



# Landis Police Department

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LANDIS POLICE DEPARTMENT

## LANDIS POLICE DEPARTMENT POLICY & PROCEDURE MANUAL

MATTHEW J. GELEN  
Chief of Police

# Chief's PREFACE

The Landis Police Department Policy Manual is established for the members of the Landis Police Department, and the policies contained herein supersede the policies on these matters previously issued in General and/or Special Orders, Standard Operating Procedure Manuals, training materials and any other written directives.

This compendium represents a major review and revision of previous general order manuals. The goals in this undertaking were to update these policies to reflect community needs and expectations, legal requirements, and professional law enforcement best practices; to more effectively provide direction and guidance to members of the Landis Police Department in carrying out their duties and responsibilities.

This Policy Manual is the core of the Department's directive system. This manual will be regularly updated as the needs and priorities of the Department and community change. All members are encouraged to contribute to this continual process by notifying the Chief of Police of changes in the working environment requiring policy revisions and suggestions to improve the performance of this department and its members in service to the community.

These policies are intended for internal Department use only and should not be construed as to the creation of a higher standard of safety or care in any civil or criminal procedure with respect to third party claims.

All members are individually responsible for reading, understanding and carrying out all department policies that guide or affect the performance of their assigned duties, responsibilities and obligations. Responsibility for understanding includes seeking clarification or instruction from a member's immediate supervisor for any portion of a written directive that is not understood by a member.

By order of:

Matthew J. Geelen,  
Chief of Police

# LEGAL DISCLAIMER

The directives contained in this policy manual are applicable to Town of Landis employees assigned to the Landis Police Department and are for departmental use only. The policies contained herein are not intended, and shall not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the Town of Landis, the Landis Police Department, or the officers, employees, agents, or other associated personnel thereof. Departmental policies are not to be construed as creating higher standards of safety or care in a legal or evidentiary sense with respect to third party claims. Violations of policy may form the basis for administrative sanctions.

No policy or provision in the policy manual is intended to create a contract binding the employee or the employer to an agreement of employment for a specific period of time. No provision or portion of the policy manual constitutes an implied or expressed contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure. Employment can be terminated by either the employee or Town of Landis at any time, for any reason, with or without notice. No representative or agent of the Town of Landis, other than the Town Manager, can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term.

In the event of any conflict between these policies and any policy or ordinance of the Town of Landis, the provisions of Town policies, the Personnel Policy Manual and ordinances shall prevail. Likewise, nothing in these policies shall be construed to circumvent or supersede any local, state or federal law. If a conflict between these policies and any law arises, the law shall prevail.

For the purposes of this manual, the terms Chief, Chief of Police, Office of the Chief of Police, Chief Executive Officer (CEO), Director, and Chief of Police are interchangeable and synonymous unless otherwise noted.

The Chief of Police shall be the final authority regarding the interpretation and clarification of any questions or conflicts that arise from, or within, the policy manual.

# Town of Landis

## Police Department

The Public Safety Department is responsible for providing police and fire services in the Town of Landis. The department is committed to protecting the lives, property, and rights of all residents and visitors in the community through professional law enforcement and fire protection services.

### Motto

*“Working for a safer tomorrow”*

### Mission

“Our mission, in partnership with our community, is to protect and enhance the quality of life for our residents and visitors, by providing professional law enforcement and fire protection services.”

### Vision

It is the vision and goal of the Town of Landis Public Safety Department to provide the highest level of service and protection to our citizens. We will accomplish this goal by providing our staff with the tools and knowledge to meet and exceed all present and future needs of law enforcement and fire protection services. We will work in cooperation with our community to proactively address identified areas of needed improvement, build trust-based relationships, and continually strive to provide the level of service and safety deserved by the community we serve.

### Guiding Principles

**L - E - A - D - E - R - S - H - I - P**

**L** – Loyalty

**E** – Empathy

**A** – Accountability

**D** – Duty & Determination

**E** – Engagement

**R** – Respect

**S** – Safety & Selfless Service

**H** – Honor

**I** – Integrity & Innovation

**P** – Professionalism

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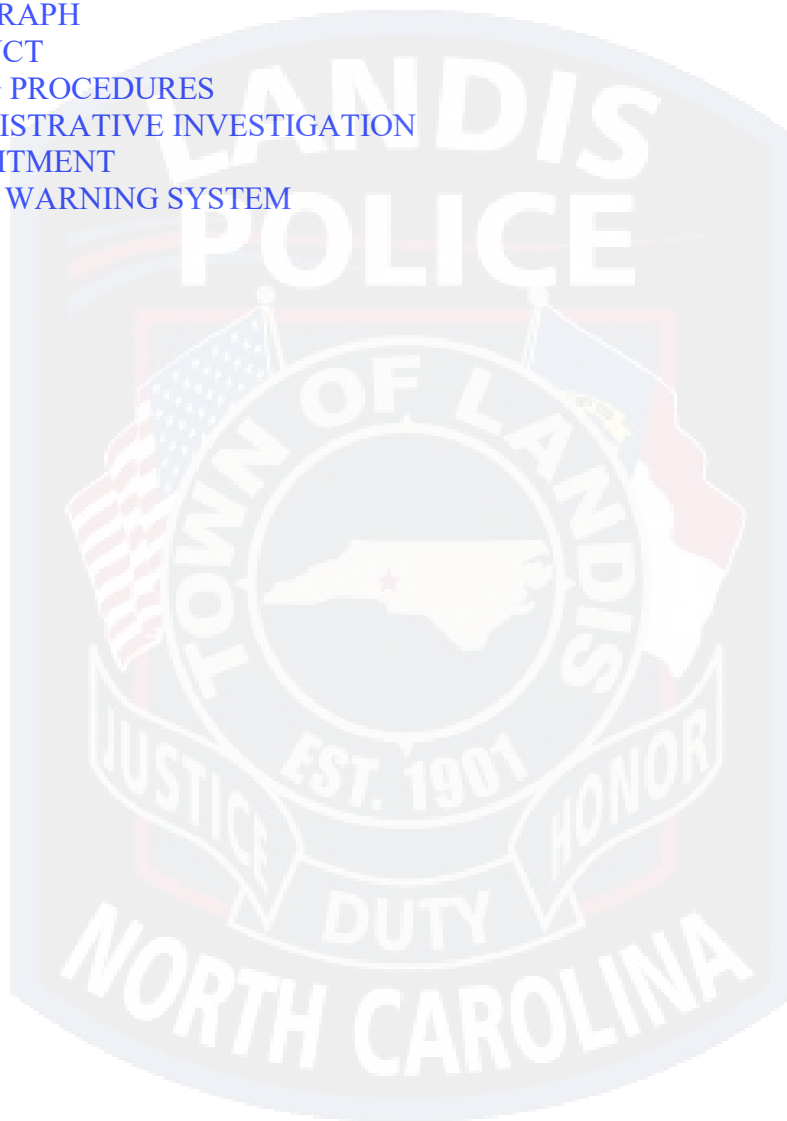
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# Landis Police Department

## Policy and Procedures Acknowledgement Form

I, \_\_\_\_\_, hereby confirm that I have received, read and understand the updated Landis Police Department policy manual. I understand that it is my responsibility to comply with all policies of the department and of the Town of Landis, to include the Town of Landis Personnel Policy Manual, as a condition of my employment with Landis Police Department.

I sign this acknowledgement fully understanding all departmental and Town of Landis policies and procedures. I have sought guidance and clarification from a supervisor for any questions that I may have had prior to signing this acknowledgement form and all questions, if any, have been answered to my satisfaction and complete understanding.

Refusal to sign the Policy and Procedures Acknowledgement Form, absent the seeking of clarification for questions or concerns, is subject to disciplinary action up to, and including, dismissal from the Landis Police Department.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Printed Name: \_\_\_\_\_ Rank: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director's Acknowledgement: \_\_\_\_\_ Date: \_\_\_\_\_

|  |                                   |                    |
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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>AUTHORITY AND JURISDICTION</b> | <b>Page 1 of 2</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 100.01</b>            |                    |

## I. PURPOSE

The purpose of the policy is to define the authority and jurisdiction of the sworn personnel for the Landis Police Department.

## II. POLICY

The Departmental Authority and Jurisdiction

### A. Authority

1. The Town of Landis (hereinafter “town”) operates under authority of the council-manager form of government, as provided in Chapter 160A of the North Carolina General Statutes (NCGS).
2. The Chief of Police and every officer of the department, before entering upon the discharge of official duties, shall be required to take and subscribe before a person authorized to administer oaths in such cases, the oath of office required by Article VI of the Constitution of North Carolina. The oath of office shall be filed with the town clerk and/or kept as part of the officer’s personnel file.
3. All officers of the department shall have the powers under the authority of N.C.G.S. 15A-401. The officers may also enforce the ordinances of the town, see N.C.G.S. 160A-285 & 286.

### B. Jurisdiction

1. The Chief of Police and all sworn town police officers shall have territorial jurisdiction within the corporate limits, plus one (1) mile of the town, and on all property owned by or leased to the town, wherever located, and all the powers vested in law enforcement officers by statute or common law.
2. The corporate limits are those existing at the time of ratification of its charter, as set forth on the official map of the town and as they may be altered from time to time in accordance with law. An official map of the town, showing the current boundaries, is maintained as part of town records.
3. When an offender has committed an offense within the territory described above, under circumstances that would authorize an arrest without a warrant, an officer has the authority to pursue the offender who is in immediate and continuous flight, outside said territory, in accordance with department policies and law.

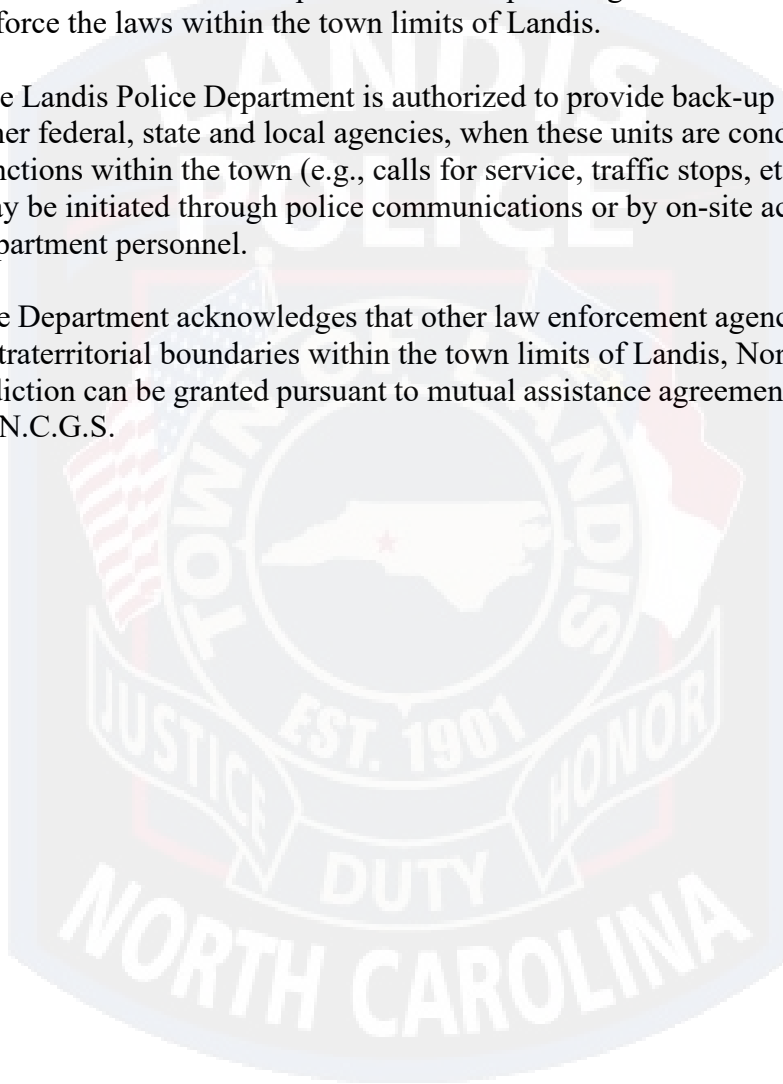
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4. The official corporate limits of the town are published in the town tax map.

**C. Concurrent Jurisdiction**

1. The primary responsibility of providing law enforcement services for the town lies with the Landis Police Department. Other police agencies have the authority to enforce the laws within the town limits of Landis.
2. The Landis Police Department is authorized to provide back-up support to units of other federal, state and local agencies, when these units are conducting police functions within the town (e.g., calls for service, traffic stops, etc.). Such back up may be initiated through police communications or by on-site action of the department personnel.

The Landis Police Department acknowledges that other law enforcement agencies have concurrent jurisdiction or extraterritorial boundaries within the town limits of Landis, North Carolina. Concurrent jurisdiction can be granted pursuant to mutual assistance agreements under Chapter 160A-288 of the N.C.G.S.



|   |                                   |                           |
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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Oath and Code of Ethics</b>    | <p><b>Page 1 of 2</b></p> |
|   | <b>Effective Date:</b> 03/01/2021 |                           |
|   | <b>Amended:</b>                   |                           |
|   | <b>POLICY # 100.02</b>            |                           |

## I. PURPOSE

The purpose of this policy is to describe the basic objectives sought and to provide the general rules for the performance and duties of law enforcement officers.

## II. DISCUSSION

An officer must often make difficult decisions in the performance of his duties. He must exercise discretion in situations where his rights and liabilities and those of the department depend upon his conduct and judgment. Occasionally, the decisions involve a choice, which may cause an officer hardship or discomfort. An officer must be faithful to his Oath of Office, the principles of professional police service, and the objectives of the department. In the discharge of his/her duty an officer must not allow personal motives to govern his/her decisions and conduct.

## III. POLICY

All sworn personnel, prior to assuming sworn status, must take an oath of office to enforce the laws of the State of North Carolina and to uphold the "Constitution of the United States".

All sworn personnel of the Landis Police Department shall abide by the Law Enforcement Code of Ethics (Attachment A) and the Town of Landis Personnel Policy Manual. All non-sworn personnel of the Landis Police Department shall abide by the Town of Landis Personnel Policy Manual.

### **Oath of Office**

The Oath will be administered by a qualified person and will be signed, notarized, and kept as part of the official records of the Landis Police Department. Records may also be maintained at the Clerk of Court's Office (Oath of Office).

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| <p style="text-align: center;"><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Oath and Code of Ethics</b>    | <b>Page 2 of 2</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 100.02</b>            |                    |

## Attachment "A"

### LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

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

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Mission Statement</b>          | <b>Page 1 of 1</b> |
|   | <b>Effective Date:</b> 03/01/2021 |                    |
|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 100.03</b>            |                    |

## I. PURPOSE

To establish and promote the mission statement for the Landis Police Department.

## II. POLICY

Our mission, in partnership with our community, is to protect and enhance the quality of life for our residents and visitors, by providing professional law enforcement and fire protection services.

## III. DISCUSSION

A. This mission is accomplished by a commitment to:

1. Reduce criminal victimization;
2. Call offenders to account;
3. Reduce fear and enhance personal security;
4. Strive to ensure safety in public places;
5. Use force fairly, efficiently, and effectively;
6. Maintain fiscal responsibility to our citizens;
7. Meet the expectations of our community; and,
8. Efforts to achieve our mission will be expressed through plans of action based on the goals and objectives outlined in the department's strategic plan.

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| <p style="text-align: center;"><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Mutual Aid</b>                 | <b>Page 1 of 3</b> |
|   | <b>Effective Date:</b> 03/01/2021 |                    |
|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 100.04</b>            |                    |

## I. PURPOSE

The purpose of this policy is to standardize the procedure for requesting or providing assistance under the terms of mutual assistance agreements.

## II. POLICY

Pursuant to §§ 160A-288, 153A-212 and 90-95.2 of the North Carolina General Statutes, local and state law enforcement agencies are authorized to provide temporary assistance to one another. Such assistance may include, for example, the temporary use of officers, equipment, and supplies. The Landis Police Department will request assistance as needed and provide assistance to other law enforcement agencies, resources permitting. A request for assistance by the Landis Police Department or the rendering of assistance by the Landis Police Department will be pursuant to the terms of a properly executed Mutual Assistance Agreement.

## III. DEFINITIONS

- A. Mutual Aid and Assistance: Includes providing services, personnel, facilities, supplies, and/or equipment between law enforcement agencies.
- B. Assisting Agency: An agency providing law enforcement assistance to another law enforcement agency.
- C. Requesting Agency: An agency receiving law enforcement assistance from another law enforcement agency.
- D. Emergency Situation: An occurrence resulting from accidental, man-made, or natural causes actual or potential condition that poses an immediate threat to life or property.

## IV. PROCEDURES

- A. Communications
  - 1. In mutual aid operations, the requesting agency is normally responsible for designating a mutually accessible channel for radio communications with assisting agencies.
  - 2. The Landis Police Department and other local law enforcement agencies have the capabilities of monitoring and transmitting on one another's radio frequencies.
  - 3. If a frequency within the department's radio system has been designated as the mutual aid channel, this channel will be used in mutual aid operations.

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|   | <b>POLICY # 100.04</b>            |                    |

4. The department has been granted access to the statewide law enforcement radio system. When such use is not possible, due to equipment failure or other inadequacies, access will be made via the North Carolina State Highway Patrol.
5. In the event that an assisting agency does not have the radio capabilities to operate on the same communication system as the Landis Police Department, the Department shall either provide the assisting agency with appropriate communications equipment or assign liaison officers to work directly with personnel from the assisting agency and relay pertinent radio communications.

**B. General Provisions**

The Landis Police Department will respond to a request for mutual aid assistance if the request can be honored to the extent it is operationally feasible. Costs will be borne by the participating agencies in accordance with the terms of the mutual assistance agreement.

**C. Requesting Assistance**

1. Mutual Assistance shall not be provided to a requesting agency in the absence of a current Mutual Assistance Agreement with that agency.
2. Written Request: When temporary assistance is needed pursuant to a Mutual Assistance Agreement, the head of the Requesting Agency, or his designee, shall notify the head of the Assisting Agency, or his designee, of the need for such assistance and the requested assistance shall be provided if feasible to do so. Such request shall be made in writing whenever possible. Notification by e-mail, facsimile, or the Division of Criminal Information (DCI) network shall be deemed written notification, or as otherwise indicated in a properly executed Mutual Assistance Agreement. The assisting officer(s) shall report to the appropriate Requesting Agency supervisor.
3. Emergency Request: In an emergency situation, the notification pursuant to the Mutual Assistance Agreement of the need for emergency assistance need not be in writing, but a written notification shall be provided as soon thereafter as possible. In an emergency situation, the notification may be made in person, by telephone or radio contact. In an emergency situation, the highest-ranking officer may make a request for assistance and the assisting officer(s) shall report to same.

**D. Federal Law Enforcement Assistance**

1. Although there are no formal criteria to be met, prior to requesting federal law enforcement assistance, there should be an indication that federal laws are involved or that federal assistance is otherwise appropriate. In the event assistance is needed, a commander may notify the appropriate agency and request aid. Formal Mutual



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|   | <b>POLICY # 100.04</b>            |                    |

Aid Agreements with federal agencies are not covered by §§ 160A-288, 153A-212 and 90-95.2 of the General Statutes. However, Memoranda of Understanding are often used between local agencies and federal agencies for the purpose of outlining the terms of a working relationship, which may include the sharing of resources such as personnel, equipment, and supplies.

2. N.C.G.S. 15A-406 permits federal officers to provide assistance to local officers by enforcing criminal laws anywhere in the State of North Carolina under the following circumstances:
  - a. **If the federal law enforcement officer is asked by the head of a state or local law enforcement agency, or his designee, to provide temporary assistance and the request is within the scope of the state or local law enforcement agency's subject matter and territorial jurisdiction; or**
  - b. **If the federal law enforcement officer is asked by a state or local law enforcement officer to provide temporary assistance when at the time of the request the state or local law enforcement officer is acting within the scope of his subject matter and territorial jurisdiction.**
3. The Chief of Police or his designee must approve any request by a federal law enforcement agency for law enforcement assistance outside the territorial or subject matter jurisdiction of the Landis Police Department.

E. National Guard Assistance

The National Guard will be called if needed in emergency situations. The Chief of Police or his designee may make this request through the Town Manager and Mayor.

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Discipline Philosophy</b>      | <p><b>Page 1 of 2</b></p> |
|   | <b>Effective Date:</b> 03/01/2021 |                           |
|   | <b>Amended:</b>                   |                           |
|   | <b>POLICY # 100.05</b>            |                           |

## I. PURPOSE

Discipline in a police organization must be maintained in order **to maintain and enhance public trust.**

## II. POLICY

The goal of the Landis Police Department is to be *consistent* and *fair* in the review of behaviors, which may be determined to be unacceptable. The purpose of discipline is to correct the behavior when possible, recognizing that some unacceptable behaviors may rise to a level requiring employee termination. *Consistency* is defined as holding everyone accountable for unacceptable behavior. *Fairness* is understanding the circumstances that contributed to the behavior while applying the consequences in a way that reflects this understanding.

## III. PROCEDURES

The following factors must be considered in order to determine a consistent and fair corrective or disciplinary action related to unacceptable behavior.

### A. Employee Experience

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

### B. Employee Motivation

Was the employee 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.

### C. Intentional / Unintentional Errors

Generally, intentional errors will be treated more seriously and carry greater consequences than unintentional errors.

### D. Degree of Harm

Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. It can be measured in terms of the personal injury the error causes or it can be measured by the impact of the error on public confidence and trust in the organization.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Discipline Philosophy</b>      | <b>Page 2 of 2</b> |
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E. 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.



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|   | <b>POLICY # 100.06</b>            |                    |

The directives contained in this policy manual are applicable to Town of Landis employees assigned to the Landis Police Department and are for departmental use only. The policies contained herein are not intended, and shall not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise, by any third party against the Town of Landis, the Landis Police Department, or the officers, employees, agents, or other associated personnel thereof. Departmental policies are not to be construed as creating higher standards of safety or care in a legal or evidentiary sense with respect to third party claims. Violations of policy may form the basis for administrative sanctions.

