifle is not deployed it is to be stored in a secure location with restricted access (e.g. safe), unless authorized by the Chief of Police or designee.

C. **Service Weapon**

1. When an officer removes their service weapon from the holster and/or points it at a person, deploys their department issued shotgun, rifle, or approved backup weapon, or activates any weapon mounted light they will document this by categorizing their BWC video as they normally would for the type of incident. In addition, employees will tag the video with a secondary appropriate category of “weapon drawn” or “Pointing of Firearm”. Officers will document in the text box the justification or factors leading to drawing and/or pointing their weapon at a person. If no BWC was activated or required at the time of the incident the officer will document the incident in a KBCOPS report or in a CAD MI notes.

2. Sworn personnel will carry their issued service weapon at all times while in uniform, on-duty, or while engaged in law enforcement secondary employment. If an officer is working a plain-clothes Secondary Employment Assignment, they may carry their CMPD approved “Off-Duty” weapon if the officer is currently qualified with the weapon. Sworn supervisors may exempt an officer from this requirement for a law enforcement purpose.

3. Sworn personnel, while in uniform and carrying the service weapon, will wear their badges or police identification cards in conspicuous view on the outermost garment.

4. While in uniform, sworn personnel at the rank of Sergeant and below will carry on their person, two fully loaded spare magazines. The service weapon will be fully loaded with a full magazine and one in the chamber, with ammunition issued by CMPD and carried in accordance with CMPD procedures. While in uniform, sworn personnel at the rank of Lieutenant and above and any sworn
personnel wearing the Class C uniform or authorized plain clothes personnel may opt to carry a single spare magazine in place of the two spare magazines.

5. An officer will not remove the service weapon from its holster while on-duty, or while engaged in law enforcement secondary employment, except for supervised firearms training, equipment inspection, or when otherwise justified.

D. Weapon Mounted Light

1. Sergeants and Officers issued a weapon mounted light must carry their service weapon with the weapon mounted light attached at all times while in uniform working on or off-duty. Sergeants and Officers assigned to Investigations will only have the weapon mounted light attached to their weapon when in uniform working on or off-duty.

2. Activating the weapon mounted light will always be done with the support hand thumb. The trigger finger will remain outside the trigger guard until ready to fire the weapon.

3. The weapon mounted light is not a flashlight; it is an enhancement to the weapon. Therefore, it will not be used for routine searching. For the weapon mounted light to be used, the operator must first be justified in drawing and pointing their firearm at anything they intend to use the weapon mounted light to illuminate. Using the weapon mounted light in a situation that would not justify having their weapon drawn will be subject to an internal investigation.

4. Sergeants and Officers issued a weapon mounted light are required to have accessible a spare set of batteries for their weapon mounted light.

5. Sergeants and Officers issued a weapon mounted light will be required to use their weapon mounted light during yearly night qualification at the five (5) and seven (7) yard lines.

6. Sergeants and Officers issued a weapon mounted light must ensure their weapon is unloaded prior to mounting or removing the weapon mounted light for cleaning of their weapon.

E. Back-up Weapon

1. All sworn personnel may carry a single back-up weapon while in uniform, on-duty, or while engaged in law enforcement secondary employment. Back-up weapons must be concealed when carried by an officer in uniform.

2. Sworn personnel may only carry CMPD authorized back-up weapons, in approved holsters that he/she has been qualified to use by the Range Staff.

3. A back-up weapon may be carried in addition to, but not in lieu of, an officer’s service weapon.

F. Off-duty Weapon
1. Sworn personnel may not carry off-duty weapons while in uniform, on-duty, or while engaged in law enforcement secondary employment, unless approved by the Range Master.

2. Sworn personnel shall not carry an off-duty weapon concealed under LEOSA unless the off-duty weapon has been approved by Range Staff and the officer has qualified with that weapon. An officer shall only carry an off-duty weapon concealed under LEOSA in a manner authorized by Range Staff.

3. Only ammunition approved by Range Staff may be carried in an off-duty weapon when that weapon is carried in a concealed manner under LEOSA.

G. Shotgun

1. Only sworn personnel who have qualified with the shotgun may carry or use the shotgun in a law enforcement capacity.

2. Sworn personnel carrying the shotgun in a law enforcement capacity will carry the shotgun cruiser safe, five (5) rounds in the magazine, zero (0) in the chamber with the safety engaged and ammunition issued by CMPD. SWAT personnel will comply with the operating procedures for storage and deployment of their shotgun.

3. Sworn personnel will not remove the shotgun from the vehicle shotgun rack while in uniform, on-duty, or while engaged in law enforcement secondary employment, except for supervised firearms training, equipment inspection, or when otherwise justified.

H. Rifle

Only sworn personnel who have qualified both day and night and are issued rifles or sub-machine guns by CMPD as part of specialized assignments or the Patrol Rifle designation shall use, carry, and handle the rifles or sub-machine guns in compliance with the operating procedures for that weapon as established by the CMPD Range Master and the relevant specialized unit. Only ammunition issued and approved by the Range Master is authorized.

V. FIREARMS QUALIFICATION AND TRAINING

A. Qualifying

1. All sworn personnel are required to successfully qualify day and night annually on both the State qualification courses and combat courses with their service weapon. Use of the weapon mounted light will be part of the night qualification and combat course of fire. Sworn personnel that want to carry a back-up or off-duty weapon must successfully qualify day and night annually.

2. All sworn personnel authorized to carry a shotgun are required to successfully qualify annually.
3. Those sworn personnel trained and authorized to carry a patrol rifle will qualify both day and night annually.

4. The minimum qualifying score is 70 percent for all firearms except back-up and off-duty weapons. The minimum qualifying score is 80 percent for back-up and off-duty weapons.

5. Qualifications will be conducted at the Police Training Academy Range using courses of fire and training prescribed by CMPD and approved by the North Carolina Criminal Justice Training and Standards Commission.

6. Part of the annual qualification shall include a review and policy discussion. The review shall address the authority of an officer to use force under North Carolina statutory and case law the Response to Resistance Policy.

7. All qualifications shall be conducted using the same ammunition that is used in duty performance or ballistic equivalent as approved by the State of North Carolina.

8. Sworn personnel shall bring all issued service magazines to all training and qualification sessions. Service ammunition will be expended and replaced at the direction of the Range Staff.

9. The Range Master or his/her designee’s determinations will be final as to all issues of safety and equipment. Any weapon, holster, ammunition, or related equipment found unsafe for qualification and carry will be prohibited on the range and noted in writing.

B. Qualification Standards

All qualification sessions will be conducted by the Range Master or another certified firearms instructor. The Range Master shall issue a Standard Operating Procedure, consistent with this policy and the North Carolina Justice Education Training and Standards Commission specifications that shall govern the manner in which qualifications shall be conducted.

1. Except in the event of equipment malfunction, only three (3) attempts at qualification for each weapon are allowed per shooting day.

2. Back-up and Off-duty Weapons:

   Sworn personnel wishing to qualify with a personally owned back-up and/or off-duty firearm may do so outside of work hours, and in compliance with the following requirements:

   a. The weapon and ammunition must first be approved by the Range Master or his/her designee.
b. Back-up and off-duty firearms must be registered with the Range Master. Serial number, make, model, caliber and the type of ammunition approved for regular use will be recorded at the time of qualification.

c. Permission to carry each back-up weapon as supplemental equipment must be renewed annually. The authorization is valid until the last day of the twelfth month following the issuance of the authorization.

d. Back-up and off-duty weapon qualification will be held quarterly. The course of qualification shall be the same, to the greatest extent possible, as that for qualification with the service weapon.

e. Sworn personnel who fail to qualify with or otherwise obtain approval to carry a back-up weapon as supplemental equipment are prohibited from carrying such weapons on-duty, in uniform, or in law enforcement secondary employment until they successfully qualify with the firearm.

f. Sworn personnel are prohibited from carrying back-up or off-duty weapons on-duty or on CMPD property when under suspension, limited duty, or light duty because of an inability to perform the essential job functions of their position.

C. Failure to Qualify

1. Service Weapon

   Sworn personnel who fail to qualify with their service weapon at a qualification session must immediately surrender their service weapon to the Range Master unless the failure is due to equipment malfunction. Sworn personnel who fail to qualify will not be allowed to return to duty during the period of time over which subsequent qualification attempts are made, nor shall they leave in uniform or operate a marked police vehicle. During such periods, officers may use vacation time or any other approved leave for which they are eligible.

   a. The annual qualification sessions will be scheduled for on-duty periods whenever possible. Sworn personnel will be paid for all regular, mandatory qualification sessions, whether or not they can be scheduled for on-duty periods. An officer who fails to qualify at a regular qualification session will be scheduled within 5 calendar days of each failure for a second, or subsequent, attempt to qualify.

   b. The permit for law enforcement secondary employment of any officer who fails to qualify will be suspended immediately until such time as he or she successfully qualifies. Any such officer is prohibited from taking any law enforcement action (including exercising the power of arrest) until he or she successfully qualifies. The Range Staff will notify the on-duty supervisor of the employee’s division, who will make notification to the CMPD Human Resources Division.
c. Officers who fail to qualify during the initial session are encouraged to practice on their own time between sessions. The Training Academy Range Facility, all necessary equipment (including an officer’s service weapon), and Range Staff will be available for training and practice by contacting the Range Master.

d. Officers failing to qualify will be subject to corrective and/or disciplinary action. Officers failing to qualify during their scheduled qualification session (70% in one out of three attempts) shall attend remedial firearms instruction. The officer shall be given three additional opportunities to qualify. If the officer fails to qualify during these three attempts, termination proceedings will be initiated.

e. Except when due to approved, extended absence or leave, failure of an officer to appear for any required qualification session within the time period established by CMPD for that qualification will be deemed a failure to report for duty and the officer’s supervisor will initiate disciplinary action. Where an officer's failure to appear for qualification during the prescribed period is caused by approved extended absence or leave, the failure to appear will not be considered as a failure to qualify. Upon the officer's return, however, he or she will be assigned to administrative duties for up to five (5) working days for firearms re-familiarization and qualification. After the five (5) working days, an officer's failure to qualify will be treated as any other failure to qualify with the weapon.

f. Police Recruit Qualification

(1) Police recruits are required to qualify with the handgun and shotgun as required by the Basic Law Enforcement Training guidelines contained in the Firearms Section of the BLET manual.

(2) Failure to qualify or failure to successfully complete the firearms training as set forth in the BLET manual will result in dismissal from the BLET program.

2. Shotgun

Upon any failure to qualify with the shotgun, sworn personnel are prohibited from using a shotgun in uniform, on-duty, or while engaged in law enforcement secondary employment. Upon any later successful qualification, the officer may resume use of the shotgun.

3. Rifle

Upon any failure to qualify with a rifle issued by CMPD, the officer is prohibited from using the rifle and shall be relieved from the specialized duty assignment requiring the rifle until the officer has successfully qualified with the rifle.
4. Back-up and Off-duty Weapons

An officer that fails to qualify with a personally-owned firearm is prohibited from carrying that weapon in uniform, on-duty, while engaged in law enforcement secondary employment, or concealed under LEOSA until such time that the officer returns to the Training Academy Range and successfully qualifies with that weapon.

D. Training

1. All sworn personnel authorized to carry firearms will complete mandatory annual training on safety, basic marksmanship, use of the weapon mounted light, law, and CMPD policy regarding response to resistance. At the discretion of the Training Director, this training may be scheduled concurrently with range training, a qualification session, or other in-service training.

2. All Lateral Transfer Officers to CMPD will attend the current tactical training series, weapon mounted light training and the combat training and qualification.

3. All officers will attend annual range training in both daytime and nighttime shooting.

4. Shotgun training and qualification will take place annually at the discretion of the Training Director and may occur in a session combined with daytime and nighttime service weapon qualifications.

5. Rifle training and qualification will take place annually as scheduled by the Range Staff and the specialized unit to which the rifle was issued. At the discretion of the Training Director, rifle training and qualification may occur in a session combined with daytime and nighttime service weapon qualification or other training.

6. Training sessions will be scheduled for on-duty periods when possible. Officers will be paid for all regular, mandatory training sessions, whether or not they can be scheduled for on-duty periods. Non-mandatory training participated in by the officer will be on his or her own time and at the officer's expense.

E. Firearms Training Records

1. Training and qualification records are maintained for two (2) years by the Training Academy and then sent to the CMPD Human Resources Division and will include all scores for each officer's qualification sessions.

2. The Training Director will notify the appropriate division supervisors of performance deficiencies of officers under their command.

3. The Training Director will submit to the Chief of Police a list of officers who failed to qualify with their service weapon during the previous calendar year. The list must then be submitted to the North Carolina Criminal Justice Education Training and Standards Commission no later than January 15th of
that year. The Commission may issue a notice of suspension of certification to the listed officers and the officer’s employing agency.

VI. LAW ENFORCEMENT AIR TRAVEL WITH ACCESSIBLE FIREARMS

Federal law allows local sworn law enforcement officers to travel on commercial airlines in possession of firearms under very limited circumstances and only in connection with a law enforcement need for a firearm to be accessible such as escort of a prisoner. Officers that have a duty related need to carry an accessible firearm during air travel must:

A. Consult the current Transportation Security Administration (TSA) CFR for rules and restrictions for armed travel.

B. Obtain authorization from the officer’s chain of command.

C. Obtain certification of completion of “LEO Flying Armed” (found through the CMPD Academy Learning Management System).

D. Obtain TSA authorization through the Communications Division, DCI office.

E. Follow all directions and procedures as established in the current TSA CFR and make the required notifications to the Federal Air Marshal Staff, Airport Police Commander and TSA of armed CMPD presence on the aircraft.

VII. OFF-DUTY CONCEALED CARRYING OF FIREARMS

A. North Carolina Concealed Carry Law

1. The offense of carrying a concealed weapon in North Carolina has been amended so as to exempt sworn law enforcement officers, when off-duty, from the general prohibition on the carrying of concealed weapons. This exemption applies only when the officer in question:

   a. Is a sworn law enforcement officer;
   
   b. Is in North Carolina;
   
   c. Is off-duty; and
   
   d. Has no alcohol or unlawful controlled substance in his/her body.

2. Any CMPD sworn personnel carrying a concealed weapon under this exemption in North Carolina shall only do so in compliance with the following requirements:

   a. The officer shall have on his/her person the valid photo identification issued to the officer by CMPD.
   
   b. The officer shall not consume or have in his/her body any alcohol or unlawful controlled substance.
c. The officer shall not carry any concealed firearm other than the officer’s service weapon or approved back-up or off-duty weapon.

B. North Carolina Concealed Carry Permit

1. North Carolina law authorizes any qualifying citizen to obtain a concealed carry handgun (“CCH”) permit. A CCH permit authorizes a permit holder to carry concealed handguns in North Carolina, under certain restrictions. These permits are also recognized via reciprocity by numerous other states. (The North Carolina Department of Justice maintains a regularly updated list of reciprocating states available at www.ncdoj.com).

2. CMPD personnel may utilize North Carolina’s concealed carry handgun permit authorization. Sworn law enforcement officers and recently retired sworn law enforcement officers (within one year) are not required to complete the standard CCH training course in order to secure a CCH permit. Personnel who wish to secure a CCH permit should contact the sheriff’s office of his/her county of residence.

3. Any off-duty officer who is carrying a concealed handgun under the authority of a North Carolina concealed carry handgun permit is under no CMPD restriction, but that officer shall fully comply with all requirements and restrictions of North Carolina’s concealed carry handgun permit law.


1. It is the policy of CMPD to comply with LEOSA.

2. LEOSA DOES NOT:

   a. Grant law enforcement officers any police authority in jurisdictions outside of their home jurisdiction.

   b. Authorize off-duty law enforcement officers to carry firearms, concealed or otherwise, on federal, state or local government property.

   c. Authorize off-duty law enforcement officers to carry firearms, concealed or otherwise, on private property.

   d. Place any obligation on off-duty law enforcement officers to perform any law enforcement act or to assist any other law enforcement agency while carrying a concealed firearm.

   e. Exempt current or retired officers from any state or local purchase or registration laws relating to firearms.

3. Off-Duty Carry under LEOSA

   a. Off-duty CMPD officers outside of their territorial jurisdiction do not have law enforcement authority, and any action(s) taken under those
circumstances are purely private acts that are not sanctioned, and will not be defended, by the CMPD or the City of Charlotte.

b. While CMPD officers are expected to be familiar with criminal laws applicable to their jurisdiction, the laws of other jurisdictions may vary greatly, and CMPD officers are therefore advised to act with caution and with due regard for local laws when in other jurisdictions.

c. Hireback officers are not eligible to carry firearms under LEOSA solely by virtue of their hireback status.

4. LEOSA Procedure for Current Sworn Officers

a. Any current CMPD sworn officer carrying a concealed firearm while off-duty and under the authority of LEOSA, shall comply with the requirements and restrictions of LEOSA, as well as this directive. Current CMPD sworn personnel must meet all of the following qualifications in order to carry a concealed firearm under LEOSA:

   (1) Possess statutory powers of arrest and be authorized by the CMPD to carry a firearm pursuant to his/her regular duties;

   (2) Have successfully completed, within the past 12 months, the CMPD designated firearms qualification course for the concealed firearm;

   (3) Not consume, be under the influence of, or have in his/her body, alcohol or any other impairing substances;

   (4) Not be prohibited by Federal or State law from possessing a firearm;

   (5) Not be subject to CMPD disciplinary action preventing the officer from carrying a firearm.

b. Required Identification.

   (1) Any off-duty officer carrying a concealed firearm under LEOSA must have his/her valid CMPD photo identification card in his/her immediate possession.

   (2) An officer not authorized to carry firearms due to a specialized duty assignment or disciplinary review shall surrender his/her CMPD identifications to his/her immediate supervisor or to the Internal Affairs Bureau if requested by that unit.

c. No current CMPD sworn personnel carrying a concealed firearm under LEOSA shall do any of the following:

   (1) Use any ammunition not issued by CMPD in his or her service weapon.
(2) Use any ammunition not approved by Range Staff for a particular off-duty or back-up weapon.

VIII. REFERENCES

300-006 Light Duty Policy
300-007 Secondary Employment
400-003 Equipment
600-019 Response to Resistance
900-010 Shotgun Inventory
Patrol Rifle Standard Operating Procedure
49 C.F.R. 1544.219 Carriage of Accessible Weapons (Department of Homeland Security)
18 U.S.C. § 930 Possession of Firearms in Federal Facilities
G.S. 14-269
G.S. 14-415.1 et. seq.
G.S. 50B-1 et. seq.
12 N.C.A.C. 9E.0106
City of Charlotte Code Sec.15-14 Possession of Dangerous Weapons
City of Charlotte HR 8
CALEA
I. PURPOSE

To provide guidelines for the proper use and maintenance of issued equipment and for the return of issued equipment.

II. POLICY

The Charlotte-Mecklenburg Police Department will purchase and replace all required equipment for its employees, including protective vests that are issued to police trainees while they are enrolled in the Training Academy. The purchase of all approved supplemental equipment is the responsibility of the employee.

III. POLICE IDENTIFICATION

A. When not in uniform, all police personnel will wear their CMPD issued police identification card at all times on the outermost garment when inside Police Headquarters or any CMPD facility.

B. Officers will carry their CMPD issued police identification cards at all times except when impractical, or deemed to be dangerous or harmful to a criminal investigation.

IV. REQUIRED EQUIPMENT

A. Employees are responsible for the security of their equipment and for taking reasonable precautions to ensure that it is used properly.

B. All patrol personnel at the rank of sergeant or below will carry their service weapon with magazine, radio, handcuffs, OC aerosol spray, Conducted Electrical Weapon (CEW) (if Issued), Body Worn Camera (BWC), and collapsible baton while on duty. CEW devices must be carried on the non-gun side. In addition, all patrol personnel at the rank of sergeant and below will have ready access to their flashlight (not to exceed thirteen (13) inches in length, excluding the traffic wand attachment).

C. All personnel (sworn, civilian or volunteer), if issued, will carry the issued American Standard for High Visibility/International Safety Equipment Association (ANSI/ISEA) Class 2 or 3 fluorescent green reflective traffic safety vest, or the Hi-Viz raincoat (when authorized), while on duty or working secondary employment/special events. Affected personnel shall wear the fluorescent green reflective traffic safety vest available for use at all times in the following situations:

1. Directing traffic;
2. Investigating crashes;
3. Handling lane closures, obstructive roadways, and disasters.

D. Sergeants are required to regularly inspect this equipment.

E. Plainclothes officers, including all police personnel of the rank of sergeant or below assigned to plainclothes duties, will carry their service weapon with magazines and handcuffs while on duty.
F. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, Badge, ID and access cards, take home cars, keys and fuel cards or any other items as deemed by the CMPD Chain of Command.

V. SUPPLEMENTAL EQUIPMENT

A. The Property and Evidence Management Division maintains a record of approved supplemental equipment. Employees wishing to use supplemental equipment shall consult with the Property and Evidence Management Lieutenant before purchasing or using supplemental equipment.

B. Officers may obtain, at their own expense and use on duty, equipment which duplicates issued equipment and has been approved for duty use. Such equipment may include, for example:

1. Patent leather belts and handcuff cases;
2. Police whistles and whistle chains;
3. Gloves that resist cuts and punctures for conducting searches;
4. Approved sweaters/jackets, mock turtlenecks and winter hats;
5. Approved ANSI/ISEA fluorescent green reflective traffic vest; and,
6. Approved web gear for use with the Class B Alternate Duty Uniform.

C. Officers may wear black or blue gloves designed for warmth with the class A, long sleeve class B, or class C uniform during cold or inclement weather. The gloves must allow the use of issued police equipment, including firearms.

D. Sworn personnel who are authorized may wear approved commendation/service bars properly on their uniform shirt. Sworn personnel may wear no more than four approved commendation/service bars on the uniform shirt.

E. Employees requesting a non-medical related change in supplemental equipment shall:

1. Complete a Uniform and Equipment Request and Review Form and forward it up the requesting employee’s chain of command.
2. The requesting officer’s chain of command will indicate approval or disapproval of the request and then forward the request to the Policy and Directives Officer who will send the request to the Uniform and Equipment Committee.
3. Disapproval of the request by the Chain of Command shall not prevent the request from being considered by the Uniform and Equipment Committee.
4. The chain of command should not base its decision solely on the unit or section, but the overall impact the request may have on the entire organization.
5. The Uniform and Equipment Committee will research and discuss all items submitted for review and make recommendations regarding the requested action to the Chief of Police or designee.

6. The Deputy Chief should forward the denied request and documentation to the Property and Evidence Management Division Manager.

F. Employees requesting a change in supplemental equipment due to medical reasons shall refer to Directive 400-001, Uniform and Grooming Standards.

VI. HOLSTER AND MAGAZINE CARRIERS

A. All sworn personnel below the rank of captain are issued a departmental approved security holster for wear while in uniform. The Range Master will maintain a list of department approved optional holsters for plainclothes or uniform wear. Personnel may, at their own expense, purchase and wear a department approved optional holster for uniform wear. Officers utilizing any non-approved holster for duty use are in violation of this directive. Shoulder or ankle holsters are not approved optional holsters for plainclothes duty use.

B. All sworn personnel below the rank of Lieutenant assigned to plainclothes positions are issued a department approved pancake style holster for plainclothes duty use. Personnel may, at their own expense, purchase and wear a department approved optional holster for plainclothes duty use.

C. All sworn command staff personnel (Lieutenant or above) are issued a department approved pancake style holster for duty use. Command staff personnel may, at their own expense, purchase and wear a department approved optional holster for plainclothes use.

D. All sworn personnel are issued a double magazine carrier for uniform duty use. Personnel assigned to plainclothes positions are issued a single magazine carrier for plainclothes duty use. Personnel may, at their own expense, purchase and wear an approved single magazine carrier.

E. Officers are prohibited from carrying more than two additional magazines on their duty belt unless otherwise authorized by the Chief of Police.

F. Officers participating in firearms qualification sessions at the police firing range are required to use the holster and magazine carrier utilized in their normal duty assignment.

VII. RADIOS

A. Uniformed officers are issued portable radios and will carry them at all times while on duty, except personnel who are assigned to administrative duties.

B. Officers assigned to vehicles will have their portable radios with them and turned on each time they leave the vehicles, except when impractical or dangerous or harmful to the progress of a criminal investigation.
1. Officers entering a situation where they will have their portable radio turned off will notify their dispatcher of their location and the reason they will be off the air.

2. The officer will notify the dispatcher as soon as possible upon returning to "on the air" status.

C. Officers are encouraged to carry their portable radio with them while off-duty. Officers carrying a portable radio while off-duty will keep it in their personal possession or make certain it is secured against loss, theft, or damage when left unattended.

D. Modifications, alterations to factory specifications, or added accessories to any radio issued by CMPD are not permitted, except for radios used by Communications personnel and members of the CMPD SWAT Team with the consent of the Chief of Police. Modifications include twisting, bending or otherwise altering the antenna as issued in its original configuration, replacement of issued antenna or use of non-issued, unapproved aftermarket microphones, earpieces or other attachments to the radio. Any attachments including antennas must be approved by the radio shop or the Charlotte-Mecklenburg Police Department Communications Division and will be intended only for use by the employee to which it was issued or approved. Attachments include antennas, microphones, earpieces and batteries. Any radio issued by CMPD that appears to be malfunctioning shall be taken to Charlotte Radio Shop during normal business hours for repair or turned in to the Communications Division Supervisor after hours for replacement.

E. Replacement Radios

Officers turning-in radios in to the Communications Division for repair will receive replacement radios and must immediately inform the Communications Division supervisor of the identification number of both the new radio and the old radio. The officer will be permanently assigned the new radio.

VIII. RESPONSIBILITY FOR EQUIPMENT

A. The Property and Evidence Management Division is responsible for determining the need for proper storage and dispensing of police equipment.

B. Worn equipment and equipment damaged or destroyed in the line of duty will be repaired or replaced by the Department. Damaged or destroyed equipment shall be documented by a supervisor in a memo. Officers wishing to replace worn or damaged equipment must first turn the item in to the Property and Evidence Management Division to receive a requisition for replacement.

C. All equipment will be properly maintained by the employee to whom such items are issued.

1. Any employee who has, through negligence, lost or damaged any of his or her equipment may be required to reimburse the Department for all or part of the cost of such item(s).
2. Any employee who has intentionally lost, damaged or abused any of his or her equipment will be required to reimburse the Department for all or part of the cost of such item(s).

3. Any unit that has specialized equipment stored must have the equipment in operational readiness and that equipment must be inspected on a regular basis.

D. The captain in each division will ensure that an inventory/audit of all physical equipment and property items, as mandated by the City of Charlotte’s inventory policy, is conducted annually and will forward the results to the Property and Evidence Management Division and the Professional Standards Division.

IX. LOST OR DAMAGED EQUIPMENT

A. Employees experiencing a lost or stolen police service weapon, CEW, police badge, identification card, access card, police radio, or assigned computer will immediately report such loss to their supervisor and Operations Command.

1. Operations Command will ensure that the appropriate police report is completed for equipment stolen outside CMPD reporting areas and that a KBCOPS report is completed for equipment stolen or lost inside CMPD reporting areas. Operations Command will also notify the Communications Division supervisor and Internal Affairs immediately regarding a lost or stolen police radio or a lost or stolen police firearm.

   a. Internal Affairs will determine if the equipment loss or theft is due to employee negligence.

   b. If the item was lost or stolen due to employee negligence an Internal Chain of Command review will be conducted.

2. The Communications Division supervisor will take appropriate action to deactivate the lost or stolen radio and ensure that the appropriate DCI entry is made for the radio and firearm.

3. The employee’s supervisor will notify the City Help Desk immediately of a lost or stolen computer.

4. The City Help Desk will take appropriate action to deactivate remote computer access to the CMPD LAN.

B. Employees who lose clothing or equipment other than the police service weapon, police badge, identification card, access card, or police radio, will report the loss to their supervisor in writing within twenty-four hours.

C. The supervisor will investigate the loss or damage of any issued equipment and prepare a written report including his or her findings and recommendations for replacement of the lost or damaged items.
D. A copy of the supervisor's report will be forwarded to the employee's Service Area Major via the chain of command.

E. If the Major concurs with the supervisor's report and recommendations, he or she will take the following actions.
   1. Forward a copy of the report to the Property and Evidence Management Division, where the recommendations for replacement of the lost equipment will be undertaken.
   2. Forward a copy of the report to the employee involved.

F. If the Major does not concur with the supervisor's report or recommendations; the service area/division commander will initiate an investigation and make a decision based on these findings. The decision of the Major is final.

G. If it is determined that the employee was negligent in the loss or damage of departmental equipment, the employee may be required to reimburse the Department for all or part of the cost of the item(s).

X. PROHIBITED EQUIPMENT

A. Prohibited equipment includes, but is not limited to:
   1. Blackjacks;
   2. Brass knuckles;
   3. Ammunition other than department issued for departmental weapons;
   4. Gloves that do not cover the entire hand, wrist, and fingers, i.e., driving gloves;
   5. Mirrored sunglasses.

B. Bicycle officers may wear approved bicycle gloves while actually riding the bicycle. Officers must remove their gloves when performing other functions as part of their bicycle patrol duties.

C. No employee of the Department will use an audio recorder on-duty, other than one that is issued or authorized by the Department. To obtain authorization for an audio recorder not issued by the Department, an employee must complete and submit a Request for Supplemental Equipment Authorization Form to their Major.

XI. CELLULAR PHONES

A. Employees may carry personal cell phones while on duty. The phone number(s) of personal cell phones may be submitted to the Human Resources Division by completing the information in PeopleSoft.

B. The CMPD Cell Phone Liaison may issue a departmental cell phone to an employee based on need and only after approval from their chain of command. Seeking approval
from the employee’s chain of command is the employee’s responsibility. When approval is granted from the chain of command, the Administrative Service Bureau Major will forward the approval to the CMPD Cell Phone Liaison to issue the cell phone.

1. Should the need for a cell phone no longer exist, the employee transfers, or resigns, etc, the cell phone will be returned to the CMPD Cell Phone Liaison.

2. Cell phones are issued to individual employees and units in which they are assigned. However, if a cell phone is used for a specific function such as a Community Coordinator, and the employee leaves that position, the cell phone will be returned to the Cell Phone Liaison. The cell phone may then be issued to the new employee assuming the job function and responsibilities of the previous employee assigned. The cell phone numbers remain the same.

3. Any employee issued a cell phone by the Department is required to list that cell phone number on the Department’s electronic phonebook (e-phonebook) as part of the employee information section.

XII. OFF-DUTY USE OF DEPARTMENT EQUIPMENT

Employees may use departmental equipment issued to the employee for regular duty use when engaged in secondary employment. Employees may not use specialized departmental equipment when engaged in secondary employment without the approval of the Special Events Coordinator. Questions regarding the use of specialized equipment should be directed to the Special Events Coordinator.

XIV. REFERENCES

Rules of Conduct #7
200-005 Returning of Issued Uniforms and Equipment
300-004 Sick Leave Policy
300-006 Light Duty Policy
300-007 Secondary Employment
300-010 Administrative Leave
300-016 Military Leave
400-001 Uniforms and Grooming Standards
400-002 Firearms
400-004 Use of Computers
400-006 Body Worn Camera
Cell Phone SOP
City of Charlotte Capital Asset Policy MFS 23
FHWA MUTCD Section 6D.03
ANSI/ISEA 107-2004
CALEA
I. PURPOSE

This Directive establishes guidelines for the planning, acquisition, and use of computer resources within CMPD. It outlines the parameters for use of software, hardware, and data to protect the interests of CMPD and its employees, contractors, consultants, temporary staff, and other personnel accessing City computer resources.

II. PROCEDURE

A. CMPD will maintain and use all computer systems according to applicable Federal, State, and local laws, software manufacturer licensing agreements, and CMPD rules and regulations.

B. At no time will software be installed or used on any computer system, either owned by CMPD or used on CMPD property, in violation of copyright laws or this policy.

III. DEFINITIONS

A. App: An application, typically a small, specialized program downloaded for mobile devices.

B. City Innovation & Technology (City I&T): City department responsible for IT Service Desk support, Network, Servers, and other hardware and software support used by City of Charlotte personnel.

C. Computer: Any desktop or laptop computer (also referred to as hardware).

D. Computer Technology Solutions (CTS): CMPD Division responsible for the management and support of business-specific applications.

E. Software: Programs used by the computer to perform any of its functions.

F. Authorized Software: Computer programs used at CMPD that have been approved for use by CTS and City I&T. These fall into two categories:

   1. Standard Software: Computer programs that are part of the standard software available to all CMPD employees and that the City of Charlotte has paid for or is licensed to use. Example: Microsoft Windows.

   2. Non-Standard Software: Computer programs that are not part of the standard software available to all CMPD employees but that can be purchased or licensed by CMPD for CMPD business use upon request by individual users. Example: Adobe Acrobat Pro or Photoshop.

G. Data File: Word processing, spreadsheet, database or other files containing information, as opposed to software which acts on a data file.

H. Mobile Device: A portable, wireless computing device that is small enough to be used while held in the hand; PDA, smartphone, tablet, etc.
I. Mobile Support Services Team (formerly Laptop Depot): A facility, located at Innovation & Technology – Public Safety Communications located on Spratt Street, which provides repair services for all in-car computer equipment, including modems, laptop hardware defects or damages, and provides an additional but limited level of software support.

J. City Service Desk: Group responsible for recording and tracking computer-related problems or requests. The service desk is available by telephone at (704) 336-5555 or through the on-line Service Desk portal.

K. Administrative Rights: Permission for a user to access system-level settings on the computer. Only the Chief Security Officer (CSO) through CTS can grant Administrative Rights.

L. Wireless Network (Wi-Fi): Computer network that is not connected by cables of any kind. Radio waves are the basis of wireless systems.

M. AirWatch: Management application for mobile devices to ensure network security and provides the ability for remote management of mobile devices.

N. Virtual Private Network (VPN): A technology that creates an encrypted connection over a less secure network, such as the internet.

O. Two-factor Authentication: A second level of authentication to ensure the identity of the person logging into a computer network or application. The second factor is something you possess such as a grid card or phone.

P. Chief Security Officer (CSO): Position housed in City I & T who is assigned responsibility for Computer and Network Security policies and procedures within the City of Charlotte.

IV. RESPONSIBILITIES

A. CMPD Computer Technology Solutions (CTS)
   1. Reviews requests from CMPD employees for computers and software, and makes recommendations to the appropriate service area Deputy Chief or Division manager.
   2. Acts in an advisory capacity to requests for computer training.
   3. Coordinates acquisition of CMPD computer hardware and software products with City I&T.
   4. Coordinates the installation, use, and support of CMPD computer systems.
   5. Works with City I&T to monitor service level agreements set forth for support of CMPD infrastructure components.
6. Acts in an advisory capacity for the selection of hardware and software to support CMPD business objectives.

7. Responsible for the procurement, selection, implementation, and maintenance of all business-related applications and specialty computer hardware required to support CMPD business objectives.

B. City of Charlotte Innovation & Technology (City I&T)

1. Establishes guidelines for procurement of computer hardware, software, and supplies; maintenance of computer hardware and software; use of computer hardware and software; and inventory of all computer hardware and software.

2. Provides a mechanism for regular updates to computer software to protect against security risks, computer viruses and other malicious software.

3. Responsible for the procurement, selection, implementation, and maintenance of all enterprise networks, computer hardware, and service desk services.

4. Monitors equipment, systems, and network traffic for security, network maintenance purposes, and adherence to policies for any equipment connected to the City network.

C. Division Managers

1. Ensure that members of each Division, Section or Unit comply with all applicable statutes, software manufacturers' licensing agreements, and CMPD rules and regulations concerning the use of all computer systems and software used by employees under their command.

2. Provide for the physical security of computer equipment, data files and software. To the extent practical, this equipment and software should be located in a controlled area that restricts access by unauthorized persons.

3. Direct any requests for computer assistance (i.e., hardware, software supplies, or training) to the City Service Desk.

4. Ensure that all desktop, laptop, and mobile device users under their command perform computer updates in a reasonable amount of time in order to maintain the safety and security of the CMPD network.

D. Computer Users

1. Users must operate any computer system in accordance with all applicable Federal, State, and local laws, software manufacturer licensing agreements, and CMPD rules and regulations.

2. Users will not make unlicensed copies of any software package. All copies of software will be managed by City I&T or CTS.
3. Users will not attempt to alter computer software. Software customization using user-accessible settings provided in the software is allowed.

4. Users who need Administrative Rights will provide a valid reason for needing such rights and submit their requests to CTS through the employee’s Chain of Command at the Major level or higher. Administrative rights are handled with a separate account and administrative rights will not be granted to an individual’s primary network account.

V. UTILIZATION OF COMPUTERS AND NETWORKS

A. All computer equipment is provided for the purpose of conducting CMPD business. In addition, the use of computers is governed as follows:

1. Use in the course of approved secondary employment is permitted.

2. Use for personal financial gain, whether on or off-duty, is prohibited.

B. All information stored within a CMPD-owned computer or mobile device is considered official business and is the property of CMPD. All information within the computer or mobile device is subject to inspection and may be audited. The same restrictions apply to all CMPD-related information stored on a personally-owned computer or mobile device.

C. The following activities are strictly prohibited:

1. Installation of any software or hardware on any CMPD-owned desktop or laptop except by approval from CTS.

2. Intentional introduction of malicious programs into the network or server (e.g. viruses, worms, Trojan horses, logic bombs, etc.)

3. Revealing your account password to others or allowing use of your account by others.

4. Sending NCIC or DCI (CJI) information via electronic mail or any other unapproved medium. For more detailed information regarding protection of CJI, refer to 400-007 Criminal Justice Information Protection.

5. Installing personally owned software on City owned computers.

D. Employees may download apps on their mobile devices as long as the app does not conflict with a business-related application.

E. Users may request that non-standard software be purchased and added to their computers under the following conditions:

1. The employee demonstrates a need for the software.
2. The software is approved by the employee's Chain of Command at the Major level or higher and the manager of CTS.

3. The software does not conflict with current CMPD software and hardware configurations as determined by CTS.

4. The software is installed by City I&T or CTS personnel.

5. City I&T and CTS will provide limited support for non-standard software that meets the previous conditions. CTS or City I&T staff will contact software vendors when necessary to resolve a problem.

F. City of Charlotte Wireless Networks (WI-FI)

1. Employees have access to City of Charlotte wireless (WI-FI) networks in patrol vehicles and Division offices.

2. Access to the wireless network must be for business-related purposes only.

3. Personal devices can only be connected to the Enterprise wireless network at CMPD and City Facilities and may not be connected via the 4G connection available in the vehicle.

4. Employees may access the wireless network using their personal devices ONLY if the device is running the City-mandated security application (AirWatch).

VI. COMPUTER SERVICE AND SUPPORT

A. 24 hour computer service and support is available year round through the City Service Desk.

1. Computer users should submit a Help Desk ticket to the City Service Desk or call the Help Desk at (704) 336-5555 for all system, hardware, or software problems. Mobile customers can alternatively contact the City Service Desk using CTS-1 on the radio between the hours of 0700-1800 Monday-Friday.

2. Laptop Users: If the City Service Desk is unable to troubleshoot the problem by telephone, the user may be instructed to take the laptop to the Mobile Support Services Team during regular business hours (0700-1800 hours Monday–Friday).

   a. The Mobile Support Services Team may replace the malfunctioning laptop with an operational one.

   b. Laptop users should notify their Division’s inventory control employee of the laptop replacement so the proper documentation can be made in CMPD’s inventory system.

B. Remote Access Users
1. Employees wanting access to the CMPD network from a remote location will request access through their Chain of Command at the Major level or higher.

2. City I&T staff will establish access for the employee and provide instructions for using remote access.

3. Employees accessing the CMPD network through the VPN must use two-factor authentication.

4. The employee’s supervisor will advise CTS if the business reason for remote access no longer exists for that employee, and CTS will notify City I&T to remove access.

VII. LEAVE AND SEPARATION FROM EMPLOYMENT

A. When an employee resigns, retires, is separated from employment with CMPD for any other reason, takes leave of 30 days or greater, or for any other reason at the discretion of the Chief of Police the employee will surrender all data files and computer-related equipment.

B. Upon notification from Human Resources that an employee resigns, retires, is separated from employment with CMPD for any other reason, takes leave of 30 days or greater, or for any other reason at the discretion of the Chief of Police City I&T staff will remove the employee’s access rights to the CMPD network and all CMPD files.

VIII. TRANSFER OF EMPLOYEES AND COMPUTER EQUIPMENT

A. CTS, along with the service area Deputy Chief or Bureau Manager, will approve computer equipment transfers to other work areas or divisions.

B. Any employee who transfers within CMPD will release to the person replacing the transferring employee or the employee’s immediate supervisor any data, hardware, software, etc. that applies to the job being performed at a particular computer.

C. Any employee who transfers within CMPD must notify CTS prior to the transfer of any laptops, desktops, or other computer equipment that the transferring employee will take to the new division.

IX. Protection of Data

A. Users must have a unique password to access resources in the CMPD computer network in adherence with City Password Policy and 400-007 Criminal Justice Information Protection. Passwords must be kept secure and cannot be shared. Authorized users are responsible for the security of their passwords and accounts.

B. All CMPD Personnel will endeavor to identify and protect data that is exempt from public disclosure under North Carolina Public Records Law in adherence with City Policy for Protection of Restricted Data, the City of Charlotte Information Security Manual, and 400-007 Criminal Justice Information Protection.
C. CMPD personnel will abide by the requirements of the City of Charlotte Information Security Manual establishing directives and guidelines for the City Information Security Program.

D. Employees who need access to data created by a CMPD employee (such as e-mail), will request this data from the Chief Security Officer in City I&T through their Chain of Command at the Major level or higher or through Internal Affairs.

E. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.

X. Enforcement

A. Violations of this policy include, but are not limited to: accessing data to which the individual has no legitimate right; enabling unauthorized individuals to access data; disclosing data in a way that violates applicable policy, procedures, or relevant regulations or law; inappropriately modifying or destroying data; inadequately protecting restricted data.

B. Any violation of this policy may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and/or termination of employment.

XI. REFERENCES

Rule of Conduct Charge Code 32 (A,B)
400-003 Equipment
400-007 Criminal Justice Information Protection
ADM 13 Protection of Restricted Data
City of Charlotte Information Security Manual
FBI CJIS Security Policy
G.S. 14-454
G.S. 14-455
I. PURPOSE

Establish policy regarding the use and control of digital video/audio recorders installed in CMPD vehicles.

II. POLICY

A. It is the policy of CMPD that officers will use digital mobile video/audio recording (DMVR) equipment to record video and audio transactions, in their entirety, that occur between officers and the public as described in this directive. To maximize the utility of this equipment, officers will follow the procedures for DMVR equipment use as set forth in this directive.

B. Video/audio recordings are the property of the CMPD and will not be duplicated except as described in Section VII.

C. Any violations of this directive are considered a violation of the Rules of Conduct (#42 Use of Body Worn/In-Car Cameras).

III. DEFINITIONS

A. DMVR: Mobile Video Recording – Digital format electronic

B. BWC: Body Worn Camera

C. Trigger Event: An event that causes the vehicle’s DMVR to begin recording (see Section IV-A 3).

D. Continuous Recording: The vehicle DMVR system is always on and recording, except when the vehicle has been turned off for more than a preset amount of time (example: 90 minutes). However, the recording is not saved unless a trigger event occurs.

E. Pre-Event Recording: The vehicle DMVR system will retain the video recording made prior to a trigger event, up to 60 seconds, depending on system settings. Audio is not recorded until the trigger event occurs.

F. Manual Upload: In the event of a DMVR wireless outage or an excessive amount of recordings are stored on the memory card in the vehicle DMVR, the memory card may be removed and the recordings manually uploaded using the card reader in the Division office.

G. Bookmark: Term used to signify the various methods (bookmarks, tags) an authorized user can use to classify an event that has been recorded and set retention period. The default retention period is 45 days.

H. DVD Format: DMVR copy version in which the video and two separate audio channels are combined into one track and are capable of being played on a standard DVD drive.
I. PC Format: DMVR copy version in which the video and two separate audio channels can be played together or separately and shows patrol vehicle information. PC Format allows viewer to access “bookmarks”.

J. Division Administrator: Person assigned by Division Command to administer the DMVR system for the Division.

K. Agency Administrator: Person assigned by CMPD Chain of Command to administer the DMVR systems.

L. DMVR/BWC Coordinator: Person assigned by CMPD Chain of Command to coordinate availability of duplicate recordings for approved use.

M. Chain of Custody Report: Report provided from the DMVR system to document all events that are associated with the case.

N. Release: To provide a copy of a recording.

O. Disclose: To make a recording available for viewing or listening to by the person requesting disclosure.

IV. PROCEDURES

A. Officers will adhere to the procedures listed below when utilizing DMVR equipment.

1. DMVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be maintained according to manufacturer's recommendations.

2. Prior to and throughout each shift, officers will ensure that all components of their DMVR equipment are working satisfactorily and will immediately bring any problems to the attention of a supervisor.

3. DMVR equipment activation

   a. The DMVR equipment is automatically activated when the vehicle's emergency warning devices are in operation and other trigger events occur, such as a collision involving the police vehicle or exceeding a preset speed.

   b. The equipment may be manually deactivated during non-enforcement activities such as traffic control.

4. When an incident has ended, the officer will stop the recording. If DMVR was used, the officer will select the appropriate bookmark to classify the recording. When selecting the bookmark, the officer will include the event complaint number and the full name of the defendant/subject. All videos, no matter the content, will default to a retention period of 45 days. The retention period for the video may be changed based on the following criteria:
Type of Event | Retention Period
---|---
Non-Citizen Involvement | 45 Days
Traffic Stop-Warning | 45 Days
Traffic Stop-Infraction | 45 Days
Traffic Stop-Misdemeanor | 3 Years
Traffic Stop-Felony | Permanent*
Non-Criminal Offenses | 45 Days
IACMS | Permanent
Criminal Investigation Non-Felony | 3 Years
Criminal Investigation Felony | Permanent*
Test | 45 Days
Accidental | 45 Days
SWAT Use Only | 45 Days
VCAT Use Only | 45 Days
Pursuits | 3 years
Emergency Response | 45 Days
DWI | 3 years
Prisoner Transport/Custodial Interview | 45 Days
Officer Involved Incident | 3 years
F/I – Non-custodial Interview | 45 Days
3-year retention | 3 years

* Can be destroyed after 20 years if no litigation, claim, audit, or other official action involving the records has been initiated.

5. Officers must ensure non-police related electronic devices within the police vehicle (music radios, CD players, etc.) are turned off when the in-car audio system is activated. This does not apply to police radios. Other noise such as wind or road noise from an open window should also be limited if possible.

B. Officers will ensure that DMVR equipment (both video and audio) is activated and operating properly and that the video recorder is positioned and adjusted to record events in the following circumstances:

1. Traffic Stops

Audio and video DMVR equipment will be used to record the entire duration of all traffic stops. Officers will activate DMVR equipment when following a vehicle that they intend to stop. DMVR equipment may be deactivated only after the traffic stop has ended and the violator or officer has left the scene.

2. Pursuits

Audio and video DMVR equipment will be used to record the entire duration of a pursuit. All officers engaged in a pursuit will operate their DMVR equipment. All
DMVR equipment will remain activated until the pursuit is terminated or when authorized by a supervisor. Reasonable efforts will be made to record all officer/suspect interaction in its entirety. Officers will continue to operate their DMVR equipment after termination of the pursuit if they are continuing to follow the suspect vehicle.

3. Emergency Response

Audio and video DMVR equipment will be used to record the entire duration of any emergency response (as defined in Directive 600-022). DMVR equipment will remain activated to record all officer contact with the public until the end of the emergency response. The equipment may be deactivated if the response is cancelled or as allowed in Section IV-A 3 of this directive.

4. Officers shall record show-ups either with the BWC or DMVR; whichever is most prudent.

5. Prisoner Transport

The BWC and DMVR, if available, will be used during the entire duration of the transportation of any prisoner who:

a. Has been involved in a response to resistance;

b. Is argumentative and/or combative;

c. Is verbally abusive;

d. Is using any other inappropriate and/or suggestive or sexual language;

e. Is injured or claims to be injured;

f. or, in any situation that the officer deems necessary.

C. Officers are encouraged to use their DMVR equipment to:

1. Record the reason for their current or planned enforcement action, such as DWI observations;

2. Record the actions and/or statements of suspects if the recording would prove useful in later judicial proceedings. For example: interviews, sobriety performance tests, while in custody, or during transportation;

3. Record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband;

4. Record the audio portion of a conversation with a citizen when appropriate.

D. Officers will not attempt to erase, alter, or tamper with DMVR recordings.
E. To upload DMVR recordings, the supervisor will insert the P2 memory card into the card reader at the Division office. The supervisor will then open the Migrator application on the desktop and select the option to upload the videos. The video files then transfer to the Division folder and are available in DEMS.

F. Officers will ensure that the vehicle DMVR has an adequate amount of free recording space to complete their tour of duty. The in-vehicle monitor displays remaining space when not actively recording due to a trigger event.

G. Officers must logon to the DMVR application at the start of their tour of duty and remain logged into the application until their tour of duty has ended. Proper logon will include the officer’s name, code number, and vehicle number.

H. Officers should note the car number, start time, and end time for DMVR recordings in offense, arrest, and related reports when audio/video recordings are made during the incident in question.

I. Officers will note the complaint number and the name of the subject involved anytime an event is bookmarked.

J. Police Training Officers will be responsible for training new officers in the operation of DMVR equipment and will document that training.

K. Police Training Officers will use their assigned login when training with DMVR.

V. CAPTAIN RESPONSIBILITIES

Captains responsible for officers using DMVR equipment will ensure that:

A. All officers shall follow established procedures for the use and maintenance of DMVR equipment, recording media, and the completion of DMVR documentation.

B. As part of an officer’s PRD review, the captain or their assigned designee will review the officer’s current DMVR recordings and document an assessment of officer performance, identify and address any training needs with that officer, and determine whether DMVR equipment is fully and properly used.

C. DMVR memory card access keys are retained and utilized only by sworn supervisory staff.

VI. ADMINISTRATOR RESPONSIBILITIES

A. Division Administrator:
   1. Maintains an accurate list of vehicles and users for their division in the DMVR System.
   2. Assigns permissions and roles to users in the DMVR system based on transfers/promotions.
3. Serves as the primary point of contact in the division for questions or issues related to the DMVR System.

B. Agency Administrator:
   1. Maintains an accurate list of users in the HQ DMVR System.
   2. Completes review of DMVR System audit reports, at least monthly, for inappropriate activity or indications of system problems.
   3. Maintains overall health of DMVR System.
   4. Responds to requests from Division Administrators.

VII. RECORDING CONTROL AND MANAGEMENT

A. Recordings are the property of CMPD and may be duplicated for authorized purposes only as outlined herein. Any other duplication must be authorized by the Chief of Police.
   1. All recordings stored on a DMVR Server will be erased after the 45-day retention period unless a longer retention period has been identified for court or investigative purposes.
   2. All recordings stored on a DMVR Server that have been requested for any case papering or court proceeding will be marked for a 3-year retention period.
   3. Officers will be responsible for advising their supervisor of any recordings that they are not able to properly mark.
      a. Officers will be responsible for advising their supervisor when a recording that they marked for extended retention is no longer needed.
      b. The DMVR system automatically erases recordings from the DMVR server when the retention period for that recording segment has elapsed. The retention period is set by the system according to the specific event type that the officer, supervisor, or authorized user applied to the recording.
      c. The DMVR system automatically copies recordings to the Headquarters (HQ) DMVR Server once they have been marked for extended retention. This copying process occurs nightly.

B. DMVR recordings are incapable of being altered or deleted by officers and supervisors. Each Recording has an audit trail that tracks the date and time of each person that accesses all video within the system.

C. Employees are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a DMVR, unless authorized by this directive.

D. Each video recording has a Chain of Custody Audit Trail which documents all events associated with the file.
E. Digital files associated with an investigation shall be disposed of or deleted in accordance with current CMPD policy and state and federal laws.

F. Recordings shall be duplicated for court and law enforcement purposes only. Release for court purposes shall only be conducted by the following units under the direction of a sergeant assigned to that unit:

1. Court Liaison Unit
   District Court- Duplicates will only be created by the Court Liaison Unit. Officers must make the request at least 48 hours prior to the court date and provide the correct category and complaint number. The Court Liaison Unit shall be responsible for ensuring the needed recording is duplicated and delivered to the District Attorney’s Office or courtroom. Duplicate recordings shall not be given to a defense attorney or other entity.

2. DA-Superior Court Services Unit
   DA Papering – Duplicates shall only be created by the DA-Superior Court Services Unit. If a case is accepted for prosecution, the Papering ADA will notify the DA-Superior Court Services Unit, who shall then be responsible for ensuring a duplicate recording is delivered to the requesting ADA. These duplicates shall not be made before receiving written notification from the division supervisor that the video has been reviewed for any personnel related matters. These will then be accessible for Superior and Federal Court Cases.

3. Homicide Unit
   a. A sergeant within the homicide unit must authorize duplication of any video an officer needs for an investigative purpose.
   b. Officers shall ensure all recordings stored on a DMVR system have been categorized appropriately.

4. In-Service Training Unit
   The CMPD Training Director may authorize the duplication of a DMVR recording for use in training in compliance with VII, G.2.

5. Video Compliance and Policy Administrator and Agency System Administrator
   a. The employees in these positions shall have the authority to create and release copies as directed by the court.
   b. The employees in these positions shall have the authority to create redacted copies as directed by the court.

G. Access to Review Video/Audio Recordings:
1. Authorized users and access levels are defined as follows:
   b. Sergeants: Access to officer video files within their division. Each can categorize files for extended retention.
   c. Patrol Officers: Access to only their video files and can categorize them for extended retention.
   d. The Agency Administrator: Access to all video files and can restrict or limit access to authorized users. Will have access to manage, redact (as ordered by the court) and set permissions on the entire system.

2. Recordings which do not involve an active internal or criminal investigation, an active criminal prosecution, or classified as criminal intelligence that have a training benefit, shall be forwarded to the Agency Policy and Compliance Administrator for review. These recommendations shall then be forwarded to the Professional Standards and Training Division Major for further action.
   a. Video recordings associated with a closed internal investigation may be used for internal training purposes only.
   b. The use of any recording for training will require the authorization of any employee whose image or voice is recorded on the video.
   c. The use of any recording for training will be restricted to training conducted by CMPD employees for CMPD employees. At no time will a DMVR recording be used for any non-law enforcement training or when the trainer is employed to provide the training by an employer other than CMPD.
   d. Officers may review DMVR video to aid in completing incident reports, preparing for court testimony, or completing statements for internal investigations except as outlined in e. below.
   e. Officers may review DMVR video in Significant Officer Involved incidents such as officer involved shootings after providing a statement to officers or sergeants with the Criminal Investigations Bureau and/or Sergeants with the Internal Affairs Bureau.
   f. Defendants in pending criminal cases may view videos in accordance with NC Discovery laws as permitted by the District Attorney’s Office.

3. Disclosure of Law Enforcement Video/Audio Recordings
   a. Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.
b. Recordings shall be disclosed only as provided by Chapter 132 of the General Statutes, GS 132-1.4A.

c. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

d. The following individuals may receive disclosure of a video/audio recording:

   (1) A person whose image or voice is in the recording.

   (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.

   (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.

   (4) A personal representative of a deceased person whose image or voice is in the recording.

   (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

e. A person requesting disclosure of a recording must complete a Video Disclosure Request form located on the CMPD website and forward the request and any supporting materials to the address contained within the form.

f. The Video Policy and Compliance Administrator shall review all disclosure request forms to determine if disclosure is permitted and reply to the requestor in writing.

g. Disclosure may be denied if:

   (1) The person requesting disclosure of the recording is not a person authorized to receive disclosure

   (2) The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.

   (3) Disclosure would reveal information regarding a person that is of a highly sensitive personal nature.

   (4) Disclosure may harm the reputation or jeopardize the safety of a person.

   (5) Disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
(6) Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

h. Once approved for disclosure, the Video Policy and Compliance Administrator will coordinate with the requesting party to arrange a convenient time to review the video(s).

4. Disclosure to Superior Court
   a. Upon receiving a petition to either disclose or release DMVR in the custody of CMPD, the Quality Assurance Division Captain will identify and review all DMVR leading up to, during, and after the incident.
   b. Under no circumstances will CMPD alter or edit a video’s content or length unless ordered to do so by a Judge of the Superior Court.
   c. The Quality Assurance Division Captain, the Chief of Police, or designee, and the Police Attorney assigned to the case shall review the packet prepared by the Quality Assurance Division Captain to ensure that it is complete and unedited.
   d. All DMVR identified by the Quality Assurance Division Captain shall be hand-delivered to the Superior Court unedited. (The Court will determine if the footage is relevant to the Petitioner’s request)

5. Release of Law Enforcement Audio/Video Recordings
   a. Release or Disclosure Without a Court Order to District Attorney. CMPD shall disclose or release a recording to a District Attorney without a court order:
      (1) For their review of potential criminal charges;
      (2) In order to comply with discovery requirements in a criminal prosecution;
      (3) For use in criminal proceedings; or
      (4) For any other law enforcement purpose.
   b. Release or Disclosure by Chief of Police Without a Court Order.
      The Chief of Police or designee may disclose or release a recording without a court order for the following purposes:
      (1) For law enforcement training purposes;
      (2) Within CMPD for any administrative, training, or law enforcement purpose;
(3) To another law enforcement agency for law enforcement purposes.

c. In compliance with §132-1.4A(f), the Police Attorney's Office, upon request of the Chief of Police, shall petition the Court for an order to release Digital Mobile Video Recordings to the public in all significant officer involved incidents where a citizen is seriously injured or killed.

Within seven (7) days the Chief of Police will evaluate the status of the investigation to determine the earliest possible date the release can be sought. However, the petition to release a video will occur no later than the receipt of the prosecution decision letter from the District Attorney.

d. Any employee whose image or voice is captured in a recording shall be notified by the Police Attorney’s Office of the department’s desire to have a recording released.

e. Any employee whose image or voice is captured in a recording shall have an opportunity to appear in the superior court hearing associated with the release request.

The Police Attorney’s Office shall notify all affected employees of the date and time of any hearing associated with the request.

VIII. REFERENCES

Rules of Conduct, Rule #2
Rule of Conduct, Rule #42, Body Worn Cameras
200-001 Discipline, Internal Investigations and Employee Rights
400-006 Body Worn Cameras
600-022 Emergency Response and Pursuit Driving
N. C. G. S. 132-1 and 1.4
N. C. G. S. 160A-168(c) (9)
N. C. G. S. 15A- 903
CALEA
I. PURPOSE

A Body Worn Camera (BWC) is utilized by officers to promote transparency in accordance with state law and accountability for officers and the community through objective evidence. This policy establishes guidelines regarding the use, management, storage, and retrieval of the audio and video recordings from BWCs.

II. POLICY

A. It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) that officers issued a BWC shall use it to record interactions that occur between officers and the public as described in this directive.

B. Any violation of this directive is considered a violation of Rule of Conduct (ROC) #42 (Use of Body Worn Cameras) and will be investigated.

C. Officers shall insert the BWC into a designated docking station at the end of their shift to facilitate automatic video/audio upload.

D. Officers and supervisors issued body worn cameras will complete and follow the approved CMPD training for use and storage of data for the body worn camera.

III. DEFINITIONS

A. Body Worn Camera: An on the body video and audio recording system assigned to an officer as a means of documenting interactions between officers and the public.

B. Citizen Contact: An encounter with a citizen that has no criminal or investigative purpose. Ex: Stopping to say hello to someone or interacting with persons to obtain information that is non-criminal in nature.

C. Criminal Investigation: For the purposes of this directive, Criminal Investigation refers to the point at which a CFS or other defined recording situation changes from adversarial or fact-finding contact to an investigation. For example, an officer has arrived on scene and the initial contact is over, the suspect has left, or the officer is now taking written statements, identifying witnesses, or processing the crime scene.

D. Audit: The supervisors review of BWC recordings to ensure compliance with departmental directives.

E. Pre-Event Buffering is the BWC continually recording video, but not committing it to memory (this means it is not recording audio). Once you activate the record on/off button, the previous 30 seconds of video is then committed to memory on the system.

F. Release: To provide a copy of a recording.

G. Disclose: To make a recording available for viewing or listening by the person requesting disclosure.
H. Entry Team: Any sworn employee whose purpose is to enter and make a structure safe during the execution of a search warrant or with exigent circumstances.

I. Search Team: Any sworn employee who, pursuant to a judicial order or exigent circumstances, conducts a search of a structure to locate persons involved in a crime or evidence of a crime.

IV. DUTIES AND RESPONSIBILITIES OF DEPARTMENT EMPLOYEES

A. CHIEF OF POLICE

The Chief of Police shall:

1. Ensure compliance of this directive by all personnel.

2. Review and determine whether to seek the release of any BWC recordings that is in the best interest of public safety and in accordance with state and federal law.

B. EXECUTIVE STAFF SUPERVISORY RESPONSIBILITIES

Executive Staff members shall:

1. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

2. Ensure compliance of this directive by all personnel under their command.

3. Utilize BWC audits to identify policy and training issues. When identified, they will coordinate with the Training Bureau to develop and implement best police practices.

4. Make the final adjudication on allegations related to ROC #42.

C. CAPTAIN SUPERVISORY RESPONSIBILITIES

Captains responsible for personnel using BWC equipment shall ensure:

1. Current recordings are received and document best police practices and compliance with this directive as a part of a lieutenant’s, sergeant’s, or officer’s PRD or video audit.

2. Adherence to established procedures for the use and maintenance of BWC equipment, recording media, and the completion of BWC documentation.

3. Compliance with this directive by Lieutenant’s and personnel under their command.
4. Recordings related to an administrative investigation are properly categorized in the investigative file prior to the scheduled deletion date from the digital storage system.

5. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

D. LIEUTENANT SUPERVISORY RESPONSIBILITIES

Lieutenants responsible for sergeants and officers using BWC equipment shall:

1. Review current recordings and document best police practices and compliance with this directive as a part of a sergeant’s or officer’s PRD or video audit.

2. Ensure compliance with this directive by sergeants and officers under their command.

3. Ensure recordings related to an administrative investigation are properly bookmarked in the investigative file prior to the scheduled deletion date from the digital storage system.

4. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.

E. SERGEANT SUPERVISORY RESPONSIBILITIES

Sergeants shall ensure:

1. All employees issued a BWC are properly wearing their BWC prior to beginning their scheduled shift.

2. All BWC’s are properly docked for charging and uploading at the end of an officer’s shift. When feasible, supervisors should ensure cameras are not removed from their docking station before the uploading of recordings is complete.

3. Proper troubleshooting steps are followed upon notification of any damage or malfunction of a BWC. If the issue is unable to be resolved, the supervisor will direct the officer to make contact with the RTCC for a loaner BWC. If a loaner is not available it shall not prevent the officer from working the remainder of his or her shift without a BWC. However, the officer will be paired with another officer whose BWC is operational. The Sergeant shall notify the officer to document in his or her departmental reports the reason for lack of BWC recordings.

4. BWC recordings are documented by the officer in all associated reports under the corresponding complaint number.

5. A monthly audit of selected BWC video from a random database is reviewed to assess an officer’s performance, that the camera is being utilized according to
this directive, and to identify any video that may benefit future training. The random list consists of a minimum of one video from each officer who has recorded video. Upon completing the division level review the supervisor shall document and submit their findings to the Agency Policy and Compliance Administrator via the BWC Audit Database.

6. Officers investigating cases have all video properly categorized by the Officer in Charge (OIC). When video is categorized incorrectly, they shall ensure this is corrected within 24 hrs.

7. That video associated with any complaint received is properly categorized with IACMS by the end of his or her shift.

8. Officers must notify their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall then attempt to properly categorize that video. If they are unable, the RTCC should be notified.

9. That they adhere to all operational and directive guidelines of an officer when utilizing a BWC to record citizen interactions.

F. ALL SWORN RESPONSIBILITIES:

All Sworn Employees issued a BWC shall adhere to the procedures listed below:

While wearing a BWC, sworn employees shall ensure the BWC is powered on for the duration of the on duty or secondary employment shift as outlined herein.

1. Officers and Sergeants assigned to Patrol shall wear and operate a BWC:
   a. When working on duty or secondary employment in uniform;
   b. When operating a vehicle equipped with emergency equipment;
   c. When wearing tactical vests for plainclothes operations for on duty and secondary employment. Officers and Sergeants should have their BWC with them in the event that they need to put the vest on.

2. Sworn employees below the rank of Deputy Chief shall wear and operate a BWC as outlined in this directive when working secondary employment in uniform or when wearing a tactical vest for plainclothes assignments.
   a. Officers and sergeants assigned to Patrol will be issued two BWCs, one for on-duty and one for secondary employment.
   b. All BWCs used for on-duty recordings shall be placed in the division dock at the end of the employee’s shift. The secondary camera shall be removed and retained by the employee for use at secondary employment or traveling to and from work while in uniform operating a marked vehicle.
Upon return to on-duty the process will repeat and the “off-duty” camera shall be returned to the division dock for charging and downloading.

c. It is understood that some employees do not work secondary employment on a regular basis; however, this process is required each duty day to maintain the software and battery of all cameras.

3. Sworn employees working secondary employment will be expected to dock and download any video recorded that is associated with complaints, response to resistance or other situations as directed by a supervisor before the employee ends their tour of duty. The docking and downloading can be done at any division office in any open dock port. The employee shall wait until all video has been downloaded before removing the camera. All other recordings shall be downloaded by docking the camera at the employee’s division office upon the employee’s return to duty unless that return will be delayed longer than the employee’s normal days off (2 or 3 days).

4. Sworn employees assigned as School Resource Officers are not required to wear a BWC while working on campus during normal school hours.
   a. Sworn employees filling-in for absent School Resource Officers shall not wear a BWC while working on campus during normal school hours.
   b. Sworn employees responding to a call for service at a Charlotte-Mecklenburg School shall operate a BWC as outlined in this Directive for calls for service.

5. Sworn employees assigned as a School Resource Officers shall wear and operate a BWC when working on campus during non-school hours, when working secondary employment in uniform, or when working any other assignment outlined in this directive.

6. Sworn employees assigned to SWAT, VCAT, TRAP, Gang, and Firearms shall abide by this directive and any additional requirements outlined in their specific unit standard operating procedure.

7. Sworn employees in a hire-back status shall wear and operate a BWC as outlined in this directive for on-duty and secondary employment. BWCs will be docked within 3 days. Hire-back officers will be required to wait until all video has downloaded before removing the camera and working a secondary assignment.

8. Sworn employees shall wear the BWC attached to the outermost garment on the upper, center area of the chest utilizing the issued mounting bracket.
   a. It is recommended that the inner magnet be placed inside the trauma plate pocket of the ballistic vest or the front chest pocket of the uniform shirt.
b. To assure adequate retention when wearing the camera on a coat, the magnet should be placed inside the outer coat fabric not the liner.

9. A BWC issued to a sworn employee, or any BWC equipment installed in a vehicle, is the responsibility of that employee and will be utilized according to departmental policy.

10. Sworn employees issued a BWC shall not circumvent the automatic activation features of the BWC including the avoidance of utilizing vehicle emergency warning devices or powering off a BWC prior to the use of equipment installed with an automatic activation device.

11. A pre-shift audio and video recording test shall be conducted utilizing all available automatic activation devices such as blue light automatic activation and Conducted Electrical Weapon (CEW) automatic activation. Test videos will be categorized as Test.

12. Test videos shall be played back utilizing the department issued viewer, department issued smart phone or the employee’s personal smart phone. The Axon View app is free to download and does not store any data on the user’s smart phone.

13. Prior to, and throughout each on-duty or secondary employment shift, sworn employees shall ensure that all components of their BWC are working satisfactorily.

14. If a malfunction occurs at any time with a BWC or other BWC components, employees shall immediately notify a supervisor.

15. All sworn employees issued a BWC shall sign into CAD when working in a capacity that requires the wearing of a BWC.

   a. Sworn employees shall either sign into CAD or contact the Communications Division via radio and request to be signed in for secondary employment.

   b. Two-officer CFS units must utilize a two-officer unit ID and both officers’ code numbers shall be logged into CAD.

   c. All two-officer specialized unit cars must also sign into CAD with both officers’ code numbers.

16. Sworn Employees must ensure non-police related electronic devices within the vehicle (music radios, CD players, etc.) are turned off when the BWC is activated.

17. BWCs shall be turned on and activated to record prior to arrival to any call for service or any crime related interaction with citizens while on duty or working
secondary employment. In addition, recording shall occur prior to or in anticipation of the following circumstances:

a. Traffic stops: The stopping of a motor vehicle for law enforcement purposes, including the following of a vehicle you intend to stop or has failed to stop;

b. Suspicious vehicles or persons;

c. Voluntary Investigative Contact: The mere suspicion of some type of criminal activity by a person;

d. Arrests;

e. Response to resistance;

f. When operating a vehicle in an emergency response or pursuit;

g. K-9 tracks and K-9 building searches;

h. When requested by a citizen during an interaction with a sworn employee;

i. Traffic Checking Station:

The preplanned systematic stopping of vehicles to check motorists for compliance with license requirements and other motor vehicle laws including driving while impaired.

(1) Once a sworn employee determines there is reasonable suspicion or probable cause to detain the driver, the officer shall begin recording with their BWC.

(2) Except as listed above, sworn employees are not required to record during the entire duration of the checkpoint.

j. During the entire duration of the transportation of any prisoner who:

(1) Has been involved in a response to resistance;

(2) Is argumentative and/or combative;

(3) Is verbally abusive;

(4) Is using any other inappropriate and/or suggestive or sexual language;

(5) Is injured or claims to be injured;

(6) Any situation that the officer deems necessary;
(7) Sworn employees shall position their DMVR camera, if available, to also record the actions of the prisoner.

k. Search warrants or exigent circumstance searches of vehicles, buildings, and other places;

(1) Sworn employees shall not record the preparations for the tactical service of any search or arrest warrant.

(2) All sworn employees issued a BWC who are participating in the execution of a search on an entry team shall begin a recording prior to making entry and continue the recording until the premises have been secured.

(3) All sworn employees required to wear a BWC while on duty who are participating in a search authorized by a search warrant or with exigent circumstances shall record until the search has been concluded and all evidence has been located and properly confiscated. Sworn employees wearing a BWC will avoid recording any employee working in an undercover or covert capacity.

l. Consent Searches;

(1) During a consent search officers shall record him or herself asking for consent and the citizen’s response to that request.

(2) If during a consent search in a non-public place, the citizen no longer wants the search recorded, the officer shall stop recording and continue as normal without recording.

m. Officers shall record show-ups either with the BWC or DMVR; whichever is most prudent.

18. Employees with marked take-home vehicles shall wear and operate, as outlined in this directive, a BWC when operating the vehicle while in uniform regardless of duty status.

19. A BWC recording shall be stopped during non-enforcement activities such as traffic control, criminal investigations, or when no adversarial events are ongoing. An example of this would be the time in which a CFS or other defined recording event changes from adversarial or a fact-finding contact to a criminal investigation. For example, an officer that has arrived on scene and the suspect has left and the officer is now taking written statements, identifying witnesses, and processing the crime scene.

20. When an incident has ended, the officer shall stop the BWC recording and enter the appropriate category and, when necessary, the incident complaint number.
21. Sworn Employees shall ensure all BWC recordings are properly categorized prior to the completion of their shift. Sworn Employees shall be required to add categories and complaint numbers, when appropriate, when videos are recorded during secondary employment.

   a. Sworn employees may utilize, when available, a departmentally issued viewer, smartphone or personal smartphone to view, categorize, or add complaint numbers to videos.

   b. Sworn employees must categorize videos recorded during secondary employment assignments immediately after download utilizing Evidence.com if a departmentally issued viewer, departmentally issued smart phone is unavailable or the sworn employee chooses not to utilize his or her personal smartphone.

22. Sworn Employees shall complete any corrections to the categorization or addition of a complaint number within 48 hours of being notified of the error.

Category is the term used to identify the selections an authorized user can use to classify an event that has been recorded.

<table>
<thead>
<tr>
<th>Category</th>
<th>Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Citizen Involvement</td>
<td>45 Days</td>
</tr>
<tr>
<td>Traffic Stop – Warning</td>
<td>45 Days</td>
</tr>
<tr>
<td>Traffic Stop – Infraction</td>
<td>45 Days</td>
</tr>
<tr>
<td>Traffic Stop – Misdemeanor</td>
<td>3 Years</td>
</tr>
<tr>
<td>Traffic Stop – Felony</td>
<td>20 Years</td>
</tr>
<tr>
<td>Non-Criminal Offenses</td>
<td>45 Days</td>
</tr>
<tr>
<td>IACMS</td>
<td>4 years</td>
</tr>
<tr>
<td>Criminal Investigation – Non- Felony</td>
<td>3 Years</td>
</tr>
<tr>
<td>Criminal Investigation – Felony</td>
<td>20 Years</td>
</tr>
<tr>
<td>Test</td>
<td>45 Days</td>
</tr>
<tr>
<td>Accidental</td>
<td>45 Days</td>
</tr>
<tr>
<td>SWAT Use Only</td>
<td>45 Days</td>
</tr>
<tr>
<td>VCAT Use Only</td>
<td>45 Days</td>
</tr>
</tbody>
</table>

RetentionPolicy Category Definitions:

   a. Non-Citizen Involvement: Video that does not contain an interaction with a citizen, suspect, or associated with any other category.

   b. Traffic Stop Warning: Verbal or written warning, with no citation or arrest, regardless of reason for stop.

   c. Traffic Stop Misdemeanor, Felony: Outcome of the traffic stop is a misdemeanor or felony investigation or charge.
d. Non-Criminal Offenses: Interaction with a citizen that is not related to a criminal charge or investigation.

e. IACMS: All video associated with an internal investigation should be categorized IACMS. If the suspect is charged with a misdemeanor or felony, it shall additionally be categorized with the appropriate additional category.

f. Criminal Investigation – Non- Felony: The outcome of the incident results in a criminal investigation or charge that is not related to a traffic stop or felony.

g. Criminal Investigation – Felony: The outcome of the incident is a felony criminal investigation or charge that is not related to a traffic stop.

h. Test – Shall be used for Test videos only.

i. Accidental – Shall be used only for those videos that were accidentally started.

j. SWAT Use Only – Shall be used by SWAT Officers ONLY in conjunction with SWAT operations and will be accompanied by other appropriate categories based on the outcome of the incident.

k. VCAT Use Only – Shall be used by VCAT Officers ONLY in conjunction with VCAT operations and will be accompanied by other appropriate categories based on the outcome of the incident.

23. BWC videos may contain multiple categories at once. Officers should ensure all BWC videos are categorized with all applicable categories related to that specific video.

24. In the event a sworn employee loses or damages his/her BWC, the employee shall immediately notify his or her supervisor who will initiate a lost equipment memorandum through the officer’s chain of command to the Body Worn Camera Policy and Compliance Administrator. The supervisor will then notify RTCC.

25. BWC recordings will be automatically uploaded using a docking station at the division offices.

26. Sworn Employees are responsible for notifying their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall then attempt to properly categorize that video. If they are unable, the Agency System Administrator should be notified.

27. If a BWC is determined to be non-operational during an on duty or secondary employment shift, the sworn employee will notify their supervisor and contact the RTCC.
a. If the camera is unrepairable and/or a replacement is unavailable, the sworn employee shall be partnered with a sworn employee with an operational BWC for the remainder of the employee’s shift.

b. If the sworn employee is working secondary employment, the employee’s supervisor must be personally notified by the employee and documented in the XtraDuty notes of the secondary employment record.

28. BWC’s will only be used for law enforcement purposes in accordance with applicable law and departmental policy.

29. Unless present in an official capacity, the BWC shall not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.

30. Prior to conducting a strip search, the officer shall record a 360-degree video of the location where the search will be conducted. In addition, before any part of the actual strip search begins, the sworn employee shall verbally record the reason the BWC is being turned off and then shall properly power off the BWC. As soon as the search is complete, the BWC shall immediately be powered back on.

31. To aid in the protection of the right to privacy, sworn employees shall not record while:
   
a. In a patient care area of a health care facility, unless the patient becomes adversarial with the officer or others;

b. Discussing a case with other sworn employees or supervisors;

c. Conducting tactical planning;

d. In the presence of a Confidential Informant (CI);

e. In the Intake Center or Jail;

f. In the magistrate’s office or any state or federal court;

g. Having discussions with attorneys, peer support counselors, doctors, etc.;

h. Involved in a department, supervisory, or public meeting;

i. In a classroom and/or when in a testing environment;

j. Speaking to any person or having a conversation that is not involved in a call for service or event as outlined in this directive.

32. The viewing of any recording for anything other than approved departmental purposes is prohibited.
33. It shall be the responsibility of the Officer in Charge (OIC) of a case to ensure all recordings which constitute evidence or are required to be included in a case file are properly categorized and maintained for storage prior to their scheduled deletion date. In instances where a video is not properly categorized, the OIC shall contact the officer whose video it is and have them correctly categorize it. If the officer has not made the necessary change within 48 hours the OIC shall notify their division supervisor to have the video properly categorized.

34. Sworn employees shall document a Miscellaneous Incident Report in KBCOPS that a BWC recording exists. This documentation shall include a brief description of what was captured by the video.

35. Sworn employees are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a BWC.

36. PTO’s training new officers using BWC equipment will ensure and document in their PTO manual that officers understand when to and not to record events as outlined within this directive.

37. Once a BWC is started, sworn employees shall continue to record until the incident evolves into a criminal investigation or the adversarial action has stopped. However; sworn employees shall record all traffic stops in their entirety; which includes the following of a vehicle they intend to stop or has failed to stop until sworn employees have left the stop or the sworn employee stops following the vehicle.

38. Officers shall not deliberately remove, dismantle or tamper with any hardware and/or software component of the body worn camera.

G. ADMINISTRATOR RESPONSIBILITIES

1. Policy and Compliance Administrator

The Agency Policy and Compliance Administrator shall be an Executive or Command Staff member responsible for developing policy and conducting video audits to ensure accountability and compliance with the BWC directive.

The Policy and Compliance Administrator shall:

Oversee an audit process and ensure compliance with this directive.

a. Division-Level Random Audit

(1) Create a random report that supervisors will use to perform audits of BWC video on a monthly basis. These audits do not preclude a supervisor from reviewing video during the course of his or her regular duties as needed.
(2) Upon completing the division level review the supervisor shall document and submit their findings to the Agency Policy and Compliance Administrator via the BWC Audit Database.

b. Second-Tier Random Audit

Create a random report that employees in the Professional Standards Bureau will use to perform audits of BWC video on a monthly basis. These audits will focus on a random selection of:

(1) Videos associated with felony cases accepted for prosecution;
(2) Videos associated with discretionary arrests;
(3) Videos associated with consent to searches during traffic stops or citizen contacts;
(4) Videos associated with officers ranked in the top 5% of the Early Intervention System (EIS) ranking.

c. Officer Involved Shootings or other Significant Events

A representative from the Professional Standards Bureau will be responsible for responding to all OIS incidents or other significant officer-involved incidents. The representative from the Professional Standards Bureau will ensure that all BWC footage related to the incident is downloaded as soon as possible and prepared for review by the Internal Affairs Bureau, as well as the Chief of Police or designee.

2. Agency System Administrator

The CMPD Computer Technology Solutions (CTS) employee responsible for:

a. Maintaining an accurate list of all users in the BWC and digital storage management system.

b. Assigning permissions and roles to users in the BWC system based on transfers/promotions.

c. Maintaining overall maintenance of the BWC System.

d. Responding to requests from Division Administrators.

e. Redacting or deleting any video in consultation with the Agency Policy and Compliance Administrator. Any video redacted shall be documented in the KBCOPS report associated with that video.