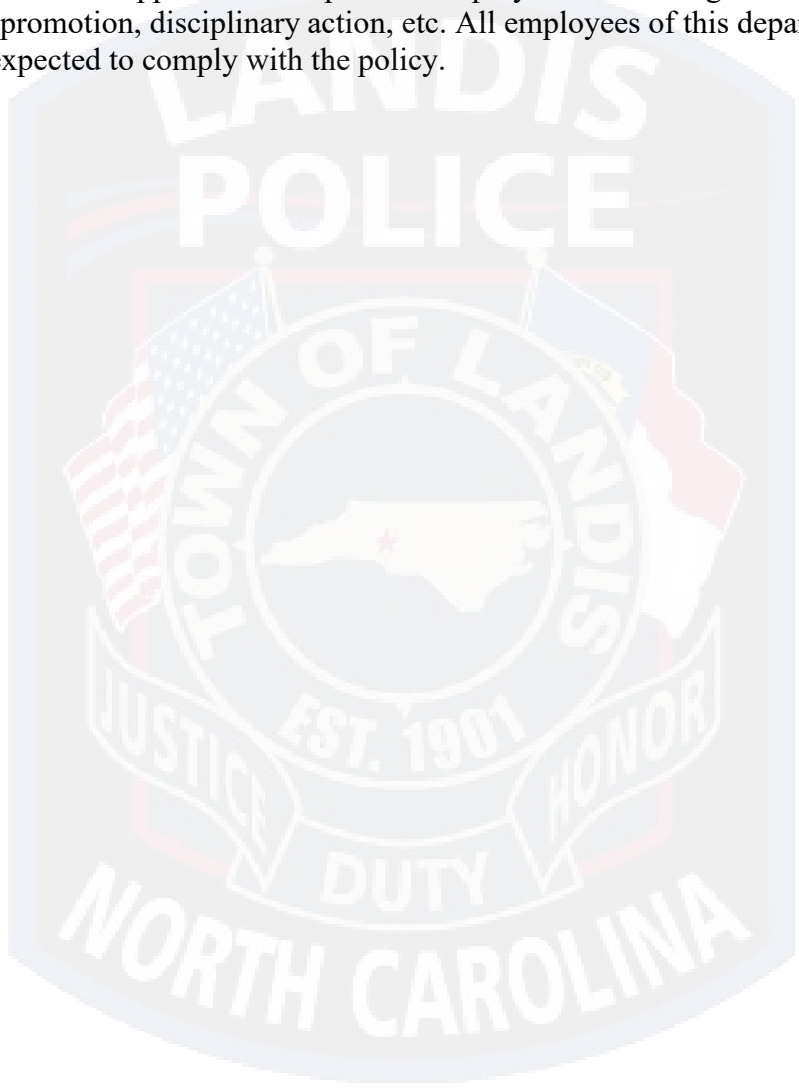
No policy or provision in the policy manual is intended to create a contract binding the employee or the employer to an agreement of employment for a specific period of time. No provision or portion of the policy manual constitutes an implied or expressed contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure. Employment can be terminated by either the employee or Town of Landis at any time, for any reason, with or without notice. No representative or agent of the Town of Landis, other than the Town Manager, can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term.

In the event of any conflict between these policies and any policy or ordinance of the Town of Landis, the provisions of town policies and ordinances shall prevail. Likewise, nothing in these policies shall be construed to circumvent or supersede any local, state or federal law. If a conflict between these policies and any law arises, the law shall prevail.

For the purposes of this manual, the terms Chief, Chief of Police, Office of the Chief of Police, Chief Executive Officer (CEO), Director, and Chief of Police are interchangeable and synonymous unless otherwise noted. Likewise, the terms Assistant Chief of Police and Assistant Chief of Police are interchangeable and synonymous unless otherwise noted.

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|   | <b>POLICY # 200.01</b>            |                    |

The department will provide each employee, and applicant for employment, an equal opportunity on the basis of ability and fitness without discrimination because of race, color, sex, religion, or national origin. This guarantee will be applied to all aspects of employment including recruitment, selection, placement, training, promotion, disciplinary action, etc. All employees of this department, regardless of position, will be expected to comply with the policy.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Organization and Administration</b> | <b>Page 1 of 8</b> |
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|  | <b>Amended:</b>                        |                    |
|  | <b>POLICY # 200.02</b>                 |                    |

## I. PURPOSE

Establish a departmental command structure and to define the authority and responsibility of supervisory personnel.

## II. POLICY

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

## III. DEFINITIONS

- A. Chain of Command: Vertical lines of formal internal communication going upward or downward within the organizational hierarchy through each successive level of command.
- B. Commander: A term referring to the highest-ranking officer assigned to a department level component.
- C. Span of Control: The number of persons directly reporting to any one supervisor.
- D. Supervisor: Generally, refers to first line supervisory positions, however, in a broader sense, all employees holding rank or having supervisory or management responsibilities are considered supervisory personnel.
- E. Unit: When further specialization is needed, a section can be divided into units.
- F. Unity of Command: The concept that each employee is directly accountable to only one immediate supervisor at any given time.

## IV. PROCEDURES

To ensure unity of command, the Department has clearly defined lines of authority, and there is a structural relationship between each employee and the Chief of Police. Employees should strive to operate within the chain of command and to keep their supervisors informed as to their activities.

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A. Command Structure

1. All officers are to be subordinate to any higher-ranking officer. The rank order for sworn personnel, in descending order of rank, shall be as follows:
  - (a) Chief of Police / Chief of Police
  - (b) Assistant Chief of Police
  - (c) Sergeant
  - (d) Police Officer
2. Civilian supervisory positions may be established by the department to provide effective management and supervision of components employing sworn and non-sworn personnel.

B. Organizational Structure

1. Administration

The Administration Division is comprised of command management that includes the Chief of Police and the Assistant Chief of Police. The Assistant Chief provides leadership and manages daily operations at the divisional level.

(a) Chief of Police

The Chief of Police, who is directly responsible to the Town Manager, is responsible for the direction of all activities of the police department. This direction will be accomplished through written and oral orders, policies, directives, guidelines, and guidance, as well as by personal leadership exerted through subordinate commanders, officers and civilian staff.

(b) Assistant Chief of Police

The Assistant Chief of Police is appointed by, and shall report directly to, the Chief of Police. This position is responsible for the administrative management of uniformed patrol and other bureaus and units within patrol services. This position is also responsible for the administrative management of the department budget, criminal and special investigations, records retention, training, and property control. When mandated by the Chief of Police, the Assistant Chief

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of Police shall assume all responsibilities as the department's chief executive officer (CEO).

## 2. Operations

The Assistant Chief is the administrative manager of patrol. The Patrol Units, which provide 24-hour per day, 7 days per week coverage, are supervised by a Sergeant. Minimum staffing levels require that 1 sworn officer be working at any given time, not including supervisors.

- (a) The Operations Division is the most visible representative of the Landis Police Department and has the primary responsibility of protecting lives and property. The number of officers assigned to the Operations Division is at the discretion of the Chief of Police, in consultation with members of his command staff and supervisory personnel.
- (b) Sergeants have overall supervisory responsibilities that include, but are not limited to, maintaining discipline, efficiency and effectiveness of patrol operations, resource deployment in areas as needed, appearance and good conduct, inspections of personnel, equipment and vehicles, general patrol duties and other responsibilities as assigned and required.
- (c) Sergeants have functional duties to include, but not limited to, providing direction and supervision to officers and support staff on duty, accepting complaints from citizens, ensuring property security of recovered property and evidentiary items, supervising and assisting with prisoner searches and processing, inspections of patrol vehicles and officers' uniforms and equipment, issuing equipment as needed, review and approval of written reports, ensuring forms and supplies are available for each officer and other duties as assigned and required.
- (d) Patrol supervisors and officers have duties and responsibilities to include, but not limited to, responding to calls for service, maintenance of public order, discovery and reporting of hazards, responding to citizen's needs for services, investigating crimes and incidents, providing emergency services, traffic investigation and safety enforcement, enforcement of laws, arresting offenders, proactive policing, investigative follow-up of routine criminal cases, and other duties as assigned and required.



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(e) In addition to uniformed patrol, other functional areas of the division include:

i. Auxiliary Reserve Officer Program

#### C. Internal Communication

1. In order for agency operations to be managed effectively, the chain of command regarding the routing of routine internal communication and reports downward and upward through successive levels of command will follow the established order of rank, with the following exceptions:
  - (a) Command and supervisory personnel may communicate with any employee of subordinate rank for the purpose of discipline, direction, evaluation, or inspection.
  - (b) In emergency situations where normal chain of command procedures is not feasible due to the absence of an immediate supervisor or when the delay required to notify the immediate supervisor is not practical.
  - (c) The reporting of misconduct or corruption involving the employee's immediate supervisor or commander.
2. Any employee may informally communicate or confer informally with any supervisory or command level officer, without the need to obtain the prior permission of his/her immediate supervisor. However, if the matter is one that should be addressed by the employee's immediate supervisor, or a matter of which the immediate supervisor should be aware, the employee shall first communicate with his or her immediate supervisor. If such communication does take place and involves an issue that should properly be directed through the employee's normal chain of command, the higher-ranking officer will bear the responsibility for directing the employee to the appropriate supervisor accordingly.
3. All employees shall adhere to the normal chain of command for formal internal communications and operations unless procedures or orders from proper authority dictate otherwise.

#### D. Duty to Notify the Chief of Police

1. All employees have a duty to notify the Chief of Police, or his designee immediately, through their chain of command when they are involved in, or have knowledge of, incidents where there may be a question as to the town's liability or those which may result in heightened community interest.

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2. The incidents that should be brought immediately to the attention of the Chief of Police, or his designee, include but are not limited to:

- (a) Officer involved shooting,
- (b) Use of Force with likeliness of death or serious injury,
- (c) Police vehicle crash with likeliness of death or serious injury,
- (d) Any police action which results in significant loss of property,
- (e) Any police action which may appear to the public as an abuse of power or civil liberties, and
- (f) Any homicide or an act of violence which may lead to the death of the victim.

E. Unity of Command

1. Each organizational component shall be under the direct command of only one supervisor.
2. Each employee will be accountable to only one immediate supervisor at any given time. In the event that only one sergeant is on duty and available, all patrol officers will report directly to the remaining sergeant, unless otherwise directed by proper authority.
3. Each employee will be evaluated by one immediate supervisor for the purpose of performance evaluation. This designation will be made at the beginning of each evaluation period.

F. Command Succession Protocol:

1. In the event that the Chief of Police is absent, unless otherwise designated, the order of command succession will be as follows:
  - (a) Assistant Chief of Police
  - (b) Sergeant
2. During the temporary absence of a command level officer, when no other provision is made by higher authority, command of the affected component will automatically be assumed by the senior subordinate supervisor. For the purpose of command

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succession among supervisors of equal rank, seniority is determined first by length of service in rank, and secondly by length of service with the department.

G. Authority and Responsibility

1. At every level within the agency, personnel will be delegated the authority commensurate with their assigned duties and responsibilities. Consequently, all personnel will be held fully accountable for the use, as well as the failure to use, such delegated authority.
2. Supervisory authority will ordinarily be exercised only within the scope of the supervisor's assignment. However, in the event of an emergency, or when the delay necessary to notify a subordinate employee's immediate supervisor may be detrimental to the department's interests, any commander or supervisor may direct or correct the activities or actions of any subordinate employee.
3. Supervisory personnel are to manage their subordinate personnel so as to improve their quality of performance by:
  - (a) Providing positive leadership and direction conducive to effective job performance and high morale;
  - (b) Rendering on-the-job instruction in the proper performance of assigned duties;
  - (c) Inspecting, evaluating, and reviewing job performance, equipment, facilities, and reports to ensure adherence to current policies, laws, procedures and directives.
4. Supervisory personnel shall assume responsibility for the proper conduct and discipline of assigned subordinates, and shall not show partiality, favoritism, or undue leniency.
5. Commanders and supervisors will be responsible for the planning, organizing, directing, coordinating, controlling and staffing of activities and operations under their assigned area of command to assure the efficient and effective performance of police functions.
6. Commanders and sworn supervisors may exercise all the statutory powers of law enforcement officers within their jurisdiction and shall be responsible for the enforcement of the laws of the State of North Carolina and the ordinances of the Town of Landis.

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#### H. Issuance of and Obedience to Orders

1. Orders from commanders and supervisors to subordinate personnel are to be in clear, understandable language, and issued in furtherance of the department's mission. Such orders may be issued verbally, in writing, or if necessary, relayed through other personnel.
2. No commander or supervisor may knowingly issue any order that is contrary to departmental or town policy, prevailing law, or town ordinance. Employees are required to obey any lawful order of a superior officer, including any order relayed from a superior officer by an employee of the same or lesser rank. Willful failure to obey a lawful order will constitute insubordination.
3. Employees receiving an order conflicting with or contradicting any previously issued order or instruction will advise the commander or supervisor issuing the order of such conflict. Responsibility for overriding the original order or instruction then rests with the commander or supervisor issuing the second order. If so directed, the last order is to be obeyed. Orders and instructions may be overridden when necessary and in the best interests of the department. Commanders and supervisors issuing conflicting orders will be responsible for justifying the need for such action.
4. No employee is expected to obey an order that is contrary to any provision of law or local ordinance. Obedience to an unlawful order is never a defense to an unlawful action. Responsibility for refusal to obey such an order will rest with the refusing employee, who will be required to justify such refusal.
5. Employees in doubt as to the nature or details of their assignment shall seek such information from their supervisor by going through the chain of command.

#### I. Commander Responsibility:

The on scene commanding officer has authority to direct operations and is responsible for the outcome of any given operation. A senior command officer may make suggestions; however, he or she may not actively direct the operation unless he properly relieves the subordinate of command. A senior command officer at an emergency scene who does not choose to take command may be held accountable for an unfavorable outcome, which s/he could have prevented by assuming control.

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J. Response to Calls for Service:

1. All Crime(s)-in-Progress Calls and Calls for Service will be under the direct supervision of the Patrol Supervisor(s).
2. If a Supervisor is not on the scene of a crime, the first arriving officer at the scene will be in charge until he is relieved by one of the following:
  - (a) Supervisor; or
  - (b) Detective.
3. Upon the arrival of a Detective at a crime scene, s/he will take charge of the investigation.
4. Upon the arrival of a Detective at the scene of a crime, s/he will take charge of the collection and preservation of evidence at the scene.
5. Patrol Supervisors will relinquish their control and responsibility of a crime scene to:
  - (a) Detective(s)
6. In the event that the Investigating Detective needs a Patrol Officer to assist in any manner, the Investigating Detective shall advise that officer's supervisor, if available, who will comply appropriately and promptly with the request.

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Contractual Agreements</b>     | <b>Page 1 of 2</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 200.03</b>            |                    |

## I. PURPOSE

The purpose of this policy is to establish written guidelines, which identify the necessary elements for a contractual agreement pursuant to which the Town of Landis Police Department provides law enforcement services for a fee to another party or organization.

## II. POLICY

The Landis Police Department (LPD) requires a written agreement in any instance in which the LPD is to provide law enforcement services for a fee to another party or organization. Law enforcement services include, for example: training, patrol or investigative services, housing of detainees, or property management, when such services are provided over a specified time period. This policy does not pertain to law enforcement related secondary employment or to services provided by a vendor, such as towing companies.

## III. PROCEDURE

### A. Agreements

1. When the Landis Police Department agrees to provide law enforcement services for a fee over a specified period of time to another entity, the contractual agreement between the town and the other contracting party shall contain the following:
  - (a) Provision of Services: The contract will include a description of the law enforcement services to be provided by LPD personnel.
  - (b) Financial terms: The contract will set forth the costs for services, frequency of payment, and terms upon which payment must be rendered.
  - (c) Records: The contract will include a description of records to be maintained concerning services provided by LPD. Retention of such records will be as established by North Carolina Law.
  - (d) Duration: The contract will specify the term (length) of the agreement, include provisions for amending and renewing the agreement, and provide options for termination upon breach of the contract by either party.
  - (e) Legal Contingencies: Prior to execution, town legal staff will review the contract. Where possible contractual agreements will provide for indemnification of the Town of Landis, the Police Department, and any officer, agent, or employee of the town while lawfully providing the agreed-upon services within the course and scope of employment.

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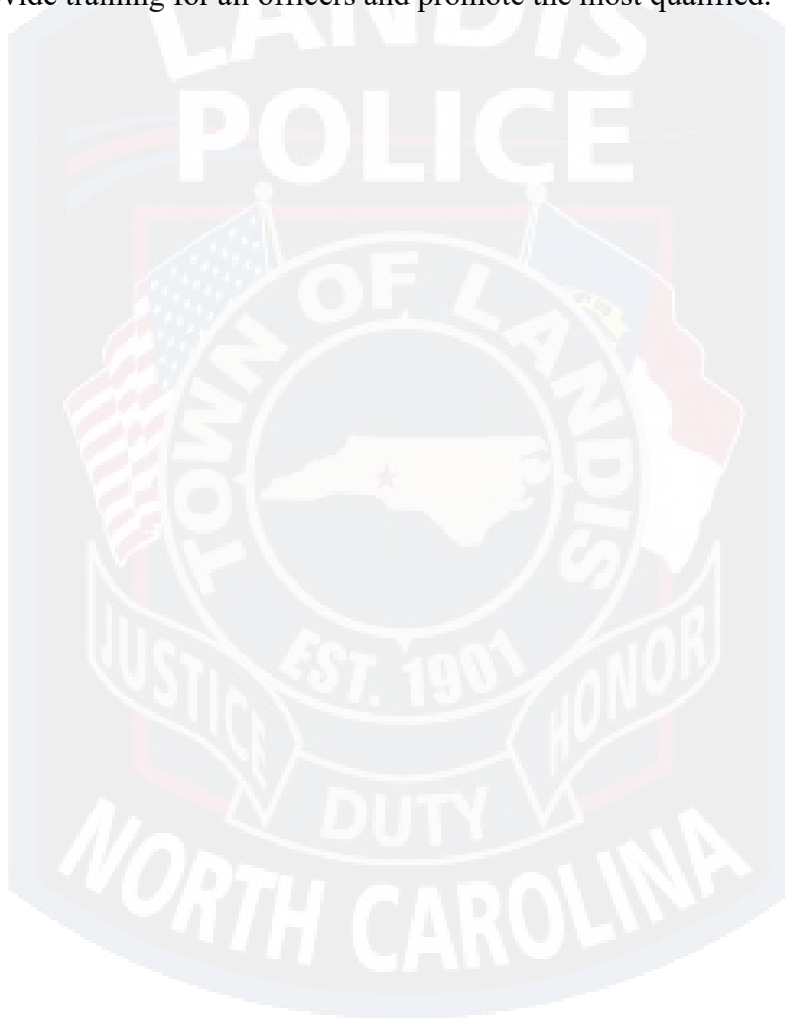
- (f) Personnel Management: The Landis Police Department will retain control over its personnel for the duration of the contract. This control extends to issues of the personnel system including and not limited to hiring, promotion, compensation, discipline and termination.
- (g) Equipment: The contract will describe equipment and or facilities, if any, to be provided by the LPD in the course of performing law enforcement services under the contract. The party bearing the risk of loss or damage to such equipment or facilities will be identified in the contract.
- (h) Contract Review: The contract will include language to allow the entities to request review and revision, of the contract if needed. The contract will identify the point of contact for each party in the event that notification of breach, renegotiation, or discussion of the terms of the contract becomes necessary.
- (i) Contract Approval: The contract will be executed in accordance with town policy.

**B. Employee Rights**

Landis Police Department employees who are engaged in providing law enforcement services to another entity under the terms of a contract between the town and the other entity maintain the same privileges and benefits of employment, as they would while providing such services to the town.

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|   | <b>POLICY # 200.04</b>            |                           |

Police Officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is no opportunity to seek advice and little time for reflection. Law enforcement requires an Officer to have the stamina, intelligence, moral courage, and emotional stability necessary to deal fairly and impartially with human beings in many complicated and potentially explosive situations. To obtain the caliber of personnel necessary to provide the public with professional law enforcement, it is essential that the department participate in the recruitment and selection of potential officers. Thereafter, the department must provide training for all officers and promote the most qualified.





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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Grievance Procedures</b>       | <b>Page 1 of 2</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 200.05</b>            |                    |

## I. PURPOSE

The purpose of this policy is to:

1. Provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal.
2. Encourage employees to express themselves about the conditions of work, which impact them as employees.
3. Promote better understanding of policies, practices, and procedures that affect employees.
4. Instill in employee's confidence that personnel actions are taken in accordance with established, fair, and uniform policies and procedures.
5. Develop in supervisors a greater sense of responsibility in their dealings with employees.

## II. POLICY

It is the policy of the Landis Police Department to provide procedures whereby employees may resolve disputes or complaints concerning the terms or conditions of their employment.

**THIS POLICY PROVIDES A QUICK OVERVIEW OF THE GRIEVANCE PROCEDURES AS OUTLINED IN THE TOWN OF LANDIS' PERSONNEL POLICY MANUAL OF SUCCESSVIE STEPS TO BE TAKEN IN GRIEVANCES. ALL EMPLOYEES SHOULD REFER TO THE TOWN OF LANDIS' PERSONNEL MANUAL, SECTION 4, GRIEVANCE PROCEDURES, FOR FULL INFORMATION CONCERNING THE STEPS, TIMELINES, AND PROCEDURES TO BE FOLLOWED. THE TOWN OF LANDIS' PERSONNEL POLICY MANUAL SUPERCEDES THIS POLICY SHOULD A CONFLICT ARISE.**

## III. DEFINITION

Grievance: A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

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#### IV. PROCEDURES

##### A. Conditions and Limitations:

When an employee or group of employees has a grievance, the following successive steps are to be taken. The number of days indicated at each level should be considered as the maximum number of working days unless otherwise provided. However, when mutually agreed upon, the time limits given below may be extended.

1. The employee with a grievance shall present the matter orally or in writing to his immediate supervisor within 15 calendar days of the time the employee learns of its occurrence, with the objective of resolving the matter informally. The supervisor should, and is encouraged to, consult with any town employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible but within 10 calendar days. The grievance and answer shall be reported to the supervisor's immediate superior.
2. If the grievance is not resolved during step (1), the employee or group of employees may file the grievance in writing within 10 calendar days with Chief of Police, who shall review the grievance and render a decision in writing within a maximum of 10 calendar days. If the supervisor with whom the informal grievance is filed under step (1) is the Chief of Police, the Chief of Police need not hear the grievance again, but the grievance and the Chief's response should be stated in writing.
3. If the grievance is not resolved to the satisfaction of the employee or group of employees, they may ask within ten calendar days that the written grievance presented in step (2) be referred to the Town Manager. The Town Manager shall review the grievance and shall respond within 10 calendar days. The Town Manager's decision shall be the final decision.

##### B. Information Which Should be Included in Filing a Grievance

- 1) The employee's name;
- 2) The supervisor's name;
- 3) Identify the grievance;
- 4) Date(s) of the incident giving rise to grievance;
- 5) Date grievance submitted and to whom; and,
- 6) Statement of relief sought.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Harassment and Discrimination</b> | <b>Page 1 of 3</b> |
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|   | <b>POLICY # 200.06</b>               |                    |

## I. PURPOSE

To maintain a work environment free of harassment and discriminatory treatment, intimidation, ridicule or insult; and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination.

## II. POLICY

Landis Police Department employees shall treat one another with respect and dignity. Harassment or discrimination against employees or applicants for employment based upon race, color, sex, national origin, religion, age, or disability violates state and federal law. It also is unlawful to retaliate against an employee or applicant for employment based upon that individual's prior participation in protected equal employment opportunity activity. Employees of the Landis Police Department shall not engage in such unlawful or inappropriate harassment or discrimination.