3. Division Administrator
The Division Administrative Sergeant or Division Commander’s designee will coordinate the BWC program within the division and is the first point of contact to address questions or issues.

V. RECORDING CONTROL AND MANAGEMENT

A. All video/audio recordings are the property of CMPD and will not be duplicated except as described in (Section V.G.).

B. BWC recordings are incapable of being altered or deleted by users. Each recording has an audit trail that tracks the date and time of each person that accesses all video within the system.

C. Employees are prohibited from using any device to copy, photograph or record the playback of any video/audio recorded by a BWC, unless authorized by this directive.

D. Each video recording has a Chain of Custody Audit Trail which documents all events associated with the file.

E. The BWC system automatically deletes recordings from the server when the retention period for the categorized recording has elapsed. The retention period is set by the system according to specific categories assigned to the video by the officer, supervisor or authorized user.

F. Digital files associated with an investigation shall be disposed of or deleted in accordance with current CMPD policy and state and federal laws.

G. Recordings shall be released for court and law enforcement purposes only. Release for court purposes shall only be conducted by the following units under the direction of a sergeant assigned to that unit.

1. Court Liaison Unit

   District Court – Duplicates will only be created by the Court Liaison Unit. Officers must make the request at least 48 hours prior to the court date and provide the correct category and complaint number. The Court Liaison Unit shall be responsible for ensuring the needed recording is duplicated and delivered to the District Attorney’s Office or courtroom. Duplicate recordings shall not be given to a defense attorney or other entity.

2. DA-Superior Court Services Unit

   DA Papering – Duplicates shall only be created by the DA-Superior Court Services Unit. If a case is accepted for prosecution, the Papering ADA will notify the DA-Superior Court Services Unit, who shall then be responsible for ensuring a duplicate recording is delivered to the requesting ADA. These will then be accessible for Superior and Federal Court Cases.
3. Homicide Unit  
   a. A sergeant within the Homicide Unit must authorize duplication of any video a Homicide Detective needs for an investigative purpose.  
   b. Detectives shall ensure all recordings stored on a BWC system have been categorized appropriately.  

4. In-Service Training Unit  
   A sergeant with the In-Service Training Unit may authorize the duplication of a BWC recording for use in training in compliance with V.H.2.  

5. BWC Compliance and Policy Administrator and Agency System Administrator  
   a. The employees in these positions shall have authority to create release copies as directed by the court.  
   b. The employees in these positions shall have the authority to create redacted court related copies as directed by the court.  

H. Access to Review Video/Audio Recordings:  
1. Authorized users and access levels are defined as follows:  
   b. Sergeants: Access to officer video files within their division. Each can categorize files for extended retention.  
   c. Patrol Officers: Access to only their video files and can categorize them for extended retention.  
   d. The Agency System Administrator: Access to all video files and can restrict or limit access to authorized users. Will have access to manage, redact (as ordered by the court) and set permissions on the entire system.  

2. Recordings which do not involve an active internal or criminal investigation, an active criminal prosecution, or classified as criminal intelligence that have a training benefit, shall be forwarded to the Agency Policy and Compliance Administrator for review. These recommendations shall then be forwarded to the Training Division Captain for further action.  
   a. Video recordings associated with a closed internal investigation may be used for internal training purposes only.  
   b. The use of any recording for training will require the authorization of any employee whose image or voice is recorded on the video.
c. The use of any recording for training will be restricted to training conducted by CMPD employees for CMPD employees. At no time will a BWC recording be used for any non-law enforcement training or when the trainer is employed to provide the training by an employer other than CMPD.

d. Sworn employees may review their BWC video to aid in completing incident reports, preparing for court testimony, or completing statements for internal investigations except as outlined in e. below.

e. Sworn Employees may review their BWC video in officer involved critical incidents only after consulting with the agency criminal investigations and/or Sergeants with the Internal Affairs Bureau for direction.

f. Defendants in pending criminal cases may view videos in accordance with NC Discovery laws as permitted by the District Attorney’s Office.

3. Disclosure of Law Enforcement Video/Audio Recordings

a. Recordings are not public records as defined by G.S. 132-1. Recordings are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98.

b. Recordings shall be disclosed only as provided by Chapter 132 of the General Statutes, GS 132-1.4A.

c. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

d. The following individuals may receive disclosure of a video/audio recording:

(1) A person whose image or voice is in the recording.

(2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.

(3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.

(4) A personal representative of a deceased person whose image or voice is in the recording.

(5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

e. A person requesting disclosure of a recording must complete a Video Disclosure Request form located on the CMPD website and forward the
request and any supporting materials to the address contained within the form.

f. The BWC Policy and Compliance Administrator shall review all disclosure request forms to determine if disclosure is permitted and reply to the requestor in writing.

g. Disclosure may be denied if;

1. The person requesting disclosure of the recording is not a person authorized to receive disclosure.

2. The recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law.

3. Disclosure would reveal information regarding a person that is of a highly sensitive personal nature.

4. Disclosure may harm the reputation or jeopardize the safety of a person.

5. Disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.

6. Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.

h. Once approved for disclosure, the BWC Policy and Compliance Administrator shall immediately review the video(s) associated with disclosure for policy violations. If violations are observed, the BWC Policy and Compliance Administrator shall initiate an internal investigation and document same in IACMS.

i. The assigned supervisor shall contact the requesting party within five (5) days of receipt of the IACMS disclosure request to arrange a convenient time to review the video(s).

j. Upon completing the disclosure, the BWC Policy and Compliance Administrator shall document the conclusion of the action.

k. Failure to complete a disclosure as outlined herein may result in disciplinary action.

4. Disclosure to Superior Court

a. Upon receiving a petition to either disclose or release BWC in the custody of CMPD, the Quality Assurance Division Captain will identify and review all BWC recordings leading up to, during, and after the incident.
b. Under no circumstances will CMPD alter or edit a video’s content or length unless ordered to do so by a Judge of the Superior Court.

c. The Quality Assurance Division Captain, the Chief of Police, or designee, and the Police Attorney assigned to the case shall review the packet prepared by the Quality Assurance Division Captain to ensure that it is complete and unedited.

d. All BWC recordings identified by the Quality Assurance Division Captain shall be hand-delivered to the Superior Court unedited. (The Court will determine if the footage is relevant to the Petitioner’s request)

5. Release of Law Enforcement Audio/Video Recordings

a. Release or Disclosure without a Court Order to District Attorney. CMPD shall disclose or release a recording to a District Attorney without a court order:

   (1) For their review of potential criminal charges;

   (2) In order to comply with discovery requirements in a criminal prosecution;

   (3) For use in criminal proceedings; or

   (4) For any other law enforcement purpose.

b. Release or Disclosure by Chief of Police without a Court Order.

   The Chief of Police or designee may disclose or release a recording without a court order for the following purposes:

   (1) For law enforcement training purposes;

   (2) Within CMPD for any administrative, training, or law enforcement purpose;

   (3) To another law enforcement agency for law enforcement purposes.

c. Release or Disclosure for Internal Law Enforcement Purposes without a Court Order.

   (1) Officers may internally release a recording or still-frame photo(s) from a recording Department-wide without a court order for the following internal law enforcement purposes:

      (a) Identifying an unknown subject;

      (b) Seeking assistance in locating a subject.
(2) Prior to the internal release of a recording or still-photo, the officer must get approval from his or her sergeant or lieutenant.

(3) The release must include a note emphasizing that the release is for “INTERNAL USE ONLY—NOT FOR MEDIA RELEASE.”

d. In compliance with §132-1.4A(f), the Police Attorney’s Office, upon request of the Chief of Police, shall petition the Court for an order to release Body Worn Camera video to the public in all significant officer involved incidents where a citizen is seriously injured or killed.

(1) The PAO shall notify the Director of the PIO’s Office and the City Attorney of the Chief’s desire to seek release.

(2) Within seven (7) days the Chief of Police will evaluate the status of the investigation to determine the earliest possible date the release can be sought. However, the petition to release a video will occur no later than the receipt of the prosecution decision letter from the District Attorney.

e. Any employee whose image or voice is captured in a recording (and can be easily identified) shall be notified by the Police Attorney’s Office or the BWC Policy and Compliance Administrator of the department’s desire to have a recording released.

f. Any employee whose image or voice is captured in a recording shall have an opportunity to appear in the superior court hearing associated with the release request. The Police Attorney’s Office shall notify all identified and affected employees of the date and time of any hearing associated with the request.

g. Release for reasons other than those outlined in Section V, H5a-b, requires that the person seeking release petition the Superior Court of Mecklenburg County or the county in which the recording was made.

h. The PAO shall notify the Director of the PIO’s Office and City Attorney upon receipt of the notice to seek release.

VI. REFERENCES

Rules of Conduct, Rule #42
200-001 Discipline, Internal Investigations and Employee Rights
400-003 Equipment, Lost or Damaged Equipment
600-022 Emergency Response and Pursuit Driving
600-019 Response to Resistance
800-004 Public Records Retention and Disposition
Traffic Enforcement SOP
N. C. G. S. 132-1 and 1.4A
N. C. G. S. 160A-168(c)
N. C. G. S. 15A- 903
CALEA
I. PURPOSE

The purpose of this policy is to provide guidance for CMPD personnel and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

II. DEFINITIONS

A. Criminal Justice Information (CJI): Criminal Justice Information is the term used to refer to the data provided by FBI CJIS necessary for Law Enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. This data is most often found in DCI, NCIC, and CJLEADS systems.

B. Physically Secure Location: A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in CMPD shall be identified with a sign at the entrance.

C. Visitors Access: A visitor is defined as a person who visits a CMPD facility on a temporary basis who is not employed by CMPD and has no unescorted access to the physically secure location within CMPD where FBI CJI and associated information systems are located.

D. CMPD Escort: An authorized CMPD employee who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

E. Local Agency Security Officer (LASO): The primary information security contact between CMPD and the FBI. The LASO is typically the City of Charlotte’s Innovation & Technology’s Chief Security Officer and actively represents CMPD in all matters pertaining to information security; disseminates information security alerts and other material to their employees, maintains information security documentation (including system configuration data), assists with information security audits of hardware and procedures, and keeps the FBI informed regarding any information security needs and problems.

F. CJIS Systems Agency Information Security Officer (CSA ISO): The appointed FBI CJIS Division personnel responsible for coordinating information security efforts at all CJIS interface agencies.
G. Agency Coordinator (AC): A staff member of the Contracting Government Agency, who manages the agreement between the Contractor and agency.

III. PROCEDURE

A. Visitors shall:

1. Check in before entering a physically secure location by:

   a. Completing the visitor access log, which includes: name and visitor's agency, purpose for the visit, date of visit, time of arrival and departure, name and agency of person visited, and form of identification used to authenticate the visitor.

   b. Be issued a Visitor Badge and document the badge number on the visitor log. The visitor badge shall be worn on the approved visitor's outer clothing and collected by CMPD at the end of the visit.

2. Be accompanied by a CMPD escort at all times to include delivery or service personnel unless unescorted access has been granted pursuant to CJIS standards (See III. A. 3. b.).

3. Follow CMPD policy for authorized unescorted access.

   a. City or County IT employees or other noncriminal justice agency (NCJA) personnel who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement between the Charlotte-Mecklenburg Police Department and the NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

   b. Private contractors/vendors who require frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between CMPD and each private contract employee. Each private contract employee will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

4. Not be allowed to view screen information mitigating shoulder surfing.

5. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, notify a sworn employee or call 911.

6. Not be allowed to sponsor another visitor.
7. Be allowed to enter into a secure area with electronic devices including cameras and mobile devices. However, photographs are not allowed without permission of CMPD personnel.

B. Prior Planning and Notification for Visitors

CMPD Employees are required to plan ahead for visitors to CMPD facilities to attend meetings or to participate in facility tours. The below procedure will be followed to plan for and notify CMPD Security Officers of planned visits:

1. CMPD Employees shall complete and submit a CMPD Visitor Form located on the CMPD portal Forms page indicating all persons visiting CMPD facilities to the Records Management Division Manager. The form should be submitted no more than two weeks and not less than 24 hours in advance of the visit.
   a. The list shall include visitor’s name, company or organization, date(s) of visit, telephone number and email address of visitor, and the CMPD employee arranging visit.
   b. Visitors over the age of eighteen may be subject to a background check in advance of being granted access to the CMPD facility.

2. Visitors affiliated with another law enforcement agency or government organization are exempt from this procedure.

3. Minors, under the age of 18, must be accompanied by a responsible adult, parent, or guardian at all times.

4. A daily visitor roster will be prepared for Security Desk personnel and will be used to check visitors in and out of the facility each day.

5. Failure to plan ahead and complete notifications may result in the visit request being denied and/or the violations being reported to the requesting employee’s Chain of Command.

C. Authorized Physical Access

Only authorized personnel will have access to physically secure non-public locations. CMPD’s Manager of Computer Technology Services will maintain and keep current a list of authorized personnel. All physical access points into the agency’s secure areas will be controlled by key-card access. CMPD will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect CMPD from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access.
a. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.

b. Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

c. Prior to granting access to CJI, CMPD shall verify identification via a state of residency and national fingerprint-based record check.

2. Complete security awareness training.

a. All authorized CMPD, Noncriminal Justice Agencies (NCJA) such as city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.

b. Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.

3. Be aware of who is in their secure area before accessing confidential data.

a. Take appropriate action to protect all confidential data.

b. Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.

4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.

a. Report loss of issued keys, proximity cards, etc. to direct supervisor immediately. The direct Supervisor is responsible for contacting CMPD Human Resources to disable proximity cards immediately.

b. If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the CMPD Headquarters Security Desk to have the authorized credentials i.e., access proximity card deactivated. If door locks need to be rekeyed, the CMPD Facilities Manager should be contacted as soon as possible.

c. Safeguard and do not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures.

5. Properly protect from viruses, worms, Trojan horses, and other malicious code.
6. Ensure that Web usage is for business related purposes and does not allow viruses, worms, Trojan horses, and other malicious code onto the CMPD network.

7. Do not use personally owned devices on CMPD computers with CJI access.

8. Use of electronic media is allowed only by authorized CMPD personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.

9. Report any physical security incidents to their immediate supervisor to include loss of CJI, loss of laptops, smart phones, thumb drives, CDs, DVDs and printouts containing CJI. Supervisors shall report these incidents to the CTS Division Manager and/or the City’s LASO immediately.

10. Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred hard copy printouts when no longer needed. Information should be shared on a “need to know” basis.

11. Ensure data centers with CJI are physically and logically secure.

12. Keep appropriate CMPD security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by CMPD.

13. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

IV. ROLES AND RESPONSIBILITIES

A. Terminal Agency Coordinator (TAC)

The TAC serves as the point-of-contact at CMPD for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency’s compliance with FBI and state CJIS systems policies.

B. Local Agency Security Officer (LASO)

Each LASO shall:

1. Identify who is using the state approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.

2. Identify and document how the equipment is connected to the state system.

3. Ensure that personnel security screening procedures are being followed as stated in this policy.
4. Ensure the approved and appropriate security measures are in place and working as expected.

5. Support policy compliance and ensure the state’s Information Security Officer is promptly informed of security incidents.

C. Agency Coordinator (AC)

An AC is a member of CMPD’s Computer Technology Solutions who manages the agreement between the private contractor(s)/vendor(s) and CMPD. The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

D. Information Technology Support

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the CMPD by performing the following:

1. Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed.

2. Be knowledgeable of required CMPD technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.

3. Take appropriate action to ensure maximum uptime of CJI systems and expedite backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.

4. Properly protect the CMPD’s CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions) by installing and updating antivirus on computers, laptops, MDTs, servers, etc.

5. Data backup and storage—centralized or decentralized approach.
   a. Perform data backups and take appropriate measures to protect all stored CJI.
   b. Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.
   c. Ensure any media released from the CMPD is properly sanitized or destroyed.

6. Access control measures
a. Address least privilege and separation of duties.

b. Enable event logging of:
   1) Successful and unsuccessful system log-on attempts.
   2) Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.
   3) Successful and unsuccessful attempts to change account passwords.
   4) Successful and unsuccessful actions by privileged accounts.
   5) Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.

c. Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

7. Account Management in coordination with TAC
   a. CMPD’s TAC shall ensure that all user IDs belong to currently authorized users.
   b. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
   c. Authenticate verified users as uniquely identified.
   d. Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless CMPD grants authority based upon operational business needs.
   e. Do not use shared generic or default administrative user accounts or passwords for any device used with CJI.
   f. Passwords for systems containing CJI must meet CJIS requirements.

8. Network infrastructure protection measures are to be consistent with CJIS security policy and the City of Charlotte’s Information Security Policy.

9. Communicate and keep employees informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to CMPD.

E. Front desk and Visitor Sponsoring Personnel
Administration of the Visitor Check-In/Check-Out procedure is the responsibility of the Investigative Tech in each CMPD facility. In CMPD Headquarters, it is the officers assigned to the Security Desk in the Rotunda.

Prior to visitor gaining access to physically secure area:

1. Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency. Escort personnel will know appropriate evacuation routes and procedures.

2. Escort and/or Front desk personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to Visitor departure.

All CMPD personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the appropriate their immediate supervisor.

F. Enforcement

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

V. REFERENCES

400-004 Use of Technology
CJIS Security Policy
City of Charlotte Information Security Policy ADM16
CALEA
I. PURPOSE

This policy establishes procedures for properly obtaining and serving judicial orders, arrest warrants, orders for arrest, and criminal summonses.

II. POLICY

Sworn officers of the Charlotte-Mecklenburg Police Department (CMPD) are authorized to execute lawfully issued criminal process and will only do so within the territorial jurisdiction of the CMPD unless otherwise authorized by statute. Officers will exercise discretion when seeking criminal process against a person. In determining what form of criminal process is appropriate, officers will consider, but are not limited to, the following factors: a suspect’s prior failure to appear, danger presented by the suspect, danger to the public, likelihood of escape, and seriousness of the offense.

CMPD officers are not authorized to serve a civil process. When requested to assist other agencies serving civil process, CMPD officers will be present for the purpose of keeping the peace.

III. DEFINITIONS

A. Criminal Process: A directive issued by a judicial official that orders the arrest or appearance in court of a person, in order for that person to answer for an alleged crime, infraction, or failure to appear in court. Criminal process includes the following:

1. Arrest Warrant
2. Order for Arrest (OFA)
3. Criminal Summons

B. Arrest Warrant: An order issued by a judicial official directing law enforcement officers to locate and arrest a person based upon probable cause to believe that the person has committed a crime.

C. Order for Arrest (OFA): An order issued by a judicial official directing law enforcement officers to take a person into custody based upon an indictment, a failure to appear in court, a probation violation, or an order of contempt.

D. Criminal Summons: An order issued by a judicial official directing a person to appear in court and answer for a charge based on probable cause to believe that the person has committed a crime or infraction.

E. Intrastate Warrant: An arrest warrant issued by a judicial official in a North Carolina jurisdiction other than Mecklenburg County.

F. Interstate Warrant: An arrest warrant issued by a jurisdiction outside of North Carolina.

G. Fugitive Warrant: An arrest warrant issued in North Carolina which authorizes the arrest of a suspect, from another state, who has been formally charged with a crime in that state that is punishable by more than one year of imprisonment.
H. Medical Warrant: An arrest warrant, issued at the request of the Mecklenburg County Health Department under Chapter 130A of the NC General Statutes, for a person with a contagious disease who has not undergone required treatment.

I. Involuntary Commitment Order: An order issued by the Clerk of Superior Court or a magistrate directing a law enforcement officer to immediately transport a subject to a directed facility for examination by a physician or eligible psychologist.

J. North Carolina Warrant Repository (NCAWARE): Automated warrant issuance and tracking repository that allows real-time, paperless issuance, service, and tracking of warrants, orders for arrest, magistrate orders, and criminal summonses.


IV. PROCEDURE

A. Accessing Legal Process from Databases

1. DCI/NCIC
   a. Officers will check a subject’s name in DCI/NCIC for outstanding warrants.
   b. Officers will confirm any warrant found in DCI/NCIC through Communications before arresting a subject and transporting them to intake. Communications will verify that the entering agency will extradite the subject.

2. NCAWARE
   a. Officers will search subjects in NCAWARE for outstanding criminal processes.
   b. Subjects whose warrants are electronically verified may be arrested and transported to intake.
   c. In the case of subjects whose warrants are not verified electronically, officers must verify the warrants through Communications.

3. Local Warrants
   a. Officers can check the local warrants system through CAD for subjects with outstanding processes issued in Mecklenburg County.
   b. Prior to arresting and/or transporting a subject, officers must verify the warrant in Local Warrants through Communications.

4. CJLeads
Any subject in CJLeads showing to have an outstanding criminal process must be verified through Communications or NCAWARE before arresting or transporting to intake.

5. Crime Analysis
   a. A list of active warrants by Division can be accessed by any officer at any time on the Portal through the Crime Analysis link for On-Demand Reports. [https://cmpdweb/sites/ss/support/crimeanalysis/SitePages/Home.aspx?BaseType=1](https://cmpdweb/sites/ss/support/crimeanalysis/SitePages/Home.aspx?BaseType=1).
   b. Officers must verify all warrants before arresting and transporting the subject to intake.

B. Initiating Misdemeanor/Felony Criminal Process
   1. In all but exceptional circumstances, an officer will seek criminal process from a magistrate. To obtain an arrest warrant or criminal summons:
      a. The officer must have added a criminal process (pre-entered the probable cause to believe that a person has committed a crime within the jurisdiction and other necessary information) in the NCAWARE system;
      b. Entry must show a status of complete;
      c. The officer must have the TMP (temporary file number) in order for the magistrate to review the pre-entered information to consider the criminal process request.

1) Misdemeanor Warrants
    When an arrest warrant is sought for a misdemeanor offense and a civilian victim/complainant is involved, that person must request the criminal process in person from the magistrate, unless there is a compelling reason that would prevent them from doing so. In that situation, an officer is authorized to request the warrant; however, the victim/complainant will be considered the prosecuting witness (e.g., shoplifting). Officers will also seek the appropriate criminal processes in compliance with 600-005 Domestic Violence.

2) Felony Warrants
   a) District Attorney pre-approval is not required to obtain a felony warrant. A felony warrant may only be requested by a law enforcement officer.
   b) When a suspect is arrested on a felony charge, the assigned officer must "paper" the case with the District
Attorney’s Office according to CMPD Directive 900-013
District Attorney’s Papering Process.

2. An officer seeking a fugitive warrant must first obtain a written confirmation (printout of DCI transmission) that the originating agency still desires to extradite the arrestee. An officer who obtains a fugitive warrant will forward a copy of any reports, arrest sheets, and DCI transmissions to the Violent Criminal Apprehension Team prior to the end of his/her tour of duty.

3. When a person is arrested by another jurisdiction in North Carolina pursuant to a warrant obtained by this Department, the division, unit, or section where the case is assigned is responsible for transporting the prisoner to Mecklenburg County. If the division, unit or section responsible cannot provide transportation, the Violent Criminal Apprehension Team supervisor will request that a patrol officer(s) pick up and transport the arrestee.

4. The extradition of a wanted person in a CMPD case from another jurisdiction outside of North Carolina will be determined by the charging officer. Charging officer may consult with a supervisor, Violent Criminal Apprehension Team (VCAT), or Operations Command for extradition guidelines or approval for extradition in exceptional cases. VCAT or Operations Command must be notified when a warrant involving an extradition status is entered into NCIC. All out-of-state prisoner pick-ups must be coordinated by VCAT.

5. Officers must obtain written approval from the District Attorney’s Office before seeking a warrant or criminal summons from the magistrate for offenses against school employees, as defined in N.C.G.S. 14-33(c)(6), while discharging their duties. This requirement does not apply to traffic offenses, offenses that occur in the officer’s presence or to offenses involving actions by school employees outside the performance of their duties. (N.C.G.S. 15A-301)

C. Serving Legal Criminal Process

1. An officer will execute criminal process providing:
   a. The judicial official who issued the criminal process has jurisdiction;
   b. The criminal process appears complete and regular on its face;
   c. The officer is within his/her jurisdiction;
   d. The officer has no reason to disbelieve the existence of probable cause;
   e. The officer has verified that the criminal process is outstanding;
   f. The officer has probable cause to believe the person to be arrested or served is the person named or described on the face of the criminal process. In making that determination, the officer will consider all of the descriptive information contained in the criminal process, including the person’s name, race, sex, date of birth and address.
2. Service Copies
   a. Arrest warrants and Orders for Arrest (OFA’s) obtained prior to January 2013 are housed in the Central Repository.
   b. Criminal processes obtained afterwards are maintained electronically in NCAWARE. Original copies obtained through NCAWARE are time and date stamped and only valid for 24 hours.
   c. A service copy of the warrant or OFA will be obtained only after the original is verified as valid and outstanding, and will be used in the following circumstances, which require the warrant or OFA to be in hand at the scene of arrest: (for more details concerning search warrants, see Directive 500-004 B, Conducting Searches of Structures)
      1) When an officer intends to force entry to execute an arrest warrant or OFA at a location where the person to be arrested lives.
      2) When a search warrant is obtained prior to a forcible entry of third-party premises for the purpose of locating and arresting a person named in an arrest warrant or OFA.
      3) A service copy of Warrants for Arrest or Orders for Arrest signed out from the Central Repository must be returned immediately following a successful or an unsuccessful attempt at service.

3. Violent Criminal Apprehension Team (VCAT) Criminal Process
   A. Violent felony warrants that would be considered VCAT investigations include but are not limited to Murder, Attempted Murder, ADWIKISI, ADWISI, Rape, Sexual Assault, Armed Robbery, SIOD, and Out of County/Out of State fugitive with violent felony warrants.
   B. Prior to serving a criminal process related to a violent felony charge the officer/detective attempting to serve the process for a qualifying VCAT apprehension must coordinate with the VCAT sergeant or on call VCAT detective to ensure that any efforts will not compromise or hinder, current or future VCAT investigations if the subject in question is not already listed in deconfliction. Officers/detectives should not attempt to conduct apprehension investigations or efforts on qualifying VCAT cases to prevent duplicative efforts or the ability for subjects with unserved criminal processes the opportunity to flee before an apprehension investigation can begin.
   C. This directive does not prevent officers from responding to calls for service regarding a subject with a qualifying VCAT warrant. If an officer receives a 911 call for service regarding the location of a subject with violent felony warrants the officer should check deconfliction as well as
coordinate with VCAT prior to responding to the location to ensure it would not compromise ongoing investigations. However, the need to respond to the needs of the public will be adhered to while not compromising ongoing investigations.

D. This policy also does not prevent officers from taking the appropriate action to safely take a subject into custody with a violent felony process if officers see the subject walking in a public area, observe the subject walking into a business or residence and can positively identify the subject. It also does not prevent officers from responding to LPR hits for a subject with violent felony warrants or taking efforts to locate a subject when there is an immediate public safety need to apprehend a subject who poses an imminent threat to others or the general public.

E. This policy also does not prevent officers from attempting to locate a subject immediately following a violent felony offense when probable cause exists to arrest a person for a violent felony prior to a criminal process being obtained.

F. The need to protect the general public from ongoing criminal acts will be taken into consideration when deciding if officers are to move forward with the apprehension investigation or take overt efforts to serve a violent felony criminal process.

4. Summons

A criminal summons is a statement of a crime/infraction for which there is probable cause. A criminal summons does not authorize an officer to take the person into custody; rather, it is delivered to or “served on” the person. A criminal summons directs the person to appear in court to answer a criminal charge and is issued in any criminal case (or infraction) where it is not necessary to arrest the person or establish conditions of pretrial release.

Officers are authorized to make a brief detention in order to serve criminal processes (citations, criminal summons, nontestimonial orders, and subpoenas) where the person is not taken into custody but should use discretion in detaining a subject for a minor offense. In keeping with the Criminal Process Policy officers will consider, but are not limited to, the below factors before detaining an individual to serve a Criminal Summons:

a. Seriousness of the offense;

b. Danger presented by the suspect as well as danger to the public; and,

c. The person with the criminal summons is a suspect in other, more serious crimes.
d. Officers coming into contact with a person with a confirmed active criminal summons will attempt to serve the criminal summons on that person by:

1) Printing a Defendant’s copy of the Criminal Summons and give it to the person.

2) Print and sign an original copy of the Criminal Summons and turn the original copy in to Records to be taken to the Clerk of Court.

3) Enter notes in the Process Tracking page (NCAWARE) indicating the criminal summons has been served.

e. The Criminal Summons will specify a certain date and location for the Defendant to appear in court. If the court date has already passed, or is within the next seven weekdays, the Officer must change the date for the Defendant’s appearance. To change the date, an officer will:

1) Enter notes in the Process Tracking page (NCAWARE) indicating the Criminal Summons has been served, changing the court date on the Criminal Summons to any date court is in session 30 days in the future.

2) Print the Defendant’s copy of the Criminal Summons showing the amended court date and give this copy to the Defendant.

3) Print and sign an original copy of the Criminal Summons with the amended court date and turn this copy in to Records for return to the Clerk of Court.

5. Misdemeanor/Felony Warrants

a. After verifying the warrant either electronically or through Communications, the arrestee will be transported to intake.

b. Officers will complete APWeb prior to transporting the subject to intake.

c. Officers will be provided a copy of the warrant to be completed and returned after serving the arrestee.

d. After the arrestee clears the jail nurse, the arresting officer is clear to leave intake.

6. Orders for Arrest (OFA)

An OFA differs from an arrest warrant in that it does not specify a criminal charge. Any judicial official is authorized to issue an OFA, which is often issued following a person's failure to appear in court or an indictment by a grand jury. It is executed by taking the person into custody.

7. Domestic Violence Orders
a. CMPD officers do not serve Domestic Violence Protective Orders.

b. Officers encountering a subject violating a Domestic Violence Order will arrest the person for the violation as outlined in Directive 600-005 Domestic Violence.

8. Fugitive Warrants

a. Officers will verify any fugitive warrants with Communications before arresting and/or transporting a subject.

b. Officers will complete a non-arrest form in APWeb prior to arrival at intake.

9. Involuntary Commitment Orders

All involuntary commitment orders will be served via one of the following methods:

a. The magistrate will fax a copy of the involuntary commitment order to a designated fax line in Communications. Communications will fax the order to the appropriate division for service and a call for service will be entered at that time. A copy of the involuntary commitment paper will then be returned to the magistrate immediately following successful or unsuccessful service of the order, or

b. If fax lines are down or the officer is already at the Magistrate’s Office, then the involuntary commitment order will be signed out from the magistrate for service and returned to the magistrate immediately following successful or unsuccessful service of the order.

10. Medical Warrants

An officer involved in the arrest of a person on a medical warrant will take all reasonable precautions to protect himself/herself from the contagious disease and will wear personal protective equipment (protective gloves, facial masks, etc.). An officer will contact his/her supervisor and the Exposure Control Officer if there are any questions concerning the possibility of contagion, methods for preventing the spread of infection, or the proper care of persons who are ill.

D. Reporting Requirements

1. CAD

a. Officers will enter comments into CAD when an arrest is made.

b. Officers will enter the name, DOB, race, and charges for the arrestees as well as the address of the service.

2. KBCOPS
Interactive Directives Guide

Criminal Process

Effective Date: 6/29/2020

a. When officers make a visual arrest, officers will complete the appropriate offense report for the charge.

b. If serving an arrest warrant, the arresting officer will supplement the original report with the arrest number and may email the officer in charge of the case notifying them of the arrest.

V. REFERENCES

NCGS 122C-261
NCGS 15A-304
500-004 B Conducting Searches of Structures
600-005 Domestic Violence
900-013 District Attorney’s Papering Process
I. PURPOSE

To provide guidelines for the processing and booking of arrestees at the Mecklenburg County Intake Center and watch procedures for hospitalized prisoners.

II. POLICY

Employees of the Charlotte-Mecklenburg Police Department (CMPD) are to follow all of the procedures for the processing and booking of arrestees as outlined in this directive.

III. PROCEDURE

A. Only police officers with prisoners in their custody will park in the secured parking area of the Intake Center. Officers without prisoners should park at adjacent facilities and utilize the public entrance.

B. The officer should complete the required information in the Mecklenburg County Arrest Processing System (Arrest Processing Web) prior to arriving at the Intake Center with an arrestee. The information should include:

1. Information pertinent to the elements of the particular offense(s) being charged and a brief summary of the arrest;
2. Any additional information they wish the District Attorney’s office to consider during the arrestee’s first appearance.

C. When bringing an arrestee to the Intake Center booking area for processing, the officer will obtain:

1. An arrest number for the subject being booked, and
2. Information regarding any other warrants or orders for arrest that may be outstanding for that arrestee.

D. During processing, all arrestees will be kept away from the data entry area of the Intake Center. Benches or holding cells are provided and will be utilized for this purpose.

E. Upon completion of the Positive Identification process, the arresting officer will provide direct testimony of the facts of the case to the Magistrate. The officer will provide any additional information they wish the magistrate to consider while setting the bond (i.e., the arrestee’s willingness or unwillingness to cooperate, physical resistance by the arrestee, or any other information related to the arrest).

F. The Magistrate will determine probable cause and set the arrestee’s bond for release. Once the terms of release have been set and provided to the arrestee, custody of the arrestee will be turned over to the Mecklenburg County Sheriff’s Office. At this point, the arresting officer has completed the booking process and may leave the Intake Center and resume regular duty.
G. Officers serving warrants or OFA’s that do not require testimony to the Magistrate will complete the arrest process to the point of positive identification. When positive identification is received the officer will turn the arrestee over to the Sheriff’s Office. The officer does not need to see the Magistrate.

H. If the Intoxilyzer test is to be administered, the arresting officer must witness the test. If the Intoxilyzer test results indicate a blood alcohol reading of .35 or higher, or if medical personnel at the jail recommend medical attention, then the person tested will immediately be taken to a nearby hospital.

I. Arresting officers are required to collect DNA samples from arrestees who are being charged with qualifying offenses under N.C.G.S. 15A-266.3A. The following procedures only apply to CMPD arrests being made with a warrant. Mecklenburg County Sheriff’s Office will collect DNA samples on warrantless arrests for qualifying offenses. A list of qualifying offenses can be found on the CMPD portal page.

1. Prior to collection of the DNA sample, officers must verify the identity of arrestee. The NCIC Criminal History Check will also indicate if a DNA sample needs to be taken from the arrestee. Officers must also ensure that the arrestee is being charged with a qualifying offense.

2. Officers will only utilize the provided SBI Buccal Swab Kits in accordance with provided training and the instructions in the kit. The SBI Buccal Swab Kits will be available at the Intake Center. Officers will in all cases complete the SBI DNA Database Collection Card and provide the arrestee with the written notice of expungement procedures.

3. Officers will ensure that the completed SBI Buccal Swab kit is properly packaged and labeled before it is submitted to the Intake Center Deputies. Officers will document the collection of all DNA samples in the KBCOPS case report.

4. Force will not be used in the collection of arrest DNA samples. Arrestees refusing to submit to the collection of DNA will be referred to the Magistrate’s Office where the collection will be made a condition of release.

J. Any officer arresting a subject who is unconscious or seriously injured will immediately evaluate the state of health of that individual and obtain any necessary medical attention as outlined in N.C.G.S. 15A-503. Officers will make every effort to check for any medical alert bracelets or necklaces containing the emergency alert symbol.

1. In addition, if the officer is unable to make a proper evaluation, the immediate supervisor and medic will be summoned to assist in determining the subject’s state of health.

2. When a prisoner in custody is admitted to a hospital, the transporting officer will remain with the prisoner and notify his/her supervisor.
a. If the prisoner is in custody for a misdemeanor offense only, the transporting officer can do one of the following unless the Injury is caused by CMPD.

(1) Complete the online Prisoner Medical Discharge Notification Form located on the portal under CMPD Forms.

(2) Complete the required information in the Mecklenburg County Arrest Processing System (Arrest Processing Web) and present the case to the Magistrate and seek a warrant before the end of the officer’s tour of duty.

(3) Issue a citation and release the person from custody, except in domestic violence cases where arrest is mandatory.

Note: If the arrestee has been assigned an arrest number at intake and the officer decides to issue a citation then the arresting officer’s supervisor must call intake to cancel the arrest.

b. If the prisoner who is admitted is under arrest for a felony offense and cannot be released from custody for security or legal reasons, Operations Command will coordinate response to ensure:

(1) That hospital rules regarding visitation are adhered to;

(2) That sufficient personnel are assigned to guard the prisoner;

   (a) The division in which the incident occurs is responsible for providing security for the first 24 hours.

   (b) When it becomes evident that the security duties will last longer than 24 hours, the arresting unit will request assistance from Operations Command, who will coordinate a prisoner watch schedule for continued security.

(3) That a log be kept identifying personnel assigned to guard the prisoner including:

   (a) The appropriate complaint number on top;

   (b) Officer Name;

   (c) Officer Code Number;

   (d) Officer Assignment;

   (e) Dates and Times of Duty;

   (f) Visitor’s name along with the date and time of the visit.
(4) Upon the prisoner’s release from the hospital, the log will be scanned into the case file and the original given to the OIC;

(5) That without unnecessary delay, the person arrested is advised of his or her statutory right to communicate with counsel, family, and friends;

In the event the prisoner’s counsel desires to meet with the prisoner, Operations Command shall ensure that the meeting locations are sufficiently private to maintain the attorney client privilege. Under no circumstances will officers observe or record any communications between the prisoner and their attorney;

(6) That no one be allowed to bring any items, packages, overcoats etc. into the prisoner's room except the arrestee's lawyer may bring a recorder or legal pad or other item to assist with providing legal counsel;

(7) That in the event of a legitimate objective security concern for the prisoner, the right of the prisoner to communicate with friends and family may be temporarily suspended;

(8) That only one family member or friend will be allowed to meet with the prisoner at a time. Before meeting with the prisoner, the family member must consent to a pat-down search for weapons otherwise they will be denied access to the prisoner;

(9) That no visitor will be allowed to have physical contact with the prisoner except for legal counsel for the purposes of obtaining a signature.

c. Operations Command may set up a specific time, in accordance with hospital rules, that friends and family are allowed to meet with the prisoner. However, counsel’s request to meet with the prisoner will be granted as soon as reasonably possible. If the initial officer deems it necessary, additional officer(s) may be requested to respond to the hospital for security at times when visitors are expected.

d. Notification

The officer assigned to the case shall be contacted if:

(1) Any visit is made or attempted.

(2) The prisoner requests to make any statement.

(3) The condition of the prisoner significantly changes.

(4) The prisoner is discharged from the hospital.
e. The original arresting officer must complete the required information in the Mecklenburg County Arrest Processing System and present the case to the Magistrate and seek a warrant before the end of the officer’s tour of duty.

f. It is necessary to have proof of medical release with the arrest report before confinement to the jail will be permitted.

g. Assigned officers may sit directly outside the arrestee’s room in a position which allows them to observe any entry or exit.

h. The assigned officer will enter the room with any visitor with the exception of the arrestee’s legal counsel or medical personnel while the arrestee’s case or medical condition are being discussed.

i. Officers will coordinate with hospital staff to ensure that arrestees are only provided with plastic eating utensils.

j. Before the end of the officer’s tour of duty, they will complete a narrative supplement in KBCOPS under the appropriate complaint numbers detailing any activity during the officer’s rotation at the hospital.

K. Officers will report any information which indicates that the arrestee is likely to be suicidal to the medical screening personnel at the jail. Officers will ensure that the information is documented by the appropriate jail personnel and the officer will indicate in their KBCOPS Supplement that the notification was given.

If Magistrates find No Probable Cause (NPC) the officer will obtain any property of the arrestee collected by the deputy and immediately leave the Intake Center. Officers will:

1. Contact their on-duty supervisor,

2. Ask the former arrestee if we can take them back to the location of arrest, if safe to do so.

3. If they do not wish to be transported then release them immediately from the Intake Center.

IV. REFERENCES

500-001 Criminal Process
500-008 Prisoner Transport
N.C.G.S.15A-501
N.C.G.S 15A-503
N.C.G.S 15A-266.3A
CALEA
I. PURPOSE

Officers periodically come into contact with individuals in extreme distress or suffering from some type of mental illness. Some of these individuals are at-risk of death and require proper medical care. The purpose of this directive is to provide officers with information that will allow them to:

A. Identify subjects who are in extreme distress and may be at-risk of sudden death during restraint encounters and;
B. Identify subjects who may be mentally ill and may require assistance or access to available community mental health resources;
C. Manage the situation in a manner that minimizes the risks to all involved and;
D. Facilitate medical care for the individual as soon as practical.

II. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) recognizes and respects the integrity and paramount value of human life. Consistent with this primary value is CMPD’s full commitment to protect the safety of officers and others, including individuals at-risk for extreme distress or those who may be suffering from some type of mental illness.

III. DEFINITIONS

A. Positional Asphyxia: Occurs when the position of the body interferes with normal breathing. The inability to adequately breathe creates a lack of oxygen in the body which may result in unconsciousness or suffocation ("asphyxiation"). The inability to breathe properly may result from the body's position interfering with the muscular or mechanical function of breathing, from the compromising or blocking of the airway, or from some combination of the following:

1. The body position most likely to contribute to positional asphyxia is that of being "hog-tied" (handcuffed behind the back, feet bound and raised towards hands, and placed face down). However, positional asphyxia may occur even though the subject is not restrained as described above. For example, simply being handcuffed behind the back (the preferred method for safety reasons) and being placed face down could cause positional asphyxia.

2. Additional factors that may contribute to positional asphyxia include:
   a. Mental condition of the subject;
   b. Presence of cocaine or other stimulating substances in the subject’s system;
   c. Anatomy of the subject.
B. Restraint Asphyxia: is usually caused by a combination of exhaustion, exertion, fear and restricted breathing due to restraint or the response to resistance.

C. Excited Delirium: A condition in which the heart races wildly, often because of drug use or mental illness, and finally gives out causing death.

1. Excited delirium is the result of a serious and potentially life threatening medical condition. The person can appear normal until they are questioned, challenged or confronted. Further confrontation, threats and response to resistance will almost certainly result in further aggression and even violence. Attempting to restrain and control these individuals can be difficult because they frequently possess unusual strength, pain insensitivity and instinctive reaction to any response to resistance.

2. Factors that may contribute to excited delirium include:
   a. Alcohol intoxication;
   b. Drug use (especially cocaine);
   c. Obesity;
   d. Delirium (mental illness including psychosis and schizophrenia and/or drugs);
   e. Intoxication.

3. Because at-risk individuals could potentially die without proper medical attention, it is important for officers to recognize subjects who may be in extreme distress. The following signs may be exhibited.
   a. The person’s ability to focus, sustain or shift attention is impaired, and he/she is easily distracted.
   b. The person may be rambling and incoherent, and it may be difficult or impossible to engage the person in conversation.
   c. The person may exhibit signs of paranoia, fear and excitability. The presence of police officers may further heighten this feeling.
   d. The person may also be disoriented in regard to time and/or locations, suffer from misleading perceptions, and/or experience hallucinations or delusions.
   e. Due to elevated body temperature, many of these individuals remove one or more items of clothing.
   f. They often possess unusual strength and endurance, as well as appear impervious to pain.
g. These symptoms can progress into agitation, anger and aggressiveness.

h. Subjects suffering from excited delirium have a tendency towards violence against people, as well as inanimate objects, particularly glass.

i. Subjects who while being combative and/or agitated suddenly become compliant, placid or go limp may be a warning to officers that the subject may be going into cardiac or respiratory arrest.

1) Officers should physically check the subject’s breathing.

2) Officers should ask the subject questions to ascertain his/her awareness.

3) If the subject is in a prone position, officers should attempt to get him/her into a sitting position and check for any restrictions to the airway.

4) Officers will summon MEDIC to respond to have the subject evaluated and/or provide advanced life support.

D. Mobile Crisis Team: A team of mental health professionals who have been contracted with Mecklenburg County Area Mental Health to assist CMPD employees in their interactions with mental health consumers. The Mobile Crisis Team members are available to CMPD employees 24/7/365.

E. Crisis Intervention Team (CIT) Officers: Law enforcement officers who have received specialized training to deescalate crisis situations involving individuals in distress and then in partnership with community providers divert these individuals into treatment services.

F. Trauma & Justice Partnerships: A division of the Mecklenburg County Health Department which is the service delivery organization for mental health, substance abuse, and developmental disabilities services in Mecklenburg County.

IV. PROCEDURE

Once it is determined that a subject may be at-risk of extreme distress, the incident shall be managed as a medical emergency, in addition to whatever law enforcement response may be required under the circumstances, including the use of reasonable force.

A. Role of Officer

If an officer responds to an incident and concludes an individual may be at-risk for positional asphyxia, restraint asphyxia and/or excited delirium, the officer will as soon as practical request MEDIC if they were not initially dispatched. The officer will designate a nearby safe location for MEDIC personnel to stage until the scene is secure. The officer will notify their supervisor. Supervisors will respond to the scene of all instances of suspected subjects in extreme distress.
1. If the person appears unarmed and does not appear to pose an immediate threat to the physical safety of officers or to other persons, or to him or herself, or pose an immediate threat to escape, the initial arriving officer will wait until backup arrives before any attempt is made to approach the person. Officers will, if practical, contain the subject while maintaining a safe distance. The objective in this situation is to gain the person’s voluntary cooperation. One or more of the following may be helpful in gaining the person’s cooperation:

   a. Attempt to “talk the person down.” Ideally, only one officer should engage the person in conversation. The officer should project calmness and confidence and speak in a conversational and non-confrontational manner. Whenever possible, determine if the person can answer simple questions which will give the officer an idea of the level of coherence of the person. Officers should turn down their radios.

   b. Remember the person’s mind may be racing, or he/she may be delusional, so statements and questions may need to be repeated several times and officers should be patient.

   c. If beneficial, an officer may enlist the assistance of a family member or another person who has rapport with the individual or a mental health professional who can safely participate in attempting to gain the individual’s cooperation.

2. If the person is armed or combative or otherwise poses an immediate threat to the physical safety of officers or to other persons, or to him or herself, officers shall employ the amount of force that is reasonable and necessary to protect themselves and others at the scene and to take the person into custody. To practical extents, efforts should be made to minimize the intensity and duration of the subject’s resistance and to avoid engaging in a potentially prolonged struggle.

3. Officers will notify Communications of any force applied to the subject and have Communications relay that information to MEDIC. Once MEDIC arrives, officers will provide a detailed description of the force applied and the level/intensity of resistance by the subject.

4. If an officer has reason to believe an individual has ingested contraband, the officer will:

   a. Immediately call Medic and have the individual evaluated by medical personnel;

   b. Notify their immediate supervisor;

   c. Ensure that the arrest process continues and the individual remains under arrest.
**The Division Commander or Operations Command will determine if there is a need to maintain a rotation to guard the individual.

5. If an arrest is appropriate, the arrest process will be completed upon the individual's release from the medical facility.

6. If MEDIC is called to treat the individual and transport the individual to a medical facility, officers will maintain custody of the prisoner. The transporting officer will advise Mecklenburg County Intake personnel whenever an individual has been treated for ingesting contraband.

B. Role of Telecommunicator

The telecommunicator may recognize a potential case of excited delirium, in which case they will communicate their observations to the officer and dispatch MEDIC personnel. The telecommunicator should request that a CIT officer responds to the incident if available. The telecommunicator will inform the responding officer(s) that MEDIC is responding and their ability to stage. The responding officer(s) will relay the designated safe location for MEDIC personnel to stage until the scene is secure.

C. Role of MEDIC

MEDIC will respond to the staging area and await notification that the scene is secure. Once notified, MEDIC will evaluate the individual, administer appropriate care and monitor the individual until he/she is delivered to an emergency medical facility.

D. Once in custody, to reduce the possibility of aggravating the symptoms of a subject in extreme distress, officers should:

1. Avoid placing a subject in a position that is likely to contribute to positional asphyxia. In particular, hog-tie restraints and control restraints while lying on back/stomach should be avoided. Weight should not be put on the subject’s back for a prolonged period.

2. Provide close and continuous monitoring of the subject for any signs of medical distress such as labored or irregular breathing, unresponsiveness, incoherence or verbally indicating that he/she is in distress.

3. The subject should be returned to an upright position as soon as tactically feasible.

E. Once the scene is safe, MEDIC personnel are to be called in. The person’s breathing shall be monitored at all times and the person’s position adjusted so as to maximize the person’s ability to breathe.

F. MEDIC will advise if the subject should be transported by ambulance to an emergency medical facility for evaluation and treatment or if a subject can be transported by the officer in which case the breathing of the subject should be closely monitored. If possible, a second officer should accompany the transporting officer to monitor the
subject. If a second officer is not available, the transporting officer should stop the vehicle periodically and confirm that the subject is conscious and able to breathe normally.

G. When answering calls for service, or conducting interviews and interrogations, personnel may encounter situations where they interact with persons suspected of suffering from mental illness.

1. Officers will utilize their training and the following guidelines to assist in recognizing and evaluating persons suffering from mental illness.
   a. Behavioral Clues
      1) Unusual physical appearance (inappropriate clothing),
      2) Unusual body movements (sluggish, pacing),
      3) Hearing voices,
      4) Confusion about or unawareness of surroundings,
      5) Lack of emotional response,
      6) Causing injury to self (cutting, cigarette burns),
      7) Extreme or inappropriate expressions of sadness or grief,
      8) Inappropriate emotional reactions.
   b. Environmental Clues
      1) Strange decorations (aluminum foil, pentagrams),
      2) Hoarding of garbage, newspapers, string,
      3) Presence of feces or urine on floors or walls.

2. When dealing with persons suspected of being mentally ill, personnel will utilize the following guidelines during contacts on the street, as well as during interviews and interrogations;
   a. Remain calm, avoid overreacting.
   b. Be helpful and professional.
   c. Speak simply and slowly.
   d. Indicate a willingness to understand.
   e. Gather additional information on the person.
   f. Understand that a rational discussion may not take place.
g. Recognize the person may be overwhelmed by external and internal stimuli.

h. Be friendly, patient, accepting, but firm and professional.

i. Recognize a person’s delusions or hallucinations are very real for them.

3. After recognizing officers are dealing with persons suffering from mental illness, officers will utilize the following procedures when seeking assistance or accessing available community mental health resources:

a. Evaluate prior contact with police
   1) Type of problem,
   2) Prior violence,
   3) Method of resolution.

b. Gather information regarding situation
   1) Family members,
   2) Neighbors,
   3) Complainant(s).

c. Contact an on-duty CIT officer(s) and request that they respond to the scene. If necessary, request the Mobile Crisis Team (MCT) to respond to the scene. The CIT officer(s) and/or the MCT will function as the gateway to community mental health resources.

   The MCT will:
   1) Assist in stabilizing the situation,
   2) Complete a mental health assessment, if necessary,
   3) Make referrals/linkages to the Trauma & Justice Partnerships or other vital services as needed,
   4) Conduct follow-up assessments.

4. Training

a. Entry level training

   All sworn and civilian personnel who may be expected to come into contact, or communicate with, persons suffering from mental illness are required to obtain documented entry-level training.

b. In-service training
All agency personnel who may be expected to come into contact, or communicate with, persons suffering from mental illness are required to obtain documented refresher training at least every three years. Additional training may be conducted at the discretion of the Training Director.

Officers are encouraged to volunteer to attend the 40-hour Crisis Intervention Team training, which goes into much more detail and brings attendees face to face with consumers, or those with mental health issues, substance use disorders and intellectual and developmental disabilities. Officers are trained to intervene, using their new tools to deescalate crisis situations involving this population and then in partnership with community providers divert individuals into treatment services.

V. REFERENCES

500-002 Confinement of Arrestees and Booking Procedures
500-008 Prisoner Transport
600-019 Response to Resistance
Prisoner Transport Van SOP
Crisis Intervention Team (CIT) SOP
CALEA
SEARCH DEFINITIONS

1. Buccal Swab: A swabbing of the cheek area for a person’s DNA to compare to evidence collected from a crime scene or from a victim.

2. Computer Forensic Specialist: A member of the department specially trained in the techniques of computer data recovery and seizure. It is the role of the computer forensic specialist to conduct evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the involved case.

3. Computer System: Computer monitor, CPU, communication device, PDA, data storage device, or peripherals configured to work together as a unit or cabled together externally.

4. Consent Search: A clear and voluntary expression by an individual to allow an officer to search the person or property of the consenting party or property over which the consenting party has apparent control. Consent may be requested when there is a non-arbitrary, articulable reason.

5. Crime Scene: A location where a crime has occurred or where evidence of a crime is located and there is an apparent need for investigative action and/or emergency services. (Examples: homicide scenes, fire scenes, scenes of burglaries or break-ins, etc.) Note: The mere presence of contraband or evidence in private premises does not make such premises a “crime scene” for purposes of this definition.

6. Electronic Device: Smart Phone, Digital Camera, CD ROM, CDR, floppy drive, tape drive, zip drive, jazz drive, magneto-optical drive, hard drive, and/or other mechanical, electrical, optical, or combination device used to store data that may or may not be currently connected to an operating system.

7. Electronic Media: Any material, written or photographic, that is actually stored on an electronic device.

8. Frisk: During a lawful detention and the officer has reasonable suspicion to believe the person is armed and dangerous; the officer may frisk the person by patting down of the person’s outer clothing to determine whether the person has a weapon. During the pat-down, if an officer feels a weapon, the officer may retrieve that weapon. If during the frisk, an officer feels an item that the officer immediately knows is contraband (i.e. probable cause) then the officer may seize that item.

9. High Risk Warrant: An arrest or search warrant for which one or more of the following factors is reasonably likely to exist (note: the more factors that exist, the higher the risk).
   a. The subject of the warrant has a history of violence and/or has several arrests for violent offenses or has violently resisted apprehension in the past.
   b. The occupants of the structure or area to be searched are armed with dangerous weapon(s) and armed resistance is likely.
c. The structure is fortified or barricaded and special equipment is needed to gain entry.

d. The safe execution of the warrant requires the use of specialized skills, tactics, and/or equipment.

10. Impounding Officer: The officer responsible for collecting and submitting evidence.

11. Manual Body Cavity Search: A digital touching or probing of the anal or vaginal cavity by another person.

12. Network: Any two or more computer systems connected together that can communicate with each other and share resources.

13. No-Knock Warrant: A search warrant authorizing officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering. Such warrants are issued where an announcement prior to entry would lead to the destruction of evidence or would compromise the safety of the officer(s) or another individual.

14. Non-consensual Entry: An entry into premises which is made by officers without first obtaining consent from a person who has lawful authority to give consent. Such an entry may or may not be accompanied by some degree of force or damage to the premises.

15. Non-Testimonial Orders (NTO) and applications: An order issued by a judge upon the request of the ADA with the officer as the affiant for the collection of identification procedures requiring the presence of the suspect.


17. Private Location: The physical location where a person search takes place out of the public view.

18. Private Parts: The pelvic area which is below the beltline of a male or female and the breasts of a female.

19. Probable cause search of a person: Probable cause to search a person when an officer believes a person is in possession of contraband or an illegal item, the officer may search the person for that item and may contemporaneously arrest the person.

20. Protective Sweep: A limited search of a structure or vehicle when an officer has reasonable suspicion to believe that a person is dangerous and a weapon could be nearby and be used against an officer.

21. Public Vehicular Area: Any area that is used by the public for vehicular traffic at any time, including hospitals, educational institutions, houses of worship or any facilities
Definitions

Interactive Directives Guide

Search Definitions

Effective Date: 9/30/2020

3 of 4

22. Raid and Search Report: The electronic report required to be entered by the lead officer in an emergency search of a structure or in a search executed pursuant to a search warrant.

23. Raid and Search Supervisor IACMS Report: An electronic report required to be completed by a supervisor containing all written documents and relevant photographs related to an emergency search of a structure or a search executed pursuant to a search warrant.

24. Search: The organized, planned search of a person, vehicle, structure, or an area to locate and to secure evidence and/or apprehend suspects.

25. Search Attire: Officers must be wearing a bulletproof vest, police duty gear, handcuffs, flashlight and a gun. If not in uniform the outer most garments must be immediately recognizable as being a sworn police officer.

26. Search Incident to Arrest: The right of an officer to search a person placed under arrest. Separate from the right to search the arrestee’s person, officers may additionally search a limited area to prevent the arrestee’s use of a weapon and/or the destruction of evidence. The scope of the search will depend on the location of the arrest.

27. Search incident to the Arrest of a Person: When a person is arrested, an officer automatically has the right to conduct a search of arrestee’s person and is limited to a search of the arrestee’s person and the area and objects in that area, within the arrestee’s immediate control. This search may be a full search to include searching an arrestee’s wallet, clothing, etc.

28. Search Warrant: A written order, signed by a magistrate or other judicial authority, directing a police officer to search a specific location for specified property or persons.

29. Strip Search: A search involving the removal of some or all of a person’s clothing covering any private body parts, a search of the clothing and a squat and cough.

30. Supervisor: A person of the rank of sergeant or above.

31. Electronic Evidence Tool Kit: Used to document, remove, package, and transport electronic evidence and consists of:

a. Cameras;
b. Crime scene tape;
c. Stick-on labels;
d. Notepads, markers, evidence forms, and sketchpads.
e. Anti-static bags (original silver or chrome packages in which hard drives are shipped) used to store hard drives, floppy disks, zip disks, etc. in an effort to prevent electrostatic charges and magnetic fields. Appropriately sized paper bags may also be used if anti-static bags are unavailable.

32. Vehicle Exception: A warrantless search of a vehicle located in a public place or PVA based on probable cause.

33. Visual Body Cavity Search: A visual search which requires a person to expose his anal cavity or her anal and vaginal cavities for visual inspection.
I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches of persons.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to conduct all searches and seizures in a lawful manner. The video and audio recording of all searches and seizures will be conducted in accordance with 400-006 Body Worn Cameras.

III. DEFINITIONS

Requirements for different types of person searches are set forth below using terms defined in 500-004 Search Definitions.

IV. WARRANTLESS SEARCHES

A. Officer Safety Considerations

1. Officers will wait for a backup officer prior to conducting any person searches unless there is an exigency that prevents this.

2. The backup officer will provide cover/contact for the searching officer until the search is complete and the subject is secured.

B. Frisk / Pat-Down Searches

1. Refer to the definitions for conducting frisk searches.

2. Officers must be able to clearly articulate the reasons for their suspicion that the person is armed and dangerous. Examples of articulation include:
   a. The nature of the crime;
   b. Known history of the person;
   c. Observation of the person’s actions.

C. Search Incident to Arrest:

1. A search incident to arrest is justified by the need to prevent the arrested person from using weapons, destroying evidence or for the purposes of locating additional evidence. An officer automatically has the right to search incident to arrest and is legally justified no matter how minor the offense.

2. A search incident to arrest is limited to a search of the arrestee’s person and the area and objects within the arrestee’s immediate control.

D. Strip searches for contraband when an adult or juvenile is under arrest:
1. Strip searches require that probable cause exists to believe that contraband will be located in the person’s private parts.

2. The search shall not be conducted on the roadside.

3. The search should be conducted by a person of the same sex.

4. The search must be conducted in a private location, outside of the view of the public.

5. The search must be conducted in a reasonable manner to ensure the safety of the individual. (No sharp instruments may be used to remove contraband.)

6. A supervisor must be notified prior to conducting a strip search.

7. The search must be documented in a KBCOPS Narrative Supplement.

E. Body cavity searches when an adult or juvenile is under arrest:

1. A visual body cavity search is permitted if an officer has probable cause to believe contraband or weapons will be located in or around a body cavity. The same privacy protections should be observed as in a strip search.

2. When a visual body cavity search reveals contraband, the suspect should be told to remove the item.
   a. If the contraband is located in the body cavity the suspect will be informed that if he or she fails to remove the item, the officer/detective will apply for a search warrant.
   b. The suspect will be transported to a hospital where the item will be retrieved by medical personnel.
   c. A supervisor must be notified immediately prior to conducting any body cavity searches and the officer will document the body cavity search in a narrative supplement.

3. A manual body cavity search requires a search warrant and must be conducted by qualified medical personnel.

4. When a visual body cavity search reveals a weapon, the search is to be considered exigent and the weapon must be safely recovered and secured.

V. EXIGENT SEARCHES

A. Strip search for a weapon:

1. Strip searches for weapons may be conducted if exigency exists to believe that a weapon will be located in the person’s private area.

2. If a weapon is detected, immediate safety of the officer(s), suspect(s), and/or civilian(s) are at risk and the removal of the weapon is imperative to preserve
safety and life. A strip search in public view in this circumstance, may take place and is considered reasonable and justified.

3. A supervisor will be notified as soon as possible after conducting an exigent strip search. Officers will document the search in a KBCOPS Narrative Supplement.

B. Search for ingested contraband:

1. A search of a person’s mouth is permissible when there is probable cause to believe that the person has placed an illegal substance in his or her mouth. Exigency is created because of the potential harm to the person and the destruction of evidence.

2. The officer’s goal is to get the person to spit out the illegal substance. Officers should not use their hands or fingers to retrieve the item; instead rely on manipulation of pressure points such as the mandibular angle nerve, hypoglossal nerve and jugular notch nerve.

3. Officers are not permitted in any way to block the person’s airway or restrict blood flow to the brain.

4. If a person has or is believed to have swallowed an illegal substance, officers will immediately call Medic and a CMPD supervisor.

5. Officers may choose to seek a search warrant to retrieve the ingested evidence.

6. All actions taken in response to possible ingested contraband will be documented in a KBCOPS narrative supplement.

VI. CONSENSUAL SEARCHES

A. Consent Search: A clear and voluntary expression by an individual to allow an officer to search the person or property of the consenting party or property over which the consenting party has apparent control. Consent may be requested when there is a non-arbitrary articulable reason. The articulable reason should always be noted in a Field Interview or KBCOPS narrative supplement.

B. If consent is revoked at any time during the search, the officer must cease the search unless probable cause has been developed to warrant continuation of the search.

C. For traffic related stops, all requests for consent searches, the approval or denial of the request, and the results of the search must be documented on the Stop Data Form.

D. Officers equipped with BWC’s will utilize the BWC to capture the request to search and citizen’s response to Directive 400-006.

E. Strip searches for contraband with consent:
1. If a person is not under arrest and an officer obtains specific consent to search the person’s private parts, he or she may do so using the same requirements as listed above and only in a private location.

A private location for the purposes of the strip search is an area that the public will not and cannot have open access to at the time of the search. For example, a public restroom such as in a convenience store that can be secured during the search to protect the individual’s privacy may be considered a private location.

2. Medic will not be called for the sole purpose of conducting a strip search. If Medic is present at the time, the officer may request assistance to retrieve contraband if feasible.

3. Consensual strip searches must be documented in a Field Interview, KBCOPS narrative supplement, or Stop Data Form.

F. Collection of DNA Evidence via a buccal swab.

Apart from the statutory requirements (G.S. 15A-266.3A) to collect buccal swabs from arrestees, buccal swabs may be collected under the following circumstances:

1. When there are reasonable grounds to believe the buccal swab is relevant to the crime for which the person is being arrested in accordance with G.S. 15A-266.3A.

2. Officer should first seek consent to obtain the buccal swab (adults only, juveniles nor their adult parent/guardian can give consent, See Section VII. C.).

3. Officers will not use levels of control to obtain the buccal swab without either a search warrant or a Non-Testimonial Order (NTO).

4. If it is apparent that levels of control as defined above will be necessary to obtain a buccal swab, officers will apply for a search warrant or NTO.

5. Any levels of control used in obtaining buccal swabs will be documented in the Internal Affairs Case Management System (IACMS) and require an investigation.

VII. SEARCHES CONDUCTED WITH WARRANTS

Requirements for Search Warrants and a Non-Testimonial Application and Order (NTO)

A. A search warrant must be obtained if the person is in custody, or if blood is requested.

B. Officers must obtain a search warrant prior to requesting medical personnel to retrieve any illegal substances that have been hidden in a body cavity or ingested.

C. Any search warrant served on a person to obtain items of evidentiary value (buccal, blood, pictures, hair follicles, etc.), requires an IACMS case be initiated.
D. The NTO may be used to obtain fingerprints, palm prints, footprints, measurements, urine specimens, saliva samples, hair samples, other reasonable physical examination, handwriting exemplars, voice samples, photographs and lineups or similar identification procedures requiring the presence of a suspect. If blood is needed, a search warrant is required.

E. The NTO requires probable cause for a felony or Class A1 or Class 1 misdemeanor and there are reasonable grounds to believe the individual committed the offense and that the results will be of material aid in determining if the person named in the affidavit committed the offense.

F. The NTO is completed by an officer or detective and presented by an Assistant District Attorney. A Judge will approve and sign the Order which should include the time and place for the appearance of the suspect. The NTO may not be served on a suspect while in custody.

VIII. REFERENCES

400-006 Body Worn Cameras
600-009 Juvenile Procedures
G.S. 15A- 271, et. seq.
N.C.G.S. 15A-221 -232
CALEA
This directive was updated from previous effective date of 2/23/2018
I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches of structures.

II. POLICY

It is the policy of CMPD to conduct all searches and seizures in a lawful manner. Lawful searches and seizures protect the constitutional rights of our citizens and prevent the suppression of seized evidence.

III. DEFINITIONS

Requirements for different types of structure searches are set forth below using terms defined in Directive 500-004 Search Definitions.

IV. WARRANTLESS SEARCHES

A. Consent Searches

1. Requirements

   The consent to search must be voluntary and obtained from a person who by ownership or otherwise is entitled to give consent to a search of premises.

   a. Note that when a physically present co-occupant of a dwelling refuses to consent, it is a refusal even if other occupants consent to a search.

   b. Consent searches must be documented in Field Interview (F.I.) forms or KBCOPS Narrative.

   c. Refer to Directive 600-017: Arbitrary Profiling for policy regarding consent searches of a person’s property based on non-arbitrary articulable reason.

   d. Refer to Directive 400-006: Body Worn Camera (BWC) for policy regarding the recording of consent searches.

2. Scope of the search

   a. The scope of the search is governed by the terms of the consent.

   b. Officers may not destroy property, such as doors, locks, etc., based solely on a general consent unless given specific permission by the consenter.

3. Withdrawn consent

   Although it is not required that police officers advise the person that he or she can withdraw consent or that he or she has a right to refuse consent, the consenter may, at any time during the course of the search, withdraw consent.

4. Probable cause exception
If consent is withdrawn, the search will cease immediately, unless probable cause to arrest or continue the search has been established prior to consent being withdrawn. If probable cause to arrest has been established the rules related to search incident to arrest should be followed. If probable cause is established to continue searching in a dwelling, a search warrant should be obtained unless there are exigent circumstances.

5. Advantages of voluntary consent

Officers should always consider requesting voluntary consent because the consent given may exceed the scope authorized by law.

B. Protective Sweep of Structures

1. Requirements
   a. Officers have a legitimate reason to be at the location;
   b. Officers have reasonable suspicion to believe a person is dangerous and that a weapon could be nearby and used to harm them.

2. Scope of the search

   Structures: Officers may conduct a protective sweep of a structure when they have reasonable suspicion that individuals present may have access to dangerous weapons. The scope of the protective sweep is limited to searching for people.

C. Search incident to arrest

1. Requirements

   Officers must have probable cause to place a person under arrest and officers must intend to arrest the individual. Officers can always search the arrestee’s person, possessions in their control, and officers can search an area within the arrestee’s immediate control. The scope of the search of the area will depend on the location of the arrest.

2. Scope of search

   Arrest of an occupant in a building
   a. Officers may search the arrestee’s person.
   b. Officers may search the area within the arrestee’s immediate control where the arrestee might gain control of a weapon or destroy evidence including unlocked containers.

D. Warrantless Emergency / Exigent Entry
There are limited circumstances when officers may enter a residence without an arrest or search warrant. The requirements for such entries are set forth below. When officers are unsure if the exception is applicable, they should consider securing a warrant.

Entering a residence in hot pursuit of a fleeing misdemeanor offender is not an exigent circumstance.

1. Requirements for Entry to Arrest
   
   Officers may enter private premises without a warrant or consent in order to arrest someone in the premises only if:

   a. Someone is likely to be killed or seriously injured unless immediate warrantless action is taken; or

   b. A serious and/or dangerous criminal offender is likely to escape apprehension and/or prosecution unless immediate warrantless action is taken, and:
      
      (1) There is probable cause to arrest the person sought; and
      
      (2) There is probable cause to believe that the person to be arrested is physically present in the premises at the time of the entry.

2. Requirements for Entry to Preserve Evidence

   a. Exigent Entry Because of Imminent Destruction of Evidence

      The court considers the following factors when determining if exigent circumstances existed when officers enter to prevent the destruction of evidence:

      (1) Information that the possessors of the contraband are aware of police presence

      (2) The ready destructibility of the contraband

      (3) The officer’s reasonably objective belief that the contraband is about to be removed or destroyed.

   b. The totality of the circumstances determines the lawfulness of the entry and the following factors apply pursuant to CMPD policy:

      (1) The location is the subject of an ongoing investigation; or

      (2) Officers have prior knowledge / information about the location and the individuals that frequent it (i.e. calls for service, previous criminal activity, citizen complaints); and
(3) The possessors of the contraband are aware of police presence and officers have probable cause to believe contraband or evidence is present and capable of imminent destruction.

(4) The smell of marijuana alone is NOT sufficient to justify an exigent entry of the residence.

c. If an exigent entry is authorized based on factors above officers may:

   (1) Cross the threshold or
   (2) Enter a residence or business or
   (3) Prevent an occupant from closing a door and
   (4) Enter the residence to secure individuals to protect against the imminent destruction of evidence.
   (5) Use what they see in plain view as further evidence to establish probable cause to obtain a search warrant or consent.

d. Once the premises are secured, no further search can be conducted unless or until:

   (1) A search warrant for the premises is on the scene;
   (2) Consent to search has been obtained; or
   (3) New or additional exigent circumstances arise that creates the need for an additional warrantless search.

3. Requirements for Entry of Crime Scene

   a. An officer may enter a private premises crime scene, without a warrant or consent, in order to:

      (1) Locate and secure suspects; and/or
      (2) Provide assistance to injured persons or others requiring emergency assistance; and/or

   b. Once the actions described above are completed, no further search will be conducted unless or until:

      (1) A search warrant for the premises is on the scene; or
      (2) Consent to search has been obtained; or
      (3) New or additional emergency circumstances arise necessitating a further search.

4. Entering Structures and Premises for Urgent Necessity
a. Requirements

When an officer reasonably believes that doing so is urgently necessary to save life, prevent serious bodily harm, or avert or control public catastrophe, pursuant to N.C.G.S 15A-285, the officer may take one or more of the following actions:

1. Enter structures and other premises,
2. Limit or restrict the presence of persons in premises or area, or
3. Exercise control over the property of others.

b. Scope of Action

An action taken to enforce the law or to seize a person or evidence for criminal prosecution cannot be justified by authority of this section.

c. Raid and Search Reports

A Raid and Search Report and Raid and Search Supervisor IACMS Report must be completed following a search conducted pursuant to N.C.G.S. 15A-285.

5. Requirements for Entry to Secure a Structure

An officer who enters an unoccupied structure or residence during the course of an investigation of an alarm call or an unsecured structure will document the entry in a Miscellaneous Incident Report and notify his/her supervisor. Officers can enter when they reasonably believe that a crime, injury to person, etc. exists.

E. Notification Procedures for Warrantless Non-Consensual Entries

1. Officers will notify their supervisor of their intent to conduct a warrantless non-consensual entry prior to entering the premises to conduct a search.

2. When, due to exigent circumstances, the officer has no opportunity to contact a supervisor prior to such a search, the supervisor will be notified as soon possible.

3. The supervisor will respond to the scene, review the circumstances, and determine if the search should continue.

4. A Raid and Search Report and Raid and Search Supervisor IACMS Report will be entered following the search with special emphasis placed on the facts that precipitated the search and gave rise to exigent circumstances.

V. SEARCHING PREMISES WITH ARREST WARRANT OR VALID COMMITMENT ORDER

Non-consensual Entry into a Private Premises to Locate and Arrest
A. Officers may make a non-consensual entry into a suspect's premises to arrest only if an arrest warrant or valid commitment order for that person has been obtained, an original of the warrant or order is at the scene, officers reasonably believe that the place to be entered is the suspect's residence, and/or there is probable cause to believe that the suspect is on the premises, unless exigent circumstances justify entry without an arrest warrant. While it is preferred officers have a printout of the warrant or order from NCAWARE at the scene whenever practicable, the electronic version in NCAWARE on a patrol car laptop is sufficient since it is also considered an original.

B. Officers may make a non-consensual entry into a third party's premises to arrest the subject of an arrest warrant only if a search warrant has been obtained for the premises, it is at the scene, and there is probable cause to believe that the suspect is on the premises, unless exigent circumstances justify an entry without a search warrant.

C. An officer may enter the premises when consent is given by an appropriate resident. Consent must be given by the person whose premises are to be entered or by a person who, by ownership or otherwise, is reasonably and apparently entitled to give or withhold consent. For example, assume the respondent and a third party share an apartment. The third party may give an officer permission to enter common areas of the apartment such as a kitchen or living room. However, the third party cannot consent to the officer entering areas of the apartment over which he does not possess common authority, such as the respondent's bedroom or private bath. If the respondent is in the residence of a third party and the third party refuses to give consent to law enforcement to enter and take custody of the respondent, the officer must weigh all the facts and circumstances to determine whether or not the situation rises to the level of urgent necessity and whether an additional court order to gain entry should be sought.

D. Before entering, officers must knock and give appropriate notice of their identity and purpose to the person in apparent control of the premises to be entered. After announcing their identity and purpose, and if the officers believe that admittance is being denied or unreasonably delayed, the force necessary to effect the entry may be used.

E. Nothing in this subsection prohibits officers from entering under the exigency exception to the search warrant requirement if officers observe an intervening exigent circumstance that would endanger the life or safety of any person.

VI. REFERENCES

400-001 Uniform and Grooming Standards
500-004 Search Definitions
400-006 Body Worn Camera (BWC)
600-017 Arbitrary Profiling
N.C.G.S. 15A-101.1
N.C.G.S. 15A-211 -232
CALEA
I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches of vehicles.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to conduct all searches and seizures in a lawful manner. Lawful searches and seizures protect the constitutional rights of our citizens and prevent the suppression of seized evidence.

III. DEFINITIONS

See Search Definitions Section in Directive 500-004

IV. WARRANTLESS SEARCHES

A. Vehicle Exception

The vehicle exception provides that if an officer has probable cause to believe that a vehicle has evidence of a crime or contraband located in it, a search of that vehicle may be conducted without first obtaining a warrant if the vehicle is located in a public place (where the suspect has no expectation of privacy) or a public vehicular area.

Scope of search

a. Every part of the vehicle where the object of the search could be located including the trunk can be searched.

b. A search conducted pursuant to the vehicle exception may be conducted at the scene or after the vehicle has been impounded.

B. Consent Searches

1. Requirements

The consent to search must be voluntary and obtained from either:

a. The registered owner of a vehicle to be searched or the person in apparent control of the vehicle, such as the driver, at the time the consent is given. If the registered owner is present, his or her consent must be obtained.

b. Consent searches must be documented by completing the Stop Data Form.

c. During a consent search officers who are issued a body worn camera (BWC) must comply with Directive 400-006.

2. Scope of the search

a. The scope of the search is governed by the terms of the consent.
b. Officers may not destroy property, such as portions of a vehicle, based solely on a general consent unless given specific permission by the registered owner of the vehicle.

3. Withdrawn consent

The person who consents to the search may, at any time during the course of the search, withdraw that consent. It is not required, however, that police officers advise the person that he or she can withdraw consent, or that he or she has a right to refuse consent. If consent is withdrawn the officer must stop the search unless probable cause exists to continue the search.

B. Frisk of vehicles

1. Requirement

Officers are conducting a lawful detention of the vehicle; and officers have reasonable suspicion to believe a person has access to a weapon and is therefore dangerous.

2. Scope of the search

Officers may frisk the interior passenger area of a vehicle and any containers that are accessible and capable of containing a weapon.

C. Search incident to arrest

1. Requirement

The arrest of an occupant or recent occupant of vehicle.

2. Scope of search

a. Officers may search the arrestee’s person.

b. When officers have reason to believe that the vehicle contains evidence of the offense for which the person is being arrested, officers may search the entire interior of the vehicle where the evidence could be located including, the glove compartment or any other compartment whether locked or unlocked and all containers found within the interior of the vehicle. The trunk of a vehicle is not subject to search as incident to an arrest.

D. Inventory Search

1. Any officer having a vehicle towed will conduct an inventory of the interior and trunk areas in order to record all property in the vehicle.

2. Locked, sealed or closed containers such as suitcases, packages or boxes will be opened when the contents cannot be determined from an examination of the container's exterior. However, locked or sealed items will not be forcibly opened in order to inventory the contents if doing so will cause damage to the container.
The vehicle's trunk and/or glove compartment will not be forcibly opened in order to inventory the contents of these areas.

3. Inventory searches will be documented on the Tow/Storage Report.

V. REFERENCES

600-013 Towing Vehicles
400-006 Body Worn Camera (BWC)
N.C.G.S. 15A-221 -231
State v. Mbacke 365 NC 403 (2012)
CALEA
I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches with a search warrant.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to conduct all searches and seizures in a lawful manner. Lawful searches and seizures protect the constitutional rights of our citizens and prevent the suppression of seized evidence.

III. DEFINITIONS

See Search Definitions Section

IV. SEARCH WARRANT PROCEDURE

The basis for the issuance of a warrant is Probable Cause.

A. The officer seeking the search warrant will complete a Deconfliction check prior to seeking the warrant.

B. Affidavit for Search Warrant:

1. A search warrant must be based upon a duly sworn to and subscribed to affidavit which sets forth facts to establish probable cause to believe that the property sought to be seized is upon the premises, person, or vehicle to be searched.

2. A search warrant must describe the place to be searched with sufficient particularity so that a reasonable person who is unfamiliar with the investigation could read the description and find the premises, person or vehicle to be searched.

3. A search warrant must particularly describe the property obtained to be seized.

4. A confidential source can provide sufficient probable cause upon which to base a sworn affidavit for a search warrant.

5. The signature of any NC Superior Court Judge must be sought for a search warrant that will be served in another NC county.

C. Execution of a Search Warrant:

1. A search warrant and its attendant sworn affidavit must be reviewed and signed by a judicial official and must be executed and returned to the clerk/magistrate.

2. Prior to the execution of an out of agency search warrant, CMPD officers shall review it for probable cause and check to see if it is signed by a North Carolina Superior Court Judge. If the supervising officer determines no probable cause exists, CMPD officers should not execute the out of agency search warrant.

3. "Knock and Announce" required:
a. CMPD will not seek or serve ‘No-Knock’ search warrants.

b. An officer engaged in the execution of a search warrant must give notice to those within the premises of the officer's presence by knocking and announcing his/her authority and the purpose of his/her presence before making entry.

c. If the officer executing a search warrant believes that he/she is being denied entry after giving due notice of his/her authority and purpose, the officer may use reasonable force to gain entry.

d. Nothing in this subsection prohibits officers from entering under the exigency exception to the search warrant requirement if officers observe an intervening exigent circumstance that would endanger the life or safety of any person.

D. Preparation of the Plan for Execution of the Search

1. Responsibilities of the Division Captain, Lieutenant, or Operations Commander
   a. The Division Lieutenant, Captain, or Operations Commander will review the search warrant application prior to presentation to the judicial official.
   b. The Division Lieutenant, Captain, or Operations Commander will designate the police supervisor to be present at the scene and in charge of the search.
   c. The Division Lieutenant, Captain, Operations Commander, or police supervisor may request assistance from the SWAT Team if he or she determines the warrant to be high risk.