**THIS POLICY PROVIDES A QUICK OVERVIEW OF THE HARASSMENT POLICY AS OUTLINED IN THE TOWN OF LANDIS' PERSONNEL POLICY MANUAL. ALL EMPLOYEES SHOULD REFER TO THE TOWN OF LANDIS' PERSONNEL MANUAL, SECTION 6, HARASSMENT PROHIBITED, FOR FULL INFORMATION CONCERNING THE STEPS AND PROCEDURES TO BE FOLLOWED. THE TOWN OF LANDIS' PERSONNEL POLICY MANUAL SUPERCEDES THIS POLICY SHOULD A CONFLICT ARISE.**

## III. DEFINITION

Harassment: Verbal, non-verbal, or physical conduct that is unwelcome and unreasonably interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment based upon an individual's race, color, sex, religion, age, national origin, veteran status, genetic information, or disability. Harassment is unlawful when committed by a co-worker, supervisor, customer or vendor of the department. Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive as to create a hostile work environment.

Unlawful Discrimination: Taking an unjustified adverse employment action against an employee because of that employee's race, color, sex, religion, age, national origin, veteran status, genetic information, disability, or prior participation in protected equal employment opportunity activity.

## IV. HARASSING CONDUCT

Examples of prohibited harassing conduct based upon a person's protected status include, but are not limited to:

1. Verbal: Epithets; slurs; ethnic, racial, or sexual jokes or derogatory statements; negative stereotyping; threats; suggestive sounds or noises, verbal intimidation or hostile statements.

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2. Non-Verbal: Inappropriate, offensive, or graphic materials that are posted or displayed on Town property or elsewhere in the workplace; inappropriate gestures and leering.
3. Physical: Requests for sexual favors in exchange for employment benefits; the invasion of personal space; assault; blocking movement; cornering, kissing, patting, bumping, grabbing, stroking, massaging; inappropriate touching of another or oneself; pushing or threatening motions and gestures.

## V. COMPLAINT PROCEDURES

1. Any employee who encounters unlawful harassment or discrimination is encouraged to inform the harasser that his or her actions are unwelcome and offensive.
2. Any employee who believes that he or she is being harassed or discriminated against should report the incident(s) as soon as possible to one of the following: his/her supervisor; a supervisor higher in the chain of command; the Human Resources Director, or a member of the Town Manager's Office. Immediate reporting of harassment and discrimination allows the town to respond as soon as possible so that steps may be taken to shield the employee from further harassment and discrimination, and so that an appropriate investigation can be initiated.
  - (a) The supervisor or other person with whom a complaint is lodged shall document the allegations and immediately forward the information to the Chief of Police and Human Resources Director for a prompt investigation.
  - (b) The Chief of Police shall notify the Director of Human Resources of the filing of the complaint of discrimination or harassment.
  - (c) The Chief of Police, Director of Human Resources, or their appropriate designee shall be responsible for investigating allegations of discrimination or harassment.
3. This policy does not preclude any employee from filing a complaint or grievance, internally with the town, or externally with a different agency, such as the Equal Employment Opportunity Commission.

## VI. SUPERVISOR'S RESPONSIBILITIES

Each supervisor shall be responsible for preventing acts of harassment and discrimination. This responsibility includes:

1. Monitoring the work environment on a daily basis to ensure that harassment and discrimination are not taking place.

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2. Taking action to discontinue any observed acts that may constitute unlawful harassment or discrimination. Supervisors shall also document the conduct observed and the action he or she took in order to prevent future similar acts. Supervisors must intervene and document their actions regardless of whether the observed inappropriate conduct took place between or among employees under their supervision.
3. Every supervisor who learns of an incident of harassment or discrimination has a duty to report it. If anyone notifies a supervisor of harassment or discrimination in the workplace, either verbally or in writing, that supervisor shall document the allegation and forward the complaint through the chain of command.

## **VII. RESPONSIBILITY OF ALL EMPLOYEES**

Each member of the Landis Police Department shall assist in the prevention of discrimination and harassment by:

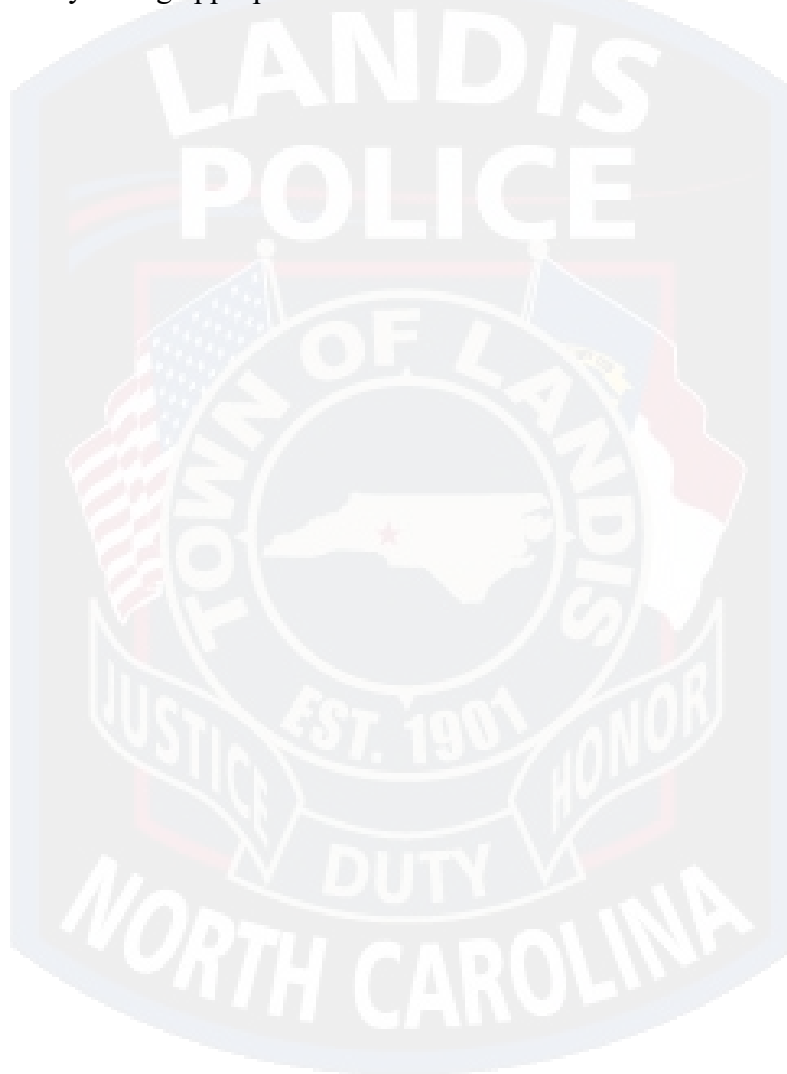
1. Refraining from participation in or encouraging actions that could be perceived as harassment or discrimination;
2. Reporting acts of harassment or discrimination to the appropriate supervisor; and
3. Encouraging any member who confides that they are being harassed, to report these acts to a supervisor, the Chief of Police, or the Town of Landis Human Resources Director

## **VIII. RETALIATION**

The Landis Police Department prohibits retaliatory action of any kind against an employee or applicant for employment because that person filed a complaint or charge of discrimination; or assisted, testified or participated in any manner in a hearing, proceeding or investigation of a charge or complaint of employment discrimination or harassment.

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Strikes and mass or circular picketing are not, in themselves, a violation of the law. It is the illegal acts which sometimes arise from such activities, which are the concern of the police. The effectiveness of the department in labor disputes is maintained by remaining at all times impartial regarding the parties and issues involved and by taking appropriate action whenever criminal violations are observed or reported.



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## I. PURPOSE

The purpose of this policy is to inform employees of the proper procedure to be followed whenever an employee is at risk of an exposure to an infectious disease such as Hepatitis B or HIV. These guidelines are set forth to ensure that all personnel who may be exposed to an infectious disease are adequately protected.

## II. DISCUSSION

It is recognized that certain employees of the Landis Police Department may risk exposure to infectious disease while performing their duties. The following personnel have been determined to be at risk: All sworn personnel.

## III. DEFINITIONS

- A. Blood Borne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).
- B. Contaminated: The presence or reasonably anticipated presence of blood or other potentially infectious body fluids on an item or surface.
- C. Contaminated Laundry: Any contaminated garment or uniform worn by an employee.
- D. Contaminated Sharps: Any contaminated object that can penetrate the skin.
- E. Engineering Controls: Methods of protection, isolation or removal of blood borne pathogens from the workplace.
- F. Occupation Exposure: Reasonably anticipated skin, eye or mucous membrane contact with blood or other potentially infectious body fluids that may result from the performance of an employee's duties (e.g., a needle stick, an altercation with a suspect resulting in an exchange of blood through open wounds, blood or bodily fluid splashes in an employee's eyes during the processing of physical evidence).
- G. Other Potentially Infectious Materials (OPIMS): Semen, vaginal secretions, cerebrospinal fluid, pleural fluid, saliva, any body fluids in situations where it is difficult or impossible to differentiate between body fluids.
- H. Personal Protective Equipment (PPE): Specialized clothing or equipment worn by an employee for protection against a hazard.
- I. Biohazardous Waste: Liquid or semi-liquid blood or other potentially infectious body fluids; contaminated items that are contaminated with blood or other potentially

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infectious body fluids that are capable of releasing these infectious materials during handling; and contaminated sharps.

- J. Universal Precautions: An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV or other blood borne pathogens.
- K. Work Practice Controls: Controls that reduce the likelihood of exposure by altering the manner in which a task is performed.

#### IV. UNIVERSAL PRECAUTIONS

All sworn personnel will practice universal precautions to prevent contact with human blood or other potentially infectious materials.

- A. All at-risk personnel will use barrier precautions to prevent exposure to the skin and mucous membranes (eyes, nose, mouth) when contact with blood or other potentially infectious materials are anticipated.
- B. Disposable gloves (single use) will always be replaced as soon as practical when visibly contaminated, torn, and punctured or when their ability to function as a barrier is compromised. Disposable gloves will not be washed or decontaminated for re-use.
- C. Masks and protective eyewear will be worn when performing duties that are likely to generate splashes, sprays and spatters of blood or other potentially infectious materials.
- D. Aprons or other protective body clothing will be worn when performing duties likely to generate splashes of blood or other potentially infectious materials.
- E. Body suits, hoods, and shoe covers will be worn in instances when gross contamination can reasonably be anticipated (e.g., bloody homicide scene, autopsies).
- F. Hands or other skin surfaces will be washed immediately and thoroughly if contaminated with blood or other potentially infectious materials. Hands will also be washed after removing protective gloves.
- G. Safety precautions within this policy will be followed to prevent injuries caused by needles or other sharp instruments.
- H. All sharps (e.g., needles) will be placed in properly labeled puncture proof and leak resistance containers with the international biological hazard symbol and the wording "biohazard".



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## V. ENGINEERING AND WORK PRACTICE CONTROLS

Engineering and work practice controls will be used to eliminate or minimize employee exposure.

### A. Safe Work Practices:

1. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.
2. Food and beverages will be consumed only in a safe designated area. Food and drinks will not be kept on countertops or bench tops where blood or other potentially infectious materials are present.
3. Employees will wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. The department issued antiseptic hand cleansers or towelettes will be used if hand-washing facilities are not available.
4. Employees will wash their hands or any other skin with soap and water; or flush the mucous membranes with water immediately or as soon as possible following contact with blood or other potentially infectious materials.
5. Smoking is permitted in designated areas only.
6. The mucous membranes (eyes, nose, and mouth) will be protected when there is a likelihood of spatters or splashes from blood or other potentially infectious materials. All procedures will be performed in a manner which minimizes splashing, spraying, spattering and the generation of droplets of these substances.
7. Specimens of blood or other potentially infectious material needed as evidence will be labeled as biohazardous and placed in a designated container or approved storage location.
8. Contaminated needles or other contaminated sharps will not be bent, recapped, sheared, broken or removed. Immediately, or as soon as possible, contaminated sharps will be placed in containers, which are puncture resistant, leak resistance and properly labeled. These containers will be disposed of properly.
9. Biohazardous waste or other potentially infectious waste material will be appropriately packaged and labeled and placed in a properly marked biohazardous waste container for disposal.

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10. Any blood or body fluid related accident (i.e., needle stick, blood or body fluid splatter or splash to the mucous membranes) will be reported to your immediate supervisor. The supervisor shall follow the guidelines contained in Section VII of this policy.
  11. Any equipment which has been contaminated with blood or other potentially infectious materials will be decontaminated with a 10:2 water and bleach (5.24% Sodium Hypochlorite) (household bleach) solution or Isopropyl Alcohol. Allow the equipment to air dry before further use.
- B. Personal Protective Equipment
1. Personal protective equipment will be provided, at no cost to all personnel that are at risk of occupational exposure. Personal protective equipment will include the following: disposable gloves, aprons, laboratory coats, face shields or masks and eye protection, as needed and appropriate.
  2. Personal protective equipment will be used for all occupational exposure situations, however, the employee based on his/her training and experience may temporarily or briefly decline the use of the equipment if its use would prevent delivery of immediate healthcare or public safety services or would pose an increased hazard to the safety of the employee.
  3. Situations in which personal protective equipment was temporarily or briefly declined will be investigated and documented to determine if changes can be instituted to prevent future occurrences.
  4. Appropriate personal protective equipment in appropriate sizes will be readily accessible to each at risk employee.
  5. Gloves will be worn when it can be reasonably anticipated that the employee may have contact with blood, other potentially infectious materials, and when handling or touching contaminated items or surfaces.
  6. Repair, replacement or disposal of personal protective equipment will be provided at no cost to the employee.
  7. Personal protective equipment will be utilized when working with potentially infected individuals and potentially infectious materials.
  8. If a garment(s) is penetrated by blood or other potentially infectious material, the garment(s) must be removed immediately or as soon as feasible. The garment(s) should be safely placed in a biohazard bag and appropriately sealed. Arrangements will be made to have the item(s) laundered. Employees should

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maintain and store a clean uniform or duty garments at the police department to utilize in the event of garment contamination.

9. Personal protective equipment will be removed prior to leaving the work area where there is reasonable likelihood of occupational exposure. All personal protective equipment will be placed in a biohazard bag and appropriately sealed, labeled and placed in a biohazard waste container.

C. Contaminated Waste Management

1. Containers or bags will be provided to all at risk personnel. The container or bag will be marked with the international biological hazard symbol and the wording "BIOHAZARD".
2. Evidence, if contaminated or potentially contaminated, should clearly be marked with the international biological hazard symbol and the wording "BIOHAZARD".
3. All contaminated materials or contaminated personal protective equipment intended for disposal will be placed in a biohazard bag. The bag will be sealed and promptly placed in a biohazard waste container for proper disposal.
4. Contaminated materials or contaminated personal protective equipment will be disposed of properly in strict accordance with this policy.

**VI. HEPATITIS B VACCINATION**

- A. Employees who have occupational exposure will be provided, at no cost, the Hepatitis B vaccine and vaccination series, as well as post-exposure evaluation and follow-up procedures.
- B. The Hepatitis B vaccine and the future booster(s) will be available to employees who have an occupational exposure, unless they have previously received the complete Hepatitis B vaccination series and antibody testing has revealed the employee is immune or the vaccine is contraindicated for medical reasons.
- C. A Hepatitis B prescreening program will not be a prerequisite for receiving the vaccination.
- D. An employee who initially declines the Hepatitis B vaccination will be permitted to receive the vaccination at a later date.
- E. Employees who decline to accept the Hepatitis B vaccination will be required to sign a waiver statement.

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## VII. POST EXPOSURE PROCEDURE

- A. Any exposure, or possible exposure, to an infectious disease is to be treated as a job-related injury.
1. The concerned employee's supervisor shall thoroughly investigate and document the incident.
  2. The concerned employee shall report as soon as is possible to an appropriate medical facility for proper testing and evaluation. Arrangements for testing and evaluation will be coordinated by the Chief of Police, his designee, or the Human Resources Director.
- B. Evaluation and response to exposure of police employees to infectious diseases will be handled and coordinated by the Chief of Police, his designee, or the Human Resources Director. The Town's Workers Compensation Insurance Program will be utilized in the event the employee does contract some disease during the performance of his job. Payment of applicable medical bills and the extension of other benefits will be coordinated by the Human Resources Department or designee.
- C. If exposure results from contact with an individual who is under arrest, the following procedure shall apply. The exposed officer shall notify his or her supervisor.
1. If the arrestee (source individual) is unwilling to cooperate, the arresting officer shall request that the magistrate place the arrestee under a twenty-four (24) hour "hold" pursuant to General Statute 15A-534.3 so that appropriate investigation and testing of the arrestee may be conducted. The exposed officer's supervisor will contact the Chief of Police or town attorney for assistance if necessary.
  2. The Rowan County Health Department shall be notified as soon as possible during the twenty-four (24) hour period as to the identity and location of the possible infectious subject.
  3. If the arrested subject is willing to cooperate and the Rowan County Health Department deems that testing may be necessary, the supervisor of the employee involved shall obtain signed consent from the individual and the individual will be transported to the appropriate testing facilities.
- D. If it is obvious that the twenty-four (24) hour hold placed on an arrested individual (as in III. C., 3. above) will expire before the next available operating hours and the subject is willing to cooperate, the following shall apply.
1. The supervisor of the employee concerned shall be responsible for seeing that an Authorization Release of Medical Records and Information Form is completed

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and signed by the arrestee and that the arrestee is transported to the appropriate medical facility for the appropriate testing.

2. It is critical that the supervisor retain a copy of the signed consent form and submit this form to the Chief of Police at the beginning of their next business day.
- E. If exposure results from contact with an individual who is not under arrest and is willing to cooperate the following procedure shall apply.
1. The supervisor shall ensure that the subject's name, address, phone number, and other personal information is obtained and submitted to the Rowan County Health Department.
  2. The Rowan County Health Department may later request that a police supervisor from the exposed officer's unit contact this individual during the normal operating hours of the Rowan County Health Department so that testing may be arranged.
  3. The police supervisor shall be responsible for arranging transportation for the subject and ensure that the proper consensual and evaluation procedures are followed.
- F. If exposure results from contact with an individual who is not under arrest and is unwilling to voluntarily submit to tests, the following procedure shall apply.
1. The subject's name, address, date of birth, phone number, and any other relevant information shall be obtained and recorded by the police supervisor.
  2. The supervisor shall then notify the Chief of Police with this information so that the Chief of Police, in coordination with the town's attorney can commence proceedings to secure a court order directing the unwilling subject to submit to the necessary tests.

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## I. PURPOSE

To establish procedures to govern the Landis Police Department's Auxiliary Reserve and Part-time Police Officer Program. Nothing in this policy shall be construed to conflict with or supersede the provisions of the Personnel Policy of the Town of Landis.

## II. POLICY

The Auxiliary Reserve and Part-time Police Officer Program provides a valuable service to the Police Department and the Town of Landis. It is the objective of this department to establish Part-time and Auxiliary Reserve Units to assist the department in the performance of the police function by providing additionally trained and equipped members when necessitated by special events or emergencies.

## III. DEFINITIONS

- A. Officer: Any full-time, part-time or auxiliary reserve officer of the Landis Police Department.
- B. Off-duty Employment: The off-duty employment of a police officer to provide law enforcement services requiring the exercise of police powers.
- C. Part-time Officer: An officer who is employed by the Town of Landis on a part-time basis. Part-time officers hold the same arrest powers as full-time officers and are compensated on an hourly basis.
- D. Auxiliary Reserve Officer: An officer who is employed by the Landis Police Department in a reserve status only. Auxiliary Reserve officers are sworn law enforcement officers with the same arrest powers as full-time and part-time officers, but they are not compensated for any hours worked and are not allowed to work regular patrol shifts or off-duty employment.
- E. Active Status: A full-time or part-time officer who regularly works police shifts or off-duty employment.
- F. Inactive Status: An Auxiliary Reserve officer who is sworn by the Landis Police Department to maintain the officer's law enforcement certification.

## IV. PROCEDURES

- A. Supervision
  - 1) The Department's Part-time and Auxiliary Reserve Units are integral components of the Landis Police Department. Part-time and Auxiliary Reserve officers, in all matters pertaining to their activities as police personnel, will be subject to the directions and orders of commanding officers of the Department.

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- 2) For the purposes of activities and administrative functions other than the specific performance of police duties, the police Part-time and Auxiliary Reserve Units shall be under the direct control of the Assistant Chief, as the Unit Coordinator and the Chief of Police, as Commander, or their designees.

**B. Membership**

- 1) The department Part-time Unit shall be comprised of individuals who have a genuine interest in improving the quality of police service in the Town of Landis.
- 2) The department Auxiliary Reserve Unit shall be comprised of individuals who desire for the agency to maintain their law enforcement certification, as a sworn officer, in an “inactive status.”
- 3) The Landis Police Department will abide by all applicable local, state, and federal laws and regulations governing equal opportunity for participation by all qualified citizens in its department’s Part-time and Auxiliary Reserve Units.
- 4) Only members who meet all legal and certification requirements will be considered for positions within the department’s Part-time or Auxiliary Reserve Units.

**C. Selection**

1. Part-time and Auxiliary Reserve Police Officers will complete the same selection process as the current selection process in place at the time of hire for a full-time police officer.
2. Upon successful completion of the application, oral board review and background investigation, the Chief of Police will review the applicant’s qualifications. The Chief of Police will have the final authority to approve the selection and appointment of Part-time and Auxiliary Reserve Officers.
3. If an active-duty officer separates, he/she may apply for a position in the Part-time or Auxiliary Reserve Officer Program by submitting a written request to the Chief of Police. The decision to allow membership into either program is at the discretion of the Chief of Police.
4. All Part-time and Auxiliary Reserve Police Officers serve at the discretion of the Chief of Police.
5. A list of all Part-time and Auxiliary Reserve Officers and how to contact them will be maintained. Part-time and Auxiliary Reserve officers may be activated in emergency situations at the discretion of the Chief of Police.

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## V. PART-TIME OFFICERS

### A. Required Standards for Membership

1. Applicants must have a valid General or Probationary Law Enforcement Certification issued by the North Carolina Criminal Justice Education and Training and Standards Commission.
2. All Part-time officers will be subject to a probationary period for 12 months unless the member is transferring from full-time status within the agency.
3. During the probationary period members will be evaluated by a department field training officer (F.T.O.) until released from their training program. Unsatisfactory performance may result in remedial training or dismissal from the department.
4. At the completion of the probationary period, the Unit Coordinator will evaluate the probationary officer. Upon successful completion of 12 months of service, and with the recommendation of the Unit Coordinator in coordination with the Chief of Police, the membership of the officer will be continued, and they will be removed from probationary status.
5. Part-time officers are allowed to work patrol shifts and “off-duty” assignments. In order to be eligible for patrol shifts and “off-duty” employment, the part-time officer must have completed the departmental field training program and have completed 12 months of service as a part-time officer or must have completed at least 1 year of service as a full-time sworn law enforcement officer, hold a General Law Enforcement Certification issued in this state, and have completed the departmental field training program.
6. The Landis Police Department will provide part-time officers with duty gear, a duty handgun and ammunition. Officers must qualify with their issued weapon on an annual basis. The department will conduct firearms training annually, which each officer must attend and successfully complete.
7. All part-time officers must remain physically and psychologically able to perform the duties of a sworn law enforcement officer. The department may require a physical and/or a psychological evaluation at any time as a condition of continued membership.
8. Officers are subject to the same rules, regulations and orders as full-time officers of the department. The same standard of conduct and



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professionalism are expected from all officers.

9. If working a patrol shift, part-time officers will be compensated at a set hourly rate determined by the Town of Landis. If working an “off duty” event (ex. school ballgame, private security, etc.) the part-time officer will be compensated at the hourly rate set by the individual and/or company that has contracted with the officer and the Landis Police Department.
10. The Landis Police Department will provide all part-time officers with a sufficient number of appropriate uniforms to work patrol shifts and “off-duty” employment.
11. The Landis Police Department will provide all part-time officers with a police badge and identification card that shall be carried at all times while working in an official capacity or off-duty.
12. All part-time officers are required to complete and successfully pass all mandatory in-service trainings each year as mandated by the North Carolina Criminal Justice Education and Training Standards Commission.
13. All part-time officers are required to meet all training and work requirements as otherwise directed by the Chief of Police.
14. At the discretion of the Chief of Police, minimum work requirements/minimum shifts worked per year may include those shifts worked as a School Resource Officer.

#### B. Duties

1. Part-time officers may be assigned to any person within the department to assist in any circumstances or situations as needed.
2. Probationary officers that have not completed the department’s field training program will accompany a field training officer (F.T.O.) These officers may drive police vehicles when accompanied by a F.T.O., at the discretion of the Unit Coordinator and the F.T.O. with whom the probationary officer is assigned. Part-time officers released from field training are eligible to operate a patrol vehicle and be assigned as a one-man unit at the discretion of the Unit Coordinator.
3. Part-time officers are allowed to work patrol shifts and any other “off-duty” assignments as long as they have been released from the department’s field training program. “Off-duty” assignments shall be made available to all full-time officers first (lowest to highest ranking) and then become available to part-time officers, if no full-time officer or not enough

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full-time officers are available to work.

4. Officers may be assigned to other special police activities upon recommendation of the Unit Coordinator.
5. Part-time officers will, to the extent possible, not be assigned to duties which will require their extensive involvement in police investigations of independent arrest, which could result in undue hardships to themselves or their employers because of extended court appearances.
6. Assignments will be made based upon the needs of the department. Upon assignment, the officer in charge will directly supervise the part-time officer. Once assigned to a post or activity, the part-time officer will not leave their assignment until relieved by proper authority, excluding exigent circumstances.
7. All part-time officers are required to work the annual Christmas parade or other events required by the Chief of Police or his designee, unless otherwise excused. Officers may be excused if they must work at their full-time place of employment or have a family emergency (ex. sickness, death in the family, etc.) Officers may only be excused by the Chief of Police or his designee.
8. All Part-time and Auxiliary Reserve Officers will hold the rank of Part-time or Auxiliary Reserve Patrol Officer. A Part-time or Auxiliary Reserve Patrol Officer shall be subordinate to any full-time police officer. Part-time and Auxiliary Reserve Officers shall be required to follow the chain of command.

## **VI. AUXILIARY RESERVE OFFICERS**

1. Applicants must have a valid General or Probationary Law Enforcement Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission.
2. All Auxiliary Reserve Officers will be subject to a probationary period for 12 months, unless the member is transferring from full-time status within the agency.
3. At the completion of the probationary period, the Unit Coordinator will evaluate the probationary officer. Upon successful completion of 12 months of service, and with the recommendation of the Unit Coordinator in coordination with the Chief of Police, the membership of the officer will be continued, and they will be removed from probationary status.

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4. Police Auxiliary Reserve Officers are **not** allowed to work “off-duty” assignments or patrol shifts. Auxiliary Reserve Officers are employed in an “inactive status.”
5. Auxiliary Reserve Officers must provide their own ammunition and qualify with their personally owned weapon on an annual basis. The department will conduct firearms training annually, which each officer must attend and successfully complete. It is the responsibility of the Auxiliary Reserve Officer to provide their own weapon and ammunition. Department issued weapons and ammunition may be issued at the discretion of the Chief of Police to any Auxiliary Reserve Officer.
6. If a personal weapon and ammunition are used to qualify, each must be approved by the Chief of Police or his designee. Failure to provide an approved weapon and ammunition will result in dismissal from the Auxiliary Reserve Officer Program unless the member has been issued a department weapon and ammunition to qualify with and carry.
7. All Auxiliary Reserve Officers must remain physically and psychologically able to perform the duties of a sworn law enforcement officer. The Department may require a physical and/or a psychological evaluation at any time as a condition of continued membership as a sworn member of the Landis Police Department.
8. Auxiliary Reserve Officers are subject to the same rules, regulations, and orders as full-time officers of the Department. The same standard of conduct and professionalism are expected from all officers.
9. The Landis Police Department will provide all Auxiliary Reserve Officers with a police badge and identification card.
10. The Landis Police Department will **not** issue uniforms or duty gear to Auxiliary Reserve Officers.
11. Auxiliary Reserve Officers will **not** be required **or** allowed to work any patrol shifts or “off-duty” assignments. The department agrees to maintain the Auxiliary Reserve Officer’s certification as long as the Auxiliary Reserve Officer successfully qualifies with an approved handgun each year and completes and successfully passes in-service training each year as mandated by the North Carolina Criminal Justice Education and Training Standards Commission.
12. All Auxiliary Reserve Officers serve at the discretion of the Chief of Police.

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13. Auxiliary Reserve Officers will not be issued any equipment and will not be permitted to work law enforcement off-duty employment or take any law enforcement action as a Landis Police Officer.
14. **Auxiliary Reserve Officers are not allowed to be sworn law enforcement officers through any other law enforcement agency.**
15. Auxiliary Reserve Officers serve in a volunteer capacity, they will not be compensated by the Town of Landis for the completion of mandatory training or if they are called in for special or emergency events.
16. All Auxiliary Reserve Officers are provided the same public liability protections as full-time and part-time officers if authorized by the Chief of Police to work in an official capacity in any special or emergency events.
17. All Part-time and Auxiliary Reserve Officers will hold the rank of Part-time or Auxiliary Reserve Patrol Officer. A Part-time or Auxiliary Reserve Patrol Officer shall be subordinate to any full-time police officer. Part-time and Auxiliary Reserve Officers shall be required to follow the chain of command.
18. Any Auxiliary Reserve Officer may be called to “active status” by the Chief of Police or his designee in a special or emergency situation.
19. At the discretion of the Chief of Police, Auxiliary Reserve Officers can apply to become Part-time Officers (as positions become available). The moving from Auxiliary Reserve Officer Status to Part-time Officer Status must be in conformance of the rest of this policy.

## VII. TRAINING

1. All Part-time and Auxiliary Reserve Officers will be informed of all mandatory training that is being offered. It is the responsibility of the individual officer to schedule and attend the required training. All sworn officers must complete all annual in-service training classes that are deemed mandatory by the State of North Carolina, and any other classes that the Chief of Police mandates.
2. During annual training and qualification of departmentally issued service weapons, shotgun and any other assigned weapon, all officers will be trained on the following policies:
  - a. Weapons
  - b. Use of Force Continuum
  - c. Use of Deadly Force

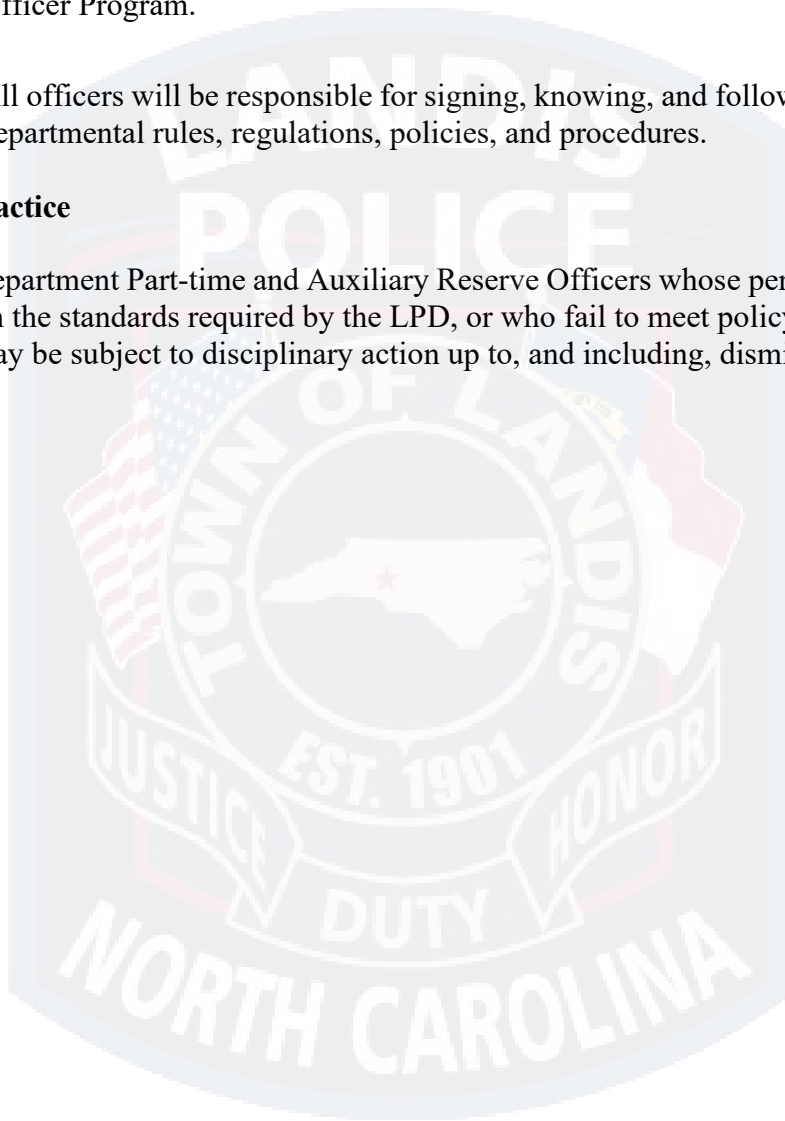
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d. Use of Non-Deadly Force

3. All Part-time and Auxiliary Reserve Officers that have not been previously employed by the LPD must complete the Field Training Officer Program.
4. All officers will be responsible for signing, knowing, and following all departmental rules, regulations, policies, and procedures.

**VIII. Disciplinary Practice**

Landis Police Department Part-time and Auxiliary Reserve Officers whose performance is inconsistent with the standards required by the LPD, or who fail to meet policy requirements, may be subject to disciplinary action up to, and including, dismissal.



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**I. PURPOSE**

To establish written guidelines for processing requests and rules to participate in the Ride-Along Program.

**II. POLICY**

Civilians are permitted to ride in police vehicles only when specifically authorized as set forth in this policy.

**III. DEFINITIONS**

- A. Civilian Ride-Along: A participant who has been approved by the Chief of Police or his designee to accompany an officer in the Ride-Along Program.
- B. Host Officer: The officer designated to conduct the ride-along for the program participant.

**IV. PROCEDURE**

- A. Ride-Along Program
  - 1. The department reserves the right to deny participation to any applicant.
  - 2. The following participants are eligible to be considered for participation in a ride-along:
    - (a) Persons employed in a criminal justice capacity;
    - (b) Persons currently enrolled in a recognized criminal justice education program;
    - (c) Applicants for LPD employment;
    - (d) Town of Landis employees;
    - (e) Family members of LPD employees; or
    - (f) Individuals who in the discretion of the Chief of Police would benefit from participating in a ride-along.
  - 3. Participants shall not be allowed to participate in this program if any of the following apply to them.
    - (a) A criminal history that makes the individual unsuitable for participation in the program.

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- (b) Has been terminated from employment by the town.
  - (c) Has resigned from this agency to avoid disciplinary actions.
  - (d) Does not possess a valid operator's license or other valid government-issued identification containing a current photograph and current address information.
  - (e) Is less than 18 years of age, unless approved by the Chief of Police.
4. The length of the ride-along will be in the discretion of the Chief of Police or his designee.

**B. Requesting to Participate in a Ride-Along**

- 1. Prior to participating in a ride-along, interested persons must complete, sign and submit a Landis Police Department request for Ride-Along Application, Release and Indemnity Agreement Form, (See Addend “A” and “C”) and receive and sign a copy of the rules and regulations of the rider (See Addendum “B”).
- 2. Prior to approving an application for a Ride-Along, a cursory background check and warrant check will be conducted by the Landis Police Department (i.e. NCAWARE, CJLEADS, NC DMV, etc.) This documentation must be included with the Ride-Along Application and Release and Indemnity Agreement prior to final approval (See Addenda “A” and “C”) .
- 3. The Request for Ride-Along Release and Indemnity Agreement forms are maintained by the Assistant Chief of Police or his designee.
- 4. Approved Ride-Along applications are good for only the current calendar year, January – December. Regardless of prior approvals, each Ride-Along participant must submit a new application each calendar year.

**C. General Guidelines for Authorized Civilian Riders**

- 1. Civilian riders participating in criminal justice programs (Basic Law Enforcement Training Students; Criminal Justice college students, LPD interns, etc.) shall be given preference over civilian riders who are not in an established program.
- 2. Civilian riders shall follow all rules and regulations pertaining to the program (See Addendum “B”) Civilian riders, who are not employed in, enrolled in or participants in a criminal justice program are limited to no more than four Ride-Alongs per calendar year. The dates of approved Ride-Alongs will be notated on the submitted Ride-Along

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application. All Ride-Alongs must be approved by a supervisor, in addition to any other requirements of this policy, prior to someone participating in the program.

**D. Host Officer Responsibilities Regarding Civilian Riders**

1. Host Officers accompanied by a civilian rider will notify dispatch when the ride-along begins and ends.
2. Host Officers accompanied by a civilian rider must take appropriate steps to safeguard sensitive information.
3. Officers shall not allow civilian riders to take any action that would place the civilian in jeopardy or danger. In the event a civilian rider becomes injured while participating in a ride-along, a supervisor will be notified immediately, and the officer will complete an incident report detailing the events leading up to the injury.
4. Officers accompanied by civilian riders have an obligation to immediately report to the supervisor any act or behavior on the part of the civilian rider which:
  - (a) Creates a risk of physical harm to the civilian rider, an officer or member of the general public;
  - (b) Poses a threat to the security of information;
  - (c) Poses a threat to property or equipment, whether or not the department owns such property or equipment;
  - (d) Creates liability for the department;
  - (e) Creates the likelihood of damage to the department's public image; or
  - (f) Violates any rule or guideline that has been established by the department for purposes of controlling the actions and behavior of civilian riders.
5. Host Officers will not initiate or engage in vehicle pursuits when accompanied by any civilian rider. Officers may engage in other lawful emergency vehicle operations.

**E. Supervisor's Responsibilities Regarding Civilian Riders**

1. A supervisor will ensure all required documentation has been completed.
2. Prior to the start of a ride-along, a supervisor will brief participants regarding what will be expected and permitted during their ride. This briefing can occur any time prior to the ride-along and will include:



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- (a) Potential dangers of participating in a ride-along;
  - (b) Warnings about disclosure of possible confidential information that may be overheard or seen during the ride-along. Civilian riders must accept responsibility regarding laws applicable to confidentiality and dissemination of information.
3. Supervisors have the authority and responsibility to terminate the privileges of a civilian rider when the supervisor has knowledge, which indicates the civilian, has taken any action described in Addendum B of this policy.
  4. In the event a civilian rider becomes injured while participating in a ride-along, the following shall be done:
    - (a) The supervisor will notify the Chief of Police or his designee at the first available opportunity; and
    - (b) The supervisor will review the officer's incident report regarding the circumstances leading up to the injury and forward the incident report to his/her supervisor.
- F. Notification to Supervisors

Any Landis Police Department non-sworn employee who wishes to participate in a ride-along must submit the ride-along request through his/her chain of command.

A supervisor must be made aware, and approve, a Ride-Along prior to it commencing.

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**ADDENDUM "A"**

**RIDE-ALONG APPLICATION**

All qualified personnel are required to complete the following application in order to participate in a ride along program. The rider must present a valid operator's license or Photo ID with this application before any authorization is completed. A copy will be made and attached to the application.

1. Full Name: \_\_\_\_\_
2. Phone number(s): \_\_\_\_\_
3. Email address: \_\_\_\_\_
4. Drivers License Number and State: \_\_\_\_\_
5. Address: \_\_\_\_\_
6. Previous address: \_\_\_\_\_
7. Age: \_\_\_\_\_ Date & Place of Birth: \_\_\_\_\_
8. Place of employment: \_\_\_\_\_  
 Address: \_\_\_\_\_
9. Length of employment: \_\_\_\_\_
10. Have you ever been arrested, and if so for what reason? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
11. Nickname(s) used: \_\_\_\_\_
12. Name of spouse or person to contact in the event of an emergency:  
 \_\_\_\_\_
13. Number to call in case of emergency: \_\_\_\_\_

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Date

|  |                                       |                    |
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| <p align="center"><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Ride-Along Program</b>             | <b>Page 6 of 8</b> |
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**ADDENDUM “B”**

**Rules and Regulations of Ride-Along Participants**

The following is a list of rules and regulations that apply to ride-along participants, but such list is not all-inclusive:

- (a). All participants in the Ride-Along Program are required to utilize a seat belt while in a police vehicle.
- (b). Participants shall wear appropriate clothing and maintain a professional attitude.
- (c). Participants must recognize that they have no arrest powers, and that their participation is strictly limited to that of an observer.
- (d). Participants will remain inside the police vehicle when calls for service, traffic stops, and other official duties are being performed unless specifically directed by the officer.
- (e). Participants may request to ride with specific officers, and officers may request permission for specific civilians to ride with them. However, assignment of civilian riders to specific officers will be at the discretion of the Shift Sergeants unless otherwise specified by the Chief of Police.
- (f). Participants are prohibited from carrying or possessing firearms while riding in departmental vehicles.
- (g). Participants are prohibited from consuming any alcoholic beverage for at least 8 hours prior to the scheduled ride-along.
- (h). Participants are prohibited from operating any Town of Landis or Landis Police vehicles or equipment while participating in a Ride-Along.
- (i). **Participants shall not record or photograph any police activity while engaging in a Ride-Along.**

***By signing below, I acknowledge the rules, requirements, and expectations of the Landis Police Department’s Ride-Along program.***

**Signature of Applicant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

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**ADDENDUM "C"**

**Landis Police Department and Town of Landis**  
**Ride- Along Program Release and Waiver Form**

The undersigned applicant has requested the Chief of Police to allow him/her to ride in a police vehicle at a specified time with a police officer for the purpose of observing the officer's activities.

The undersigned applicant understands that riding in a police vehicle is an inherently dangerous activity, which may suddenly place the rider in circumstances beyond the control of the police department or the officer. By signing this waiver, the applicant voluntarily acknowledges the inherent risk of physical injury or death that may result from his or her participation in a ride-along. The undersigned specifically assumes the risk of injury or death associated with his or her participation in the ride-along.

Accordingly, the applicant on behalf of himself/herself and his/her heirs, assigns or personal representatives, hereby agree to waive and release all claims he/she may have for any physical or psychological injuries, including death, sustained while participating as an observer riding along in a police vehicle. This waiver shall be for the benefit of the officer operating the vehicle, the Landis Police Department, the Town of Landis and any employees or agents of the Town of Landis.

In witness thereof, the undersigned hereunto sets his/her hand and seal.

\_\_\_\_\_  
 Applicant's Full Name (Printed)

\_\_\_\_\_  
 Applicant's Signature                      Date

Date Requested: \_\_\_\_\_ Date Expired: \_\_\_\_\_ # of Rides: \_\_\_\_\_

**NORTH CAROLINA**  
 \_\_\_\_\_ **COUNTY**

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal, this \_\_\_\_\_ day of \_\_\_\_\_, and 20 \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public                      My Commission Expires: \_\_\_\_\_

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**ADDENDUM "D"**

**APPLICANT CRIMINAL HISTORY REPORT**

Arrest History?  Yes  No

If yes, please list charges and dates:

\_\_\_\_\_

Warrants?  Yes  No

If yes, please list:

\_\_\_\_\_

Date Application Received: \_\_\_\_\_

Background check completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Application:  Approved  Denied

Signature: \_\_\_\_\_

If denied, please explain:

\_\_\_\_\_

**ASSISTANT CHIEF OF POLICE REVIEW**

Date Application Received: \_\_\_\_\_  Approved  Denied

If denied, please explain:

\_\_\_\_\_

Assistant Chief of Police Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**DENIED APPLICANT NOTIFICATION**

Applicant notified by: \_\_\_\_\_

Date/Time: \_\_\_\_\_

**Signature:** \_\_\_\_\_

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Tobacco Free Work Environment</b> | <b>Page 1 of 1</b> |
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## I. PURPOSE

To provide a healthy, comfortable and productive work environment for employees.

## II. POLICY

The Landis Police Department:

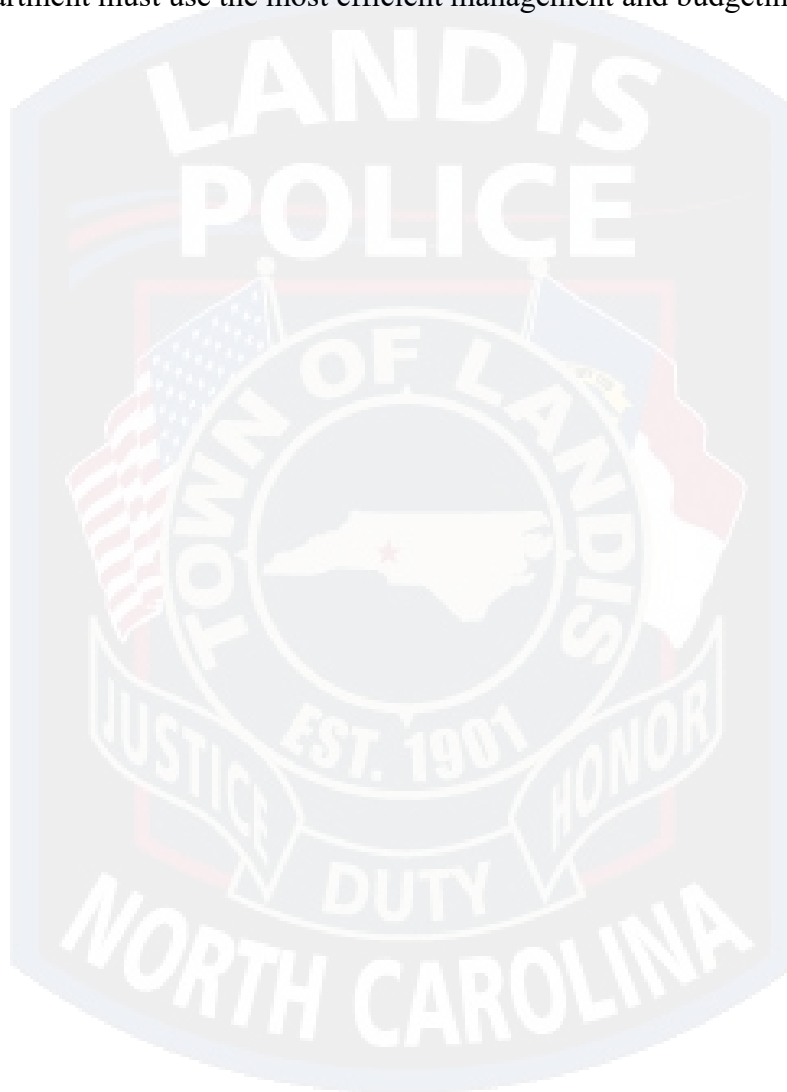
- A. Prohibits smoking in all Landis Police Department facilities, except for in designated areas. Designated areas shall be identified by proper signage.
- B. Prohibits smoking in all town and police vehicles with the exception of vehicles used for undercover operations, and then such use is permitted only when it is part of such an operation.
- C. Prohibits smoking or using tobacco products on calls or during investigations where the general public is present.
- D. Smokeless tobacco products may be used outside of the public's view and must be disposed of promptly and professionally.