2. In the event a Division Lieutenant, Captain or Operations Commander is not available, a Vice and Narcotics supervisor or a Homicide supervisor of the rank of Sergeant or above may assume the responsibilities of the Division Lieutenant, Captain or Operations Commander.

3. When a search warrant is initiated by an officer assigned to the Vice and Narcotics Division, his or her supervisor of the rank of Sergeant or above may assume the responsibilities of the Division or Operations Commander as outlined above.

4. The supervisor in charge of the search will notify:
   a. The supervisor in the division where a search is being conducted;
   b. The Vice and Narcotics Division Captain or supervisor (If crimes within the Vice and Narcotics Division primary responsibilities may be involved);

   If the Vice and Narcotics Division Captain or supervisor cannot be contacted, the supervisor in charge of the search will notify his/her
Division Captain or the Operations Commander that contact was not made. The contact can be simultaneous with the search if needed.

5. At times when the Operations Commander is in charge of CMPD operations the supervisor directing the search will notify the Operations Commander of the intent to serve the warrant.

6. The supervisor directing the search will:
   a. Review the affidavit and search warrant for accuracy and validity. (The reviewer should not sign, initial or mark the affidavit or search warrant.)
   b. Identify any existing hazards.
   c. Determine the personnel needed, giving consideration to utilizing on-duty officers with special training.
      1) The supervisor may request the assistance of SWAT.
      2) If it is determined to be a warrant service not needing the assistance of SWAT, officers making entry will have successfully completed the CMPD Basic Dynamic Entry School.
   d. Determine the equipment needed, (e.g., camera, extra handcuffs, and weapons).
   e. Notify an on-duty supervisor of that agency when the warrant is to be executed outside of CMPD jurisdiction.
   f. Ensure all officers involved in the search have participated in the pre-search briefing. Instruct participating officers of the plan for the search and of their job assignments; ensure that each individual understands his/her role and if necessary reduce each assignment to writing. All officers involved in the search must participate in the pre-search briefing.
   g. Call additional personnel if exigent circumstances develop during the search that requires additional personnel.
   h. Be present at the scene of the search.
   i. Ensure that the first officer to enter the premises is a uniformed officer.
   j. Ensure that all non-uniformed personnel are wearing proper CMPD search attire.
   k. Ensure that a sketch is made of the premises to be searched.
   l. Make every reasonable effort to ensure that the correct premises are being entered by verifying the address and by verifying the house or structure description.
m. Ensure compliance by all personnel issued a BWC with Directive 400-006 during the search.

E. Conducting the Search

1. Entry into the premises
   a. If it is unclear whether anyone is present at the premises to be searched, notice must be given in a manner likely to be heard by anyone who is present.
   b. The first person(s) to enter the premises must be in police uniform. Non-uniformed officers will wear proper CMPD search attire.
   c. A supervisor will be on scene at the time when a search warrant for a commercial or residential structure or a buccal swab for DNA search warrant is executed.

2. When entry is made, officers will assist in securing the premises and its occupants, guarding exits, and providing communications support to the officers conducting the search.

3. After the occupants are secure, the officer in charge of the search, or his/her designee, must read the warrant (excluding application) and give a copy of the warrant application and affidavit to the person in charge of the premises. If the premises are unoccupied, a copy of the warrant must be left at the premises in a conspicuous location and the warrant does not need to be read aloud to an empty structure.

4. Securing the Occupants of the Premises
   a. Prior to beginning the search, any person present can be patted down (frisk only) if the officer reasonably suspects that the person is armed.
   b. Persons present at a search of a private premise may be detained by the search party. If the search fails to produce the items named in the warrant, and those items may be concealed upon a person, then those persons present may then be searched for the same type of items which, if found, may be seized and used as evidence. (All controlled substances are considered the same type of property if any controlled substances are listed in the warrant). Any other type of property found during a search of persons under such circumstances may not be used for prosecution, but may be seized if it is contraband or stolen property.

5. Photographs of the premises will be taken before and after the search.

6. The supervisor will designate the primary Impounding Officer. This officer is responsible for collecting and submitting evidence.
7. Evidence discovered in different locations on the premises will be placed in separate envelopes or containers by the officer responsible for collecting evidence, and marked to indicate where it was found and by whom.

8. Notes will be taken describing the location of evidence.

9. The officer who obtains the search warrant will make every reasonable effort to determine the identity of the owner or occupant of record for the premises where the search was conducted.

F. Raid and Search Report

At the completion of the search, the supervisor in charge will initiate a Raid and Search Supervisor Report in IACMS prior to the supervisor completing his/her shift.

G. Return of Search Warrant

A search warrant must be executed within 48 hours of issuance. After service, the officer responsible for drawing the search warrant will return the warrant, with a written inventory of the seized items, to the Magistrate's Office without unreasonable delay. The officer will obtain a signed copy of the returned warrant to put in the officer’s own court file. The inventory must be signed and sworn to by the officer who obtained the warrant.

H. Receipt after Seizure of Property

If property is seized during the course of a search, even if by consent, the officer in charge will deliver a copy of the CMPD Inventory, listing the property taken, to the party from whom the property was taken, or to the party in charge of the premises from which the property was taken. If no one is present to accept a copy of the form, the officer will leave the copy in a conspicuous location in the premises or vehicle that was searched.

I. Impounded Coin and Currency

Impounded coin and currency will be submitted on separate Property Report Forms, not combined with other property (wallets, checkbooks, etc.) and in compliance with CMPD Directive 700-008 Currency and Asset Forfeiture Procedures.

J. Federal Search Warrants

Task Force Officers (TFO's) or other CMPD officers working in conjunction with federal law enforcement agencies will follow the listed guidelines when assisting with federal search warrants.

1. Must be supported by probable cause. May be issued for evidence of a crime, contraband, fruits of crime, or other items illegally possessed; property designed for, intended for use, or used in committing a crime; or a person to be arrested or person who is unlawfully restrained.

2. Federal search warrants must be executed within the specified time that cannot exceed 14 days from being issued.
3. Must be executed during daytime (between the hours of 0600 and 2200), unless expressly stated.

4. Must return the warrant to the magistrate judge designated in the warrant. Must be returned promptly with a copy of the inventory to the designated magistrate judge. The warrant may be returned by reliable electronic means.

5. Warrant seeking electronically stored information, unless expressly stated, allows copying of data which may be reviewed later in a manner consistent with the search warrant.

6. The period of tracking for tracking devices cannot exceed 45 days from the date the warrant was issued. The court may grant extensions.
   a. Must be installed no later than 10 days from warrant being issued
   b. Be installed within daytime hours unless expressly authorized.
   c. After the use of the tracking device has ended, the warrant must be returned within 10 days.
   d. Person or owner of the property that was tracked, must be notified within 10 days after the use has ended. This may be delayed by the judge in the warrant.

7. An officer present during the execution of the warrant must prepare and verify an inventory of any property seized.
   a. Must do so in the presence of another officer and the person from whom, or from whose premises, the property was taken.
   b. If either one is not present; the officer must prepare and verify the inventory in the presence of at least one other credible person.

8. Officers executing the warrant must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken or leave a copy of the warrant and receipt at the place where the officer took the property.

V. REFERENCES

400-001 Uniforms and Grooming Standards
400-006 Body Worn Cameras
700-001 Submitting Impounded Property to Property and Evidence
700-002 Evidence Management
700-008 Currency and Asset Forfeiture Procedures
800-005 Deconfliction Policy
N.C.G.S. 15A-221 -257
CALEA
Federal Rules of Criminal Procedure, Rule 41
I. PURPOSE

The purpose of this directive is to establish guidelines for the use of interview, temporary detention, and testing rooms. These guidelines are designed to provide a safe and secure environment for employees, the general public, and detainees/arrestees.

II. POLICY

Officers are authorized to use interview temporary detention, and testing rooms only in accordance with this policy. Officers are responsible for the safety and security of individuals in the officer’s custody and control and will ensure that the individual is under continual observation and monitoring. This may be accomplished in person or via live video provided personnel are close enough to intervene in the event of an emergency within the interview room and to allow for de-escalation in encounters involving a higher state of agitation. Officers will not leave an individual unobserved and unmonitored until custody of the individual is transferred to another law enforcement agency such as the Mecklenburg County Sheriff's Office, SBI, FBI, etc.

III. DEFINITIONS

A. Arrestee: A person placed in custody or charged with a crime when there is probable cause to believe that the person has committed a crime.

B. Custody and Control: Legal or physical control of a person in an area or facility or while in transit, legal, supervisory, or physical responsibility for a person.

C. Detainee: A person in the custody of agency personnel and whose freedom of movement is at the will of Charlotte-Mecklenburg Police Department (CMPD) personnel.

D. Detention Ring or Bar: A fixed object such as a metal ring or bar that is mounted to the wall or floor of an interview room that allows an officer to secure an arrestee to the fixed object by handcuffing or shackling the arrestee to the ring or bar.

E. Interview Temporary Detention, or Testing Room: A room or area that officers are authorized to use for the purpose of booking, interviewing, detaining or testing an individual. Interview rooms are generally equipped with a table, chairs, an audio and video recording device and mounted ring and leg shackles.

F. Lockbox: A fixed metal box with secure lock capability for officers to secure their weapon(s). The Police Headquarters lockboxes are located in the upper cabinet inside room 2144, which is the Video Burn Room. The lockboxes are accessed with a key. Criminal Investigations Bureau (CIB) officers and supervisors can assist with access to the room.

G. Processing: Pre-booking activities involving detainees in custody, after which detainees may either be released from custody or be escorted to a holding facility such as the Mecklenburg County Intake Facility.
H. Temporary Detention: Temporary detention is measured in hours and does not involve housing or feeding detainees except in extenuating circumstances.

I. Secured Area: For the purposes of this directive a secured area is any area within a CMPD Facility that does not provide open and unfettered access to the general public.

IV. PROCEDURE

A. Security Measures

All persons (visitors, witnesses and detainees/arrestees) escorted into any CMPD facility shall undergo security screening using a combination of metal detectors and package screening devices. Firearms, knives, scissors, sharp objects, glass items and personal protection devices are strictly prohibited.

1. All individuals will be physically searched prior to entry into secured CMPD areas to include interview, temporary detention, and testing rooms.

2. Prior to entry into secured areas in CMPD Headquarters all individuals will walk through the stationary magnetometer located at the main entrance or the prisoner entrance. CMPD personnel escorting individuals shall use the magnetometer as an additional layer of protection after physically searching all persons in CMPD custody or care.

3. Handheld magnetometers will also be available for use at CMPD Headquarters for use when the stationary magnetometer issues an alert and a narrower search is warranted.

4. CMPD Personnel escorting individuals into CMPD facilities without a stationary magnetometer will screen the individual with the handheld device after conducting a physical search.

B. Supervision of Individuals in Interview Rooms

Officers will ensure that the individual is under continual observation and monitoring. This may be accomplished in person or via live video provided personnel are close enough to intervene in the event of an emergency within the interview room or to allow for de-escalation in encounters involving a higher state of agitation. When monitoring via live video officers will conduct a face-to-face visual observation of secured detainees at a minimum of once every thirty minutes.

1. Officers will also ensure that males, females, and juveniles are kept in separate rooms.

2. Officers will provide the individual the opportunity to have access to water, restrooms, and other needs as necessary.

3. If the individual is intoxicated, under the influence of drugs or exhibiting behavior that indicates they are a danger to themselves; officers will ensure the individual
is under continual observation and monitoring as described in this directive. Medical personnel will be requested as necessary in accordance with directive 500-003 Management of Subjects in Extreme Distress.

4. Anytime an individual is detained in a CMPD temporary detention room, officers will use the in-room audio and video recording system and KBCOPS to document:

   a. The reason for the detention
   b. Date of the detention
   c. Start and end time of the detention
   d. Face to face visual observation times
   e. Any food, drinks, restroom breaks, etc., that were offered or provided during the detention.

C. Safety Considerations for the Use of Interview Temporary Detention, and Testing Rooms

1. Fire Evacuation Plan

   A fire evacuation plan will be posted near interview, temporary detention, and testing rooms. Officers are required to be familiar with the evacuation plan for that particular area and must also be familiar with the location and operation of fire suppression equipment such as fire extinguishers and fire alarms. In the event of a fire alarm or other emergency the officer in charge of the individual or interviewee is responsible for evacuating and resecuring the individual.

2. Annual Inspection

   Interview, detention and testing rooms will be annually inspected by the CMPD Safety and Training Coordinator.

3. Weapon Control

   a. Officers using interview, temporary detention, or testing rooms at Police Headquarters will secure their weapon(s) in locked desk drawers, gun safes, or provided lock boxes located in room 2144 (Video Burn Room) prior to interviewing suspects or detainees. The lock boxes are key controlled. CIB officers and supervisors may assist with access to the room and lock boxes. Personnel who store their weapon inside a lock box should ensure they return the key to the box after retrieving their weapon.

   b. Officers using any interview, temporary detention, or testing rooms located at the Division Offices will secure their weapon(s) in locked desk drawers, gun safes or lock boxes prior to interviewing suspects or detainees.
4. Arrestee Escape Prevention

Officers are authorized to secure the detainee/arrestee to a fixed object to prevent escape and limit the arrestee’s movement only when there is no other suitable method of detention available while using interview, temporary detention, or testing rooms.

5. Emergency Communications

Any officers inside an interview, temporary detention, or testing room with an individual will maintain direct voice, radio, video, or cell phone contact with a monitoring officer in the event of an emergency. The officer’s handheld radio emergency button may be used as a “panic alarm” while inside the interview room.

6. Access to Interview, Temporary Detention, or Testing Rooms

Only CMPD employees and other authorized law enforcement officers will have unrestricted access to interview, temporary detention, or testing rooms. Attorneys, family members or other individuals must have the authorization of the officer in charge of the investigation or the officer’s supervisor prior to being granted access to the interview, temporary detention, or testing room.

7. Searches

As stated in Section IV.A, all individuals must be searched prior to entering any CMPD interview, temporary detention, or testing room. Officers must search the interview, temporary detention, or testing room before allowing the individual access and must search the interview, temporary detention, or testing room again following the removal of the individual.

8. Training of Personnel

Personnel charged with monitoring temporarily detained individuals in the facility are provided initial training on the use of the temporary detention room(s) or area(s) and retraining at least once every four years.

V. REFERENCES

500-003 Management of Subjects in Extreme Distress
600-024 Electronic Recording of Interviews/Interrogations
Intoxilyzer SOP
CALEA

This policy was revised from its last effective date of 2/6/2020
I. PURPOSE

This policy establishes guidelines for the transportation of persons in police custody.

II. POLICY

The handling and transportation of persons in custody is one of the single most dangerous functions that a police officer performs. All prisoners transported will be physically restrained using any approved restraining device, such as handcuffs. All persons in police custody will be considered as a potential danger to the transporting officer(s) and will be properly searched.

III. DEFINITIONS

The following definitions are for the limited purpose of this Directive:

A. Prisoner: A person who has been deprived of his or her liberty and freedom of movement and kept under involuntary restraint, confinement or custody; to include all persons under arrest but not yet incarcerated as well as those incarcerated including mentally ill subjects being transported.

B. Restraining Devices: Equipment used to restrain the movement of the prisoner, such as handcuffs, waist chains, rip hobble, leg irons, flex-cuffs, leg restraints, etc.

C. Security Hazard: Any threat to the security of the prisoner, to the facility in which he or she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by the officer to provide proper protection for the security of the prisoner.

D. Transporting Officer: A sworn law enforcement officer who is responsible for transporting a prisoner from one point to another.

E. Transport Vehicle: The vehicle used for transporting a prisoner from one point to another. This term does not refer to commercial vehicles such as buses, trains, or airplanes that may be used for prisoner transport.

F. Prisoner Transport Van (PTV): Vans outfitted, equipped and staffed with trained personnel for the transport of multiple prisoners from the arrest location to the jail intake.

G. Field Search: A non-intrusive search of a prisoner's clothing and person conducted incident to an arrest and for the purpose of finding either a weapon or contraband.

H. Facility Search: A non-intrusive search of a prisoner’s clothing and person conducted immediately upon entering any building for the purpose of finding a weapon or contraband.
I. Transfer Search: A non-intrusive search of a prisoner's outer person and clothing completed before the prisoner is transferred to another officer and conducted for the purpose of finding a weapon or contraband.

J. Strip Search: A search involving the removal of some or all of a person's clothing covering any private body areas.

K. Visual Body Cavity Search: A visual search which requires a person to expose his anal cavity or her anal and vaginal cavities for visual inspection.

L. Manual Body Cavity Search: A digital touching or probing of the anal or vaginal cavity by another person.

M. Private Body Areas: The pelvic area which is below the beltline of a male or female and the breasts of a female.

IV. PROCEDURES FOR SEARCHING PRISONERS

A. Field and Transfer Searches
   1. In all instances, officers will conduct a field search of a prisoner incident to an arrest. In addition, any officer who is accepting responsibility for a prisoner will conduct a transfer search of the prisoner.
   2. Unless specific grounds for a strip search exist, the scope of a field and transfer search is limited to the prisoner's clothing and outer person and is conducted for the purpose of locating a weapon or contraband.

B. Facility Search
   1. A facility search will be conducted immediately upon entering any building and prior to any interview, treatment, or other processing taking place.
   2. Unless specific grounds for a strip search exist, the scope of a facility search is limited to the prisoner's clothing and outer person for the purpose of locating a weapon or contraband.

C. Strip Search of a Prisoner
   1. Strip searches require that probable cause exist to believe that contraband will be located in the person's private body areas.
   2. The search shall not be conducted on the roadside.
   3. The search should be conducted by an officer of the same sex.
   4. The search must be conducted in a private location.
   5. The search must be conducted in a reasonable manner to ensure the safety of the individual. (No sharp instruments may be used to remove contraband.)
   6. A supervisor must be notified prior to the conduct of a strip search.
7. The search must be documented in a KBCOPS Narrative Supplement.

D. Body Cavity Searches when a person is under arrest:

1. A visual body cavity search is permitted if an officer has probable cause to believe contraband or weapons will be located in or around a body cavity. The same privacy protections should be observed as in a strip search.

2. When a visual body cavity search reveals contraband, the suspect should be told to remove the item.
   a. If the contraband is located in the body cavity the suspect will be informed that if they fail to remove the item, the officer will apply for a search warrant.
   b. The suspect will be transported to a hospital where the item will be retrieved by medical personnel.
   c. A supervisor will be notified immediately prior to conducting any body cavity searches and the officer will document the conduct of a body cavity search in a narrative supplement.

3. A manual body cavity search requires a search warrant and must be conducted by qualified medical personnel.

4. When a visual body cavity search reveals a weapon, then the search is to be considered exigent and the weapon must be safely recovered and secured.

E. Contraband Concealed and/or Ingested in the Mouth

1. A search of a person’s mouth is permissible when there is probable cause to believe that the person has placed an illegal substance in their mouth. Exigency is created because of the potential harm to the person and the destruction of evidence.

2. The goal of the officer is to get the person to spit out the illegal substance. Officers should not use their hands or fingers to retrieve the item; instead rely on manipulation of pressure points such as the mandibular angle nerve, hypoglossal nerve and jugular notch nerve.

3. Officers are not permitted in any way to block the person’s airway or restrict blood flow to the brain.

4. If the person is believed to have swallowed the illegal substance, officers will immediately call Medic and a supervisor. A person who has ingested illegal substances needs to be immediately evaluated by medical personnel before they are transported to jail.

5. Officers may choose to seek a search warrant to retrieve the ingested evidence.
6. All actions taken in responses to possible ingested contraband will be documented in a KBCOPS narrative supplement.

V. TRANSPORTING PRISONERS

A. Search of Police Vehicles

Officers are to conduct a thorough search of the interior of their police vehicle at the beginning of each tour of duty, upon any change in vehicle assignment, and after any non-police personnel have been inside the vehicle.

B. Use of Transport Vehicles

1. All prisoners transported must be physically restrained using approved restraining devices, such as handcuffs, waist chains, rip hobble, leg irons, flex-cuffs, leg restraints, etc., in accordance with the officer’s training. Officers will use discretion and, when necessary, consult a supervisor when confronted with a prisoner who has an obvious or known physical condition that will prohibit the use of restraining devices.

2. The transportation of prisoners will primarily be conducted using vehicles equipped with a protective shield and modified to minimize opportunities for the prisoner to exit from the rear compartment of the vehicle without the aid of the transporting officer.

3. When transporting prisoners in vehicles equipped with protective shields, the following procedures will be observed:
   a. Units consisting of one officer will transport no more than (2) prisoners. All prisoners will be placed in the rear of the vehicle.
   b. Units consisting of two officers may transport up to three (3) prisoners. All prisoners will be placed in the rear of the vehicle.
   c. PTV’s which are staffed with two officers may transport multiple prisoners in accordance with the PTV SOP.

4. When transporting prisoners in vehicles without protective shields, the following procedures will be observed:
   a. Prisoners that have been combative will only be transported in a vehicle equipped with a protective shield.
   b. Units consisting of only one officer operating a vehicle not equipped with a protective shield will only transport a prisoner with the concurrence of a supervisor or as outlined in a unit specific SOP.
   c. Units consisting of more than one officer are to utilize the following procedures when operating a vehicle without a protective shield:
1) A single prisoner’s hands must be handcuffed in the back and must be seated in the rear passenger seat behind the front passenger seat with the seatbelt properly secured.

2) The second officer will sit behind the driver’s seat to the left of the prisoner and will monitor the prisoner’s condition and activity.

3) No more than one prisoner will be transported in a vehicle that is not equipped with a protective shield.

5. When transportation of a large number of prisoners is required, as in mass arrest situations, alternative transport options will be used, such as modified vans. CMPD personnel may request the assistance of the CMPD Prisoner Transport Vans or the Mecklenburg County Sheriff’s Office Prisoner Transport Vans.

6. Safety aspects of prisoner transport require that the detainee’s right to communicate with attorneys and others will not normally be exercised during the period that the detainee is being transported.

7. The starting location and beginning vehicle odometer mileage must be stated over the radio to the police telecommunicator at the start of every prisoner transport involving the opposite sex, juveniles or a disruptive or combative prisoner, and involuntary commitment patients. The arriving location and vehicle odometer mileage must be given over the radio to the police telecommunicator at the conclusion of every prisoner transport involving the opposite sex, juveniles or a disruptive or combative prisoner. In each situation the police dispatcher will verbally state the starting and ending times of the prisoner transport over the radio to accurately record the event.

8. Officers operating a vehicle equipped with DMVR and transporting any prisoner will use DMVR equipment during the entire duration of the transportation of any prisoner who:
   a. Is argumentative, verbally abusive, and/or combative.
   b. Is using any other inappropriate and/or suggestive or sexual language.
   c. Has been involved in a response to resistance incident.
   d. Is injured or claims to be injured.


10. Officers may position the camera to record the actions of the prisoner in any situation that the officer deems necessary.

11. Officers may reposition the camera to observe the prisoner and record any verbal utterances.
12. If possible, officers shall position their body worn camera, if available, to also record the actions of the prisoner.

C. Observation of Prisoners

Transporting officers will ensure that the individual is under continual observation and monitoring, except during certain medical examinations that require privacy. Under no circumstance will a prisoner in custody be left unattended in a transport vehicle or any other non-secure area.

D. Diversions During Prisoner Transport

1. Transporting officers are not authorized to stop for or respond to the need for law enforcement services except in life threatening situations. When such situations occur, the transporting officer will ensure the safety and security of the prisoner and minimize risk to the officer and the public.

2. Officers are prohibited from engaging in any type of emergency response while transporting a prisoner unless an urgent or emergency situation arises that warrants the use of emergency equipment.

3. Transporting officers must always travel the most direct route to their final destination when transporting prisoners.

4. PTV's are permitted to travel to multiple locations to pick up prisoners prior to transport by the most direct route to the intake center. The maximum period of time a prisoner can be confined in the PTV will be 2 hours.

E. Special Transport Situations

1. If a prisoner becomes sick or is injured incident to arrest and is in need of medical treatment, the arresting officer must seek medical treatment for the prisoner at that time. Prisoners with life threatening medical conditions or injuries must be transported to a medical facility by ambulance. In such instances, an officer will be designated to accompany the prisoner during transport. The need for restraining devices will be determined upon consultation with the medical personnel providing the immediate treatment to the prisoner.

2. Officers must inform the receiving agency personnel of any medical conditions or injuries the prisoner has that the officer has knowledge of.

3. Physically handicapped prisoners may be transported in the front of the police vehicle if the individual’s condition prohibits the transport in the rear of the vehicle.

   a. Officers should request Communications contact Charlotte Area Transit (CATS) for assistance in transporting handicapped persons
whose condition prohibits transport in police vehicles. When feasible, these arrangements will be made prior to the arrest taking place.

b. Officer will use discretion and sound judgment when determining whether restraining devices are necessary for physically handicapped prisoners.

4. Per North Carolina State Statute, when transporting a subject to a mental health facility pursuant to an involuntary commitment order, the transporting officer must be of the same gender as the subject. If the transporting officer is a different gender then a second officer of the same gender as the subject must transport or accompany the transporting officer during the time of transport. Supervisors will ensure compliance with this requirement.

F. Entering Police Headquarters with Prisoners

1. Officers transporting prisoners will normally enter Police Headquarters through the security door adjacent to the prisoner loading area located between the building and the parking deck.

2. Prisoners will be handcuffed during transport. Officers will have direct physical control of prisoners at all times unless the prisoner is secured in a police vehicle or interview room.

3. Immediately upon entering the building and prior to any interview, treatment or other processing, the transporting officer will conduct a facility search on the prisoner for weapons and contraband.

4. When transporting prisoners to the interview rooms at Police Headquarters, officers will always use the service elevator to transport prisoners to the second floor, unless the elevator is out of service.

G. Entering Jail and Detention Facilities

1. Upon arrival at the Mecklenburg County Intake Center or other detention facility, the transporting officer will leave any restraining devices on the prisoner until safely inside a secure area of the facility.

2. Prior to entering a secure detention area, the transporting officer will secure his firearm in the provided lock box, or as otherwise required by the facility. Officers are prohibited from taking any firearm into the secure area of the Intake Center or detention facility.

3. After securing all firearms, the transporting officer will remain in the receiving area with the prisoner until the prisoner has been searched, examined for injuries, and accepted by the detention officer.

4. The transporting officer will deliver to the detention officer all necessary documentation pertaining to the prisoner, including any information about the prisoner’s escape or suicide potential, or other issues of a security nature.
H. Security and Control of Prisoners at Medical Facilities

1. Some medical procedures require the removal of restraints and/or privacy with the prisoner. During such procedures, the safety of the officer and the public will not be compromised. Officers becoming aware of security hazards created by medical treatment procedures are to consult with the attending physician and, if necessary, relay such information to a field supervisor.

2. When a prisoner in custody is admitted to a hospital, the transporting officer will refer to the procedures (section III. J.2.) outlined in Directive 500-002 Confinement of Arrestees and Booking Procedures.

I. Escapes from custody during transport

1. In the event a prisoner escapes from custody, the transporting officer will:
   a. Immediately notify Communications and provide necessary details to re-capture the prisoner, and notify the officer’s on-duty supervisor.
   b. If equipment has been damaged or stolen then appropriate reports will be recorded in KBCOPS.
   c. If the prisoner is not recovered prior to the officer’s end of tour then the officer shall ensure warrants have been or will be issued for the prisoner.

2. The on-duty supervisor will evaluate the escape circumstances. If employee misconduct appears to be a factor in the escape, the supervisor will initiate a Supervisor’s Investigation in the IACMS.

VI. REFERENCES

400-005 Digital MVR Policy
400-006 Body Worn Camera
500-002 Confinement of Arrestees and Booking Procedures
500-003 Management of Subjects in Extreme Distress
500-004 Conducting Searches
500-004-A Conducting Person Searches
600-024 Electronic Recording of Interviews-Interrogations
Prisoner Transport Van SOP
N.C.G.S. 122C-251(d)
CALEA
I. PURPOSE

The purpose of this directive is to establish procedures for the eyewitness identification of suspects to help solve crime, convict the guilty, and exonerate the innocent in criminal proceedings.

II. POLICY

All personnel shall follow this directive when conducting eyewitness identifications, even when the eyewitness is a CMPD employee. Sworn personnel are reminded that they are not required to participate in a show-up as an eyewitness while acting in his or her official capacity. All employees are encouraged to speak with their supervisor about their role in an investigation as it relates to this directive.

III. DEFINITIONS

A. Confidence Statement: A statement in the eyewitness’s own words taken immediately after an identification is made stating his or her level of certainty in the identification.

B. Eyewitness: A person, including a law enforcement officer, whose identification by sight of another person may be relevant in a criminal proceeding.

C. Filler: A person or photograph who is not suspected of an offense and is included in the lineup.

D. Independent Lineup Administrator: An officer who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect.

E. Live lineup: A non-suggestive display of individuals that includes the suspect and five (5) individuals who are similar in appearance and who are presented one at a time to a witness for identification purposes; this is often referred to as a physical or body lineup.

F. Photo Lineup: A procedure where photographs are displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of the crime.

G. Sequential photo lineup: An array of photographs, including the suspect and five (5) fillers who are similar in appearance, that are presented one at a time to an eyewitness for identification purposes.

H. 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.

IV. PROCEDURE FOR CONDUCTING EYEWITNESS IDENTIFICATION

A. Conducting a Sequential Photo Lineup
1. Officers will only use the sequential photo lineup process in preparing and presenting a photo lineup to an eyewitness. All officers will follow the guidelines listed below.

a. Photographs may be generated using the CMPD mug shot system. If photos from the mug shot system are not available or do not meet the guidelines set forth below, then officers may rely on photographs from outside sources such as a yearbook, Department of Motor Vehicles photographs or other sources.

b. No writings or information concerning any previous arrest, indictment, or conviction of the suspect shall be visible or made known to the eyewitness.

c. The photo of the suspect shall be current and to the extent practicable, shall resemble the suspect’s appearance at the time of the offense.

d. The fillers shall generally resemble the eyewitness’s description of the perpetrator, while ensuring that the suspect does not unduly stand out from the fillers. In addition,

   1) All fillers selected shall resemble, as much as practicable, the eyewitness description of the perpetrators significant features or unique features such as facial hair, scars, or tattoos.

   2) At least five fillers will be included in the sequential line up in addition to the suspect.

e. The sequential photo lineup will be conducted by an independent administrator.

f. There will not be anyone present (to include the investigating officer/detective) during the lineup who knows the suspect’s identity, except the eyewitness and counsel as required by law.

g. During the sequential photo lineup, all photos will be presented to the eyewitness one at a time, in a previously determined order. Each photo will be removed after it is viewed and before the next photo is presented.

h. Only one suspect will be included in a photo line up.

i. If the eyewitness has previously viewed a photo lineup in connection with another person suspected of involvement in the offense, the fillers in the lineup in which the current suspect participates shall be different from the fillers used in any prior lineups.

j. If there are multiple eyewitnesses, officers may use the same lineup with the same fillers but the position of the suspect within the lineup must be changed for each eyewitness.
k. The lineup administrator will ensure that no writings or information concerning previous arrests or identifications will be visible to the eyewitness on any lineup.

2. Separation of Witnesses

The lineup administrator shall separate all witnesses in order to discourage them from conferring with one another before or during the procedure. Each eyewitness will be given instructions regarding the identification procedure without other witnesses being present.

3. Instructions to Eyewitness

a. The lineup administrator will read the instructions on the Sequential Photograph Lineup Instruction Sheet found on the CMPD portal. After reading the instructions, the eyewitness will acknowledge in writing the receipt of the instructions. If the eyewitness refuses to sign, then the lineup administrator will note the refusal of the eyewitness to sign on the instructions and sign the acknowledgment.

b. Nothing shall be said to the eyewitness regarding the suspect’s position in the photo lineup or anything that might influence the eyewitness’ identification.

c. The eyewitness may look at the lineup for as long as he or she wishes; however, the officer may not provide any feedback regarding the photographs.

d. The eyewitness may view the lineup again but the photos should be shuffled again and the witness must look at all the photographs.

4. Identification by Eyewitness and the Confidence Statement

a. If the eyewitness indicates that they recognize someone in the lineup, the lineup administrator will ask for and document a clear statement from the eyewitness’s own words.

b. The lineup administrator shall also document the eyewitness’s confidence level that the person identified in the lineup is the perpetrator.

c. The eyewitness shall not be provided any information concerning the person identified until the lineup administrator obtains the confidence statement from the eyewitness.

5. Record of Procedure

A written record of the eyewitness photo procedure will be kept and include at a minimum:

a. The exact words used by the eyewitness in any identification;
b. The confidence statement signed by the eyewitness and the lineup administrator. In the event the eyewitness refuses to sign the confidence statement, then the refusal will be noted by the lineup administrator;

c. The names and identifying information of all persons present at the lineup;

d. The date, time and location of the lineup;

e. The number of the photos presented;

f. The sources of the photos presented; and

g. The photographs used in the photo lineup.

B. Conducting a Live Lineup

1. A live lineup may be used when an individual who is a suspect in multiple cases is in custody or in a case where numerous witnesses may be able to identify the suspect. If the suspect is not in custody, the suspect may be asked to voluntarily participate in a live lineup or may be required to participate through the use of a non-testimonial identification order. A live lineup will be conducted at the Mecklenburg County Jail Central facility and will be coordinated with the Mecklenburg County Sheriff’s Office, in order to ensure that the suspect is not scheduled for a court appearance and will be available at the facility in a timely manner. A live lineup will be conducted under the guidance of a supervisor from the Criminal Investigations Bureau. An officer conducting a live lineup will adhere to the following guidelines:

a. The live lineup shall be conducted by an independent administrator who shall remain sequestered from the eyewitnesses and while the fillers are being selected.

b. All eyewitnesses will be required to appear at the CMPD Headquarters Building at least one hour before the lineup, in order to ensure their presence and to provide them with instructions regarding the lineup.

c. In a live lineup, all lineup participants must be out of view of the eyewitness prior to the lineup.

d. The District Attorney’s Office will be notified of the lineup, so that the appropriate Assistant District Attorney may attend.

e. In the event a critical stage of the prosecution has occurred (appearance before the magistrate or indictment) or a judicial proceeding has begun, the case detective will meet with the suspect’s attorney prior to the lineup and obtain his or her consent to conduct the lineup. The attorney for the suspect will be allowed to be present during the lineup. If officers are unsure whether the suspect has a right to counsel, they should make
sure that counsel is present or obtain a waiver to the right to counsel from the suspect.

f. If the live lineup occurs after a critical stage of the prosecution or adversarial judicial proceedings have begun, the case detective will contact the suspect’s attorney (or the Public Defender’s Office, when appropriate) and ensure that counsel is present during the live lineup.

g. The suspect and his attorney will be given the opportunity, under escort of detention personnel, to select nine (9) individuals from the inmate population to serve as fillers in the lineup. The officer will then select five (5) of those individuals as fillers.

h. The officer will ensure that each of the fillers is dressed similarly to the suspect and that the lineup participants represent a non-suggestive lineup.

i. If only one witness is viewing the lineup, the suspect and his attorney will be allowed to place the participants in the order in which they wish them to appear in the lineup. If multiple eyewitnesses are involved, the officer will, to the extent possible, place the suspect in different positions in each lineup. The other members of the lineup will be placed randomly in each lineup.

j. Each participant will be given a visible number corresponding to their placement in the lineup and numbers will be exchanged as the participants’ positions in successive lineups change.

k. A photograph of each lineup will be taken prior to its presentation, documenting the order in which the participants are presented and their clothing and general appearance.

l. Only one suspect will be included in a live lineup.

m. Nothing shall be said to the eyewitness regarding the suspect’s position in the live lineup or anything that might influence the eyewitness’s identification.

n. The case detective will not have contact with the line up administrator or the witnesses.

o. There shall not be anyone present during the live lineup or photographic identification procedures who knows the suspect’s identity, except the eyewitness and counsel as required by law.

p. Upon entering the viewing area, the eyewitness will be given the opportunity to view the participants, one at a time, from the front and from the side. If it is necessary for the participants to perform any
physical actions (speak a phrase, walk, etc.), each participant must perform the same actions.

q. After viewing all of the participants, the eyewitness will be asked if he or she recognizes anyone in the lineup. If the eyewitness recognizes anyone, the eyewitness will be asked to state the circumstances from which the eyewitness recognizes the individual. All of the participants will be brought into the viewing area, even if the eyewitness makes identification during the presentation.

r. The suspect’s attorney will not be allowed to question any eyewitness.

s. If the eyewitness requests to see a specific individual after viewing the entire lineup, the lineup administrator will present the entire lineup to the eyewitness again, in the same order in which it was initially presented.

2. Separation of Witnesses

If there is more than one eyewitness, the lineup administrator will separate all eyewitnesses and prevent them from conferring with one another before and during the procedure. Each witness shall be given instructions regarding the identification procedures without the other witnesses present.

3. Instructions to Eyewitness

a. Prior to viewing the lineup, the eyewitness will be instructed that they will be looking at a series of individuals, one at a time, through a two-way mirror and that the individuals will not be able to see or hear the witness. In addition, the lineup administrator will read the instructions on the Live Lineup Instruction Sheet found on the CMPD portal. After reading the instructions, the eyewitness will acknowledge in writing the receipt of the instructions. If the eyewitness refuses to sign, then the lineup administrator shall note the refusal of the eyewitness to sign on the instructions and sign the acknowledgment.

b. After an eyewitness has viewed the lineup, the lineup administrator will instruct the witness not to discuss the lineup or its results with other eyewitnesses and will discourage the witness from discussing the case with the media.

4. Identification by Eyewitness/and the Confidence Statement

a. If the eyewitness indicates that they recognize someone in the lineup, the lineup administrator will ask for and document a clear statement from the eyewitness’s own words.

b. The lineup administrator shall also document the eyewitness’s confidence level that the person identified in the lineup is the perpetrator.
c. The eyewitness shall not be provided any information concerning the person identified until the lineup administrator obtains the confidence statement from the eyewitness.

5. Record of Procedure

A video record of the live identification procedures shall be made. If the video record is not practical, the reasons shall be documented, and an audio record shall be made. If neither, a video nor audio record is practical, the reasons shall be documented and the lineup administrator shall make a written record of the lineup.

Whether video, audio or in writing, the record shall include all of the following:

a. All identification and non identification results obtained during the identification procedure. The results must be signed by the eyewitness. If the eyewitness refuses to sign, the lineup administrator must note the refusal and sign the notation;

b. The name and contact information of all persons present at the lineup;

c. The date, time and location of the lineup;

d. The exact words used by the eyewitness in any identification, including words that describe the confidence of identification;

e. How many individuals were present in the lineup;

f. The sources of the persons used;

g. A photograph of the individuals at the time and place of the live lineup.

C. Conducting a Show-up

1. A show-up may only be conducted when a suspect matching the description of the perpetrator is located in close proximity in time and place of the crime, or there is reasonable belief that the perpetrator has changed his or her appearance in close proximity to the crime, and only if there are circumstances that require the immediate display of a suspect to an eyewitness. For example, officers see a person matching the description of an armed robbery suspect who is located near the scene of the recent robbery.

a. A show-up must only be conducted with a live suspect, and shall not be conducted with a photograph.

b. If probable cause already exists, careful consideration must be given before a show-up is conducted.

c. Prior to the show-up, the officer will obtain a detailed description of the suspect from the eyewitness.
d. Whenever a show-up is conducted, the officer will transport the eyewitness to the suspect’s location unless it is physically impossible to move the eyewitness (for example, if the eyewitness is incapacitated). If the suspect must be transported, officers will attempt to obtain the suspect’s consent prior to transporting the suspect. Note: The transportation of the suspect may convert the detention into an arrest.

e. If possible, officers shall avoid conducting a show-up when the suspect is in a patrol car, handcuffed or otherwise restrained unless safety concerns make this impractical.

f. Officers shall not present the same suspect to the same eyewitness more than once.

g. Investigators shall photograph the suspect (at least 16 years of age) at the time and place of the show-up to preserve a record of the appearance of the suspect at the time of the show-up procedure.

2. Separation of Witnesses

In the event of multiple eyewitnesses, the officer shall separate all witnesses in order to discourage them from conferring with one another before or during the show-up. Each witness will be given instructions regarding the identification procedure without other witnesses being present.

3. Instructions to Eyewitness

a. The officer conducting the show-up will read the Show-Up Identification Instruction Sheet, which is located on the CMPD portal to the eyewitness. After reading the instructions to the eyewitness, the eyewitness will acknowledge, in writing, the receipt of the instructions.

b. Words and conduct that may suggest to the eyewitness that the individual is or may be the perpetrator are prohibited.

c. The officer will ensure that the eyewitness has ample opportunity to observe the suspect. However, the officer may not provide any feedback regarding the identification.

d. After an eyewitness has participated in the show-up procedure, the officer will instruct the witness not to discuss the show-up or its results with other eyewitnesses and will discourage the eyewitness from discussing the case with the media.

4. Identification by Eyewitness/and the Confidence Statement

a. If the eyewitness indicates that they recognize someone in the show-up, the officer conducting the show-up will ask for and document a clear statement from the eyewitness’s own words.
b. The officer conducting the show-up shall also document the eyewitness's confidence level that the person identified in the show-up is the perpetrator. This should include their ability to see the perpetrator, the circumstances of the event they witnessed, and any communication they may have had with other eyewitnesses.

c. The eyewitness shall not be provided any information concerning the person identified until the officer conducting the show-up obtains the confidence statement from the eyewitness.

5. Record of Procedure

a. Officers shall record all show-ups either with the BWC or DMVR; whichever is most prudent.

b. Whether video, audio, or in writing, a record of the show-up shall include all of the following:

   1. The eyewitness’s description of the suspect;

   2. The exact words used by the eyewitness in any identification;

   3. A confidence statement including information related to the eyewitness’s vision, the circumstances of the events witnessed, and any communications with other witnesses;

   4. In the event that the eyewitness refuses to sign the confidence statement, the officer conducting the show-up will note the refusal to sign;

   5. The names and identifying information of all persons present including the suspect(s);

   6. The date, time and location of the show-up; and

   7. If an identification is made, officers shall include the eyewitness’s level of confidence and record any conduct, gestures or other relevant observations that may indicate the level of confidence of the eyewitness;

   8. A photograph of the suspect at the time and place of the show-up.

V. REFERENCES

NC Actual Innocence Commission Recommendations for Eyewitness Identification
North Carolina Department of Justice – “Recommendations for Eyewitness Identification”
North Carolina Department of Justice- “NC Eyewitness Identification Reform Act”
N.C.G.S. §15A-284.50-53
N.C.G.S. §15A-284.52 Amending Eyewitness ID/Show-up
CALEA
I. PURPOSE

To establish guidelines for Charlotte-Mecklenburg Police Department (CMPD) Officers in requesting and obtaining protected health information (PHI) from a healthcare entity (HCE) that must comply with the privacy regulations of the Health Insurance Portability and Accountability Act (HIPAA).

II. POLICY

The privacy regulations of HIPAA impose a legal obligation on a HCE to protect PHI from unauthorized disclosure. Because it may become necessary for officers to obtain PHI in the course of a criminal investigation or other legitimate law enforcement purpose, this necessity can come into conflict with the legal obligation of a HCE under HIPAA. CMPD endeavors to cooperate with HCEs by ensuring that disclosures of PHI to officers will be in compliance with HIPAA regulations.

III. DEFINITIONS

A. Health Care Entity (HCE): A health plan, healthcare clearinghouse or healthcare provider that must comply with HIPAA privacy regulations.

B. Protected Health Information (PHI): Individually identifiable health information (including demographic information) and information that relates to the past, present, or future treatment and care of an individual.

IV. PROCEDURE

A. Officers should provide verification of identity by displaying their official departmental identification to HCE personnel when requesting PHI.

B. Disclosure of PHI Required by Law.

1. A HCE is required to report to law enforcement the following PHI even in the absence of a request by law enforcement:

   a. Bullet wounds, gunshot wounds, powder burns or any other injury or wound actually or apparently caused by the discharge of a firearm;

   b. Illness actually or apparently caused by poisoning;

   c. Wounds or injury actually or apparently caused by a knife, sharp or pointed instrument where it reasonably appears that criminal conduct was involved;

   d. Wounds, illness or injury in which there is grave bodily harm where it reasonably appears that criminal conduct was involved;

   e. Recurrent illness or serious physical injury to a child under the age of 18 where it reasonably appears such illness or injury is the result of non-accidental trauma.
2. If mandatory reporting is required a HCE will disclose the following PHI (if known):
   a. Name;
   b. Age;
   c. Sex;
   d. Race;
   e. Address or present location;
   f. Character and extent of injury.

3. The release of any additional PHI will require either the authorization of the individual whose information is being sought or a court order.

C. Request for PHI

1. Identification or Location Information
   a. A HCE may disclose the following information upon the request of a CMPD officer seeking to identify or locate a suspect, fugitive, material witness, or missing person:
      (1) Name;
      (2) Address;
      (3) Date and place of birth;
      (4) Social Security Number;
      (5) ABO blood type and Rh factor;
      (6) Type of injury;
      (7) Date and time of treatment;
      (8) Date and time of death;
      (9) Description of distinguishing physical characteristics, including height, weight, gender, race, hair, eye color, facial hair, tattoos or scars.

2. Crime Victim PHI
   a. If PHI is requested for the victim of a crime, a HCE may disclose the information if:
(1) The victim authorizes the disclosure; or
(2) The victim is unable to authorize the disclosure due to incapacitation or other emergency circumstance and:
   (a) The officer informs the HCE that the PHI is needed to determine whether someone other than the victim has violated the law and the information is not to be used against the victim;
   (b) The officer informs the HCE that immediate law enforcement action depends upon the disclosure and would be materially and adversely affected by waiting until the victim is able to authorize the disclosure; and,
   (c) The disclosure is in the best interests of the victim as determined by the HCE.

3. Motor Vehicle Crash Investigation
   a. If an individual is involved in a motor vehicle crash, a HCE providing medical treatment must disclose the following PHI upon the request of an officer investigating the crash:
      (1) Name,
      (2) Current location,
      (3) Whether the person appears to be impaired by alcohol, drugs or other substance.
   b. A HCE must allow an officer investigating a motor vehicle crash access to visit and interview the individual upon request, except when the HCE requests temporary privacy for medical reasons.

4. Other Investigations
   a. A completed CMPD Request for Summary Health Information Form should be submitted to the HCE in order to obtain PHI. (Attached CMPD Request for Summary Health Information Form)
   b. In order for the HCE to comply with HIPAA, the officer must certify that:
      (1) The PHI sought is relevant and material to a legitimate law enforcement inquiry;
      (2) The request must be specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is being sought; and
(3) Redacted information could not reasonably be used. Redacted information does not identify an individual and could not reasonably be used to identify an individual.

c. If additional PHI is necessary for the investigation, the Officer should obtain a court order.

5. Disclosure of PHI based solely upon the request of an officer (other than what is required to be disclosed by law) is entirely within the discretion of the HCE.

6. If a request for disclosure of PHI is denied an officer should then obtain either an authorization for release of health information or a court order.

D. Authorization for Release of Health Information

1. Officers can obtain PHI by submitting a completed CMPD Authorization for Release of Health Information Form signed by the individual (or authorized representative) whose information is being requested to a HCE. (See attached CMPD Authorization for Release of Health Information Form and Information Sheet)

2. A HCE may require officers to submit a completed and signed authorization form provided by the HCE. If so, officers should utilize the form provided or obtain a court order.

E. Court Order

1. Officers may seek a court order requesting a HCE to disclose and provide PHI through the Police Attorney’s Office.

2. In preparing a motion and order, prior to consultation with the Police Attorney’s Office, officers should verify that the motion and order contains the following:

   a. Name(s), including aliases, of the individual(s) whose PHI is being requested. If PHI is being requested for an unidentified suspect, then information from which the HCE can reasonably ascertain the identity of the suspect should be provided.

   b. A list of the specific PHI being requested (i.e. "All medical records and details" or specific demographic information, such as name, address and date of birth).

3. Only PHI that is listed in the final signed order will be released.

4. Release of PHI related to DNA, DNA analysis, dental records, samples or analysis of tissue or bodily fluids (other than blood or urine), will require a court order.

5. Release of PHI related to mental health or substance abuse will require a court order.
F. Investigations with Department of Social Services (DSS) – When conducting a criminal investigation pursuant to a request by DSS, an Officer need only present a letter from DSS confirming the investigation and the Officer’s authority to investigate when requesting PHI.

G. Once a suspect has been charged with a crime requests for PHI should be handled as directed by the District Attorney’s Office.

V. REFERENCES

45 C.F.R. § 160.103
45 C.F.R. § 164.500 et seq.
N.C.G.S. § 7B-300 et seq.
N.C.G.S. § 90-21.20 et seq.
I. PURPOSE

This policy establishes guidelines for the official use and operation of Charlotte-Mecklenburg Police Department (CMPD) vehicles for both on-duty and secondary employment assignments and use, as well as out of town requests.

II. DEFINITIONS

A. Employee: Any sworn employee, civilian employee, or volunteer for the CMPD with a valid City of Charlotte driving permit.

B. CMPD Vehicle: Any vehicle, marked or unmarked, that is owned or leased by the City of Charlotte and assigned to CMPD for official use.

C. Call Back Vehicle: Any CMPD vehicle, marked or unmarked, that is assigned to an individual employee for official use on a 24-hour per day basis.

D. Patrol Services Vehicle Incentive Program: Allows for marked Call Back Vehicles to be issued to sworn employees for the purpose of promoting greater police presence, immediately responding to emergencies, and a greater police visibility throughout the CMPD policing jurisdiction. Please consult the Patrol Services Vehicle Incentive Program SOP for detail of this program.

E. Sensitive Equipment: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, Body Worn Cameras, Badge, ID and access cards, keys, and fuel cards or any other items as deemed by the CMPD Chain of Command.

III. CALL BACK VEHICLES

Call Back Vehicles are issued for the purposes of after-hours call back to a crime scene or critical incident requiring immediate response, and to promote greater police presence and visibility throughout the CMPD policing jurisdiction through the expanded use of marked patrol vehicles.

A. To facilitate immediate responses and access to necessary equipment after-hours, Call Back Vehicles are authorized for non-work related operation in Mecklenburg County and counties contiguous with Mecklenburg County within the forty-five (45) mile radius residency requirement. (Exceptions to the contiguous county restriction are at the discretion of an employee’s Deputy Chief.)

B. Employees (Sworn and Civilian) that reside in the state of South Carolina will not operate a departmental vehicle for take-home purposes.

C. Civilian passengers may accompany an employee, as long as those passengers do not unreasonably inhibit the employee's ability to respond to a callback event.

D. Employees operating a Call Back Vehicle will provide initial response to any incident occurring in their proximity, whether they personally observe the incident or it is communicated through a second party or radio transmission. However, at no time will...
employees jeopardize the safety of civilian passengers. If an employee is unable to respond to an incident because the response may jeopardize the safety of civilian passengers, the employee is required to take measures to assist such as obtaining a suspect description and relaying that information to Communications.

E. Employees operating a Call Back Vehicle must have appropriate attire and equipment immediately available to them for callback response or to enable them to fulfill an emergency public safety function. Minimally, this includes the service pistol, handcuffs, radio, flashlight and an outer garment identifying the employee as a CMPD employee. Attire worn while operating a Call Back Vehicle shall be sufficiently appropriate to reflect favorably upon the CMPD.

F. Employees authorized a Call Back Vehicle equipped with a laptop computer and/or shotgun, are responsible for securing and locking such items in their proper mounting locations. In vehicles without locking mounts or those parked for extended periods of time, equipment will be secured in the vehicle’s trunk. Employees will not leave any firearms, portable radios or other sensitive equipment unsecured in the passenger area of the vehicle. (Employees carrying specialized equipment will refer to the Unit SOP for securing and storing such equipment.)

G. Employees operating the Call Back Vehicle for personal use will not visit any location that may reflect negatively on the department or result in public criticism. A Call Back Vehicle may not be used for vacation purposes outside of CMPD jurisdiction.

H. Employees on Light Duty (who are medically cleared to drive a vehicle) may be allowed to drive an unmarked Call Back Vehicle. Employees in these circumstances will take no enforcement action when operating a Call Back Vehicle.

I. Employees participating in the House Charlotte program may be assigned a take home car based upon availability and current distribution of take home cars within the immediate neighborhood or area where the officer has purchased the home. Continued residency at the home is a requirement in order to remain eligible for a take home car and assignments of take home cars may be adjusted as neighborhood status shifts.

J. The CMPD Administrative Services Bureau Major will conduct an annual review of all Call Back Vehicles to ensure policy objectives are being met.

IV. TRANSPORTATION OF CITIZENS WHILE ON DUTY

A. Transportation of any citizen must be supported by a legitimate duty-related purpose and shall not interfere with police operations.

B. CMPD personnel will advise Communications of the destination and beginning/ending mileage of the police vehicle, when the transported person is of the opposite sex or a juvenile (except when escorting other non-agency partners and engaging in official business). To provide necessary confidentiality in criminal investigations, Vice and Narcotics is exempted from this provision.
V. DEPARTMENT RIDE ALONG PROGRAM

The Ride Along Program is designed to allow citizens to observe police operations from an internal perspective by riding with on-duty police officers. The procedure to participate is outlined in the Ride Along Program Standard Operating Procedure.

VI. VEHICLE INSPECTION

A. Prior to taking possession of any assigned vehicle, employees will inspect the vehicle and complete the Automobile Assignment and Inspection List.

1. Employees will notify their supervisor if any unreported or questionable damage is discovered on CMPD vehicles.

2. The supervisor will investigate the source of any unreported damage, complete the required reports, and initiate the necessary corrective action.

3. All Automobile Assignment and Inspection List forms for division assigned vehicles will be returned to the supervisor of the employee's division or unit.

4. Inspection of vehicles will include a check of equipment assigned to the vehicle, a check to verify that all fluid levels are adequate prior to continued use of the vehicle, and a search of the vehicle's passenger area and trunk to ensure no weapons or contraband have been left in the vehicle.

5. All vehicles assigned to a patrol division are required to contain saline solution and a rip hobble cord. If these items are not present during the initial vehicle inspection, the Officer will notify the shift sergeant.

6. If no replacement item is immediately available, the officer may drive a different patrol vehicle. Any sergeant notified of the missing equipment will notify the patrol division's Administrative Sergeant of the need to replace the equipment.

7. All equipment that is required in patrol vehicles for the employee to properly perform his/her job function will be supplied and replenished by the CMPD. The missing items will be replaced by the Department prior to the officer beginning their tour of duty in that vehicle.

B. Returning Vehicles

1. Employees will ensure that each vehicle is clean, has the assigned fuel card, and all personal property is removed at the conclusion of their tour of duty. Supervisors will periodically check vehicles for interior and exterior cleanliness.

2. Vehicles will be returned with fuel tanks no less than three fourths full. Fueling procedures will include checking the oil level, transmission fluid level, water level, tire pressure, and adding oil, water and air as needed.

VII. VEHICLE OPERATION
A. Employees will not operate a CMPD vehicle while consuming alcohol or while alcohol remains in the person’s body.

B. Employees will use the skills, principles, and concepts of the City of Charlotte Defensive Driving Course while operating CMPD vehicles.

C. Before operating a CMPD vehicle, employees will have a City of Charlotte Driving Permit and ensure that they are familiar with the vehicle’s individual characteristics and features. Employees will make themselves aware of the different types of equipment found on various CMPD vehicles, such as anti-lock brakes, front wheel drive, etc., and will direct any questions to a supervisor.

D. Employees are required to use the factory installed occupant safety restraining devices anytime they are operating a CMPD vehicle.

E. Employees should turn off the ignition when is it not necessary to leave the engine running.

F. No employee will leave a CMPD vehicle unattended without securing it by removing the keys from the ignition, rolling up all windows, and locking all doors. Specialized units will adhere to their unit’s standard operating procedure as it relates to securing vehicles. Canine units will follow their standard operating procedure regarding leaving their dogs unattended in their CMPD vehicles.

G. CMPD vehicles will be parked legally in designated spaces marked by the appropriate signs.

H. The CMPD Fleet Manager will distribute a list of vehicles due for preventive maintenance to CMPD personnel on a daily basis. In order to ensure the safety of our employees, CMPD vehicles will be brought to the Fleet Management maintenance facility as soon as possible so the required preventive maintenance can be performed.

I. Shotguns, rifles, level 3 vests, laptops, portable speed measuring devices, and personal items must be removed from the vehicle and stored properly prior to leaving the vehicle at the Fleet Management maintenance facility (garage) or an outside vendor for repair or maintenance service.

J. Fuelman Cards

1. Vehicles will be fueled using only the fuel card assigned to that vehicle.

2. In the event that a fuel card is lost, the supervisor is to contact the CMPD Fleet Manager to determine the last employee to use the card.

3. If the card is not found, a lost equipment report will be completed and a copy forwarded to the CMPD Fleet Manager.

4. Employees may be required to pay a replacement fee of $5.00 to the Financial Management Division and deliver the receipt to the CMPD Fleet Manager for a replacement card.
5. In the interim, a card number will be given to use manually until the report findings are completed.

K. CMPD Logistics Unit Vehicles

Multi-passenger vans and pick-up trucks are assigned to the CMPD Logistics Unit and are available for approved CMPD sponsored functions or official business. The following guidelines are in place to account for the use and operation of these vehicles and their passengers:

1. In order to operate a CMPD Logistics Unit vehicle, an employee must have a City of Charlotte Driving Permit and successfully completed the City of Charlotte Defensive Driving Course.

2. The employee must contact the CMPD Logistics Unit to request and reserve a vehicle.

3. If vehicles are to be operated outside of Mecklenburg County, the employee will provide to the CMPD Logistics Unit Supervisor a passenger manifest to include:
   a. Driver/ passenger names;
   b. Addresses;
   c. Telephone numbers;
   d. Emergency contact telephone numbers;
   e. Destination and route;
   f. Trip timeline.

   The CMPD Logistics Unit Supervisor will forward copies of this list to the Communications Division shift supervisor and the Operations Command.

4. All sections of this Directive also apply to the operation and use of CMPD Logistics Unit vehicles.

VIII. TOWING CMPD VEHICLES

A. All disabled or wrecked CMPD vehicles will be towed by the Fleet Management maintenance facility (garage) or their designated wrecker service, to the Fleet Management Division maintenance facility. Even if there does not appear to be any damage to the vehicle, the vehicle needs to be inspected for hidden damage before being operated on the roadway for safety.

B. No Inventory Report or Tow-In Report is necessary when a CMPD vehicle is towed.
C. When a police vehicle is towed, the employee, or their supervisor, is responsible for removing the shotgun, rifle, level 3 vest, laptop, speed measuring devices (if portable), and any other applicable Sensitive Equipment and storing them appropriately.

IX. After-Market Equipment

A. Bumper Stickers and Decals

1. Placement of any bumper sticker or decal on a CMPD vehicle requires the approval of the Chief of Police or designee.

2. Bumper stickers or decals must refer to programs that are supported department-wide.

B. Window Tint

1. No window tint is allowed on any marked patrol vehicle without the approval of the Chief of Police or his designee.

2. Window tint for unmarked vehicles must be approved by the Chain of Command through the Bureau Major with final approval by the Administrative Services Bureau Major. The cost for adding window tint to unmarked vehicles will be paid out of the budget where the vehicle is assigned.

C. No other after-market equipment is allowed to be installed on any CMPD vehicle without prior approval from the Chief of Police or designee.

X. SECONDARY EMPLOYMENT USE OF CMPD VEHICLES

A. Employees assigned a Call Back Vehicle are permitted to use them for approved CMPD secondary employment functions.

B. Employees seeking to utilize a division vehicle for approved CMPD secondary employment must have the authorization of the division commander or his or her designee. The operational needs of a division cannot be compromised in support of any secondary employment activity or function.

XI. OUT OF TOWN VEHICLES

Employees will utilize the following guidelines when they need a vehicle to go out of town on official business:

A. Employees will use vehicles from their respective service area, division, or unit due to the limited number of out of town vehicles assigned to the City of Charlotte Motor Pool or CMPD Fleet Management.

B. In the event a vehicle will not be available from the employee's assigned unit, the employee may reserve a vehicle through the City of Charlotte’s Motor Pool:

http://cnet/kbus/epm/Fleet/motorpool/Pages/default.aspx
Employees utilizing the City of Charlotte Motor Pool vehicles will follow the City’s Motor Pool Policy.

C. If no vehicles are available through the City of Charlotte’s Motor Pool, then employees may contact the CMPD Fleet Manager and reserve an out of town vehicle. The request document should contain the following information: the date of the request, the date the vehicle will be picked up, the date the vehicle will be returned, the reason for why the employee will need the vehicle, and the destination where the employee will be taking the vehicle.

D. Due to the limited number of out of town vehicles, requests will be filled on a first come basis. However, to ensure a vehicle is available for official use, an employee may reserve an out of town vehicle through the CMPD Fleet Manager prior to the employee’s departure date.

E. Upon returning an out of town vehicle, employees will comply with Section VI. B. of this directive.

XII. REFERENCES

Rule of Conduct #7
300-006 Light Duty Policy
300-007 Secondary Employment
600-002 Vehicle Accident and Damage Investigation
900-010 Shotgun Inventory and Control
Patrol Services Vehicle Incentive SOP
Ride Along Program SOP
NCGS § 20-138.2B
CALEA
I. PURPOSE

To provide guidelines for the investigation and reporting of vehicle accidents/collisions involving CMPD vehicles and non-collision damage to CMPD vehicles, and to discuss the internal CMPD review process of vehicle accidents.

II. POLICY

All departmental vehicle accidents/collisions will be investigated. Incidents will be documented in the Internal Affairs Case Management System (IACMS) as required within 24 hours. This does not apply to parked and unoccupied departmental vehicles and unlicensed mobile equipment such as ATVs, Bicycles, Rhinos, Segways, etc.

III. DEFINITIONS

A. Collision Report: Refers to the N.C. Crash Report Form DMV-349 or the equivalent form in another state.

B. Law Enforcement Enhancement and Development (LEED) form: Form to be completed by an officer’s chain of command or as the result of an administrative hearing which clearly identifies training deficiencies that need to be addressed by remedial training. This form is sent to the CMPD Training Director for review and completion.

C. Non-Reportable Crash Form: Used to document vehicle accidents where damage is less than $1,000 and there are no injuries.

D. Vehicle Accident Reporting Form (VARF): Risk Management form used city-wide for the reporting of vehicle accident information.

E. Non-Preventable Crash: A crash in which the employee’s operation of the vehicle was not a contributing factor to the collision.

F. Preventable Crash: A crash in which the employee’s operation of the vehicle was a contributing factor to the collision.

G. Damage: Any damage other than damage caused by a traffic collision resulting in destruction or loss of property value which is caused or incurred in whole or in part as a willful or negligent act.

IV. REPORTING PROCEDURE

A. In the event of a vehicle collision involving a CMPD vehicle, an employee will:

1. Immediately report the collision (or damage) to the telecommunicator and request that a Patrol supervisor respond to the scene.

2. Manage the accident scene, including caring for injured persons, requesting medical aid, and restoring the normal flow of traffic.
3. If the vehicle collision occurs outside of Mecklenburg County, the employee must notify the appropriate law enforcement agency to take a report and must notify his/her supervisor. The law enforcement agency for that jurisdiction will investigate the collision and complete the appropriate accident report. Unless emergency medical transport is needed, the employee will remain at the scene. If the employee is unable to contact his/her supervisor due to incapacitation, then he/she will request that the investigating agency notify the CMPD Communications Division who will then notify the supervisor.

B. The supervisor responding to the collision scene will:

1. Ensure that the accident scene is properly managed, that any hazards or conditions that caused the collision are removed, and that all reports are completed correctly.

2. Any vehicle accident resulting in a fatality, serious or life-threatening injuries, total loss or significant vehicle body damage, or damage to property other than a vehicle that could exceed $10,000, requires the supervisor to make the following notifications:
   a. Division Captain, Civilian Manager, or Operations Command.
   b. Internal Affairs and Operations Command for all vehicular accidents involving fatalities, serious or life-threatening injuries.
   c. Risk Management Division (704-336-3301 /or after hours 704-634-2053).

3. Ensure that an Accident Reconstruction Unit responds to the scene and completes the investigation for any vehicle accident resulting in a fatality, serious, or life-threatening injury.

4. Determine if employee is required to complete a drug/alcohol test as outlined in Directive 300-009, Employee Drug and Alcohol Testing and ensure that any required testing is completed. Drug and alcohol testing, for employees operating a CMPD vehicle, when involved in a vehicle collision occurring in Mecklenburg County or its surrounding counties in North Carolina and South Carolina, is required as outlined in Directive 300-009, Employee Drug and Alcohol Testing (see attached map).

5. Open a crash investigation in IACMS prior to the end of the shift and complete the following:
   a. Collision Report or the Non-Reportable Crash Form.
   b. Supervisor's statement.
   c. Ensure the employee completes his or her statement in IACMS.
   d. Ensure that the Vehicle Accident Reporting Form (VARF) is completed.
1) To complete the VARF, use the link in IACMS or the address below located on Risk Management’s webpage on CNET-

http://riskmgmtonline.ci.charlotte.nc.us/varf/varf.html

2) The Collision Report or the Non-Reportable Crash Form can be emailed to Risk Management by using the link in IACMS shown directly above the box asking for the Crash Report Number. (claims@ci.charlotte.nc.us is the secure email address for the Claims Department).

6. Supervisors are not required to complete a crash investigation in IACMS for a crash involving a parked and unoccupied CMPD vehicle. The Vehicle Accident Reporting Form will still be required and can be located on the CMPD Portal.

C. Damage to vehicles (non-collision)

Any non-collision damage to a CMPD vehicle (such as damage caused by a suspect, vandalism, fire, mother nature, etc.,) requires the following:

1. Damage due to suspected criminal intent will require an investigation by the supervisor and completion of a “Damage to Property” report in KBCOPS.

2. Damage absent of criminal intent shall be documented in a memo and a VARF must be completed.


4. If an arrest is made in connection with the damage to the vehicle, the supervisor will contact Risk Management to provide them an estimate of the cost to repair. This estimate will be included in the case preparation for the court to make a disposition on reimbursement.

V. REVIEW PROCEDURE

A. The investigating supervisor will complete an investigation into the crash and take the following actions:

1. Make a recommendation of "Preventable" or "Non-Preventable," and recommend if corrective action or training is needed.

2. If the supervisor determines the crash to be preventable, he or she shall research the employee’s previous preventable crashes and include that information in the IACMS investigation.

3. Transfer the Supervisor's Investigative Report to the next level of command.
B. The next command level will review the investigative report and take the following actions:

1. Make a recommendation of "Preventable" or "Non-Preventable", and corrective action or training, when appropriate.
2. Forward the investigative report to the next level of command.

C. Disposition

1. The Captain assigned to the employee's service area or bureau will make the final determination that the crash was "Preventable" or "Non-Preventable."
2. The employee will be notified of the disposition of the investigation by his or her supervisor. The employee will acknowledge the disposition of the crash by his or her signature or electronic acknowledgement in the IACMS.
3. The employee’s immediate supervisor will ensure that any corrective action or training is implemented and documented. If training is recommended, a LEED form shall be completed and forwarded to the Academy Training Director.
4. Completed IACMS documentation associated with the investigation and disposition will be transferred to the Internal Affairs Bureau for review and storage.

D. Training

1. Any CMPD employee involved in a crash while driving a city vehicle will have the crash evaluated by the Lead Driver Training Instructor. Any CMPD employee involved in a preventable crash in a city vehicle may be required to attend driver training.

The Lead Driver Training Instructor will determine the type of training to be delivered based on the following criteria:

a. The number of preventable crashes an employee has had.
b. The specific circumstances related to each crash.
c. The value or effectiveness of training based on the circumstances of the crash.
d. Recommendation of employee’s chain of command following the IACMS investigation.

2. The criteria and process for training will be as follows:

a. Supervisors will mandate 8 hours of driver training for employees involved in two or more preventable crashes within a 12-month period.
b. At the conclusion of all training sessions, the Lead Driver Training Instructor will complete the LEED form and return it to the Training Director. The Training Director will review the completed form and return the form to the initiating supervisor or Internal Affairs. The initiating supervisor will ensure that the form is submitted to the employee’s chain of command and scanned in to any associated IACMS case.

c. The driver training sessions will consist of classroom training and/or practical driving exercises related to the specific type of crash in which the employee was involved.

VI. REFERENCE

300-009 Employee Drug and Alcohol Testing
City Policy FIN 8
CALEA
Appendix A: Map of Surrounding Counties
I. PURPOSE

This directive establishes a uniform policy for the seizure, collection, and preservation of electronic evidence. This includes computers, mobile devices, removable storage media, video surveillance footage, etc., which are encountered by departmental employees in connection with investigations and/or searches.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department that all personnel who are engaged in the seizure of computers, mobile devices, removable storage media or video surveillance footage for the evidence contained therein, shall seize those items by procedures designed to ensure the integrity of the seized items. These items will be impounded as evidence, and examined according to the guidelines listed in this directive.

III. DEFINITIONS

A. Cyber Crimes Officer: A member of the department specially trained in the techniques of computer data recovery and seizure. It is the role of the Cyber Crimes Officer to conduct evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the case.

B. Computer System: Computer monitor, CPU, communication device, mobile device, data storage device, or peripherals configured to work together as a unit or cabled together externally.

C. Recording Device: USB flash drive, CD, DVD, floppy drive, tape drive, hard drive, and/or other mechanical, electrical, optical, or combination device used to store data that is not currently connected to an operating system.

D. Electronic Media: Any material, written or photographic, that is stored on a computer's recording device.

E. Network: Any two or more computer systems connected together that can communicate with each other and share resources.

F. Operating System: Software used to allow the equipment in the computer to interact with the computer applications and user. Examples include Windows operating systems, Mac OS X, Unix, Linux.

G. Tool Kit: Used to document, remove, package, and transport electronic evidence and consists of:
   1. cameras;
   2. crime scene tape;
   3. stick-on labels; and
   4. notepads, markers, evidence forms, and sketchpads.
Note: Because electronic media is susceptible to electrostatic charges and magnetic fields, anti-static bags (original silver or chrome packages in which hard drives are shipped) should be used to store hard drives, floppy disks, zip disks, etc. In the event an anti-static bag cannot be located, an appropriately sized paper bag can be used.

IV. PROCEDURE

A. This policy shall apply only in those cases where data residing on computer systems, mobile devices, and removable storage media are being sought as evidence in an investigation. Computers, mobile devices or removable storage media seized by departmental personnel as evidence (in cases such as burglary and retail theft, where the computer, mobile device or related media is the actual item stolen/recovered), will be turned in at the Property and Evidence Management Division according to departmental guidelines/policies.

B. No employee, except one acting under the direction of a Cyber Crimes Officer, will attempt to examine any computer system, CPU, removable storage media, or like device used to store electronic media for potential evidence contained therein.

C. A basic examination of a mobile device may be conducted at the discretion of the officer according to current legal guidelines with consideration given to consent, exigent circumstances, or the presence of a valid search warrant. Examples of this type of basic examination include retrieving phone numbers, or reviewing recent call history or text messages related to an investigation. The examination may be conducted because of time constraints related to the investigation or when a full examination of the device may not be needed. However, officers should be aware that data may be lost or changed depending on the depth of their examination. The evidence located during the exam should be photographed and all actions noted and supplemented in KBCOPS.

D. Video surveillance footage may be retrieved and reviewed by any officer during the course of their investigation according to current legal guidelines. They may also request the assistance of individuals familiar with the surveillance system where the data is stored. In the event that an officer is unsuccessful retrieving the surveillance footage, a request can be made to the Cyber Crimes Unit to provide assistance with collecting the evidence.

E. Any electronic evidence seized will be turned into the Property and Evidence Management Division or released directly to the CMPD Cyber Crimes Unit. Officers will be required to submit a service request for evidence submitted to the CMPD Cyber Crimes Unit prior to the item to be processed. The Service request for Digital Forensics will be completed in PLIMS.

F. When it is determined that a computer is to be seized and processed, the employee will notify their immediate supervisor and advise him/her of the seizure. If the employee is unsure whether a seizure is appropriate, the immediate supervisor will be notified and will make that determination. Whenever electronic media is encountered and to be seized pursuant to a search warrant, consent or probable cause, the employee making the seizure will take the following steps:
1. If the computer is off, leave it off, **do not turn it on!**

2. If the computer is on, photograph the monitor to document what is displayed for evidentiary purposes.

3. Photograph the computer or other electronic media in its original state before anything is touched.

4. If the computer is on, unplug the power cord from the back of the computer, **not** the wall outlet. If the computer is connected to a modem, LAN, or router, disconnect it from the computer in order to prevent the computer from being accessed remotely and data changed or destroyed by a remote user.

5. Document each step as it is taken, making detailed notes. One employee should be responsible for the documentation and collection of the electronic media and actual computer. More than one employee can be involved in the search for evidence. However, each employee’s name should be recorded and detailed notes of what they discovered and/or seized should be kept.

6. Do not make any key strokes or mouse clicks to the computer. If that occurs, document exactly what keystrokes or mouse clicks were made and the results of these actions.

7. Once power has been disconnected from the computer, sticker labels should be applied to all connections and corresponding cables on the computer, so that the computer can be reconnected to its original configuration for later analysis or court purposes.

8. Do not transport electronic media near antennas or power supplies. Keep electronic media away from electromagnetic fields. Contact with these sources can cause the deletion of data.

9. If electronic media seized is to be searched for potential evidentiary value, a Laboratory Examination Service Request in PLIMS will be completed by the Investigating Officer, and the evidence turned in at the Property and Evidence Management Division or directly to a Cyber Crime Unit Officer.

10. The employee impounding the electronic media must provide the Cyber Crimes Officer with the background information of the case. This will include, but will not be limited to, the following:

    a. suspect name(s);
    b. special or street language used by the suspect(s);
    c. known code words;
    d. passwords;
    e. email addresses; and
f. other information that may be of use to the computer forensic specialist in the formulation of searches.

G. When it is determined that a mobile device is to be seized and processed by the Cyber Crimes Unit pursuant to a search warrant or on consent, the officer making the seizure will take the following steps:

1. Mobile devices should be placed in airplane mode after collecting it from a crime scene or from the owner. This should be done prior to turning off the device and before submitting the phone to the Property and Evidence Management Division or the Cyber Crimes Unit. Placing the device in airplane mode effectively secures the device by disabling the phone’s ability to connect to a cellular tower. This should only be done if the individual seizing the device is familiar with the steps involved in placing that particular device in airplane mode. If the individual seizing the device is unfamiliar with the device, they are to turn the device off or remove the battery prior to turning into the Property and Evidence Management Division.

2. If a basic examination of the device is to be completed by an officer, evidence located on the device should be photographed if possible and the officer’s actions during the examination should be noted in KBCOPS.

3. If the mobile device is found to be locked, the officer should attempt to acquire the pass code from the owner. However, based on the type of case as well as the cooperation of the owner, the Cyber Crimes Unit realizes that this may not always be possible. Officers should not attempt to “guess” the passcode, enter the wrong passcode multiple times or use unapproved methods to unlock the device. In cases involving a consent search of the device, the owner of the device should provide the officer with the code to unlock the device prior to the examination.

H. When it is determined that video surveillance footage is to be seized by an officer, the officer making the seizure will take the following steps:

1. Officers should determine if the system is on site and if it is recording. Officers should also determine if the person on site has access to the system. If not, the officer should make an attempt to contact the appropriate person in control of the surveillance system.

2. The cameras needed as well as the date and time frame to be collected should be determined based on the needs of the investigation.

3. The date and time of the system should be reviewed and documented in the officer’s notes. Any discrepancy in the system date and time compared to the actual date and time should also be noted.

4. The assistance of the person in apparent control of the system or an individual familiar with the system may be requested.
5. If the officer is unsuccessful at collecting the video footage, they may request the assistance of the Cyber Crimes Unit.

6. A copy of any surveillance footage collected as evidence will be turned into the Property and Evidence Management Division as evidence.

I. Due to the ever-changing nature of electronic devices, the above listed procedures may be modified by the CMPD Cyber Crimes Unit if needed on a case by case basis. Some examples of these may include the examination of:

1. Electronic devices that have encryption software installed (if known). If a device has an encrypted hard drive or encrypted files that are open when the device is seized, contact a member of the CMPD Cyber Crimes Unit prior to turning off the device.

2. Networked computer systems (businesses/corporations) should not be seized by any individuals other than the CMPD Cyber Crimes Unit. This does not include simple home or office based Wi-Fi networked computers. If any questions arise regarding a networked computer environment, contact a member of the Cyber Crimes Unit or the supervisor of the unit.

3. Any questions or concerns regarding the seizure process of electronic evidence should be directed to the Sergeant of the CMPD Cyber Crimes Unit.

V. REFERENCES

700-001 Submitting Impounded Property
CALEA
I. PURPOSE

The purpose of this directive is to establish departmental policy for responding to and processing information regarding domestic violence in accordance with Chapter 50-B of the North Carolina General Statutes, as well as related criminal and civil statutes.

II. POLICY

It shall be the policy of the Charlotte-Mecklenburg Police Department (CMPD) to thoroughly investigate all allegations of domestic violence, make appropriate referrals, and take appropriate action according to the totality of the information known. Coordinated community efforts for early intervention are encouraged to hold suspects accountable and to provide needed assistance to victims. Due to the unique nature of domestic violence situations, as well as statutory requirements, it is CMPD’s policy that decisions regarding dismissal on any charges will be made by the District Attorney’s Office at the prosecution stage.

III. DEFINITIONS

A. Domestic Violence (DV): Defined by N.C.G.S. §50B-1(a) 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:

1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
2. Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
3. Committing any sexual offense defined in G.S. §14-27.2 through G.S. §14-27.7:

B. Personal Relationship: Defined by N.C.G.S. §50B-1(b) as a relationship wherein the parties involved:

1. Are current or former spouses (including same sex);
2. Are persons of the opposite sex who live together or have lived together;
3. Are related as parents and children, including others acting as a parent to a minor child (in loco parentis), or as grandparents and grandchildren;
4. Have a child in common;
5. Are current or former household members, (including same sex);
6. Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. A dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.
C. Ex Parte Order: An emergency or temporary court order valid until a hearing may be held to temporarily protect an aggrieved party or a minor child from danger due to acts of domestic violence.

D. §50B Order: A court order entered after notice and a hearing for a fixed period of time not to exceed one year, but may be renewed for an additional one-year period. Ex parte or §50B domestic violence protective orders may grant the complainant any of the listed forms of relief found in N.C.G.S §50B-3 when there are allegations of domestic violence. Officers should always refer to the actual document for the specific parameters and forms of relief applicable to each individual case.

IV. PROCEDURE

A. Initial Response

1. Any reports of domestic violence will be thoroughly investigated and documented. Officers should enforce the laws and provide assistance regardless of the victim’s willingness to prosecute.

2. Domestic violence is a pattern of behavior used to establish power and control over another through fear and intimidation, often including the threat or use of violence. Due to these psychological factors, victims are sometimes reluctant to report, fully disclose their abuse, or follow through with prosecution. Therefore, detailed initial investigations are critical in domestic violence cases. Initial investigations should include the following:

   a. Detailed statements from parties involved and witnesses; proper documentation and preservation of all evidence, including but not limited to, photographs of injuries, photographs of crime scene, collection of weapons used, capturing of electronic evidence such as text messages, etc.;

   b. Information on any children present during assaults. If there is cause to believe that any children present may be abused, neglected or dependent, officers have a statutory duty to notify the Mecklenburg County Department of Social Services;

   c. Officers who identify children who have been exposed to violence and other trauma shall evaluate the need to refer the family to the Child Development-Community Policing clinical team.

   d. Officers shall use the Lethality Assessment Program (LAP) screening guide to gather pertinent information that will assist in determining the potential lethality of the suspect’s behavior; and,

   e. If the victim answers qualifying questions from the LAP affirmatively, the officer should immediately call the 24-hour hotline number listed on the form. If the victim answers these questions negatively, officers should make additional inquiries as directed by the LAP guide. The completed LAP will be scanned and attached to the KBCOPS report.
f. In order to better assess the volatility on a call for service, officers shall conduct a thorough background search of all parties involved utilizing all available databases to include, but not limited to: past reports in KBCOPS, CAD Event Search for prior call for service, CJLEADS, NCIC/DCI, etc. All relevant findings of the search shall be documented in the offense report or MI.