## III. PROCEDURES

- A. Standardized signs will be posted in highly visible areas advising employees and the public that the use of tobacco products is prohibited.
- B. There will be no changes in length or number of break times to accommodate the use of tobacco products; authorized employee break times may be used for such purposes.
- C. Employees should ask the public in a courteous and diplomatic manner to comply with this policy.
- D. The use of smoking products will be allowed in outdoor areas only that are designated for such use.
- E. A person using tobacco products is responsible for the proper disposal of such products.
- F. All employees are also expected to comply with the Town of Landis' Substance Abuse Policy.
- G. All employees share in the responsibility for adhering to and enforcing this policy. Any employee who violates this policy should be reported to their supervisor for appropriate disciplinary action.

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Law enforcement is one of the most expensive and complex services provided by the town. The extent of service provided depends on the resources made available to the department, and the way in which those resources are used. To ensure that the highest level of services is obtained from the resources at its disposal, the department must use the most efficient management and budgeting techniques available.



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## I. PURPOSE

This policy establishes the Landis Police Department's position on the utility and management of its volunteer program and provides guidance on its management and administration.

## II. DISCUSSION

Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase police responsiveness, service delivery, and information input, and they provide new program opportunities. In addition, volunteers can bring new skills and expertise to the job and prompt new enthusiasm. It is the policy of the Landis Police Department to use qualified volunteers for specified tasks and duties that can create efficiencies for the department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel.

## III. DEFINITIONS

Volunteer: Someone who performs service for the department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, Citizen's On Patrol (COP), interns, persons providing administrative support, and youth involved in a Law Enforcement Explorer Post, among others.

## IV. PROCEDURES

### A. Administration

1. The volunteer coordinator, or his or her designee, shall be responsible for the following:
  - (a) Recruiting, selecting, and training qualified volunteers for various positions.
  - (b) Maintaining employment records for each volunteer.
  - (c) Maintaining the volunteer handbook, which outlines expectations, policies and responsibilities for all volunteers.
  - (d) Maintaining a record of volunteer schedules and work hours.
  - (e) Completion and dissemination as appropriate of all necessary paperwork and information.
  - (f) Planning periodic recognition events.



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(g) Administering discipline when warranted.

2. All requests for volunteers shall be routed through the designated chain of command for review and volunteer selection.

**B. Recruitment**

Volunteers shall be recruited on a continuous and ongoing basis consistent with this department's policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process shall be an interest in and ability to assist the agency in serving the public.

**C. Screening**

1. All prospective volunteers shall complete the volunteer application form.

2. The volunteer coordinator, or designee, shall conduct a face-to-face interview with an applicant under consideration.

3. A documented background investigation shall be completed on each volunteer applicant and shall include but not necessarily be limited to the following:

(a) Traffic and criminal record

(b) Employment

(c) References

**D. Selection and Placement**

1. Upon their selection, applicants shall receive a confirmation letter prior to the start of service.

2. All volunteers shall receive a copy of departmental and town policies.

3. All volunteers shall be required to sign a volunteer agreement.

4. Volunteers shall be placed only in job assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the Landis Police Department.

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E. Position Description

1. Volunteers shall be provided with a comprehensive written position description detailing their duties.
2. Volunteers shall be used only in accordance with this description. Volunteers shall not work without a written job description or outside the limits of job responsibilities specified in the job description.
3. Position descriptions shall be reviewed periodically to ensure that they accurately reflect the volunteer's duties and responsibilities.

F. Training

1. Volunteers shall be provided with an orientation program to acquaint them with the department, personnel, policies, and procedures that have a direct impact on their work assignment.
2. Volunteers shall receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position.
3. Volunteers shall receive periodic ongoing training as deemed appropriate by their supervisor or volunteer coordinator.
4. Training shall reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are, sworn officers or other full-time members of the Landis Police Department. They shall always represent themselves as volunteers.
5. All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Landis Police Department.

G. Fitness for Duty

1. No volunteer shall report to work or be on duty when his or her judgment or physical condition had been impaired by alcohol, medication, other substances, illness, or injury.
2. Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

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- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations

#### H. Dress Code

1. Volunteers shall conform to department-approved dress consistent with their duty assignment.
2. Uniforms authorized for volunteers shall be readily distinguishable from those worn by sworn officers.
3. No volunteer shall wear his or her uniform or identifiable parts of that uniform while off duty.
4. Volunteers shall be required to return any issued uniform or agency clothing at the termination of service.

#### I. Confidentiality

1. With appropriate security clearance, volunteers may have access to confidential information such as criminal histories, or investigative files. Unless otherwise directed by a supervisor or departmental policy, all police information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.
2. Each volunteer shall sign a nondisclosure agreement. Subsequent disclosure of any confidential information, verbally, in writing, or by any other means, shall be grounds for immediate dismissal and possible criminal prosecution.
3. Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the agency, or maintain that they represent the agency in such matters without permission from the proper agency personnel.

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J. Property and Equipment

1. Volunteers shall be issued an identification card that must be worn at all times while on duty.
2. Any fixed and portable equipment issued by the agency shall be for official and authorized use only.
3. Any property or equipment issued to a volunteer shall remain the property of the Landis Police Department and shall be returned at the termination of service.

K. Disciplinary Procedures / Termination

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or his designee. Termination of volunteers shall not be subject to due process considerations and volunteers shall have no property interests in their continued employment.

L. Evaluation

1. An evaluation of the overall volunteer program shall be conducted on an annual basis.
2. Regular personnel evaluations shall be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

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## Landis Police Department Volunteers In Policing Application

|   |                       |      |     |                     |               |
|---|-----------------------|------|-----|---------------------|---------------|
| <p><b>Please fill out completely or the application will not be processed. If any section does not apply to you, please indicate by writing "N/A". The Landis Police Department appreciates your interest in service and commends your spirit to volunteer.</b></p> |                       |      |     |                     |               |
| <b>PERSONAL INFORMATION</b>   |                       |      |     |                     |               |
| Last Name   | First Name            | M.I. | Age | SS#                 | Date of Birth |
| Home Address  | City                  |      | Zip | Place of Birth      |               |
| Home Phone Number   | Business Phone Number |      |     | Mobile Phone Number |               |
| Email Address   |                       |      |     |                     |               |
| Previous Address(es) Last Five Years:   |                       |      |     |                     |               |
| _____   |                       |      |     |                     |               |
| _____   |                       |      |     |                     |               |
| _____   |                       |      |     |                     |               |
| <i>TELL US A LITTLE ABOUT YOURSELF</i>  |                       |      |     |                     |               |
| What are your hobbies and interests?  |                       |      |     |                     |               |
| Have you volunteered before? If so, what did you do and where?  |                       |      |     |                     |               |
| Do you prefer an office setting or a more active role?  |                       |      |     |                     |               |
|   |                       |      |     |                     |               |

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# Volunteer Skills Survey

NAME: \_\_\_\_\_

Please check the appropriate boxes that represent your current interests and/or skills:

- |   |  |
|---|--|
| <input type="checkbox"/> Typing               | <input type="checkbox"/> Statistics          |
| <input type="checkbox"/> Computer Skills      | <input type="checkbox"/> Vehicle Maintenance |
| <input type="checkbox"/> Answering phones     | <input type="checkbox"/> Data Entry          |
| <input type="checkbox"/> Filing               | <input type="checkbox"/> Team Work           |
| <input type="checkbox"/> Transcription        | <input type="checkbox"/> Role Playing        |
| <input type="checkbox"/> Public Speaking      | <input type="checkbox"/> Driving             |
| <input type="checkbox"/> Audio/Video          | <input type="checkbox"/> Writing             |
| <input type="checkbox"/> CPR (current yes/no) | <input type="checkbox"/> Record Keeping      |
| <input type="checkbox"/> First Aid            | <input type="checkbox"/> Meeting the Public  |
| <input type="checkbox"/> Research             | <input type="checkbox"/> Working Alone       |

Other specialized skills, hobbies, or interests you possess:

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If a position is available, do you have a preference where you would like to volunteer?

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**MEDICAL WAIVER**

I, \_\_\_\_\_ understand that I must be in good physical condition to perform the duties of a volunteer with the Landis Police Department.

These duties may include but are not limited to driving, moderate walking, entering and exiting a vehicle several times and occasionally standing for an extended period of time. By signing this waiver, I acknowledge that I am in good physical condition and have no medical limitations that would prohibit my participation in the volunteer program.

Volunteers Signature: \_\_\_\_\_

-----  
**TO BE COMPLETED BY PHYSICIAN**

I, \_\_\_\_\_ M.D., am aware of any conditions or restrictions, which would prohibit my patient from participating in any of the activities listed above.

\_\_\_\_\_  
 Physicians Signature Date

Physician's Address: \_\_\_\_\_  
 \_\_\_\_\_

Phone: \_\_\_\_\_

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## Landis Police Department

### Release and Waiver of Liability for Volunteers

The purpose of this waiver is to establish an understanding between Landis Police Volunteers and the Landis Police Department regarding liability issues. I want to volunteer my services to the Town of Landis Police Department. I certify that I am in good mental and physical condition and I understand the inherent risks associated with acting as a volunteer including the risk of physical injury or death. I understand that these risks may include, but are not limited to, slips and falls, physical activity and exertion, muscle and ligament strains, pulls and tears, abnormalities of blood pressure or cardiac arrest, assault and battery, cuts and punctures from debris, glass, nails, hypodermic needles, wire, rocks, concrete, cans, and other sharp objects. I further understand that I risk aggravating any preexisting physical condition I may have in the performance of these services.

I understand that while my volunteer services will be at the direction of the Town of Landis, its Police Officers and police employees, I am nevertheless not an employee of the Town of Landis. I further understand that I am a volunteer and that no employee/employer, master/servant relationship is created between myself and the Town of Landis or the Landis Police Department and that I will receive no compensation of any kind for my participation as a volunteer and that there is no promise of paid employment or future paid employment. There is no employment contract or other contract of hire between me and the Town of Landis and the Landis Police Department. I acknowledge that the volunteering of time and/or services does not constitute employment. In consideration of the Town of Landis allowing me to participate as a volunteer, I agree not to sue and forever release, waive and discharge the Town of Landis from any and all liability to me or my personal representatives, assigns, heirs, children, dependents, spouse and relatives from any and all claims, causes of action, losses, judgments, liens, costs, demands or damages that are caused by or arise from any injury (including death) to me or my property. I assume all risks associated with my participation as a volunteer. I understand that the performance of these volunteer services may be hazardous, and I specifically waive any liability for



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injuries that may result from the negligence or carelessness of fellow volunteers, Landis Police Officers, police employees, or the public. I understand that the Town of Landis shall not be responsible for loss or theft of personal property, or damage to personal property caused by the Town of Landis, its employees and officers, other volunteers or the public. I understand that my participation as a volunteer in this activity is purely and solely voluntary and that I am not an employee, contractor, or representative of the Town of Landis. I further acknowledge that I am not and will not function as a Peace Officer or Reserve Peace Officer, of any level, or a firefighter, emergency medical technician or civil defense worker. By virtue of my volunteer status, I shall have no powers or abilities greater than as a private citizen to enforce the laws of the State of North Carolina. I hereby acknowledge that I have carefully read this Release and Waiver of Liability for Volunteers, that I fully understand its contents, that I am over the age of 18, and that I am signing this Release and Waiver of Liability for Volunteers voluntarily and intend for it to be legally binding.

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Printed Name

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Address/City/State/Zip

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Telephone Number Email

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Signature of Volunteer

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Date

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Fiscal and Inventory Management</b> | <b>Page 1 of 5</b> |
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|   | <b>POLICY # 200.14</b>                 |                    |

## I. PURPOSE

To establish procedures related to budgeting, accounting, fiscal and inventory management of the Landis Police Department.

## II. POLICY

The Landis Police Department will conduct all fiscal operations of the agency in accordance with the established controls and procedures of the Town of Landis, and applicable North Carolina law.

## III. PROCEDURES

### A. ADMINISTRATION

1. Primary authority and responsibility for Town fiscal management, accounting and budget execution is delegated by the Town Manager to the Director of Finance and Budget Administrator.
2. The Chief of Police has responsibility for preparation of the police budget and the fiscal management of the department's authorized resources to ensure compliance with the accounting and budget control procedures established by the Town of Landis. The fiscal management function includes, at a minimum:
  - (a) Development, coordination and submission of annual budget requests and periodic budget amendments in accordance with town requirements as determined by the Budget Administrator and approved by the Town Manager;
  - (b) Supervision of department expenditures and maintenance of internal fiscal controls, including the submission and authentication of required documents and the maintenance of internal records related to expenditures; and
  - (c) Review of periodic budget reports related to police department expenditures and budget account balances.
  - (d) The Chief of Police manages the fiscal activities and funds allocated to Administration and Police Operations. Although the Chief is ultimately responsible for all fiscal matters of the agency, selected responsibilities may be delegated to specific individuals or components in order to facilitate the effective administration and operation of the Department. The Assistant Chief of Police will maintain records of appropriations and expenditures; and monitor expenditure accounts.
3. Commanders are responsible for the following:

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- (a) Properly managing fiscal operations and funds to ensure that expenditures do not exceed appropriated resources;
- (b) Acquisition, distribution, inspection and accounting of departmental property and equipment assigned to their respective components; and
- (c) Informing the Chief of Police of any budgetary questions and/or problems with town fiscal administration procedures as they relate to their respective components.

## B. ANNUAL BUDGET

1. Commanders, as well as other designated members, will actively participate in the preparation of the annual department budget. Such participation will include, but is not limited to:
  - (a) Preparing and submitting the departmental budget, including line-item budget requests and budget narratives;
  - (b) Preparing justification reports /forms for any new personnel positions, new or expanded costs, and capital outlay; and
  - (c) Coordinating budget requests with the development of annual goals and objectives as required by departmental policy.
2. Written recommendations and justification for line-item expenditures will be based on detailed operational and activity analyses that demonstrates the specific need or operational capability to be enhanced.
3. The Assistant Chief of Police will compile the preliminary consolidated budget of all departmental areas. Command level meetings will be conducted to review all unit budgets to assure department-wide understanding of the final submission data, rationale, and implication for each organizational unit.
4. Upon adoption of a final budget ordinance by the Town Council, Command Staff will be provided with a copy of the final budget, and will take appropriate action to ensure proper accounting and control of expenditures.

## C. POSITION CONTROL

1. As part of the annual budget process, the number and classification of authorized positions for the Police Department is established by Town Council. The Chief of Police or his designee will ensure that the number and classification of positions

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filled are in accordance with the positions authorized by Council. Requisitions for supplemental personnel or staffing of vacant positions will be prepared and submitted as needed in accordance with procedures established by the Town.

2. The Chief's Office or his designee will submit Personnel Action Forms to the Director of Human Resources on any reported change in position classification of employees to ensure proper position accounting. Personnel listings received from the town Human Resources Director will be verified and any discrepancies brought to the attention of the Chief of Police.
3. To assist in managing position control, the department will maintain a staffing table showing the number of allocated positions, the number of positions filled and vacant, and the number of any outstanding conditional offers of employment.

#### D. PURCHASING

1. All departmental transactions pertaining to the requisition and purchase of equipment, supplies and services shall be in accordance with prevailing law and the fiscal policies of the Town of Landis. The Chief of Police, Assistant Chief of Police or appropriate Commander will coordinate with the authorized town Purchasing Manager in the development of specifications for items requiring standardized purchases, contracts, or formal bidding procedures. Formal bids, when required, will be administered in accordance with applicable law and town policy. The Chief of Police will have the authority to make the final departmental determination regarding all purchases or acquisitions.
2. Requisitions or procurement card purchases for the purchase of equipment, supplies or services are to be submitted through use of approved forms (e.g. purchase requisition, procurement card reconciliation or check request). All such transactions are to be properly prepared and submitted through the chain-of-command for approval by the Chief of Police or his designee.
3. All documentation relating to the purchase and receipt of equipment, supplies and services will be prepared and submitted in accordance with established town policies and procedures.

#### E. PETTY CASH

1. If allocated and available, petty cash fund will be maintained for the reimbursement of any approved purchase of \$50 or less.
2. Reimbursement for approved purchases in excess of \$50 will be handled via check request, no petty cash funds will be provided.

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3. All requests for reimbursement must be submitted to the Office of the Chief with appropriate forms and the receipt reflecting purchase of the item.

**F. SUPPLEMENTAL APPROPRIATIONS AND FUND TRANSFERS**

1. When situations arise involving circumstances that could not have been anticipated by prior fiscal planning, the Chief of Police may submit a request for supplemental appropriations to the Budget Administrator and Town Manager, who in turn, may seek Town Council authorization.
2. The Chief of Police may request approval of the transfer of funds from one departmental account to another in the interest of effective fiscal management. All requests for fund account transfers must be submitted via the chain of command on the approved Town form, to the Chief of Police for final departmental review and approval.

**G. ASSET FORFEITURE AND CONTROLLED SUBSTANCE EXCISE TAX PROCEEDS**

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

**H. CONFIDENTIAL FUNDS**

1. Appropriations to selected budget accounts provide for the establishment of a cash fund to support covert vice and organized crime control functions such as, but not limited to: payment of informants, purchasing drugs and contraband, and special expenses related to covert surveillance and undercover activities.
2. The Assistant Chief of Police will be responsible for the administration and accounting of all confidential funds in accordance with departmental policy.

**I. RECEIPT OF FUNDS FROM PUBLIC TRANSACTIONS**

1. Employees may collect monies for all approved scheduled fees. No disbursement of cash is made from Landis Police Department.
2. Employees may receive funds in payment for:
  - (a) Fingerprint Fee
  - (b) Report Fees
  - (c) Other authorized public transactions

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The Chief of Police may authorize additional personnel to receive such funds when deemed in the best interest of the department.

3. All monies received as a result of authorized public transactions shall be accounted for by maintaining a daily summary of cash register receipts as a permanent record.

#### J. INVENTORY MANAGEMENT

1. The Chief of Police is responsible for ensuring departmental compliance with the Town of Landis' inventory control procedures. Agency inventory control functions will include:
  - (a) Proper accession of capital equipment and other capital assets, including proper marking or attachment of town assigned capital asset control numbers;
  - (b) Proper disposal or disposition of damaged or surplus property;
  - (c) Periodic inventory verification; and
  - (d) Maintenance of internal inventory control records for departmental property, non-capital equipment and capital assets.
2. Distribution, issuance, and accountability for departmental property shall be a responsibility of Commanders, dependent upon the type of property involved. Commanders are responsible for evaluating the operational readiness of property assigned to their respective units through regular line inspections.
3. Selected members may be designated responsibility for the control and maintenance of departmental property not specifically issued or assigned to an individual employee. Commanders shall establish property management responsibilities for items of property assigned. Reporting and disposition of property that is damaged or surplus will be in accordance with established town and department policies. Lost, stolen, or missing property must be reported immediately in writing to the appropriate supervisor.
4. The Assistant Chief of Police will be responsible for maintaining an inventory of all departmental property, equipment, and other assets.

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## I. PURPOSE

To establish policy and procedures governing the access of visitors within secure areas of the Landis Police Department facility and patrol vehicles.

## II. POLICY

The FBI's CJIS Security Policy addresses the physical security of law enforcement facilities, specifically visitor access records. All visitors are required to sign an access log and be escorted beyond public access areas (except for those areas designated as publicly accessible).

## III. PROCEDURES

To ensure compliance with the CJIS Security Policy, the following procedures shall be established.

- A. All visitors to the Landis Police Department who enter into secure areas within the facility are required to be escorted by an employee. Secure areas for the purpose of this policy are any areas of the department beyond the front lobby, which is officially designated as publicly accessible.
- B. Employees will be required to meet their visitor in the front lobby. Visitors are required to be escorted at all times and actively monitored while in secure areas. Each employee will be responsible for: escorting the visitor while in secure areas, escorting the visitor out of the secure area back to the lobby.
- C. Visitors for the purpose of this policy include family members, vendors, including Fed Ex, UPS and other delivery persons. Non-employee law enforcement officers who are assigned to the Landis Police Department as part of a task force or other continuous support and have been assigned an access card will not require an escort.
- D. Non-employee custodial staff and town IT staff who frequent the physically secure areas of the facility will require a fingerprint check through the State Bureau of Investigation so that continuous escort is not necessary.
- E. Vendors that frequent the agency shall be subject to a background check and SBI fingerprint check upon recommendation from the Chief of Police. By doing so, the vendor would no longer require an escort throughout the facility.
- F. Non-law enforcement visitors attending training, meetings or functions in the community room do not require an escort. However, attendees will not be permitted to enter into any secure area of the building.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Anti-Retalliation Policy</b>   | <b>Page 1 of 1</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 200.16</b>            |                    |

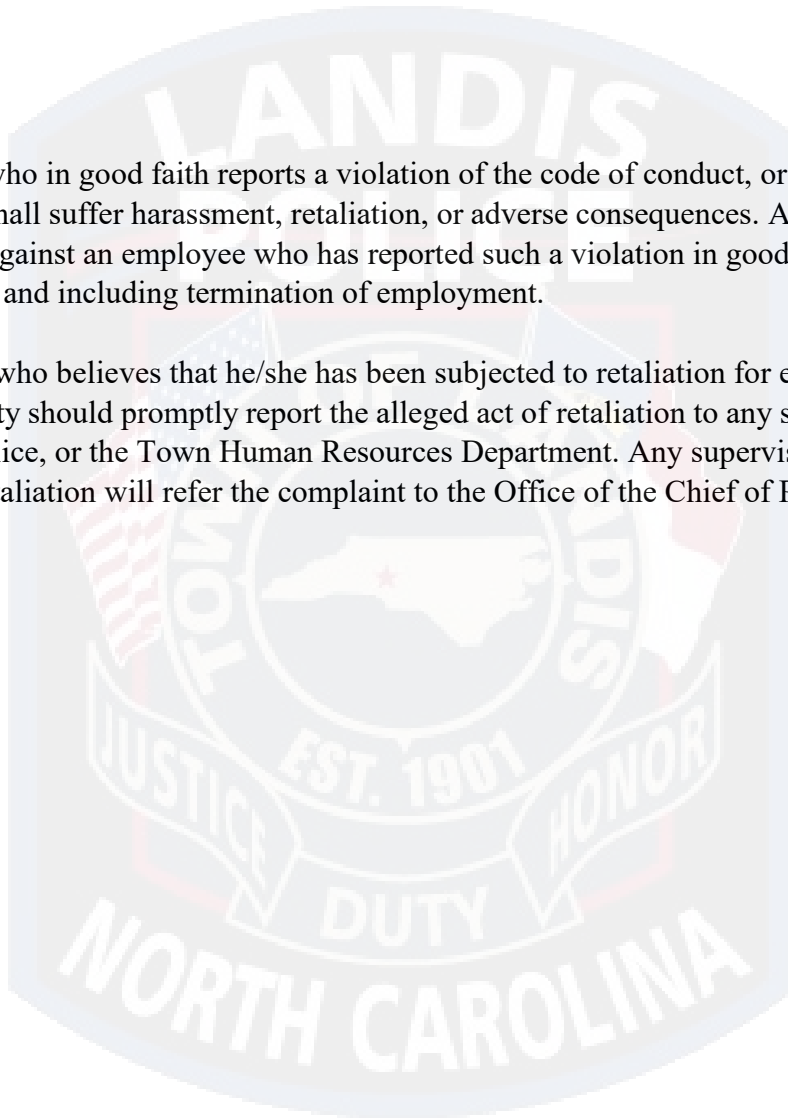
## I. PURPOSE

To describe the basic objectives sought and provide guidelines pertaining to anti-retaliation for all employees.

## II. POLICY

No Employee who in good faith reports a violation of the code of conduct, or other violation of policy or law, shall suffer harassment, retaliation, or adverse consequences. Any member of the LPD who retaliates against an employee who has reported such a violation in good faith is subject to discipline up to and including termination of employment.

Any employee who believes that he/she has been subjected to retaliation for engaging in such protected activity should promptly report the alleged act of retaliation to any supervisor, the Office of the Chief of Police, or the Town Human Resources Department. Any supervisors who receive an allegation of retaliation will refer the complaint to the Office of the Chief of Police.





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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>NCIC/DCI Use</b>               | <b>Page 1 of 6</b> |
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|   | <b>POLICY # 200.17</b>            |                    |

## I. PURPOSE

To establish procedural guidelines to ensure compliance with the rules and regulations of Division of Criminal Information (DCI) Access.

## II. DEFINITIONS

- A. National Crime Information Center (NCIC) – A computerized index of criminal justice information (i.e. - criminal record history information, fugitives, stolen properties, missing persons). It is available to federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.
- B. Division of Criminal Information (DCI) – An electronic criminal information system maintained by the North Carolina State Bureau of Investigation (SBI) which provides information to various judicial agencies.
- C. NIC Number – A number generated by the National Crime Information Center to identify articles, persons or vehicles entered into the NCIC System or used to query any entry in NCIC.
- D. Originating Agency Case Number (OCA) – A case number generated by the LPD or other agency which is required before any entry can be made into NCIC.
- E. Criminal Justice Information Services (CJIS) – An FBI organization that oversees appropriate collection, maintenance, dissemination and security of criminal justice information to appropriate personnel.
- F. Criminal History Record Information (CHRI) -- An important and legitimate law enforcement investigative tool. It is critical that this information be obtained and utilized only for legitimate law enforcement purposes. Access is restricted to DCI authorized law enforcement/criminal justice agencies and personnel

## III. GENERAL GUIDELINES

- A. Information contained in NCIC/DCI is provided by the Federal Bureau of Investigation (FBI) and State Bureau of Investigation (SBI) along with other federal, state, local and foreign criminal justice agencies.

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- B. To ensure compliance with CJIS Security Policy, all vendors, contractors and anyone else who will access secured areas without being escorted shall submit fingerprints.
- C. Visitors accessing secured areas shall be escorted throughout the building by a staff member.
- D. All information and records obtained from the NCIC/DCI are confidential and shall not be released to noncriminal justice personnel.
- E. All NCIC/DCI information is for official law enforcement purposes/criminal justice business only. Operators shall inform their immediate supervisor of any nonofficial requests and the name of the person making the request.
- F. **Only LPD personnel who have been properly trained and authorized shall access or enter information into the NCIC/DCI computer system.**
- G. Use of the NCIC/DCI system shall be restricted to only the authorized task necessary to perform a specific function.
- H. All LPD authorized users shall abide by all NCIC/DCI operational standards and procedures.
- I. Information obtained from NCIC/DCI shall only be broadcast on secured/scrambled radio channels on a need-to-know basis.
- J. When NCIC/DCI information is requested over the telephone, the NCIC/DCI operator is responsible for ensuring the identity of the person requesting information prior to any information being provided. Authorized criminal justice personnel may obtain NCIC/DCI information only when necessary in performing their official law enforcement duties.
- K. All NCIC/DCI operators shall change their password every ninety (90) days.
- N. An OCA number shall be generated by the reporting officer and the same OCA number shall be used on all associated reports and Supplemental Reports for NCIC entries and locates whereby another agency initiated the NCIC entry.
- O. Once an entry has been cleared from NCIC, a verification of the clear shall be performed and printed as part of the case file. A query of the NIC number through the appropriate form shall be completed to verify there is "no record" for that NIC number.

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- P. Only certified DCI operators are authorized to access or input information into the system, except when the operator is in the indoctrination phase of training and under the direct supervision of a certified operator.
- Q. DCI terminal operators who operate a full access DCI terminal, both sworn and civilian personnel, must be under the management control of the LPD.

#### **V. ADMINISTRATIVE/TEXT MESSAGING**

- A. NCIC/DCI administrative/text messages shall be transmitted for official law enforcement use only and must be clear, concise and written in free text.
- B. Agency codes and signals shall not be used when transmitting administrative/text messages.

#### **VI. MOBILE DEVICES**

- A. All employees will use departmental/town owned mobile remote devices with DCI connectivity in accordance with all applicable laws as well as DCI rules and regulations.
- B. Mobile devices shall be in a secured location at all times.
- C. In the event a mobile device is known or suspected to have been lost or stolen, the assigned user will promptly report same to his/her immediate supervisor.

#### **VII. CRIMINAL HISTORIES**

- A. The State Bureau of Investigation (SBI) Division of Criminal Investigative Records maintains a computerized criminal history of individuals who have been arrested and/or for which the SBI has a valid criminal fingerprint card.
- B. CHRI requests will be made for appropriate law enforcement/criminal justice purposes. DCI operators certified in Module Two: Criminal Record Inquiries will use the appropriate DCI transaction form and purpose code combination to complete the necessary inquiry.
- C. DCI provides an automated log of criminal/investigative inquiries. The automated log will contain the information supplied by the operator in the inquiry screen. Secondary dissemination to any person outside the initial requesting agency must be indicated in the inquiry screen or in the case file pertaining to that record.

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- D. All inquiries and disseminations must comply with all DCI rules regarding access and dissemination. Any misuse or possible violations must be reported to DCI. Violations may result in loss of access and/or fines to the agency.

## VIII. DCI SECURITY

- A. The Assistant Chief of Police, or his designee, is responsible for seeing the equipment is located in a secure area and is only accessible to authorized personnel and ensuring the equipment is safeguarded from damage.
- B. Only DCI certified operators are allowed to use DCI terminals.
- C. The Assistant Chief of Police, or his designee, is responsible for seeing that proper records of access are maintained.
- D. The Assistant Chief of Police, or his designee, shall perform an account validation by reviewing the agency's DCI User list on an annual basis and remove any users that no longer require DCI access. The results of this validation shall remain on file for a period of one year.
- E. The Assistant Chief of Police, or his designee, will remove users from the agency access list within 24 hours of being notified of the operator's separation or termination from the agency, in accordance with DCI policies.
- F. Employees are responsible for seeing that DCI printouts in their possession are secured and not accessible to unauthorized persons. Any DCI printouts no longer needed shall be destroyed by using departmental shredders or placed in the secured/locked shred bins to be destroyed onsite by a contracted document management company.

## IX. SECURITY INCIDENT REPORTING

- A. All authorized users are responsible for the protection of information subject to confidentiality concerns in systems, archived, on backup media, and until destroyed.
- B. All authorized users are also responsible for assuring threats, vulnerabilities, and risks associated with accessing CJIS systems and services are eliminated prior to accessing the CJIS system.

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- C. Any security incidents that may arise shall be reported immediately to your chain of command for action deemed necessary. The chain of command will immediately report the security incident to the Information Security Officer for the Department of Justice/Information Technology Department. The department Information Security Officer shall be designated by the Chief of Police.
- D. Indicators of a security incident may include, but are not limited to, the following:
- The system unexpectedly crashes without clear reasons
  - New user accounts are mysteriously created which bypass standard procedures
  - Sudden high activity on an account that has had little or no activity for months
  - New files with novel or strange names appear
  - Accounting discrepancies
  - Changes in file lengths or modification dates
  - Attempts to write to system files
  - Data modification or deletion
  - Denial of service
  - Unexplained poor system performance 52E:3
  - Anomalies
  - Suspicious probes
  - Suspicious browsing
- E. Any security incident, whether accidental or malicious, shall immediately be reported to the Information Security Officer for the Department of Justice/Information Technology Department by completing and emailing the required F.1 Security Incident Response Form to them immediately.

## **X. CERTIFICATION**

DCI Certification is administered by the State Bureau of Investigation (SBI).

- A. Sworn personnel assigned to Patrol with the rank of Sergeant or below will maintain certification in Module One: Inquiries.

## **XI. PENALTIES**

Violations of NCIC/DCI use and security are considered severe violations and may subject the

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NCIC/DCI operator and the LPD to sanctions by the Criminal Information Investigative Section of the SBI and the FBI. In addition, the NCIC/DCI operator may be subject to disciplinary action by the LPD, up to and including termination of employment.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Meals and Breaks</b>           | <b>Page 1 of 2</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 200.18</b>            |                    |

## I. PURPOSE

To establish guidelines for the use and administration of meals and breaks. Members are allowed meals and breaks, however, they must be taken in a manner which does not sacrifice protections or services for the Town of Landis.

## II. POLICY

### I. Meals:

#### A. Police Officers:

1. Meals may be taken at any location within the town.
2. Meals may be obtained and taken outside the town limits, subject to call volume and the needs of the department.
3. Meals obtained and taken outside the town limits shall be limited to the areas of China Grove and the North Kannapolis areas.
4. If only 1 officer is working or available, the obtaining or consumption of meals shall be expedited so that it will not create an undue delay for the officer to respond to calls within the town.
5. Officers are paid during their meals and breaks and can be “called-off” at the discretion of a supervisor for any reason.

#### B. Civilian Members:

1. Meals for those members who generally work an 8-hour day will be 1 hour in length.
2. Length of meals may be adjusted to accommodate work schedule

### II. Breaks:

#### A. Police Officers:

1. Officers may take approved breaks during a tour of duty.
2. Officers may take their break(s) at their discretion. The use of breaks shall not be abused or interfere with the operations or services to the town.

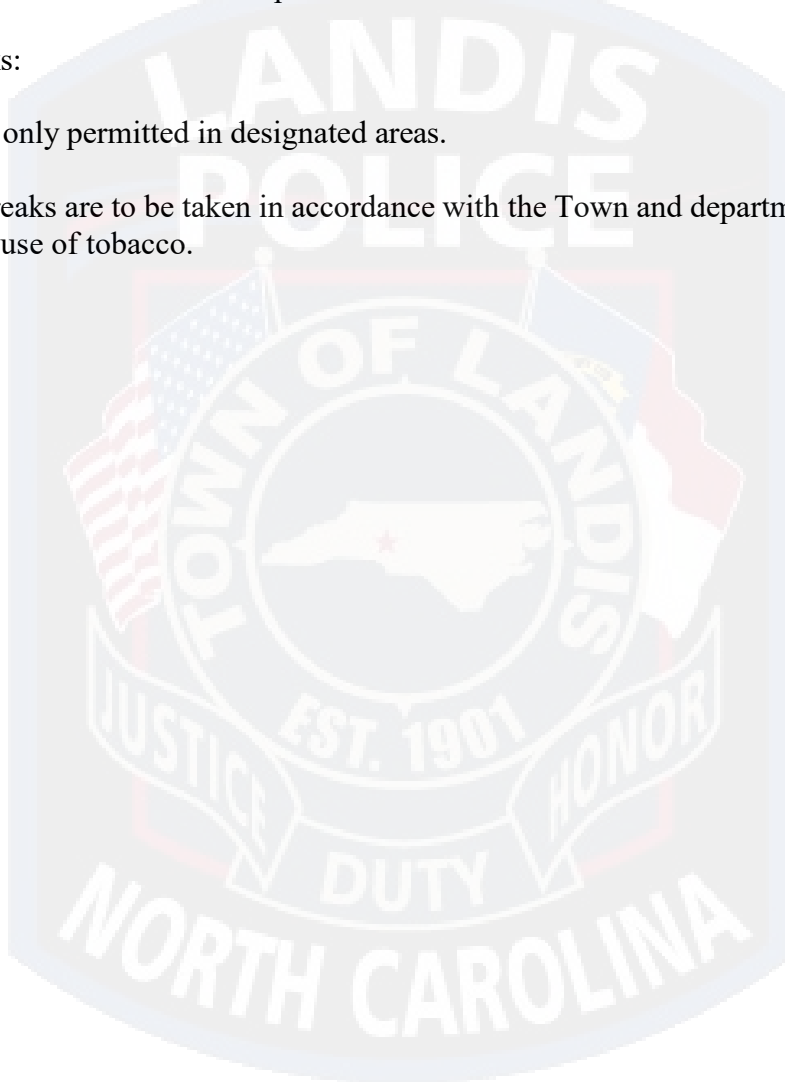
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B. Civilian Members:

1. Civilian members may take approved breaks during a tour of duty.
2. Civilian member may take their break(s) at their discretion. The use of breaks shall not be abused or interfere with the operations or services to the town.

III. Smoking Breaks:

- A. Smoking is only permitted in designated areas.
- B. Smoking breaks are to be taken in accordance with the Town and departmental policy concerning use of tobacco.





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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <b>On-Duty Injuries</b>           | <b>Page 1 of 2</b> |
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|  | <b>POLICY # 200.19</b>            |                    |

## I. PURPOSE

It is the objective of this department to have a uniform procedure for handling injuries that occur on the job. This is to insure proper medical treatment and documentation. It also ensures that the department and town's interests are met.

## II. POLICY

### I. Emergency Treatment:

- A. Members who suffer life-threatening or serious injuries while on-duty are to be transported to the nearest appropriate medical facility.
- B. It is the responsibility of department officers to immediately assist any other injured officer.

### II. Non-Emergency Treatment:

- A. Members who sustain non-serious injuries are to be transported, by the best means, to the medical facility of their choice or as otherwise dictated by town policy or procedure.
- B. Treatment required outside of normal business hours should be initiated at an emergency room, urgent care facility, or available medical office of the member's choice, or as otherwise dictated by town policy or procedure.

### III. Reporting Requirements:

- A. All work-related injuries are to be immediately reported to a supervisor and documented according to departmental and town policy.
- B. Documentation should include, but is not limited to, all required local, state, and federal forms related to work-related injuries, insurance reporting requirements, and investigation functions into the circumstances surrounding the injury.
- C. The Chief of Police or his designee should be immediately alerted to any member requiring emergency medical care for a work-related injury or illness.

### IV. Return to Work Release:

- A. Members who have sustained a debilitating illness or injury may be examined by a medical provider of the town's choice, for release to return to duty regardless of whether the injury or illness was on or off-duty.

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- B. If members are required to be examined by a medical provider of the town’s choice, they should make an appointment as soon as they are well enough to return to work.
  
- C. This policy in no way requires a member to obtain an examination for a minor injury or illness.



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|  | <b>POLICY # 300.01</b>            |                    |

## I. PURPOSE

To establish departmental guidelines for informing employees of available specialized assignments and to provide procedures for application and selection for reassignment to such positions.

## II. POLICY

The department recognizes the need for a fair and equitable selection process for lateral reassignments. Selections will be made based upon the needs of the department and qualifications of the applicants.

## III. DEFINITIONS

- A. Lateral Reassignment: Movement between positions of equal rank to a specialized assignment.
- B. Specialized Assignment: All lateral reassignments to Detectives, School Resource Officer, or other such specialized assignments, temporary or permanent.

## IV. PROCEDURE

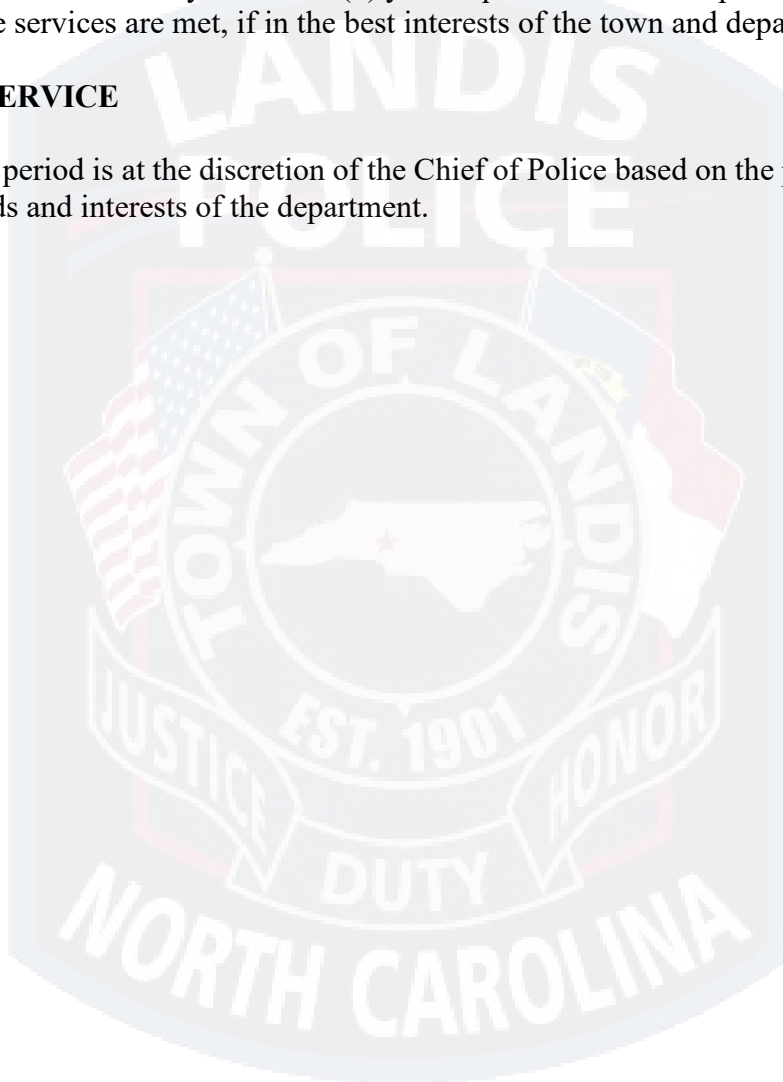
- A. Any vacancy in a specialized assignment will be announced in a memorandum sent out by the Chief of Police or the Chief's designee. The memorandum will be posted within the department and also distributed to employees via departmental e-mail.
- B. In order to apply for a lateral reassignment to a specialized position, an officer must have served satisfactorily a minimum of one (1) year after completion of the FTO Program by the closing date for applications as set forth in the vacancy announcement. Officers must also satisfy all other minimum qualifications that are set forth in the vacancy announcement.
- C. Applicants shall submit a letter of interest for any announced vacancy in a specialized assignment. The letter of interest should include qualifications for the position as well as any other information that is requested in the vacancy announcement. Employees in a probationary status, based on either date of hire or disciplinary probation, are not eligible to apply for specialized assignments.
- D. The Chief of Police will make a selection based upon relevant factors. For example, such factors may include the applicant's letter of interest, qualifications for the specialized assignment, previous assignments, performance evaluations, commendations, supervisory recommendations, training and experience, as well as the department's/division's special needs. In the Chief's discretion, interviews also may be conducted in order to identify the best-qualified candidates for available positions.

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- E. Selection decisions will be based upon merit principle without regard to the applicant's race, color, religion, sex, national origin, age, or disability. The department will adhere to and foster equal employment opportunity in the selection process.
- F. The Chief of Police may waive the (1) year requirement or other provisions of this policy to ensure services are met, if in the best interests of the town and department.

**V. TENURE OF SERVICE**

The assignment period is at the discretion of the Chief of Police based on the prevailing operational needs and interests of the department.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Training</b>                   | <b>Page 1 of 11</b> |
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|  | <b>POLICY # 300.02</b>            |                     |

## I. PURPOSE

To establish policy and procedure for the implementation and administration of the department's training and career development program.

## II. POLICY

The Landis Police Department will maintain comprehensive professional training in order to meet the needs of the agency and enhance the skills, knowledge and abilities of our employees.

## III. DEFINITIONS

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

- A. Basic Law Enforcement Training (BLET): The orientation of police recruits to their jobs and the development of basic law enforcement skills. Basic training is conducted in accordance with requirements established by the Commission.
- B. Commission: The North Carolina Criminal Justice Education & Training Standards Commission.
- C. Field Simulations: Brief practical field exercises conducted by training personnel during low demand periods to reinforce training, rehearse tactics, or evaluate response procedures to specific types of events.
- D. In-Service Training: Training in addition to basic training, which may include periodic retraining or refresher training, specialized training, roll-call training, career development, promotional training, and advanced training.
- E. Roll-Call Discussions: Informal information sharing that is relatively short in duration, administered to officers during briefings prior to, or after, their regular tour of duty.
- F. Shift Briefing Training: Training that is relatively short in duration, administered to officers during briefings prior to, or after, their regular tour of duty.
- G. Specialized Training: Training to enhance skills, knowledge, and abilities taught in either recruit or other in-service programs.

## IV. PROCEDURES

- A. Training Request Procedures

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|  | <b>POLICY # 300.02</b>            |                     |

1. Any training request that occurs outside the county or involves cost must be made through the employee's chain of command.
2. Any training request that occurs within the county, or does not have any cost associated with it, must be made through the employee's chain of command.
3. Employees may not attend the requested training unless approval has been received from the Chief of Police or his designee.

**B. Training Goals**

1. Provide high-quality professional training to all employees;
2. Plan and develop training courses related to the specific needs of the department and ensure the use of qualified instructors. A variety of resources will be used to develop effective training courses;
3. Continually evaluate departmental training needs and how to improve the agency's training methods and programs.