3. Strangulation Response

In keeping with current recommended best practices and the known correlations that exist between the crime of strangulation and the high potential for future lethality, employees shall perform the following actions when initially responding to a call for service with a victim who has reported being strangled:

a. MEDIC shall be requested immediately upon the determination that probable cause exists that a victim has been strangled.

b. The DV Strangulation Case Evaluation Form shall be completed with all victims who report being strangled.

c. Crime Scene Search shall be requested for all reported strangulation cases where victims have any visible signs of injury.

d. Victims of strangulation shall be advised of the potential lethality and future health risks of strangulation using the Facts for Victims of Strangulation Brochure or the Strangulation Assessment Card.

e. The on call DV Officer or the DV Unit Supervisor will respond for all reported strangulations with a documented loss of consciousness, loss of bladder or bowel control, or with a victim who is transported for injuries directly related to strangulation.

4. Officers must determine through careful interviews and investigations if any criminal violations have occurred. Officers should consider all information obtained from the scene, database checks on all parties involved, and the LAP when determining course of action. Injuries, weapons, and other pieces of evidence should not be considered by themselves, but the totality of the scene should be used to determine the predominant aggressor and the appropriate charge. Self-defense is not a crime.

B. Officer's authority to arrest

1. Officers are granted the authority to arrest under N.C.G.S. 15A-401.

a. For offenses committed out of the presence of an officer, the officer may arrest any person who the officer has probable cause to believe:

1) Has committed a felony; or,

2) Has committed a misdemeanor, and:
• Will not be apprehended unless immediately arrested; or,
• May cause physical injury to himself or others, or damage to property unless immediately arrested; or,

3) Has committed a misdemeanor under G.S. 14-72.1 (Concealment of merchandise in mercantile establishments), 20-138.1 (Impaired driving), or 20-138.2 (Impaired driving in commercial vehicle); or,

4) Has committed a misdemeanor under G.S. 14-33(a) (Simple assault, simple assault & battery, simple affray), 14-33(c)(1) (Assault inflicting serious injury, assault with a deadly weapon), 14-33(c)(2) (Assault on a female), 14-134.3 (Domestic criminal trespass), or 14-34 (Assault by pointing gun) when the offense was committed by a person with whom the alleged victim has a personal relationship as defined in G.S. 50B-1; or,

5) Has committed a misdemeanor under G.S. 50B-4.1(a) (Violation of valid protective order); or,

6) Has violated a pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2).

b. Mandatory Arrest Provision: A law enforcement officer shall arrest and take a person into custody, with or without a warrant, if the officer has probable cause to believe that the person knowingly violated a valid protective order (ex parte order or §50B order) that:

1) Excludes the person from the residence or household occupied by the victim;

2) Directs the person to refrain from threatening, abusing, or following the victim;

3) Directs the person to refrain from harassing the other party, by telephone, visiting the home or workplace, or other means;

4) Directs the person to refrain from cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household; or,

5) Directs the person to refrain from otherwise interfering with the other party.

2. Through thorough investigations, officers should determine the predominant aggressor and arrest accordingly. Dual arrests are discouraged. If a predominant aggressor cannot be determined, a supervisor should be notified prior to making a dual arrest. If after careful consideration of all evidence and information at the officers’ and supervisor’s disposal, the situation requires a dual arrest, the
supervisory notification and justification for a dual arrest shall be documented in the report.

3. When the suspect is still on scene and the officer has determined probable cause to make a warrantless arrest, the suspect should be arrested on scene. Supervisory approval is required when probable cause exists and the officers on scene believe that an immediate arrest is not appropriate. The circumstances which caused the officers to believe that an on-scene arrest is not appropriate shall be documented in the report. This documentation must be completed either during the initial response or before the end of the officer’s tour of duty.

4. When the suspect has left the scene and the officer has determined probable cause to make a warrantless arrest, the officer shall either:
   a. Transport or accompany the victim to the Magistrate’s Office to request an arrest warrant or criminal summons. The officer shall remain with the victim until the case has been reviewed with the Magistrate; or,
   b. Personally request a warrant or summons from the Magistrate immediately when the victim is unable or unwilling to pursue charges.

5. When the investigation does not provide enough evidence or information for the officer to determine probable cause to make a warrantless arrest, the officer shall either:
   a. Offer to transport the victim to the Magistrate’s Office to request an arrest warrant or criminal summons. The officer shall remain with the victim until the case has been reviewed with the Magistrate; or,
   b. Provide the victim the information necessary to apply for a warrant or a summons at a subsequent time.

C. Domestic Violence Protective Orders (Ex parte order or §50B order)

1. Before any enforcement action is taken based solely on a domestic violence protective order, an officer must confirm, through the appropriate authorities, that the following factors exist:
   a. The order is valid and signed by a judicial official;
   b. The order is currently active; and,
   c. The order has been served on the defendant.

2. State issued orders can be searched by name through the Department of Criminal Information (DCI). Nationwide searches can be accomplished through the National Criminal Information Center (NCIC).

3. If a protective order has been found either in DCI or NCIC, officers should contact their dispatcher to determine the exact provisions of the order by contacting the issuing agency.
4. Orders must be carefully reviewed to determine the exact provisions set forth in each order to determine if the order has been violated. Some orders allow the defendants to have contact with the plaintiffs.

5. An officer must make a mandatory arrest of a suspect pursuant to Section IV.B.1.b., regardless of the present relationship or circumstances between the victim and the suspect. Even if the suspect has moved back into the residence named on the court order, or the victim has invited the suspect to his/her residence, the officer must arrest once the active order is confirmed.

6. Only a subsequent court order amending or dismissing the original court order can nullify the enforcement of that order.

7. If there is no record of the order being served on the defendant and the order does appear to be valid, an officer should contact the issuing agency in order to have an authorized officer respond and serve the order.
   a. Defendants can be detained for a reasonable amount of time if an officer is confirmed to be responding to serve the protective order. For orders issued in Mecklenburg County, the Mecklenburg County Sheriff’s Office should be contacted.
   b. If an officer is not confirmed to be responding with the order to be served;
      1) Officers should notify the defendant of the order and its conditions; and,
      2) Document the verbal notification to the defendant on any appropriate report taken.

8. Domestic violence protective orders initiated outside of Mecklenburg County will be respected and enforced in the same manner as local orders. Plaintiffs are not required to register court orders from other jurisdictions, but may do so by contacting the Mecklenburg County Sheriff’s Office.

9. If the suspect is not present when officers are at the scene and officers have probable cause to believe the suspect knowingly violated any of the conditions of a valid protective order listed in Section IV.B.1.b., the officer shall immediately proceed to the Magistrate’s Office and attempt to obtain a warrant or a summons or transport/accompany the victim to the Magistrate’s Office.

D. Victim Assistance

1. Officers are required to respond to requests for assistance by victims of domestic violence pursuant to N.C.G.S. 50B-5 as soon as practicable. N.C.G.S. 50B-5 provides that officers may take whatever steps are reasonably necessary to protect the victim from harm including:
   a. When feasible, transport the victim to appropriate facilities such as hospitals, Magistrate’s Office, or public/private facilities for shelter.
b. Request medical response (MEDIC) for injured victims or those who request medical assistance.

c. Advise the victim of the availability of shelter, medical care, counseling and other services.

d. Officers may accompany the victim to his or her residence, within the jurisdiction, so that the victim may remove food, clothing, medication and other such personal property as is reasonably necessary to enable the victim and any other minor child in his/her care to remain elsewhere until further proceedings.

e. In providing emergency assistance, no officer may be held criminally or civilly liable on account of reasonable measures taken under G.S.50B-5(a).

2. Victims of domestic violence shall be advised about the availability of a protective order and the procedure for filing a motion without a lawyer, or as an indigent. If a victim cannot obtain transportation to file for a protective order, officers shall assist by providing transportation.

3. Officers shall provide victims with the Domestic Violence Information Sheet per N.C.G.S. 15A-831(a)(7). (Victims’ safety plans are incorporated in the Domestic Violence Information Sheet).

4. Officers shall provide victims with the CMPD Domestic Violence Resource Information pamphlet or card (purple sheet / card).

V. Internal Domestic Violence

CMPD will not tolerate acts of domestic violence committed by its employees. Therefore, employees found to have committed domestic violence acts could face disciplinary action that may include a recommendation of termination. This section describes procedures for handling acts of domestic violence committed by CMPD employees and for implementing prevention strategies. This section is designed to provide a structured response to reported incidents of domestic violence involving employees, and offer direction for conducting the subsequent administrative and criminal investigations.

A. Department Responsibilities

1. CMPD shall conduct an administrative and/or criminal investigation of any domestic violence incident involving an employee.

2. CMPD shall inform employees of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.

3. All CMPD personnel shall keep all information concerning departmental employees involved in a domestic violence investigation confidential.

B. Employee Responsibilities

1. Employees will take personal responsibility in seeking confidential referrals and assistance to prevent a problem from escalating to the level of domestic violence criminal conduct.

2. Employees with information about domestic violence involving themselves or another CMPD employee are required to immediately report that information to a supervisor.

3. Employees who learn they are the subject of any protective order proceeding shall immediately notify their supervisor and provide a copy of the order.

C. Chain of Command Responsibilities

1. Communications will immediately notify the appropriate supervisor of any domestic violence call received that involves, or appears to involve, a police employee, regardless of the involved person’s agency.

2. Supervisors who are informed about DV incidents involving CMPD employees will notify the employee’s chain of command.

3. The employee’s division commander/unit manager will promptly attempt to ascertain the validity of the information through a preliminary inquiry.

4. If it is determined that a DV incident may have occurred, the division commander/unit manager will notify the Domestic Violence Unit Supervisor and Internal Affairs.

D. Patrol Services Bureau Responsibilities

1. Patrol Services Officer

   If officers are dispatched to a scene and determine that the situation involves a CMPD employee or employee of another law enforcement agency, they will immediately notify their supervisor.

2. On-Scene Supervisor Response

   a. A supervisor will respond to the scene for all employee involved DV incidents. Supervisors will notify their chain of command and the DV Unit Supervisor for a DV officer to be assigned and possibly respond to the scene. In the event the officer is from another jurisdiction, the supervisor shall ensure that the accused officer’s agency is notified. All notifications and attempts to notify shall be fully documented.

   b. If prior to the arrival of the DV officer, circumstances exist that support a crime has been committed and the suspect has been identified, officers
should follow appropriate procedures to determine if an immediate arrest is necessary. However, officers should not transport the suspect to the intake center until authorized to do so by the DV Supervisor.

c. The on-scene supervisor shall assume command and ensure that the crime scene is secured and all evidence is collected. Photographic and/or video documentation of the parties involved and the scene shall be recorded.

d. The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children will be interviewed separately from other parties.

e. In cases where probable cause exists, the on-scene supervisor will ensure an arrest is made.

f. If a CMPD employee is the subject of an arrest, the supervisor shall notify the accused officer’s/employee’s chain of command and Operations Command as soon as possible.

E. Criminal Investigations Bureau Responsibilities

1. Domestic Violence Unit Response

a. Criminal DV cases involving department employees and other law enforcement agencies will be investigated by the DV Unit.

b. The DV Unit supervisor will assign a DV officer to investigate the incident.

c. The DV officer will conduct a thorough criminal investigation.

d. The DV officer will ensure that statements are obtained from victims, suspects, and key witnesses.

e. The DV officer will ensure that relevant evidence is collected and turned into the Property and Evidence Management Division (i.e., photographs of victims’ injuries, weapons, torn clothing, etc.)

f. Criminal interviews involving sworn personnel will be observed by the DV Unit supervisor or another Special Victims Division supervisor.

g. If probable cause exists, the DV officer will present the case to the magistrate in an attempt to obtain a warrant(s) for the appropriate charge(s).

h. The DV officers or Liaison will assist the victim with obtaining a Domestic Violence Restraining Order, discuss safety planning, and provide DV resource information.

2. All investigations, including misdemeanors, will be reviewed by the District Attorney’s Office.
3. Criminal investigations will be separate from administrative investigations. 
4. CMPD employees that are being investigated criminally have the same constitutional rights afforded to all citizens.

F. Internal Affairs Responsibilities
   1. CMPD employees that are being investigated administratively must comply with the requirements set forth in CMPD directive 200-001 Discipline, Internal Investigations, and Employee Rights.
   2. Where sufficient information/evidence exists, CMPD shall take immediate administrative action against the accused employee that may include removal of badge and service weapons, removal of ID and access cards, reassignment, sanctions, suspensions and termination.
   3. When the investigation of an incident uncovers employees who had knowledge of violence on the part of another employee, but failed to notify the department, or engaged in actions intended to interfere with the investigation, CMPD shall investigate those employees and take disciplinary action and criminally charge as warranted.

VI. REFERENCES

200-001 Discipline, Internal Investigations and Employee Rights.
300-002 Court Attendance
300-023 Employee Assistance Program
600-007 Victim and Witness Assistance
900-013 District Attorney’s Papering Process
N.C.G.S. §14-27.2
N.C.G.S. §14-27.7
N.C.G.S. §15A-401
N.C.G.S. §15A-301
N.C.G.S. §14-72.1,
N.C.G.S. §14-134.3,
N.C.G.S. §20-138.1, or
N.C.G.S. § 20-138.2 N.C. G.S. 14-33(a),
N.C.G.S. §14-33(c) (1),
N.C.G.S. §14-33(c) (2), or 14-34
N.C.G.S. §15A-534.1(a) (2)
NCGS 15A-831 (a) (7)
N.C.G.S. §50B-4.1(a)
Preliminary Investigative Guide
Training Institute on Strangulation Prevention
CALEA
I. PURPOSE

This directive establishes guidelines for responding to bomb threats, incidents involving suspected explosive devices, and post blast scenes.

II. POLICY

In the event of a bomb threat, the primary responsibility of Charlotte-Mecklenburg Police Department (CMPD) is to ensure the safety of persons and the security of the affected area. Any movement or investigation of suspect devices should be left to the Bomb Squad’s certified hazardous devices technicians.

The decision to evacuate or search the location of a bomb threat or suspicious package will normally be left to the authority in charge of the property. CMPD employees will not actively participate in search operations unless required to do so.

III. BOMB THREAT PROCEDURES

A. Officers responding to a bomb threat will take the following steps:

1. Ensure the Charlotte Fire Department (CFD), or appropriate Mecklenburg County fire department, and MEDIC personnel are dispatched to the scene to stand by at a safe location.

2. CMPD will have command of any bomb threat situation unless a detonation occurs. Responding CFD apparatus will typically stage at the closest fire hydrant and should coordinate with CMPD command face-to-face.

3. Ensure all communication regarding bomb threats or suspected bombs be conducted by landline telephone or 150 feet outside the threatened area.

4. Establish an incident command post in a safe location outside the threatened area (no less than 300 feet and under cover).

5. Ensure that the authority in charge of the threatened location has activated their bomb threat plan and that the search of the location begins. Officers will provide advice to the authority in charge of the property as needed regarding the ongoing search.

   a. If a search has not been started, suggest that this be done immediately.

   b. If a search has been started but not yet completed, provide advice as needed regarding the ongoing search.

   c. Officers should inform the authority in charge of the property that conducting the search is not the responsibility of the CMPD but, officers may, at their discretion, assist with the search of the property if requested by the authority in charge but will not do so without a representative of the property present during the search.
d. Should the authority in charge of the property elect not to conduct a search in response to a received bomb threat, the officer in charge should document such in the appropriate incident report.

e. Any search operations to be conducted on structures should start with all common areas and the exterior of the structure, and then proceed toward the interior.

f. The CMPD bomb canine is available to conduct limited bomb searches.

6. If circumstances warrant, the authority in charge of the property will be informed of the necessity of evacuating personnel from the property to a safe location.

a. If the decision is made to evacuate the property, all persons inside or on the property will be instructed to take all personal items with them (i.e. car keys, purses, bags, etc.).

b. Evacuation is a voluntary act of the authority in charge of the property.

7. Once an item believed to be a bomb has been found:

a. CMPD will assume control of the scene and initiate the Incident Command System (ICS).

b. Search operations will stop and the structure will be evacuated, the authority in charge will coordinate on an appropriate location to shelter in place.

c. The bomb squad will be called immediately.

d. CMPD personnel will begin to establish an evacuation perimeter based upon the size or type of the device. This should be accomplished in coordination with a Bomb Squad supervisor.

8. In situations where the threat is vehicle specific, officers will not search vehicles. The bomb squad will be called to the scene to handle vehicle specific threats.

B. Documentation of the incident will include the completion of a KBCOPS report and a written statement taken from the person receiving the bomb threat. This written statement must include:

1. The method in which the threat was received, (i.e., telephone, verbally, or written),

2. The exact wording of the threat received,

3. Have there been any previous threats,

4. The time the call was received,

5. The phone number on which the call was received,
6. Notation as to whether or not the person receiving the call dialed "* 57" after hanging up with the bomb threat caller,

7. The name and telephone number of the last (or any other) call received immediately before the bomb threat call,

8. The name and telephone number of the first (or any other) call received immediately after the bomb threat call,

NOTE: *57 is a feature provided as a means for customers to immediately initiate a trace for harassing or threatening calls (i.e. Bomb Threats).

IV. HAZARDOUS DEVICES PROCEDURES

A. A hazardous device is any device regardless of size that could detonate or ignite; which includes military, commercial, or homemade devices designed for destruction (i.e., hand grenades, dynamite, blasting caps, military/commercial fusing systems or components, large quantities of fireworks or large commercial fireworks, suspected bombs, etc.).

1. 911 operators receiving calls concerning hazardous devices will obtain as much information about the suspected hazardous device as possible. This includes type of container or package, size, the exact location, unusual characteristics (such as wires, ticking, odor, etc.) and information on any received threats.

2. Appropriate division units will be dispatched to the scene along with the division supervisor. Officers will assess the situation and gather further information about the suspected hazardous device from witnesses or complainants.

3. In cases of calls for service related to unattended packages or items, responding officers should make every attempt to examine the area, determine if the area is sensitive or has received previous threats, and ascertain any additional information that could possibly distinguish the item as suspicious versus unattended prior to taking any direct examinations of the item.

Explosives detection canines may be requested to examine unattended items only.

3. Bomb technicians will be requested to respond to the scene.

a. On-duty bomb technicians will be requested by the division supervisor. On-duty bomb technicians can be requested by Headquarters over main channels or directly on System 12: Bomb 1.

b. A bomb technician supervisor or bomb technician will attempt to contact the division supervisor to obtain the most up to date information regarding the incident.

c. Off-duty bomb technicians will respond when requested by a captain or Operations Command.
c. The initial responding bomb technician will notify the Bomb Squad commander or Bomb Squad supervisor. A Bomb Squad supervisor or the Special Operations Chain of Command will request additional bomb technicians as needed.

d. The Communications Division will maintain an active list of bomb technicians in order for off-duty personnel to be immediately contacted.

4. Suspected hazardous devices must not be touched, moved, or physically inspected in any way by anyone other than FBI Hazardous Devices School Certified Bomb Technicians.

5. CFD, or the appropriate Mecklenburg County fire department, and MEDIC will be dispatched to respond and stand by near the scene in case of a detonation.

6. Division personnel will evacuate and remove all unauthorized personnel to a minimum distance of 300 feet from the affected area.

   a. When possible, the evacuation zone should be under cover or some other type of physical protection. The evacuation zone will be increased depending on the size of the package, the availability of cover or physical protection, location and other nearby hazards such as fuel or chemical storage tanks.

   b. Evacuated occupants should be directed uphill and upwind from the suspect device.

   c. In cases of suspected Remote Controlled Improvised Explosive Devices (RCIED) (i.e., those with antennas, remotes, cell phones, radios, etc.), all efforts should be taken to control all line of sight to the device by non-emergency personnel.

   d. Traffic should be diverted around the evacuation zone.
7. Officers will not cause or allow any radio transmission within 150 feet of the suspicious item. This includes, but is not limited to, portable radios, cellular telephone, mobile radio telephone, RADAR, and mobile computer or television transmissions. If possible, establish land line telephone communication.

B. Upon arrival, the bomb technician will comply with the incident command structure established on the scene and will be responsible for the elements of the event that involve rendering safe and/or disposing of the hazardous item. The bomb technician will assess the situation and advise the incident commander of any additional safety measures.

C. Hazardous devices will not be brought into the Headquarters building or any CMPD facility.

D. The bomb technician must complete a KBCOPS report and a PLIMS case on all recovered evidence. Hazardous or explosive items should not be submitted as evidence and should be photographed then disposed of as soon as practical at the explosives bunker located at the Training Academy range or other appropriate disposal location. The report should indicate whether the device will be stored at the Bomb Squad's explosives storage magazine as evidence or for destruction. All evidence collection should be done in coordination with the Arson Unit and the Fire Investigations Task Force or Mecklenburg County Fire Marshal's Office. Any seized or recovered ordnance should be stored within the explosives storage magazine and documented with a KBCOPS report and hard copy property sheet which will be scanned into the report.

E. Bomb technicians will not be requested to respond to locations involved in a bomb threat where no suspicious package or hazardous device has been located, or to assist in searching the location. Bomb technicians will be requested to search locations only if there is probable cause to believe the location has been booby trapped.

F. An incident report will be completed by division personnel for all found and recovered hazardous devices, suspicious packages or hoax device calls.

V. POST BLAST INCIDENTS

A. For any post blast incident, the role of patrol personnel will be to respond to the scene and begin establishing a secure incident perimeter. Officers should be mindful to remain alert and to advise the Bomb Squad of any potential secondary devices.

B. Bomb technicians will respond to all post blast scenes in order to search the area for secondary hazardous devices or unexploded ordnance before crime scene processing or other follow-up investigation begins.

C. CFD or the appropriate Mecklenburg County Fire Department will have incident command of any post blast scene until all rescue, firefighting, and any necessary decontamination efforts have been completed. The preservation of the crime scene or collection of evidence should not take precedence over the life safety of potential victims.
D. Officers will take all necessary steps to secure and evacuate post blast scenes of all persons until a search has been completed by bomb technicians.

E. The Fire Investigation Task Force will be notified on any post blast scene for the collection of evidence and to determine origin and cause of the device.

VI. REFERENCES

CALEA
I. PURPOSE

This directive establishes services to be rendered or offered to victims and witnesses who require such assistance.

II. POLICY

A. All victims and witnesses will be treated by CMPD employees with compassion, fairness, dignity, and respect. Victims and witnesses will be informed of the types of assistance available from CMPD, other elements of the criminal justice system, and community service agencies. Surviving family members and loved ones of a victim will be considered victims as well.

B. CMPD employees will provide a fair and reasonable treatment to victims and witnesses of serious crimes pursuant to North Carolina law. This type of assistance may be required with incidents including a death of any nature, physical or sexual assaults, robberies, burglaries or any other incident where a victim or witness is traumatized and in need of services. The below links provide more statutory information:

1. Article 46 Crime Victims’ Right Act, NCGS 15A-830 (Definitions):  
   http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-830

2. 15A-831 (Responsibilities of law enforcement agency):  
   http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-831

3. Article 45, Fair Treatment for Certain Victims and Witnesses, NCGS 15A-824 (Definitions):  
   http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-824

4. NCGS 15A-825 (Treatment due victims and witnesses):  
   http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-825

III. PROCEDURE

A. Responsibilities During the Preliminary Investigation

1. Upon identifying a victim/witness covered by this directive, the officer conducting the preliminary investigation will provide the victim with the following:
   a. Medical services, if needed.
   b. A copy of the Victims Resource Card.
   c. Any information needed to access the Victims Resources located on the CMPD website:  
      http://charlottenc.gov/CMPD/Safety/Pages/Victim-Resources.aspx
d. Information about the arrestee’s opportunity for pretrial release:
   http://charmecckda.com

e. Information that they may be entitled to victim compensation funds under chapter 15B of the General Statutes:
   https://www.ncdps.gov/DPS-Services/Victim-Services/Crime-Victim-Compensation

f. The case/complaint number and the outline of the subsequent steps in processing the case, including what could be expected of the victim/witness.

g. The telephone number for the CMPD Non-Emergency Police Services Unit so that the victim/witness is able to communicate with an employee to request or provide additional information regarding the case status. If the case is reassigned to an investigative unit, the investigating officer will provide a contact number during the initial communication with the victim/witness.

h. Instructions to call 911 if threatened by the suspect or the suspect’s companions or family.

2. Officers will respond to and process information regarding personal relationships in accordance with Chapter 50-B Domestic Violence and in compliance with 600-005 Domestic Violence.

3. If the victim/witness is under the age of 18, the officer will make a referral to Child Development - Community Policing (CDCP) as outlined in the Child Development - Community Policing SOP.

4. An officer will comply with their duty to contact the Department of Social Services, Adult Social Work Services/Adult Protective Services (APS) in matters relating to the abuse, neglect, dependency, or death due to maltreatment. In addition, an officer will contact Department of Social Services Youth and Family Services Division/ Child Protective Services as mandated by state law in cases of child abuse, neglect or dependency or death due to maltreatment.

5. The initial reporting officer will document in the original report that the victim received the required information. The officer will also indicate if the victim wishes to receive further notices from CMPD. If the victim elects to receive further notices, he or she will then be responsible for notifying CMPD of any changes in the victim’s name, address, telephone number, and email address.

6. Supervisors will review all preliminary investigations to ensure officers are complying with victim/witness procedures.

B. Responsibilities After the Initial Investigation
1. After the arrest of a person or persons suspected to have committed a crime covered by state law, the following measures shall be taken:
   a. An arrest made for an out of jurisdiction case will require the officer to inform the investigating agency of the arrest as soon as practicable but within forty-eight (48) hours of the arrest.
   b. The officer making the arrest(s) as the investigating agency will document the arrest in a KBCOPS Incident Supplement using the original complaint number. This will be completed within forty-eight (48) hours of the arrest(s).
   c. The officer assigned the case will make notification of the arrest to the victim within forty-eight (48) hours of the arrest(s).
   d. The officer in charge of the case will paper the case in accordance with 900-013 District Attorney’s Papering Process.

2. CMPD will provide appropriate assistance to any victim or witness who reports being threatened or intimidated by anyone due to his/her involvement in the case. The appropriate assistance will be determined based on the circumstances and will range from offering safety planning and strategies to arranging for protective custody, to seeking a warrant if it is determined that criminal activity occurred. If CMPD becomes aware of a valid threat to a victim/witness, CMPD will promptly make every effort to alert the victim/witness. If the victim/witness is in another jurisdiction, CMPD will contact the appropriate law enforcement agency to inform them of the situation and request that reasonable precautions be taken.

3. The officer assigned to the case will:
   a. Ensure the needs of victims/witnesses are being met during the follow-up investigation of crimes covered under state law to include serious offenses involving trauma. Officers will follow the requirements of investigation according to each unit’s SOP.
   b. Explain the procedures to a victim and/or witness involved in the prosecution of the case and their role in the proceedings. If the victim/witness is a minor, these conversations should be made to the parent/guardian. The officer will also assist the victim/witness during court proceedings as the need arises.
   c. Make every effort to schedule lineups, interviews, and other required follow-ups at the convenience of the victim/witness. If necessary, the officer will also provide transportation for the victim/witness.
   d. Provide secure waiting areas during pre-arrest, arrest, and post-arrest procedures, and ensure that the victim/witness does not come in close
proximity with suspects or associates unless necessary for the investigation.

e. Facilitate victim/witness requests for the presence of a victim advocate during lineups or similar proceedings and assist the victim/witness in locating an advocate.

f. Instruct the victim/witness to call 911 and contact the officer assigned to the case if threatened or intimidated by the suspect, the suspect’s associates, or suspect’s family members.

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

h. Notify the victim when an arrest has been made. The officer will also provide the listed charges and defendant’s current custody status, when known. Direct the victim to call the appropriate law enforcement agency detaining the defendant in order to check on the defendant’s ongoing custody status.

i. Maintain victim/witness confidentiality to the fullest extent possible.

4. Supervisors will monitor case investigations to ensure victim/witness procedures are being completed.

C. Notification of Next of Kin

1. When it becomes necessary to notify next-of-kin of deceased, seriously injured, or seriously ill persons, officers will do the following:

   a. Whenever possible, allow hospital medical personnel to make the notification. If the hospital is unable to do so, the highest-ranking officer or designee will make the notification.

   b. The same procedures will be used when an outside agency requests a notification be made.

2. CMPD personnel notifying next-of-kin will do so in person or have the appropriate law enforcement agency make a notification in person, whenever practical. Telephone notification will only be done as a last resort.

   Officers will notify their direct supervisor prior to delivering a death notification(s) to ensure the notification does not supersede another unit’s responsibility.

D. Coordination of Victim/Witness Assistance

1. CMPD’s victim/witness assistance efforts will be the shared responsibility of all members of CMPD.

2. Referral information will be available twenty-four (24) hours a day from CMPD’s website.
3. Both sworn and non-sworn personnel will be trained on victim/witness rights, the responsibilities of law enforcement agencies, and the types of assistance available. This training will take place during recruit training, in-service training and new employee orientation.

4. CMPD will maintain liaisons with other criminal justice agencies, governmental and non-governmental agencies, and organizations dedicated to the needs and rights of victims/witnesses.

IV. REFERENCES

Article 45 Fair Treatment for Certain Victims and Witnesses
N.C.G.S. 15A-824 Definitions
N.C.G.S. 15A-825 Treatment due Victims and Witnesses
Article 46, Crime Victims’ Right Act
N.C.G.S. 15A-830 Definitions
N.C.G.S. 15A-831 Responsibilities of Law Enforcement Agency
600-005 Domestic Violence
900-013 District Attorney’s Papering Process
Child Development-Community Policing SOP
7B-301 Juvenile code: duty to report abuse, neglect, dependency, or death due to maltreatment
CALEA
This directive was last revised on 9/25/2017
I. PURPOSE

Unnecessary calls for police service due to false alarms causes significant strain on police resources. The resources the CMPD expends responding to false alarm calls places a heavy burden on the CMPD. In response to the problem, an ordinance has been designed to reduce false alarms by encouraging alarm users and alarm companies to help solve the problem of chronic false alarms.

II. DEFINITIONS

A. Alarm Permit: A permit issued by the CMPD allowing the operation of an alarm system. Failure to register an alarm will subject the user to a $100.00 fine.

B. Alarm System: Equipment designed to signal an illegal entry, or other activity to which the CMPD is expected to respond. This does not include vehicle alarms, fire alarms, personal alarm apps, medical, or other alarms designed to elicit a medical response.

C. Alarm Signal: An audible or visual signal generated by an alarm system to which the CMPD is expected to respond. An audible alarm (siren, etc.) must have a fifteen-minute shutoff installed.

D. Alarm User: Any person, company, or other entity whose premises are protected by an alarm system.

E. False Alarm: An alarm which results in no unauthorized entry, robbery, or where no other such crime was committed or attempted at the premises. A power failure is not considered excused unless the power outage lasts longer than the alarm system's battery backup. A false alarm does not include an alarm that activates during unusually violent conditions or an extraordinary event. A false alarm does not apply when the call is cancelled by the alarm user or his agent prior to an officer's arrival.

F. Panic Alarm: an electronic device designed to assist in alerting somebody in emergency situations where a threat to persons or property exists. A panic alarm is frequently but not always controlled by a concealed panic alarm button. These buttons can be connected to a monitoring center or locally via a silent alarm or an audible bell/siren. The alarm can be used to request emergency assistance from local security, police or emergency services. Some systems can also activate video and/or audio recordings to record or assess the event.

G. Permit Year: A twelve-month period beginning on the date of the permit's issuance.

III. PROCEDURE

A. Responding Officer

1. When responding to an alarm, officers will inspect the premises and determine if police response was necessary. If the premises cannot be checked due to fences, dogs, etc., officers will request that the telecommunicator notify a contact person that will allow the officers to properly check the premises. If no
contact person is available to respond to the premises, the responding officer will record the alarm as false in the Miscellaneous Incident (MI) report.

2. After determining the premises is secure and no break-in or attempt has occurred, the responding officer will complete an MI report that will include the following if known and relevant:

   a. weather conditions
   b. old pry/tool marks, or lack of same
   c. pets that are loose in the premises
   d. power outages
   e. loose fitting doors and windows
   f. unsecured doors and windows
   g. reason(s) the entire premises could not be checked (fences/dogs)
   h. user error (people with no code or key to the alarm)
   i. the permit number provided by the dispatcher
   j. a description of reasons for determining the alarm to be false
   k. the name of any persons on premises

3. If an alarm is determined to be false, the responding officer will attach a false alarm notification sticker to a conspicuous location on the premises. The false alarm notification sticker advises the owner of the premises that the alarm was activated and the premises was checked.

4. Alarm calls will be cleared by the following alarm clearance codes:

   MI    False alarm, no additional violations.
   OO    Not a false alarm, Incident Report may or may not be made depending on circumstances.
   OA    Not a false alarm, Incident Report may or may not be made depending on circumstances and alarm was audible for more than 15 minutes continuously in the officer's presence.
   CN    Call was canceled prior to arrival.
   UL    Unable to locate the address.

5. Officers responding to audible alarm calls will confirm the actual address of the audible alarm and clear the call making the correct changes, if any, to the CAD system.
B. Supervisors

Supervisors are authorized to cancel police response to multiple alarm calls to the same premises during a shift by the following procedure:

1. Notify communications of the address.
2. Document the cancellation by sending an email containing the address, date, time, and reasons for no response to: Alarmcoordinator@cmpd.org.

C. Communications Division

1. If the Communications Division determines that an alarm was activated at a site designated "No Response", the person receiving the call will advise the complainant that the premises is in "No Response" and CMPD officers will not respond to the premises unless it is a panic alarm.
2. When an alarm company cancels an alarm prior to the officer arriving on the scene of the alarm, the dispatcher will immediately advise the officer to disregard the call and this will not be counted as a false alarm.
3. If a call is received for an audible alarm, the Communications Division will attempt to confirm the address of the alarm and add any descriptive information about the location to the call.
4. Upon receiving a request from a shift supervisor to cancel police response to a location of repeated alarm calls, the dispatcher will cancel the alarm and document the supervisor’s name and code number.

D. Service Charges

1. Registered alarm users are allowed two false alarm responses at no charge during a permit year. Additional charges will be assessed as follows:

   False Alarms 1, 2: No Charge for registered alarms
   False Alarms 3, 4, 5: $50.00 per response
   False Alarms 6, 7: $100.00 per response
   False Alarms 8, 9: $250.00 per response
   False Alarms 10+: $500.00 per response

2. If all alarm fines are not paid within thirty (30) days of the invoice, the alarm user will be notified in writing that police will not respond to an alarm at their premises until all fines are paid. Panic alarms are excluded from this policy.

IV. REFERENCES

City Code of Charlotte 15-186 through 15-191
Mecklenburg County False Alarm Ordinance
CALEA
I. PURPOSE

This directive establishes guidelines for the investigation of incidents involving juvenile victims and suspects in accordance with North Carolina state law while utilizing available community-based resources.

II. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) will endeavor to protect children from abuse and neglect and protect the community from acts of juvenile delinquency. CMPD will partner and coordinate with other community resource agencies that provide services to juveniles in the community. CMPD officers will act accordingly and reasonably toward all juveniles based on their age.

III. DEFINITIONS

A. Juvenile: A person at least the age of 6, and under the age of 18, who is not married, emancipated, or a member of the armed forces of the United States.

B. Minor: A person who has not reached the age of 18 years.

C. Neglected Juvenile: A juvenile who does not receive proper care, supervision, or discipline from a parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who has been allowed to live in an injurious environment; or unlawfully placed for care or adoption.

D. Abused Juvenile: A juvenile whose parent, guardian, custodian, or caretaker intentionally inflicts, or allows to be inflicted, serious non-accidental physical injury to the juvenile. Abuse includes creating a substantial risk of injury, using cruel or grossly inappropriate means of punishment, causing serious emotional damage via abuse or neglect, encouraging or approving of delinquent acts committed by the juvenile in their care, or allowing the juvenile to be exposed to sexual assault.

E. Delinquent Juvenile: A juvenile who is between the ages of 6 and 17 and commits a crime or infraction under state law or local ordinance, excluding a juvenile 16 or 17 years of age who commits a violation of motor vehicle law.

F. Undisciplined Juvenile: A juvenile between the ages of 6 and 17 who is regularly disobedient and beyond the disciplinary control of their caregiver. Undisciplined includes unlawful absence from school, frequenting places where it is unlawful for a juvenile to be or running away from home and being gone for 24 hours or more. Note: Upon reaching the age of 16, absence from school in North Carolina is not unlawful.

G. Dependent Juvenile: A juvenile in need of assistance or placement because the juvenile’s parent, guardian, or custodian is absent or unable to provide care or supervision.
H. Secure Custody Order (SCO): Custody order that directs law enforcement officers or other authorized persons to assume custody of the juvenile and to make due return on the order. A juvenile petition must accompany the SCO.

I. Non-testimonial Identification Orders (NTO): A court order authorizing the collection of non-testimonial evidence from a juvenile under 18, unless the juvenile has been charged as an adult, to identify whether the juvenile is a suspect in a crime. Non-testimonial evidence includes photographs, fingerprints, biological samples, blood samples, handwriting samples, voice samples, or similar identification procedures requiring the presence of the juvenile. State law prohibits the collection of any non-testimonial identification procedure on a juvenile without a court order signed by a judge. A juvenile, nor his or her adult parent/guardian, can give consent to the procedure.

J. Youth and Family Services: a division of the Mecklenburg County Department of Social Services (DSS) that provides intake services and child protective services investigations. This division receives and screens child protective service referrals and conducts investigations and family assessments in cases of abuse, neglect, or dependency.

K. Juvenile Court Counselor (JCC): A Department of Juvenile Justice and Delinquency Prevention (DJJDP) employee responsible for intake services, probation and post-supervision of juveniles.

L. Juvenile Petition: Document filed by the Juvenile Court Counselor (JCC) in the office of the Clerk of Superior Court initiating a juvenile court proceeding. The arresting officer must submit a juvenile arrest worksheet when seeking a juvenile petition through the assistance of the JCC.

M. Child Sexual Assault: Various crimes committed against juveniles including but not limited to: Rape, Statutory Rape, Statutory Sex Offense, Indecent Liberties, Sexual Battery, Indecent Liberties Between Children, etc.

IV. PROCEDURE

A. Initial response to child abuse or neglect:

1. All reports of child abuse or neglect will be thoroughly investigated and documented. Officers will enforce the laws and will refer incidents of abuse and neglect to the Department of Social Services (Youth and Family Services). Confidential law enforcement information can be shared between law enforcement agencies and Youth and Family Services. If an officer believes that sharing certain information will undermine an ongoing or future investigation, or jeopardizes the state’s right to prosecute, or any defendant’s right to a fair trial the officer may seek a court order to prevent the disclosure of the information.

2. In instances of neglect, officers will work to reunite the responsible caregiver.
3. A person in charge of a child is not criminally liable for inflicting reasonable moderate punishment to correct a child’s behavior. However, abuse will be documented and reported to Youth and Family Services.

4. Initial investigations of child physical abuse with minor injury shall include the following:
   a. Written statements completed with all involved parties and witnesses; proper documentation and preservation of evidence, including photographs of injuries, collection of weapons used, seizing of electronic evidence, etc.;
   b. Child victims will be interviewed by officers in cases of physical abuse, with misdemeanor cases using non-confrontational, open-ended questions. Written statements should not be taken from young children, but they should be interviewed for fact-finding purposes. Written statements shall be taken from adults who are involved or who are witnesses.
   c. Officers shall conduct a thorough background search of all parties involved using available databases in order to assess any history of abuse or neglect and record the findings in an incident report.

5. Officers must determine through interviews and evidence if child abuse occurred and take enforcement action. Officers shall determine whether any physical abuse caused lasting injury and whether it exceeded reasonably moderate punishment as allowed by a caregiver to correct a child’s behavior. Appropriate enforcement action will be taken by officers due to the exigency of the situation.

6. When a suspect of child abuse is not present on the scene, officers will make reasonable and diligent efforts to contact and interview him or her about the incident. If probable cause is developed with or without the suspect being located or interviewed, officers shall present the case to a magistrate before the end of the officer’s tour of duty.

B. Initial response to child sexual assault:
   1. All reports of child sexual assault will be thoroughly investigated, documented, and reported to Youth and Family Services.
   2. When possible, the child should be separated from the accused suspect.
   3. Initial investigations of child sexual assault shall adhere to the following protocols as outlined in the Mecklenburg County Child Sexual Assault Guidelines:
      a. Before confronting the suspect of a child sexual assault, officers will consult with a Crimes Against Children Detective.
b. Officers shall not interview or question child victims of sexual assault age 15 and under. Child victims of sexual assault will be interviewed by a forensic interviewer at Pat’s Place Child Advocacy Center or by a Crimes Against Children Detective.

c. Officers should make every effort to acquire information from the non-offending, supportive parent or adult caretaker reporting the incident. Detailed written statements will be taken from adults to whom the child initially disclosed the sexual assault.

d. Officers will take steps in an effort to determine the timeframe of the most recent sexual assault. If occurring within the last 72 hours, a Crimes Against Children Detective shall be notified and the child victim should be taken to the hospital for completion of a sexual assault kit.

e. If officers cannot determine the timeframe of the last sexual assault from the adult reporting person, minimal fact-finding questions may be asked of the child victim. Minimal fact-finding interviews include open-ended questions asked in a non-confrontational, non-judgmental way without leading questions or suggestive prompts. Once this minimal information is acquired, officers and adult reporting persons will stop further questioning of the child victim.

f. Officers shall properly document their investigation and take necessary steps to preserve any evidence of the sexual assault, such as biological evidence on clothes, bedding, electronic evidence on phones or technological devices, etc. For guidance or assistance with this, officers may contact a Crimes Against Children Detective.

C. Taking a juvenile into temporary custody:

1. Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or non-secure custody can be obtained. A juvenile may be taken into temporary custody without a court order in the following circumstances:

a. Probable cause would exist for the arrest of an adult in identical circumstances under N.C.G.S. 15A-401(b);

b. If reasonable suspicion exists to believe the juvenile is undisciplined;

c. If there is reasonable suspicion to believe the juvenile is an absconder from any residential facility operated by The North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP) or from an approved detention facility;

d. If there is reasonable suspicion to believe the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could
not be taken into custody if it were first necessary to obtain a court order.

D. Duties after taking a juvenile into temporary custody without a court order:

1. Officers must check the juvenile’s in-state record to determine if the juvenile should be treated as an adult due to a prior conviction for a misdemeanor or felony in district or superior court including a driving while impaired conviction.
   a. Infractions and misdemeanor motor vehicle records are not considered a “conviction” for this “once an adult always an adult” section.
   b. There is no juvenile court jurisdiction of those juveniles with a prior “adult” conviction and officers should treat the juvenile as an adult.

2. Officers must notify the juvenile’s parent, guardian, or custodian that the juvenile has been taken into temporary custody and of their right to be present until a determination is made on secure or non-secure custody.
   a. Officers may release the juvenile to his/her parent, guardian, or custodian if they decide continued custody is unnecessary. If the juvenile is unlawfully absent from school, the officer may deliver the juvenile to the juvenile’s school.
   b. Officers may complete a juvenile arrest worksheet, seek a petition, and request a secure custody order be issued.
   c. A juvenile who is taken into temporary custody shall not be held for more than twelve (12) hours Monday through Friday or twenty-four (24) hours if any of the hours fall on Saturday, Sunday, or a legal holiday, unless a petition or motion for review has been filed by an intake counselor and an order for secure or non-secure custody has been entered.

3. Officers should select the most appropriate course of action to the situation and consider the needs of the juvenile and the protection of the public.

E. Juvenile Arrest Procedures

1. Making an on-scene arrest.
   a. The officer shall decide to release the juvenile to a parent, guardian, custodian or caretaker, or to obtain a secure custody order (SCO). Factors include the severity of the crime, the juvenile’s behavior, and history of the subject. If the officer chooses to send the juvenile through diversion in lieu of arrest, the officer will review the juvenile’s (6-17 YOA) arrest histories. If the offender has a previous arrest history, he/she may not qualify for diversion.
b. The officer will contact DCI to determine if an SCO is on file and if the juvenile has an NCIC hit (i.e., missing person, or wanted from another jurisdiction).

c. The officer will complete a KBCOPS Report and the Juvenile Arrest Worksheet.

d. If circumstances do not necessitate obtaining an SCO, the officer will collect all information needed for the juvenile arrest. The juvenile shall be released to a parent, guardian, custodian or caretaker.

e. If a SCO is required, officers will follow the procedure outlined in IV.F. below.

f. The officer assigned to the case is responsible for ensuring the case is papered.

2. Search incident to arrest.

a. A search incident to arrest is justified by the need to prevent the arrested person from using weapons or destroying evidence. An officer automatically has the right to search incident to arrest and is legally justified no matter the offense.

b. A search incident to arrest is limited to a search of the arrestee's person and the area and objects within the arrestee’s immediate control.

3. Strip searches for contraband when a juvenile is under arrest.

a. Strip searches require that probable cause exist to believe that contraband will be located in the person’s private parts.

b. The search shall not be conducted on the roadside.

c. The search must be conducted by a person of the same sex.

d. The search must be conducted in a private location.

e. The search must be conducted in a reasonable manner to ensure the safety of the individual. (No sharp instruments may be used to remove contraband).

f. A supervisor must be notified prior to conducting a strip search.

g. The search must be documented in a KBCOPS Narrative Supplement.

4. Body cavity searches when a juvenile is under arrest.

a. A visual body cavity search is permitted if an officer has probable cause to believe contraband or weapons will be located in or around a body
cavity. The same privacy protections should be observed as in a strip search.

b. When a visual body cavity search reveals contraband, the arrestee should be told to remove the item.

1) If the contraband is located in the body cavity the arrestee will be informed that if he or she fails to remove the item, the officer/detective will apply for a search warrant.

2) The suspect will be transported to a hospital where the item will be retrieved by medical personnel.

3) A supervisor will be notified immediately prior to conducting any body cavity searches and the officer will document the body cavity search in a narrative supplement.

c. A manual body cavity search requires a search warrant and must be conducted by qualified medical personnel.

d. When a visual body cavity search reveals a weapon, the search is to be considered exigent and the weapon must be safely recovered and secured.

5. Referral to a Juvenile Court Counselor (JCC)

Officers shall refer the following offenses to juvenile court through juvenile arrest reports:

a. Delinquent acts that would be a felony if committed by an adult.

b. Delinquent acts involving weapons.

c. Serious gang-related delinquent acts.

d. Delinquent acts involving aggravated assaults.

e. Other referrals may be made based on the totality of the circumstances.

F. Secure Custody Orders

1. Officers may request a secure custody order for the following situations:

a. The juvenile is charged with a felony and has demonstrated that he or she is a danger to property or persons.

b. The juvenile has demonstrated that he or she is a danger to persons and is charged with:

1) A misdemeanor with at least one element of which is assault on a person; or
2) A misdemeanor in which the juvenile used, threatened to use or displayed a firearm or other deadly weapon.

c. The juvenile has demonstrated that he/she is a danger to persons and is charged with a violation of N.C.G.S. 20-138.1 (DWI) or N.C.G.S. 20-138.3. (Drive after consuming alcohol or drugs while being under the age of 21).

d. The juvenile has willfully failed to appear on a pending delinquency or undisciplined charge or on charges of violation of probation or post release supervision, providing the juvenile was properly notified.

e. A delinquency charge is pending and there is reason to believe the juvenile will not appear in court.

f. The juvenile is alleged to be undisciplined due to runaway behavior and is inappropriate for non-secure placement.

2. Officers should also consider the following factors when requesting a secure custody order:

a. Nature of the alleged offense.

b. Age and circumstances of the defendant.

c. Defendant’s juvenile record.

d. Availability of community-based programs.

e. Needs and limitations of the juvenile.

f. Strengths and weaknesses of the family.

g. Concerns of any victims or complainants.

3. Obtaining a SCO during normal business hours.

a. Normal business hours are Monday – Friday, 8am – 5pm (excluding holidays).

b. After completing the KBCOPS report and Juvenile Arrest Worksheet, contact the DJJDP Juvenile Court Counselor (JCC) and provide the counselor the name of the juvenile and the charges.

c. The JCC will approve or deny requests for a SCO.

d. If the request is denied, complete the on-scene arrest process and release the juvenile to a parent, guardian, custodian or caretaker.

e. If the request is approved, take the reports to the DJJDP office (700 E. 4th Street, Suite 400), where the JCC will complete the petition and the SCO.
f. Accompany the JCC to the Juvenile Clerk of Court where the clerk will sign the petition.

g. The JCC will then present the petition and SCO to the Juvenile Court Judge.

h. The Juvenile Court Judge will approve or deny the request for a SCO. If the request is denied, proceed with steps outlined in IV.F.3.d above.

i. Officers obtaining a Secure Custody Order (SCO) shall submit the order with CMPD Communications DCI section for filing immediately. All SCO’s will remain in the database until they are served.

j. Once in custody, the officer will contact the JCC and then transport the juvenile to the designated detention center and turn in all paperwork at the detention center.

4. Obtaining a SCO after normal business hours.

a. After completing the KBCOPS report and Juvenile Arrest Worksheet, contact the DJJDP Juvenile Court Counselor utilizing the after-hour’s telephone number to request a petition and provide the counselor the name of the juvenile and the charges.

b. The JCC will approve or deny any requests for a petition.

c. If the request is denied, complete the on-scene arrest process and release the juvenile to a parent, guardian, custodian or caretaker.

d. If approved, take the KBCOPS Report and Juvenile Arrest Worksheet to the magistrate. The magistrate will contact the JCC to verify the petition and SCO approval and then sign the petition.

5. Serving a Security Custody Order (SCO).

a. The officer shall confirm with the DCI operator that the SCO is valid. When possible, the officer should contact the JJC to see if the SCO is valid. In some cases, the SCO may have been stricken by a judge and the information may not have been sent to DCI to remove the SCO from the database.

b. If the SCO is valid, the SCO may contain restrictions and, DCI will provide officers with information regarding the restrictions (i.e., take no action if the juvenile is in the custody of the guardian). These restrictions will assist the officer making the decision to continue with the process. If the juvenile is not in violation of the SCO, release the juvenile and take no action.
c. If the juvenile is in violation, the officer will complete a Juvenile Arrest Worksheet.

d. After transporting the juvenile to CMPD headquarters, obtain a copy SCO from DCI.

e. While at DCI, the officer will complete the “Remove from NCIC Form”, to clear the hit out of NCIC.

f. Contact the DJJDP Juvenile Court Counselor (JCC) and provide the name of the juvenile in custody.

g. Transport the juvenile to the designated detention center and turn in the paperwork to the detention center.

G. All juveniles while in police custody will be under continual observation and monitoring in a safe and secure environment. Subjects cannot be taken to the jail facility unless they are 18 years of age or older.

H. Juveniles younger than sixteen (16) years old cannot be issued written citations, regardless of the charge, and may only be charged in a juvenile petition.

I. Juveniles 16 and 17 years of age can be issued a citation or arrested as an adult for motor vehicle violations or if they were previously convicted as set forth in Subsection IV. D. 1 above.

J. Parental notification requirements for minors charged as an adult.

1. Officers who charge a minor as an adult with a criminal offense shall notify the minor’s parent or guardian of the charge, as soon as practicable, in person or by telephone and document in an incident report who was notified and their relationship to the minor.

2. If the parent or guardian of the minor cannot be found, the officers or the officers’ immediate supervisor shall notify the minor’s next-of-kin of the minor’s arrest as soon as practicable.

3. The Police Records Division upon receipt of arrest records from the Mecklenburg County Sheriff’s Office will identify any minors arrested. The Police Records Division Manager will ensure that written notification is prepared and mailed to the minor’s parent or guardian within twenty-four (24) hours of the minor’s arrest.

4. Parental notification is not required when one of the following conditions exists:

   a. The minor is emancipated, or;

   b. The minor is not taken into custody and has been charged with a non-moving motor vehicle violation or a moving violation for which three or fewer points are assessed, except an offense involving impaired driving.
c. The minor is charged with a motor vehicle offense that is not a moving violation.

K. Transporting Juvenile Arrestees

A juvenile will not be placed or transported in any police vehicle or other vehicle which, at the same time, contains an adult arrestee, unless the adult is involved in the same offense or transaction with the juvenile and the juvenile is 16 years of age or older.

L. School Principal Notification Requirements by Law Enforcement

If an officer takes a student into custody, by a Memorandum of Understanding (MOU), the Mecklenburg County Sheriff’s Office will notify the Charlotte-Mecklenburg School Administrative Office (CMS) of the arrest of the student. CMS has agreed to act as agent for the receipt of all notifications required to be made to any school principal, within and outside of the CMS System.

M. Interrogation Procedures

1. A juvenile under 16 years of age and in custody cannot be questioned without a parent, guardian, custodian, or attorney present and cannot waive that right. The juvenile must be advised prior to questioning of his/her juvenile Miranda warnings. Officers will use the CMPD Juvenile Waiver of Rights Form.

2. If a juvenile is 16 or 17 years old, he/she may be interrogated without a parent, guardian, custodian, or attorney present but a CMPD Juvenile Waiver of Rights Form must be completed, even if the juvenile is being charged as an adult.

3. Any officers conducting any custodial interrogation at any place of detention of a subject less than 18 years of age shall make both video and audio recordings of the interrogation in its entirety. This includes misdemeanors and felonies.

4. Officers conducting custodial interrogations shall provide the juvenile a succinct overview of procedures that will be followed by CMPD and the DJJDP during the course of the investigation and the subsequent prosecution phase of the case. (Examples of explanations include but are not limited to presentation of the case to the district attorney’s office for review, procedure for placement in a detention facility if applicable, assignment of a juvenile court counselor, notification of parents by DJJDP to inform them of next steps, etc.)

5. Generally, no more than two officers should be present during the interrogation of a juvenile.

6. The time duration of continuous interrogations should be based on the seriousness of the crime, the juvenile’s age and maturity level, and the juvenile’s previous experience with law enforcement.
N. Non-Testimonial Identification Order Procedures (Contact a CMPD Police Attorney for assistance).

Non-testimonial procedures such as buccal swabs, photographs, or fingerprints cannot be conducted on a juvenile (under 18 years of age) without a NTO unless the provisions of N.C.G.S 7B-2101 apply. Neither a juvenile, his/her parent, or attorney may consent to the procedure. (N.C.G.S. 7B-2103).

1. Fingerprinting and Photographing Juveniles
   a. An officer must fingerprint and photograph a juvenile without an NTO if all the following are present:
      1) The juvenile is ten (10) years of age or older; and,
      2) The juvenile allegedly committed a non-divertible offense, (murder/1st degree rape/2nd degree rape/ 1st degree sex offense/ 2nd degree sex offense/ Arson/1st degree burglary/any violation of Article 5, Chapter 90 of the General Statutes that would constitute a felony if committed by an adult/crime against nature/any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of deadly weapon); and,
      3) A juvenile petition is prepared or in process; and,
      4) The juvenile is in custody of law enforcement or DJJDP.
   b. Fingerprints and photographs may be used for any investigative or comparative purposes and are to be withheld from public inspection.

O. Confidentiality Issues
   1. All records and files concerning a juvenile are to be kept separate from the records and files of adults and are to be withheld from public inspection.
   2. Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of the juvenile is prohibited. The publication of pictures of runaways is permitted with the permission of the parent(s)/guardian(s).

P. Inter/Intra - Agency/ Relations and Program Performance
   1. CMPD will share policies and procedures with other human service agencies who serve the juvenile justice community.
   2. CMPD will solicit input from the juvenile justice community regarding issues relating to juveniles.

Q. Annual Review of Enforcement and Prevention Programs
1. Division commanders responsible for all juvenile/youth programs will conduct a documented annual review of all juvenile enforcement and prevention programs within their areas of responsibilities for efficiency and effectiveness.

2. Division commanders will complete written evaluations of the programs that address the quantitative and qualitative elements of each. The evaluations will indicate whether the programs should function as is, be modified, or be discontinued.

V. REFERENCES

Preliminary Investigative Guide
North Carolina Crimes Book
N.C.G.S. 15A-401(b)
N.C.G.S. 7B-101
N.C.G.S. 7B-301
N.C.G. S. 7B-302
N.C.G.S. 20-138.1
N.C.G.S. 20-138.3
N.C.G.S. 7B-2101
N.C.G.S. 7B-2103
N.C.G.S. 48 A-2
200-006 Youth Diversion Program
500-004-A Conducting Person Searches
Mecklenburg County Child Sexual Assault Guidelines
This directive was updated from previous effective date of 2/7/2020
I. PURPOSE

To establish guidelines for the parking of Charlotte-Mecklenburg Police Department (CMPD) vehicles, CMPD employee vehicles, City of Charlotte vehicles, and City of Charlotte employee vehicles to ensure the appropriate use of parking facilities that are under CMPD’s control and to ensure the availability of parking for all personnel who have received approval to park in these facilities.

II. POLICY

This policy covers the use of the parking deck located behind the CMPD Headquarters Building, the surface parking lot that is between the CMPD Headquarters Building and the loading dock adjacent to the CMPD Headquarters Building. These parking facilities are intended for use by employees going to work, or engaged in department or city/county business such as court, training, meetings, or administrative matters. This policy remains in effect twenty-four (24) hours per day, seven (7) days per week, and compliance with this policy is critical to ensure that there is adequate parking available to all employees at any time of the day. For this reason, vehicles in violation of the policy are subject to citation, and in extreme cases, may be towed. Employees may also have their parking privileges suspended when violations of this policy are repeated and/or flagrant.

III. DEFINITIONS

A. Parking Deck: The parking deck located behind the CMPD Headquarters Building.
   1. Operational Side: Entrance closest to the CMPD Headquarters Building
   2. Employee Side: Entrances closest to 5th Street

B. Surface Lot: The parking lot located between the CMPD Headquarters Building and the parking deck.

C. Loading Dock: The secured parking area located on the Alexander Street side of the CMPD Headquarters Building.

D. Stored Vehicle: An employee owned vehicle that is parked with the intention, either explicit or implied, of not using the vehicle on a routine and/or daily basis. Storage of personal vehicles in the parking deck is prohibited.

E. Employee: An employee of the Charlotte-Mecklenburg Police Department or an employee of the City of Charlotte.

F. Low Emission Vehicles (LEVs) and Electric Vehicles (EVs): Vehicles that emit relatively low levels of carbon emissions and have been analyzed for fuel economy and emissions by the EPA and the California Air Resources Board or have achieved a minimum green score of 45 on the American Council for an Energy Efficient Economy (ACEEE).

IV. PROCEDURE

A. Deck Access
1. All CMPD personnel assigned to the CMPD Headquarters Building, Court Liaison, District Attorney's Office, and the Charlotte-Mecklenburg Government Center, who park their personal vehicles, including motorcycles, or individually assigned departmental vehicles, must pay the weekly fee to park in the deck. Payment will be made by a weekly payroll deduction.

2. Parking privileges are specific to the employee paying for access. Where City agencies have parking deck access for their department's vehicles, access is only for those City vehicles. Employees will use their parking access card to gain entrance only for the vehicle they are driving. Employees may not transfer possession of their parking access card to any other person or use their card to allow another person access to the parking deck. Employees, upon terminating their employment with CMPD, shall have their CMPD parking access rescinded. This includes employees who terminate their employment with CMPD for employment in another City department or section.

3. CMPD employees who operate departmental vehicles will be allowed to enter the operational side of the parking deck with their access card. No employee will park his or her personal vehicle in the operational side of the parking deck, except when attending court, papering cases, obtaining warrants, etc. Personal vehicles must be parked in the designated court parking spaces. Designated Command Staff personnel may park their personal vehicles in the Command Staff parking spaces on the operational side of the parking deck.

4. Law enforcement agencies working permanently with CMPD may be issued parking access. Employees of such agencies will pay for deck parking at the same rates and will be subject to the same terms as CMPD and City employees.

5. The CMPD Human Resources Division is responsible for:
   a. Managing technical issues associated with access cards;
   b. Making changes in payroll deductions for parking access.
   c. Maintaining an up-to-date listing of employees/persons with paid/authorized parking access.

6. Administrative Services Bureau Major is responsible for:
   a. Approving requests for parking access;
   b. Denying or terminating parking access.

7. A replacement access card will not be issued to an employee unless the previously issued card or an identifiable part is turned in. Department employees who lose their access card will report it as lost equipment as outlined in CMPD directive 400-003 Equipment. City employees will report a lost card to the Charlotte-Mecklenburg Government Center's Operations Center immediately.
8. CMPD reserves the right to approve temporary parking deck access. Temporary parking deck access may be approved for individuals conducting department related business by the Administrative Service Major. This discretion may extend to:
   a. Non-paying CMPD employees assigned to large-scale off-duty or special events.
   b. CMPD employees involved in emergency call back situations
   c. Individual visitors
   d. Partner agency employees
   e. Interns/cadets
   f. Contractors
   g. Volunteers

Note: Anyone utilizing the parking deck under these circumstances will adhere to the same policies as paying employees.

9. To facilitate temporary parking deck access for special activities, an intercom system is connected to the Headquarters security desk. The officer assigned to the Headquarters security desk must be provided a list of all visitors or the name of the activity with an approximate number of attendees prior to that individual's or group's visit. Approved temporary parking access that extends beyond one day will require the issuance of a temporary parking placard which will be coordinated by the Facilities Planning Section.

10. Security cameras are installed at the entry points of the deck. Employees who do not have their access card and who cannot be visually identified by the Headquarters security desk officer must report in person to the Headquarters security desk in the lobby of the CMPD Headquarters Building. Once parking privileges have been verified, the security officer will allow the employee access to the parking deck.

B. Parking Deck

1. The deck is not used exclusively by the CMPD. Other City employees may choose to pay to park in the deck and are subject to the guidelines provided in this directive.

2. CMPD vehicles driven by more than one employee will have dedicated parking assigned and must be parked in the designated parking space(s) of the deck. The CMPD Facility Manager, along with HR, is responsible for maintaining a current list of all space assignments. Requests for changes or new space assignments must be made through an employee's chain of command. The
CMPD Facility Manager must be notified of any approved change(s) and will assist in completing the approved change(s).

3. On-duty personnel operating departmental vehicles may park in the spaces designated as “In-and-Out” parking on the operational side if the vehicle does not have an assigned space elsewhere in the deck. These spaces will be used for short visits to the CMPD Headquarters Building. These spaces are not to be used by employees attending court or scheduled training in the CMPD Headquarters Building.

4. There are several spaces designated on the operational side of the parking deck for those on-duty employees driving departmental vehicles who need to submit lost/found property or evidence to The Property and Evidence Management Division. These spaces are located to the right of the tunnel entrance.

5. Command Staff assigned to the CMPD Headquarters Building will pay to park in the deck and may park in those spaces reserved for Command Staff on the operational side of the deck.

6. Command Staff who are from external facilities are not required to pay for deck parking, but to the extent possible, should park on the operational side of the parking deck in Command Staff Parking.

7. All other CMPD sworn and civilian personnel from external facilities are not required to pay for deck parking.

8. Externally assigned personnel driving departmental vehicles or personal vehicles should park anywhere on the employee side for CMPD business only, with the exception of reserved parking spaces.

9. All department vehicles, including department vans such as those assigned to Police Activities League and SWAT will be parked on the eighth floor level of the deck.

10. All City vehicles parked in the deck will be parked on the employee side of the deck on the highest level available.

11. All drivers must adhere to the following when parking in the deck:
   a. All vehicles are to be parked only in single, properly marked spaces. Motorcycles will be parked only in those spaces designated for motorcycle parking.
   b. No employee-owned vehicles may be stored in the deck.

12. Officers attending court, papering cases, obtaining warrants, etc. will park in the CMPD parking deck in designated parking spaces marked for court attendance. Officers are prohibited from parking marked/unmarked police vehicles next to or near the courthouse for the purpose of attending court, papering cases, etc.
13. Designated spaces are set aside for compact vehicles. SUVs, trucks or vans of any size are prohibited from parking in the compact spaces.

C. Surface Parking Lot

1. This lot will be available for visitors to the CMPD Headquarters Building, the media, visitors requiring Americans with Disabilities Act (ADA) accommodations, visiting law enforcement, vendors/contractors, and officers with prisoners. All vehicles utilizing this lot must be properly parked within a single marked parking space.

2. Parking in this lot is limited to two hours. Any visitor who needs to park longer will need to obtain one of the following from the officer at the Headquarters security desk:
   a. A parking permit to park in the visitor lot; or
   b. Permission to park in the employee side of the parking deck

3. Those spaces marked with “Officer Transport Parking” are for officers transporting prisoners to the CMPD Headquarters Building.

4. Visiting law enforcement officers will have spaces reserved and marked for their use on a first-come basis. CMPD employees are prohibited from parking in these spaces.

5. Other than the ADA spaces, those for officers with prisoners, and those for visiting law enforcement, no other spaces within this lot are specifically designated.

6. CMPD employees will not park their personal vehicles on the surface lot at any time.

D. Loading Dock

1. The loading dock is for the purpose of shipping/receiving items to/from the CMPD Headquarters Building. There will be no parking in this area.

2. Crime Scene Search will use this area for various CSS operations.

3. Officers bringing prisoners in through the doorway near the loading dock will move their vehicle as soon as the prisoner is secure.

E. Low Emission Vehicle Parking

In keeping with the City’s commitment to sustainability, parking spaces for Low Emission Vehicles (LEV) and Electric Vehicles (EV) have been installed at the CMPD parking deck. In order to ensure that these spaces are being used properly, the City has initiated a permitting process. To qualify, your vehicle must meet the LEED definition of an LEV or EV, and you must already possess a CMPD parking permit. There are currently (5) designated LEV parking spaces on the 4th floor and (2)
designated EV parking spaces (charging stations attached) on the 2nd floor in the CMPD parking deck.

1. Employees with qualifying vehicles may complete the application located on the City Intranet at [https://cnet/kbus/epm/Fleet/motorpool/Pages/Low-Emission-Vehicles.aspx](https://cnet/kbus/epm/Fleet/motorpool/Pages/Low-Emission-Vehicles.aspx)

2. Once approved, an LEV/EV Parking Permit will provide the employee access to preferential parking spaces located within the Charlotte-Mecklenburg Police Department (CMPD) parking deck. These spaces will be in designated parking areas and will be reserved for qualifying permit holders.

3. Upon application acceptance, the employee will receive a specialized parking permit tag. When parked in a designated LEV/EV parking space, the permit must hang from the rearview mirror.

4. Unapproved and unpermitted vehicles shall not be parked in designated LEV/EV parking spaces.

V. ENFORCEMENT

A. Vehicles found in violation of this policy are subject to citation and, in extreme cases, may be towed.

B. Employees in violation of this policy may have parking access denied for a period of one (1) year. Any employee who has their access suspended will be able to reapply for access at the end of the one-year time period and may be placed on a waiting list subject to availability of space. CMPD employees will reapply for parking access through the Human Resources Division. City employees will reapply for parking access through the Charlotte-Mecklenburg Government Center's Operations Center.

C. CMPD and City of Charlotte supervisors are responsible for ensuring compliance with parking regulations. Any employee may report a violation of this policy to the officer working at the Headquarters security desk.

D. The Facilities Manager may report violations to the violator’s chain of command.

VI. REFERENCE

400-003 Equipment
I. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) is licensed to broadcast official police communications to mobile units, and will do so while complying with the rules and regulations established by the Federal Communications Commission.

II. PROCEDURE

A. Each user of the police radio is assigned a separate number or series of numbers that identify those individual users as a specific unit in all radio transmissions. This number or series of numbers is known as the radio user’s “call sign”.

B. All radio traffic will be conducted using professional protocol:

1. The call sign for an employee who is off duty will be the employee's code number with the prefix “P”. All users of the police radio must use their designated call sign or “P” unit number when initiating or responding to all radio transmissions.

2. All communications will be brief and impersonal. First names or nicknames of officers will not be used when engaged in radio transmissions on the primary dispatch talk groups.

3. Communications personnel will initiate calls to personnel by using the designated call sign of the unit they are contacting.

   a. When responding to calls initiated by communications personnel, patrol personnel will repeat their designated call sign and give their current location. All other personnel will repeat their designated call sign to acknowledge the radio transmission.

   b. When responding to radio transmissions from personnel, communications personnel will acknowledge the calling unit by repeating the unit’s designated call sign and instructing them to either continue with their radio transmission or to stand-by.

4. Appropriate acknowledgement will be made before proceeding with a radio transmission. Except in emergency situations, if the acknowledgement from communications personnel is to stand by, personnel should make no further radio transmissions until advised to continue.

5. The police radio and the mobile computers shall be used for official police communication only. Personal messages and frivolous comments must not be transmitted on the police radio or the mobile computer.

C. To avoid confusion with the “10-33” emergency code, no employee will be assigned a call sign ending with the number "33".

D. Employees will use telephones or mobile computers for lengthy conversations or information requests when possible.
E. Emergency transmission has priority over all other transmissions.

F. In non-emergency situations where reasonable access to a telephone exists, employees are encouraged to assist citizens by using telephones for calls or notifications rather than requesting the contacts be made by communications personnel.

III. REFERENCES

400-003 Equipment
CALEA
I. PURPOSE

To provide officers with information and guidance on towing vehicles, inventory, storage, and releasing impounded vehicles.

II. POLICY

Charlotte-Mecklenburg Police Department (CMPD) officers must follow established guidelines to tow, inventory, store, and release all vehicles.

III. PROCEDURES

A. Determining When to Tow

Officers of the CMPD may authorize the towing of vehicles when one or more of the following conditions exist.

1. When a crash occurs on a public roadway or public vehicular area that renders a vehicle disabled, and the owner or operator is not available or, in the officer's judgment, is not capable of making an informed decision regarding the disposition of the vehicle.

2. When a stolen vehicle is recovered, and the owner or a responsible party is not readily available to take possession.

3. When the operator of the vehicle has been arrested, and in the officer's opinion, the judgment of the operator is impaired to the extent that the operator is unable to make an informed decision as to the disposition of the vehicle.

4. When a disabled vehicle is creating a hazard or obstructing traffic. When possible, officers should attempt to contact the registered owner of the vehicle prior to towing.

B. When an officer believes it is necessary to tow a vehicle, in circumstances other than those in section III-A, the officer will notify a supervisor and obtain approval to tow the vehicle.

C. If a vehicle is not creating a hazard or obstructing traffic, and the owner/operator of the vehicle is on the scene, he/she should be allowed to decide if the vehicle is to be towed or left at the scene, if the situation affords them this discretion; and when, in the officer's opinion, their judgment is not so impaired as to render them incapable of making such a decision. Should a vehicle owner/operator request the services of a non-division wrecker, response time and existing conditions should be considered. If non-division wreckers can respond in as timely a fashion as the assigned division wrecker company, the owner/operator's request should be honored.

1. In all cases where a vehicle is towed at the request of the owner/operator, or left at the scene, the “Owner/Driver Request for Vehicle Disposition” section of the Tow/Storage Report must be completed and signed before leaving the
scene. If the owner/operator refuses to sign the form, or officer safety issues preclude this action, the officer will have the vehicle towed.

EXCEPTION: If the driver is incapacitated as a result of a motor vehicle crash and requires immediate transport to a medical facility but is capable of giving verbal consent, the officer can indicate that verbal consent was given on the disposition section of the Tow/Storage Report and document the circumstances around that consent.

2. If the owner/operator is under arrest and decides to turn the vehicle over to another person, the arresting officer must confirm that the person taking control of the vehicle has a valid operator's license and is not under the influence of an impairing substance. Officers must also complete the “Owner/Driver Request for Vehicle Disposition” section of the Tow/Storage Report when the vehicle is turned over to a third party.

3. Officers will turn in the Tow/Storage Report to the Records Division by the end of their tour of duty.

D. Private Premises

When an on-duty officer is requested by a citizen to remove a vehicle from private property, the officer will refer to N.C.G.S. 20-219.2 and Charlotte City Code 6-561 through 6-567 concerning the towing of vehicles parked, without authorization, on private property and further explain to the citizen that he or she may have the vehicle towed without the assistance of the police. Officers who are on-duty or employed to perform secondary law enforcement will not request tows of unauthorized vehicles parked on private property.

E. Division Wreckers

1. When an officer requires a wrecker to remove a motor vehicle (other than a city-owned vehicle), the officer will request a "division wrecker," unless the owner/operator requests a specific wrecker service.

2. Division wreckers will tow and store vehicles on their company lots unless the vehicle owner or operator has made other arrangements with the division wrecker service.

3. Inventory procedures serve to protect an owner's property while it is in the custody of the police, to ensure against claims of lost, stolen, or vandalized property and to guard the police and public from danger. An officer must complete the Vehicle Inventory section, of the Tow/Storage Report each time a vehicle is towed at the direction of the CMPD. Additionally, an officer must complete the Vehicle Inventory section on an owner request tow if the owner is not present to secure the vehicle and any possessions therein.

   a. Any officer having a vehicle towed will conduct an inventory of the interior and trunk areas in order to record all property in the vehicle.
EXCEPTION: No inventory is required for vehicles towed from tow-away zones during peak traffic hours. The vehicle must be locked.

b. Locked, sealed or closed containers such as suitcases, packages or boxes will be opened when the contents cannot be determined from an examination of the container’s exterior. However, locked or sealed items will not be forcibly opened in order to inventory the contents if doing so will cause damage to the container. The vehicle's trunk and/or glove compartment will not be forcibly opened in order to inventory the contents of these areas.

F. Tow/Storage Report

1. Anytime a CMPD officer requests a wrecker, whether at the owner/operator’s request or at the direction of the officer, the Tow Storage Report must be completed. The white (top) copy should be turned in to the Records Division and the remaining three (3) copies should be given to the wrecker driver.

EXCEPTION: If an owner/operator requests a specific wrecker company that is not a division wrecker company the officer will turn in all four copies to the Records Division.

2. Requesting Agency, Owner/Driver information, and Towing Information should be completed every time. If the tow is at the direction of CMPD, or the tow is at the direction of the owner but the owner is not present to secure any property inside the vehicle, the inventory must also be completed. If the tow is an owner’s request, the Owner/Driver request for disposition section needs to be completed.

G. Seizing Vehicles

1. An officer may seize a vehicle only in one of the following situations and with a supervisor’s approval.

   a. The vehicle is being held to be searched without a search warrant or pending the execution of a search warrant.

   b. The vehicle is needed for evidence.

   c. The vehicle has been seized for forfeiture or destruction as specifically provided by law. Listed below are examples of this type of impoundment.

   1) N.C.G.S. 90-112 - Concealment, conveyance or transportation of a controlled substance in a motor vehicle.

   2) N.C.G.S. 20-141.3(g) - Prearranged speed competition in a motor vehicle.
3) N.C.G.S. 18B-504 - Motor vehicles used to transport non-tax paid alcoholic beverages.

4) N.C.G.S. 14-299 - Motor vehicles exhibited by gamblers in conducting unlawful games or lotteries.

5) N.C.G.S. 14-86.1 - Motor vehicles used to transport stolen property (larceny when the value of goods are more than $2000.00) or used in the commission of a robbery.

6) N.C.G.S. 14-2.3 - Motor vehicles acquired through the commission of other felonies.

2. Officers who seize a vehicle must submit the vehicle in the Property & Laboratory Information Management System (PLIMS). The officer should document all available vehicle information (e.g., owner information, VIN, registration number, make, and model). The officer must enter the name of the wrecker company and the tow-in number in PLIMS. The vehicle should be transported to the Vehicle Evidence Lot (VEL).

3. If the keys are seized with the vehicle, they will be placed in property control and documented in PLIMS.

4. An officer will follow the tow company to the Vehicle Evidence Lot. The officer will use his or her keycard to gain access to the VEL. The officer will escort the tow company onto the lot and supervise the placement of the vehicle. The wrecker company will be escorted off the lot by the officer.

H. Release of Towed Vehicles from Wrecker Company Lots

1. Each individual division wrecker company is responsible for the storage and release of towed vehicles in their possession. The division wrecker companies should not release towed vehicles (and items which are in the vehicle) except upon presentation of proof of ownership by the claimant.

2. Division wrecker companies will not release any vehicle when the Tow/Storage Report indicates the vehicle is to be held until the release has been authorized by the officer who ordered the tow. Once a release is authorized, the officer should change the status to ready to release in PLIMS. A supervisor will authorize the release in PLIMS.

3. An officer will advise the owner/operator of any vehicle towed to go directly to the wrecker company to obtain his/her vehicle if it is authorized for release. If a vehicle is seized as evidence, the officer will advise the owner/operator that he/she will be contacted when release of the vehicle has been authorized. An officer seizing a vehicle will conduct a follow-up investigation concerning the status of a vehicle every fifteen days. When the District Attorney determines the vehicle is no longer needed as evidence, the vehicle is released, and the officer will change the status to ready to release in PLIMS. A supervisor will authorize
the release in PLIMS and submit to the Property and Evidence Management Division. The Property and Evidence Management Division will notify the vehicle owner with instructions for reclaiming the vehicle.

I. Release of Towed Vehicles from Vehicle Evidence Lot

When the vehicle release paperwork is completed, Property and Evidence Management will send a postcard notifying the owner to contact the Property and Evidence Management Division.

1. The owner will come to Property and Evidence Management to show a valid ID and sign the property sheet.

2. The owner will then arrange for a tow company to tow the vehicle off the lot.

3. The owner will contact Property and Evidence Management with the tow company information.

4. Property and Evidence Management will then make arrangements for a time and date for a Property and Evidence Management supervisor to meet the tow company at the VEL and to accompany them as they retrieve the vehicle. (See G. 4.).

5. The Property and Evidence Management supervisor will insure that the correct vehicle (along with any debris) is removed from the VEL.

6. Only the tow company is allowed on the VEL. The Property and Evidence Management supervisor will be responsible for the closing of the gate and resetting the alarm.

J. Abandoned Vehicles

1. A vehicle suspected of being abandoned will be towed by order of the officer who discovers the vehicle if it is interfering with, or obstructing traffic. The initiating officer will enter "Traffic Hazard" and the related traffic violation on the Tow/Storage Report. DO NOT ENTER "ABANDONMENT."

2. When an officer observes an unattended vehicle inside the city limits of Charlotte that is suspected of being abandoned, but not interfering with or obstructing traffic, the officer will:


   b. Forward the completed report to the Records Division. The Records Division will forward the completed report to the tow-in officer.

   c. The City of Charlotte Community Improvement Division will be contacted by the tow-In officer.
3. When an officer observes an unattended vehicle that is suspected of being abandoned, but not interfering with or obstructing traffic, the officer will:
   
a. Inspect and tag with a notice to remove at least five calendar days prior to towing any vehicle parked on a State highway right-of-way but not impeding the flow of traffic. This action should be documented as a miscellaneous incident.

b. Officers towing a vehicle which has been tagged for a period of at least five calendar days will request a division wrecker. The officer ordering the tow is responsible for ensuring the proper notification of registered owners of towed vehicles.