**C. Administration of the Training Program**

Oversight of the department's training program is the responsibility the Assistant Chief of Police or his designee. Specific duties and responsibilities of the Training Coordinator include, but are not limited to, the following:

1. Develop an annual training schedule based on state mandates and departmental needs. The training schedule lists all training to be conducted during January-December. This schedule is distributed to all employees and updated as needed;
2. Prepare an annual training report identifying state mandated training provided to all sworn employees. This report shall be submitted to the Chief of Police within 30 days following December 31<sup>st</sup>;
3. Prepare notices of available and required training for distribution to appropriate employees;
4. Process training requests and related documents for training authorized by the Commanders.
5. Maintain a comprehensive training record on sworn employees, to include the following information:
  - (a) Date of training;

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- (b) Type of training / Course topic;
  - (c) Number of training hours;
  - (d) Name of instructor or training provider;
  - (e) Test scores (if applicable); and
  - (f) Certification of completion.
6. Track the expiration dates of specialized certifications held by agency members and ensure that appropriate re-certification training is properly documented;
  7. Evaluate training courses and instructors for their value to the department and make recommendations as needed;
  8. Serve as the department's liaison to BLET academies and provide supervisory oversight of police recruits attending basic training;
  9. Assist agency personnel in the compilation of training data necessary to apply for professional certificates issued by the North Carolina Criminal Justice Education and Training Standards Commission.
- D. Employee Responsibility
1. Authorization of a member to attend a department approved training course will constitute a duty assignment. It shall be the individual responsibility of each member to attend and complete training in accordance with departmental policy and the lawful orders of supervisory and command personnel.
  2. Members attending training courses shall adhere to department policy as if the member were "on-duty," and will be required to comply with any additional rules and procedures established by the training facility and/or instructor.
  3. All requests for training, including out-of-town conferences and travel, will be submitted via the chain of command to the appropriate Commander.
  4. Unless otherwise directed by the department, travel advances and expense reimbursement to employees attending authorized training programs in or outside the agency's service area shall be provided in accordance with the Town Travel Policy.
  5. Commanders will be responsible for ensuring that the requested training is consistent with established training goals, sufficient budget funds are available to support the training, and that adequate staffing levels are maintained.

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6. Training time, attendance and student performance will be documented by the course instructor who will notify the Training Coordinator of any absences or unsuccessful performance. Any unauthorized absences from training and/or unsuccessful completion of training shall be reported in writing by the Training Coordinator to the Chief of Police.
7. Unless otherwise directed by the Chief of Police, authorized absences from scheduled training are to be coordinated in advance through the member's supervisor and Commander, with timely notice provided to the Training Coordinator and training provider.
8. Supervisors who authorize an employee to be absent from mandatory in-service training will be responsible for contacting the Training Coordinator to ensure that the excused member is scheduled to make up the training within the time periods established by the Commission and/or the department. Non-mandatory training missed due to authorized absences may be made up, when feasible, with the approval of the department.
9. Satisfactory completion of training will be recognized through a certificate. It shall be the responsibility of the attending member to provide documentation of course attendance and completion to the Training Coordinator in a timely manner. This documentation shall include the date of the training; type of training received, any certificates received, and tests scores (if administered).

E. Lesson Plans

1. All in-service training courses conducted by the department must have an accompanying lesson plan. Additional lesson plans do not need to be submitted for practical training exercises, if such exercises are a logical extension of the classroom presentation.
2. A copy of all lesson plans must be submitted to the Training Coordinator for review and retention in a general training file. The Training Coordinator is responsible for reviewing and approving each lesson plan submitted to ensure that the plan:
  - (a) Is developed in accordance with guidelines and format set forth in the North Carolina Justice Education and Training Standards Commission approved Instructor Training Course;
  - (b) Contains a statement of performance and job-related objectives;
  - (c) Discusses the content of the training to be presented and specifies the instructional techniques to be employed; and



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- (d) Shows a list of resources used in the development of the curriculum.
  - (e) Identifies any tests used in the training process.
  - (f) Shows a list of resources required in delivery of the program (vehicle, PowerPoint, stop sticks, est.)
3. The Training Coordinator shall notify the instructor of approval of the lesson plans or the need to make corrections to the lesson plans.
- F. Instructor Selection
1. Except for persons certified as professional lecturers, personnel selected to serve as instructors in departmental training programs must first complete a North Carolina Justice Education and Training Standards Commission approved Instructor Training Course and receive certification in any applicable specialty areas. Instructor training shall include, at a minimum:
    - (a) Lesson plan development;
    - (b) Performance objective development;
    - (c) Instructional techniques;
    - (d) Learning theory;
    - (e) Testing and evaluation techniques;
    - (f) Resource availability and use.
  2. Excluded from this requirement are persons acting as assistant instructors under the direct supervision of a certified instructor, and qualified persons teaching in roll call training.
  3. Individuals who are not Commission-certified instructors may be authorized by the Training Coordinator to teach specific areas of training.
  4. Agency members assigned to teach in department training programs will be assigned for a period of time that is consistent with the needs of the department.
  5. The Training Coordinator selection of instructors from outside the agency. Criteria for such instructors will be the same as set forth in this directive. Supervision of outside instructors will be the responsibility of the officials from the instructor's agency. Compensation by the department for outside instructors will be determined on a case-by-case basis by the Chief of Police.
- G. Basic Law Enforcement Training (BLET)

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1. The department utilizes only Commission certified training academies for the provision of Basic Law Enforcement Training. These academies may be administered through a community college, the North Carolina Justice Academy, or another law enforcement agency.
2. All officers of the Department must satisfactorily complete a Commission approved course in Basic Law Enforcement Training, receive certification from the Commission, and take the Oath of Office prior to duty assignment in any capacity in which the officer is allowed to carry a weapon or exercise police powers.
3. The Training Coordinator will serve as a liaison between the Department and the BLET academy. Responsibilities may include attending criminal justice training consortium meetings, remaining current with training requirements established by the Commission, and attending Commission hearings pertaining to training needs and requirements.
4. The Training Coordinator will monitor progress of recruits assigned to attend a BLET academy. This task will include discussions with academy staff to provide input from the Department and receive information about the progress and performance of attending members. Any unsatisfactory conduct or performance by a BLET recruit shall be promptly reported to the Chief of Police.
5. The Department will provide employees assigned to attend a BLET academy with any required learning materials not furnished by the academy. This may include, but is not limited to, student notebooks, reference books, clothing, equipment, or vehicles.
6. While engaged in BLET academy training, employees are considered “on-duty” for the purpose of compensation and applicable employee benefits. The Training Coordinator will exercise supervisory authority over BLET recruits and will be responsible for timesheet administration on these employees in accordance with department policies.
7. In addition to training and skills taught at BLET academies, the Department will provide instruction in policies, procedures, rules, and regulations specific to the agency. This training will be given prior to attendance or upon completion of outside training, depending upon scheduling and related requirements. Members successfully completing a BLET program will also be required to complete a FTO Program.
8. The BLET training academy will provide orientation materials to basic trainees at the beginning of the training program. Such orientation will include:
  - (a) The organization of the academy;

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- (b) Academy rules and regulations;
- (c) Academy rating, testing, and evaluation systems;
- (d) Physical fitness and proficiency skill requirements; and
- (e) Daily training schedules.

9. The Basic Law Enforcement Training program includes a North Carolina Justice Education and Training Standards Commission approved curriculum based on job task analysis of the most frequent assignments of officers who complete basic training. The program will also include use of evaluation techniques designed to measure competence in the required skills, knowledge, and abilities.

#### H. In-Service Training

1. Sworn officers will be required to complete an annual program of in-service training designed to enhance core competencies and the professionalism of the agency. In-service training may be provided through both internal and external resources and may include, but is not limited to, the following:
  - (a) Departmental policy and directives, with emphasis on changes;
  - (b) Firearms Training;
  - (c) Use of Force / Less-Lethal Weapon Training;
  - (d) Law Enforcement Driver Training;
  - (e) Hazardous Materials / Hazard Communication;
  - (f) Infectious Disease Control;
  - (g) Legal Updates.
2. The Training Coordinator will develop a mandatory training component for sworn personnel as part of the annual in-service training program. This component shall include all North Carolina Justice Education and Training Standards Commission required training. Notice of scheduled mandatory training will be issued under the authority of the Chief of Police and will constitute a standing order to attend. The completion of training requests for mandatory in-service training is not required.
3. The Training Coordinator will be responsible for coordinating the scheduling and delivery of in-service training in accordance with this policy.
4. The Training Coordinator will maintain a file for each in-service training class conducted by the Landis Police Department. This file will record, at a minimum, the following:

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- (a) Course content (lesson plan);
- (b) Training Time and Attendance Record;
- (c) Performance of individual attendees as measured by tests, if given.
- (d) Retention schedule for lesson plans and related records

#### I. Shift Briefing Training

1. Shift Briefing training is intended to supplement all other training and is designed to keep officers up to date between formal in-service training sessions. To be useful, the training should be well structured and reflect the needs of the agency. The delivery of shift briefing training may consist of lecture, demonstration, limited practical exercises, or use of videotape or other aids.
2. Shift Briefing training must be approved in advance by the Training Coordinator, who will review the proposed instructional material and techniques, qualifications of the instructor, training schedule, role of supervisors and officers, and method of training evaluation. All shift briefing trainings shall be documented and the records submitted to the Training Coordinator for retention in accordance with the requirements of this policy.
3. The Training Coordinator will maintain liaison with command and supervisory personnel to identify contemporary training needs that can be effectively addressed during shift briefing training, and to assist in developing training courses that meet those needs.

#### J. Field Simulations

1. Field simulations are practical exercises conducted by training personnel during low demand periods to rehearse tactics or evaluate response procedures to specific types of events. All tactics and actions performed during field simulations must be consistent with department policies and should reinforce the methods taught during departmental training.
2. Sound judgment must be exercised to avoid the unnecessary display of weapons and other actions that could pose a safety hazard and/or generate public concern. In all cases, the beginning and end of field simulations must be clearly defined by training personnel and properly coordinated with other affected agency components to ensure the safety of the participants and the continuity of police field operations.

#### K. Specialized Training

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1. Certain functions within the Department require the development of specialized skills in addition to the skills, knowledge, and abilities gained in basic or other in-service training. Functions within the Department that require pre-assignment or post-assignment specialized training include, but are not limited to:
  - (a) Criminal Investigation
  - (b) Crime Scene Processing
  - (c) Polygraph Examiner
  - (d) Chemical Analyst (requires retraining and recertification every 2 years)
  - (e) Generalized/Specialized Law Enforcement Instructor (retraining / recertification as required)
  - (f) Speed measurement instrument Operation (require retraining and recertification every 3 years)
  - (g) DCI Terminal Operation (requires retraining and recertification every 2 years)
  - (h) Special Response Team
  - (i) Crisis Negotiation
  - (j) Field Training Officer
  - (k) Canine Handler
  - (l) Command and Supervision
  - (m) Traffic Crash Investigation/Reconstruction
  - (n) Specialty Vehicle
  - (o) Gang Officer
  - (p) Specialized Instructors
  - (q) Background Investigator
  - (r) Victim Witnesses Assistance Coordinator
  
2. Specialized training provided to personnel will include the following:
  - (a) Development and/or enhancement of the skills, knowledge and abilities particular to the specialization;
  - (b) Management, administration, supervision, personnel policies and support services of the function or component;

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(c) Supervised on the job training.

3. Specialized training will be initiated as soon as feasible following the assignment of a member to a component or function within the department that requires post-assignment training.

#### L. Remedial Training

1. If an employee fails to satisfactorily meet the requirements of in-service or specialized training, that employee may be required to attend remedial training. An officer will require remedial training if he/she consistently demonstrates lack of knowledge, skills or abilities in job performance, based on evaluation reports and/or first-hand observation by his/her supervisor. Officers may also be given remedial training in reference to disciplinary action. It is the responsibility of the supervisor to determine if an employee requires remedial training. This may be documented as part of the employee's performance appraisal, evaluation, inspection, and/or participation in a training program.
2. If an employee's performance deficiencies would expose the Department to unnecessary liability, the employee shall be reassigned to a non-uniform administrative duty until the remedial training has been successfully completed, or as directed by the Chief of Police or his designee.
3. If necessary, the supervisor may seek the assistance of the Training Coordinator in developing a remedial training plan. The remedial training will be designed to address the individual needs of the officer. The plan should be implemented as soon as possible, commensurate with the availability of the course instructor.
4. If a supervisor concludes an officer needs remedial training, the supervisor has a 30-day timeframe for the remedial training to be planned, reviewed, approved, and a minimum of one training session to be set. The remedial training must be documented with date, type of training, course content (lesson plan), name of instructor(s), name of employee(s) attending, participation or other evaluation measures completed.
5. The officer' supervisor must be informed of the successful completion of remedial training. Failure to successfully complete remedial training and/or to satisfactorily perform the requirements of the position may result in more serious disciplinary action.

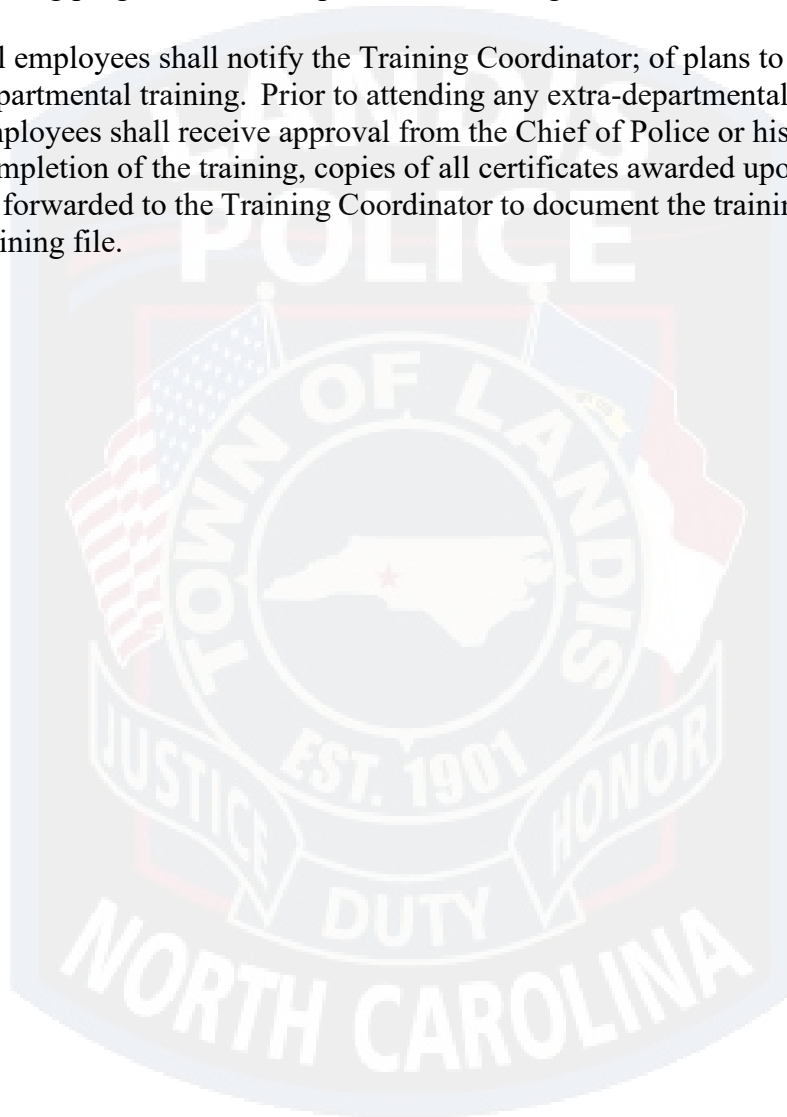
#### M. Extra-Departmental Training

1. For the purposes of this section, extra-departmental training shall consist of ANY school, class, seminar, conference, workshop, lecture, or gathering where a structured

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dissemination of police related information occurs, typically at a location outside the Town limits of Landis. The Department recognizes the necessary and quality training programs conducted outside the organization. The Training Coordinator will maintain records of all extra-departmental training and will include any approved training programs to the Departmental training calendar.

2. All employees shall notify the Training Coordinator; of plans to attend any extra-departmental training. Prior to attending any extra-departmental training, all employees shall receive approval from the Chief of Police or his designee. Upon completion of the training, copies of all certificates awarded upon completion shall be forwarded to the Training Coordinator to document the training in an employee's training file.



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## I. PURPOSE

One of the most devastating and traumatic events for any law enforcement officer is the critical injury or death of another member, particularly when it occurs in the line of duty. This Policy establishes procedures to ensure the proper support and emotional care for an officer's family, to include spouses, children, parents, and siblings following a line of duty death or critical injury.

## II. POLICY

The policy of the Landis Police Department is to ensure critical injury and line of duty death notifications are made in person and in a timely and compassionate manner, to provide liaison assistance to the immediate survivors of an officer who dies in the line of duty and to maintain a continuous relationship with the surviving family. This assistance will be provided whether the death was criminal or accidental, while the officer was performing a police-related function, either on or off duty. Further, the Chief of Police may institute certain parts of this order in cases of an employee's natural death.

## III. DEFINITIONS

When used in this directive the following terms shall have the meaning designated:

- A. Line-of-Duty Death: Any action, criminal or accidental, which claims the life of a Landis police officer who is performing work-related functions either while on or off-duty.
- B. Line-of-Duty Injury or Illness: A Line-of-Duty injury or illness shall be an injury or systemic illness serious enough that hospitalization or time away from the department is ordered by a physician for an indefinite period.
- C. Primary Survivor: Spouse or parent(s) of the injured or deceased officer. In the event there is no spouse or parent(s) living, the Primary Survivor will extend to whom ever is designated by the officer.
- D. Survivor: Family members of the injured or deceased officer, including spouse, children, grandchildren, parents, grandparents, fiancé and/or significant others.
- E. Beneficiary: Those designated by the officer as recipients of specific death benefits.
- F. Benefits: Financial payments made to the family to assist with financial stability following the death of a loved one.
- G. Officer in Charge (OIC): Designated by the Chief of Police, the OIC shall supervise coordination of all departmental functions regarding the incident.



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- H. Critical Incident Response Team: Representatives of the Department coordinating all departmental functions regarding the incident, to include planning funeral arrangements and providing assistance to the family, appointments made by the Chief of Police.
- I. Family Support Team: Representatives of the Department for the purpose of assisting the families of deceased members, appointments made by the Chief of Police. The Family Support Team shall include the department's Chaplain.

#### IV. PROCEDURES

##### A. Notification

- 1) The Chief of Police will be immediately notified of any officer(s) death or who is critically injured.
- 2) Two or more persons will always make notification to survivor.
- 3) The Chief of Police or his designee and if available, a Chaplain, will notify in person the officer's primary survivor in the event of Line-of-Duty death.
- 4) If the Chief of Police or his designee is unavailable, the Assistant Chief and, if available, a Chaplain, will notify in person the officer's primary survivor in the event of Line-of-Duty death.
- 5) In the event of critical injury or illness, an on-duty supervisor will perform notification. Transportation will be made available to the hospital for the immediate family of an officer critically injured.
- 6) If there is knowledge of a medical condition with a primary survivor, medical personnel will be dispatched to the residence to coincide with the notification along with the notifying personnel.
- 7) Only the Chief of Police will release the name of the injured or deceased officer or another person designated by the Chief of Police, and only after notification of the primary survivor.
- 8) Department employees shall not contact the officer's family until official notification is made.
- 9) If the primary survivor(s) are not in close proximity to Rowan County, the Chief of Police shall request personal notification by another law enforcement agency.

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- 10) The Chief of Police will promptly notify the Mayor, Town Manager and Assistant Town Manager of the death or critical injury of a departmental employee.
- B. Assistance for Affected Personnel
- 1) In the event of death, any officer or department personnel who were on the scene, who arrived shortly afterwards should be relieved as quickly as possible.
  - 2) Police personnel who witnessed or who are emotionally affected by the death or critical injury of another officer, department personnel will attend a Critical Incident Stress Debriefing held by a trained mental health professional.
- C. Notification in the event of any line of duty Officer's death
- 1) In all situations where a departmental employee is fatally injured, the employees of the police department must be given priority.
  - 2) All department personnel will be immediately notified and kept informed of funeral arrangements either in person, by telephone or email.
  - 3) The Chief of Police or his designee will have Rowan County Communications transmit a DCI message announcing the death, but only after the immediate family has been notified. This message shall also be sent to appropriate county-wide Department Heads and email listservs.
  - 4) Rowan County Communications will transmit additional DCI messages announcing funeral and committal services. This message shall also be sent to appropriate county-wide Department Heads and email listservs.
  - 5) The Chief of Police or his designee will provide the same notification to all employees of the Town of Landis by e-mail, telephone etc.
- D. Officer in Charge (OIC)
- 1) In order to prevent duplication of efforts, maintain order, and ensure that the process works for the benefit of the officer or his/her family; the Officer in Charge shall supervise the coordination of all department functions regarding the incident.
  - 2) The Officer in Charge shall be the Assistant Chief of Police. If the Assistant Chief of Police is otherwise unavailable, the Chief of Police will designate another officer, who holds the rank of Sergeant or higher, as the OIC.

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- 3) The OIC should arrange personnel to replace any officer or department personnel who were on the scene, who arrived shortly afterwards. This could include an official request of another law enforcement agency to assist the Landis Police Department by providing personnel to answer calls for assistance in the Town of Landis.
- 4) The OIC shall meet with the primary survivor as quickly as possible.
- 5) The OIC shall immediately appoint a liaison for the family. Although the liaison should know the deceased officer and be aware of the family relationships, the liaison shall not be so emotionally involved with the loss that he or she would become ineffective.

#### **V. RESPONSE TO LIFE THREATENING INJURY OR DEATH IN THE LINE OF DUTY**

The police department will provide the following for family members:

- A Personal notification to family members.
- B If the family lives outside of the department's jurisdiction, notification will be made to the jurisdictional law enforcement agency in which the immediate surviving family member resides.
- C Coordination of transportation to the medical facility or other location of the family members.
- D If requested, an officer will be posted at the family residence, while the family is taken to the medical facility or other location and will remain until relieved.
- E A Officer will be available, as needed or requested, 24-hours a day, from the time of notification, until the officer's life is no longer threatened, or if death occurs, until burial. This time period can be extended, when approved by the Chief of Police.
- F If the injury results in a line of duty death, the department will provide the family with the officer's badge and ceremonial flag during the funeral service.
- G The Chief of Police, or his designee, will secure assistance from other agencies to facilitate appropriate honors such as: Color Guard/Honor Guard, Rifleman, Bagpipes, Pallbearers, etc.

#### **VI. RESPONSE TO THE DEATH OF RETIRED POLICE OFFICERS OF THIS TOWN**

At the discretion of the Chief of Police, the police department may provide the following for family members, if the funeral is held within the Town of Landis.

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- A. If requested, a Officer will be available to assist with the funeral service.
- B. If requested, the Chaplain will be made available to conduct the funeral service.
- C. If requested, departmental honors will be rendered.

#### **VII. DEPARTMENT REPRESENTATION AT OUT OF TOWN FUNERAL SERVICES**

- A. The police department will provide personnel to accompany the family and remains, when applicable, to out of town funerals.
- B. The department also will allow a minimal number of police vehicles.
- C. The Chief of Police may authorize additional personnel and vehicles.