K. Additional Towing Procedures and Responsibilities

1. General Explanation - State law established procedures which a law enforcement officer must follow under certain circumstances when vehicles are towed and further provides for a hearing before magistrate for vehicle owners contesting these tows. N.C.G.S. 219.11 applies to any towing carried out under the direction of a police officer EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

a. When seizing a vehicle for forfeiture or as evidence.

b. When the towing is requested or voluntarily consented to by the person in control of the vehicle (for example, in many wreck situations).

2. Duties of an Officer Ordering a Tow

a. The officer will complete the Tow/Storage Report as thoroughly and completely as possible. Officers must enter the color of the vehicle along with the make, VIN and vehicle registration, including state of registration. The information entered on the Tow/Report will be utilized by Records Division personnel in completing the computer generated Notice of Towing and Right to Hearing Form.

b. If the vehicle is registered in North Carolina, the officer must, as soon as possible and always within two 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 must be made within the 24-hour period. An immediate second call producing the same result (i.e., busy or no answer) will not satisfy this requirement. The Notice of Towing and Right to Hearing Form shall be mailed to the registered owner's last known address within twenty four (24) hours of the tow.

c. If the vehicle is registered outside North Carolina, a telephone notification as described above will be attempted as soon as possible, and always within seventy-two (72) hours of the towing. The Notice of
Towing and Right to Hearing Form shall be mailed to the registered owner’s last known address within seventy two (72) hours of the tow.

d. If, after reasonable efforts (i.e., several calls), the officer is still unable to speak to the registered owner, the officer should, if possible, leave a clear message concerning the location and status of the towed vehicle.

e. If the officer is successful in contacting the registered owner by telephone, he/she shall give the owner the following information and, within reasonable limits, answer the owner's questions regarding the vehicle and the towing. If the officer is unsuccessful in contacting the owner, documentation (date, time, etc.) of the attempts to call the registered owner will be made in the "Owner/Driver" section of the Tow/Storage Report:

1) A description of the vehicle.
2) The place where the vehicle is stored.
3) The violation with which the owner is charged, if any.
4) The procedure the owner must follow to have the vehicle returned.
5) The procedure the owner must follow to request a probable cause hearing on the towing.

f. A vehicle recovered as evidence because it is used during the commission of a crime, contains evidence of a crime, or is a recovered stolen vehicle is subject to disposition under directive 700-002 Evidence Management. The initial investigating officer will summarize all of his or her actions and any relevant information in KBCOPS.

3. Hearing to Contest Tow

a. If the owner wishes to contest the towing, he/she has a right to a hearing before a magistrate in Mecklenburg County. If the owner wants to obtain possession of the vehicle prior to the hearing, he/she will be required to post a bond of double the amount of the towing and storage fees with the Clerk of Court.

b. To obtain a hearing an owner must present a written request for a hearing to the magistrate on duty at the warrant-issuing office located at the Mecklenburg County Courthouse, 800 E. Fourth Street, Charlotte, North Carolina. If the owner makes a written request for a hearing, the magistrate will set a hearing time within seventy-two (72) hours of the owner's request.

c. The magistrate will determine if the officer had probable cause to tow the vehicle.
d. If the magistrate finds probable cause for the tow, the wrecker service will be entitled to hold the vehicle until the owner pays the fee or posts the bond.

e. If the magistrate finds no probable cause for the towing, the vehicle will be returned to the owner with no costs incurred.

f. Either party has a right to appeal an adverse decision by the magistrate to the District Court Judge.

g. Officers are to comply with procedures established by the Chief District Court Judge regarding these hearings. Officers may be required to file affidavits with the magistrate's office or to appear personally to give oral testimony at hearings regarding probable cause for the towing of the vehicle.

L. Crime Scene Search Tows

1. An officer must get authorization from a supervisor to tow a vehicle that is used in a major crime (Homicide, Rape, ADW, Robbery, Bank Robbery, or is evidence) and is located on scene by a Patrol Officer and needs to be towed to the Crime Scene Search vehicle bay at Headquarters for processing.

   a. The division Sergeant or above will determine in consultation with Criminal Investigations if the vehicle needs to be photographed and sealed on scene by CSS prior to being towed.

   b. The officer will contact a zone wrecker to tow the vehicle.

   c. A Patrol Officer/Detective will follow the wrecker and vehicle to the CSS bay where the vehicle will be temporarily stored in the secured bay.

2. In the event a homicide victim is located inside a vehicle, the vehicle will be towed to Headquarters once the on scene investigation is complete.

   The Homicide Detective will get authorization from a Homicide Sergeant to have vehicle towed.

   a. CSS will photograph and seal vehicle at the scene.

   b. The homicide detective will contact a zone wrecker to tow the vehicle.

   c. An Officer/Detective will follow the vehicle to the CSS vehicle bay where it will be temporarily within the secured bay.

3. Officers/Detectives will follow the procedures outlined below anytime a vehicle is temporarily stored in the CSS bay at Headquarters:

   a. Officer/Detective will complete the Tow/Storage Report for the wrecker company.
b. As soon as possible, once the vehicle is delivered by the wrecker, the Officer/Detective will enter the vehicle into PLIMS.

c. The Officer/Detective copy of the tow in form will be scanned into KBCOPS and attached to the related case.

d. The Officer/Detective assigned to the case must be present with CSS for the vehicle to be processed.

e. When the vehicle processing is complete the vehicle will be removed by the Officer/Detective. Vehicles held for evidence will be stored at the Vehicle Evidence Lot (VEL).

f. The same wrecker company that was used to tow the vehicle to the CSS Bay will be used to tow the vehicle to the VEL.

g. If the vehicle is being held at the VEL. The Officer/Detective will follow the vehicle to the VEL. (See G.4.)

IV. REFERENCES

700-002 Evidence Management
N.C.G.S. 20-137.10
N.C.G.S. 20-219.2
N.C.G.S. 20-219.11
Charlotte City Code 6-561 et seq.
ORDINANCE NO. 6095-X O-45

AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE XI OF THE CITY CODE, ENTITLED "TOWING AND BOOTING BUSINESSES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA THAT:

Section 1: Article XI. Towing and Booting Business of the City Code is amended as follows:

Sec. 6-561. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Booting service* includes any person or other entity, whether licensed or not, that engages in or who owns or operates a business which engages, in whole or in part, in the booting or immobilization of motor vehicles for compensation.

*Completed trespass tow* means a trespass tow resulting in the complete removal of the motor vehicle from a private parking lot or private property.

*Motor Vehicle* means a Class A, B, or C Motor Vehicle as defined in G.S. 20-4.01(23).

*Private parking lot* means any parking lot or area owned by a private entity or individual that provides parking spaces for a fee or requires the permission of the owner, lessee or agent before a person may park at that location. A private parking lot includes vehicle parking spaces in an apartment or condominium complex. A private parking lot does not include the driveway, lawn or what is commonly referred to as the yard, of property owned or leased as a family residence.

*Tow* means to haul, carry, pull along, or otherwise transport or remove a motor vehicle by means of another vehicle.

*Towing or tow service* includes any person or other entity, whether licensed or not, that engages in or who owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles for compensation.

*Trespass towing or trespass tow* means the towing or removal of a motor vehicle, without the consent of the motor vehicle's owner or operator, that is parked on a private parking lot without the property owner's or agent's consent.
Wheel lock means a boot, wheel lock or any other device that is attached to a motor vehicle that is manufactured and designed to immobilize the motor vehicle.

Sec. 6-562. Towing of vehicles for compensation.

No towing service shall conduct a trespass tow of a motor vehicle from a private parking lot for compensation when the point of origin of the tow is within the jurisdictional limits of the city without complying with the provisions of this article.

Sec. 6-563. Trespass towing of vehicles from private parking lots; Signs required.

(a) It shall be unlawful to tow or remove or immobilize by use of any wheel lock or other method, a motor vehicle that is parked on private property or private parking lot without the permission of the owner or lessee of the motor vehicle unless notice is posted in accordance with the provisions of this section on the private property from which the towing, removal, or immobilization occurs. The notice shall meet the following requirements:

(1) The notice must be in the form of a sign structure and not less than 24 inches by 24 inches and not larger than 6 square feet and constructed of metal, plastic or other type of material that is enduring in nature. The notice shall be prominently posted on the private property at each access or curb cut allowing vehicle access to the property and within five feet of the street right of way line. If there are no curb or access barriers, notices shall be posted not less than every 50 feet facing the frontage of the public street and facing the private parking lot. In addition, a sign not less than 12 inches by 18 inches in size may be posted with lettering on both sides at each parking space from which an unauthorized vehicle could be towed, removed, or immobilized.

(2) The notice shall clearly display the following:

a. In not less than one and one-half inch high letters red in color on a contrasting white background, the words "tow-away-zone" or "towing enforced."

b. In not less than one inch high letters red in color on a contrasting white background, a statement that parking is never authorized by stating "private property - no parking" or where parking is permitted under limited circumstances, by stating "authorized parking only" or "leased parking only", or "parking for ________ customers only", or "parking for residents only", or a similar phrase that specifically identifies the conditions under which someone may park on the property. If parking is only allowed for a specified time, then the sign shall specifically state the days and hours when parking is permitted.
c. In not less than one-half inch high letters red in color on a contrasting white background, the phone number that a person can call to retrieve the towed vehicle and the name and address of the storage facility where the vehicle is stored.

d. In not less than one-half inch high letters red in color on a contrasting white background, the maximum fees and charges for booting or immobilizing a vehicle by use of a wheel lock, securing a vehicle to a tow truck by a hook, chain, cable or similar device, a completed trespass tow, and storing a towed vehicle; a statement that credit and debit cards may be used for payment; and the amount or percent of additional fees and charges which may be added for the use of credit and debit cards.

(3) The sign displaying the required notices shall be permanently installed with the bottom of the sign not less than 3 feet above ground level and the top of the sign not more than 8 feet above ground level.

Sec. 6-564. Booting service; Fees.

(a) Any booting service engaged in the booting or immobilization of a motor vehicle on a private parking lot shall upon the request of the vehicle owner or operator, display and exhibit a photo identification card issued by the booting service. The photo identification card shall contain a picture of the employee, the first name of the employee, and the name, address and telephone number of the booting service. This subsection shall not apply to booting services in uniform which contains the first name of the employee and the name of the booting service.

(b) Booting service motor vehicles shall be marked with the name and address of the booting service on each side of the vehicle in letters not less than three inches in height. This subsection shall not apply to motor vehicles subject to North Carolina General Statute § 20-101(d) or 49 C.F.R. Part 390.

(c) A booting service must accept cash and at least two major credit and debit cards.

Sec. 6-565. Trespass towing of vehicles from private parking lots; Practices.

(a) Any towing service that has initiated a trespass tow by, securing the motor vehicle to the tow truck by a hook, chain, cable or similar device, but has not completely removed the trespass motor vehicle from the private parking lot, shall upon the request of the vehicle owner or operator, release said vehicle upon payment of the fees and charges noticed pursuant to Sec. 6-563(a)(2)d.

(b) Any towing service that is engaged in a trespass tow shall, upon request of the owner or operator of the motor vehicle, permit the owner or operator access to the trespass vehicle for the purpose of retrieving personal property from the vehicle. If
personal items are removed from the motor vehicle by the towing service, then upon request those items will be returned to the owner or operator.

(b) Any towing service that engages in a trespass tow or any storage facility that receives motor vehicles that have been towed as a result of a non-consensual tow from private property shall accept cash and at least two major credit cards and any debit card for all fees and charges required to be noticed pursuant to this article. Upon request, the employee for the towing service or storage facility will provide a receipt to the owner or operator of the towed motor vehicle.

(d) Any towing service that engages in a trespass tow or any storage yard that receives motor vehicles that have been towed as a result of a non-consensual tow from private property shall have a person on call 24 hours every day who acknowledges requests to retrieve a towed motor vehicle within 15 minutes of receiving an inquiry from the owner or operator of the towed motor vehicle. If the owner or operator wishes to retrieve the motor vehicle, then the towing service or storage facility must make the vehicle available within 45 minutes of the request.

(e) The lot or facility to which a trespass towed vehicle is removed shall be located within the city limits of the City of Charlotte.

(f) No towing service shall remove a motor vehicle from a private lot from the hours of 7:00 a.m. to 7:00 p.m. unless the owner or agent of the private lot signs a contemporaneous specific written authorization for such removal which is presented to the wrecker driver of the towing service. The agent must be someone other than an employee of the towing service. The written authorization shall contain the reason for the tow, the make, model, year, color, vehicle identification number (VIN) and license plate number. The wrecker driver shall contact the non-emergency number for the Charlotte-Mecklenburg Police Department and provide the above information. The motor vehicle will not be removed from the private lot until the driver has been advised of a complaint number.

(g) Subject to the express limitations described in this Article, towing services and owners, lessees and agents of private parking lots shall be entitled to pursue all rights and remedies available at law regarding the enforcement and collection of past due charges for parking violations.

Sec. 6-566. Interference with a towing service.

(a) It shall be unlawful for anyone to obstruct or interfere with a towing service that is carrying out a trespass tow on private property or a tow conducted pursuant to a contract with the City of Charlotte except:

   (1) When the owner or operator verbally requests the towing service to release the motor vehicle pursuant to this Article;
(2) When the owner or operator verbally requests the towing service to release the motor vehicle pursuant to the provisions of a towing contract with the City of Charlotte; or

(3) When the owner or operator verbally requests the towing service to retrieve personal property from their motor vehicle.

Sec. 6-567. Penalty.

Any person who violates a provision of this article shall be guilty of a misdemeanor as provided by G.S. 14-4, and subject to a maximum fine of five hundred dollars ($500.00).

Section 2: This ordinance shall become effective January 22, 2016.

Approved as to form:

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 23rd day of November, 2015 the reference having been made in Minute Book 139, and recorded in full in Ordinance Book 59, Page(s) 627-631.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, the 23rd day of November 2015.

Stephanie C. Kelly, MMC, NCCMC, City Clerk
I. PURPOSE

The purpose of this directive is to inform each member of the Charlotte-Mecklenburg Police Department (CMPD) of the policy regarding the appropriate exercise of law enforcement authority at peaceful demonstrations.

II. POLICY

The CMPD’s purpose for being present on the scene of a lawful protest is to maintain peace and order. Officers shall enforce the criminal law where appropriate and not act or fail to act in any manner that favors the protesters or the business/organization that is the object of the protest. First Amendment Rights of the protestors are to be balanced with the rights of private property owners and the interests of the public in being able to access businesses, public roadways and public sidewalks.

III. DEFINITIONS

A. Picket or picketing: To make a public display, or demonstration of sentiment for, or against a person, or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

B. Sidewalk: The portion of the street which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

C. Street: The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb.

IV. PROCEDURES

A. Notification required: The organizer of a picket that the organizer knows, or should reasonably know, will be attended by a group of 50 or more individuals shall give notice of intent to picket to the Chief of Police or designee at least 48 hours before the beginning of the picket. (See CMPD Forms)

B. Receipt of notification: Upon notice of intent to picket, the Chief of Police or designee shall immediately issue a receipt of notice. The organizer of the picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official. (See CMPD Forms)

C. Public Assembly and Parade Permits (City Code Sections 19-311 – 19-312)

Festivals, parades and public assemblies (on public streets) are required to have a permit, without regard to the number of individuals participating

D. Warrantless Arrests (N.C.G.S. 15A-401(b))
Warrantless Arrests should only be made with probable cause:

1. For a felony or misdemeanor in an officer’s presence,
2. For a felony that occurs outside the officer’s presence or,
3. For a misdemeanor that occurs outside the officer’s presence and a warrantless arrest is authorized by state law.

E. Enforcement of Relevant Statutes and City Ordinances

1. Picketing Ordinances (City Code Sections 19-301 – 19-303)
   a. Picketing may be conducted on public sidewalks or other pedestrian areas, but not on that part of the roadway primarily used for vehicular traffic. Picketing shall not disrupt, block, obstruct or interfere with pedestrian traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
   b. Picketing may be conducted at the Old City Hall lawn, CMGC plaza, Polk Park, Independence Square Park, Arequipa Park or other City-controlled park unless a festival is occurring, or the property is reserved for private use.
   c. Picketing is not permitted on median strips.
   d. Focused or targeted residential picketing is prohibited.
   e. There is no limit to the number of pickets on a particular block or to the amount of space between pickets.
   f. Banners are not limited in size, but must allow safe and unobstructed passage of pedestrian and vehicular traffic.
   g. The staff or pole on which a placard or banner is carried must be made of corrugated material, plastic or wood and not metal or metal alloy. It cannot exceed 40 inches in length, nor can it be greater than ¾ inch in diameter at any point. It must be blunt at both ends.
   h. Violations of the ordinance may be enforced by issuing a uniform citation to the violator. Although, officers may wish to warn picketers prior to issuing a citation.

2. Obstructing Traffic
   a. Protesters standing in the public roadway blocking traffic shall be given a lawful order to move out of the roadway under the officer’s authority to direct or regulate traffic under N.C.G.S. 20-114.1(a) (Willful Failure to Obey Law-Enforcement or Traffic-Control Officer). Arrests may be made under this statute if protesters refuse to move out of the roadway.
b. Officers should advise persons on the scene not to walk in front of vehicles entering and exiting the parking lot of a business. The potential for confrontation between the various interests involved and the danger of a pedestrian being struck by a vehicle are additional law enforcement concerns.

3. Trespassing

Protesters standing on private property are to be verbally advised by a company representative that they are not allowed on the private property. In addition, an officer shall provide a verbal warning to violators that they are going to be arrested for first degree trespassing if they are unlawfully in a building or enclosed area and for second degree trespassing if they are outside but not on the “sidewalk” area or on a public street.

4. Other Relevant Ordinances and State Statutes

a. Noise Ordinance (City Code Sections 15-61 – 15-70)

A permit is required for amplified sound. Violations of the noise ordinance may occur if the protesters use megaphones or other sound amplification devices. Prior to issuing a citation for a violation under Section 15-64 (Amplified Sound), a measurement of the noise should be in accordance with the Noise Enforcement SOP.

b. Weapons at Parades and Picket Lines (N.C.G.S. 14-277.2)

It is unlawful for any person participating in, affiliated with, or present as a spectator at any parade, picket line or any demonstration upon a private health care facility or upon any public place owned or under the control of the State or any of its subdivisions to willfully or intentionally possess or have immediate access to any dangerous weapon. The provisions of the statute do not apply to a person with a carry concealed permit carrying a concealed handgun. The provisions of the statute do not apply to any person authorized by State or Federal law to carry dangerous weapons in the performance of their duties, including any private security officers licensed to carry a firearm while on duty.

c. Distribution of Handbills or Leaflets (City Code Section 15-1)

It is unlawful for any person to throw, deposit, place or distribute any handbills, leaflets, etc. on any motor vehicles without the consent of the owner. With regard to material that is handed out by protestors, picketers, or counselors, this ordinance will be enforced by issuing a uniform citation requiring a mandatory court appearance, only after receipt of a complaint.
d. Officers should not charge protestors with littering for placing copies of their literature, picket signs or other material on public or private property for the period of the demonstration. However, signs or other material placed on the private property by protestors may be taken and disposed of by the property owner or his or her designee. This does not constitute larceny or damage to property and no such report should be taken.

V. REFERENCES

Noise Enforcement SOP
Charlotte City Ordinance 19-301 through 19-303 Picketing
Charlotte City Ordinance 19-311 through 19-313 Public Assemblies and Parades
Charlotte City Ordinance 15-61 through 15-68 Noise
Charlotte City Ordinance 15-1 Distribution of Handbills
N.C.G.S. 14-225.1 Obstructing Justice
N.C.G.S. 14-277.2 Weapons at Parades
N.C.G.S. 14-277.4 Healthcare Facilities
N.C.G.S. 14-288.2 Riot
N.C.G.S. 14-288.4 Disorderly Conduct
N.C.G.S. 14-288.5 Failure to Disperse
N.C.G.S. 14-415.11 Permit to Carry Concealed Handgun
N.C.G.S. 15A-401 Arrest by Law Enforcement Officer
N.C.G.S. 20-114.1 Willful Failure to Obey Law-Enforcement or Traffic-Control Officer
ARTICLE X. PICKETING*

*Editor's note: Ord. No. 2621, § 1, adopted June 14, 2004, amended article X in its entirety to read as herein set out. Formerly, article X pertained to parades and derived from Ord. No. 2459, § 1, adopted December 8, 2003. For provisions pertaining to parades, the user's attention is directed to article XI.

Sec. 19-301. Definitions.
The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Picket or picketing means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

Sidewalk means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

Street means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and their cognates are synonymous as used herein.

(Ord. No. 2621, § 1, 6-14-2004)

Sec. 19-302. Notice of intent to picket.
(a) Notification required. The organizer of a picket that the organizer knows, or should reasonably know will be by a group of 50 or more individuals shall give notice of intent to picket to the chief of police or designee at least 48 hours before the beginning of the picket. The notice of intent to picket shall include the following information:
(1) The name, address and contact telephone number for the organizer of the picket;
(2) The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
(3) The name of the organization or group sponsoring the picket;
(4) The location where the picket is to take place;
(5) The date and time the picket will begin and end; and
(6) The anticipated number of participants, and the basis on which this estimate is made.
(b) Receipt of notification. Upon notice of intent to picket given in accordance with subsection (a), the chief of police or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official.
Sec. 19-303. Picketing regulations.
(a) Picketing may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, any other city-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.
(b) Notwithstanding subsection (a), picketing may not be conducted:
(1) At the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other city-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;
(2) On a median strip; and
(3) At a location directed, focused, or targeted at a particular private residence.
(c) Picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
(d) Written or printed placards or signs, flags, or banners carried by individuals engaged in picketing shall be of such a size and/or carried on the sidewalks or other city-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.
(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.
(f) Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.
(g) Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:
(1) The city's noise ordinance;
(2) The city's handbill ordinance;
(3) Section 14-225.1 (obstructing justice);
(4) Section 14-277.2 (weapons);
(5) Section 14-277.4 (health care facilities); and
(6) Section 14-288.4 (disorderly conduct).
(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.
(i) It shall be unlawful for any person to violate any provision of this section.
(Ord. No. 2621, § 1, 6-14-2004)
Secs. 19-304--19-310. Reserved.
I. PURPOSE

This directive provides rules to guide the Charlotte-Mecklenburg Police Department (CMPD) employees in performing their duties before, during and after a First Amendment Activity.

II. POLICY

It is the policy of CMPD, whenever an employee is performing his or her duties, they conform to the guarantees of the United States and North Carolina Constitutions. When conducting a work-related function in relation to a First Amendment Activity, that function must be confined to a Legitimate Law Enforcement Objective. CMPD recognizes that the First Amendment of the United States Constitution promotes, encourages and protects the right of free speech and the right of persons and groups to assemble peacefully. In addition, the Fourth Amendment protects individuals from unreasonable governmental intrusion into their person, houses, papers, and effects. Whether demonstrating, protesting, counter protesting, or simply showing support for a cause, individuals and groups have the Constitutional right to peacefully gather and express themselves without interference from law enforcement despite the content of their message. At the same time, it is also the role of CMPD to maintain law and order during a First Amendment Activity and to investigate any potential for criminal behavior that might occur before, during or after such an activity.

III. DEFINITIONS

A. First Amendment Activity: constitutionally protected speech or association, or conduct related to freedom of speech, the free exercise of religion, freedom of the press, the right to assemble, and the right to petition the government. A First Amendment Activity includes but is not limited to the preparation, planning and discourse conducted before, during and after a particular occurrence or continuous activity such as a demonstration or a protest.

B. Infiltrate: a covert investigative technique whereby an officer affirmatively identifies himself/herself as a member of a group or organization and does not disclose his or her identity as a law enforcement officer.

C. Informant: a person who is not a police officer, who provides information to law enforcement about individuals, groups of individuals or organizations which are generally not publicly available.

D. Legitimate Law Enforcement Objective: a Legitimate Law Enforcement Objective consists of the following: the detection and investigation of criminal behavior; the apprehension and prosecution of criminals; the identification of potential acts of civil disobedience designed to unlawfully disrupt the legitimate and lawful activities conducted within the Charlotte-Mecklenburg area; and, the identification of governmental resources necessary to staff a First Amendment Activity sufficient to protect persons and property.
E. Public Source Information: any information that can be obtained or accessed by the general public such as public records, social media sites, web pages and observation of activity that is presented to and/or can be viewed by the general public.

IV. PROCEDURE

The procedures in this directive are intended to ensure that CMPD Officers protect the guarantees of the Constitution while performing their duties with certainty, confidence and effectiveness. These procedures are binding on all CMPD employees who are involved with the monitoring of a First Amendment Activity.

A. Procedures Applicable to all Employees

1. CMPD employees may respond to or monitor First Amendment Activity for the purpose of facilitating a Legitimate Law Enforcement Objective. Two examples of facilitating a Legitimate Law Enforcement Objective are:
   a. Developing information that will assist with traffic and crowd control during this or other First Amendment Activities.
   b. Receiving information from a reliable informant that a group of counter demonstrators plan to commit criminal acts for the purpose of disrupting another group’s demonstration.

2. CMPD employees shall not investigate, prosecute, retaliate, prevent, or hinder any person from lawfully participating in First Amendment Activities.

3. CMPD employees shall not collect, document or retain information on persons associated with a First Amendment Activity based solely on that individual's:
   a. Ethnicity, national origin, race; or
   b. Religious, political or social beliefs or association; or
   c. Sexual orientation; or
   d. Support for unpopular causes protected by the First Amendment.

4. CMPD employees will not encourage, suggest or participate in any civil disturbance, civil disobedience or violation of any criminal law.

5. All questions will be limited to issues related to criminal conduct or to developing information related to a Legitimate Law Enforcement Objective.

6. Officers shall not take, confiscate or seize a participant or spectator’s camera, cellular phone or other electronic recording device simply because they are recording police activity. A camera, cellular phone, or other electronic recording device may be seized incident to arrest, when officers have obtained a search warrant, or there is an exception to the warrant requirement.
7. Officers shall not take, confiscate or seize a participant’s or spectator’s journal, written material, or other personal documents unless they have obtained a search warrant or there is an exception to the warrant requirement.

8. Any photographing or video recording of an event shall be conducted in a manner that minimizes interference with the First Amendment Activity and must be related to a Legitimate Law Enforcement Objective.

9. Nothing in this directive prevents an employee from recording or monitoring images by video/digital means or the taking of photographs for the purpose of facilitating a Legitimate Law Enforcement Objective. This could include, managing public resources, collecting evidence to be used in criminal investigation, or the collection of evidence to evaluate and defend civil claims or for other purposes in accordance with CMPD Directive 400-006 (Body Worn Cameras).

10. Nothing in this directive prevents an employee from performing the following actions, provided that they are undertaken to accomplish a Legitimate Law Enforcement Objective:
   
   a. CMPD employees may gather, review, and disseminate public source information pertaining to planned or ongoing First Amendment Activities. This includes publically available information such as internet and social networking sites, and permit requests.
   
   b. CMPD employees may overtly communicate with any person, including informants, involved in or with knowledge of a First Amendment Activity in order to ascertain general logistical information about the activity such as number of participants, start and end times, planned march routes, rally locations, etc.
   
   c. CMPD employees may, with supervisor approval, attend public rallies, demonstrations, and marches in a plain clothes capacity without disclosing their identity, so long as their purpose is solely to monitor the event for logistical or criminal conduct issues. Employees acting in such a capacity will not direct or influence the event’s participants and will not affirmatively represent themselves as members of a specific participating group or organization.

11. No employee shall conduct an infiltration of a First Amendment Activity unless specific approval has been obtained from the Chief of Police or designee. An approved undercover operation or infiltration will be conducted in accordance with the procedures outlined in this directive and the Criminal Intelligence SOP and Crime Analysis SOP.

12. All Intelligence Investigations related to First Amendment Activities must be coordinated, through and in conjunction with the Criminal Intelligence Unit and
will be in accordance with this directive and the Criminal Intelligence SOP and Crime Analysis SOP.

V. REFERENCES

100-003 Jurisdiction and Authority
400-006 Body Worn Camera
600-014 Passive Protest and Peaceful Demonstrations
800-015 Criminal Intelligence
CMPD Criminal Intelligence SOP
CMPD Crime Analysis SOP
28 CFR Part 23
NCGS 132-1.4
CALEA
I. PURPOSE

The Charlotte-Mecklenburg Police Department (CMPD) believes that the use of arbitrary stereotypes is inconsistent with effective policing. Effective policing requires officers and members of the community to work proactively together as partners to prevent crime and to protect our community. The police-community partnership thrives through communication, trust, and fairness. The mere appearance of arbitrary profiling is harmful to the police-community partnership and is counter to effective policing.

In order to create and maintain a safe community, CMPD officers are expected to stop citizens and enforce the law when they observe behavior indicative of criminal activity. This includes the use of physically descriptive characteristics in determining whether a person matches a specific description of a particular suspect.

CMPD is committed to treating all people, both community members and officers, equally, fairly, and with respect. This policy is intended to serve four primary purposes:

A. To provide officers with clear guidance in the law and in their interventions into the activities of community members.
B. To make it clear that CMPD is aware of and sensitive to the impact that police interventions have on the community.
C. To reaffirm to the community that CMPD will not tolerate the use of arbitrary stereotypes in any form.
D. To fairly and accurately establish a record of CMPD interventions into the activities of community members.

II. POLICY

All people have a right to receive equal treatment, courtesy, and respect from members of CMPD. Officers will treat all persons with whom they have contact equally and without regard to their race, gender, ethnicity, religion, age, citizenship, sexual orientation, or any other arbitrary stereotype. The use of arbitrary stereotypes as a motivation for a police activity constitutes arbitrary profiling and is expressly prohibited.

A. Officers will not use any arbitrary stereotype as:
   1. A factor in the selection of whom to stop and search.
   2. A motivation for the decision to initiate a police activity.
   3. A motivation to conduct a police activity differently than they normally would.
   4. An assumption regarding an individual's immigration status.

B. Officers will:
   1. Enforce the criminal laws through all lawful means of investigation.
2. Use physically descriptive characteristics, including race and gender, only in determining whether a person matches a specific description of a particular suspect.

C. In compliance with N.C.G.S. §143B-903, the Stop Data Form must be completed for traffic related stops. Officers are required to complete the form for an encounter in which consent to search is requested documenting either permission or denial of the request.

D. CMPD will provide training regarding arbitrary profiling to all officers during recruit training and on an annual basis through in-service training.

E. CMPD will conduct an annual administrative review of officer practices including citizen concerns. Upon completion of the annual review, CMPD will identify any areas that require updated or additional training.

F. CMPD will provide law enforcement service and protection to all members of the Charlotte-Mecklenburg community.

III. DEFINITIONS

A. Arbitrary Profiling: Any police activity that is motivated by race, gender, ethnicity, religion, age, citizenship, sexual orientation, or any arbitrary stereotype rather than the behavior of an individual or information that leads to a particular individual that is reasonably suspected to be, or to have been engaged in specific criminal activity.

B. Arbitrary Stereotype: A conventional, oversimplified opinion, conception, or belief regarding a person, group, event, or issue that is thought to typify or conform to an unvarying pattern, lacking any individuality.

C. Police Activity: Any and all actions taken by police officers toward an individual that are due to his or her position as a police officer including but not limited to the following: any act of investigation, a voluntary contact or a request for consent to search either a person or property, a detention of a person or vehicle including the issuance of a traffic citation or warning, or an arrest of a person or a seizure of property.

D. Articulable Reason: A fact not based on an arbitrary stereotype that is capable of being determined and recited.

E. Reasonable Suspicion: Knowledge of articulable facts or circumstances that are objective and without resort to arbitrary profiling, sufficient to induce a reasonable person under the attendant circumstances to suspect that an individual has engaged, is engaging, or is about to engage in criminal activity.

F. Probable Cause: Knowledge of articulable facts or circumstances that is objectively, and without resort to arbitrary profiling, sufficient to induce a reasonable person under
the attendant circumstances to believe that an individual has committed or is committing a criminal offense or an infraction.

G. Voluntary Contact: A consensual contact between an officer and a citizen under circumstances such that a reasonable person would feel free to leave and/or terminate the encounter.

IV. PROCEDURE

A. Detentions

Officers may detain someone if they have reasonable suspicion. Arbitrary profiling may not be used as a factor to establish reasonable suspicion and may not be the motivation in initiating a detention. An officer may rely upon race or other descriptive characteristics to determine whether a person matches a specific description of a particular suspect.

B. Arrests

Officers may arrest someone if they have probable cause. Arbitrary profiling may not be used as a factor to establish probable cause and may not be the motivation in initiating an arrest. An officer may rely upon race or other descriptive characteristics to determine whether a person matches a specific description of a particular suspect.

C. Voluntary Contact

Officers may initiate a voluntary contact with a person as long as the motivation for the contact is not based on an arbitrary profile. In all such contacts, the person must be free to leave and/or terminate the encounter.

When conducting a voluntary contact, the officer will adhere to the constitutional rights of those individuals contacted. The officer will complete a field interview report in KBCOPS documenting the contact.

D. Consent to Search

1. Officers may request a person's consent to search his/her person or property as long as the motivation for the request is based on a non-arbitrary articulable reason. In all such circumstances, the consent must be voluntary.

2. Officers will not request consent to search without first establishing an articulable reason for such request.

3. The articulable reason for the request for consent to search should always be noted in a Field Interview or KBCOPS Narrative. A Stop Data Form must be completed any time consent to search is requested on traffic related stops.

V. DATA COLLECTION

A. Collecting Data
All CMPD officers will complete and submit the electronic Stop Data Form whenever they initiate a traffic stop or when consent to search is requested. In the event of computer difficulties, officers will fill out the paper version of the form and then enter the data into the electronic form when the computer difficulties have been corrected. The electronic Stop Data Form should be completed as soon as is practical in all circumstances. It is the responsibility of all supervisors to ensure that the Stop Data Form is completed.

B. Checkpoints

DWI and License checkpoint detentions do not require any form to be completed unless the detention results in a written warning, citation, search, seizure, contraband being found, arrest, physical resistance, response to resistance, or injuries.

C. Collected Data

The data collected through the electronic Stop Data Form may be used in the CMPD early intervention system. The data may be used for the purpose of identifying training needs. The data collected may also be used to aid in the evaluation of possible violations of this policy by individual officers when the possible violations are brought to light independently of data collected through the electronic form.

D. Data Entry Errors

In the event that an error in the data entry process comes to the attention of an officer after they have submitted an electronic Stop Data Form to the database, the entering officer will notify his or her direct supervisor who will notify his or her supervising captain. The supervising captain or designee will verify the data that is in error and correct the information in the database with the assistance of Computer Technology Services.

VI. VIOLATION

Any violation of this policy will be addressed within the framework of the CMPD disciplinary philosophy.

VII. REFERENCE

CMPD Rules of Conduct
N.C.G.S. § 143B-902-905
CALEA
I. PURPOSE

The purpose of this policy is to provide officers of the Charlotte-Mecklenburg Police Department (CMPD) with guidelines for responding to resistance.

II. POLICY

The CMPD recognizes and respects the integrity and paramount value of human life. The Department believes that human life is sacrosanct and the goal of any encounter with the public is girded by the unwavering commitment to the preservation of life. Consistent with this belief is the Department’s full commitment to a culture of guardianship that embraces a warrior spirit in protecting the community.

Consistent with any free society, CMPD seeks to police in ways that enhance and facilitate policing by the consent of its citizens. When situations present themselves where policing by consent is not achieved, it is the Department’s responsibility to use control methods only when it is reasonably necessary. In determining whether a control method is reasonably necessary, it must be taken into full consideration that officers may be forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. It must also take into consideration whether it was reasonable for the officer to attempt to control the situation, when time and circumstance permit, by using communication and other available resources to stabilize and/or de-escalate the situation.

A review of an officer’s application of control requires balancing the legitimate need for officers to apply control in order to safely and lawfully carry out their duties against the right of the subject to be free from excessive application(s) of control.

CMPD further recognizes that in some instances a control method may be legally justified at the moment the control method is administered, but an officer who intentionally and unnecessarily instigates a situation where the use of a control method becomes necessary may be in violation of training or other Department policies. For example, an officer who taunts, verbally baits, or initiates needless or unnecessary physical contact with a subject and then is forced to apply a control method immediately afterwards will be in violation of this or other policies. Finally, passive physical resistance is not in and of itself synonymous with the risk of imminent harm or danger to oneself or others.

III. DEFINITIONS

A. Active Aggression: At this level of resistance, the subject poses a risk of immediate danger to the officer, another person, or themselves. This aggression may manifest itself through punching, kicking, striking, or any other action when apparent that the subject has the immediate means to injure an officer, another person, or his or herself.

B. Control: The degree of force required by an officer to gain compliance of an unwilling subject.

C. Death or Serious Bodily Injury: Actions that are likely to result in the death or serious bodily injury to an officer or subject. These actions may include the discharge of a firearm, use of a blunt or bladed weapon, or any control or resistance method that may cause bodily injury which involves a substantial risk of death.
D. Deadly Force: Any force that is reasonably likely to cause death or serious injury. Force that is not reasonably likely to cause death or serious physical injury, but unexpectedly results in death or serious injury is not considered deadly force. The discharging of a firearm at a person is always considered deadly force except when an officer is discharging a less lethal option approved pursuant to this policy.

E. De-escalation: Tactics, techniques, actions, verbal, or non-verbal communication exercised by officers during a potential use of control encounter to reduce the imminence of a physical threat to officers or others. These tactics should be used when time, distance, communication, available resources and circumstances permit.

F. Defensive Resistance: Measures a subject is actively taking to prevent being taken into custody. These actions may include, but are not limited to, twisting, pulling, holding onto fixed objects, running away, or preventing handcuffing.

G. Imminent: An event that is likely to occur at any moment.

H. Less Lethal Control: Any physical exertion or device that is used to restrain or control another which is not reasonably likely to cause death or serious injury.

I. Less Lethal Option: Any control employed using specialized equipment that is designed to temporarily incapacitate a person and is not reasonably likely to produce death or serious injury, including, but not limited to, Oleoresin Capsicum (OC spray), impact munitions, Conducted Electrical Weapon (CEW), and bean bag rounds.

J. Passive Resistance: Non-violent, noncompliance to lawful orders when a subject does not pose a continuing threat to the safety of officers. This type of resistance creates little to no risk of immediate danger. Purely passive resistance may still support the use of some level of control of the subject. (Source: Graham v. Connor).

K. Reasonably Necessary: The reasonableness of a particular use of a control method must be evaluated from the objective perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. It also depends on the severity of the crime, whether the subject poses an imminent threat to the officers or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight. The inquiry asks whether the officer’s actions were objectively reasonable in light of the facts and circumstances confronting him or her.

IV. PROCEDURES FOR THE USE OF LESS LETHAL CONTROL

A. Use of Less Lethal Control During Arrest

1. An officer may use less lethal force upon another person when and to the extent that the officer believes it reasonably necessary to:

   a. Prevent the escape from custody or to effect an arrest of a person who the officer reasonably believes has committed an offense unless the officer knows that the arrest is unauthorized; or
b. Defend him or herself or another person from what the officer reasonably believes to be the use or imminent use of physical force while affecting or attempting to affect an arrest, or while preventing or attempting to prevent an escape.

2. An officer who, without provocation, taunts, verbally baits, or initiates needless or unnecessary physical contact with a subject and is compelled to use a control option immediately afterwards may not rely on paragraph IV. A. 1. of this Directive as justification for their acts in an administrative review of the use of control option.

3. An officer will use control options only when it is reasonably necessary. In making the decision to use a control option, officers must decide what degree of control is appropriate based on the facts and circumstances with which they are confronted. To determine what degree of control is appropriate, the officer must reasonably believe that a lower degree of control is not sufficient and that a higher degree of control is not reasonably necessary. As some interactions with citizens requiring officers to use control may be tense, uncertain and rapidly evolving, an officer may increase or decrease the degree of control utilized based on the circumstances confronting him or her such as, but not limited to:

a. The officer’s/subject’s physical size or strength;

b. The physical impairment of the officer/subject, such as injury, incapacitation, or fatigue;

c. The availability of a weapon by the subject;

d. The alcohol or drug use of the subject;

e. The subject’s mental/developmental condition;

f. The number of officers/subjects present;

g. Previous knowledge of the subject;

h. Apparent skill level of the officer/subject;

i. Whether the subject poses an imminent threat to the public;

j. Whether the subject poses an imminent threat to the officer;

k. Whether the subject poses an imminent threat to him or herself;

l. Whether the subject is actively attempting to flee or escape lawful custody;

m. The length of time that a subject passively or actively resists an officer’s legitimate efforts to control the subject;

m. The time that the officer had to react to a real or imminent threat;
n. Potential escape of the subject;
o. Potential destruction of evidence;
p. Environmental conditions;
q. Other facts and circumstances confronting the officer that are unique to the incident.

B. De-Escalation, Verbal Warning, Dialogue, and Commands

1. Where time, distance, communication and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations through verbal dialogue and other de-escalation techniques. The goal of de-escalation techniques is to slow down or stabilize the situation so that additional time and resources can be used to resolve the situation with a minimal amount of control, when possible.

2. If reasonable, an officer will identify him or herself as a police officer and issue a verbal warning before using any control methods. A verbal warning, dialogue or commands are not required in a split-second situation or if the officer reasonably believes that it would place the safety of the officer or another person in jeopardy.

C. Oleoresin Capsicum (OC Spray)

1. OC spray will normally be used when the officer is confronted with defensive resistance and:
   a. The use is a reasonably necessary step in control methods to effect the arrest, to secure an arrestee, or to provide for the safety of the officer or others; and
   b. Physical restraint of a person is not reasonable to bring the person under control without risk of injury to the person or the officer.

2. OC spray may be used to discourage an attack by an animal.

3. Officers are required to demonstrate proficiency in the deployment of OC in a training environment on a biennial basis.

D. Non-violent Passive Protests

The use of OC spray or any other physical control methods will not be immediately deployed where a person or group of persons are participating in a passive non-violent protest unless there is an imminent threat to the officer or another person's safety.

E. Conducted Electrical Weapon
Deploying a CEW is a serious control option. A CEW will be deployed only in response to a situation in which a reasonable officer would perceive some imminent danger that could be mitigated by using a CEW. The primary purpose of the CEW is to save human lives and prevent injuries. The use of the CEW is considered a higher level of control and its use is authorized as an alternative to employing deadly control in situations where time and circumstance permit.

The CEW should be used to gain control of imminently actively aggressive individuals or as a reasonable progression of control. The CEW shall not be used on a subject who is merely passively resistant.

1. Procedures
   a. Only officers who have successfully completed CMPD’s TASER™ Operator training are authorized to carry and use a CEW.
   b. All officers authorized to carry and use the CEW are required to demonstrate proficiency and complete recertification training on an annual basis.
   c. When equipped with the CEW, officers will only wear the CEW holster on the non-gun side. Wearing of the CEW on the gun side is strictly prohibited.
   d. Uniform personnel that are issued a CEW are also required to carry all their issued equipment when on duty or working a secondary employment assignment.
   e. Officers will not make any adjustments to their CEW device settings.
   f. Each officer is responsible for the condition of their CEW and will thoroughly inspect the device before taking it into the field. Officers will maintain and inspect their assigned CEW in accordance with Directive 600-019A Management of Conducted Electrical Weapons.

2. Use of Conducted Electrical Weapons
   a. Examples of situations when the CEW may be used:
      1) When dealing with a mentally ill person that is actively aggressive (refer to 500-003, Management of Subjects in Extreme Distress);
      2) When confronted by subjects armed with knives, bottles, or objects other than a firearm, and the subject poses an imminent threat to officers or citizens;
      3) When attempting to control violent persons who may be under the influence of drugs and/or alcohol and are exhibiting aggressive behavior or subjects whose aggressive behavior indicates that other methods of control may reasonably result in injury to the subject or officers. Officers should be aware that there is a higher
risk of sudden death in subjects under the influence of drugs or exhibiting symptoms associated with excited delirium (Refer to 500-003, Management of Subjects in Extreme Distress);

4) When a subject resists arrest and the subject has the apparent ability to retrieve a weapon and the officer reasonably believes the subject has access to a weapon;

5) When confronted with a person expressing the intent and who has the immediate and reasonable means to commit suicide.

b. When reasonable, officers will verbally warn the suspect before discharging the CEW. An ARC display may be used in conjunction with verbal warnings.

c. Initial use of the CEW will be for one full five (5) second cycle, and then the officer will evaluate the need to apply a second five (5) second cycle. Each subsequent five (5) second cycle requires justification to deploy the CEW. Once the subject has been exposed to three (3) cycles, the CEW should be deemed ineffective and another control method should be considered.

d. The intentional use of two or more CEW’s simultaneously on the same subject is strictly prohibited.

e. The use of the CEW “drive stun” mode should be used primarily to supplement the probe mode to complete the conductive circuit. The “drive stun” requires the same level of justification as a probe deployment.

3. The CEW shall not be used:

a. When the officer cannot for safety or other reasons approach the subject to within the effective range of the CEW;

b. In the proximity of 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 combustible substances or liquids such as gasoline;

c. In situations where deadly force is the most reasonably necessary option, unless another officer is in position to use deadly force against the subject.

d. On handcuffed persons unless doing so is necessary to prevent the person from causing serious bodily injury to themselves or others.

e. Solely to prevent the escape of a suspect of a non-violent offense who is otherwise not displaying active aggression towards the officer or others.
4. In less lethal control situations, officers shall not use a CEW under the following situations:
   a. On persons who do not pose an imminent threat of physical harm to themselves, the public, or officers; unless as a progression of control to detain an individual who physically resists being handcuffed.
   b. On a person who is mentally ill and has not committed a crime and does not pose an imminent threat of physical harm to themselves, the public or officers;
   c. On a person who is in control of a vehicle (e.g., automobiles, trucks, motorcycles, ATVs, scooters), while that vehicle is moving or in gear unless no other option is available to prevent injury to the officer or others.
   d. On a person who is complying with an officer’s commands;
   e. During a demonstration or other lawful protest where the subject is only engaged in passive resistance;
   f. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death (e.g. where the subject’s fall may result in death or serious injury).

5. In less lethal control situations, officers will not intentionally target the head, neck, upper chest area or genitalia of the subject with a CEW.

6. In less lethal control situations, officers should be cognizant if the subject is visibly pregnant, elderly, otherwise infirm or of very young age and consider other less lethal control options before deploying a CEW.

7. In less lethal control situations, officers should be cognizant of the risk of positional asphyxia and use restraint techniques that do not impair the breathing of an in-custody subject after application of the CEW.

8. Medical Considerations: Personnel should be aware that there is a higher risk of sudden death in subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium. In accordance with Directive 500-003 Management of Subjects in Extreme Distress, MEDIC will be requested as soon as practical once it has been concluded that the subject may be at risk for positional/restraint asphyxia or excited delirium.
   a. Whenever possible, when officers respond to calls for service in which they anticipate a CEW may be deployed against a subject and/or an individual that may be at risk for positional asphyxia, restraint asphyxia or excited delirium, the officer shall, as soon as practical, notify an on-duty supervisor and request MEDIC if they were not initially dispatched. The officer shall designate a nearby safe location for MEDIC personnel to stage until the scene is secure.
b. First responders and MEDIC shall be requested for anyone who is subjected to the electrical discharge, including drive stun exposures. Officers will closely monitor the subject until arrival of first responders and MEDIC.

c. MEDIC personnel will complete on-scene probe removal and a medical evaluation on all subjects exposed to the CEW. MEDIC personnel will then evaluate the subject and determine whether the subject will be transported to the hospital.

d. If MEDIC clears the subject, the officer may then transport the subject directly to the intake center. In cases where a subject has been exposed to multiple CEW cycles exceeding 15 seconds the officer will request that MEDIC transport the subject to the hospital for further examination and clearance before being transported to the jail.

e. Darts that penetrate the skin will only be removed by medical personnel. CEW probes will be treated as biohazard materials.

f. Internal Affairs will be responsible for the administrative investigation of CEW applications when:

1) Application exceeds 15 seconds;

2) CEW is applied outside of policy and/or training;

3) The subject is in an at-risk category (ex. young children, elderly, pregnant).

F. Less Lethal Options

1. Officers with specialized training who are authorized and trained in the use of specialized equipment may use that issued equipment pursuant to a standard operating procedure approved by the Chief of Police or designee.

2. The use of less lethal options is not considered deadly force.

3. Approved less lethal equipment currently includes, but is not limited to:

   a. Bean Bag rounds
   
   b. Chemical irritants
   
   c. Rubber pellets
   
   d. Conducted Electrical Weapons (CEW)
   
   e. Canine
   
   f. 40mm Impact Munitions

G. Impact Weapons
Interactive Directives Guide

Response to Resistance

Effective Date: 9/11/2020

1. Impact weapons may be used only when an officer is confronted with active aggression that is occurring or is imminent, against him or herself or another person.

2. The use by an officer of a flashlight, baton, or similar object used as a club to strike a blow to the muscle groups of a person’s arms or legs will be considered use of less lethal control.

3. A flashlight, baton, or similar object used as a club to strike a blow to a person’s head/neck is prohibited except where deadly force is reasonably necessary.

4. Officers are required to demonstrate proficiency in the use of impact weapons in a training environment on a biennial basis.

H. Officers will not use the following tactics unless deadly force is reasonably necessary:

1. Any hold with or without a device that restricts a person's airway. (Ex. Chokeholds, Sleeper holds, etc.)

2. Any hold with or without a device that restricts blood flow to a person’s brain. (Ex. Chokeholds, Sleeper holds, etc.)

3. Any strike with an impact weapon or object to a person's head or neck.

4. Any other tactic that is reasonably likely to result in death or serious injury unless deadly force was reasonably necessary.

I. Officers will not taunt, verbally bait, or initiate needless or unnecessary physical contact with a subject.

V. PROCEDURES FOLLOWING THE USE OF LESS LETHAL CONTROL

A. Medical Treatment

An officer will summon appropriate medical aid when the subject requests medical assistance or, in the officer's opinion, the subject requires medical assistance. The officer will contact a supervisor if the officer is in doubt as to the necessity of medical treatment. In the event a supervisor is contacted, the supervisor will observe the subject prior to making the decision on whether to obtain medical aid.

After requesting the appropriate medical aid, the officer will take appropriate measures to protect the integrity of the crime scene and will render medical aid he or she is trained and certified to provide. Those actions may include:

1. Secure the scene to protect the subject from any further injury.

2. Apply any first aid they are trained and certified to apply.

3. Provide increased observation of the subject to detect obvious changes in condition.
B. Documentation

1. Officers who use a control method on a subject will contact their supervisor immediately.

2. The officer’s supervisor must be notified when a control method is used and must thoroughly investigate and determine when an IACMS (Supervisor’s Investigative Report) is required.

3. If an IACMS (Supervisor’s Investigative Report) is required, the supervisor is responsible for investigating the incident and for completing the report.

4. Upon completion of the investigation the supervisor will utilize the transfer function in IACMS (Supervisor Investigative Report) to route the investigation to the next higher level in the chain of command for review and disposition.

5. There are additional requirements for Supervisor Investigative Reports involving CEW discharges. Supervisors shall:
   a. Photograph the impact points before and after removal (if possible).
   b. Photograph the discharged cartridge, showing the wires and both probes.
   c. Include a TASER™ Data Download report, covering the previous 24 hours.
   d. Complete the CEW addendum in the IA Case Management System (IACMS).

6. Off-duty officers involved in situations where control is used are subject to the same procedures as on-duty officers. When an off-duty officer is involved in a situation where control is used, he or she will notify a police supervisor immediately. If the job or location has an off-duty supervisor assigned, that supervisor will complete the investigation and forward it to the officer’s chain of command. If there is no off-duty supervisor assigned, an on-duty supervisor from the division where the job is located should be contacted. Additionally, on-duty supervisors shall assist off-duty supervisors with investigations, as needed.

7. The Department has attempted to identify all situations where an IACMS (Supervisor Investigative Report) investigation should be completed. Such an investigation is required in any situation that clearly involves the use of a less lethal or lethal control method. The following are examples of situations where the completion of an IACMS investigation is required:
   a. An officer exercising police authority uses a control method which causes any visible or apparent physical injury, or which results in the subject saying that he or she was injured.
b. An officer exercising police authority uses any object, including baton, flashlight, hand, fist, or foot, to strike a blow to a subject.

c. An officer exercising police authority uses a control method that in any way causes a subject to suffer a blow to the head.

d. An officer uses OC spray on a subject.

e. An officer uses a CEW on a subject.

f. An officer uses a less lethal option to affect the arrest or to control a subject.

g. The Civil Emergency Unit or other specialized unit uses the less lethal option(s) to disperse rioters, mobs, crowds, or barricaded subjects. In this situation the commander of that unit will complete one Supervisor's Investigative Report.

h. A police canine bite.

i. An officer exercises police authority on a subject resulting in the subject losing consciousness.

j. There is evidence that just prior to application of a less lethal control method an officer taunted, verbally baited, or initiated needless or unnecessary physical contact with the subject.

8. An IACMS investigation is also required when no apparent control method was used, but a subject has sustained visible injuries while fleeing from police or while in custody. These injuries are categorized as No Force Subject Injury (NFSI) investigations in the IACMS. Examples include:

   a. A subject flees from arrest and injures himself;

   b. A subject injures himself in any manner while handcuffed or in police custody.

C. Witness of Use of a Control Method by an Employee

   Any employee, who witnesses the use of a control method that is required to be reported, will notify a supervisor immediately and complete an Investigative Witness Statement.

D. Notification

   1. The investigating supervisor will notify the division commander and/or Operations Command as soon as possible whenever a CMPD employee has inflicted serious injuries on a subject.

   2. If the control method used is such that the affected individual requires hospitalization, Operations Command or division commander will notify the
commander of the Internal Affairs Bureau immediately, regardless of the hour of the day.

E. The existence of one or more IACMS (Supervisor Investigative Reports) documenting a use of a control method by an individual employee, by itself, cannot be the basis for discipline against that employee.

VI. PROCEDURES FOR THE USE OF DEADLY FORCE

A. An officer may use deadly force only as follows:

1. When it appears to be reasonably necessary to defend him or herself or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force; or

2. To effect an arrest or prevent the escape from custody of a person who, the officer reasonably believes, is attempting to escape by means of a deadly weapon; or

3. To effect an arrest or prevent the escape from custody of a person who, by his or her conduct or any other means, indicates that he or she presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

B. Where time, distance, communication and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations. Officers shall resort to the use of deadly force only if the officer reasonably believes that a lower degree of control is not sufficient, practical, or feasible when the officer reasonably believes that it is necessary to defend him or herself or another person from the use or imminent use of deadly physical force.

C. If reasonable, an officer will identify him or herself as a police officer and issue a verbal warning before using deadly force. A verbal warning is not required in a split-second situation or if the officer reasonably believes that issuing the warning would place the safety of the officer or another person in jeopardy.

D. An officer will not discharge his or her firearm under the following circumstances:

1. As a means of warning or frightening a person.

2. In connection with an investigation or arrest for a misdemeanor offense and there is no imminent threat of death or serious injury to either the officer or another person.

3. To stop or detain an individual based on reasonable suspicion that the individual is involved in criminal activity, when there is no imminent threat of death or serious injury to either the officer or another person.

4. To protect or prevent damage to real or personal property.
5. When based on the totality of the circumstances discharging a firearm would constitute a greater risk to innocent human life than the subject’s actions. For example, discharging a firearm into a crowd or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.

E. Moving Vehicles

1. When confronted with an oncoming vehicle, an officer will not position him or herself into the path of the vehicle but will take all reasonable steps to move out of the way.

2. An officer will not discharge his or her firearm at a moving vehicle for the sole purpose of disabling the vehicle except pursuant to written protocol adopted by SWAT and approved by the Chief of Police, or designee.

3. An officer may discharge his or her firearm at or from a moving vehicle if the officer reasonably believes that no other option is reasonably available if:

   a. Deadly force is being used against the officer or another person by an occupant of the vehicle by use of a weapon other than the vehicle itself.

   b. The vehicle is being used as a weapon against the officer or another person or group, such as in an act of terrorism.

   **Discharging a firearm is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger or it is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander.**

F. Pointing a Firearm at an Individual

An officer may point a firearm at another person if he or she reasonably believes that deadly force may become necessary. An officer need not wait until the threat becomes imminent before pointing his or her firearm at a person. However, an officer must be able to articulate why he or she believes that deadly force may become necessary. Nothing in this section is intended to take away from an officer the ability to defend him or herself or another person from serious bodily injury or death. See Directive 400-002 Firearms for procedures on documenting the pointing of firearms.

VII. PROCEDURES FOLLOWING THE USE OF DEADLY CONTROL

A. Medical Aid

Whenever deadly force is used against a subject and the subject is injured or the subject requests medical aid, the officer will immediately request medical assistance.

After requesting the appropriate medical aid, the officer will take appropriate measures to protect the integrity of the crime scene and will render medical aid he or she is trained and certified to provide. Those actions may include:

1. Secure the scene to protect the subject from any further injury.
2. Apply any first aid they are trained and certified to apply.

3. Provide increased observation of the subject to detect obvious changes in condition.


Any officer who uses deadly force, or witnesses another officer use deadly force, will immediately contact his or her supervisor.

C. Duty to Intervene

Officers will take appropriate and immediate action in any situation in which they know or should have known their failure to act would result in an excessive response to resistance or egregious behavior which shocks the conscience.

D. Officer Involved Situation Team (OIST)

Any investigation conducted by the OIST will be pursuant to the written protocol adopted by the Chief of Police, or designee.

E. Internal Affairs Bureau

Whenever an officer uses deadly force, the Internal Affairs Bureau will be responsible for conducting an administrative investigation.

F. Division Commander

The patrol division captain will ensure that all officers directly involved in a shooting incident schedule mandatory counseling sessions with the Department’s psychologist in accordance with Directive 300-020 Police Critical Incident Stress.

G. Immediate Supervisor

Whenever an officer uses deadly force, the officer’s immediate supervisor will ensure that a support supervisor is dispatched to the scene. The support supervisor will comply with the responsibilities outlined in directive 300-020 Police Critical Incident Stress.

H. Support Supervisor

The support supervisor will ensure compliance with directive 300-020 Police Critical Incident Stress.

I. Administrative Leave

1. Whenever the use of a control method by an officer results in the serious injury or death of a subject, the officer will initially be removed from his or her line duties pending the results of criminal or internal investigations.

2. The Chief of Police, or designee, may grant an officer three (3) days administrative leave with pay or longer.
3. An officer placed on administrative leave will remain available for call back.

4. The work status of an officer on administrative leave will be reviewed by the officer’s chain of command within ten (10) days following the incident.

J. Negligent Discharge of Firearm

1. Any officer who negligently discharges a firearm will immediately contact his or her supervisor.

2. The supervisor will notify his or her chain of command and Internal Affairs and initiate an IACMS investigation.

3. All negligent discharges will be reviewed by a Shooting Review Board convened by Internal Affairs.

K. Euthanasia of Animals/Wildlife

1. Officers are authorized with approval of his or her supervisor to euthanize a seriously injured animal if delay would cause needless suffering.

2. Prior to authorizing an officer to euthanize an animal, supervisors will determine if an Animal Care and Control Officer is available nearby and defer to that unit if it can respond in a timely manner.

3. Supervisors will document the euthanasia of any animal in IACMS and route the investigation through his or her chain of command.

VIII. REFERENCES

Rules of Conduct
200-001 Discipline, Internal Investigations, and Employee Rights
300-010 Administrative Leave Policy
300-020 Police Critical Incident Stress
400-002 Firearms
400-003 Equipment
500-003 Management of Subjects in Extreme Distress
600-019A Management of Conducted Electrical Weapons
Officer Involved Critical Incident Procedures
N.C.G.S. 15A-401(d)
Graham v. Connor, 490 U.S. 386
Armstrong v. The Village of Pinehurst, 810 F. 3d. 892 (4th Cir. 2016)
CALEA
I. PURPOSE

It is the purpose of this directive to provide direction to officers regarding the maintenance and management of the department issued Conducted Electrical Weapon (CEW).

II. POLICY

TASERs are complex electronic devices that require routine preventative maintenance to ensure proper functionality and accurate device data. This policy will provide guidance to officers and supervisors regarding the management of devices and the preventative maintenance required to keep the devices in working order.

III. PROCEDURES

A. Equipment Management

1. TASER™ repair will only be handled by CMPD sworn officers that are Technician certified by TASER™ International, and approved by the Training Academy. Firing logs and maintenance records will be maintained in Evidence.com.

2. Corrective actions to include disciplinary actions will be initiated when any personnel’s use or managing of a TASER™ is found to be in violation of policy as outlined in 600-019 Response to Resistance.

B. Preventative Maintenance

1. Preventative Maintenance will be conducted quarterly by Certified Technicians.

2. The trigger will be tested during the quarterly maintenance by Certified Technicians.

3. Personnel who are issued a TASER™ are expected to keep the device clean, removing dirt and debris that may accumulate on the TASER™ and in the holster.

4. Personnel who are issued a TASER™ device will perform a spark test on their first day back from days off and on their last day before their days off, at the beginning of their shift. A spark test will only be done by utilizing the ARC switch. The process for conducting a spark test consists of:
   a. A five second ARC display and toggle between the two cartridge bays.
   b. This will be done without unloading the X2 CEW.
   c. Point the CEW in a safe direction.
   d. Place the Safety Switch in the Up (ARMED) position.
   e. Depress and hold the ARC Switch for 5 seconds.
   f. Observe and hear both bays arcing.
   g. Use the ARC Switch to toggle between cartridge bays.
h. The Spark Test is done by depressing the ARC Switch. Do not pull the trigger to conduct the Spark Test.

5. Personnel who are issued a TASER™ device will conduct a daily visual inspection of the device. Any damages or inoperable condition will be reported to their supervisor.

C. Taser Technicians in each Division will maintain a supply of batteries, cartridges, holsters, and spare TASER™ devices.

1. Damaged cartridges can be exchanged within the Division by a Taser Technician.

2. Discharged cartridges can only be exchanged for new cartridges by a supervisor.

   a) If a cartridge was discharged as a result of a response to resistance, the supervisor will initiate a use of force investigative packet in the IACMS.

   b) Supervisors will require a memorandum from any officer that has an accidental discharge of a TASER™ device. The supervisor will determine if any further investigation should be initiated. Accidentally discharged cartridges should be handled as described in Section C.1 - 2 above.

3. If the battery is below 10% battery life it should be replaced with a new battery, which can be obtained through a Division Taser Technician.

4. Only approved CMPD issued batteries will be used in the TASER™ device.

5. If the device is malfunctioning, the officer will bring the TASER™ to a Division Taser Technician for evaluation or replacement.

6. Broken or damaged holsters or belt clips will be repaired or replaced by a Division Taser Technician.

7. In the event that a Division Taser Technician is not available, Officers can seek assistance from the Logistical Operations Unit Monday – Friday 0700-1600.

IV. REFERENCES

200-001 Discipline, Internal Investigation, Employee Rights
600-019 Response to Resistance
400-003 Equipment
CALEA
I. PURPOSE

The purpose of this policy is to provide officers with guidelines on the safe operation of police vehicles during emergency and pursuit situations and the tactics available to safely stop or slow down a pursuit. The Charlotte-Mecklenburg Police Department recognizes that officers have a duty to apprehend persons who violate the law and also have a duty to operate a police vehicle at all times with due regard for the safety of the public. This directive is for the internal use of this agency and does not enlarge any officer’s civil or criminal liability. Violations of this policy, if proven, shall be used solely for disciplinary purposes by this agency.

The CMPD is committed to promoting public safety. Officers engaged in emergency driving or vehicle pursuits must continually balance the need to respond in an emergency mode or to pursue against all known risks posed to the general public, the officer, and in some circumstances the suspect.

II. POLICY

Officers are authorized to engage in emergency driving or pursuits in accordance with the guidelines of this policy and all applicable training.

III. DEFINITIONS

A. Caravanning: Occurs when an uncommitted unit follows the route of the pursuit operating emergency equipment or outside of traffic laws travels in such a manner as to catch up with or maintain close proximity to the pursuit.

B. Covert Vehicle Apprehension: A technique where officers, who have successfully completed the CMPD approved training, conduct a choreographed arrest of a wanted suspect involved in a crime dangerous to life when the suspect is an occupant of a vehicle. This technique will involve police vehicles surrounding the suspect vehicle while an arrest team performs the extraction of the wanted individual from the suspect vehicle.

C. Committed Units: Any patrol units actively engaged in the pursuit or that has been authorized by a supervisor to assist.

D. Crime Dangerous to Life: An offense that resulted in death or serious bodily injury, or any act taken by the subject where the public or officer is threatened with serious bodily injury or death (e.g. the subject has used or threatened to use a weapon).

E. Driver Training Unit (DTU): A CMPD unit assigned at the CMPD Training Academy to conduct State of North Carolina and Departmental law enforcement drivers training.

F. Emergency Response/Driving: Operating a police vehicle whenever the officer exceeds the speed limit or is requesting the right of way in response to either an emergency call for service or any situation where the officer can articulate a threat of serious injury to another person. This includes circumstances when an officer attempts to stop a vehicle and is required to exceed the speed limit or request the right of way or when an officer attempts to stop a vehicle and the driver of a vehicle flees or takes evasive action.
G. Intercepting the Pursuit: Positioning an officer with a Tire Deflation Device (TDD) in a location to safely deploy the TDD before the pursuit arrives at their position.

H. Marked Unit/Vehicle: Any vehicle operated by the Charlotte-Mecklenburg Police Department that is marked with CMPD decals on its exterior and is equipped with an audible siren and a roof-mounted blue light.

I. Parallel Pursuit: Occurs when an uncommitted unit operating emergency equipment or outside of traffic laws travels on a roadway different from the one on which the pursuit is occurring in such a manner as to maintain close proximity and similar direction to the active pursuit.

J. Precision Immobilization Technique (PIT Maneuver): A tactic used to stop a fleeing vehicle by initiating contact between the suspect vehicle and a police vehicle.

K. Primary Pursuing Unit: The police unit immediately behind the suspect vehicle that engages in a pursuit, or any unit that assumes control of the pursuit.

L. Public Harm: The degree of harm to the public posed by the actions of the suspect. It is comprised of the following elements: The harm inherent in the initial act or crime committed by the suspect, and the harm faced by the public should the suspect be allowed to escape and remain at large.

M. Pursuable Offense: The underlying conditions under which officers are authorized to engage and continue in a pursuit. These circumstances are limited to the following:

1. The officer has reasonable suspicion that the driver or occupant has committed or is attempting to commit a crime dangerous to life;

2. The officer has probable cause that the driver or occupant has just committed a felony residential burglary/breaking or entering where a continuous sequence of events immediately leads to the suspect. For example: Officers respond to a felony residential burglary/breaking or entering with a suspect vehicle description. Officers respond, discover a crime and observe a vehicle matching the description leaving the area. When officers attempt to conduct a traffic stop, the vehicle refuses to yield.

3. The officer can articulate the exigent need to apprehend the suspect(s) because of potential harm to the public if they are not apprehended. (Public Harm)

N. Pursuit: Occurs any time an officer activates his or her emergency equipment and follows the subject in an attempt to stop the vehicle and the driver either flees and/or engages in evasive actions.

O. Pursuit Risk: The degree of risk to the public posed by the pursuit itself.

P. Rolling Roadblock: A tactic used by officers in which either of the pursuing vehicles pull in front of a fleeing vehicle that is traveling over 5 mph and reduces speed in an effort to slow or stop the fleeing vehicle.
Q. Safe distance: As directed by the skills, principles and concepts of the Academy’s defensive driving training, the proper distance between vehicles traveling in the same direction of a roadway that will ensure proper braking and reaction time in the event that the lead vehicle stops, slows, or turns.

R. Secondary Pursuing Unit: Any units authorized under this directive or at the direction of the supervisor to engage in the active pursuit. These units will serve as support to the primary unit in the apprehension of the suspect or provide other assistance as needed. In the event the primary unit becomes disabled, the secondary unit may assume control of the pursuit.

S. Stationary Roadblock: Any method, restriction or obstruction utilized for the purpose of preventing free passage of a pursued motor vehicle in order to cause the apprehension of a suspect in that motor vehicle.

T. Supervisor: The supervisor (sergeant or higher) who manages the pursuit. A pursuit is the responsibility of the field supervisor (sergeant) of the patrol division in which it began, regardless of which patrol division the involved officer(s) is assigned. In the event that the sergeant is engaged in the pursuit, or is otherwise not available, another sergeant will assume responsibility for the pursuit.

U. Terminate: The language used by a supervisor (sergeant’s rank or higher) or officers engaged in the pursuit to clearly direct the pursuit to cease immediately; the use of this language directs all employees involved in a pursuit to immediately comply by slowing down to the posted speed limit, or stopping completely, and turning off all emergency equipment.

V. TDD (Tire Deflation Devices): Approved tools used to disable a vehicle by causing the controlled release of air from the tire(s) of the target vehicle, thus permitting the driver to remain in control of the vehicle and bring it safely to a stop. The TDD is provided for use by officers trained in the use of the device(s) and pursuant to departmental training in the use of the device(s).

1. Pursuit Interception Device or Stop Stick™: a nine foot folding TDD designed to reduce the operating speed of target vehicles not heeding blue lights and siren by causing the controlled release of air from the tire(s) of the target vehicle, thus permitting the driver to remain in control of the vehicle and bring it safely to a stop.

2. Stationary TDD: a three-foot single TDD designed for use on a stationary target vehicle by causing the controlled release of air from the tire(s) if the target vehicle moves, therefore considered a pursuit prevention technique.

W. Uncommitted Units: Any patrol units not actively engaged in the pursuit or authorized by a supervisor to assist.

X. Unmarked vehicles: Any vehicle operated by CMPD that is not marked externally but is equipped with sirens and internal front and rear blue lights.
IV. PROCEDURES FOR EMERGENCY AND PURSUIT DRIVING

Whenever an officer is driving a police vehicle, the officer will always drive with due regard for the safety of the public.

A. Officers will always have their DMVR or Body Worn Camera (both if equipped) on and recording audio and video when engaged in emergency driving, a pursuit, or assisting with or responding to a vehicle pursuit. The CMPD approved video recording system should also remain on and recording when the decision is made to follow a vehicle after the pursuit has terminated.

B. Procedures for Emergency Driving

1. An officer may initiate and continue to engage in emergency driving in the following circumstances:
   a. In response to a Priority 1 dispatched call for service
   b. In response to a self-assigned activity if the officer can articulate a threat of serious bodily injury to another person;
   c. In response to a self-assigned activity outside the officer’s talkgroup but only after obtaining specific approval from their supervisor.

2. The responding officer shall remember that the objective of emergency driving is to get to the location of occurrence as soon as possible safely, and without danger to the officer or others. Therefore, regardless of the situation presented to the officer, the decision to operate the police vehicle in emergency response rests solely with that officer. This decision shall be based upon the need for emergency driving balanced with the conditions present that may inhibit the officer’s ability to drive emergency response reasonably and safely.

3. The supervisor will monitor the talkgroup during the emergency call for service. When at least three (3) units have arrived on the scene, and the emergency call is still in effect, the supervisor will evaluate and request Communications close the talkgroup if necessary. Only the supervisor or an on-scene unit will make the determination when it is safe to open the talkgroup.

4. An officer, while engaged in emergency driving, will do so with due regard to the safety of others. When an officer exceeds the speed limit, the speed limit exemption granted by N.C.G.S. 20-145 shall not protect the officer driving the police vehicle from the consequence of a reckless disregard of the safety of others. The speed of an officer engaging in emergency driving must therefore be reasonable and prudent and take into consideration the following factors:
   a. The need for the emergency response versus the risk to the public and officers.
   b. Seriousness of call for service (severity of the offense or violation) and officer’s knowledge of previous incidents.
c. The posted speed limit for the road(s) being traveled upon.
d. Pedestrian and vehicular traffic.
e. Proximity of the officer to the actual location of the emergency call for service.
f. Time of day, road conditions and environmental concerns such as weather and visibility.
g. Type and condition of police vehicles involved.
h. Familiarity with geography.

5. An officer must operate both blue lights and siren when engaged in emergency driving.

6. Officers not responding to a call for service will comply with the posted speed limit and all traffic laws.

7. Typing of computer messages and use of a cell phone are prohibited during emergency driving.

8. When an officer exceeds the posted speed limit by 20 MPH during emergency driving, they must be able to articulate why such a speed is reasonable, prudent and necessary in responding to the type of occurrence involved given the factors present.

9. Officers responding to calls for service will operate their patrol vehicles with due regard to the safety of others. When requesting the right of way in the roadway and at intersections the officers will have their emergency equipment (lights and siren) activated.

10. Upon approaching a controlled intersection, even in the instance whereby the officer has a green light for his direction of travel, or confronted with traffic congestion, the officer will reduce the speed of the police vehicle. Police vehicles using blue lights and siren will not proceed through an intersection until all traffic has yielded the right of way to the police vehicle.

11. Vehicles not equipped with both blue lights and siren will not be operated as an emergency vehicle. Operators of vehicles not equipped with both blue lights and siren must always obey all traffic laws.

12. Officers will always operate blue lights and siren under the following circumstances:

a. Anytime an emergency response requires the officer to travel into opposing traffic. Officers required to travel into opposing traffic will do so only for brief circumstances and in a safe and prudent manner with due regard for the safety of the public.
b. When attempting to catch up to another vehicle that would require the officer to exceed the posted speed limit or to drive in a manner not normally permitted by law.

c. While attempting a u-turn in traffic for the purpose of attempting to catch up to another vehicle or to respond to any emergency call for service.

13. Upon arrival at the scene of a call, the responding officer will rapidly evaluate the situation and determine whether additional units are needed or whether other units responding can cancel their emergency response or cancel their response to the call for service.

C. Procedures for Preventing Pursuits

1. As part of the CMPD’s efforts to promote public safety in all aspects of law enforcement, officers should prevent a pursuit if possible. Officers anticipating a suspect will flee upon activation of blue lights and siren are encouraged to utilize techniques and strategies to prevent a pursuit.

2. Officers may use the following techniques and strategies to prevent a pursuit from occurring:

   a. Tire Deflation Device (TDD): If an officer has an articulable reason to believe that a stationary suspect vehicle will flee and has prior authorization from a lieutenant or higher, then that officer may utilize the TDD in accordance with training on a suspect vehicle that the officer reasonably believes was involved in a pursuable offense. The TDD will be deployed as follows:

      1) In between the front and rear tires of the stationary target vehicle allowing two (2) feet of travel distance in either direction; or

      2) Approximately two (2) feet ahead of the front tire; or

      3) Approximately two (2) feet behind the rear tire.

      4) Officers may deploy multiple stationary TDD’s when officers have reason to believe the target vehicle may flee by going forward or in reverse.

         Note: Stop Stick™ may also be used on stationary vehicles when stationary TDD’s are not available.

      5) If the suspect flees after deployment of the TDD, then officers will attempt to stop the vehicle using lights and siren. If the vehicle refuses to stop, Officers may enter into a pursuit pursuant to the guidelines set forth in this directive.

   b. Undercover Vehicles: To follow the vehicle until the suspect stops and can
be approached on foot.

c. Aviation Assets: To track and follow a suspect vehicle to its destination.

d. Covert Vehicle Apprehension: Police vehicles surrounding the suspect vehicle while an arrest team performs the extraction of the wanted individual from the suspect vehicle.

3. Officers may not use the following techniques to prevent a pursuit from occurring:

   a. Stationary Roadblock

   b. Precision Immobilization Technique.

   c. Rolling Roadblock

D. Procedures for Pursuits – Primary Unit

1. Pursuits are authorized only for pursuable offenses.

2. Officers must always weigh the need to apprehend the suspect(s) against the danger created by the pursuit (Pursuit Risk). The danger created by the flight of the suspect cannot by itself constitute justification for the pursuit.

3. Only sworn police officers are permitted to engage in a pursuit.

4. An officer will not engage in a pursuit while transporting a prisoner or any civilian, including civilian CMPD personnel.

5. Officers involved in a pursuit will operate their blue lights and siren and have their DMVR or Body Worn Camera (both if equipped) on and recording audio and video in accordance with CMPD policy.

6. The responsibility for the decision to engage in a pursuit rests with the individual officer. Before engaging in and during a pursuit, an officer will consider the following factors:

   a. The seriousness of the crime committed by the suspect.

   b. The danger presented to the officers and citizens.

   c. The location of the pursuit, (residential neighborhood, school zones, open highway, etc.)

   d. Pedestrian traffic in the area.

   e. The type of terrain.

   f. Traffic conditions.

   g. The posted speed limit.
h. The weather conditions.

i. The ability to keep his/her vehicle under control.

j. The speed of his/her vehicle and that of the suspect.

k. Whether the condition of the law enforcement vehicle has changed during the pursuit, (i.e., the police vehicle is no longer functioning in a manner allowing for safe operation).

l. Whether the suspect can be apprehended at a later time with little risk of more violence or danger to the public.

7. The officer engaging in a pursuit must notify the telecommunicator immediately that a pursuit is underway. The officer must provide the telecommunicator with the following information so that the officer’s supervisor will have the necessary information to evaluate the need to engage in, or terminate, the pursuit:

a. Call sign.

b. Specific reason or suspected offense for the pursuit.

c. Location, direction of travel, speed, weather and traffic conditions.

d. Suspect vehicle information.

e. Number of occupants in the vehicle and if weapons are involved.

f. Identity of suspect(s) and a description, if known.

E. Tire Deflation Devices and Pursuit Interception

Officers may utilize department issued Tire Deflation Devices (TDD) to prevent a pursuit, or intercept a pursuit by slowing or stopping the pursuit.

1. With the permission of the Supervisor in charge of the pursuit, or higher ranking Command Staff personnel, officers are authorized to intercept the pursuit by positioning an officer with a TDD in a location to safely deploy the TDD before the pursuit arrives at the officer’s position. Officers will not attempt to outrun a pursuit or pass a vehicle being pursued. Officers are authorized to use all emergency equipment to respond to that location while adhering to all Emergency Response policies.

2. Supervisors will monitor and assist responding units in coordinating the deployment of the TDD.

3. A TDD must be deployed from locations that permit officers to clearly observe the vehicles involved in the pursuit and other traffic as it approaches. In addition, it must be deployed from a location that allows officers to maintain protective cover from moving vehicles. Officers must use extreme caution to avoid crossing the path of an ongoing pursuit.
4. Only officers who have received the required training may deploy a TDD. Training will be provided by a designated trainer and will include review of the TDD training video and practice in the proper deployment of TDD's.

5. Before deploying a TDD, officers will consider the following factors:
   a. The proximity and vulnerability of the public;
   b. The position and location of property;
   c. The proximity and vulnerability of officers and police vehicles.

6. TDD's shall not be deployed:
   a. Within approximately 300 feet prior to a major intersection;
   b. On motorcycles or vehicles with two or three wheels, including all-terrain vehicles;
   c. On streets with heavy traffic, congestion, or construction;
   d. On or unreasonably close to a curve, or slope in the roadway;
   e. On wet or slick surfaces, gravel or loose pavement;
   f. On bridges or overpasses.

7. When an officer deploys the TDD, the officer must notify Communications and his/her supervisor that the TDD has been deployed and the location. Communications will immediately advise units involved in the pursuit where the TDD is located.

8. If the suspect continues to flee after deployment of the TDD, Officers may proceed with the pursuit pursuant to the guidelines set forth in this directive.

9. Officers are NOT authorized to deploy TDD’s at License or DWI Checkpoints unless the violation is a pursuable offense.

F. Secondary Units

A secondary unit is authorized to actively engage in a pursuit, after the officer notifies the telecommunicator that he or she will be engaging in the pursuit as a secondary unit.

1. At the direction of the primary unit, the secondary unit will assume the responsibility for radio communications.

2. At no time will police vehicles pass each other while engaged in a pursuit unless circumstances require the vehicles to change positions, and it can be done safely. The changing of positions must be clearly communicated between the involved officers and each must acknowledge their intended actions.
3. The secondary unit will maintain a safe distance behind the primary unit, but remain close enough to render backup assistance if, and when, required.

4. If the primary unit becomes disabled, the secondary unit will become the primary unit. The next authorized unit to join the pursuit will be designated as the secondary unit.

G. Uncommitted Patrol Units

Uncommitted patrol units may not engage in any pursuit that already has a primary and secondary unit unless authorized by the supervisor to become a committed unit in the pursuit. Uncommitted units that are in close proximity to the pursuit may make an emergency response toward the pursuit until advised that a secondary unit is engaged in the pursuit. Once the secondary unit is in place, officers must discontinue any emergency response unless approved by their supervisor.

H. Any DMVR or Body Worn Camera (both if equipped) audio and video activated during the response will remain activated for the duration of the pursuit. Once an uncommitted unit becomes the secondary unit, all other responding units must discontinue their emergency response and turn off all emergency equipment. The secondary unit must advise Communications and their supervisor when this occurs.

1. Uncommitted patrol units in the area may move toward the vicinity of the pursuit while obeying all traffic laws and not using emergency equipment. Uncommitted units will not leave their assigned patrol division without the supervisor’s authorization. The Events 4 channel will be patched to the primary talkgroup to facilitate assistance from other CMPD units and outside agencies.

2. At no time will uncommitted units engage in caravanning unless authorized by a supervisor.

3. All other uncommitted units will remain aware of the direction and progress of the pursuit, but will not actively participate.

4. Uncommitted units will make every effort to avoid crossing the path of an oncoming pursuit.

5. Canine Officers may be authorized by a pursuit supervisor to utilize emergency driving to maintain relatively close proximity to the pursuit. Canine officers should not attempt to become active participants of the pursuit. However, Canine Officers should remain close to the pursuit to be able to assist with the deployment of canine resources to effect an arrest.

I. Unmarked vehicles

1. Unmarked vehicles equipped with sirens and internal front and rear blue lights are authorized to initiate and engage in a pursuit with supervisory approval for a pursuable offense until a marked unit arrives to take the primary position. Unmarked vehicles will not engage in a pursuit unless there are no marked units
available.

2. Once two marked cars are engaged in the pursuit, the unmarked vehicle will disengage unless otherwise instructed by the supervisor.

3. A supervisor may authorize unmarked vehicles to remain engaged in a pursuit when there are no marked units available, otherwise the unit must terminate the pursuit. Unmarked units may attempt to follow and observe the suspect vehicle while obeying all traffic laws and turning off their emergency equipment.

J. Motorcycles

Motorcycles are authorized to initiate a pursuit, however, they cannot engage in an ongoing pursuit. In the event that the motorcycle initiates a pursuit, the motorcycle will only pursue until a marked car arrives to take the primary position or the prevailing conditions dictate otherwise. The motorcycle cannot remain as the secondary unit unless the primary pursuing unit is another motorcycle. When a marked car is engaged in the pursuit, the motorcycle will disengage unless otherwise instructed by the supervisor. Dual Sport motorcycles are not authorized to engage in pursuits.

K. Helicopter Units

Once the helicopter has visual contact of the pursuit, the helicopter may assume the responsibility as the primary unit. With the assistance of the helicopter, the original primary and secondary, or additional (as determined by the pursuit supervisor), ground units will continue their response towards the location of the suspect vehicle and the supervisor will continue to evaluate the situation and determine the hazards related to the pursuit.

1. The helicopter unit may assume primary radio responsibilities once visual contact is made with the suspect vehicle and must constantly give updates on the pursuit conditions and location of the suspect vehicle to ground units.

2. If the helicopter unit has engaged in a pursuit that proceeds into South Carolina, it is authorized to remain engaged.

L. Supervisor Responsibilities

Upon notification, the supervisor of the division that initiated the pursuit will notify communications and officers over the air that he/she is taking command and has responsibility for the pursuit and will ensure compliance with all policies.

1. In allowing a pursuit to continue, the supervisor will carefully consider:
   a. The seriousness of the crime committed by the suspect;
   b. The danger presented to the officers and citizens;
   c. The location of the pursuit;
   d. The population of the area;
e. The type of terrain;
f. Traffic conditions;
g. The posted speed limits;
h. The weather conditions;
i. The ability of the pursuing officer(s) to keep the patrol vehicle under control;
j. The speed of the pursuing officer(s) patrol vehicle and that of the suspect.

2. The supervisor will allow the pursuit to continue only after the risks created by the pursuit have been carefully weighed against the need to continue the pursuit.

3. A pursuit normally must not involve more than the primary unit and one secondary unit. The supervisor may authorize additional units as deemed necessary after evaluating:
a. The nature of the offense.
b. The number of suspects and possible weapons involved.
c. Whether the participating units have more than one officer.
d. Whether clear and articulated facts would warrant additional units, including the involved units requesting additional officers.

M. Division Lieutenant/Division Captain/Operations Command Responsibilities

Upon notification, the Division Lieutenant, Division Captain, or Operations Commander will evaluate the pursuit to determine whether or not to terminate the pursuit, if appropriate. Clear verbal communication must take place when supervisory command over the pursuit is transferred from one supervisor to another, regardless of the rank structure involved.

N. Communications Responsibilities

Communications personnel will follow all internal standard operating procedures governing pursuits including:

1. The dispatcher will immediately close the primary talkgroup to all routine transmissions not related to the pursuit. Only emergency radio transmissions and transmissions directly related to the pursuit will be allowed.

2. The dispatcher will ensure that the division and communications supervisors are notified of the pursuit.

3. The dispatcher will patch the division talkgroup that the event originates from with Events 4.
Interactive Directives Guide

Emergency Response and Pursuit Vehicle Operations

Effective Date: 1/7/2020

4. The dispatcher will notify the communications supervisor of the channel patching.

5. The communications supervisor will have all other dispatchers issue an alert tone and announce that Events 4 has been activated and the originating division of the event along with a brief narrative of the event. This will ensure that the entire department is aware of the potential that the pursuit might impact their division. The communications supervisor will also alert the support units (VCAT, TRAP, Vice/Narcotics, Air ops/K9) of the activation of Events 4.

6. The communications supervisor will work in tandem with the supervisor in charge of the pursuit to ensure that all policies and procedures are followed. Although the duties of the communications supervisor may vary depending on the length of the pursuit and the seriousness of the crime involved, the primary duties are as follows:
   a. Monitor the traffic concerning the pursuit.
   b. Ensure that the correct channels are patched in (specifically Events 4).
   c. Send out notifications as necessary.
   d. Assist the dispatcher, as needed, with requesting any necessary support units, or notifying surrounding jurisdictions or agencies of the pursuit.

7. All assisting units, no matter the talkgroup they are assigned, can switch to Events 4 to monitor the event. (SHP, CFD, MCSO, MEDIC and all other Law Enforcement agencies in Mecklenburg County have Events 4 on their radio template).

8. The dispatcher will ensure notification to other agencies of the status and location of the pursuit when a pursuit appears to be headed into another jurisdiction. This includes notifications to the appropriate South Carolina agencies for pursuits headed toward South Carolina.

9. At the completion of the pursuit, the incident commander will determine if the division’s talkgroup where the pursuit ends will be patched into Events 4 also. All traffic will still be broadcast over Events 4 and any other officers involved will switch to Events 4 to monitor or assist. The communications supervisor will determine which dispatcher will take the lead on the channel.

10. Once the event is terminated and the scene is secure, an announcement will be made notifying everyone that Events 4 is no longer in use.

11. The dispatcher will immediately notify any outside agency that was informed of the pursuit when a pursuit is terminated by the CMPD.

O. Terminating Pursuits
The primary unit may maintain pursuit as long as it is reasonable and prudent to do so. However, a decision to terminate a pursuit may be the most appropriate course of action. Officers must continually question whether the seriousness of the crime justifies continuation of the pursuit.

1. Any doubt concerning the reasonableness of a pursuit should be resolved in favor of the safety of officers and the public. A pursuit will be terminated:
   a. If, in the opinion of the pursuing officer or the supervisor, there is an unreasonable danger to the officer(s) or the public which is created by the pursuit.
   b. If the prevailing traffic, roadway, and environmental conditions create an unreasonable danger if the pursuit is continued.
   c. If the pursued vehicle's location is no longer known; or it becomes futile to continue the pursuit because the suspect vehicle is traveling a substantial or increasing distance ahead of the pursuing police vehicle.
   d. When notified to do so by the supervisor or communications personnel acting on the authority of the supervisor.
   e. When communication with the dispatcher or the officer's supervisor is lost or unreadable. In any event, the officer will reestablish communication as soon as possible.

2. When the identity of the operator of the pursued vehicle is known and the violator is not presenting an immediate danger to other persons, officers and supervisors will consider terminating the pursuit.

3. Officers must immediately notify communications personnel when a pursuit has been terminated. Officers must give the last known direction of travel of the suspect vehicle and all known descriptions.

4. The termination of a pursuit does not prohibit an officer from continuing to follow a vehicle while complying with all traffic laws.

5. Officers will not pursue a fleeing vehicle that is traveling into opposing traffic (e.g., a suspect traveling north in the south travel lane of the interstate). Officers may utilize oncoming lanes of travel in brief circumstances where there is no opposing traffic. For example an officer passes a vehicle on a two lane road with no opposing traffic nearby.

6. Officers will use discretion and sound judgment to determine whether or not to continue the pursuit. If the pursuit is not terminated, officers will travel in the correct travel lanes and continue to operate blue lights and siren.

P. Re-Engagement

If an officer engages in a pursuit of a fleeing vehicle which has been previously pursued
by the police and has been lost, it will be considered a new pursuit and treated accordingly by immediately making the proper notifications.

V. INTER-JURISDICTIONAL PURSUITS

In any inter-jurisdictional pursuit, all CMPD policies are in effect. Violations of Departmental policies by officers of CMPD, or any other law enforcement agency involved in a CMPD pursuit, will result in termination of the pursuit.

A. Counties within North Carolina

1. When officer safety dictates, the supervisor will instruct Communications personnel to request assistance from the North Carolina State Highway Patrol or other appropriate jurisdiction. SHP can be notified of a fleeing vehicle but under no circumstances will SHP be called to initiate a pursuit on CMPD’s behalf for an offense that would not otherwise be permitted by this directive.

2. The CMPD will maintain control of all Charlotte-Mecklenburg pursuits. If other agencies become involved in the pursuit, CMPD officers will weigh the risks in determining whether they should terminate their own involvement in the pursuit.

3. Officers will not become involved in another agency's pursuit unless specifically authorized by a supervisor. Authorization to engage in another agency’s pursuit also extends to the use of TDD but only with due consideration of the ability to communicate with the other agencies and weighing the inherent risks.

B. Pursuits into South Carolina

1. Since a reciprocal agreement with South Carolina exists, officers may pursue across the state line when engaged in an immediate continuous vehicle pursuit for crimes dangerous to life and in accordance with this directive.

   a. The officer shall operate blue lights and siren inside South Carolina when engaged in a justifiable pursuit.

   b. If the CMPD is notified that a suspect has been apprehended in South Carolina by South Carolina authorities, Charlotte-Mecklenburg police officers may proceed into South Carolina to assist in the investigation and identification of the suspect.

2. CMPD will maintain control of all Charlotte-Mecklenburg pursuits. If South Carolina Law Enforcement agencies become involved in the pursuit, Charlotte-Mecklenburg police officers will weigh the risks in determining whether they should terminate their own involvement in the pursuit.

3. Under no circumstance will an officer return an arrestee to North Carolina unless the suspect has first waived extradition before a South Carolina Magistrate authorized by law to accept waivers of extradition.

VI. INVESTIGATION OF PURSUITS
A. Whenever a police officer is involved in a pursuit, it is the responsibility of the supervisor in charge of the pursuit to initiate a pursuit investigation in the IACMS and forward it to the Division Patrol Lieutenant, who will then complete the full investigation and subsequently forward the completed investigation through the Chain of Command to the Service Area Major. If two-officer unit, both officers should be listed as employee investigated.

B. The pursuit investigation will be reviewed by the entire Chain of Command above the rank of sergeant. A determination will be made at each level on whether or not all CMPD guidelines were met. Each level in the Chain of Command will make a recommendation with regard to each officer involved in the pursuit.

C. Whenever a pursuit results in serious injury requiring hospitalization or death, the responsible Chain of Command, Internal Affairs Bureau, Police Attorney’s Office, CMPD’s Safety and Training Coordinator, Major Crash, and City of Charlotte Risk Management will be immediately notified.

D. Internal Affairs or the appropriate Chain of Command may make a recommendation to the Chief of Police to convene a Chain of Command Review Board to examine the pursuit case.

E. The Internal Affairs Bureau will undertake an annual review of all of the previous year’s pursuits and publish the results of that review in a report to the Chief of Police. This report will also be made available to the public. Annually, the Professional Standards Bureau will conduct an analysis of agency pursuit activities for the purpose of identifying trends or patterns, training needs, and/or equipment needs.

F. Annually, a documented review of the Emergency Response and Pursuit Vehicle Operations policy will be conducted.

VII. REFERENCES

400-005 Mobile Video Recordings (MVR)
400-006 Body Worn Cameras
600-019 Response to Resistance
Tire Deflation Device SOP
N.C.G.S. 20-156
N.C.G.S. 20-145
NC Attorney General Model Policy
CALEA
I. PURPOSE

To establish notification procedures whenever a foreign national is arrested or detained for an extended period of time and to establish procedures for special enforcement situations involving persons with limited or full immunity from law enforcement activities and notification procedures for incidents involving active duty armed forces personnel.

II. POLICY

Officers have an obligation to advise foreign nationals that they have a right to request that CMPD notify their consul of their arrest or detention. In certain circumstances, CMPD has an obligation to notify the foreign national’s consul regardless of the foreign national’s wishes.

Officers will adhere to and respect the principles of diplomatic immunity when encountering individuals who are entitled to claim limited or full immunity. While officers must recognize the immunity of the individual, officers will not ignore or condone violations of the law or the commission of crimes by those with diplomatic immunity.

Officers will notify a supervisor whenever they arrest any local, state or congressional legislative or government official.

III. DEFINITIONS

A. Diplomat: An officer of a foreign government that is assigned to an embassy in Washington, DC; also known as Diplomatic Officers, they enjoy the highest degree of privileges and immunity.

B. Diplomatic Immunity: A principle of international law in which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official, and to a large extent, their personal activities.

C. Consular Officer (Consul): A citizen or lawful permanent resident of foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government’s citizens in the United States.

D. Foreign National: Any person in the United States who is not a United States citizen.

E. Dual National: A person who is a citizen of two or more countries. A person who is a citizen of the United States and another country will be treated exclusively as a U. S. citizen when in the United States. A person who is a citizen of two or more countries other than the United States will be treated in accordance with the rules applicable to each or all of those countries.

F. Legislator: A member of Congress (i.e., Senate or the House of Representatives) and legislators for the State of North Carolina.

G. Armed Forces Personnel: Regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and Reservists who are on active duty.
IV. DIPLOMATIC IMMUNITY

A. Diplomatic Immunity does not exempt diplomatic and consular officers from the obligation of conforming to national and local laws and regulations.

B. Whatever the offense or circumstances of contact, law enforcement officers must keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances.

C. For a violation of a motor vehicle law, officers are authorized to issue a citation, but no arrest will be made. A copy of the citation and other documentation regarding the incident must be submitted to the Records Division for forwarding to the U.S. Department of State as soon as possible.

1. In serious cases (e.g., DWI, personal injury crashes), telephonic notification to the U.S. Department of State must be made.

2. If the officer determines the individual is too impaired to drive safely, the officer must not allow the individual to continue to drive. Officers are authorized, with the individual’s permission, to take the individual to the police station or other location where the individual will recover sufficiently to drive. Officers are authorized to summon a friend or relative to drive or call a taxi for the individual.

D. The property of a person possessing full immunity, including the individual’s vehicle, cannot be searched or seized. Such vehicles cannot be impounded or booted but will be moved the distance necessary to remove them from obstructing traffic or endangering public safety.

E. For other criminal violations, including felonies, the U.S. Department of State will request a waiver of immunity if the local prosecutor indicates they will prosecute if the waiver is granted. If the country of the person with immunity does not waive immunity, the individual with immunity will be required to depart the United States.

V. CONSULAR NOTIFICATION

A. Consular notification applies to any person who is not a United States citizen. This includes permanent resident aliens and non-citizens who may or may not be in the country legally. Any person may decline the offer of consular notification; however, the notification must be made if he/she is from one of the 57 “mandatory notification” countries. An electronic version of the Consular Notification and Access pocket card is available at:

https://travel.state.gov/content/dam/travel/CNatrainingresources/CNA%20Pocket%20Card_BW.pdf

B. Whenever a foreign national is arrested or detained for more than one (1) hour, the arresting officer or detaining officer will advise the foreign national of the right to have their country’s consulate notified of their situation.
C. The notification process will begin at the time the foreign national is detained or when the arrested foreign national is booked into the detention facility. The arresting officer is responsible for implementing the notification process.

D. Determine if the person under arrest or in custody is a foreign national by asking the individual if they are a citizen of the United States; asking the individual where they were born; and/or by examining documents such as passports and alien registration documents.

E. Determine whether or not the country is a “mandatory notification” country. If it is not on the mandatory notification list, then the foreign national is from an “upon request” country.

1. The following procedures will apply to those foreign nationals from “mandatory notification countries:
   a. The list of mandatory notification countries and contact information can be accessed at:


   b. Notify the nearest consulate of the foreign national's country via fax or e-mail as soon as reasonably possible, but no later than before the end of the arresting officer’s shift.

   c. Telephone notification can be used if fax or e-mail is not available. Document the name and location of the consulate officer notified and date/time. If possible make an audio recording of the telephone call and retain in the incident report.

   d. Notify the consulate even if the foreign national does not want notification.

   e. Never tell the consular officer that a foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, notify an on-duty supervisor and refer to the Consular Notification Guide for procedures to follow. See “Training Resources” under the following link:


   f. Inform the foreign national that his/her consulate has been notified. Sample statements in several languages can be accessed at:


   g. Make a note of the completed notification in the incident report and retain the sent e-mail or fax and fax confirmation sheet.
2. The following procedures will apply to those foreign nationals from “upon request” countries:
   a. Inform the foreign national that he/she may have his/her consulate notified of the arrest or detention. Sample statements in several languages can be accessed at:
      
   b. Make a note of the foreign national’s decision regarding notification in the incident report.
   c. If the foreign national requests notification, notify the nearest consulate of the foreign national’s country via fax or e-mail as soon as reasonably possible but no later than 72 hours after arrest.
   d. Telephone notification can be used if fax or e-mail is not available. Document the name and location of the consulate official notified and date/time. If possible make an audio recording of the telephone call and retain in the incident report.
   e. Contact information for consulates can be accessed at:
      
   f. Officers will not make the consular notification if the individual refuses notification, and the person is not from one of the “mandatory notification” countries.
   g. Never tell the consular officer that a foreign national has requested asylum. If the consular officer insists on information the foreign national does not want disclosed, notify an on-duty supervisor and refer to the Consular Notification Guide for procedures to follow:
      
   h. Make a note of the completed notification in the incident report and retain the sent e-mail or fax and fax confirmation sheet.

F. Officers will make consular notification when investigating the death of any foreign national. Document this notification in the incident report and retain a copy of the sent e-mail or fax and fax confirmation sheet in the incident report.

VI. CONGRESSIONAL AND STATE LEGISLATORS

A. Members of the United States Congress will, in all cases, except treason, felony, and breach of the peace, be immune from arrest during their attendance at the session of
their respective House, in going to and returning from their respective House, and for any speech or debate in either House. This applies to members of the United States Congress in transit within Mecklenburg County.

B. Members of the State Legislature in some cases have the same immunity granted to Congress, and will remain immune from arrest while attending, going to, or returning from a session of their respective Houses. This applies to members of the State Legislature in transit within Mecklenburg County.

C. There are no North Carolina laws which exempt any state or local officials, either appointed or elected, from federal, state and local laws. The issuance of a warning, traffic citation, or a physical arrest is authorized whenever lawful except as noted in section VI.B, above.

VII. MILITARY PERSONNEL

A. Military personnel whose permanent residence or permanent duty station is located outside of North Carolina will be treated as non-residents of North Carolina. All others will be treated as residents.

B. There are no laws which exempt active duty military personnel from federal, state and local laws.

C. When arresting a military person for a violation of a motor vehicle law for which the person was released on a summons or a predetermined bail, it is left to that person’s discretion to advise his/her Chain of Command regarding the arrest and possible pending court appearances.

D. When arresting a military person for an offense for which the person is required to post bail or await bail hearing, that person is to provide his/her unit of assignment, and the 1st Sergeant/Command Chief’s name and contact information. The arresting officer will call that supervisor to inform him/her of the incarcerated status of his/her military person.

E. In the event the military person is not cooperative or cannot (in case of injury) provide said information, then notification should be made to the nearest Provost Marshall or Security Police office and assistance should be requested in notifying the appropriate Chain of Command. A follow up should be made by the arresting officer to verify the appropriate notification was made and documented.

VIII. REFERENCES


CALEA
I. PURPOSE

To establish guidelines for the electronic recordings of interrogations and interviews.

II. POLICY

A. This policy sets forth the requirements for the electronic recording of custodial interrogations and interviews with suspects for designated felonies in accordance with N.C. G.S. §15A-211 at designated locations as defined by policy.

B. All custodial interrogations of juveniles in all criminal investigations must be electronically recorded at any place of detention in accordance with N.C.G.S. §15A-211.

C. Beyond the statutory requirements, it is CMPD policy that any custodial or non-custodial interviews/interrogations of suspects/potential suspects in felony criminal investigations will be electronically recorded when conducted in a CMPD facility.

D. Criminal interviews and interrogations that do not fall within the categories listed above will be electronically recorded at the discretion of the officer/detective.

III. DEFINITIONS

A. Interview/Interrogation: Communication between a police officer and another person that requires skills that will allow the police officer to attempt to objectively obtain accurate and truthful information from the other person.

B. Suspect Interview/Interrogation: A custodial or non-custodial interview/interrogation conducted by an officer investigating an alleged crime with a person who is, based on the evidence developed to date, thought to be involved in the crime. An interview/interrogation includes all conversation between the officer and the suspect during the rapport building phase, obtaining the Miranda waiver, and any video or audio recorded interview/interrogation.

C. Electronic Recording: An audio or video recording that is an authentic, accurate, unaltered record. A video and audio recording shall be simultaneously produced whenever reasonably feasible.

D. “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, 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.
E. Privileged Conversation: Any private conversation between a suspect and a lawyer, a member of the clergy, or a spouse.

F. 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, to include a medical facility.

IV. PROCEDURE

A. Any custodial interrogation of any person at any place of detention related to the following crimes must be electronically recorded in its entirety in accordance with N.C.G.S. § 15A-211:
   1. First Degree Murder (G.S. 14-17)
   2. First Degree Rape (G.S. 14-27.2)
   3. First Degree Sexual Offense (G.S. 14-27.4)
   4. Second Degree Murder (G.S. 14-17)
   5. Second Degree Rape (G.S. 14-27.3)
   6. Second Degree Sexual Offense (G.S. 14-27.5)
   7. Assault with Deadly Weapon with Intent to Kill Inflicting Serious Injury (G.S. 14-32 (a))

B. In any situation where a privileged conversation between a suspect and a lawyer, member of clergy, or a spouse is needed, all parties must be moved to an unrecorded room before the conversation begins.

C. All Custodial interrogations of juveniles in criminal investigations at any place of detention must be electronically recorded in its entirety in accordance with N.C. G.S. §15A-211.

D. Beyond the statutory requirements, it is the policy of CMPD that any custodial or non-custodial interviews/interrogations of suspects/potential suspects in felony investigations will be electronically recorded when conducted in a CMPD facility.

E. At the discretion of a supervisor, interrogations and interviews for other crimes may be electronically recorded.

F. If the suspect refuses to have the interview/interrogation electronically recorded the officer should record the refusal and thoroughly document the refusal.

G. In the event of an equipment failure, the officer should thoroughly document what occurred and the efforts to secure possible replacement of equipment or relocation of interview.
H. This policy is not intended to preclude officers in the field from capturing information from subjects who make spontaneous utterances or provide information on the above-mentioned cases.

I. An audio and/or video recorded interview of a victim or a witness may be conducted at the discretion of the investigating officer/detective.

J. Interview room video and audio equipment is always recording and cannot be deactivated by the officer. After the retention period is exceeded, the recording is deleted from the server and no longer available unless it has been archived by placing it in an Incident Locker within the recording system.

K. If necessary, the officer may establish a dialogue with the suspect using language that the suspect is comfortable with and accustomed to, including derogatory or profane language. However, using such language should not be the primary or only approach taken by the officer during the interview. In any case, the officer should be prepared to articulate in any court proceedings why such a strategy was employed.

L. The officer may engage in deceptive methods and/or make false statements to the suspect; however, such methods or statements shall not be employed to the extent that based on the totality of the circumstances, they are calculated to procure an untrue confession or otherwise render the suspect’s statement involuntary. The officer shall not engage in any of the following conduct in an effort to obtain a statement from the suspect:

1. Physical abuse
2. Deprive the suspect of physical needs
3. Promise the suspect a reduced charge or sentence
4. Promise to testify as to the suspect’s cooperation
5. Threaten the suspect with harsher treatment if he/she does not cooperate

M. Upon the conclusion of the interview/interrogation of any party to a criminal investigation, the lead detective/officer shall complete the Incident Form within the Interview Recording System and submit the interview into an Incident Locker for the purpose of preserving the interview.

N. The investigating detective/officer will provide copies of all recorded interviews to the District Attorney’s office in order to comply with the requirements of Open Discovery.

O. Any electronic recording of a custodial interrogation of a defendant convicted of any offense listed in N.C.G.S. §15A-211 shall not be destroyed until one year after the completion of all State and federal appeals of the conviction, including the exhaustion of any appeal of any motion for appropriate relief or habeas corpus proceedings without the approval of the District Attorney’s Office.
P. Officers/Detective will retain electronic evidence collected in accordance with state law and departmental policy.

Q. Any required routine maintenance or troubleshooting of the audio or video equipment will be immediately reported to a supervisor and the City Help Desk.

V. REFERENCES

N.C.G.S. 15A-211
N.C.G.S. 15A-903
900-013 District Attorney’s Paping Process
CALEA
I. PURPOSE

To establish a Department policy concerning the utilization of the Incident Command System (ICS) and the National Incident Management System (NIMS).

II. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) will operate under the Incident Command System as a means to coordinate the efforts of multiple departmental divisions or outside agencies as they work toward the common goal of stabilizing an incident. Many incidents, whether major (such as hazardous material spills or civil disorders), minor incidents (such as vehicle crashes and utility outages), or disasters (such as tornadoes, hurricanes, or earthquakes), require a response from a number of different resources. Regardless of the size of the incident or the number of agencies involved in the response, all incidents require a coordinated effort to ensure an effective response and the efficient and safe use of resources.

CMPD will operate under the ICS in the following circumstances:

A. Emergency situations where the Emergency Mobilization Plan is utilized.
B. Situations where a departmental response is required under the CMPD Emergency Mobilization Plan.
C. Situations involving personnel from multiple divisions and units where the event is expected to last longer than twenty-four (24) hours.
D. Situations requiring coordination with outside agencies.
E. Situations that require activation of the CMPD Command Center.
F. Other situations where the ICS would prove beneficial.

III. DEFINITIONS

A. Incident Command System (ICS): The model tool for command, control, and coordination of a response to a specific incident. It provides a means to coordinate the response efforts toward mitigation of an incident.

B. National Incident Management System (NIMS): Provides a consistent nationwide approach for federal, state, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size, or complexity. NIMS was created by authority of the President in Homeland Security Presidential Directive (HSPD-5), Management of Domestic Incidents.

C. Unified Command (UC): An important element in multijurisdictional or multiagency incident management. It provides guidelines to enable agencies with different legal,
geographic, and functional responsibilities to coordinate, plan, and interact effectively.

D. Incident Action Plan (IAP): The overall incident objectives and strategies established by the Incident Commander or the Unified Command. The IAP also addresses tactical objectives and support activities for one operational period, generally twelve (12) to twenty-four (24) hours. The IAP is developed utilizing ICS forms.

E. ICS Structure: The ICS organization is comprised of six major functional areas:

1. Command
   a. Command is responsible for all incident or event activity. Although other functions may be left unfilled in the Command area, there will always be an Incident Commander. The command staff positions under the Incident Commander are:
      (1) PIO Officer
      (2) Safety Officer
      (3) Liaison Officer
   b. At a minimum, the Incident Commander will address the following, if necessary:
      (1) Activate the Incident Command System;
      (2) Establish a command post;
      (3) Initiate the notification and mobilization of additional agency personnel;
      (4) Obtain additional support from outside agencies;
      (5) Establish staging and triage areas;
      (6) Provide for public information and media relations;
      (7) Maintain the safety of all affected personnel; and
      (8) Be responsible for preparing a documented after action report.
      (Not available as an ICS form.)

2. Operations
   a. The Operations Section is responsible for directing the tactical actions to meet incident objectives.
(1) Divisions and groups are established within the Operations Section when the number of resources exceeds the Operations Section Chief’s manageable span of control.

(2) Divisions demarcate physical or geographical areas of operation within the incident area.

(3) Groups demarcate functional areas of operation for the incident such as rescue, law enforcement, or fire.

b. At a minimum, the Operations Function will address the following, if necessary:

(1) Establish perimeters;
(2) Conduct Evacuations;
(3) Maintain Command Post and Scene Security;
(4) Provide for detainee transportation, processing, and confinement;
(5) Direct and control traffic; and
(6) Conduct post-incident investigations

3. Planning

a. The Planning Section is responsible for collecting, evaluating, and disseminating tactical information pertaining to the incident. This section maintains information and intelligence on the current and forecasted situation, as well as the status of resources assigned to the incident.

b. At a minimum, the Planning Section will address the following, if necessary:

(1) Prepare a documented Incident Action Plan;
(2) Gather and disseminate information and intelligence; and
(3) Plan post-incident demobilization.

4. Logistics

a. The Logistics Section meets all support needs for the incident, including ordering resources.

b. At a minimum, the logistics function will address the following, if necessary:

(1) Communications;
(2) Transportation;
(3) Medical support;
(4) Necessary supplies;
(5) Any specialized or technical team’s equipment needs.
(6) Logistics may also provide facilities, equipment maintenance and fueling, and food service for incident personnel.

5. Finance/Administration
   a. The Finance/Administration Section is responsible for keeping track of incident-related costs.
   b. At a minimum, the finance/administration function will address the following, if necessary:
      (1) Recording personnel time;
      (2) Procuring additional resources;
      (3) Recording expenses; and,
      (4) Documenting injuries and liability issues.

6. Intelligence
   a. Traditionally, information and intelligence functions are located in the Planning Section. However, in exceptional situations, the Incident Commander may need to assign the information and intelligence functions to other parts of the ICS organization. This placement may change as the information and intelligence needs change.
   b. The Information and Intelligence function may be organized in one of the following ways:
      (1) Within the Command Staff. This option may be the most appropriate in smaller incidents with little need for tactical or classified intelligence.
      (2) As a unit within the Planning Section. This is the traditional placement of intelligence and would be most appropriate when the need for information is quickly available and does not involve classified information.
      (3) As a Branch within the Operations Section. This option may be the most appropriate in incidents with a high need for tactical or classified intelligence.
(4) As a separate General Staff Section. This option may be most appropriate when an incident is heavily influenced by intelligence factors or when there is a need to manage and/or analyze a large volume of classified or highly sensitive intelligence or information such as in a terrorist incident.

IV. PROCEDURE

A. Establishing Command

The first arriving officer at the scene of a major incident will establish “Command” and designate themselves as “Command” over the radio. That officer will maintain this designation until Command is either transferred or terminated.

B. Initial Report

The officer will then transmit, via radio, a brief initial report of the conditions, including the following information:

1. A description of the situation
2. Obvious incident conditions
3. Confirmation of Command establishment with the appropriate radio designation
4. Location of Command.
5. A report of any actions being taken by the on scene unit(s).

C. The Incident Commander may fill Command and General Staff positions when necessary and delegate responsibilities so that the span of control is not over extended.

Those positions may include:

1. Command Staff
   a. Police Attorney (Legal)
   b. Public Information Office
   c. Liaison Officer

2. General Staff
   a. Operations
   b. Planning
   c. Logistics
d. Finance/Administration

D. Command Transfer Guidelines

Command can be transferred to improve the quality of the response.

1. Transfers of Command should occur on a face-to-face basis. However, some conditions may necessitate command transfer via radio.

2. A transfer briefing will occur between the Command officer and his/her relief. The information to be exchanged will include:
   a. Incident conditions;
   b. Updates to the Incident Action plan;
   c. Safety considerations;
   d. Assignments of responding units;
   e. The need for additional resources.

3. Transfer of Command will be at the discretion of the ranking officer. Since the overall incident responsibilities rest with the ranking officer on the scene whether or not he/she assumes command, they may assume command to ensure clarity of orders.

4. Individuals relieved of command responsibilities may be used by the Incident Commander to support the overall incident action plan.

E. Anytime the Incident Command System is utilized an Incident Action Plan, including all necessary ICS forms, will be formulated.

1. For simple incidents of short duration, the Incident Action Plan will be developed by the Incident Commander and communicated to subordinates in a verbal briefing.
   a. On smaller incidents which do not require a written action plan, the sequence of steps for a briefing by the Incident Commander to the General Staff includes:
      (1) Incident Objective(s)
      (2) Strategy (one or more)
      (3) Tactics
      (4) Assignments
b. The ICS Form 201 provides the Incident Commander with a useful framework for preparing a briefing when no written action plan is prepared.

2. The decision to prepare a written incident action plan will be made by the Incident Commander. A written Incident Action Plan documenting the planning decisions should be prepared whenever:
   a. Two or more jurisdictions are involved
   b. The incident continues into another Operational Period
   c. A number of organizational elements have been activated

3. Essential Elements in the Action Plan are:
   a. Statement of Objectives: Statement of what is expected to be achieved. Objectives must be measurable. (ICS Form 202)
   b. Organization: Describes what elements of the ICS organization will be in place for the next Operational Period. (ICS Form 203)
   c. Tactics and Assignments: Describes tactics and control operations, and what resources will be assigned. Resource assignments are often done by Division or Group. (ICS Form 204)
   d. Supporting Material: Examples include a map of incident, Communications Plan, Medical Plan, Traffic Plan, weather data, special precautions and safety message.

4. The ICS forms are available on the CMPD Forms page of the CMPD Portal.

F. An after action report will be completed upon demobilization of the Incident Command structure. The complete Incident Action Plan and the After Action Report will be forwarded to the Office of Professional Standards for storage.

G. CMPD will participate in annual training on responses based on the CMPD Emergency Mobilization Plan. This training will be documented and can involve outside agencies in actual or tabletop exercises.

V. REFERENCES

HSPD-5 Management of Domestic Incidents
CMPD Emergency Mobilization Plan
CALEA
I. PURPOSE

The purpose of this policy is to ensure that the Charlotte-Mecklenburg Police Department (CMPD) provides a consistently high level of service to all persons who are deaf or hard of hearing. This Department will comply with the rights and obligations prescribed by the North Carolina General Statutes and the Americans with Disabilities Act (ADA) to communicate effectively with people who are deaf or hard of hearing.

II. POLICY

The Department will endeavor to provide individuals who are deaf or hard of hearing with the level of service equivalent to that provided to other persons. The Department will attempt to ensure that all its employees communicate effectively with people who are deaf or have a hearing disability.

III. DEFINITIONS

A. Deaf person: a person whose hearing impairment is so significant that the individual is impaired in processing linguistic information through hearing, with or without amplification.

B. Qualified interpreter: an interpreter certified and licensed as qualified under standards and procedures promulgated by the Department of Human Resources and in accordance with N.C.G.S. 90D.

C. Hard of Hearing: an individual who has mild to moderate hearing loss who may communicate with sign language, spoken language, or a combination of both.

IV. PROCEDURE

A. Deaf Persons Under Arrest

1. While at the scene, the officer shall make a preliminary determination of the person’s comprehension and make efforts to determine what appropriate accommodation is required. These efforts may include the use of gestures or visual aids to supplement oral communication including: the use of notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound or the use of a qualified oral or sign language interpreter.

2. If the officer believes that a person he or she has arrested is deaf, the officer shall notify Communications that a qualified and licensed interpreter is needed. The type of aid or service requested by the person with the hearing disability must be given primary consideration.

3. Qualified and licensed interpreters must be used to interview deaf or hard of hearing suspects or arrestees and in any other actions where criminal proceedings are likely to follow. Family and friends of the suspect or arrestee shall not interpret for the arrestee.
4. If an interpreter is utilized during and arrest, that interpreter will remain with the arrestee through the entire arrest process, including appearing before the magistrate.

B. Contact with Deaf or Hard of Hearing Individuals not under Arrest

1. Officers and Department employees shall not interpret for a deaf person who is a party to or a witness in any civil or criminal proceeding in any superior or district court or proceedings before the magistrate.

2. Officers and Department employees shall not interpret for a deaf person who is a party to or a witness in any administrative proceeding before any department, board, commission, agency or licensing authority of the state or of any county or city of the State.

3. Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, suspect or arrestee, is essential to ascertaining what actually occurred, the urgency of the matter, and the type of situation. Efforts should be made to accommodate the deaf or hard of hearing person’s request for an interpreter.

4. Qualified and licensed interpreters should be used in communicating with complainants or witnesses when court proceedings are likely to occur.

5. In general interaction, the appropriate accommodation for a deaf or hard of hearing person will vary with the length and complexity of the communication involved. In certain circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication with people who are deaf or hard of hearing.

C. Communications Division

Upon receiving a request from an officer for a sign language or oral interpreter for a victim, suspect or arrestee, Communications shall make contact with the City of Charlotte/CMPD approved vendor for an interpreter.

D. Field Services Group Administration

The Field Services Group Administrative Office Assistant will receive the invoices from the interpreter.

E. Payment

Any auxiliary aid or service needed for effective communication by a person who is deaf or hard of hearing will be provided to them without charge by the Department.

V. REFERENCES

G.S. 8B, G.S. 90D
Americans with Disability Act, Title II
U.S. Department of Justice, Civil Rights Division, Model Policy
Addendum to 600-026
Practical Suggestions for Communicating Effectively with Persons who are Deaf or Hard of Hearing

1. Before speaking, get the person’s attention with a wave of the hand or a gentle tap on the shoulder.
2. Face the person and do not turn away while speaking.
3. Try to converse in a well-lit area.
4. Do not cover your mouth or chew gum.
5. If a person is wearing a hearing aid, do not assume the individual can hear you.
6. Minimize background noise and other distractions whenever possible.
7. When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
8. Use visual aids when possible, such as pointing to printed information on a citation or other document.
9. Remember that only about one third of spoken words can be understood by speech reading.
10. When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills. Preserve all notes.
11. If someone with a hearing disability cannot understand you, write a note to ask him or her, what communication aid or service is needed. Preserve all notes.
12. If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common. Remember that the process of signing involves rapid gestures of an individual’s arms and hands, which may impact an individual’s ability to respond to certain commands.
13. When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
14. When using an interpreter, look at and speak directly to the deaf person, not to the interpreter.
15. Talk at your normal rate, or slightly slower if you normally speak very fast.
16. Only one person should speak at a time.
17. Use short sentences and simple words.
18. Do not use family members or children as interpreters.
I. PURPOSE

The purpose of this directive is to establish an understanding of how confiscated property is impounded into the Property and Evidence Management Division of the Charlotte-Mecklenburg Police Department (CMPD). This directive will benefit and protect CMPD personnel by guiding them in the proper procedures for submitting impounded property.

II. POLICY

To establish procedures for the handling and disposition of physical property that will come into the possession of CMPD.

III. DEFINITIONS

A. Booking Officer: The employee responsible for the data entry and documentation of collected property, as well as the physical action of turning over the property to the Property and Evidence Management Division.

B. Chain of Custody: The chronological documentation, showing the seizure, custody, control, transfer, analysis, and disposition of physical or electronic evidence.

C. Collecting Officer: The employee responsible for the physical collection and packaging of property.

D. Evidence: Any item seized as part of a criminal investigation.

E. Found Property: Non-evidentiary property coming into the custody of a law enforcement agency that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.

F. Investigating Officer: The officer assigned to the case in KBCOPS. This Officer is responsible for the disposition of the property.

G. PLIMS: The Property & Laboratory Information Management System (PLIMS) is the electronic system used by CMPD for documenting all property. It will track the Chain of Custody from intake, laboratory examination and disposition of all property in CMPD custody.

H. Property for Safekeeping: Non-evidentiary property placed into temporary custody of CMPD for the purpose of safeguarding for a rightful owner. Property where the rightful owner is known at the time the property is impounded will be categorized as “Safekeeping” in the PLIMS.

I. Property: Items that are not legally owned by CMPD, which are seized, collected, turned over or held within the custody of CMPD for the purpose of safe keeping, investigation, forfeiture, or identification.

J. Service Requests: A function of PLIMS where the investigator assigned to the case submits lab requests for items that need to be analyzed.
IV. PROCEDURE

A. All property impounded by employees of CMPD will be entered into PLIMS and have a related KBCOPS report. This includes all three types of property: evidence, found, and safekeeping. PLIMS will not allow the creation of a property case until there is at a minimum a related KBCOPS report in working status.

B. PLIMS is a web based program that is accessible to employees of CMPD who have access to the department’s Intranet. Each employee is granted access to the system through their own individual account. Logging into the system will consist of a username and password. No employee of CMPD shall sign on or operate PLIMS under another employee’s username and password.

C. Submitting employees using PLIMS shall supply all known information for any blank field and shall provide complete and accurate information, including but not limited to full street addresses, names, arrest numbers, descriptions, identifying markings, quantities and associated case numbers. CMPD Officers/Investigators will not use the outside agency function of PLIMS to turn in property.

D. Only one barcode label and item number shall be affixed to each package. The barcode label must be affixed to the area designated on the envelope. For all other types of packaging the employee will place the label in an area that will be easy to view and not obstruct the area where repackaging may occur. The barcode label should never be used to seal a package. All evidence will be packaged in the manner described in the Evidence Packaging Guide located on the CMPD Portal.

E. Upon completion of entry into PLIMS, all property (evidence, found, and safekeeping) will be submitted to the evidence lockers or CMPD Headquarters. Items too large to be submitted to the evidence lockers will be submitted to the basement window of the Property and Evidence Management Division during operating hours and to the evidence cage after hours. Under no circumstances will an employee keep impounded property in their possession beyond the end of their tour of duty during which it is impounded.

F. Bio-hazardous waste, specimens of blood, potentially infectious body fluids or contaminated sharps to be turned in as found property or evidence should be placed immediately in puncture/leak resistant containers and properly labeled in accordance with Infectious Disease Control Plan and the Evidence Packaging Guide. These containers will be submitted to the evidence lockers located at the nearest division office. These items will be disposed of properly or entered into evidence once they are transferred from the division unit lockers to the CMPD Headquarters by Property and Evidence Management Division personnel.

G. It is the booking officer’s responsibility to ensure the packaging is appropriately sealed.
H. Where possible, items will be processed for evidence in the field prior to being submitted to the Property and Evidence Management Division (i.e. fingerprints on a television, etc.). When practical, an officer should take a photograph of this type of evidence and return it to the victim. The complaint number, address, date, officer name and code number should appear on a piece of paper in the first photograph for proper documentation. The officer will obtain a signature by the victim on the property sheet indicating that the property was returned to the owner. Items returned to owners in the field will not be entered into PLIMS. The signed property sheet should be scanned into KBCOPS and the original retained by the Officer.

I. Officers will seal all envelopes, boxes, or bags containing evidence, found, or safekeeping property with tape provided by the Property and Evidence Management Division.

   1. Small evidence items (i.e. crack rock), need to have an internal package to prevent alteration and/or loss.
   2. The tape must make a complete seal of the corners of the container to prevent the loss of small items.
   3. Officers will write their initials, code number, and date over the tape so that the writing extends beyond the edge of the tape and onto the container.

J. Opening and Re-Sealing Evidence Packaging

   1. Original seals will not be broken or altered.
   2. When a package is opened, it will be done in an area that is not sealed.
   3. If a package has been opened and re-sealed to the point that it cannot be re-sealed in a new area, the evidence will be packaged in new packaging. The original packaging will be placed inside the new packaging.

K. Bulky items will be labeled with tags as evidence, found or safekeeping.

L. Sexual Assault and Blood Specimen (i.e. DWI) kits will be submitted to Property and Evidence Management Division without further packaging. Sexual assault kits can be submitted to the evidence lockers. DWI kits must be submitted to the evidence refrigerator located at CMPD headquarters at 601 E Trade Street.

   1. Tape provided by the Property and Evidence Management Division will be placed over the existing seal on the kit.
   2. Officers will initial the area of the kit that was sealed with their initials extending beyond the tape and onto the kit.

M. Items with sharp points, edges, or that are otherwise a safety hazard will be packaged according to the packaging manual located on the portal. All syringes will be packaged in plastic tubes (sharps containers). Property and Evidence Management Division will provide these tubes and Bio-Hazard tags to place on the tubes.
1. The tubes will be placed in envelopes and sealed.

2. Sharp items that are too large for the plastic tubes will be packaged in a cardboard box provided by Property and Evidence Management personnel. Property and Evidence Management personnel can assist and advise on acceptable methods.

N. Submitting Firearms

1. All seized handguns and long guns will be unloaded and submitted to the evidence lockers located at the nearest division office using the "Cardboard Box" packaging procedures.

2. "Steel Lined" gun boxes will be used to transport loaded firearms when necessary to support the investigation or the condition of the firearm prevents unloading the ammunition. Officers must consult with a Crime Scene Search supervisor prior to submitting a loaded firearm. "Steel Lined" gun boxes are available by contacting a Crime Scene Search supervisor.

3. Except as noted above, officers will ensure that all firearms are unloaded prior to submitting them to the Property and Evidence Management Division.

4. Ammunition and magazines packaged with a firearm shall be listed as a separate item in PLIMS and must have a separate item number. These items must be placed in a container in PLIMS along with the firearm.

5. Officers will not remove live ammunition from magazines.

O. Submitting drugs

1. Due to the dynamic nature of illegal drugs, employees will follow the current packaging standards as published in the CMPD Evidence Packaging Manual located on the CMPD Portal:

   Evidence Packaging Manual

2. Do not package multiple drug types in a single envelope. They must be packaged and labeled separately.

3. If multiple drugs items of the same type (i.e.: 10 crack 'rocks') is determined to be one item, they must be packed together as one item.

4. If drugs are being submitted as separate items, they must be packaged and labeled separately.

5. Any drug submitted must have a specific weight in grams/ounces for the drug only or the number of dosage units (pills, tablets, "rocks", etc.) in the package. Drugs will be weighed prior to being placed in any CMPD evidence packaging.
6. The responsibility for accurately weighing and/or counting all drugs placed into Property and Evidence Management Division rests solely with the Booking Officer.

7. Significant discrepancies in the amount of controlled substances (drugs) seized and the amount reported in PLIMS, may result in a criminal and/or internal investigation.

8. If the seizure includes taxable quantities of controlled substances, the Collecting/Booking Officer shall properly complete as many Form BD-4’s (“Report of Arrest and/or Seizure Involving Non-tax paid (Unstamped) Controlled Substances”) as required (i.e., multiple drugs require multiple forms; multiple co-defendants require multiple forms), and submit them electronically via e-mail to the Asset Forfeiture Unit within 48 hours of the seizure [e-mail address “_CMPD ASSET FORFEITURE in the Outlook global address list] “Taxable Quantities” of controlled substances are:
   a. Marijuana – more than 42.5 grams.
   b. Controlled substance sold by weight – 7 or more grams.
   c. Controlled substance sold by “dosage unit” – 10 or more dosage units.

9. The electronic Form BD-4 (Drug Tax Form) is located on the portal under CMPD forms.

10. Drugs will not be accepted in luggage, duffel bags, bags with zippers, etc. The drugs must be removed and placed in evidence envelopes, bags, or boxes.

P. Officers will not inscribe their initials or make any other marks on any type of evidence, found or safekeeping (i.e., firearms, silverware, etc.).

Q. For items other than contraband and evidence, the booking officer will complete the Return to Owner Disposition process in PLIMS authorizing the release and/or disposition of the property in question. If there are conflicting claims of ownership, the property will be released only upon court order.

R. Officers that respond to the scene of a natural death, accidental death, murder, suicide, fatal automobile accident, or any personal injury incident in which the victim has been transported from the scene, are responsible for securing and collecting the victim’s personal property of value that is not considered evidence. Personal property of this type will be handled as follows:
   1. Property may be left in the custody of an adult relative (spouse, parent, sibling, son, or daughter) present at the scene.
   2. An officer investigating a death at a private residence will secure personal property inside the residence and lock the door if there is no adult relative of the deceased present.
3. An officer investigating a death at a public or semi-public location (motel, boarding house, shopping mall, or traffic accident) will secure valuable personal property by entering the item in PLIMS and submitting it to the evidence lockers located at the nearest division office, if there is no adult relative present.

S. Employees (other than the officer in charge of the case) turning in evidence must complete a Narrative Supplement Report in KBCOPS.

T. Officers are responsible for collecting evidence from hospitals.

1. Officers who receive a call to respond to a hospital should determine upon arrival if any evidence needs to be secured. CMPD officers will complete a property sheet, scan it, and attach it to the case in PLIMS. The officer will keep the original property sheet for their records. The officer will properly document the collection of this evidence in PLIMS.

2. If the property or evidence requires drying, the officer should contact the Crime Scene Search supervisor for assistance with the proper drying and packaging procedures.

U. Officers collecting or seizing evidence, such as stolen merchandise, in which the lawful owner can be readily identified, should photograph that evidence with a CMPD camera (no personal cell phones or cameras will be used) and release it to the owner if the officer is in contact with the owner or the owner is on scene. These items do not need to be entered into PLIMS. The complaint number, address, date, officer name and code number should appear on a piece of paper in the first photograph for proper documentation. If photographing and releasing the evidence is questionable, the officer should contact their supervisor.

Photographs must include unique identifying features such as store tags, serial numbers, identifying scratches, etc.

Note: This does not apply to illegal drugs or evidence subject to laboratory examination.

1. In addition to taking photographs of the stolen property seized, officers must have the victim sign for the release of any property returned to them and the Property Release must specifically describe all the property returned.

2. A notation that the property was returned should be made on a Property Sheet and retained by the officer in charge of the case. The photos will be uploaded into the Digital Evidence Management System.

3. The disposition of evidentiary photographs will be handled in the same manner as other types of evidence.

4. If the stolen property has conflicting claims of ownership, the officer should make every reasonable effort to resolve the dispute. If a resolution cannot be reached, the property will be seized and will be released only upon a court
order. This process does not apply when property was forcefully taken from the victim resulting in charges involving violence.

V. Video tapes and electronic media (not including crime scene digital images stored in the Digital Evidence Management System) that contain evidence, such as a diskette, compact disc (CD), or digital video disc (DVD) will be turned into the Property and Evidence Management Division for storage. The media will be placed in a small evidence envelope, sealed, and marked appropriately. The disposition of evidentiary electronic media will be handled in the same manner as for other types of evidence.

W. Employees will not submit any item which is highly flammable, extremely toxic, explosive, or items which contain highly flammable, extremely toxic, or explosive substances (i.e., gasoline, chemicals, etc.) except:

1. Ammunition submitted as evidence, found or safekeeping or evidence from fire scenes will be accepted by Property and Evidence Management Division, if submitted in approved storage containers.

2. Items that contain gasoline, such as lawnmowers, lawn equipment, etc., or flammable materials will not be submitted at the window of the Property and Evidence Management Division. During operating hours, a Property and Evidence Management Technician will accompany the officer to the parking area to check in these items. After operating hours these items must be submitted to the evidence cage. Employees should use their judgment in deciding to transport these items if they are leaking, or if placing them in a vehicle would cause them to leak.

X. Perishables, such as food items, shall be photographed and processed on scene when applicable. Documentation shall be made in the KBCOPS report explaining why the item was not collected.

1. Prior to any perishable evidence being submitted into the custody of the Property and Evidence Management Division, the investigative unit supervisor must contact the Property and Evidence Management Lieutenant.

2. Coordination must be made within 24 hours to have the perishable item processed or sent to the appropriate laboratory for processing.

3. Edible Drug Evidence Only Designated for Refrigeration/Freezing
   a. Edible Drugs will be weighed and photographed.
   b. Edible Drugs will be packaged as two (2) separate items with separate weights for each:
      1) Item #1 will be a small sample of the drug put into an airtight container (Fentanyl type jar or smaller jar from CSS). This item will be submitted with a lab analysis request.
2) Item #2 will be the remainder of the edible drugs. This item will be immediately set for disposal and sent to a supervisor for approval.

Y. All shoplifting evidence will be photographed with a CMPD camera (no personal cell phones or cameras will be used) and returned to the retailer. Any photos taken will be burned to a CD for entry into the Digital Evidence Management System. The Property and Evidence Management Division will not accept shoplifting evidence without prior approval of the Lieutenant assigned to the Property and Evidence Management Division. Photographs must include unique identifying features such as store tags, serial numbers, identifying scratches, etc.

Z. Outside agencies submitting property to the Property and Evidence Management Division will complete a paper property sheet. This sheet will be turned into the on-duty Property and Evidence Management Technician who will enter the items into the PLIMS and scan the property sheet into the system. No KBCOPS report is required for outside agencies. There is a separate function within PLIMS to accommodate the impounding of items from agencies other than CMPD.

V. REFERENCES

700-002 Evidence Management
700-003 Found Property
700-004 Release of Property
700-005 Disposition and Release of Evidence in Non-Productive Cases
700-006 Laboratory Analysis of Evidence
Exposure Control Plan
CMPD Property Packaging Manual
I. PURPOSE

The purpose of this directive is to establish an understanding of how evidence is managed once it has been submitted to the Property and Evidence Management Division of the Charlotte Mecklenburg Police Department (CMPD).

II. POLICY

Only authorized personnel will have access to the Property and Evidence Management Division’s evidence and property storage areas and rooms.

III. PROCEDURE

A. The responsibility of the impounding employee for the handling and disposition of evidence ceases at the time it is properly documented on a KBCOPS Supplement Report and the evidence is submitted to the Property and Evidence Management Division. At this time the disposition of the evidence becomes the responsibility of the assigned investigator.

B. The assigned investigator in PLIMS is synced with the assigned investigator in KBCOPS. If the assigned investigator in KBCOPS is changed, the investigator will change in the related PLIMS case and the new investigator will be responsible for the disposition of the property related to that case.

C. If an item is added to a PLIMS case by someone other than the assigned investigator the assigned investigator will receive an email notification that an item has been added to their case.

D. The assigned investigator to a case will receive an email notification when the disposition of an item requires a retention review.

E. After reviewing the available evidence, the investigator in charge of the case will have the discretion to do one of the following:
   1. Release or dispose of the evidence.
   2. Complete a Crime Laboratory Evidence Analysis Request Form to forward the evidence to the Crime Lab for analysis; or:
   3. Hold the evidence pending further developments in the case.

F. Evidence may be released or disposed of only by the investigating officer. Evidence in felony cases that have been papered will be disposed of as directed by the Prosecution Disposition form, which the District Attorney's Office forwards to the officer in charge of the case or to the Property and Evidence Management Division once the case is completed.
   1. Release of evidence is accomplished by completing an appropriate status change for the item in PLIMS.
2. A court order authorizing the destruction of evidence used in the prosecution of a case in court may be obtained by the investigating officer so evidence can be destroyed. The investigating officer will attach a copy of the court order to the PLIMS case prior to submitting the Ready to Dispose status change request to their supervisor.

3. Non-contraband property with evidentiary value (i.e., property seized as evidence but never introduced in court): Once it has been determined by the investigating officer that no prosecution will or should ensue, they will order the property released to the rightful possessor. In the event the property is not claimed by the entitled person to it, it will be disposed of properly.

4. When the status change is initiated by a Prosecution Disposition form the investigating officer or property personnel making the status change requests will attach the Prosecution Disposition form to the appropriate PLIMS case.

G. All items entered into PLIMS will be given an initial disposition status. This is based on the type of crime and type of item. Once that initial disposition time has expired the investigator assigned to the case will receive an e-mail notification that a review needs to be done on that item.

   If property is to be returned to the owner, it must be of sufficient value so that the owner will want to reclaim it. Contraband may not be returned to the original owner.

H. Whenever an item of property is subject to conflicting claims of ownership, the property may not be released in the absence of a court order.

I. Fingerprints turned in to the Property and Evidence Management Division will be released to the Crime Laboratory. A Property Technician will transfer custody of the prints to a representative of the crime lab. Fingerprint evidence will not be subject to disposition and will be kept indefinitely.

J. All Firearms and fired/discharged ammunition evidence will be turned into the Property and Evidence Management Division (Refer to Directive 700-001 IV. N 1-5). The investigating officer in charge of the case will submit a service request in PLIMS. The request will be submitted to the Crime Laboratory Division for review. Applicable Firearms and ammunition evidence (discharged cartridge cases and fired bullets) are required for entry into the Integrated Ballistic Identification System (IBIS).

K. All sexual assault evidence kits impounded as part of a sexual assault investigation will be retained and submitted for laboratory analysis. The investigating detective in charge of the case will submit a service request in PLIMS for the evidence to be analyzed by the Crime Laboratory. (Note: This does not apply to Anonymous sexual assault kits, as they are impounded as Found Property and not evidence.)

   Sexual assault evidence kits attached to a criminal investigation will be retained indefinitely due to their evidentiary value and may not be destroyed, even after the case is closed.
L. Case File Items may be checked out to case file. Items checked out to case file will show as disposed from PLIMS. The name, assignment and signature of the Officer/Investigator taking custody of the items will be recorded in PLIMS.

M. Transferring Evidence from Storage to Court

1. When it is expected that evidence taken from the Property and Evidence Management Division will be held by the Court, the following procedure will be followed:
   a. After the officer obtains custody of evidence from the Property and Evidence Management Division, the Property Technician transferring the item will print the Property and Evidence Out to Court Document. This document will be given to the officer. The officer will transport the evidence and document to court.
   b. If the items are held in evidence the officer will have the presiding Judge, the Clerk of Court, or the District Attorney sign the Property and Evidence Out to Court Document indicating which items are being held.
   c. The officer will return the signed Property and Evidence Out to Court Document to the Property and Evidence Management Division.
   d. The Property Technician receiving the document will attach the document to the PLIMS case and change the status of the appropriate items to Release to Clerk of Court.

2. When items of evidence are released by the Court (following disposition of a case), the following procedures will apply:
   a. The Clerk of Court will notify the Property and Evidence Management Division that they have items that are ready to be released back to the assigned investigators agency.
   b. The Clerk of Court will provide a court order indicating what to do with the items that are being returned to the agency (i.e. Return to Owner or Dispose).
   c. When the items are returned to the Property and Evidence Management Division a Property Technician will scan the court order into the appropriate PLIMS case and process the returned items based on the direction of the court order.
   d. Items that are returned to the Property and Evidence Management Division that were never entered as evidence will be destroyed and the court order authorizing the destruction will be kept on file. Examples of this include poster boards, printed photos for displays, etc.

IV. REFERENCE
<table>
<thead>
<tr>
<th>Interactive Directives Guide</th>
<th>Evidence Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date 04/25/2018</td>
<td>4 of 4</td>
</tr>
</tbody>
</table>

700-001 Submitting Impounded Property
700-006 Laboratory Analysis of Evidence
CALEA
I. PURPOSE

The purpose of this directive is to establish a procedure for how found property is submitted to the Property and Evidence Management Division of the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY

To establish procedures for the handling and disposition of found property in the possession of CMPD.

III. DEFINITIONS

A. Found Property: Non-evidentiary property in the custody of CMPD that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.

B. Property for Safekeeping: Non-evidentiary property placed into temporary custody of CMPD for the purpose of safeguarding for a rightful owner. Property for which the rightful owner is known at the time the property is impounded will be categorized as “Safekeeping” in the PLIMS.

C. PLIMS: The Property & Laboratory Information Management System (PLIMS) is the electronic system used by CMPD for documenting all property. It will track the Chain of Custody from intake, laboratory examination and disposition of all property in CMPD custody.

IV. PROCEDURE

A. When submitting an item to the Property and Evidence Management Division as found property, it will be entered into PLIMS. An employee will determine if an item has potential value for the average person. Items which are worthless, or which appear to have been discarded should not be impounded.

B. Illegal drugs found by an employee will be submitted to the Property and Evidence Management Division and should be destroyed as soon as possible, unless it has evidentiary value.

C. Found property will be returned to the owner if the owner is known and can be located, with the exception of illegal drugs or contraband.

D. Found property that remains unclaimed for a period of sixty (60) days will be disposed of pursuant to G.S. § 15-14.1. Found firearms that remain unclaimed for a period of one hundred eighty (180) days will be disposed of pursuant to G.S. § 15-11.2.

E. All found or otherwise recovered unregistered motorcycles, ATVs, and mopeds will be turned in to the Property and Evidence Management Division if the officer is unable to determine ownership at the time of recovery. The officer will request Communications
to dispatch a zone wrecker, which the officer will accompany to the Vehicle Evidence Lot to store and secure the vehicle.

V. REFERENCE

700-001 Submitting Impounded Property
700-004 Release of Property
N.C.G.S. 15-14.1
S.L. 2002-92
N.C.G.S. 15-11.2
This policy was last effective on 6/26/2019
I. PURPOSE
To provide guidelines for the release of impounded property to the proper owner.

II. POLICY
When impounded property is no longer required to be held, it shall be released to the rightful entity pursuant to described procedures and any legal requirements.

III. DEFINITIONS
A. Investigating Officer: The officer assigned to the case in KBCOPS. This Officer is responsible for the disposition of the property.

B. PLIMS: The Property & Laboratory Information Management System (PLIMS) is the electronic system used by the Charlotte Mecklenburg Police Department for documenting all property. It will track the Chain of Custody from intake, laboratory examination and disposition of all property in CMPD custody.

IV. PROCEDURE
A. In order for evidence to be released, the Property and Evidence Management Division must have an authorization for property release, a status change in PLIMS approved by a supervisor, or an associating document signed by a District Attorney or Judge. The release of found property and safekeeping only requires a status change of ready to release to owner in PLIMS. Approval of a supervisor is not required for the release of found property.

B. The officer's supervisor is responsible for reassigning property impounded by/or assigned to an officer who has separated from the department.

C. When possible, an officer should give the person to whom the property is to be released the complaint number of the case under which the property is filed.

D. Investigating officers, officers in charge of cases, or employees impounding property are responsible for making a reasonable attempt (i.e., checking serial numbers through N.C.I.C., talking to witnesses, etc.) to determine the name and complete address of the owner of found property and evidence, and for entering that information in PLIMS. It is the responsibility of the impounding employee or investigating officer to determine the correct owner or the person who should receive found property or evidence. Proper disposition of impounded property is a responsibility shared by the impounding employee and Property and Evidence Management Division personnel.

E. Firearms and fired evidence should not be released or destroyed unless or until all analyses and investigations are complete or it becomes legally necessary.

F. The Property and Evidence Division will ensure that final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied.
IV. REFERENCE

700-001 Submitting Impounded Property
700-002 Evidence Management
700-003 Found Property
700-005 Disposition and Release of Evidence in Non-Productive Cases
I. PURPOSE

To provide guidelines for the proper disposition of items in felony and misdemeanor cases that are of no value to the investigation and the disposition of items where a suspect has not been timely identified in misdemeanor cases.

II. PROCEDURE

A. In any case when it becomes apparent that evidence being held is of no value and will not contribute to the investigation of the case, the evidence should be disposed of using the following criteria:
   1. The evidence in question could not specifically identify a suspect.
   2. No suspect has been developed and there is no likelihood that one will be developed.
   3. No circumstances exist which would justify retaining the evidence.
   4. The supervisor of the officer or investigator concurs with the decision to dispose of evidence.
   5. Once it is determined that the property is of no value to the case, the property in question will be released to the rightful possessor, excluding contraband or illegal items which must be destroyed. In the event that property is not claimed by the person entitled to it, the items will either be disposed of or advertised and sold at an auction.

B. Misdemeanor evidence that was collected in cases where no suspect is known can be disposed of after three years.

C. Misdemeanor evidence (excluding misdemeanor evidence from DWI’s, Domestic Violence, Misdemeanor Death by Vehicle, and Sexual Assaults) in cases that have been dismissed with leave, can be disposed of after five years.

D. Several qualifications for release of evidence are applicable at all times.
   1. Exceptions can be made in any case when reason exists for keeping evidence longer than the prescribed time.
   2. Due to the simplicity of storage and their value for future reference, fingerprint evidence will be maintained permanently.

E. The Property and Evidence Division will ensure that final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied.

III. REFERENCE

700-002  Evidence Management
700-006  Laboratory Analysis of Evidence
700-004 Release of Property
March 30, 2017 Memorandum from District Attorney Andrew Murray titled “RE: Handling of Misdemeanor Evidence”
I. PURPOSE

To establish guidelines for requesting forensic analyses of physical evidence from the Crime Laboratory in order to provide for evidence integrity, continuity, and documented chain of custody.

II. DEFINITIONS

A. AFIS – IAFIS: The Automated Fingerprint Identification System is a State and Federal automated fingerprint identification system maintained by the State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI). AFIS-IAFIS provides automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses. These systems allow us to quickly search for potential contributors of latent fingerprint impressions.

B. Buccal swab: Known cheek scraping collected from an individual relevant to the case submitted as either a suspect standard or for elimination purposes.

C. Combined DNA Index System (CODIS): FBI managed database of DNA profiles including casework and convicted offender samples.

D. Elimination Standard: Known DNA sample from an individual other than the suspect that could potentially be linked to a crime scene or evidence item.

E. IBIS: Integrated Ballistic Identification System is the equipment that is used to acquire digital images of discharged cartridge cases for correlation in the NIBIN.

F. Investigating Officer: The officer assigned to the case in KBCOPS. This Officer is responsible for the disposition of the property.

G. NIBIN: National Integrated Ballistic Information Network is the database of digital images maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

H. PLIMS: The Property & Laboratory Information Management System (PLIMS) is the electronic system used by the Charlotte- Mecklenburg Police Department for documenting all property. It will track the Chain of Custody from intake, laboratory examination and disposition of all property in CMPD custody.

I. Touch DNA (or Contact DNA): Evidence that has no identifiable body fluid and could contain DNA only as a result of touching an item with the skin.

III. PROCEDURE

For the purpose of this directive, the “investigating officer” will be defined as the person assigned as the primary investigator as indicated in the KBCOPS case assignment history.

A. The investigating officer may request laboratory analysis by properly completing the Service Request function in the PLIMS application.

B. All evidence shall remain in the Property and Evidence Management Division until requested by Crime Laboratory personnel.

C. Sexual Assault Cases
1. The first submission in sexual assault cases will be limited to the sexual assault evidence kit and any associated known standards, if applicable.

2. If the kit produces a DNA profile foreign to the victim, no additional items will be accepted for DNA testing unless case circumstances (such as multiple suspects or the DNA detected is attributable to a consensual partner) dictate the need for additional processing.

3. If the kit is negative, additional items such as clothing or bedding may be submitted in a separate request.

4. Depending on case circumstances, additional evidence items may be submitted as part of the initial request after consultation with Biology Section staff.

D. Touch DNA (or Contact DNA)

1. Touch DNA evidence will be processed only in violent crime cases. Exceptions may be made with prior approval for cases of significant interest to the department and cases that are part of a series or suspected of being related (same suspect(s), MO, date/time, location or other factors). Evidence other than touch items will be considered for testing prior to accepting touch DNA samples if available.

2. Touch evidence in violent crimes will be considered after consultation with the officer assigned to the case.

3. Elimination standards from all victims and individuals with access to the area that the touch DNA sample was taken must be submitted prior to touch evidence being tested for DNA.

4. Swabs from public areas or areas where all known individuals with access to that area cannot be eliminated will not be tested for touch DNA due to the high likelihood of mixtures with limited or no identification value.

E. DNA Testing in Firearms Related Cases

1. Requests for DNA testing in non-violent firearms related cases will be reviewed by the Firearms Enforcement Unit. Requests in cases where possession of the firearm is in question will be placed in a hold status until the Crime Lab is notified by the supervisor of the Firearms Enforcement Unit to proceed with DNA testing. The Firearms Enforcement Unit will evaluate factors such as the involvement of prolific offenders, criminal history and the likelihood of prosecution when determining which cases will go forward with DNA testing.

2. The gun and magazine are the only items that will be processed in possession cases. Ammunition will not be tested for DNA in non-violent crimes since possession of live ammunition alone will not result in criminal charges.

3. Items taken from an individual will not be processed when possession of the item is not in question or possession can be established by other means such as eyewitness account or video.
F.  Fired Evidence
   1.  Fired evidence will not be processed for DNA, except in homicides when there is no
       other evidence to identify a suspect or link an individual to the scene.
   2.  Fired evidence may be swabbed for future DNA analysis, but will not be tested unless
       the request is reviewed and approved by the Investigation Division’s chain of
       command.

G.  Combined DNA Index System (CODIS) Submissions
   1.  Unknown DNA profiles developed as a result of DNA testing must meet the following
       criteria in order to be entered into CODIS:
       a.  The profile must originate from and/or be associated with a crime scene;
       b.  There must be a direct link between the evidence being tested and a suspect.
   2.  The following are not eligible for CODIS entry:
       a.  Victim profiles;
       b.  Profiles from individuals expected to be linked to a scene or item (ex. homeowners, family members, items removed from a person);
       c.  Items retrieved from a person or a person’s property when the intent is to link
           that person to the item;
       d.  Possession of Firearm by Felon cases. DNA profiles from possession cases
           can be compared to known standards but cannot be submitted to CODIS.
   3.  The submitting officer must provide sufficient information regarding the origin of the
       evidence items for the lab to make a determination regarding CODIS eligibility using
       the criteria above.
   4.  CODIS eligibility of potential DNA samples will be considered when evaluating
       whether or not a request will be accepted for DNA testing, especially in cases where
       no suspect has been identified or when DNA testing (and the resulting CODIS entry)
       is intended to provide an investigative lead.
   5.  If a CODIS match is made, the Crime Lab will request a known standard from that
       individual for comparison to the evidentiary DNA profiles. This allows the Crime Lab
       to directly compare the individuals known profile to the profile from the evidence item.
       The CMPD Crime Lab does not have access or chain of custody rights to any DNA
       profiles that were generated by the North Carolina State Crime Lab.

H.  Latent fingerprints shall be submitted daily by the Property and Evidence Management
     Division. Latent fingerprints of value shall be maintained or archived by the Latent
     Fingerprint Unit.
1. Latent prints received are evaluated as to their quality upon receipt. All AFIS quality latent prints are searched in the State AFIS as they are received. If a suspect is identified, the submitting officer will receive an identification report via email link, usually within several days after the prints are received. Notifications of AFIS entries with negative results will have an AFIS Entry Search Record form attached to the Case file in PLIMS. A Service Request is not required to evaluate and enter AFIS quality prints.

2. Officers may submit a direct comparison request to compare latent prints of value to a known suspect if the suspect has a PID or State ID number. Those individuals without numbers cannot be compared unless they are brought in and submit elimination prints or known standards are obtained by the investigating officer.

3. Physical evidence may be submitted for latent print processing. Drug evidence processing requests must come from the District Attorney’s office or directly from the drug unit.

I. Tests from applicable firearms and applicable discharged cartridge cases will be entered in the Integrated Ballistic Identification System (IBIS)/National Integrated Ballistic Information Network (NIBIN). A service request is not required for IBIS/NIBIN entry (exceptions noted below).

1. IBIS/NIBIN entry will be automatic for semiautomatic firearms chambered for 380 Auto, 9mm Luger, 40 S&W, and 45 Auto calibers. Semiautomatic pistols chambered for other calibers not previously noted, semiautomatic rifles chambered for 7.62x39mm Russ and 223 Rem calibers, and 12 Gauge shotguns can also be submitted for IBIS/NIBIN entry, but will require a service request.

2. Officers must submit a service request for firearms that are evidence in homicide, sexual assaults, robbery, ADW with injury, OIS cases, or when a direct comparison to fired evidence is needed.

3. Discharged cartridge cases of applicable calibers submitted as evidence in shooting incidents (e.g. SIOD, DTP, ADW) will automatically be screened by the Firearm section. Suitable representative samples will be submitted for IBIS/NIBIN inclusion. Cases in which a same caliber firearm is also included will be the exception and will require a service request for analysis.

4. Notifications of IBIS/NIBIN entries will be attached to the Case Information tab in PLIMS.

5. The assigned officer will receive a report via email link of any association made due to IBIS/NIBIN searches.

J. The investigating officer must provide as much information as possible about the relationship of the evidence to the facts of the case and what needs to be established through evidence analysis. This information is entered into PLIMS in the Create Request field of the Service Request Function.
K. Crime Laboratory analyst may contact investigating officers to obtain clarification or additional information regarding evidence analysis.

L. Case priority, analytical procedures, processing sequence, techniques and methodology, shall be determined by the analyst or their supervisor. See the Crime Lab Priority SOP for requests to expedite testing.

M. The chain of custody of evidence is tracked through the PLIMS application.

N. The investigating officer shall immediately notify the Crime Laboratory, followed by a written supplement or e-mail, if for any reason a requested laboratory analysis becomes unnecessary or if there are changes in the case, which should modify, terminate or expedite laboratory work already in progress.

IV. REFERENCES
700-001 Submitting Impounded Property
700-002 Evidence Management
700-003 Found Property
700-004 Release of Property
700-005 Disposition and Release of Evidence in Non-Productive Cases
Crime Lab Priority SOP
The DNA Identification Act of 1994 (42 U.S.C. §14132)
National DNA Index System (NDIS) Operational Procedures
FBI’s Quality Assurance Standards for DNA Testing Laboratories
I. PURPOSE

To establish procedures for the lawful seizure and disposition of property confiscated as evidence from a pawn shop.

II. PROCEDURE

A. Property impounded (i.e., voluntarily or involuntarily seized) from a pawn shop will be seized only when there is probable cause to believe it is evidence of a crime. All property seized from a pawn shop will be submitted to the Property and Evidence Management Division for storage according to the terms and provisions of this directive and directives 700-001 and 700-002. Officers impounding evidence from a pawn shop will do the following:

1. Determine whether probable cause exists that the particular property in question is evidence of a crime. The following factors will be considered in determining whether there is probable cause to believe the property is evidence of a crime:
   a. Positive identification of the property by the victim of a reported crime; or
   b. Identifying information connecting the property in the pawn shop to a particular crime, such as a serial number or other mark; or
   c. Information connecting a particular suspect pawning the property to a particular crime.

2. The investigating officer with probable cause to seize an item from a pawn shop as evidence of a crime will direct the victim or reporting person not to be present at the pawn shop when evidence is impounded. A victim or reporting person will be advised that property seized from a pawn shop is held by the department as evidence in a criminal case and will be released pursuant to the terms and conditions of this directive.

3. Under certain limited circumstances an investigating officer may utilize a "Hold" procedure. The "Hold" procedure is a voluntary agreement between the department and the pawn shop to hold an item for thirty (30) days at the pawn shop prior to selling it. The following examples are provided as appropriate circumstances for utilizing the voluntary "Hold" procedure:
   a. The officer has probable cause to seize the property, but the size or weight of the property presents a problem for the department in transporting and storing the property in the Property and Evidence Management Division; or
   b. The officer does not have probable cause to seize the property at this time, but has at least reasonable suspicion to suspect the property may be evidence of a crime and that probable cause may develop with an additional thirty (30) days to investigate the case.
4. The investigating officer will ask for the consent of the pawn shop to voluntarily release the property. If the pawn shop voluntarily consents to release the property, a Property Report Form, Consent to Search Form, and an Inventory of Seized Property Form will be completed, and copies of each form provided to the pawn shop representative.

5. If the pawn shop does not voluntarily consent to release the property, the officer will secure a search warrant prior to seizing the property. The search warrant will be executed and the property impounded as evidence by the officer assigned to the case. A copy of the search warrant, the Property Report Form, and an Inventory of Seized Property Form will be completed and copies provided to the pawn shop representative.

6. The Pawn Shop Unit will assist investigating officers with impounding property from a pawn shop when requested.

7. In the course of an investigation involving evidence of a pawn transaction, the investigating officer must submit the pawn ticket for a fingerprint comparison.

8. If a case is presented for prosecution, the investigating officer will obtain and present a written statement from the pawn shop employee who accepted the property for sale and a copy of the pawn ticket. The written statement must provide the District Attorney with available identifying information about the person who pawned the item. The statement may include a request for restitution from the pawn shop.

B. Disposition and Release of Pawn Shop Evidence

All property impounded from a pawn shop will be entered into PLIMS. Once the property is entered into the system, the system will automatically generate a status for the item. Once it is determined that the item is no longer needed as evidence in a criminal case, the investigating officer will complete a status change in PLIMS of “Ready to Release to Owner” and associate the owner. The property will be released to the owner unless the investigating officer determines there is evidence of fraud on the part of the owner in reporting the crime, there is a court order directing the disposition of the property to another person, or the victim refuses to prosecute the suspect. Property seized from a pawn shop will be held by the department for 90 days from the date of the pawn unless there is a court order specifying an earlier date to release the property. Property seized from a pawn shop as evidence of a crime will be released as follows:

1. Property seized from a pawn shop and held as evidence in a felony prosecution.

When a felony case is presented for felony screening, the officer presenting the case shall request the Assistant District Attorney papering the case to authorize the release of the evidence per departmental policy on the District Attorney Property Disposition Form (A-73-PD). Before completing a status change of ready to release to owner in PLIMS, the officer papering the case will
photograph the property and maintain copies of the photographs as evidence per directive 700-001; or

2. Property seized from a pawn shop and held as evidence in a misdemeanor prosecution.

If a warrant is signed for the prosecution of a misdemeanor crime, the officer in charge of the case will request the District Attorney’s Office to authorize the release of the property per departmental policy pending the final disposition of the case. Prior to completing a status change of ready to release to owner in PLIMS, photographs will be taken and maintained as evidence per directive 700-001;

3. Property seized from a pawn shop and held as evidence for a time period of 90 days in PLIMS will be released if no suspect has been identified to prosecute for a crime involving the property.

4. After 90 days, if an officer assigned to investigate a crime involving property seized from a pawn shop has not identified a suspect to charge with the crime, the officer will request a status change in PLIMS of ready to release to owner and send it to their supervisor for approval.

C. Enforcement of the Pawn Shop fingerprint ordinance.

1. Violations of the ordinance are to be referred to the Pawn Shop Unit for investigation.

2. The Pawn Shop Unit will document alleged violations of the Pawn Shop fingerprint ordinance in KBCOPS.

D. Retention schedule for pawn tickets

Pawn tickets will be retained by the Pawn Shop Unit for one year.

III. REFERENCES

700-001 Submitting Impounded Property
700-002 Evidence Management
I. PURPOSE

To establish guidelines on how seized currency is impounded into the Property and Evidence Management Division of the Charlotte-Mecklenburg Police Department (CMPD), and to establish the steps necessary for the evidence to be considered for forfeiture by State or Federal agencies.

II. POLICY

Sworn police officers with CMPD are authorized to seize currency and other items of value as evidence of a crime. After the evidence has been impounded, the Asset Forfeiture Unit will review the case and determine if the items of value are eligible for forfeiture by various Federal agencies or seizure by the North Carolina Department of Revenue for payment of unauthorized substance tax assessments.

III. DEFINITIONS

A. Property: Items that are not legally owned by CMPD, which are seized, collected, turned over, or held within CMPD custody for the purpose of safe keeping, investigation, forfeiture, or identification.

B. Chain of Custody: The chronological documentation, showing the seizure, custody, control, transfer, analysis, and disposition of physical or electronic evidence.

C. Found Property: Non-evidentiary property coming into the custody of a law enforcement agency that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.

D. Property & Laboratory Information Management System (PLIMS): The electronic system used by CMPD for documenting all property. It will track the Chain of Custody from intake, laboratory examination, and disposition of all property in CMPD custody.

E. Property for Safekeeping: Non-evidentiary property placed into temporary CMPD custody for the purpose of safeguarding for a rightful owner. Property where the rightful owner is known at the time the property is impounded will be categorized as “Safekeeping” in PLIMS.

F. Evidence: Any item seized as part of a criminal investigation.

G. Collecting Officer: The individual responsible for the physical collection and packaging of property.

H. Booking Officer: The individual responsible for the data entry and documentation of collected property, as well as the physical action of turning over the property to the Property and Evidence Management Division.

I. Investigating Officer: The officer assigned to the case in KBCOPS. This Officer is responsible for the disposition of the property.
J. Service Requests: A function of PLIMS where the investigator assigned to the case submits lab requests for items that need to be analyzed.

K. End of tour of duty: The end of the shift the booking officer is assigned to the day the evidence is seized.

L. Unauthorized Substance Tax: An excise tax on controlled substances (marijuana, cocaine, etc.), illicit spirituous liquor ("moonshine"), mash and illicit mixed beverages. The tax is due by any individual who possesses an unauthorized substance upon which the tax has not been paid, as evidenced by a stamp.

IV. PROCEDURE

A. Currency Amounts

1. Less than one thousand dollars ($1000) impounded or seized under any circumstances by employees:
   a. Will be entered into PLIMS and turned in to the evidence lockers located at the nearest division office or the Property and Evidence Management Division for storage no later than the end of the tour of duty during which it is impounded.
   b. Require that the currency be recounted and verified by a second officer or supervisor. The verifying officer or supervisor will be prompted to enter their code number and password in PLIMS.

2. Greater than one thousand dollars ($1,000.00) impounded or seized under any circumstances by employees:
   a. Will be entered into PLIMS and turned in to the Property and Evidence Management Division window or the safe located in the evidence locker area at the CMPD Headquarters Building.
   b. Require that the currency be recounted and verified by a supervisor or unit commander. The verifying supervisor will be prompted to enter their code number and password in PLIMS.

B. Under no circumstances will an employee store impounded property in a location other than the evidence lockers or Property and Evidence Management Division.

1. Cash, currency and other negotiable instruments will be impounded as “Evidence,” “Found,” or “Safe Keeping”.

2. Cash, currency and other negotiable instruments shall never be impounded for “Asset Forfeiture” or for payment of the North Carolina Unauthorized Substances Tax ("drug tax") law.
a. State law provides that only an agent of the North Carolina Department of Revenue or a Sheriff may collect Unauthorized Substance Tax assessments.

b. CMPD officers are not authorized to seize money from individuals for payment of any outstanding unauthorized substances (“drug”) tax assessments.

3. The responsibility for accurately counting all currency and coinage entered into PLIMS rests solely with the booking Officer and the verifying officer.

4. A currency or coin counter may be utilized to verify the booking officer’s count, however, a currency or coin counter shall not be relied upon in place of a hand count.

5. It is required that the counting of all cash (currency and coins) be witnessed by a second officer.

6. Prior to being submitted to the evidence lockers or Property and Evidence Management Division, all:

   a. Currency

      1) Will be separated and grouped together by denomination (i.e. $1, $5, $10, $20, $50, and $100 bills).

      2) Will be laid flat and not be folded in any manner.

      3) Will be oriented with the facial portraits facing in the same direction.

   b. Coins (large quantities of mixed denomination)

      1) Will be separated by denomination (1¢, 5¢, 10¢, 25¢, 50¢ and $1 coins).

      2) Each denomination of coin will be placed in separate small envelopes (by denomination) within the main evidence envelope.

   c. The amount of each denomination will be documented in PLIMS, and the total calculated by the officer will be entered.

7. The booking officer will complete all calculations and indicate the grand total of the cash impounded in the field labeled “Current Value” in PLIMS.

8. Discrepancies in the amount of cash seized and the amount of cash reported in PLIMS, may result in a criminal and/or internal investigation.

9. Foreign currency and coins seized as evidence, found, or safekeeping should be reported as above.
10. Food stamps, travelers' cheques and similar items that are not easily negotiated should be handled as any other paper evidence.

11. Collector’s currency and coins, such as proof sets or gold coins that are packaged for display, will be reported in PLIMS as a separate item from other seized cash.

C. If currency is seized from more than one individual in the same case, the currency from each individual should be packaged separately and listed as a separate item number in PLIMS. The person the currency was impounded from, the amount impounded from each individual, and the location of impound should also be documented in KBCOPS.

D. The Federal Narcotics Task Force supervisor shall be notified when cash, with a drug nexus, in excess of $15,000.00 is seized.

E. For cases involving seized drugs, if the seizure includes taxable quantities of controlled substances, the booking officer shall properly complete as many Form BD-4’s (“Report of Arrest and/or Seizure Involving Non-tax paid (Unstamped) Controlled Substances”) as required (i.e., multiple drugs require multiple forms; multiple co-defendants require multiple forms), and submit them electronically via e-mail to the Asset Forfeiture Unit within 48 hours of the seizure [e-mail address “_CMPD ASSET FORFEITURE in the Outlook global address list]. “Taxable Quantities” of controlled substances are:

1. Marijuana – more than 42.5 grams.
2. Controlled substance sold by weight – 7 or more grams.
3. Controlled substance sold by “dosage unit” – 10 or more dosage units.

F. The electronic Form BD-4 (Drug Tax Form) may be located on CMPD’s portal main page under CMPD forms>Forms by name>Drug Tax Form.

V. REFERENCES

700-002 Evidence Management
700-003 Found Property
700-004 Release of Property
700-005 Disposition and Release of Evidence in Non-Productive Cases
700-006 Laboratory Analysis of Evidence
I. PURPOSE

To provide employees with guidelines about the use, access and release of records and other information in the possession of the Charlotte-Mecklenburg Police Department (CMPD) and to distinguish public records from confidential information.

II. POLICY

North Carolina law provides that records of criminal investigations and criminal intelligence information are confidential. Certain information is public record with respect to criminal investigations and personnel and is required to be released in accordance with North Carolina law.

III. DEFINITIONS

A. Public Records: All documents, papers, letters, maps, books, photographs, films, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

B. Department Information: Any information accessed or maintained by CMPD including personnel information and information generated by other certified law enforcement agencies/government agencies and information available for use by CMPD employees.

C. Records of Criminal Investigations: Records or any information that pertains to a person or group of people that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information or electronic evidence derived from victims or witnesses, laboratory tests, surveillance, detective work, confidential informants, photographs and measurements.

D. Agency Recordings: Any video/audio recording operated by or on behalf of the department to include Body Worn Cameras, Digital Mobile Video Recordings, Traffic/Real Time Crime Center Cameras, but not to include interrogations or interviews of witnesses or suspects, or recordings that are part of an internal investigation.

E. Records of Criminal Intelligence Information: Records or information that pertains to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent or monitor possible violations of the law.

F. Personnel Records: Any information, in any form, gathered by the City with respect to an employee and, by way of illustration but not limitation, relating to an employee's application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary and termination of employment. The term "employee" includes former employees of the City. This includes disciplinary files (including Response to Resistance materials) maintained in the CMPD Internal Affairs Bureau, Human Resources, or in the Division.
IV. PROCEDURE

A. CMPD employees must observe security measures in order to maintain the privilege of using available information sources.

B. The disclosure of criminal record or history information shall be only to members of authorized criminal justice agencies who have an official need for such information and in compliance with the restrictions set forth by the Division of Criminal Information (DCI). Violation of National Crime Information Computer (NCIC) or Division of Criminal Information (DCI) security measures could result in the termination of CMPD’s participation in Federal and State networks and denial of access to those networks.

C. Agency Recordings are not public records as defined by G.S. 132-1 and are not personnel records as defined in Part 7 of Chapter 126 of the General Statutes, G.S. 160A-168, or G.S. 153A-98. Recordings shall be released or disclosed only as provided by Chapter 132 of the General Statutes, GS 132-1.4A.

V. ACCESS TO DEPARTMENT INFORMATION

Employees may access department information, including police, public personnel information, NCIC, DCI and any other county or city database only for the intended purpose, on a justified law enforcement basis. Access and subsequent release of such information should be in accordance with all laws and CMPD procedures.

This does not restrict any employee from obtaining information that would be available to any citizen. However, when acting in a non-law enforcement capacity, the employee must access such information in the same manner and under the same procedures as a citizen.

VI. USE OF INFORMATION

A. Use and Release of Department Information

1. All personal “identifying information” as defined by G.S. 14-113.20 (b) shall be confidential and not a public record.

   a. Identifying information includes an individual’s name, address, telephone number, driver’s license number, social security number, medical or disability information, biometric data, or any other information that identifies an individual.

   b. Identifying information shall not include electronic identification numbers, electronic mail names or addresses, internet account numbers, internet identification names, parent’s legal surname prior to marriage, or driver’s license numbers appearing on law enforcement records.
2. Employees will not request or run a Computerized Criminal History (CCH) without a justified law enforcement need. Legitimate purposes would be the investigation of an active case or conducting a background investigation for law enforcement employment. Employees will not disseminate CCH to non-criminal justice persons, or to criminal justice personnel without an official need.

3. Employees will not request and/or run a Driver's History or DMV inquiry without a justified law enforcement need, nor should employees disseminate Driver's History information unless authorized by CMPD policy or by law.

4. No employee shall collect a Social Security Number (SSN) from an individual unless authorized by law to do so or unless the collection of the SSN is otherwise imperative for the performance of the duties and responsibilities. A collected SSN must be relevant to the purpose for which collected and shall not be collected until and unless the need for the SSN has been clearly documented.
   a. SSN and other personal identifying information must be segregated on a separate page from the rest of the record.
   b. When collecting a SSN, employees must provide the person with a statement of the purpose for which the SSN is being collected and used.
   c. Employees shall not communicate or otherwise make available to the general public a person’s SSN or other identifying information unless in accordance with a law enforcement record.

5. Employees will not release local arrest information except as set forth in G.S. 132-1.4 (c) offense information or warrant information pertaining to a criminal investigation except with justified law enforcement need, in accordance with proper procedures, or as otherwise required by law.

6. Employees will not allow citizens to view criminal investigative or criminal intelligence information on any CMPD computer screen or electronic device. This information is for law enforcement purposes and is not a public record.

7. Employees will not disseminate records of criminal investigations, including electronic evidence derived from victims or witnesses, for any reason other than legitimate law enforcement purposes without approval by a Deputy Chief.

8. Employees working secondary employment should use information systems for law enforcement use on a justified basis only. Employees may provide information considered public record to secondary employers when the information is obtained while off duty and through public access. To secure information considered a matter of public information for secondary employers, an officer must complete appropriate forms and follow the same procedures as any citizen would follow.
9. Officers, including detectives, are not to discuss a case with other officers who do not have a legitimate need for the information.

10. CMPD has access to databases of other departments. This information does not belong to CMPD. No access or dissemination should be made of this information without legitimate law enforcement need or as required by law in the event the information is public record.

B. Information That May Be Released

1. Requests for unpublished crime statistics will be referred to the Public Affairs Office. The Public Affairs Office will evaluate the request, respond pursuant to this directive, and consult with the Police Attorney’s Office as needed.

2. The Chief of Police or designee will be notified immediately upon requests for the release of sensitive information, such as Officer-Involved Shooting information or In-Custody Death information.

3. Survey requests from sources/agencies outside CMPD will be referred to the Research & Planning Division for evaluation and response pursuant to this Directive.

4. Requests for information from criminal investigation files including traffic fatalities or any felony offense should be routed through the Police Attorney’s Office. The Police Attorney’s Office will determine what, if any, information can be released and under what circumstances.

5. Agency Recordings shall only be released as ordered by the Court, as required by Chapter 132 of the General Statutes, GS 132-1.4A.
   a. The Police Attorney’s Office shall notify the Public Affairs Director or designee upon receipt of the petition, upon a ruling by the Court and upon receipt of a Court order.

   The Public Affairs Office will coordinate with the Police Attorney’s Office regarding the date and time of release, as ordered by the Court.

   b. The Public Affairs Office will inform the City of Charlotte Communications and Marketing Department, so it can inform the appropriate City staff and elected officials.

C. Information that is considered a Public Record

1. The following types of Public Records can be accessed through CMPD’s website. Employees should assist citizens in providing this information when requested or referring them to www.CMPD.org to obtain the information themselves:
   a. Directives
b. Original Public Incident Reports

c. Public Traffic Crash Reports

2. Descriptions of found or unclaimed property which is scheduled to be sold at a public auction. Requests for this type of information should be referred to CMPD’s Property & Evidence Management Division.

3. CMPD is required by law to provide all CMPD records considered Public Records to citizens upon request. However, the law recognizes that some requests may require an inordinate amount of time or employee resources to collect and disseminate. CMPD is able to charge a fee for these types of requests. Therefore, any request for the following public records should be sent to the Public Affairs Office. Employees can ask citizens to send their e-mail request to cmpdpio@cmpd.org. The Public Affairs Office will coordinate with the Police Attorney’s Office to determine whether or not the request can be fulfilled in a reasonable amount of time and utilizing a reasonable amount of CMPD resources. The Police Attorney’s Office will work with the employee or Division who possesses the public record being requested or is considered the subject matter expert who is ultimately responsible for collecting the public record being requested.

a. Emails and correspondence that pertain to the transaction of public business.

b. The time, date, location and nature of a violation or apparent violation of the law reported to CMPD.

c. The name, sex, age, address, employment and alleged violation of law of a person arrested, charged or indicted.

d. The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons or pursuit and a description of any items seized in connection with the arrest.

e. The contents of "911" and other emergency telephone calls received by or on behalf of CMPD, except for such contents that reveal the natural voice, name, address, telephone number or other information that may identify the caller, victim or witness.

f. The contents of communications between or among employees of CMPD that are broadcast over the public airways.

1) Once 911 calls or radio traffic are approved for release, the Public Affairs Office will inform the City of Charlotte Communications and Marketing Department, so the appropriate City staff and elected officials may be notified.
2) The Public Affairs Office will coordinate the release of the approved recordings.

g. The name, sex, age and address of a complaining witness. CMPD shall temporarily withhold the name or address of a complaining witness if release of the information is reasonably likely to pose a threat to the health or safety of the witness or materially compromise a continuing or future criminal investigation or criminal intelligence operation. These situations include, but are not limited to the following:

1) A complaining witness in reported crimes of rape and sex offenses, crimes of domestic violence and for any crime when the complaining witness communicates the desire to have his or her name and address remain confidential. If the complaining witness is a juvenile victim, release of identifying information can be made only subject to the restrictions of this directive and State law.

2) In circumstances where the release of information, described in the above section VI.B.1-6, would jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future criminal investigation, CMPD may seek a court order through the Police Attorney’s Office to prevent disclosure of the information.

4. Employee personnel records

a. The following information is public record concerning present or former employees:

1) Name;
2) Age;
3) Date of original employment or appointment to the service;
4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the City has the written contract or a record of the oral contract in its possession;
5) Current position;
6) Title;
7) Current salary, the term “salary” includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the City;
8) Date and amount of each increase or decrease in salary with the City;
9) Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the City

10) Date and general description of the reasons for each promotion with the City; and,

11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the City. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the City setting forth the specific acts or omissions that are the basis of the dismissal.

12) The office to which the employee is currently assigned.

b. All information contained in a City employee’s personnel file, other than the information made public, is confidential and shall be open to inspection only in the following instances:

1) The employee or authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment and information concerning a medical disability, mental or physical that a prudent physician would not divulge to his patient.

2) A licensed physician designated in writing by the employee may examine the employee’s medical record.

3) A City employee having direct supervisory authority over the employee may examine all material in the employee’s personnel file.

4) By order of a court of competent jurisdiction, any person may examine such portion of an employee’s personnel file as may be ordered by the court.

5) An official of an agency of the government may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting an investigation of the employee’s tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
6) An employee may sign a written release to be placed with his file that permits the person with custody of the file to provide information specified to certain persons specified in the release.

7) For a complete list, refer to G.S. 160A-168 (c)

5. Release of any other personnel information must comply with N.C.G.S. 160A-168. Written correspondence provided to complainants in an internal investigation will be coordinated through the Internal Affairs Bureau and the Police Attorney’s Office. When appropriate, the Public Affairs Office will be notified to inform the City of Charlotte Communications and Marketing Department staff and elected officials.

6. Allowing others to have access to a personnel file or removing, copying or examining confidential personnel files constitute a Class 3 misdemeanor. Any person seeking personnel information concerning an employee or former employee will be referred to the Human Resources Manager or designee. Human Resources Manager or designee will notify the Police Attorney's Office and the Public Affairs Office.

VIII. REFERENCES

800-002 Media Relations
800-003 DCI Messages
18 U.S.C. 2721, et seq.
N.C.G.S. 7B-2901, 7B-3001, 7B-3100
N.C.G.S. 132-1.4
N.C.G.S. 132-1.10(b)(5)
N.C.G.S. 160A-168
I. PURPOSE

This directive is to provide Charlotte-Mecklenburg Police Department (CMPD) employees with guidelines concerning the release of information to the media across a variety of situations and circumstances, including criminal investigations, crime scenes, departmental policy, and personnel issues. It also guides staff in working with the media to coordinate the appropriate communication of timely and accurate information.

II. POLICY

CMPD recognizes that a spirit of cooperation and openness is an essential component in fostering the trust and support of the community it serves. It is generally appropriate to release information unless it would be detrimental to the investigation or prosecution of a crime, or is of a confidential nature according to personnel and public records laws. Department employees (who are the appropriate spokespeople on a particular issue) are expected to respond accurately and in a timely manner to media requests for information and shall not represent opinion as fact. Except for routine requests for information, department employees will notify the Public Affairs Director of any media requests they receive.

Any issues with the parameters of this directive encountered by either police personnel or media representatives should be reported in writing to the Public Affairs Director.

III. DEFINITIONS

A. On-Scene Interview: Short, usually on-camera, interviews conducted at the scene of a crime or other significant incident/event. The ranking officer (or designee) on the scene conducts this interview.

B. Public Records Requests: The request of any documents, papers, letters, maps, books, photographs, films, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. See 800-001.

C. Community/Media Event: Any event organized or sponsored by CMPD that is designed to attract substantial community and/or media interest; any event organized or sponsored by an outside organization that is designed to attract large crowds (e.g., Speed Street, July Fourth fireworks).

D. Public Affairs Director (PAD): The Public Affairs Director is the person who manages the Department’s internal and external communications programs, web site, social media, and media relations.

E. Public Affairs Sworn Commander: The sworn Commander assigned to Public Affairs who serves as the direct supervisor of sworn staff assigned to the Public Affairs Office. This person is also responsible for coordinating the release of public records requested by the media and others.
F. Public Information Officer (PIO): Officers assigned to Public Affairs who serve as a primary contact for the media, answer media inquiries, field requests for information, coordinate the release of information both via press releases, interviews and social media.

G. Investigating Officer: For the purpose of this directive, Officers in charge of an incident or event.

H. On-Scene Commander: For the purpose of this directive, an on-scene commander will be a person of the highest rank in charge of a scene or situation.

IV. PROCEDURE

A. The PAD will promote effective relations between the news media and CMPD by:

1. Assisting the media covering news stories at the scene of police operations;
2. Responding to scenes of major crimes, officer-involved shootings, protracted SWAT operations, high-profile incidents, and other scenes upon request of the commanding officer or when activities prevent sworn personnel from responding to media requests;
3. Preparing and distributing news releases;
4. Arranging for, scripting, and assisting at news conferences;
5. Coordinating and authorizing the release of information;
6. Coordinating the release of information with other public service agencies;
7. Working with CMPD divisions, units, and bureaus in identifying and developing newsworthy stories;
8. Fulfilling and managing public information requests;
9. Notifying the City Manager, Mayor, and City Council of significant issues and neighborhood, community, and media events.

B. The PIOs are not the only source of information from CMPD, however, PIO’s will serve as the primary contact for media. In addition to other responsibilities, these officers will:

1. Field media requests for information;
2. Be available for on-call responses to work with media;
3. Coordinate the release of information pertaining to reported crimes and CMPD operational activities 24 hours a day, 7 days a week.
4. Work with divisions, units, and bureaus to disseminate news and information.
C. The Investigating Officer in charge of an incident or event, in consultation with their chain of command, will release accurate information as soon as feasible, regardless of media deadlines. The officer may request assistance from a PIO or the PAD.

D. The Communications Supervisor, Operations Commander, Division Commander, or On-Scene Commander will notify the PAD/PIO of events and issues as outlined below. The PAD and/or PIO will coordinate the release of information and may respond to the scene under the following circumstances:

1. Major crimes or events of significant interest;
2. Homicides;
3. Serious injury to an officer or employee;
4. Serious or extensive damage to City property;
5. Any explosion or bomb threat requiring Bomb Squad response;
6. Incidents involving large groups of people (e.g., stadium, coliseum, park or tavern disturbances);
7. Officer involved shootings (except animal euthanasia);
8. Incidents causing, or likely to cause, unusual public concern or news media coverage (ex., terrorism related issues);
9. When the Command Center and/or Emergency Operations Center are activated.

E. The ranking officer (or designee) in charge at the scene in consultation with the PAD/PIO will determine whether on-scene interviews are appropriate. Only factual public information related to that incident will be released.

In incidents where other local, state, or federal law enforcement agencies are involved, all information to be released will be coordinated with those agencies.

F. As situations permit, the initial officer, the detective, or the supervisor most familiar with the incident will release information in question. If these persons are not available, questions should be directed to the employee of the next highest rank in that division, or to the Public Affairs Office.

G. Operations Command may request assistance from the on-duty PIO to manage media at a scene. Operations Command will ensure the PAD is notified of major events including officer-involved shootings, large-scale, or other high-profile incidents that generate significant news attention. Until the PIO or PAD arrives, Operations Command may designate an officer on the scene to direct media personnel to a safe location and assist with basic information requests.

H. Records Division personnel will supply the Press Tray with current reports each weekday morning except on holidays.
I. The Chief of Police or designee is responsible for the release of information concerning departmental personnel matters or discipline, and information about departmental plans, policies, or administrative changes.

J. Media Procedures at Crime and/or Accident Scenes
   1. Media representatives will not cross police lines unless the incident commander, or designee, has given prior approval and media personnel have proper escort.
   2. Media representatives are authorized to come within a reasonable proximity of crime scenes or other major events as long as their presence does not interfere with any police or rescue operation or function.
   3. Members of the news media may take pictures if they have a lawful right to be at the location. Police personnel will not prohibit photographers and videographers from fulfilling their tasks, provided the photographers are situated outside the secured area as delineated by the detective or supervisor until processing of the crime scene is completed.
   4. If broadcasting video or still photography of an active scene puts officers or citizens in any danger, officers will specifically request delays in publishing the images.
   5. News media representatives are prohibited from photographing individuals who are in custody inside Police Headquarters or other departmental facilities. Photographing individuals in custody outside the building is permitted. Prisoners will not be posed for photographers.

K. Procedures for Initiating Media Coverage or Responding To Media Inquiries and Requests
   1. Consult with the PIO or PAD before initiating media coverage of specific issues and events.
   2. Media representatives requesting a feature story interview or ride-along (excluding on-the-scene situations) with on-duty members of CMPD should first contact the PIO or the PAD. CMPD employees who receive direct requests for ride-alongs or interviews will contact the Public Affairs Office or refer the reporter/assignment editor to the Public Affairs Office.
   3. Once a request for a media ride-along is approved by the Public Affairs Office and service area or unit commander, the requesting media outlet is to complete and sign the Request for Ride-along form. Unless otherwise approved by the Public Affairs Director, all media ride-alongs are limited to two (2) hours.
   4. Media requests to accompany officers on “at risk” situations must be approved by the Deputy Chief of the affected division. An “at risk” situation is defined, but not limited to, planned incidents where there is a possibility that non-police personnel face a higher than normal risk of injury or harm. This also includes any
event that could require more than the standard police response to resistance to control the situation, such as a drug raid or tactical response intended to take the suspect by surprise. Media representatives will not accompany officers into a residence or on to private premises during the service of a search warrant and/or arrest warrant.

5. All requests for Public Records should be directed to the Public Affairs Office Commander assigned to the Public Affairs Office who will work with other divisions, including the Police Attorney’s Office, to coordinate responses to such requests. See 800-001.

V. REFERENCES

800-001 Use of Public Records and Departmental Information
800-003 DCI Access and Messages
City Policy ADM 5 Media Relations Policy/Protocol
CALEA
Interactive Directives Guide

DCI Access and Messages

Effective Date: 4/16/2020

1 of 5

I. PURPOSE

To establish procedures and guidelines for the use of DCI Terminals for Criminal Justice purposes and the certification of employees. To ensure the proper response requiring access to the Division of Criminal Information (DCI) network and to ensure the proper response to requests for service from other law enforcement agencies and the general public.

II. POLICY

A. DCI Certification is administered by the State Bureau of Investigation (SBI). Three levels or modules of certification are available. Module one (1): Inquiry; Module two (2): Criminal History; and Module three (3): Transaction.

All sworn officers below the rank of captain, are required to maintain their DCI certification in Module one (1), regardless of assignment. Civilian personnel assigned to the Communications Division, Records Division and Non-Emergency Police Services (NEPS) are also required to maintain their DCI certification in Module one (1) as long as they work in a position that requires them to have access to the DCI network. Certain personnel both sworn and civilian are required to have certification in Module two (2) for their assigned position. This determination shall be made upon request by the Terminal Access Coordinator for the Department.

B. All personnel that require DCI certification will be fingerprinted by the Recruitment Division of the Training Bureau. The fingerprints will be sent by Recruiting to the State Bureau of Investigation (SBI). The point of contact for return of the background investigation conducted by the SBI will be the CMPD Human Resource Division (HR). HR will be responsible for ensuring that the background report is received within thirty (30) days of submission of the fingerprints and will follow-up with the SBI should this not occur. The SBI background investigation verification form containing employee fingerprint cards and letter of fulfillment will be maintained by HR in the employee’s personnel file and available for audit by the SBI.

C. All personnel who require DCI certification or have access to DCI information must receive security awareness training within six (6) months of their date of hire or receiving DCI certification and at a minimum of once every two (2) years thereafter.

D. Law enforcement information sent or received through any DCI terminal is confidential and access to such information will not be granted to members of the general public.

III. PROCEDURE

A. DCI messages that are to be broadcast to all field personnel and were originally received through the DCI terminal located in Communications are automatically sent to the telecommunicator at the 911 Hang-up Call-back position for immediate broadcast.

B. The Communications DCI terminals are designated as the only twenty-four (24) hour terminals in Police Headquarters. Any DCI message received at any other terminal that is not specifically intended for that terminal will be forwarded to the Communications Division for dissemination through the DCI terminal.
C. When the DCI terminal receives a request for service, the DCI operator will determine if there is a need to place a call for service. The DCI operator will properly handle the request and document the response in the event a call for service is not required. The DCI operator shall record the date, time, officer name and specific request made by the officer for information. (i.e. tag to be run versus a criminal or driver history.)

D. Before contacting Communications personnel to request a call for service, the DCI operator will have sufficient information to submit a call for service request to include the name, address and telephone number of the party to be contacted; the purpose of the call, including the content of the message to be delivered; and the contact information from the requesting agency or person.

E. If there is any question concerning whether a DCI request for service requires immediate attention, the DCI operator will request the on-duty Communications supervisor, or in their absence, Operations Command, who will then determine if the request for service requires immediate action.

F. If the message requires immediate police response, the DCI operator will immediately send the request for service to the respective dispatch CAD terminal, and Communications personnel will enter a call for service.

   1. An officer will be dispatched to deliver the message to the intended recipient.
   2. Upon completion of the call, the assigned officer must complete a Miscellaneous Incident (MI) report through the Computer Aided Dispatch (CAD) system.
   3. The officer will notify the dispatcher and/or their field supervisor of their actions.
   4. When requested, the telecommunicator or the Communications supervisor will advise the DCI operator of the disposition, and any information from the call, if the original request for service was received through the Communications DCI terminal.
   5. Unlike a hit request, the DCI operator will not advise the requesting agency of all information gathered during the call.

G. Procedure for advising DCI/NCIC regarding Vehicles Stolen during an Armed Robbery and Other Felonies.

   1. Officers will notify the DCI/NCIC Hot Desk that a vehicle needs to be entered immediately into DCI/NCIC as stolen during an Armed Robbery or that a vehicle has been identified as being used in the commission of a felony.
   2. It is the responsibility of the officer taking the initial report to advise the DCI/NCIC Hot Desk of the information on the vehicle in these incidents as soon as possible upon receiving the tag, VIN, and/or the registered owner’s name, and the description of the vehicle; usually within thirty (30) minutes of arriving on scene.
3. Even if the tag and VIN are unknown, the registered owner’s name should be transmitted so that the dispatcher may query DMV for the vehicles registered to that individual and match it to the description given.

4. Method of notification will be by radio using the designated talkgroup. DCI Operators monitor this frequency 24/7, however, if there is difficulty reaching an operator call 704-336-2340.

H. Procedure for KBCOPS Incident reports routed to DCI KBCOPS.

1. When creating any KBCOPS Incident Report that contains stolen items with a serial number or a VIN in the Property Section of the report, and a dollar amount listed under stolen, the report will immediately be sent electronically to “56 Communications” (the DCI KBCOPS queue) for entry into NCIC at the time the report is “Submitted for Approval”.

2. Reports that need to be removed from NCIC need to have an Incident Supplement created for that report requesting the property be removed from NCIC and the recovered property section should be completed with the serial number/VIN and dollar amounts completed. Narrative Supplement reports do not get routed to “56 Communications” (the DCI KBCOPS queue).

I. Validation of NCIC Records by Investigating Officers.

1. Reports entered into NCIC must be validated by the officer assigned to the incident in Case Management. The validation is sent to the officers electronically by email ninety (90) days after the incident and then again one year from the first validation. Depending on the type of incident these validations could be required for up to five (5) years.

2. Validation can be accomplished by the Investigating Officer by creating a Narrative Supplement report. The Narrative Supplement should indicate that the victim was contacted and in the opinion of the investigating officer the records need to remain in or be removed from NCIC. Contact with the victim may be by letter, telephone, or in person.

3. The Narrative Supplement must then be submitted to the 56-RECORDS-DCI/HOTDESK for approval. Do not submit to the patrol division for approval.

4. Please indicate in the first line of the Narrative Supplement that “This supplement is submitted for NCIC Validation”.

J. Missing Persons – NCIC Entry Mandatory Guidelines.

1. Missing Persons regardless of age and missing under any circumstances must be entered into NCIC within two (2) hours of the basic information necessary for entry being obtained by the reporting officer. The method of notification to DCI and what information is considered necessary is listed below. The two (2) hour period begins when the basic information is received, not when the report is submitted for approval.
2. CMPD Officers are required to contact the DCI Hotdesk at 704-336-2340 or by radio on the designated talkgroup to provide the necessary information for NCIC entry of a Missing Person as soon as the “Basic Information” necessary for entry has been obtained. Basic Information for entry includes only the missing person’s name, race, gender, date of birth or age if DOB is unknown, and the location, date and time the person was last seen. Every effort should be made in the initial information to determine if the subject is armed. An NCIC entry can be made with this basic information.

3. All other information such as, clothing description if known, scars, marks, tattoos, mode and direction of travel if known, and possible reasons for being missing, while important are secondary and not initially necessary for NCIC entry. A photograph should be obtained and scanned into the Incident Report prior to submission for approval. Photographs subsequently obtained may also be brought to DCI to facilitate scanning the photo into NCIC.

K. Medical Information entered into NCIC.

1. NCIC now requires that a medical waiver be signed by the reporting person on Missing Person complaints where a medical or mental condition is relevant to the NCIC entry.

2. A Medical Release form is provided by the FBI to be included with the case file where medical or mental information is relative to the missing person and will act as means of facilitating the return or safety of the missing person and used by first responders coming in contact with the subject.

3. No medical or mental information on a Missing Person may be entered into the entry of an NCIC record without the inclusion of a Medical Release form provided by the FBI and signed by the parent, legal guardian, or next of kin. Without the signed form the information may not be entered.

L. Notification to the FBI Terrorist Screening Center (TSC) on an NCIC Hit.

1. Notification by officers to the TSC is mandatory when there is a Terrorist Watch List Hit received through NCIC.

2. If there is a delayed Hit, officers are requested to contact the FBI at 1-866-872-9001, and report as much information as possible to the answering agent.

IV. EMERGENCY MESSAGES

A. Delivering emergency messages is a legitimate law enforcement function. Requests for the delivery of emergency messages may be received from the general public as well as other law enforcement agencies, hospitals, etc. CMPD will honor requests of the following nature:

1. Situations that pose a threat to the individual safety of the message recipient or others (requests to “check on the welfare”); or

2. Notification of serious illness, injury or death.
B. Reasonable attempts will be made to deliver such messages to the intended recipient.

V. FUGITIVE WARRANT SERVICE

A. All DCI requests must specifically state whether the inquiring agency will extradite on a fugitive warrant. The Violent Criminal Apprehension Team (VCAT) should be contacted before attempting to serve the warrant when the offender is wanted for a violent felony (Rape, Armed Robbery, Homicide, etc). If patrol officers cannot locate the fugitive, or a problem prohibits patrol officers from making the arrest, then VCAT should be notified for proper follow up.

1. Any officer making a fugitive arrest will submit a copy of the DCI "hit" before the end of their tour of duty. The ‘hit” will then be emailed by Communications DCI personnel to: vcat@cmpd.org.

2. The Mecklenburg County Sheriff’s Office will be responsible for facilitating the extradition process in Fugitive Court.

B. DCI messages that are fugitive related, but do not require an immediate response, will be forwarded to the VCAT Unit for appropriate investigation.

1. The VCAT Unit will maintain a file on any DCI message received for follow up investigation.

2. The VCAT Unit is responsible for notifying any unit within the CMPD that may have an interest in the subject.

C. The VCAT Unit is designated as the contact for law enforcement agencies requesting CMPD service regarding fugitive matters.

1. The requesting agency will be given the VCAT Unit Sergeant’s name, telephone number, and information regarding when they can reach the VCAT Unit Sergeant for additional assistance.

2. The VCAT Unit Sergeant is on duty Monday through Friday during first shift hours. The VCAT Unit Sergeant is available on a call back basis after normal business hours through the Operations Command as necessary.

VI. REFERENCES

Criminal Justice Information Services (CJIS) Security Policy Version 5.5 06/01/2016
CALEA
I. PURPOSE

To establish procedures and guidelines for the retention and disposal of records related to the official business of the Charlotte-Mecklenburg Police Department.

II. POLICY

The Charlotte-Mecklenburg Police Department must retain and dispose of its records as required by the Municipal Records Retention and Disposition Schedule published by the North Carolina Department of Cultural Resources’ Division of Archives and History. Records exist in many forms including e-mail, text messages, and attachments. All records, including e-mail are to be managed by their content.

III. DEFINITIONS

A. Electronic Mail (e-mail): The electronic transmission of memos, images, notes, linkages and attachments between computers.

B. Record: All documents, papers, letters, maps, books, photographs, films, audio recordings, magnetic or other tapes, electronic data-processing records, or other material, regardless of form, made or received, pursuant to the transaction of public business by the CMPD. North Carolina General Statutes § 132-1(a)

C. Users: All Departmental employees, volunteers, hire backs, interns, visitors, contractors, and all employees of other governmental agencies that have email accounts on the Department’s e-mail system.

D. Enterprise Vault: An electronic storage location where City e-mail is archived. All e-mail messages in the User’s Inbox and Sent folders for 30 days or longer are copied to the Enterprise Vault and kept there indefinitely.

IV. PROCEDURE

A. Retention of Records

1. Records must be retained for the length of time required by the Municipal Records Retention and Disposition Schedule. The Schedule categorizes records into 21 standards. Each standard contains a list setting different retention periods depending on the content of the record. Retention requirements for records pertaining to the CMPD are found in the following ten standards:

   Standard 1: Administrative and Management Records
   Standard 3: Animal Control and Shelter Records
   Standard 4: Budget, Fiscal and Payroll Records
   Standard 6: Emergency Services and Fire Department Records
   Standard 7: Fleet Maintenance Records
   Standard 8: Information Technology (IT) Records
   Standard 9: Law Enforcement Records
   Standard 10: Legal Records
   Standard 12: Personnel Records
Standard 15: Public Relations Records

2. Retention of records found in these ten standards must be completed according to the steps below:

   a. Retain Police Department Records as required by the Law Enforcement Records Minimum Retention Standards as published in the Municipal Records Retention and Disposition Schedule.

   b. Contact the Financial Management Division Manager with questions about fiscal and budget records.

   c. Division commanders will notify their Chain of Command and the Police Attorney’s Office if it becomes likely that any Departmental records will be involved in any litigation or formal investigation.

   d. For other records retention requirements, refer to the Municipal Records Retention and Disposition Schedule or contact the Police Attorney’s Office.

   e. The Retention Standard is periodically changed by the State of NC. For the most current version use the provided hyperlinks or go to the complete manual at:


B. Disposal of Records

1. Records contained in the Schedule may be destroyed after the specified retention periods. Records eligible for destruction must be shredded or destroyed by a firm contracted to provide this service to the CMPD.

2. The employee in possession of records that may need to be destroyed must contact the manager of CMPD’s Records Management Division to confirm that records are eligible for destruction. Any other questions regarding retention periods should be directed to the Police Attorney’s Office. The manager of the Records Management Division will make the necessary arrangements for the disposal of the records.

3. Original paper records that have been duplicated by electronic means may be destroyed before the retention period specified in the Schedule without further approval from the manager of the Records Management Division if:

   a. The electronic copy of the information containing the original record is maintained for the specified time;

   b. The original paper record has not been scheduled for permanent preservation;
c. Approval is obtained from the North Carolina Department of Cultural Resources, Division of Archives and Records;

d. The Police Attorney’s Office has agreed to the destruction of the original paper records; and

e. The destruction is recorded in a permanent record.

4. Records not authorized for destruction or other disposition may be disposed of by turning them over to the CMPD Records Management Division Manager who will then complete and submit one of the following:

a. The North Carolina Department of Cultural Resources “Request for Disposal of Unscheduled Records” form, and obtain approval to have the records destroyed; or

b. A written request to the North Carolina Department of Cultural Resources to assume custody of the records.

C. Retention and Disposal of E-mail

1. Records communicated through the e-mail system are public records under the North Carolina Public Records Act and must be made accessible unless its content is exempt from inspection by statute or other regulation. As such, email messages must be easily identifiable, protected and retained according to the Schedule.

2. Messages in the Inbox, Sent Folder, or any folders created under those folders are moved to the Enterprise Vault when they are 30 days old and are never deleted from the Vault. Deleted items are possibly retrievable for a short time after deletion.

3. Individual users are responsible for retaining e-mail for the required retention period.

4. E-mail that has no administrative, fiscal, legal or historical value may be deleted as soon as it has served its purpose. Such records include meeting notices or requests for meetings, confirmations of appointments, travel reservations, personal messages, junk mail, or transmittal of documents without comments.

V. REFERENCES

City Policy ADM 20 Public Records Policy
Municipal Records Retention and Disposition Schedule
North Carolina Department of Cultural Resources, Division of Archives and History
North Carolina General Statutes § 132-1, et seq.
North Carolina General Statutes § 132-1(a)
CALEA
I. PURPOSE

The purpose of this directive is to enhance the immediate safety of law enforcement personnel and the community, provide coordination to ensure the integrity of investigations, and prevent duplication of investigative efforts.

II. POLICY

Employees will search KBCOPS to ensure that their own investigation does not conflict with another investigation. Employees will use the “Watch List” function in KBCOPS to enter their ongoing investigations so that other employees can search that information and trigger a notification of potential conflicting investigations.

III. DEFINITIONS

A. Deconfliction: Avoidance of conflicting situations. For example: Preventing situations in which an officer unknowingly interacts with an undercover operation; overlaps with an ongoing investigation; or has information valuable to an investigation that otherwise would not be revealed, etc.

B. Deconfliction Officer: Any employee who is conducting an ongoing investigation that could be impacted by a conflicting qualifying event by another employee pertaining to a particular person, location, or vehicle.

C. Deconfliction Entry: An entry, by the Deconfliction Officer, into the KBCOPS reporting system that allows for searches matching data relative to a particular person, location, or vehicle.

D. Qualifying Event: A non-emergency planned interaction or scheduled contact, which includes but is not limited to the following:

1. Service of search warrants;
2. Service of arrest warrants;
3. Buy-busts;
4. Buy walks;
5. Knock and talks;
6. Controlled buys;
7. Prostitution Stings;
8. Informant or face to face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband;
9. Predetermined surveillance;
10. Covert activity by officers, or by informants acting under the direction of officers, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;

11. Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.

E. Search Officer: Any employee conducting a KBCOPS Deconfliction search pertaining to a particular person, location, or vehicle.

F. Deconfliction Notification: If the search reveals a potential conflict with an ongoing investigation KBCOPS will notify the Deconfliction Officer via e-mail. Other notification requirements may need to be addressed.

G. Authorized Users and Administrators: Any authorized sworn or civilian user of KBCOPS.

IV. PROCEDURE

A. Deconfliction Officer

Deconfliction entries are the responsibility of the Deconfliction Officer:

1. The Deconfliction Officer will enter Persons, Locations, and/or Vehicles that may come into conflict with other sensitive investigations as a “Watch List” entry in KBCOPS and identify it as a “Deconfliction”.
   a. Enter the effective dates, notes, and search officer notification action as “Proceed” or “Do Not Proceed” until contact is made with the Deconfliction Officer or the Deconfliction Officer’s Supervisor.
   b. A “Do Not Proceed” entry must be approved by the Deconfliction Officer’s Supervisor.
   c. Enter Persons, Locations, and Vehicles.
   d. Enter additional notification recipients.

2. The Deconfliction Officer shall notify their immediate supervisor in cases where an exception to entering Deconfliction data is sought.

B. Search Officer

1. The Search Officer must conduct a Deconfliction Search in KBCOPS or other deconfliction system available in their current assignment both in the initial phase of an investigation and again no more than two hours prior to a qualifying event. Using the required criteria described below, the Search Officer will determine if the planned interaction conflicts with an existing investigation.
   a. Person: Requires both first and last name, including all known aliases containing first and last names.
b. Location: Requires the block number, street direction, street name, and city.

c. Vehicle: Requires either VIN or Registration Plate; or combination of make, model, and year.

2. Normal KBCOPS searches may result in a potential conflict. If this occurs the searching employee is still required to follow the Deconfliction Notice.

3. Deconfliction Notice to Search Officer

   a. If a Deconfliction Notice is displayed, the Search Officer must contact the Deconfliction Officer indicated as soon as practical before the Planned interaction. If contact cannot be made, the officer must make direct contact with the Deconfliction Officer’s Supervisor(s).

   b. If the Deconfliction Notice states “Do Not Proceed” or in any way prohibits the officer from continuing the planned interaction then contact must be made with the Deconfliction Officer or someone in the Deconfliction Officer’s Chain of Command.

V. REFERENCES

   CALEA
I. PURPOSE

This policy establishes guidelines for receiving, processing, investigating, routing and storing vice, drug, and organized crime complaints received by the Charlotte-Mecklenburg Police Department.

II. POLICY

CMPD will accept vice, drug and organized crime complaints from all sources and will document and follow-up on all complaints that provide the necessary and valid information.

III. DEFINITIONS

A. Vice Complaint - Any complaint associated with prostitution, illegal use or sale of alcoholic beverages, illegal gambling and distribution or sale of pornographic and obscene material.

B. Drug Complaint - Any complaint associated with the illegal use, manufacturing, distribution or sale of controlled substances.

C. Organized Crime Complaint - Any complaint associated with the unlawful activities of organized groups or associations engaged in extortion, theft, fencing, loan sharking, labor racketeering, or other offense for profit. These organizations may also be engaged in such activity as supplying illegal goods and services, prostitution, drugs, alcohol violations, weapons violations, or other unlawful conduct which may include intimidation or corruption.

IV. PROCEDURE

A. Receiving Complaints

CMPD will accept vice, drug and organized crime complaints from all sources, including personal contact with a department employee, outside agencies, telephone calls, electronic mail, or from use of the postal service.

B. Processing Complaints

Received complaints will be documented on the “Vice Complaint” form. This form is located on the CMPD portal. The completed form will be forwarded to the Vice and Narcotics Division.

C. Investigating Complaints

The Vice and Narcotics Division supervisor or his/her designee will review the complaint and then assign a Vice Officer to the investigation, forward to another investigative unit within Special Investigations Bureau (SIB) or forward the complaint to the appropriate patrol division.

1. An initial investigation of the complaint will be conducted to substantiate any allegations. If the complaint is substantiated it will be documented, and the investigation will continue.
2. The assigned officer will be responsible for notifying all relevant stakeholders associated with the complaint to include other divisions and units within the CMPD.

3. The officer will investigate the complaint and document all actions and findings.
   a. Supervisor’s Responsibilities:
      1) Receive the complaint and document.
      2) Assess the complaint and assign it to an officer.
      3) Set a date for initial follow-ups.
      4) Conduct follow-up reviews and monitor progress of investigation.
      5) Approve investigative techniques.
      6) Authorize closure of the complaint.

   b. Investigator’s Responsibilities:
      1) Receive the complaint.
      2) Conduct an analysis.
      3) Identify and notify all stakeholders.
      4) Complete the investigation.
      5) Document all activity.
      6) Submit a report for review by a supervisor.
      7) Make a recommendation for closure to the supervisor.
      8) Provide an initial follow-up investigation within 10 days.

D. The Officer assigned to the investigation shall enter relevant case data; i.e., persons, locations and/or vehicles that he/she deem may come into conflict with other sensitive investigations as a Watch List entry in KBCOPS and identify that it is a deconfliction in accordance with department policy.

E. Routing and Storing Complaints

All initial complaints will be routed to the Vice and Narcotics Division. The completed investigation will be stored and retained in the Vice and Narcotics Division.

V. REFERENCES

800-005 Deconfliction Policy
CALEA
I. PURPOSE

The purpose of this directive is to ensure the timely and accurate flow of information internal to the Charlotte-Mecklenburg Police Department (CMPD) and external with the community.

II. POLICY

CMPD encourages and supports the exchange of information for the purpose of coordinating activities, increasing departmental awareness of problem areas, and formulating solutions. This information sharing includes both written and oral communications with community and business partners.

III. DEFINITIONS

A. Administrative Reports: A system that provides management information about the activities of various divisions within CMPD. These reports facilitate effective communication and analysis of those activities.

B. Staff Meetings: Designed to exchange information between the various divisions and units within CMPD. Members of the Command Staff or their designees will generally attend these staff meetings.

C. Community Meetings: Community meetings are any public gathering between community members and CMPD representatives. They include Neighborhood Watch, business partner meetings, and other community gatherings. These meetings are used to provide information on current problems, policing efforts within the community, education on problem solving initiatives, and organizational meetings. These meetings provide an opportunity to share information between CMPD and the community.

D. Significant Event Log: Operations Command generates a daily comprehensive log of all major calls for service that occur after normal business hours and on weekends. This log is posted on the CMPD Portal and is available to all CMPD personnel.

IV. PROCEDURE

A. Staff Meetings

1. Weekly Command Staff Meeting

The Crime Analysis Division will prepare statistical reports current through Sunday midnight. The CMPD Profile Report compares the current seven days to the previous year’s seven days, current month to the previous year’s month, current year to the previous year, and current year to the previous five-year average. The discussion centers on a review of the significant crimes occurring over the weekend and attainment of division goals during the previous week and projected work in the coming week. In addition, upcoming major events are discussed and staff recognitions are presented.

2. Chief’s Daily Briefing Meetings
Each morning, Monday through Friday, critical issues are discussed with the Chief of Police with the goal of identifying and meeting existing and new challenges in the most proactive and productive manner possible. These briefings include significant crime events and internal personnel information affecting the organization.

B. CMPD Policy Management Group (PMG)

The PMG meets the first Wednesday of each month to review new and revised CMPD directives.

C. Uniform and Equipment Committee

The Uniform and Equipment Committee meets on the second Wednesday of every month as needed to discuss proposed uniform and equipment changes.

D. Division and Unit Meetings

Division and unit meetings are held as needed for the purpose of sharing pertinent information. These meetings ensure that division or unit employees have the appropriate information needed to perform their duties.

E. Community Engagement

An intentional effort to build relationships to advance police/community relations through impactful conversation. A key component is the ability of all residents to feel that they are a part of the broader community. All residents are taken into consideration, as the CMPD seeks ways to create partnerships and collaborations across lines of difference, including race, geography and socio-economics. CMPD is committed to engaging with residents in ways that will have a lasting impact and foster mutual understanding as a way to improve police/community relations

F. Administrative Reports

1. CMPD maintains a system of administrative reporting to provide information on the activities of the agency and provide effective communication to the CMPD chain of command and interested parties outside CMPD.

2. The frequency and content of the reports will be determined by that Chain of Command.

3. Professional Standards maintains a listing of CALEA required reports. The listing includes the person or position responsible for formulating the report, purpose of the report, frequency of the report, and the distribution of the report. (See the Professional Standards SOP)

4. Analysis reports will include the following items depending on the purpose of the report;

   a. The frequency by type of crime;
b. Geographic Factors;
c. Temporal Factors;
d. Victim and Target Descriptors;
e. Suspect Descriptors;
f. Suspect Vehicle Descriptors;
g. Modus Operandi Factors;
h. Physical Evidence Information;
i. Problem Oriented or Community Policing Strategies, if any.

5. The procedures followed in any crime analysis, and the publication of the reports associated with the analysis, will include, at a minimum:
   a. Identification of any source documents from which data is used;
   b. Procedures used in any analysis;
   c. Documentation of the time and location(s) of the analyzed crime;
   d. Distribution of the related report;
   e. Feedback received from the analysis.

6. CMPD will formulate and annually update Departmental and Division goals and objectives. These goals and objectives will be utilized as the basis for the CMPD Strategic Operating Plan. This plan, and the progress made toward obtaining these goals, will be updated on a regular basis and will be posted on the CMPD Portal.

7. The CMPD Annual Report provides information on the various accomplishments of the Department, crime statistical review, recognition of employee awards, employees on active military duty, and retirees.

G. The Internal Communications Coordinator is responsible for ensuring accurate and timely flow of information within CMPD.

1. Prepares updates to the CMPD website.

2. Distributes e-mail alerts that CMPD staff may be notified of significant events before announced by the public media.


4. Coordinates, plans, and assists in other events such as employee recognition awards, civic events where CMPD is highlighted, and fund raising for City approved charities.
H. Communications

1. Electronic Systems

2. Community Meetings

Community meetings are an integral part of communication between CMPD and the community. CMPD’s community policing and problem-solving initiatives are based on communication and support the free flow of information between the various communities and CMPD.

   a. The Patrol Services Group’s Response Area Team officers, and Community Coordinators coordinate the flow of information to and from the community following the Patrol Services directive.

   b. The Neighborhood Watch Coordinator will assist the Response Area Team officers in organizing crime prevention groups in residential and business areas following the procedures outlined in the Field Services Group standard operating procedure.

3. CMPD Internet Portal

Offers a group of services to CMPD employees, and serves as a central location for information dissemination throughout the department.

4. Significant Event Log

The Significant Event Log is designed to provide a timely snapshot of significant events occurring in Charlotte and the areas of Mecklenburg County that are within CMPD jurisdiction. Information reported in the Significant Event Log is based on preliminary field reports.

5. Public Affairs Office (PAO), Media Briefings, and Press Releases

The PAO prepares and distributes press releases to the media and conducts media briefings on those cases where media attention is high. Media briefings and press releases allow CMPD to distribute factual information in a timely manner to the community and members of CMPD.

6. CharMeck Alerts System

The CharMeck Alerts system may be used to notify those within a designated geographic region of relevant information that requires their attention. These may include both emergency notifications and non-emergency messages.

7. Electronic Communication Response

Employees will review and appropriately respond to all internal electronic communications directed to them within a reasonable time period. Electronic communication includes, but is not limited to, emails, calendar requests, text messages, and telephone calls/voicemails.
V. REFERENCES

100-005 Patrol Services
CharMeck Alerts System SOP
Professional Standards SOP
CALEA
<table>
<thead>
<tr>
<th>Name of Report</th>
<th>Who is Responsible</th>
<th>Purpose of Report</th>
<th>Frequency of Report</th>
<th>How Report is Distributed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Periodic Major Crime Summaries</td>
<td>Primary Detectives assigned to investigate the crime</td>
<td>Short synopsis for chain of command and Executive Staff information</td>
<td>Varies depending on the occurrence of major crimes</td>
<td>Email</td>
</tr>
<tr>
<td>2. Threat to Officer summaries</td>
<td>CIU Detectives</td>
<td>To alert officers to potential threats.</td>
<td>Varies, probably averages about once a week.</td>
<td>Email to sworn officers.</td>
</tr>
<tr>
<td>3. Unit/Division newsletters</td>
<td>Supervisors for each unit/division</td>
<td>To inform all employees about issues, problems and successes unit/div.</td>
<td>Varies by unit, some are monthly, others are less frequent.</td>
<td>Via email, usually to CMPD everyone.</td>
</tr>
<tr>
<td>4. Problem Solving presentations</td>
<td>Detective or Sgt responsible for making problem-solving presentations to the Chief.</td>
<td>Summary or synopsis of unit problem solving efforts.</td>
<td>Monthly unit presentation to the Chief</td>
<td>Power Point and handout paper copy from Power Point presentation</td>
</tr>
<tr>
<td>5. Probationary Detective Book</td>
<td>Senior Training Detective</td>
<td>Synopsis of the on the job training each probationary detective receives upon his/her assignment to unit</td>
<td>One completed for each new officer assigned to investigations – Approx. 15 per year.</td>
<td>Summarized in booklet form up the chain of command.</td>
</tr>
<tr>
<td>6. Weekend Activity Briefing</td>
<td>Service Area Major</td>
<td>Summarizes noteworthy events that occurred over the previous weekend.</td>
<td>Weekly</td>
<td>Orally each Monday morning briefing to the Chief and Executive Staff.</td>
</tr>
<tr>
<td>7. Mid-year budget report</td>
<td>Service Area Major</td>
<td>Mid-year status and anticipated expenses for remainder of fiscal year.</td>
<td>Annually at mid year</td>
<td>Electronically to Fiscal Affairs.</td>
</tr>
<tr>
<td>8. Annual Budget Requests</td>
<td>Service Area Major</td>
<td>Anticipated expenditures for next fiscal year. Two-year budget cycle, although updated yearly.</td>
<td>Every two years, although updated yearly.</td>
<td>Electronically to Fiscal Affairs.</td>
</tr>
<tr>
<td></td>
<td>Title</td>
<td>Responsible Officer(s)</td>
<td>Description</td>
<td>Frequency</td>
</tr>
<tr>
<td>---</td>
<td>-------</td>
<td>------------------------</td>
<td>-------------</td>
<td>-----------</td>
</tr>
<tr>
<td>12.</td>
<td>Youth Protection Ordinance Report</td>
<td>FSD Inv Tech</td>
<td>Various stats on YPO enforcement</td>
<td>Monthly</td>
</tr>
<tr>
<td>13.</td>
<td>Outstanding Custody Order Report</td>
<td>JOU Detective</td>
<td>Listing of outstanding Custody Orders</td>
<td>Weekly</td>
</tr>
<tr>
<td>14.</td>
<td>Division Commander Daily Report</td>
<td>Division Sergeant</td>
<td>Document significant events from each day</td>
<td>Daily</td>
</tr>
<tr>
<td>15.</td>
<td>Durable Hotspot Report</td>
<td>Division Captain</td>
<td>To report on status of identified durable hotspot in each division</td>
<td>Semi-annually</td>
</tr>
<tr>
<td>16.</td>
<td>Monthly Homicide Report</td>
<td>Homicide Supervisor</td>
<td>Number of cases for month</td>
<td>Monthly</td>
</tr>
<tr>
<td>17.</td>
<td>Monthly Missing Persons Report</td>
<td>Missing Persons Supervisor</td>
<td>Number of cases for month</td>
<td>Monthly</td>
</tr>
<tr>
<td>18.</td>
<td>Annual Homicide Report</td>
<td>Homicide Supervisor</td>
<td>Trends, victims, suspects, weapons, relationships</td>
<td>Annual</td>
</tr>
<tr>
<td>19.</td>
<td>Procurement Card Reconciliation</td>
<td>Procurement Card registered user</td>
<td>Record of charges to the Procurement Card</td>
<td>Monthly</td>
</tr>
<tr>
<td>20.</td>
<td>Civil Emergency Unit Annual Report</td>
<td>CEU Administrative Supervisor</td>
<td>Unit Activities</td>
<td>Annually</td>
</tr>
<tr>
<td>22.</td>
<td>SWAT Critical Incident</td>
<td>SWAT Administrative Supervisor</td>
<td>Document SWAT activations</td>
<td>For each SWAT Activation</td>
</tr>
<tr>
<td>23.</td>
<td>SWAT Training memo</td>
<td>SWAT Administrative Supervisor</td>
<td>Training Notification</td>
<td>Monthly</td>
</tr>
<tr>
<td>24.</td>
<td>SWAT Yearly Report</td>
<td>SWAT Administrative supervisor</td>
<td>Year-end activities report</td>
<td>Yearly</td>
</tr>
<tr>
<td>25.</td>
<td>Monthly Lineup System</td>
<td>Division Administrative Sgt.</td>
<td>Reflect staffing</td>
<td>Monthly</td>
</tr>
<tr>
<td>26.</td>
<td>KBCOPS Case Management</td>
<td>Division Administrative Sergeant responsible for Case Assignment.</td>
<td>Case assignments</td>
<td>Daily</td>
</tr>
<tr>
<td>No.</td>
<td>Report Title</td>
<td>Responsible Officer</td>
<td>Purpose/Details</td>
<td>Frequency</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------------------</td>
<td>--------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>27.</td>
<td>Animal Control Monthly Report</td>
<td>Division Commander</td>
<td>Activities for month</td>
<td>Once a month</td>
</tr>
<tr>
<td>28.</td>
<td>Patrol Division Staffing</td>
<td>Division Captain</td>
<td>Current information on Field Patrol Staffing</td>
<td>Monthly</td>
</tr>
<tr>
<td>29.</td>
<td>Mid Year Objectives Report</td>
<td>Assistant to the Chief</td>
<td>Update on objectives progress</td>
<td>Annually</td>
</tr>
<tr>
<td>30.</td>
<td>Final Objectives Report</td>
<td>Assistant to the Chief</td>
<td>Final report on fiscal year objectives</td>
<td>Annually</td>
</tr>
<tr>
<td>33.</td>
<td>K-9 Tracking Report</td>
<td>Individual K-9 officers</td>
<td>Document individual incidents where a dog is deployed</td>
<td>Daily, per incident</td>
</tr>
<tr>
<td>34.</td>
<td>Crisis Negotiator After-Action Report</td>
<td>Lead negotiator at the scene</td>
<td>Document the activities of the Crisis Negotiator at an incident</td>
<td>Per incident</td>
</tr>
<tr>
<td>37.</td>
<td>Aviation Unit Annual Report</td>
<td>Aviation Unit Supervisor</td>
<td>Annual review of activities within the aviation unit.</td>
<td>Annually</td>
</tr>
<tr>
<td>38.</td>
<td>CALEA Status Report</td>
<td>Accreditation Manager</td>
<td>To keep Chief up to date on Progress</td>
<td>As needed</td>
</tr>
<tr>
<td>39.</td>
<td>Personnel Summary</td>
<td>Personnel Manager</td>
<td>Personnel allocations vs. actuals</td>
<td>Monthly</td>
</tr>
<tr>
<td><strong>40. Funds Availability Report</strong></td>
<td>Finance Unit manager</td>
<td>Financial Performance Compared to budget</td>
<td>Weekly/Monthly</td>
<td>Electronically to Command Staff</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------</td>
<td>------------------------------------------</td>
<td>----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td><strong>41. Allotment Report</strong></td>
<td>Financial Unit Supervisor</td>
<td>Shows detail of each transaction on Funds Availability Reports</td>
<td>Monthly</td>
<td>Hard Copy to Command Staff</td>
</tr>
<tr>
<td><strong>42. Watch Commander’s Daily Log</strong></td>
<td>The 3rd Shift Watch Commander</td>
<td>To advise the department about what transpired during the previous night and early morning hours.</td>
<td>Daily, except on the weekend when the report is generated for the Monday Morning</td>
<td>Email to Command Staff</td>
</tr>
<tr>
<td><strong>43. Media Release</strong></td>
<td>The responsible division or current Watch Commander when incident occurs.</td>
<td>To inform the media of new incidents</td>
<td>When incident occurs</td>
<td>Email or on the media line.</td>
</tr>
<tr>
<td><strong>44. Reserve Unit time report</strong></td>
<td>Reserve Unit commander</td>
<td>Total of hours worked</td>
<td>Monthly</td>
<td>Chain of Command</td>
</tr>
<tr>
<td><strong>45. Taser List</strong></td>
<td>Division Administrative Supervisor</td>
<td>Track taser use and damage</td>
<td>Monthly</td>
<td>Print out</td>
</tr>
<tr>
<td><strong>46. Radar log</strong></td>
<td>Division Administrative supervisor</td>
<td>Up keep on all radar units</td>
<td>Bi-monthly</td>
<td>Print out</td>
</tr>
<tr>
<td><strong>47. B.A.T. Team</strong></td>
<td>BAT team Supervisor</td>
<td>Burglary tracking info</td>
<td>Weekly</td>
<td>Electronically</td>
</tr>
<tr>
<td><strong>48. Domestic Violence</strong></td>
<td>DV Supervisor</td>
<td>Inform patrol of DV hot spots</td>
<td>As needed</td>
<td>Electronically</td>
</tr>
<tr>
<td><strong>49. Event Calendar</strong></td>
<td>Division Problem Solving Supervisor</td>
<td>Community and Business Events</td>
<td>Monthly</td>
<td>Chief’s Office</td>
</tr>
<tr>
<td><strong>50. Youth Protection Ordinance Report</strong></td>
<td>FSD Inv. Tech</td>
<td>Monthly statistical update on curfew violations</td>
<td>Monthly</td>
<td>Email to command staff</td>
</tr>
<tr>
<td><strong>51. Annual Recruitment Report</strong></td>
<td>Recruitment Captain and/or Sergeant</td>
<td>Division’s Annual Report</td>
<td>Annually</td>
<td>Sent to D/C of Administration</td>
</tr>
<tr>
<td><strong>52. Mailed Applications Report</strong></td>
<td>Recruitment Sergeant</td>
<td>Report the number of applications mailed each month.</td>
<td>Monthly</td>
<td>Sent to Administrative Services</td>
</tr>
<tr>
<td><strong>53. Daily Shift Report</strong></td>
<td>Division Shift Sergeant</td>
<td>Report on daily shift problem solving efforts</td>
<td>Daily</td>
<td>Email to Division Captain</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>54.</td>
<td>HITS Monthly Report</td>
<td>Motor Division Commander</td>
<td>Summary of work done by the HITS unit</td>
<td>Monthly</td>
</tr>
<tr>
<td>55.</td>
<td>Monthly Gang Report</td>
<td>Gang Unit Supervisor</td>
<td>Unit’s Activity</td>
<td>Monthly</td>
</tr>
<tr>
<td>56.</td>
<td>Monthly Criminal Intelligence Unit Report</td>
<td>CIU unit Supervisor</td>
<td>Unit’s Activity</td>
<td>Monthly</td>
</tr>
<tr>
<td>57.</td>
<td>Hate Crimes Reporting</td>
<td>CIU Supervisor</td>
<td>Report Hate crimes to the FBI and SBI</td>
<td>Twice a year</td>
</tr>
<tr>
<td>58.</td>
<td>Intelligence Bulletin</td>
<td>CIU Supervisor</td>
<td>Intelligence Information for CMPD employees</td>
<td>As needed</td>
</tr>
<tr>
<td>60.</td>
<td>Violent Crimes Task Force Activity</td>
<td>VCTF Supervisor</td>
<td>Unit’s Activity</td>
<td>Weekly</td>
</tr>
<tr>
<td>61.</td>
<td>Property Dispositions</td>
<td>Property Control Supervisor</td>
<td>Review held evidence</td>
<td>Every other month</td>
</tr>
<tr>
<td>62.</td>
<td>Fleet Preventive Maintenance</td>
<td>Fleet Supervisor</td>
<td>Vehicle Maintenance</td>
<td>Daily</td>
</tr>
<tr>
<td>63.</td>
<td>Internal Affairs Monthly Case Update</td>
<td>IA Unit Major</td>
<td>Inform the Chief</td>
<td>Monthly</td>
</tr>
<tr>
<td>64.</td>
<td>Communications Log</td>
<td>Shift Supervisors</td>
<td>To record all 911 and radio traffic incidents of merit that occurred during the shift.</td>
<td>Daily per shift</td>
</tr>
<tr>
<td>65.</td>
<td>Monthly Communications management report</td>
<td>AO1</td>
<td>To report total 911 call volume</td>
<td>Monthly</td>
</tr>
<tr>
<td>66.</td>
<td>Mobile Video Recorder Tape Recycle Report</td>
<td>Division Administrative Supervisor</td>
<td>Recycle MVR Tapes</td>
<td>Monthly</td>
</tr>
<tr>
<td>67.</td>
<td>Radar Trailer usage Report</td>
<td>Division Administrative Supervisor</td>
<td>Document radar trailer usage</td>
<td>Monthly</td>
</tr>
<tr>
<td>Number</td>
<td>Report Title</td>
<td>Owner/Creator</td>
<td>Description</td>
<td>Frequency</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------</td>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>68.</td>
<td>Parade Permit</td>
<td>Special Events Captain</td>
<td>Evaluation</td>
<td>Sporadic</td>
</tr>
<tr>
<td>69.</td>
<td>Festival Permit Applications</td>
<td>Special Events Captain</td>
<td>Evaluation</td>
<td>Sporadic</td>
</tr>
<tr>
<td>70.</td>
<td>Annual Training Division Report</td>
<td>Training Unit Commander</td>
<td>Annual Training Report</td>
<td>Annual</td>
</tr>
<tr>
<td>71.</td>
<td>City Training Report</td>
<td>Training Unit Commander</td>
<td>Advise City of Training</td>
<td>Annual and As needed</td>
</tr>
<tr>
<td>72.</td>
<td>Performance Development and Review</td>
<td>Employee’s Supervisor</td>
<td>Evaluation of Employees’ Performance and Salary Increases (When Available)</td>
<td>Annual</td>
</tr>
<tr>
<td>73.</td>
<td>CMPD Technology Forum Agenda and Minutes</td>
<td>Technology Forum coordinator</td>
<td>To Inform CMPD Staff and document new/revised Technology/Applications</td>
<td>Bi-Monthly</td>
</tr>
<tr>
<td>74.</td>
<td>Software Changes</td>
<td>Computer Technology Staff</td>
<td>Document Changes</td>
<td>As Needed</td>
</tr>
<tr>
<td>75.</td>
<td>Software Audits</td>
<td>Technology Supervisor</td>
<td>Ensure Compliance with Licensing Agreements</td>
<td>Annual</td>
</tr>
<tr>
<td>76.</td>
<td>Technology Strategic Planning</td>
<td>Technology Commander</td>
<td>Plan to Guide CMPD Technology Progression</td>
<td>Bi-Annually</td>
</tr>
<tr>
<td>77.</td>
<td>NEPS Outsourcing Status Report</td>
<td>Technology Commander</td>
<td>Ensure Better Service to the Community</td>
<td>When Requested</td>
</tr>
<tr>
<td>78.</td>
<td>CTS After Duty and Emergency Contact Lists</td>
<td>Computer Technology Services Supervisor</td>
<td>Provide Command and Chiefs Contact Information for Emergencies or System Outages</td>
<td>Semi-Annually and When Requested</td>
</tr>
<tr>
<td>79.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
I. PURPOSE

The primary goal of the Early Intervention System (EIS) is to enhance communication, coaching, and mentoring for supervisor/employee relationships while providing assistance to support employees in a non-punitive manner. The EIS employs predictive analytics and advanced machine learning techniques to better identify employees who may need assistance to improve interactions or behaviors. CMPD recognizes that stressors, trauma, and the cumulative effects of modern policing may have negative effects on behavior. The EIS is intended to help identify such potential issues and design customized strategies to help assist officers.

II. POLICY

A. The Charlotte-Mecklenburg Police Department’s Early Intervention System shall provide predictive analytics on all sworn employees, allowing supervisory staff the ability to provide appropriate non-disciplinary assistance as needed.

B. EIS alerts are not intended to be punitive or synonymous with negative discipline.

C. All Early Intervention alert records are considered a personnel record of an employee and shall be provided all confidentiality associated with personnel records under NCGS 160A-168.

1. Access to the EIS Dashboard function containing all risk ranks and employee information will be limited to the EIS Administrator, key Computer Technology Solutions (CTS) staff, or others at the discretion of the Chief of Police or designee.

2. Specific employee information regarding risk rank and supporting data for an alert will only be available to an employee’s direct supervisor and next two levels of command after an alert is issued.

3. Because EIS records are considered a personnel record, per Directive 300-008, the following may view EIS alert history specific to an employee’s personnel file:

   a. The employee’s immediate supervisor
   b. Police Attorney
   c. Internal Affairs Personnel
   d. Employee’s Division, Unit, and Bureau Commander

4. All EIS records will be maintained in accordance with the North Carolina Department of Cultural Resources’ Municipal Records Retention and Disposition Schedule.
D. EIS alerts shall be completed within 30 days, unless a follow up is required.

E. For perceived issues concerning use of benefit time, supervisors shall first contact the Human Resources Division for assistance. A supervisor-initiated alert concerning use of benefit time shall not be created without first gaining approval from Human Resources and the EIS Administrator.

F. The Human Resources Division shall be contacted for issues that would apply to a remedial performance plan (performance probation) or overall job aptitude.

III. DEFINITIONS

A. Behavior: The way an employee conducts him or herself in regard to particular skill sets such as communication, safety, tactics, etc. Individual behaviors are not an evaluation of overall job aptitude.

B. Adverse Interaction: A potential violation of law or policy that may occur in the future if proper interventions or assistance are not offered to the employee.

C. Alert: A notification, initiated by the EIS Administrator, to the employee’s chain of command or one created by a supervisor. EIS alerts are not to be used as substitutes for formal yearly or quarterly performance appraisals.

D. EIS Administrator: The Professional Standards Division Captain that manages operation and maintenance of the EIS.

E. Supervisor Assessment: The immediate supervisor’s review and documentation of individual behaviors associated with an alert, to develop a clear and balanced understanding of employee behavior.

F. Intervention: A course of action designed to prevent possible future adverse interactions.

G. Post-Intervention Assessment/Follow-up: A process to determine if an intervention strategy changed the behavior risk that prompted the initial intervention.

H. Chain of Command: An employee’s immediate and next two higher ranking CMPD supervisors.

I. Risk Rank: A mathematical calculation derived by using a computer algorithm from multiple departmental data sources. Data sources include: CAD dispatch data (types and number of calls), Internal Affairs case history, secondary employment, attendance, traffic stops, arrests, field interviews, and scheduling information (related to shift assignment and hours worked). The algorithm runs daily and ranks all sworn employees from potential highest risk of exhibiting a possible future adverse interaction to lowest risk.

K. Machine Learning: a method of data analysis that automates analytical model building. Using algorithms that continually learn from data, machine learning allows computers to find hidden insights without being explicitly programmed where to look. The model is designed to “train” itself based on feedback from the EIS Administrator and supervisors.

IV. PROCEDURE

A. The EIS risk assessment program will run automatically. Upon logging on to the EIS, the Administrator will be provided the most current information on all sworn employees based on overall risk rank as derived by the computer model. The EIS Administrator will thoroughly review the top 5% of officers at least monthly. With the assistance of a dashboard containing CMPD data sources, the EIS Administrator will either dismiss the risk rank for that officer or create an alert for that officer’s chain of command. When an alert is created, it is assigned to the employee’s first-line supervisor according to the CMPD organizational chart. The EIS Administrator is not precluded from issuing alerts beyond the scope of the top 5% threshold.

1. The employee’s division or unit’s chain of command will be notified by email to access their alerts in the EIS system. The alert is automatically assigned to the officer’s direct supervisor for assessment based on the current organizational chart. In the event the immediate supervisor is unable to complete the initial assessment in the 30-day time frame, another supervisor from that unit or division shall be assigned the alert. The supervisor completing the alert will have access to a summary version of the data regarding that employee that the EIS Administrator used to create the alert.

2. The alert completed by the first line supervisor shall be routed to the next level of supervision for approval or rejection. The next level of supervision cannot alter the assessment but must either concur with or reject the findings.

3. If a follow up is required, the first-line supervisor will enter a follow-up date and the system will prompt the supervisor to complete the alert when the follow-up is due.

4. Escalation notifications will be automatically emailed up the chain of command if alerts are not completed within 30 days (excluding instances where a follow-up is scheduled).
5. After the alert is approved through the second level of supervision, the EIS Administrator will review the completed alert and then close the alert.

6. Supervisors have the ability to search EIS histories for officers under their command after closure and will provide individual officers their summary EIS alert history upon request.

A. Supervisor-Initiated Alerts: Supervisors may create an alert independent of the computer-generated risk rank review process for officers under their command. For example, a change in employee behavior is observed; the supervisor does not have to wait for the computer model to identify potential issues. The workflow of processing these alerts will be the same as listed in section IV.A.1-6.

B. Supervisor Assessments/Interventions: Interventions can include directed counseling, retraining or other assistance that the designated employee should participate in to address the risk behavior noted as a result of the supervisor assessment. Several intervention options are available for a supervisor to select in assisting an employee. Examples include, but are not limited to:

1. Counseling: The supervisor may review and discuss with the employee, for the purposes of clarification and understanding, any applicable policy, behavior, safety, or tactical issues.

2. Remedial Training: A supervisor may direct an employee to successfully complete an approved course of instruction or one-on-one training that will serve to address the risk behavior associated with an alert.

3. Employee Assistance Program: A supervisor may refer an employee to EAP. These referrals are not mandatory.

4. Community Wellness Division: A supervisor may contact the Community Wellness Division Lieutenant and/or the CMPD Psychologist to discuss possible education and referral options.

5. Peer Counseling Referral: A supervisor may make a voluntary referral to the Peer Support Program.

V. SUPERVISOR RESPONSIBILITIES

Supervisors play a critical role in monitoring both the behavior and wellness of their employees. Supervisors are expected to always maintain open, instructive, and empathetic relationships with their employees while maintaining the proper degree of oversight. Either through the risk rank review process or a supervisor-initiated alert, supervisors have a duty to determine what, if any, intervention is appropriate and facilitate it in order to help prevent an officer from experiencing any potential adverse interactions in the future.
A. When notified of an alert, to include a supervisory created alert, the supervisor will access the EIS and thoroughly review and complete the assessment for that employee within the 30-day time frame (unless a follow-up date is scheduled).

B. Submit the EIS record to the next level of supervision for approval.

C. Coordinate and implement any intervention(s), and record the action taken in the EIS record.

D. Identify and schedule any needed follow-up.

E. Attach the appropriate documentation of counseling or other intervention before submitting to the next level or if a follow-up date is set, attaching the documentation after the remedial action is complete (i.e. course completion notes after training is complete).

VI. SYSTEM MANAGEMENT

The EIS is managed by the Professional Standards Division Captain in conjunction with the CTS Manager. An EIS Advisory Committee comprised of department employees may also be briefed and consulted on the EIS. The EIS Administrator and the, CTS Manager will conduct ongoing evaluations of the EIS and will make recommendations to the Chief of Police for any modifications or enhancements.

A. Role and Composition of the Advisory Committee

The Advisory Committee is not a permanent or standing committee. It functions largely as a focus group to assist in reviews of proposed significant changes to the EIS. The composition of the committee is at the discretion of the Chief of Police or designee. It will consist of sworn personnel of diverse rank and assignment. Member participation is voluntary.

B. EIS Administrator Responsibilities

1. The EIS Administrator will review the top 5% of risk ranked employees on a monthly basis and either issue an alert or dismiss an officer’s presence in that top 5% of risk ranks. The EIS Administrator will follow-up on assigned interventions and monitor the progress and closure of those interventions.

2. The EIS Administrator will ensure that any required updates or changes to the EIS or the EIS Directive are completed.

3. Annually, the EIS Administrator shall complete a written report for the Chief of Police that provides summary data and information about the EIS, including the number and types of interventions, summary analysis and
recommendations. The EIS Administrator will conduct quarterly update briefings to the Chief of Police and/or designee.

VII. REFERENCES

N.C.G.S. 160A-168
CALEA
300-008 Personnel Records
300-020 Police Critical Incident Stress
300-023 Employee Assistance Program
300-025 Peer Support
800-001 Use of Public Records and Department Information
800-004 Records Retention and Disposition
I. PURPOSE

The purpose of an inspection or audit is to examine and evaluate the functions and activities of Charlotte-Mecklenburg Police Department (CMPD) components and its ability to accomplish organizational objectives in accordance with existing written directives and acceptable practices. The end purpose will be to correct and improve operations, not to discipline.

II. POLICY

A. The Professional Standards Division (PSD) and the Quality Assurance Division (QAD) shall coordinate internal inspections and audits. Internal inspections and audits are conducted at the direction of the Chief of Police or designee for the following purposes:

1. To ascertain if policies, procedures, goals, and objectives are clearly defined so that they can be properly interpreted and implemented accordingly.

2. To determine if personnel, equipment, materials and resources are being used properly for achieving CMPD goals and objectives.

3. To ensure operational conditions foster an atmosphere of safety and cooperation within CMPD, as well as with other stakeholders.

4. To provide information concerning the quality of service delivered and the effectiveness of the service.

5. To identify opportunities for improvement in personnel integrity, training, morale, supervision, or policy.

6. To ensure that CMPD remains in compliance with regulations, requirements, and best practices.

B. External inspections and audits are periodically completed by various outside agencies, customers, or City of Charlotte personnel to ensure compliance with regulations, requirements and best practices.

III. DEFINITIONS

A. Staff Inspections: Inspections conducted by personnel who do not have direct supervisory responsibilities of the unit, employees, facilities, or procedures being inspected.

B. Staff Inspections Team: A team generally led by a captain, lieutenant, or civilian manager, which does not have supervisory responsibility within the areas they are inspecting. The team will be comprised of as many personnel as necessary to accomplish the inspection.

C. Line Inspections: Line inspections shall be conducted by supervisors at every level of CMPD to ensure their personnel are complying with CMPD policies, standard
operating procedures, and requirements governing appearance, use and maintenance of uniforms, equipment, and facilities.

D. Level I Inspection: An inspection that addresses a portion, or a singular facet of the inspected unit’s function. A Level I inspection is a low-level inspection that can be an announced or unannounced inspection.

E. Level II Inspection: An announced, in-depth inspection, in which all facets of the inspected unit’s function, personnel, facilities, operations, equipment, etc., may be inspected.

F. Level III Inspections: An inspection of a unit engaged in high liability activities such as evidence storage or money collection. These inspections are typically unannounced.

G. Audits: Audits are a statistically valid sampling of items that show compliance with CMPD Directives and Standard Operating Procedures. Audits will typically be used in areas which lend themselves to quantified numerical analysis such as evidence storage and financial matters.

H. Deficiency: An all-inclusive term used in reference to any of the following: process or procedural deficiencies, defective items, malfunction, nonconformance, etc.

I. Audit Tracking Database (ATD): The audit tracking database is a multipurpose application used to store and track internal and external inspections and audits, and if required, to document, store, and track deficiencies.

IV. PROCEDURE

A. Staff Inspections

1. Authority

   a. Personnel assigned to conduct staff inspections shall operate under the direct authority of the Chief of Police.

      (1) The inspection team shall have access to all CMPD personnel, records, (except as indicated in sub-section IV- A.1. a. (2) of this directive), facilities, and equipment for the purpose of inspection.

      (2) Inspection officers will not have access to any Internal Affairs investigations, personnel files, and any other confidential file or record.

   b. All CMPD employees shall cooperate with and assist the personnel assigned to the inspection process.

2. Inspection Team

   a. The QAD will coordinate the staff inspection process.
b. The inspection team will be comprised of command staff and line staff assigned to the QAD.

c. The Inspection Team Leader will be responsible for writing detailed reports and providing supporting documentation for their finding(s) to the PSD.

3. Frequency of Inspections

a. An inspection will be conducted within all organizational components at least once every three (3) years, complying with the standards set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The PSD will develop a schedule to ensure inspections are completed on time.

b. Some units will also have annual or semi-annual inspections as required by CALEA such as Property and Evidence Management and any cash funds maintained by individual units.

4. Inspection Notification

a. The captain or manager of a unit to be inspected will be provided notification of the pending inspection as well as the tentative members of the inspection team at least thirty (30) days in advance. The captain or manager will be able to request the addition of any items for inspection they deem necessary.

b. At least two (2) weeks prior to an inspection, the QAD will send notification to the division leaders and the inspection team of the unit to be inspected.

(1) The notification will list the areas to be inspected, the time frame of the inspection and the personnel who should be available to assist with the inspection.

(2) Any tasks that should be completed prior to the inspection, and any items, files, or other documentation that should be made available to the inspectors, will also be listed.

c. The pre-inspection memorandum will not be sent prior to Level III inspections.

5. Reports and Follow-Up

a. Each inspection will require the inspection team to complete and return the applicable inspection guide within ten days of completing the inspection.
b. The PSD will maintain a template for the inspection team to document the inspection as well as a guide to ensure the necessary inspection concerns are not overlooked.

c. The PSD will be considered as part of the inspection team for all CMPD inspections initiated by the QAD, therefore, they will serve as the quality and control check of the inspection process and final executive summary. Unit staff will be available during the actual inspection process to assist with administrative matters.

d. The PSD will be responsible for generating the executive summary based on the information provided by the inspection team.

e. Management Response

The PSD will forward the executive summary to the Division Major and the Division Captain/Manager.

(1) The captain or manager of the inspected division shall prepare a response to each of the findings and concerns contained in the executive summary. It is their responsibility to take positive measures to correct any noted deficiencies in the report.

(2) Findings and concerns the captain or manager does not agree with should be noted with explanations or reasons that address the issue.

(3) The response shall be routed via the division's Chain of Command and forwarded to the PSD within ten (10) business days of the receipt of the executive summary.

f. The inspection team's executive summary, the response and the employee survey results will be forwarded to the Chief of Police, the Operations Assistant Chief, the Support Assistant Chief, and the applicable service area group Deputy Chief for review.

g. The PSD shall be responsible for storage and purging of all inspection and audit reports. Storage and purging of reports and documents shall be in accordance with Directive 800-004 Public Records Retention and Disposition.

6. Methodology

a. The staff inspection process will typically involve direct observation, use of internal and external reference materials, and personal interviews. This does not, however, preclude the use of other methods, contingent upon the nature of the inspection.

b. Personnel
(1) In order to ensure the objectivity of the staff inspection process, a representative sample of the personnel assigned to, or associated with, a unit undergoing inspection will be inspected, when practical.

(2) Individual electronic survey forms will be made available to each person working in the division about to be inspected. Once completed, only compiled summaries of these survey responses will be used in the final report.

c. Command Staff Interview

(1) Each unit Captain or Manager and several supervisors should be interviewed during the inspection process. These interviews should be conducted after the completion of all employee interviews. By this point in the process, inspectors should have a clear grasp of any potential areas of concern within the unit.

(2) Inspectors should feel free to discuss any reportable matter to the Command Staff member of the inspected unit. The discussion should be constructive, non-judgmental, and serve to benefit the inspector’s understanding of the unit’s functionality, management, and operational readiness.

(3) A staff inspection is not an Internal Affairs function. Allegations of improper conduct on the part of unit personnel should be addressed to that employee’s Chain of Command. The staff inspector is not to initiate any Internal Affairs investigations.

d. Inspect Equipment

The staff inspector should inspect as much equipment assigned to the unit as possible. The inspector is to determine if the equipment is operational and well maintained. Further, the inspector should make recommendations as to whether additional equipment is needed.

e. Inspect Facilities

The workspace assigned to the unit should be inspected for adequacy, functionality, and safety. The facilities inspection may be coordinated with the CMPD Facilities Manager, the Safety and Training Coordinator, and the City of Charlotte Building Maintenance Division.

B. Line Inspections

1. All CMPD personnel are subject to informal inspection on a daily basis for compliance with CMPD directives and rules of conduct that pertain to grooming, appearance, and proper use and maintenance of equipment.
2. It is the responsibility of the inspecting supervisor to ensure deficiencies are corrected. Informal inspections do not require documentation unless a deficiency is observed.

3. All sworn officers regardless of assignment and below the rank of Sergeant are to be formally inspected at least once per calendar year. These Line Inspections will be thoroughly documented in the Audit Tracking Database or on the Line Inspection Form located on the CMPD Portal. Sergeants or the appropriate supervisor based on unit/division structure are expected to take corrective action to remedy any deficiency or deficiencies immediately. All sworn hirebacks with a rank classification as officer are included for the purposes of this directive.

C. External Inspections or Audits

1. External inspections or audits are conducted based on the needs and requirements of the requesting agency.

2. The preparation for each external inspection or audit shall be at the discretion of the division or unit that will be inspected or audited.

3. The QAD shall be responsible for ensuring that all external inspections or audits are entered correctly into the ATD.

4. Reports and Follow-Up
   a. The inspected or audited division or unit should initiate an external inspection or audit form in the ATD during one of the following times:
      (1) Prior to the start of an external inspection or audit, usually upon receipt of the notification; or
      (2) During or shortly after the external inspection or audit; or
      (3) Receipt of the inspection or audit report.
   b. Once the division or unit receives the external inspection or audit report from the outside agencies they shall, enter the information into the ATD as well as notify Executive Command staff within 5 days of receipt of the report to prevent missing the response due date of any noted deficiencies.
   c. Deficiencies and opportunities for improvement that require a response shall also be individually entered on a deficiency report in the ATD. Deficiency reports shall be initiated within 5 days of the receipt of the inspection or audit report to prevent missing the response due date.
   d. If an external inspection or audit requires a follow-up, then a Supplemental form in the ATD shall be completed.
D. Internal Audits

1. Internal audits are performed commensurate with the importance of the activity and at the discretion of the Executive Command requesting the performance of the internal audit.

2. Internal audits are to be performed by the Quality Assurance Division.

3. Internal audits may be announced or unannounced at the discretion of the Executive Command requesting the performance of the internal audit.

   If announced, notification at least two weeks prior to the audit shall be sent to the division Captain or Manager that will be audited identifying the dates, scope and name of the team lead.

4. Methodology

   The performance of an internal audit is at the discretion of the Executive Command or Division Captain/Manager requesting the audit. As appropriate, the following methodologies may be used:

   a. Review and examination of work areas and operational procedures to determine compliance with Directives and Standard Operating Procedures.

   b. Verification of personnel training and qualification records where special skills are required.

5. Reports and Follow-Up

   a. The team lead with the assistance of the team members (if any) is responsible for issuing the executive summary within 30 days after the conclusion of the audit.

   b. The executive summary shall include the description of the scope, summary of the results, and a brief description of any deficiency. It may also include the strengths and weaknesses of the division or unit as well as opportunities for improvement.

   c. All identified deficiencies shall be individually documented on a Deficiency Report in the ATD. Opportunities for improvements may be documented on a Deficiency Report.

   d. For all deficiencies that were classified as ‘Major’ or ‘Severe’, QAD shall schedule a follow-up assessment 30 days after the completion of the final corrective action to ensure effectiveness of the corrective action.

   e. Division Captains/Managers shall prepare a response noting any positive measures taken to correct any documented deficiencies within
sixty (60) days. Responses shall be routed via the divisions’ chain of command and forwarded to QAD.

V. REFERENCES

100-004 Discipline Philosophy
100-005 Patrol Services
800-004 Public Records Retention and Disposition
N.C.G.S. 160A-168
CALEA
I. PURPOSE

The purpose of this directive is to provide regulations for the control, use and management of Confidential Informants (CI) utilized by all sworn members of the Charlotte-Mecklenburg Police Department. The management and documentation of all CMPD CI’s is the responsibility of the Vice and Narcotics Unit.

II. POLICY

In many instances, a successful investigation cannot be conducted without the use of confidential and reliable informants. A CI has a relationship with the CMPD and not an individual officer. When an officer is used as the contact person with a CI, the officer shall be acting in his/her official capacity. Adherence by the officer to directives and procedures is required at all times when dealing with confidential and reliable informants. It shall be the policy of the CMPD and its’ employees to maintain strict confidentiality concerning the identity and efforts of its CI’s.

III. DEFINITIONS

A. Confidential Source: Any person who provides information about criminal activity on a one time or infrequent basis that may result in an investigation. The information alone may not be considered to be reliable for court purposes. A confidential source is not considered to be an informant and does not need to be registered as one. Examples: a 911 call, information from a concerned citizen.

B. Confidential Informant (CI): A confidential source that, on an ongoing basis, provides information concerning criminal activity which leads to a police action such as an arrest, seizure, or follow up investigation. The confidential informant may provide this information in exchange for monetary or other lawful consideration. The information a CI provides is vetted and the reliability of information provided in the past determines his/her reliability for the purposes of court. Examples: person working towards substantial assistance in a criminal case, a person providing reliable information leading to probable cause to search a person, vehicle, or residence.

C. CI Packet and Information File: Documentation completed about a person in order to determine an individual's suitability for becoming a CI. This confidential information file will be maintained by the Vice and Narcotics Unit in a secure area and will include accurate and inaccurate information the CI has provided police. It will also designate whether the CI is active, inactive or terminated.

D. Master File: The Vice and Narcotics Unit will maintain a master CI file. This file will be located in a secure area and their access will be limited to the Major of the Special Investigations Bureau, Vice and Narcotics Captain, and the Vice and Narcotics Sergeants. If a member of Executive Staff requests to review a CI file for official business purposes, he/she will be permitted to review those files which are directly related to his/her inquiry and will be accompanied by the Vice and Narcotics Captain or SIB Major.
E. Code of Conduct: a list of understandings, behaviors, and actions acknowledged by Confidential Informants, by means of their signature, certifying their agreement to cooperate with and assist the CMPD.

IV. PROCEDURE

A. Establishment of the CI File System:

1. Vice and Narcotics sergeants will be responsible for developing and maintaining CI files.

2. An individual file will be developed and maintained for each CI used by any CMPD officer.

3. Each file shall contain the following information:
   a. Cover sheet (Name, Address, Date of Birth, Race, and Sex)
   b. Current Picture
   c. Fingerprint
   d. Handwriting sample
   e. Criminal History
   f. Summaries of information provided by the CI and the results
   g. CMPD “Code of Conduct” form
   h. File number
   i. Assumed Name
   j. Signature of approval from a division supervisor who has attended CI training or a Vice and Narcotics supervisor

B. Guidelines for CI Use

1. Any prospective CI must complete a CMPD CI Packet prior to utilization by any officer.

2. Upon completion of the CI Packet, the initiating officer(s) and the CI shall meet with a Vice & Narcotics Unit Supervisor or a designated sergeant that has attended the Informant Registration class prior to utilizing the CI. At this time a determination will be made by the vice supervisor or designated sergeant as to the usability of a CI.

3. In the event of exigent circumstances, a prospective CI may be used without first completing the CI Packet. However, this may be done only with the approval of a Vice and Narcotics Supervisor or Division sergeant responsible for drug investigations. If approval is granted the officer must complete the CI
Information Packet within 48 hours of the information being provided and acted upon.

4. Officers will not utilize a CI when it is known that the informant is wanted by any law enforcement agency. This does not nullify any information the informant may provide however, an officer will not direct a CI to make a drug buy or let the informant out of his or her sight to verify that information. Once this information is obtained, the officer will ensure the CI is arrested and turned over to the appropriate law enforcement agency. If the CI is wanted by a jurisdiction that is refusing to extradite, officers will need the approval of a Vice and Narcotics supervisor prior to using the informant.

5. If a CI is on probation or parole, the officer is required to check with the appropriate probation or parole officer to ensure that the use of this person does not interfere with any conditions of his or her parole or probation. The officer will obtain, in writing, the approval of the parole or probation office to use the CI and this documentation will be placed in the CI File Packet.

C. CI File Audit

1. Officers should ensure all biographical information is accurate and up to date. If not, a new biographical data form should be completed and provided to a Vice and Narcotics Supervisor. Officers should monitor any informant actions that are contrary to the informant Code of Conduct and notify a Vice and Narcotics supervisor to update the Confidential Informant’s file.

   a. Any issues concerning a CI will be discussed between the officer and Vice and Narcotics supervisor to determine if future use of this CI is warranted. This will not preclude any issues that are addressed throughout the year if needed.

   b. CI activity during the past year will be reviewed to determine if he/she should remain as an active or inactive informant.

   c. Update the Imprest Fund database with relevant information pertaining to the CI.

2. Inactive / Terminated Confidential Informants:

   a. If a CI has not provided reliable and/or accurate information within the past year, the CI may be moved to the Inactive CI file. This does not mean the CI cannot be used in the future, but if he or she is, the officer must submit a new CI Information Packet and follow the steps to ensure the information is reliable.

   b. All inactive CI files will be placed in the appropriate secure file cabinet. These files will not be discarded or thrown away, but may be stored at an agency approved secure offsite location.
c. A CI that does not follow the direction of his or her overseeing officer, commits a violent offense, is arrested for a drug charge or involved in conduct that is in conflict with the CI Code of Conduct may be terminated at the discretion of the overseeing officer’s Chain of Command in consultation with the Vice and Narcotics Captain. In cases where there is a difference of opinion about the continued use of a CI, the final decision will be made by the Special Investigations Bureau (SIB) Major. Regardless of the outcome, the officer in charge of that CI will document the details and issues in memo form and forward it to a Vice and Narcotics supervisor for submission into the CI Information File.

V. REFERENCES

800-013 Substantial Assistance
Vice & Narcotics Imprest Fund S.O.P.
Confidential Informant Information and Confidential Source Code of Conduct Form
I. PURPOSE

The purpose of this directive is to outline the process for Charlotte-Mecklenburg Police Department (CMPD) personnel utilizing criminal defendants for substantial assistance.

II. POLICY

In many instances, a successful investigation cannot be conducted without the use of Confidential Informants (CI’s) providing information to police. While the use of CI’s and their information is an effective tool in investigations, one can reasonably expect this information is provided with an expectation for a reduction or dismissal of criminal charges. To ensure compliance with N.C. General Statute and guidelines related to substantial assistance, officers should be mindful of the following procedures when working with persons wanting to provide drug information.

III. DEFINITIONS

A. Officer in Charge (OIC): The officer who is the lead investigator in the case.

B. FCT: Felony Crimes Team, Mecklenburg County District Attorney’s Office.

C. FCT Supervisor: The supervisor of the Mecklenburg County District Attorney's Office Drug Prosecution Team.

D. Substantial Assistance: The cooperation of a drug trafficking defendant that results in the arrest, identification, or conviction of others involved in criminal behavior. The defendant’s cooperation is usually provided with the expectation that it might lessen the punishment. N.C.G.S. 90-95(h)(5) allows a person to provide substantial assistance in drug trafficking cases only.

E. Drug Trafficking: The manufacturing, selling, or delivering, or possessing with the intent to manufacture, sell or deliver a controlled substance. Also, the creating, selling or delivering, or possessing with the intent to sell or deliver a counterfeit controlled substance.

F. On Scene Substantial Assistance: Cases in which officers, upon approval from their supervisor agree to allow a drug trafficker to provide substantial assistance prior to formal charging.

G. Post Arrest Substantial Assistance: Cases in which officers, their supervisor, and the Mecklenburg County D.A. FCT Supervisor agree to allow a drug trafficker to provide substantial assistance after being formally charged.

IV. PROCEDURE

A. Guidelines for Post-Arrest Substantial Assistance:

A drug trafficker wanting to provide substantial assistance must be thoroughly screened. The OIC should:
1. Obtain a written confession from the defendant for the charge(s) for which he/she has been arrested.

2. Obtain all Information needed to complete the CMPD Criminal Informant (CI) packet as outlined in the Criminal Informant Directive. Defendants with a history of committing violent crimes or multiple drug charges will be considered on a case by case basis.

3. If the OIC believes that a defendant may be a habitual felon, the officer should reach out to the FCT supervisor or the HFT (Habitual Felon Team) supervisor to verify that. If it is determined that the defendant is currently indicted for habitual felon, that defendant is probably not appropriate to provide substantial assistance. However, if the OIC still believes this defendant can provide substantial assistance, the OIC must receive authorization from the HFT supervisor first.

4. The OIC should determine if the defendant is wanting to provide substantial assistance is currently on probation. If the defendant is on probation, the OIC shall contact the defendant’s probation officer and determine if it would be appropriate for the defendant to provide substantial assistance. In some cases, the terms of probation would need to be modified if the defendant provides substantial assistance.

5. Obtain their supervisor’s authorization to use a person for substantial assistance prior to submitting a CI packet to the Vice and Narcotics Division. (See Directive 800-012 Confidential Informant.)

6. Not make any promises or inferences about case adjudication or sentencing. Those decisions are solely at the discretion of the D.A. and presiding judge.

7. Verify the defendant is not a suspect in other felony investigations by checking CMPD and court databases.

8. In consultation with the D.A. FCT supervisor, the OIC will contact the defendant’s attorney, if applicable, and arranges a meeting between the OIC, defendant, and the defendant’s attorney. The defendant should be debriefed during this meeting about the cooperation and information he/she can provide. In the event a meeting cannot be set, the officer should request a proffer from the defendant’s attorney about the defendant’s capabilities to provide assistance. During these debriefings, if a defendant provides information about other criminal activity the officer must make immediate notification to an appropriate supervisor (Homicide, Robbery, Auto Theft, etc.)

9. Ensure the defendant has voluntarily waived his/her 5th Amendment right, in writing. If the defendant has been formally charged before a magistrate, the defendant must also waive his/her 6th Amendment right to counsel regardless of whether an attorney is present.
10. The OIC should consult with his/her supervisor and/or the FCT supervisor to determine when substantial assistance has been completed and as to the disposition of the property from the original offense.

11. Substantial assistance, in consultation with the FCT supervisor should, at minimum, be initiated within ten to fourteen days. If that time period has passed and the defendant has been either out of contact or has not provided any assistance, the OIC should either obtain warrants for the original offense or take other action as directed by his/her supervisor.

B. Guidelines for On-Scene Substantial Assistance

During a drug investigation a person’s ability to provide substantial information about a source or location can be time sensitive. Therefore, an officer may wish to use a person prior to, and in some cases in lieu of, being charged with a criminal offense. It is important that no promises or guarantees are made to defendants prior to the approval of the FCT. So that we are prudent in our application of this discretion and in communicating with the FCT, on-scene substantial assistance can be considered once:

1. The officer has discussed the case with an immediate supervisor.

2. The defendant has voluntarily waived 5th Amendment rights, in writing.

3. The person provides a written confession to the crime for which they may be charged.

4. A positive identification has been made.

5. The necessary information has been obtained to register the person as a CI.

6. If the person provides immediate on-scene substantial assistance, that person must be registered as an informant before being used again.

7. The officer will notify the FCT Supervisor or designee within one (1) working day for all trafficking cases. This communication can be done via phone call or email. All contacts should be documented in the case file notes with the person contacted, date, time and summary of the conversation.

C. Information for Substantial Assistance Follow Up

1. Papering: At papering, the OIC should alert the ADA that the defendant is providing substantial assistance and has discussed the matter with the FCT Supervisor. Regardless of whether the defendant has provided substantial assistance, the papering ADA retains full discretion as to whether to accept the case for prosecution.

2. Guilty Plea: Defendants who plead guilty will likely have their sentencing delayed by the judge. The sentencing usually is scheduled during a substantial assistance hearing, 30 to 60 days after the defendant’s guilty plea. Officers
may be required to attend the substantial assistance sentencing hearing when subpoenaed by the defense attorney. Be mindful that the D. A’s Office cannot excuse the OIC from a defense subpoena.

3. Information Provided to the FCT Supervisor:
   a. The OIC will provide the FCT Supervisor a detailed written report within 60 days post arrest on the defendant summarizing the substantial assistance provided. This summary will include the:
      1) Complaint numbers,
      2) Dates;
      3) Seizure amounts;
      4) Weights of seizures;
      5) Names of the persons in which the defendant provided assistance.
   b. The OIC should include whether the defendant provided the maximum amount of assistance he or she could, if the defendant is still involved in the drug trade, and how significant a source/dealer the defendant is in Mecklenburg County.
   c. This document should be provided by email or in a hard copy format so that the FCT supervisor will have a written record for court purposes.
   d. If the defendant is continuing to work after this time the OIC will continue to provide an update every 30 days.

4. Non-Trafficking Drug Cases:
   Defendants with non-trafficking cases do not qualify for substantial assistance under N.C.G.S. 90-95(h)(5). Further, the Structured Sentencing Act does not allow for meaningful deviation in the DA’s recommendation for non-trafficking offenses (Class G, H, and I felonies). However, consideration may be given on a case-by-case basis.

5. FCT Supervisor:
   a. Will present information for substantial assistance on behalf of the State to the presiding judge during the defendant’s sentencing hearing.
   b. While officers are responsible for leading investigations in which persons are providing substantial assistance, they should be mindful of the following:
      (1) Officers should NEVER discuss sentencing the State may recommend for a defendant. If asked by a defense attorney,
officers should reply that sentencing recommendations are made by the FCT.

(2) Officers should never discuss the possibility of a continuance of any court date with the defendant. If the defendant inquires about a continuance, he/she should be directed to discuss the matter with his/her attorney.

(3) Once all evidence is heard, the FCT will make a sentencing recommendation to the Court.

(4) Officers must be mindful that final sentencing is entirely at the discretion of the judge. The judge may accept or reject the State’s sentencing recommendation.

V. REFERENCES

800-012 Confidential Informant Guidelines
N.C.G.S. 90-95 (h)(5)
Mecklenburg County District Attorney’s Office, Felony Crime Team
This directive was previously updated on 7/11/2017
I. PURPOSE

To provide guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees concerning the use of social media sites to maintain efficiency and prevent disruption within the workplace.

II. POLICY

CMPD recognizes the use of web-based social networking sites is a popular activity that can enhance communication, collaboration, and information exchange. Social media activity and speech as citizens relating to matters of public concern are First Amendment Forms of Speech and will receive First Amendment Protection. Employees using their own personal social media accounts may comment on matters of general or public concern so long as the comments do not disrupt the workforce, interfere with working relationships, interrupt efficient workflow, or undermine public confidence in the employee.

III. DEFINITIONS

A. Social Media: Forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).

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

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

D. Post: Speech or content an individual publishes on social media, whether on a personal site or one maintained by another person or public form.

E. Profile: Information a user provides about himself or herself on a social networking site.

F. Matters of Public Concern: Speech involving a public issue that is important to the general public and invokes a substantial amount of independent and continuing public attention as opposed to a purely personal grievance.

IV. PROCEDURE

A. Employees utilizing social media in the performance of duty, representing or speaking on behalf of CMPD will adhere to the following guidelines:

1. Using the Social Media Submission Form, employees must obtain permission from the Office of Public Affairs prior to representing CMPD via a social media/networking site in the performance of an authorized duty. (Social Media Submission Form)

2. The Office of Public Affairs will be responsible for regularly monitoring all approved sites in order to ensure appropriate usage and representation of the department.
3. Where possible, each approved social media page shall include an introductory statement that clearly specifies the purpose and scope of the department’s presence on the website.

4. Where possible, the approved social media page(s) should link to the department’s official website.

5. Employees will not disclose any information that is confidential or proprietary to the City of Charlotte, CMPD, or any third party who has disclosed information to CMPD.

6. Employees will act in accordance with all other city and departmental policies and directives. (See City Policy, ADM 15)

7. Employees, representing CMPD or speaking on behalf of CMPD, will act in a manner consistent with CMPD’S public image by upholding the value of respect for individuals and avoiding the use of CMPD resources in a derogatory or unprofessional manner.

8. Employees will not allow the use or maintenance of approved websites to interfere with their job duties and responsibilities.

9. Using any electronic device, department issued or personal, to post, upload or download any sensitive department or job-related information to any social media outlet is prohibited, unless the site and content are approved through the Office of Public Affairs. Examples include, but are not limited to, releasing or using:

   a. Confidential, sensitive, or copyrighted information (such as CMPD patch, badge, and logo) to which employees have access only due to their employment with the city.

   b. Data from any criminal or administrative investigation including statements, memos, photographs, video or audio recordings.

   c. Photographs of suspects, arrestees or evidence of any kind.

   d. Personal statements about any on- or off-duty incident or issue including a response to resistance incident, criminal or administrative investigation.

   e. Comments related to pending prosecutions.

   f. Any law enforcement training whether written, lecture, practical, or on-line.

   g. Any law enforcement operations, whether planned, on-going, or post-operational.

   h. Demonstrations, tutorials, or commentary on police equipment issued, operated, or utilized by CMPD.
10. Employees should be aware that they may be subject to civil litigation for:
   a. Publishing or posting false information that harms the reputation of another person, group or organization (defamation);
   b. Publishing or posting private facts and personal information about someone without the person’s permission that has not been previously revealed to the public, is not of legitimate public concern, and/or would be offensive to a reasonable person;
   c. Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose; or
   d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

B. Employees utilizing personal social media sites, or commenting or posting on any social media platform, will adhere to the following guidelines:

1. Employees are required to exercise sound judgment and discretion when contributing to social media sites and ensure a distinct separation between personal and organizational views. When personal use of social media sites is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of CMPD or the City of Charlotte.

2. Any speech or content posted on social media sites by employees which may compromise the department’s integrity, reflect negatively on the employee, or undermine public trust is prohibited.

3. Any employee who displays content on social media which affiliates himself or herself as an employee of the agency must ensure all speech or content is in keeping with all CMPD directives and standard operating procedures. The speech or content need not be displayed in the same posting which identifies the individual as an employee.

4. Postings containing CMPD uniforms, badges, patches, logos, vehicles, etc. in conjunction with any speech or content deemed biased, aggressive, violent, inflammatory, provocative, or otherwise reflects negatively on the employee or the agency is expressly prohibited.

5. Postings containing any content or information obtained as a result of official police business, such as pictures or video taken (from any electronic device) on a call for service, a traffic stop, CEU operations, etc., is expressly prohibited.

C. Employees should be aware of the potential adverse consequences of any speech or content they choose to display on social media. Inappropriate social media content may negatively impact an employee’s candidacy for future positions, impede the
employee’s ability to testify in court, Civil Service, or administrative proceedings, and/or result in disciplinary action, including suspension and/or termination.

D. Employees are responsible for immediately notifying their Chain of Command when they become aware of or have knowledge of a posting on any website or web page that violates the provisions of this policy; or any situation where sensitive information, pictures or data representing CMPD is posted to an unapproved site.

V. REFERENCES

Rules of Conduct
100-004 Discipline Philosophy
400-004 Use of Technology
800-001 Release of Public Records and Information
800-002 Media Relations
City Policy ADM 15
Liverman v. City of Petersburg, 844 F.3d 400 (4th Circuit 2016)
CALEA
I. PURPOSE

The purpose of this directive is to identify the methods and procedures for which criminal intelligence may be obtained by the Charlotte-Mecklenburg Police Department (CMPD), the purpose for which it may be used, who may access the information, and methods for identifying the reliability of the information. In addition, the directive identifies the security and maintenance requirements for housing intelligence files and procedures for the dissemination of information contained in the files. It is the purpose of the CMPD intelligence function to gather information from sources in a manner which is consistent with all applicable state and federal laws in support of law enforcement efforts to provide tactical or strategic intelligence information on the existence, identities, capabilities, and intentions of criminal suspects and enterprises, as well as to further crime prevention and law enforcement objectives which are identified by CMPD.

II. POLICY

A. The collection, retention, dissemination, and disposition of criminal intelligence are essential functions of law enforcement. It is the policy of CMPD to collect intelligence information that is directed toward specific individuals or organizations when there is reasonable suspicion that these individuals or organizations may be planning or engaging in criminal activity or for a valid law enforcement need. This intelligence information will be collected with due respect for the rights of those involved, and will be disseminated only as authorized. When collected, intelligence information is used to prevent or reduce crime, pursue and apprehend offenders, and obtain evidence necessary for conviction.

B. Although criminal intelligence functions may be assigned to specific personnel within the department, all members of CMPD are responsible for reporting information that may assist in identifying criminal conspirators and perpetrators. All CMPD employees shall adhere to the guidelines established in this directive and the 28 Code of Federal Regulations (CFR) Part 23 (as applicable) to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence.

III. DEFINITIONS


B. Criminal Intelligence: Information that has been collected, analyzed, and disseminated based on activities and associations of individuals, groups, businesses, and organizations that are identified as being involved or potentially involved in criminal behavior or activities.

C. Need-to-know: Defined as the necessity to obtain or receive criminal intelligence information in the performance of official responsibilities as a law enforcement or criminal justice authority.
D. Participating Agency: An agency or local, county, state, federal, or other governmental agency that exercises law enforcement or criminal investigation authority and that is authorized to submit and receive criminal intelligence information through an inter-jurisdictional intelligence system. A participating agency may be a member or nonmember of an inter-jurisdictional intelligence system.

E. Reasonable Suspicion: Is established when information exists which provides sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. Reasonable suspicion is the minimum threshold necessary for submission of a criminal intelligence record to a criminal intelligence database.

F. Right-to-know: Defined as the legal authority to obtain or receive criminal intelligence information pursuant to court order, statute, or decisional law.

G. Strategic Intelligence: Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short and long-term departmental goals.

H. Tactical Intelligence: Information regarding a specific criminal event that can be used immediately by officers to further a criminal investigation, plan tactical operations, and aid in ensuring officer safety.

I. Third Agency Rule: The concept of intelligence sharing that means any recipient of intelligence from an originating agency is prohibited from sharing that information with another agency. This affords some degree of accountability, yet may be waived by the originating agency when appropriate.

IV. PROCEDURE

A. Responsibilities

The criminal intelligence function is primarily carried out by the Criminal Intelligence Division; however, it is the responsibility of all members of CMPD to report any activity which may be of a criminal intelligence nature. Such information should be routed in a supplement report or via email to the appropriate Bureau, Division, or Unit.

B. Collection of Criminal Intelligence

1. The collection of criminal intelligence shall be for the purpose of suppressing criminal activity or for a legitimate law enforcement need.

2. The collection of intelligence information based solely on the political, religious, or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization, is strictly prohibited unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

C. Submission of Criminal Intelligence
Information submitted for inclusion in any strategic intelligence files shall clearly identify the focus of the investigation; as well as all relevant identifying information that is available to the submitter (i.e. Name, DOB, Addresses, Phone Numbers, Driver’s License/ Social Security numbers, Aliases, Associates, Vehicles, etc.)

D. Evaluation of Criminal Intelligence

All criminal intelligence data entered into any intelligence system will be immediately placed in a holding bin and reviewed by the Criminal Intelligence supervisor for evaluation. The supervisor or commanding officer shall determine that the criminal intelligence data conforms to departmental policies and procedures. Criminal intelligence data will be classified under three retention categories:

1. Permanent – Applies to intelligence information that has been validated. An intelligence submission with a “Permanent” status will become available for purge five years from the date of the most recent submission.

2. Temporary – Applies to criminal information when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon unknown sources or where the content validity of the information is not able to be verified, but the information appears to be significant. “Temporary” intelligence files shall be retained for no longer than one year.

3. Interim – Applies to newly submitted (“raw”) intelligence information while the intelligence submission is under preliminary investigation by an authorized unit/division. An interim working file will be opened for up to thirty days to confirm content validity and source reliability or to unfound the information. Intelligence information in an “Interim” status will not be released to outside agencies and will become available for purge thirty days from the submission date. One thirty-day extension may be granted by a Criminal Intelligence supervisor if extenuating circumstances exist.

E. Dissemination of Criminal Intelligence

1. Requests for information from criminal intelligence files shall be directed to the Commander of the appropriate Investigative Bureau, Division, or Unit. The request shall contain the name of the person requesting the information, the date, time and purpose of the request. In addition, the request should include specific identifying information on the subject for whom the information is being requested. The Chief of Police, an Assistant/Deputy Chief, the Criminal Intelligence Division Commander, or designee may distribute information contained in intelligence files to members of CMPD or other law enforcement agencies. Information disseminated from intelligence files shall be labeled as such. Members of CMPD are prohibited from forwarding or re-disseminating information from intelligence files to persons outside CMPD without the express permission of the Chief of Police, an Assistant/Deputy Chief, the Criminal Intelligence Division Commander, or designee.
2. When information from criminal intelligence files is disseminated, the Commander of the appropriate Investigative Bureau, Division or Unit shall record the following information within the file:
   a. The date of dissemination of the information;
   b. The name of the individual requesting the information;
   c. The name of the agency/organization requesting the information;
   d. The reason for the release of information; (need to know/right to know)
   e. The information provided to the requester;
   f. The name of the person disseminating the information;
   g. The submission of intelligence information to regional or national criminal intelligence databases shall be in conformance with 28 CFR Part 23.

3. Information furnished by personnel assigned to a criminal intelligence function within CMPD to other officers of CMPD is for department use only. Dissemination of this information outside the department without approval by the Chief of Police, an Assistant/Deputy Chief, the Criminal Intelligence Division Commander, or designee is prohibited.

4. G.S. 132-1.4 defines records of criminal intelligence information as “records or information that pertain to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.” Records of criminal intelligence information collected by CMPD are not public record. When criminal intelligence information is deleted from a document, recording or other record, CMPD will clearly indicate that such deletion has been made.

5. Criminal intelligence information that is part of a criminal investigative file may be discoverable. Disclosure of criminal intelligence information that has been provided to a prosecuting attorney will be governed by G.S. 132-1.4 and Chapter 15A of the General Statutes. When it is appropriate, CMPD will request that the prosecuting attorney obtain a protective order for the criminal intelligence information pursuant to G.S. 15A-908.

F. Terrorism Related Intelligence

1. The CMPD shall maintain a liaison with other organizations for the exchange of information related to terrorism. This liaison may be in the form of direct contact with specific departments and/or through such organizations as FBI Charlotte Joint Terrorism Task Force (JTTF), Homeland Security Agencies, Law Enforcement Online (LEO), Regional Organized Crime Intelligence Center (ROIC), and the North Carolina Fusion Center (ISAAC). The Deputy Chief of the Investigative Services Group or designee shall be responsible for the dissemination of terrorist related information within the CMPD and shall approve the re-dissemination of terrorist related information to other organizations. When
appropriate, such information shall be in the form of a written report accompanied by supporting documentation.

2. Information developed by the assigned JTTF Officer through their work with the JTTF will be maintained in accordance with FBI regulations. The officer assigned to the JTTF requires a security clearance. Security clearances are required for all CMPD personnel who are briefed or otherwise receive information from the JTTF or other governmental agencies.

3. The Chief of Police, or designee, shall determine which CMPD personnel require security clearances and the level of clearance needed. Security clearances will be issued on a need-to-know basis only. The decision regarding the granting of security clearances rests solely with the issuing federal agency.

G. Purging Procedures

Review and purging of intelligence information should be an ongoing process. The maximum retention period for intelligence information is five (5) years. If the information has not been updated and/or validated within the five (5) years, the information shall be purged from any intelligence files. If information has been updated within the past five years; the file may be retained for a period of five (5) years from the date of the latest update. Information purged from intelligence files shall be thoroughly deleted from any electronic storage devices and/or hard copies shall be shredded or otherwise made unusable. A record of the purge may be maintained containing the date and reason of the purge, as well as the name of the person completing the purge. Criminal intelligence information that is of little or no value will be purged and destroyed after review and approval by the appropriate level supervisor.

H. Training

It is the responsibility of all unit supervisors to ensure that assigned personnel have the necessary and required training appropriate to the level of criminal intelligence that might be gathered, viewed, analyzed and/or disseminated within that unit. All personnel will be familiar with all rules regarding the security for and disclosure of sensitive intelligence related information. The N.C. BLET curriculum provides this training for sworn personnel during the training academy. Personnel assigned to criminal intelligence related functions will receive advanced training on all systems utilized by the unit and on specific rules and laws governing the use of intelligence information by law enforcement.

I. Review of Procedures and Processes

Supervisors of units within CMPD that have a criminal intelligence function will conduct a documented annual review of their criminal intelligence functions, procedures and processes. Supervisors will prepare a written report and will include any recommendations for changes in procedures or processes. This written report will be submitted to the appropriate Bureau-level Deputy Chief.

V. REFERENCES
600-015 First Amendment Activities
Criminal Investigations SOP
Criminal Intelligence Unit SOP
Crime Analysis Division SOP
City of Charlotte Municipal Records Retention Schedule
28 CFR Part 23
N.C.G.S. 15A-908
N.C.G.S. 132-1.4 (b)(2)
CALEA
I. PURPOSE

To establish guidelines and procedures for department employees for the utilization of the CMPD SWAT Team.

II. POLICY

The mission of the CMPD Special Weapons and Tactics Team is to preserve life in high risk situations through the use of specialized training, equipment, and tactics in a professional manner that inspires the confidence of the community.

CORE VALUES:

A. All operations will be conducted with the highest regard for the preservation of life.

B. The SWAT Team is committed to the safe resolution of all high risk situations and will approach each situation in a professional and controlled manner, with an emphasis on a negotiated resolution.

C. The SWAT Team will use the best available specialized training and equipment to accomplish its mission and will develop the specialized skills of each team member.

D. The SWAT Team is committed to a controlled, rapid response to high risk situations in order to gain control and minimize the risk of death or injury to any person.

E. Team members approach their duties with a high level of confidence, motivation, flexibility, and patience.

F. The SWAT Team members acknowledge their dependence upon one another and work as a team in an atmosphere of trust, confidence, and open communication.

III. PROCEDURE

A. Call-Out Procedures

The ranking supervisor on the scene of any incident, or an on-duty SWAT Team member, may request the assistance of the SWAT Team. During normal business hours, the request should be made through the incident location Chain of Command to the SWAT Team Commander, or a SWAT Team Captain. During times when Operations Command is in charge, the request will be made directly to their office. Operations Command is responsible for contacting the appropriate member of the SWAT Team Command Staff. The member of the SWAT Team command staff who is contacted will make the decision on deployment of the Team. When the SWAT Team deploys, an incident notification will be sent out to all affected parties. Division supervisors will be responsible for making any additional notifications to that division’s Major and Deputy Chief indicating that the SWAT Team has been deployed in their area.

Divisions requesting SWAT Team assistance in service of high risk search/arrest warrants will be asked to provide as much lead time as possible in order to allow the
SWAT Team sufficient time for planning and preparation. Requests for SWAT assistance with serving high risk warrants should be approved through the level of the Service Area or Section Major.

B. SWAT Team Operations

Although not all inclusive, the following situations may necessitate the deployment of the SWAT Team.

1. Hostage Incident: Any situation where a suspect is holding a person(s) against his or her will by bodily force or the threat of bodily injury or death.

2. Barricaded Suspect: An armed suspect is wanted on criminal charges or for mental commitment proceedings and has assumed a position that provides him/her with significant tactical advantage over officers attempting to make an apprehension.

3. Suicidal Suspect: An armed subject who appears to be an imminent threat to himself/herself or others and has assumed a position which provides him/her with a significant tactical advantage over officers attempting to make an apprehension.

4. Search Warrants/Arrest Warrants: Where armed resistance is likely during the service of such warrants or where the service of such warrants requires the use of specialized tactics and equipment not available to other officers.

5. Surveillance/Stake-Outs: Where the crime is a felony or a crime of violence and information exists that the suspect(s) may be armed and the use of specialized tactics or equipment is required.

6. Woodland Search: Where an armed suspect is wanted on criminal charges or for mental commitment proceedings and has taken refuge in a wooded or rural area and has been contained by police officers.

7. Civil Disorder/High Risk Demonstration: Any civil disorder where the skills or equipment of the SWAT Team can assist in maintaining peace and order and achieving department objectives, or any high risk demonstration or parade where violence is possible.

8. Dignitary Protection: Whenever a visiting dignitary may require specialized security while in our jurisdiction.

9. Assistance to Other Law Enforcement Agencies: Where any of the above mentioned conditions exist and any law enforcement agency requests assistance in accordance with state law, or where any federal or state agency requests assistance within the jurisdiction of the CMPD. The Chief of Police or designee will approve any request for assistance outside the territorial jurisdiction of the department. The SWAT Commander is responsible for ensuring any required MOU’s are valid prior to any agreement to assist.
C. Deployment Logistics

1. Once the determination is made that the SWAT Team is to be deployed; SWAT Command will contact the Communications Supervisor and request that a notification be sent to all SWAT Team members. This notification will include specific information provided to the Communications Supervisor by SWAT Command.

2. Once on the scene, the ranking SWAT Team member will serve as the Tactical Supervisor until relieved by a higher ranking Team member. If immediate action is required, the on-scene Tactical Supervisor or Officer will initiate the appropriate response. If immediate action is not required, the SWAT Team supervisor will stabilize the situation pending the arrival of a SWAT Captain, or the SWAT Commander.

3. Operations Command will act as the Incident Commander or until relieved by a member of the appropriate Patrol Division Command. The Incident Command System (ICS) will be initiated by Operations Command or the Patrol Commander and applied accordingly based on the scope of the incident.

4. Tactical decisions are the primary responsibility of the highest ranking SWAT Team member on the scene and should be made jointly with the Incident Commander when circumstances permit.

5. The Crisis Negotiators will be contacted whenever the SWAT Team is deployed for hostage, suicide, or barricaded subjects. Negotiators may be contacted in other situations as deemed appropriate by the Incident or SWAT Commander. However, Negotiators will not deploy without tactical support.

6. The Tactical Medics will be notified in every situation in which the SWAT Team is deployed and will respond according to their agency’s SOP.

7. Team members who are not required to report immediately must be prepared to respond to the scene and relieve other SWAT personnel as the need arises.

8. In deploying new Team members, all supervisors will consider whether the officer has received required training, and displayed proficiency in a particular skill or piece of equipment, prior to assigning the officer to a position during an operation. A supervisor will not assign a team member to a task for which the Team member has not been trained or for which the Team member has not demonstrated proficiency. If this occurs, the Team member is responsible for informing the supervisor that they have not been trained for the assigned task.

D. Radio Protocol

As soon as practical and when feasible, all radio communications pertaining to a SWAT incident will be designated a specific SWAT talk-group (SWAT 1). A dispatcher will staff this channel, and all radio traffic will be recorded.
E. Support Services

1. During the initial deployment phase, notification of relevant support services may include, but are not limited to CFD, police canine, helicopter, investigations, Crime Scene Search, and MEDIC.

2. During a tactical team deployment, the communication with other departments and/or agencies will be handled by the Communications Division or directly by the On Scene Tactical Commander via cellular telephone or radio. Radio communications should be handled on a frequency other than the one selected as the primary talk group for the tactical operations.

F. Establishment of Scene Perimeters

On incidents that are not pre-planned by SWAT personnel, the responding patrol units will be responsible for the initial containment of the structure or incident location. Upon the arrival of SWAT personnel, the patrol units/officers will be relieved of their duties relevant to the actual containment of the incident scene or structure as quickly as is reasonably possible; however, patrol will remain responsible for securing the inner and outer perimeters to include traffic and pedestrian control. Decisions pertaining to the inner and outer perimeters of an incident location will be made by the On-Scene Patrol Commander or Operations Command, in consultation with the Tactical Commander.

G. Evacuation of Bystanders and Injured Persons

The evacuation of bystanders, residents adjacent to an incident location and injured persons is an ongoing process and will be based upon such criteria as the general nature of the incident, type of weapons involved, the population density surrounding the incident location, any indication of a chemical or biological agent, prior actions on the part of the suspect(s) that would necessitate the movement of people from the area and the nature and extent of injuries involved. Prior to the arrival of the SWAT Team, this will be the responsibility of the On-Scene Patrol Commander, except for those individuals who cannot be evacuated without compromising officer safety. In those cases, the person should be advised to remain in place until the SWAT Team arrives with the equipment necessary to effect the safe movement of the individual. A person should only be moved if it can be accomplished without risking the safety of any responding officers, but officers should quickly evacuate those citizens whose safety is at risk if not relocated. If evacuations are conducted, the patrol supervisor will document all locations and citizens evacuated and will provide that information in written form to SWAT command when the transition occurs.

H. Review and Operation Debrief

1. As soon as practical following the termination of a SWAT involved operation, an incident debriefing and critique will be held. If necessary, all elements involved in the incident should be present; including, but not limited to, participating
SWAT Team members, CMPD Command Staff, communications personnel, support services, patrol, and investigations.

2. In addition to the review, a SWAT Team supervisor who was involved in the operation will be designated to complete a written Critical Incident Report (CIR). The CIR will include such information as the details leading up to the incident, SWAT Team deployment, operational commands and actions while on the scene and should include a copy of all relevant offense reports and related materials. The CIR along with all SWAT Officer’s supplements / statements will be attached to all case files.

3. A SWAT Supervisor will coordinate with patrol the completion of all necessary administrative paperwork related to the direct actions of SWAT Team members such as Raid and Search Reports and Response to Resistance documentation. Paperwork relevant to other officers on the scene will be handled by the appropriate Division Chain of Command.

IV. REFERENCES

Directive 100-003 Limits of Authority
Charlotte-Mecklenburg County Integrated Response Plan for All Hazards, Annex “M” (version 9/25/03)
SWAT SOP’
CALEA
I. PURPOSE

This directive establishes a consistent format for reporting court absences and tardiness. A tracking system for logging Court Subpoenas into the division/section will ensure that all personnel are notified of their attendance obligations.

II. PROCEDURES

A. Subpoena Service

1. The Court Liaison Office and Investigators assigned to the District Attorney's Office will generate a separate subpoena for each officer to increase accountability.

2. The Court Liaison Office will separate the subpoenas by divisions/sections and will retain the matching subpoena.

3. The Court Liaison Office will distribute court subpoenas by sending them in a sealed envelope that will be placed in division/section mail slots in CMPD’s Records Section. Additionally, the Court Liaison Office will distribute prosecution subpoenas generated by the state’s criminal/infraction system for district court directly by scanning the documents and electronically mailing them to the designated employee of each division/unit for service.

4. Each division/section will designate an employee who will be responsible for receiving the subpoenas and maintaining the Subpoena Tracking Form. The Subpoena Tracking Form will be maintained by the division/section for six (6) months.

5. Subpoenas will be logged in at the division/section level, and the subpoena will be distributed by the designated employee to the supervisors in the division/section. Supervisors are responsible for serving employees with the subpoena and returning the subpoena to the designated employee prior to the court date. The designated employee will log the subpoena as served and return all subpoenas to the Court Liaison Office in a sealed envelope prior to the court date.

6. The Court Liaison Office will document unjustified absences and tardiness in the IACMS daily and forward them to the appropriate division for investigation.

7. Officers are prohibited from speaking directly to an Assistant District Attorney to be excused from any court appearance.

III. REFERENCES

300-002 Court Appearance
Directive was last revised on 5/30/2017
I. PURPOSE

To establish guidelines and procedures governing the utilization of a naloxone nasal spray device administered by employees to affected persons or K-9 units of the Charlotte-Mecklenburg Police Department who may be experiencing an opioid overdose caused by opioid exposure.

II. POLICY

It is the policy of the CMPD to take steps to preserve the life of another person or CMPD K-9 unit after a suspected overdose as the result of a potential exposure to opioids.

III. DEFINITIONS

A. Naloxone: A prescription medicine that blocks the effects of opioids and reverses an overdose.

B. Naloxone Coordinator: The Naloxone Coordinator is appointed by the Chief of Police. He/she is responsible for maintaining departmental inventory of the product. The Naloxone Coordinator will coordinate with the Training Division to ensure employees are trained prior to being issued the product.

C. Opioid: Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone, hydrocodone, codeine, morphine, and many others. These drugs are chemically related and interact with opioid receptors on nerve cells in the body and brain, and are used primarily in pain mitigation.

IV. PROCEDURE

A. Naloxone Coordinator

The Naloxone Coordinator shall be responsible for the following:

1. Consulting with the Mecklenburg County EMS (MEDIC) Medical Director to oversee all clinical aspects of on the job opioid overdose prevention measures.

2. Ensuring that all authorized employees are adequately trained in the use of naloxone nasal spray in accordance with the Mecklenburg County (MEDIC) EMS Medical Director.


4. Ensuring proper and efficient deployment of naloxone nasal spray devices for use.

5. Ensuring naloxone nasal spray devices are current and not past their expiration dates.
6. Coordinating with the Asset Management Sergeant in the Property and Evidence Management Division to replace naloxone nasal spray devices that are damaged, unusable, expired, or used.

7. Serving as a liaison with MEDIC as needed.

8. Ensuring that the naloxone nasal spray devices are stored safely and consistent with manufacturer's guidelines.

B. Training Protocol

Prior to being issued naloxone, employees must complete the “Naloxone Carry and Use Training” through the CMPD Learning Management System. The training includes information about how to recognize an opioid overdose, how to administer the issued naloxone product, and what follow up actions are required after use.

C. Opioid Overdose Indicators

Authorized employees shall be cognizant of indicators of an opioid overdose which may include the following:

1. Blood-shot eyes;
2. Pinpoint pupils (even in a darkened room/area);
3. Depressed or slow respiratory rate;
4. Difficulty breathing (labored breathing, shallow breathing);
5. Blue skin, lips, or fingernails;
6. Decreased pulse rate;
7. Low blood pressure;
8. Unresponsiveness;
9. Seizures;
10. Possible presence of narcotics or drug paraphernalia.

D. Authorized Employees

Only authorized employees trained in the use of the naloxone nasal spray device are authorized to administer naloxone nasal spray. Employees shall follow the protocols outlined in their naloxone nasal spray training before administering naloxone:

1. All authorized employees will be issued naloxone nasal spray after the successful completion of approved training.
2. All authorized employees will have the naloxone nasal spray available for use when on duty or when engaged in secondary employment.
3. Authorized employees shall utilize the naloxone nasal spray device only on affected persons or CMPD K-9 units believed to be suffering from an opioid overdose caused by a potential opioid exposure.

4. Authorized employees who have identified the indicators listed above being exhibited in a person or CMPD K-9 unit and have reason to believe that the affected person or CMPD K-9 unit is suffering from an opioid overdose as a result of being exposed to opioids in the performance of their duties shall proceed as follows:
   a) Notify Communications that the person is in a potential overdose state and request MEDIC.
   b) Perform first responder treatment consistent with training.
   c) Remove the nasal naloxone nasal spray device from its outer protective packaging.
   d) Insert tip of the device into either nostril of the person or CMPD K-9 unit and press the plunger firmly. Additional doses should be administered, in accordance with training, if needed before medical first responders arrive.
   e) When the authorized employee notices the affected person is returning to consciousness, the authorized employee will notify the affected person that naloxone nasal spray was administered and that he/she might feel pain/withdrawal symptoms which are normal.
   f) Ensure the affected person or K-9 unit receives emergency medical attention.
   g) If the affected person is an employee, a supervisor shall complete an Officer Injury Report for exposure in the IACMS.
   h) If the affected person is not an employee, a Mecklenburg County LEO Naloxone Administration Data Collection Form will be completed and given to MEDIC on the scene.
   i) When an authorized employee uses the naloxone nasal spray on a non-employee, the employee will document the usage in a Miscellaneous non-criminal Overdose report in KBCOPS.
   j) After administrating the naloxone nasal spray, employees will decontaminate their hands with soap and water due to the possibility of fentanyl being present. In the absence of soap and water, employees will use alcohol-free hand wipes/hand wash.

5. Naloxone nasal spray devices will be kept out of the reach of children if stored at the employee's home when off duty.
6. Authorized employees will inspect the naloxone nasal spray device prior to the beginning of the shift.

7. Supervisors will inspect naloxone nasal spray devices on a monthly basis to ensure they are not expired and do not appear damaged. Supervisors will ensure naloxone nasal spray devices are replaced as necessary.

8. Authorized employees who identify missing, damaged, or expired naloxone nasal spray devices will notify their immediate supervisor. Supervisors will contact the Asset Management Sergeant in the Property Evidence and Management Division during normal business hours for replacement.

V. REFERENCES

N.C.G.S. 90-12.7
Exposure Control Plan
This directive was last revised on 12/20/2017
Mecklenburg County LEO Naloxone (Narcan®) Administration
Data Collection Form

Date: _____/____/_____  Time: _____:____

LEO Department: __________________________________________

Location: __________________________________________________

Patient Name: ______________________________________________

Patient Age: _______  Patient Sex: ☐ Male  ☐ Female

Patient signs/symptoms: ☐ Respiratory depression
☐ Altered mental status/unconscious

Number of naloxone doses administered: ☐ 1  ☐ 2

Time of naloxone administration: _____:____  _____:____

Patient response: ☐ Improved
☐ No change
☐ Worsened

Patient complications: ☐ None
☐ Vomiting
☐ Combativeness

Complete data collection form and provide to responding EMS personnel
I. PURPOSE

To establish guidelines, consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 for CMPD personnel to follow when providing services to, or interacting with, individuals with Limited English Proficiency and to establish guidelines for the use of interpreters and translators.

II. POLICY

CMPD will take reasonable steps to provide timely, meaningful access for Limited English Proficient (LEP) individuals to the services and benefits it provides. CMPD personnel will provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. CMPD personnel will inform the public that language assistance services are available to LEP individuals.

III. DEFINITIONS

A. Primary Language: an individual’s native tongue or the language in which an individual most effectively communicates.

B. Limited English Proficiency: designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

C. Interpretation: the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

D. Translation: the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

E. Bilingual: the ability to use two languages proficiently. For CMPD employees this means they have successfully completed the CMPD foreign language testing procedure (administered by the Community Engagement Division).

F. Vital Document: any document that is used for official law enforcement purposes by CMPD.

G. Non-Vital Document: any informational and/or educational document used by CMPD.

IV. PROCEDURE

A. Public Notification

At each CMPD building entry point or lobby, signage shall be posted in the most commonly spoken languages according to the area’s demographics stating that
interpreters are available to LEP individuals. The CMPD will also maintain translated vital and non-vital documents for LEP individuals. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to the LEP individuals in their primary language by either a bilingual CMPD employee or an interpreter.

B. Certified Bilingual Interpreters

To become a certified bilingual interpreter, a CMPD employee or approved bilingual volunteer must be tested by a certified language testing center or person and must score at least a “3” on the Oral Proficiency Interview (OPI) scale. A Second Language Pay incentive is available to all non-exempt CMPD employees who meet the above criteria in the Spanish or Asian languages. Pay incentive is also available for certified sign language interpreters. The appropriate Deputy Chief may waive the non-exempt criteria due to department and community needs.

C. Interpreting and Translation Services

When considering the need for interpreting services, employees will assess the seriousness of the matter, including the nature of any potential criminal charges and try to ascertain an individual’s primary language to determine available resources in order to facilitate effective communication. The following options will be considered (in order) when deciding on the appropriate course of action.

1. When feasible, employees will use translated documents such as citation information, accident exchange slips, seized evidence, etc. to convey information.

2. If translated materials do not resolve the situation, employees will request the Communications Division contact an on duty bilingual CMPD employee or approved bilingual volunteer to assist.

3. If a CMPD bilingual employee or approved volunteer is not available, with supervisory approval, employees will use the language line of the contracted interpreter service. The Communications Division will contact the service and have the interpreter call the employee.

4. If telephone interpreting is not practical, with supervisory approval, the Communications Division will contact the appropriate interpreting service to respond to the scene to assist with interpreting.

5. Employees are required to use bilingual CMPD employees or approved bilingual volunteers for the translation and transcription of all audio recordings as well as written materials. Any exception where there is a need for the use of a contracted interpreting service requires the prior approval of the employee’s supervisor.

6. Employees will document all necessary information to identify the interpreter used, as well as specific services provided, for court purposes.
7. The Support Lieutenant for the Patrol Services Group will be the point of contact for questions or problems relating to the contracted service provider.

D. LEP Coordinator

The LEP Coordinator will be the Community Services Bureau Major and will be responsible for coordinating and implementing all aspects of CMPD services to LEP individuals. The Research & Planning Division will serve as the liaison between the Department of Justice and the LEP Coordinator.

V. REFERENCES

600-026 Interpreting for the Deaf and Hard of Hearing Language Assistance Plan
Title VI Civil Rights Act 1964
Omnibus Crime Control and Safe Streets Act 1968
This directive was last revised on 9/25/2017
I. PURPOSE

To provide guidelines for the administration of Cardiopulmonary Resuscitation (CPR) and the storage of the Automated External Defibrillator (AED).

II. PROCEDURE

A. All sworn employees who are on-duty or working secondary employment are expected to provide CPR and/or use the Automated External Defibrillator (AED), if available, in accordance with the current American Heart Association guidelines to any person in need.

   1. Officers must be currently trained in the use of CPR and the AED (Automated External Defibrillator).

   2. Officers will consider officer safety and ensure that the scene is safe before rendering aid to any person.

   3. Officers will practice body substance isolation and use a barrier device along with other appropriate personal protective equipment (PPE). Officers are expected to provide CPR using the barrier device and PPE. Officers are permitted to provide CPR to an infant, as defined by the American Heart Association (from birth to one (1) year old), without a barrier device, but should use PPE.

   4. Officers will make reasonable efforts to protect the integrity of any crime scene that may exist.

B. Reporting

   1. When an officer provides CPR, it will be documented on the officer's confidential supplement to the related incident report, or

   2. If there is no related incident report, officers will document providing CPR in the comments section of the call for service.

C. Equipment and Maintenance

   1. All sworn employees will be issued a CPR mask after the successful completion of an approved CPR course.

   2. Sworn employees will have their issued CPR mask and PPE available for use when on duty or when engaged in secondary employment.

   3. Supervisors will inspect CPR masks on an annual basis to ensure that they are in original condition, and have them replaced as necessary.

   4. The issued mask is a single use device and will not be used to provide CPR to more than one person. Masks will be replaced by the Property and Evidence Management Division on an as needed basis.
5. CPR masks and PPE will be disposed of following their use as stated in the CMPD Exposure Control Plan.

6. There will be an AED located in accessible areas in the following CMPD locations:
   a. CMPD Headquarters Building
      (1) Basement inside the Fitness Room
      (2) First floor across from the Property and Evidence Management window
      (3) Second floor across from the Crimes against Persons section
      (4) Third floor across from the Employee Break Room
      (5) Fourth floor hallway in the Crime Lab
   b. Police and Fire Training Academy
      (1) First and Second Floor of the main Academy Building
      (2) CMPD Firing Range House
      (3) Mobile unit kept for use with recruits.
   c. All fourteen (14) Patrol services divisions

7. Officers assigned to the CMPD Headquarters Security Desk will be responsible for running a self-check maintenance to include checking the expiration dates on the defibrillator pads and battery on all AEDs in the building once a month.

8. Division Commanders or his/her designee will be responsible for running a self-check maintenance to include checking the expiration dates on the defibrillator pads and battery on AEDs in the respective facility once a month.

D. Officers should refer to CMPD Exposure Control Plan for additional information about safe work practices, personal protective equipment, decontamination, and exposure procedures.

III. REFERENCE

   Exposure Control Plan
I. PURPOSE

To provide patrol divisions with a procedure for the issuance, inventory control, and maintenance of shotguns.

II. POLICY

A. Each patrol division will maintain a specially designated safe to secure all shotguns.

B. A shotgun will be removed from the safe when a marked police vehicle is placed in service.

C. Any time that a police vehicle is not in service, the shotgun will be removed and placed in the designated shotgun safe.

D. At no time will a shotgun be left in a police vehicle that is not in service on a shift.

III. PROCEDURE

A. A division will determine the number of shotguns needed for the division by determining the largest number of line officers, on-duty, on any given date. An additional four shotguns will be included for supervisors.

B. The serial number or Division assigned number of each shotgun must be entered into the vehicle logbook or the electronic vehicle log system at the beginning of each shift.

C. Officers must determine if the vehicle they are operating will be used on the next shift. If the vehicle will not be used, that officer is responsible for removing the shotgun and securing it in the designated shotgun safe at the end of his/her shift.

D. The shotgun must be removed and placed in the designated shotgun safe prior to a vehicle being left for maintenance, repair, etc. at a location such as the garage, radio shop, etc. The shotgun does not have to be removed if the officer waits on-site for the maintenance to be completed.

IV. INVENTORY CONTROL

Each division will appoint a shotgun control officer and inform the Range Master as to who has been appointed that role for their division. The shotgun control officer will maintain a written inventory of all shotguns assigned to the patrol division.

A. The shotgun control officer will ensure that shotguns are kept clean and in good working condition.

B. Once a year, the shotgun control officer will coordinate with the range staff for the cleaning and test firing of division shotguns.

C. The shotgun control officer will coordinate taking inventory of all the division shotguns on a quarterly basis.
D. The shotgun control officer must immediately notify his/her chain-of-command of any shotgun missing from the inventory.

E. In the event a shotgun is determined to be missing, the shotgun control officer must contact his/her sergeant to determine if a lost or stolen equipment investigation should be initiated.

F. Officers who perceive a deficiency with a shotgun should report it to the shotgun inventory officer or a supervisor immediately so that it can be pulled from service until it can be inspected/repaird.

G. The shotgun control officer will maintain a count of the shotgun ammunition issued for each shotgun and any additional shotgun ammunition issued to the division.

H. The shotgun control officer will ensure that the shotgun ammunition is rotated through the range biennially.

V. REFERENCES

400-002 Firearms
600-001 Departmental Vehicles
I. PURPOSE

To establish guidelines to enhance the safety and awareness level of officers who respond to clandestine laboratories and to establish a protocol to be followed if a clandestine drug laboratory is encountered.

II. DISCUSSION

A clandestine drug laboratory is a very dangerous and volatile environment that can pose substantial health risks and can even cause death. Volatile organic compounds, explosives, metals, solvents, and salts are commonly found in such a laboratory. The manufacturing of controlled substances in a clandestine drug laboratory creates the potential for explosions, chemical fires, and the release of toxic gases.

III. DEFINITIONS

A. Clandestine drug laboratory (clan lab): A laboratory used for the primary purpose of illegally manufacturing controlled substances. A clandestine drug lab is typically small in size and utilizes common household appliances, glassware, and readily available chemicals. Such a lab may be found in a variety of locations, such as homes, apartments, hotels, kitchens, bathrooms, garages and other outbuildings, mini-warehouses, and recreational vehicles. In addition, such a lab may contain sophisticated surveillance equipment and/or “booby traps” to prevent law enforcement from gaining access to the lab and to facilitate the destruction of evidence.

B. Clandestine Enforcement Response Team (CERT): A team consisting of personnel from the State Bureau of Investigation (SBI), Drug Enforcement Administration (DEA), and CMPD that have successfully completed the DEA Clandestine Laboratory Safety Certification School and are, therefore, certified to enter, process and clean-up a clandestine drug laboratory site.

C. HazMat Response Team: A team of experts or specialists in the area of hazardous waste disposal and/or industrial hygiene whose function is to remove/dispose of hazardous waste associated with a clandestine drug laboratory.

IV. PROCEDURES

A. Clandestine Drug Laboratory

An officer who discovers a clandestine drug lab is designated as the first on scene officer. A clandestine drug lab should be treated as a hazardous environment immediately upon discovery and the scene should be secured. It is the responsibility of the first on scene officer to protect themselves and others who may be in danger. The first on scene officer will observe and adhere to the following procedures:

1. Immediately notify the shift supervisor.

2. Never attempt to enter a known clandestine drug lab. If an officer becomes aware that he/she has entered a lab, he/she should evacuate all persons from
the lab, with or without their consent, for their safety and for investigative purposes.

3. Avoid turning on or off any light switches, electrical appliances or other electrical devices and avoid touching or smelling any lab equipment or chemicals.

4. Evacuate everyone from the vicinity of the lab site, in an upwind direction (i.e., neighboring houses, adjacent apartments, or motel/hotel rooms).

5. Administer first aid as needed.

6. Notify the Communications Division to contact the Charlotte Fire Department (CFD) HazMat Response Team so that they can respond and test the quality and safety of the outside air around the lab site, in order to determine a safe distance and area for evacuation.

7. Secure the area as a crime scene at the distance the CFD HazMat Response Team determines to be safe and prohibit others from entering that area.

8. Minimize exposure to themselves and others.

9. Prohibit smoking around or near the lab site.

10. Notify the Communications Division to contact the Clandestine Enforcement Response Team (CERT) Supervisor.

   a. The Communications Division will maintain a current list of CMPD members of the team and supervisor.

   b. On-duty CMPD officers and if necessary, off-duty officers, will be requested to respond by the CERT Supervisor, or Operations Command.

   c. CERT Supervisor will be responsible for notifying other agencies that may be needed to process the lab.

   d. Follow the Charlotte-Mecklenburg Police Department (CMPD) Exposure Control Plan if an exposure has occurred.

11. Upon arrival at the lab site, CERT will assume control of the scene and will maintain control until the site is processed and rendered safe. All personnel, other than CERT members, will be prohibited from entering the lab site.

12. CERT and/or the HazMat Response Team will dispose of all hazardous materials and/or chemicals removed from the lab site. Hazardous materials and/or chemicals will not be brought to CMPD Headquarters or a division office for storage.

B. Vehicle Stops
A vehicle stop may develop into a clandestine drug lab situation during the stop or search of the vehicle. An officer who suspects that he/she has encountered a clandestine drug lab or hazardous chemicals should proceed as follows:

1. Immediately remove the occupants of the vehicle and secure them in an upwind direction. The officer should avoid securing occupants inside the patrol vehicle.
2. The officer should then follow the procedures set forth in section IV.A.
3. No attempt should be made to move the vehicle containing the suspected lab.
4. Follow the CMPD Exposure Control Plan if an exposure has occurred.

C. Reporting Procedures

1. The first on scene officer will brief the responding supervisor and the responding members of CERT upon their arrival.
2. The first on scene officer will document the preliminary investigation on an Incident Report in the Records Management System by selecting the offense category, Drug/Clandestine Drug Lab Investigation.

D. Supervisor’s Role

Upon receiving notification that a clandestine drug lab has been discovered, the supervisor will:

1. Immediately respond to the scene.
2. Ensure that the scene has been properly evacuated and secured.
3. Verify through the Communications Division that members of CERT have been notified and are responding.
4. Complete a Supervisor’s Investigative Report to document any exposures that officer(s) may have received from chemicals or chemical fumes produced at the lab.

V. REFERENCES

CALEA
CMPD Exposure Control Plan
I. PURPOSE

To establish Charlotte-Mecklenburg Police Department policy concerning the preparation and presentation of felony cases to the District Attorney’s Office for prosecutorial consideration in conjunction with the open discovery statutes.

II. POLICY

It is the policy of CMPD that all felony cases, in which an arrest has been made, shall be presented to the District Attorney’s Office for review. Officers shall preserve and make available to the District Attorney’s office on a timely basis all material and information acquired in the course of felony investigations including the law enforcement file. All officers shall fulfill their continuing affirmative duty to make this information available to the District Attorney’s office throughout the investigation and prosecution of the case.

III. DEFINITIONS

A. Law Enforcement File: Includes defendant statements, codefendant statements, witness statements, 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.

B. Case Papering: The process of presenting the facts and evidence of an arrest to the District Attorney’s Office for review. The purpose of the review is to determine if the case merits prosecution.

C. Papering Packet: The collection of documents that represent the findings of an investigation or facts and evidence of an arrest, including the law enforcement file and any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant.

D. Officer in Charge (OIC): The OIC is identified as the assigned officer/detective in the KBCOPS report. The OIC is responsible for ensuring the papering packet is presented to the District Attorney’s Office for review.

E. Ex Parte Motion and Order: A motion filed by the District Attorney seeking an order from the court that investigative material not be released to the defendant. The basis for the District Attorney’s motion includes, but is not limited to, the existence of a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment.

IV. PROCEDURE

A. Preservation of Information

1. Officers shall save and maintain all information relating to a felony case, including, but not limited to, handwritten notes, emails and correspondence.
2. Officers are specifically prohibited from destroying any notes regarding a felony offense or case.

3. The OIC of the case shall gather and preserve all information regarding the felony offense. This includes, but is not limited to, electronically recorded or written statements, notes, diagrams from officers, detectives, CSS tech's, victims, and witnesses, 911 recordings, photographs, lab results, calls for service, Miscellaneous Incident reports, APB information, e-mails, DMVR, Body Worn Camera, etc.

4. Officers or detectives shall provide the OIC all original copies of any handwritten notes as soon as possible and shall maintain a copy of said notes.

B. Presentation of Papering Packets

1. In cases where patrol officers, specialized units and detectives are working together on a case, it is imperative all parties communicate with each other to establish who will present each particular case to the District Attorney's Office.

2. Papering packets will be presented to the District Attorney's Office within 14 calendar days of the date of arrest. Failure to paper the case within 14 calendar days may jeopardize the case and/or result in a dismissal. The District Attorney Liaison Sergeant will contact the OIC's Chain of Command when the case is not papered in a timely manner.

3. Requests for further or additional follow-up work by the District Attorney's Office will be completed no later than 20 calendar days from the date the case was papered. The reviewing supervisor will ensure all further work-up is submitted within 20 calendar days. Exceptions to this policy are lab reports and transcripts which will be forwarded as soon as completed.

4. Officers/detectives completing further or additional follow-up work on a case will route the additional paperwork back to the reviewing Assistant District Attorney.

5. Cases lacking essential documentation may be rejected by the District Attorney's Office until proper documentation is obtained.

6. Exceptions to time restrictions in presenting completed papering packets to the District Attorney's Office are only authorized by prosecution unit supervisors or the District Attorney Liaison Sergeant if sufficient facts merit delays.

7. Officers/detectives have the option of scheduling appointments with the proper prosecution unit of the District Attorney's Office when multiple or complex cases are going to be presented for review. This will reduce the waiting period for the officer/detective during normal papering days and hours.

C. Appealing Rejected Papering Packets
1. The officer/detective will take the case to the supervisor who reviewed the case and explain why the Assistant District Attorney rejected the case for prosecution.

2. If the supervisor disagrees with the Assistant District Attorney’s decision, the supervisor may contact the District Attorney Liaison Sergeant to coordinate a meeting between the District Attorney Unit supervisor, the officer/detective’s sergeant and the officer/detective in charge of the case.

D. Misdemeanor and Government/ School Employee Case Papering

1. An administrative order by the Chief District Court Judge mandates that all misdemeanor complaints against an officer, employee of the city, county, state, or federal government, who at the time of the incident giving rise to the complaint was discharging or attempting to discharge their official duties, will be investigated by the CMPD and papered with the District Attorney’s Office prior to the issuance of a warrant.

2. Officers must obtain written approval from the District Attorney’s Office before seeking a warrant or criminal summons from the magistrate for offenses against school employees, as defined in N.C.G.S. 14-33(c)(6), while discharging their duties. This requirement does not apply to traffic offenses, offenses that occur in the officer’s presence or to offenses involving actions by school employees outside the performance of their duties. (N.C.G.S. 15A-301)

V. REFERENCES

G.S. 15A-501
G.S. 15A- 902 et seq.
N.C.G.S. 15A-301
N.C.G.S. 14-33(c)(6)
I. PURPOSE

This policy establishes a procedure for creating and approving standardized forms for use by
the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY

All forms must be written using the standard format available from the Research and Planning Division (R&P). All forms must reflect CMPD’s values and philosophy of policing when written, and will be promptly updated whenever a policy, program, and/or procedure change occurs that makes the current form obsolete. No forms will be used in an official capacity within CMPD that are not approved by the R&P Division.

III. PROCEDURE

A. When an individual or group of CMPD employees identifies a need to create, update, delete, or convert a standardized departmental form they will present the idea to their Division or Unit manager.

B. If there is concurrence as to the need by the Division or Unit manager, the form request will be submitted to the R&P Division. The submitting employee is responsible for assisting with collection of information for the creation of the new form or editing of an existing form that impacts their respective Division/Unit according to the approved format.

C. Once all required information is collected, the final version of the form will be completed by the R&P Division.

D. Upon approval by the appropriate Assistant Chief of Police or designee, the R&P Division will note the approval date on the form and place the form on the CMPD Portal under the heading of “CMPD Forms.” All previous versions of the form will then become obsolete, deleted from the CMPD Portal, and will not be used.

E. The R&P Division, in coordination with the affected Division/Unit, will review the content and/or need for a particular form at least every three (3) years. The R&P Division will determine criteria and approve or deny any deletion or edits to electronic forms or discontinuation of current forms.

F. Whenever a new form is prepared or a form is updated, the R&P Division will note in the “Announcements” section of the CMPD Portal that there is a new or revised form posted.

IV. REFERENCES

CALEA
I. PURPOSE

This directive establishes a notification process for all Charlotte-Mecklenburg Police Department (CMPD) grant applications. The notification process is vital to ensuring that CMPD personnel are following all necessary procedures to attain funds within existing budget guidelines and in accordance with the City of Charlotte’s Grant Administration Policy. With this process, each grant application can be reviewed and all financial and resource responsibilities can be addressed.

II. POLICY

Applications are prepared and submitted to Federal and State Agencies, Foundations, and private businesses for the purpose of either securing grant funding to enhance existing services and programs or to implement new services and programs bringing benefit to CMPD and the citizens it serves. This policy streamlines CMPD’s internal process and conforms to the grant application process of the City of Charlotte’s Grant Administration Policy by ensuring that the Research & Planning Division (R&P) and Financial Management Division have been advised of all grant submissions made by CMPD. Failure to follow the requirements of this Directive may result in the reporting of violations to the violator’s chain of command.

III. DEFINITIONS

A. Grant Administration Policy: The City of Charlotte policy establishing a uniform method for preparing and submitting Federal, State, Foundation, and/or private business grant applications.

B. Grant Application Notification Form: Provides information to be submitted to the City’s Strategy and Budget Department regarding any match requirements, recurring costs, new positions, and compliance with the City’s technology review process.

C. Grant Solicitation: The document released by the grantors, outlining the grant application and funding capabilities.

D. Grants Coordinator: Financial Management Division staff member who provides post-award services associated with the fiscal management of grants including providing periodic grant fund expenditure updates.

E. Grantee: The agency that is receiving funding through an awarded grant.

F. Grantor: The agency or foundation that releases the grant solicitation and provides the award.

G. Matching funds: Funds that the grantee must provide as a contribution to the overall grant funding.

1. Cash Match: Additional funds provided and paid for by the grantee from non-grantor funds in support of the grant proposal.
2. In-kind Contributions: Contributions that are made to the project through means of office space, organizational personnel, etc.

H. Primary Point of Contact: R&P staff member who plans, directs, coordinates, and manages the various grant functions coordinating with Federal, State, and foundation grant officials regarding administrative and programmatic issues.

I. Project Manager: Person who is applying for the grant and responsible for the overall programmatic implementation, fulfillment of grantor progress reports, and fiscal direction and management of the grant funded project.

J. Status Report: Requirement for the grantee to report periodic project and budget developments through the grant period to the grantor.

K. Recurring Cost: Costs that the organization must incur after the grant period is complete, e.g. recurring payroll, equipment maintenance and/or replacement costs.

L. Grant Modification: A change made to an existing grant where a budget change impacting more than 10% of the overall grant budget or a significant change to the scope of the grant is made. This may include changes required by special conditions imposed by the funding entity. Modifications do not include administrative functions or other routine functions typically handled by R&P staff or Financial Management while managing the grant.

IV. PROCEDURE

A. Review of Potential Grant

1. Upon identification of a potential grant opportunity, R&P, as the Primary Point of Contact shall schedule a meeting of the identified Project Manager, Project Manager’s chain of command through rank of Major, FM Financial Manager, R&P Director, and other relevant staff.

2. Grant opportunity will be reviewed on the basis of satisfying the criteria described in Section B. 3 to the benefit of the CMPD.

3. If there is agreement that the grant opportunity is of benefit to the CMPD, a Grant Application Notification Form shall be prepared. If it is determined that the grant opportunity does not benefit the CMPD, no further action is required.

B. Notification of Grant Applications

1. Upon receiving approval that the grant opportunity is of benefit to the CMPD, the Project Manager, with assistance from R&P, will prepare a Grant Application Notification Form.

2. The completed Grant Application Notification Form must be submitted by the Project Manager, with assistance from R&P, through his or her chain of command through the rank of Assistant Chief for review and approval.
3. Information to be included in the Grant Application Notification Form includes the name of the grant and its purpose, funds available from the grantor, total amount being requested, grant submission deadline, any required matching costs, sources of the match, new positions, additional technology, what strategic goal(s) the grant will help to achieve, what outcomes will the grant provide to achieve CMPD strategic goals, continuation of grant funded positions and all recurring costs, a description of the grant opportunity, and need for funding.

4. If the chain of command approves the Grant Application Notification Form the Assistant Chief shall recommend to the Chief of Police that a grant application be prepared.

5. The Chief of Police may accept or reject the Assistant Chief’s recommendation for the preparation of a grant application.

6. The R&P Director will forward a copy of the approved Grant Application Notification form to the FM Financial Manager three weeks prior to the grant submission deadline in accordance with City policy.

7. The FM Financial Manager will in turn forward a copy of the Grant Application Notification form to the CMPD's liaison with the City of Charlotte Strategy and Budget Department for review and approval.

C. Grant Application

1. The R&P Director will submit a draft copy of the grant application Budget Detail and Budget Narrative to the FM Financial Manager and FM Grants Coordinator at least three business days prior to the grant's submission date.
   a. If there is a match requirement, the FM Financial Manager will confirm the budget category the funds will be drawn from and confirm funding has been approved.
   b. If there are recurring costs associated with the grant, the project manager must provide funding source information to the FM Financial Manager.

2. R&P Director will submit a final copy of the Grant Application to the FM Financial Manager and the FM Grants Coordinator within 48 hours following its submission to the grant agency.

V. Grant Modification Approval Process

A. Upon the identification of a potential modification of a current grant, the Primary Point of Contact shall email the identified Project Manager, Project Manager’s chain of command through rank of Assistant Chief, FM Financial Manager, R&P Director, and other relevant staff of the needed modification.
B. The modification will be reviewed by the affected personnel. Approval will be obtained via email unless the affected chain of command requests a meeting regarding the modification.

C. Upon approval, the primary point of contact will submit the changes to the appropriate systems and agencies as required for that grant.

D. Upon acceptance of the modification by the funding agency, the primary point of contact will notify the affected chain of command that the modification was accepted. The timeframe for acceptance varies for each funding agency.

VI. REFERENCES

City of Charlotte Grant Administration Policy
Grant Application Notification Form