#### **VIII. LAW ENFORCEMENT FUNERALS HELD IN OUR JURISDICTION**

- A. As a courtesy, the police department will provide assistance with funerals of officers from other law enforcement agencies that are held within the municipal limits of the Town of Landis.
- B. With the approval of the Chief of Police, the police department will provide personnel to assist with traffic control.

#### **IX. REPRESENTATION AT FUNERALS OUTSIDE OUR JURISDICTION**

- A. The Chief of Police will determine the appropriate departmental response to line of duty deaths occurring outside our jurisdiction.
- B. Departmental actions that may be authorized by the Chief of Police in response to a line of duty death in an outside agency may include, but are not limited to:
  - 1) Letter of condolence to the affected agency;
  - 2) Wearing of mourning bands and ribbons for specified period of time;
  - 3) Official attendance of departmental representatives at the funeral service.
  - 4) Lending of direct assistance (e.g. escort, etc) to the affected agency, if requested.

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|  | <b>POLICY # 300.04</b>            |                           |

## I. PURPOSE

To provide guidelines for employees regarding the types of secondary employment, which are appropriate and establish procedures to maintain accountability for employees engaged in secondary employment. These requirements are essential for the efficient operation of the Department and the maintenance of the public's trust.

## II. POLICY

Employees engaged in secondary employment will conform to all laws and departmental policies while working secondary employment. All employees of the Landis Police Department who desire to engage in secondary employment must recognize that their primary obligation is the Landis Police Department. Employees are subject to be called at any time for emergencies, special assignments, court appearances, or overtime duty. No secondary employment may infringe on the police department's obligations. Employees shall not be permitted to engage in any secondary employment that is deemed contrary to the best interest of the department. All secondary employment is a privilege and not a right.

## III. DEFINITIONS

1. Secondary Employment: Any employment other than primary employment by the Landis Police Department. Secondary employment also includes unpaid volunteer or charitable work, when the employee is acting as an employee of the Landis Police Department. Secondary employment applies to both sworn and non-sworn personnel.
3. Law Enforcement Off-Duty: Any law enforcement related secondary employment that is conditioned on the actual or potential use of law enforcement powers vested by the Town of Landis, for both paid and voluntary employment.
4. Off-Duty Coordinator: Any sworn employee who schedules, manages, and coordinates officers working a specific secondary employment site.
5. System Administrator: The employees assigned to investigate each request to determine if the secondary employment complies with departmental policy. The Chief or his designee will approve or disapprove the request. The System Administrator will be the Assistant Chief of Police or his designee.

## IV. PROCEDURE

- A. Eligibility and Requirements for Secondary Employment and Law Enforcement Off-Duty
  1. Any full-time or part-time officer who has completed his/her field training program will be eligible to work law enforcement off-duty.

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2. Auxiliary Reserve Officers may engage in secondary employment but **not** law enforcement off-duty.
  3. All officers of the Landis Police Department are eligible to engage in secondary employment as long as it does not conflict with other portions of this policy or the Town of Landis Personnel Policy Manual provisions guiding secondary employment.
- B. Not Eligible to Work Secondary Employment
1. Full-time and Part-time employees shall “**NOT**” engage in Secondary Employment simultaneous to their regular duties or commingle Secondary Employment with their regular duties. For example, during a full-time or part-time employee’s regular duty hour, that full-time or part-time employee is prohibited from simultaneously working any Secondary Employment shift.
  2. Full-time employees shall “**NOT**” engage in Secondary Employment, under the following circumstances:
    - (a) During any duty workday in which personal sick leave was taken due to an illness.
    - (b) Before an officer can partake in law enforcement off-duty, the officer must either return to work after taking sick leave time for personal illness or there must be a 12-hour period between the end of the last scheduled work shift and the beginning of their law enforcement off-duty. This does not include sick leave that was taken to go to an appointment with a medical doctor or other licensed health care professional or leave taken based upon the need to care for a family member who is sick or who must be taken to a medical appointment.
    - (c) While in the FTO program (law enforcement off duty), unless working with another officer who has already completed the FTO program;
    - (d) While on limited duty, light duty or restricted duty;
    - (e) While receiving Worker's Compensation;
    - (f) While under suspension or relief from regular duty (law enforcement off-duty);
    - (g) While under the influence of any impairing substance or intoxicant.

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- (h) While on FMLA leave (unless the employee is attending to a family member's medical condition, not his or her own, and works secondary employment during his or her non-scheduled work hours), administrative leave or unpaid leave of absence.
3. Officers will not perform duties for compensation for any person or firm connected to secondary employment while on duty working for the Town of Landis.
4. Officers otherwise prohibited by the Chief of Police or his designee.
- C. Officer Approval Secondary Employment
1. Officers may engage in secondary employment that meets the following criteria:
- (a). Employment of a non-police nature in which vested police powers are not a condition of employment, the officer does not wear his uniform, or utilize any Town-issued equipment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty. Employment of a non-police nature does not require Chief of Police approval.
- (b). Employment that presents no potential conflict of interest between duties as a law enforcement officer and duties for the secondary employer.
2. Officer requests to engage in law enforcement off-duty.
- (a) All officers must obtain approval prior to engaging in law enforcement off-duty.
- (b) All law enforcement off-duty employers must be approved.
- (c) All law enforcement off-duty requests will be submitted to the Chief of Police or his designee. The Chief of Police, or his designee, may withdraw approval of law enforcement off-duty if it is in the best interest of the Department.
- (d) If the Chief of Police or his designee is unavailable, a direct supervisor can approve an immediate temporary request from an officer seeking to work a short-term law enforcement off-duty or in those instances in which a citizen requests to employ an immediate temporary officer for law enforcement off-duty. The requesting officer must be authorized to work law enforcement off-duty.
- (e) The Chief of Police has the authority to approve, deny, or place restrictions on law enforcement off-duty and secondary employment at any time he

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deems necessary to be in the best interest of the department and may rescind any officer's law enforcement off-duty or secondary employment privilege at any time.

- (f) There is no appeal from the denial of a request to work law enforcement off-duty.

3. External requests for law enforcement off-duty.

- a. Employees may accept a law enforcement off-duty officer request, provided the employment is in accordance with applicable town and departmental policies. The employee will then forward the request to the Office of the Chief of Police for approval or denial.
- b. Requests for law enforcement off-duty that originate by telephone or walk-ins, in which no specific officers are requested, shall be directed to the Office of the Chief of Police. After the request has been approved, an e-mail will be sent to all eligible officers.
- c. If the System Administrator is not working and the request is made for immediate temporary employment, a supervisor will determine if the job request is eligible for employment. The supervisor will then call an officer from an on-call list.

D. Prohibited Secondary Employment

No secondary employment is allowed if it reflects unfavorably on the department, or if it gives rise to perceived or actual conflict of interest. Employees must comply with all provisions of the Town of Landis' Personnel Policy Manual.

**The following types of secondary employment are prohibited.**

- (a) Employment involving the collection of accounts or debts.
- (b) Employment inside or outside establishments where alcoholic beverages are consumed and permitted as a bar or club. This does not apply to restaurants or other locations where food is served.

Note: The ABC permit designation is determinative of whether a location is classified as a restaurant, bar, or club.

- (c) Employment as, or by, private investigators or in any other capacity where the primary purpose of such employment is to gather information for a civil action or criminal investigation for a private employer or appear as an investigative witness in a civil or criminal action for a private employer.



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- (d) Any employment that requires the employee to utilize the Landis Police Department's information system, files, records, or services as a condition of employment.
- (e) Employment as a bail bondsman, property reposessor, or the protection of management, employees or property during a strike or labor dispute.
- (f) Employment at an adult establishment as defined by North Carolina General Statute 14-202-10 or at a sexually oriented business.
- (g) Non-sworn employees are prohibited from performing any law enforcement off-duty employment.

**E. Enforcement of Laws**

1. Law enforcement off-duty officers are obligated to perform their duties impartially as though they were on duty.
2. Officers employed in a law enforcement off-duty capacity are responsible for completing the proper criminal and/or administrative reports as if they were on duty.
3. Only the owner or person acting under the authority of the owner of a business is vested with authority to invoke the trespassing law during business hours. Officers may not assume such authority on their own or be authorized by their law enforcement off-duty employer.
4. Officers are prohibited from enforcing rules of a private establishment. This would include, but not be limited to, rules regulating attire, language or non-criminal conduct.

**F. Preferential Use of Authority**

While engaged in secondary employment, officers may not use their authority for the exclusive benefit of the employer and to the inconvenience of the general public. Officers working secondary employment for traffic control have the authority, for example, to stop traffic on a public street so that customers can enter or exit an owner's private parking lot. The officer 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.

**G. Attire and Equipment**

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1. Officers engaging in law enforcement off-duty secondary employment will wear the patrol uniform of the Landis Police Department and bulletproof vest at all time.
2. Specific requests for plainclothes attire must be made in writing to the Chief of Police or his designee. Officers wearing plainclothes will not display any police insignia. Affected officers must be able to present proper identification as a Landis Police Officer.
3. Officers will carry their department issued firearm.

#### H. Police Vehicles

1. Traditional marked and unmarked patrol cars equipped with emergency lights and siren may be used for law enforcement off-duty assignments. Non-traditional or undercover vehicles may be used only with the permission of the Chief.
2. Officers assigned a police vehicle are authorized to use a police vehicle in law enforcement related off-duty secondary employment.
3. Officers who do not have access to an assigned vehicle, or whose assigned vehicle is out of service, are authorized to utilize a pool vehicle on an availability basis. The needs of the Town of Landis will take precedence over all secondary employment assignments.
4. Officers engaged in teaching BLET or other law enforcement related course may utilize their assigned vehicle for travel to and from the training course being taught.

#### I. Court Appearances

1. Court appearances that arise based upon arrests made during the course of such secondary employment will be compensated in the same manner as court appearances required as part of an officer's regular duty.
2. Court appearances that are not the result of the exercise of police authority, but rather necessary in order to serve the interest of the private employer, will not be compensated by the Department. Such court appearances will be the responsibility of the officer and the private employer.

#### J. Record Keeping and Rules of Secondary Employment

1. Unreported law enforcement off-duty secondary employment is grounds for disciplinary action up to and including dismissal.

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4. Any employee, who fails to report for a law enforcement off-duty, fails to secure a replacement may be subject to disciplinary action.
5. The minimum pay rate for new law enforcement off-duty shall be \$25.00 per hour or more, unless otherwise approved by the Chief of Police.

#### K. Assignment of Law Enforcement Off-Duty

1. The System Administrator, or his designee, will ensure that all jobs are assigned on an equitable basis.
  - (a) The System Administrator will send out an e-mail for all new jobs. Law enforcement off-duty will be on a first come, first serve basis and be assigned based on rank (lowest rank to highest rank) with lower ranking officers given priority for available off-duty shifts. Part-time officers will be offered law enforcement off-duty after full-time employees, if still available.
  - (b) Employees will not sign up on behalf of other employees for job assignments without the authorization of the other employee.
  - (c) Employees will sign up for only those jobs they intend to work.
2. Employers may request particular employees to work or have an employee serve to recruit other employees for their jobs. However, employer requests that are deemed discriminatory based upon race, color, religion, national origin, disability, age, or sex in hiring employees to work secondary employment will not be honored.

#### L. Maximum Duty Hours

Officers will **not** work more than **16 hours**, combination of on-duty and/or secondary employment, per day.

Note: Nothing in this Policy limits the number of hours an officer may work on duty at the Landis Police Department in times of emergency or crisis, to include short staffing levels.

#### M. Workers Compensation

Officers working secondary employment will not be covered by Landis Police Department workers compensation unless acting in the capacity as a Police Officer (i.e. a police action).

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Tardiness Policy</b>           | <b>Page 1 of 1</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 300.05</b>            |                    |

## I. PURPOSE

The purpose of this policy is to establish a departmental policy concerning tardiness.

## II. DISCUSSION

It is necessary that members of the department have established guidelines concerning tardiness.

## III. PROCEDURE

- A. All members (sworn and civilian) of the Landis Police Department are expected to report for duty at their assigned times.
- B. Any member failing to do so shall be subject to the following:  
  
 First Offense: Counseling / Second Offense: Reprimand / Third Offense: One (1) Day's Suspension / Fourth Offense: Three (3) Days' Suspension / Fifth Offense: Recommendation for Termination
- C. Members who arrive late for work will be allowed to work the remainder of the shift but will not receive pay for the time they were not on duty.
- D. Violations for this policy shall be considered for a one (1) year period.
- E. In the event of an unforeseeable emergency that can be confirmed by the member's supervisor, the disciplinary action may be waived, such as a power outage or vehicle accident.
- F. Any permanent change in work hours must be in the form of a written request to the Chief of Police.
- G. This Policy will apply to authorized departmental training dates, times, and locations.
- H. Employees of the Department shall be punctual in reporting for duty at the time and place designated by their superior officers. Repeated failure to report promptly at the time directed will be deemed neglect of duty and made the subject of charges. Sickness or illness must be reported by an employee to his supervisor(s) prior to the time he is due to report for duty. Once having reported off sick, the member shall keep the department advised as to his status and expected return to duty.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Personnel Records</b>          | <b>Page 1 of 1</b> |
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|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 300.06</b>            |                    |

## I. PURPOSE

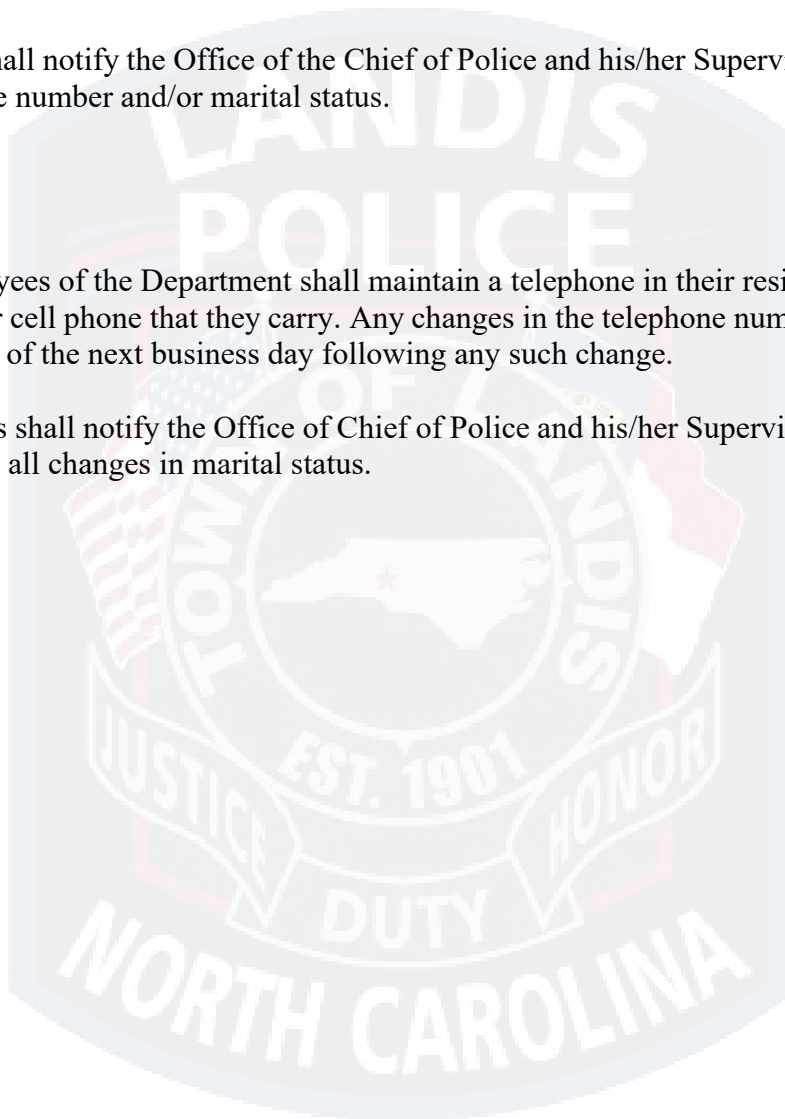
To establish a procedure for the administration of employee records.

## II. POLICY

Each employee shall notify the Office of the Chief of Police and his/her Supervisor of any change in address, telephone number and/or marital status.

## III. PROCEDURE

- A. All employees of the Department shall maintain a telephone in their residence; this may be a landline or cell phone that they carry. Any changes in the telephone number must be reported by the end of the next business day following any such change.
- B. Employees shall notify the Office of Chief of Police and his/her Supervisor within 72 hours of any and all changes in marital status.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Temporary Light Duty</b>       | <b>Page 1 of 3</b> |
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|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 300.07</b>            |                    |

## I. PURPOSE

To establish written and administrative procedures for temporary light duty.

## II. POLICY

Temporary light-duty assignments, when available, are designed for employees who, because of injury, illness or temporary disability, are unable to perform their regular assignments, but who are capable of performing light duty assignments.

## III. DEFINITION

Temporary Light Duty: Temporary assignments provided for eligible employees who are unable to perform all of their job requirements due to injury or other temporary medical restrictions.

## IV. PROCEDURES AND ELIGIBILITY

### A. Workers Compensation

1. Employees who are approved for worker's compensation benefits and are temporarily unable to perform all of their job requirements will be assigned to temporary light duty.
2. The Human Resources Department will coordinate with the designated health care provider to identify work restrictions.
3. There is no set time limit on the duration of temporary light duty for an approved workers compensation claim.

### B. Non-Workers Compensation

1. Employees may request light duty for injuries or temporary disabilities, which are not subject to worker's compensation. Any employee requesting to be considered for temporary light duty under this section must make a written request to the Chief of Police.
2. Employees requesting a light duty assignment must provide a note from a physician identifying the employee's restrictions and the expected duration.
3. Pregnant employees are eligible for temporary light duty under this section.
4. The Human Resources Department will coordinate with the designated healthcare provider to identify the work restrictions.

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5. Light duty is strictly temporary and should not exceed 60 days in duration, except with regard to light duty based upon pregnancy. In no event shall temporarily light duty attributable to a non-work-related injury extend past 12 months.
6. If an employee is unable to return to his or her full duty assignment within 60 days, he or she will
  - (a) Submit a written request for an extension of light duty in conjunction with a note from a physician or designated health care provider providing the restrictions and expected duration. This documentation must be submitted to the Chief of Police prior to the expiration of the approved light duty. Requests for extension of light duty will be considered for 30 day increments maximum.

#### C. Activities Prohibited While on Temporary Light Duty

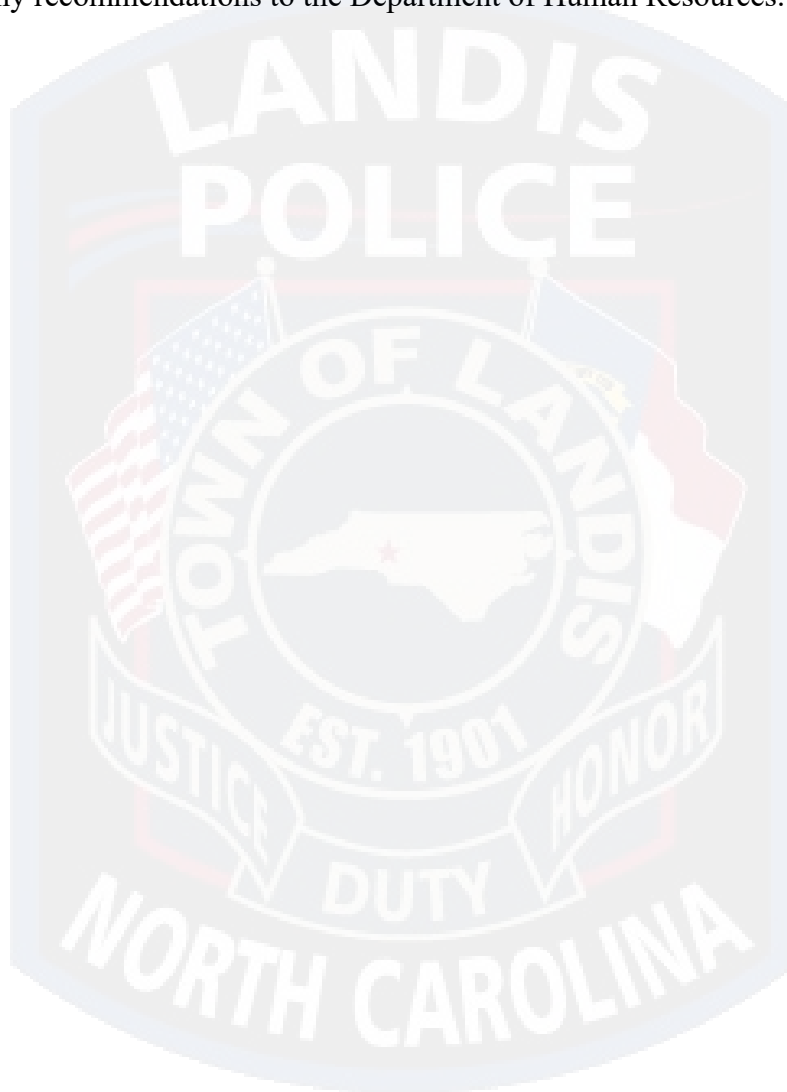
1. Employees who are on light duty due to any type of injury or illness will not:
  - (a) Engage in secondary employment in their capacity as a police officer;
  - (b) Wear the departmental uniform;
  - (c) Take enforcement action;
  - (d) Drive a marked or unmarked city owned vehicle; or
  - (e) Participate in ride-along with another sworn officer in a police vehicle when that officer is on patrol or performing investigative duties.
  - (f) Participate in any off-site training or conference, unless prior written approval has been received from the Chief of Police or designee.
2. Employees who choose to carry their department-issued firearm or backup firearm, while on temporary light duty, will carry the firearm in a secured, concealed manner. Employees are permitted to carry such firearms while on temporary light duty only when their firearms qualification is current.
3. Officers' take home and assigned car privileges are suspended during periods of temporary light duty assignment.

#### D. Return to Regular Assignment

When an employee who has been assigned to light duty and has received written clearance from his or her physician to return to his/her regular duty assignment, the employee will:

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1. Provide a note from the physician stating the employee may return to his or her regular position with no restrictions. If your physician requires a copy of your job description, it can be obtained by contacting the Chief of Police.
2. The Chief of Police, or his designee, will forward all such documents along with any recommendations to the Department of Human Resources.





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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Field Training Program</b>     | <b>Page 1 of 8</b> |
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|  | <b>Amended:</b> 07/27/2021        |                    |
|  | <b>POLICY # 300.08</b>            |                    |

## I. PURPOSE

It is the objective of this Department to standardize selected police functions and procedures in order to ensure uniformity of operations within the agency's patrol component and to provide consistent, effective service to the public.

## II. POLICY

### I. Field Training Program Objectives

- A. Identification of a trainee's knowledge and skill levels.
- B. Evaluation of trainee performance.
- C. Objective reporting of trainee performance.
- D. Documentation of performance improvement or decline.
- E. Verification of standardization of training.
- F. Documentation of remedial training efforts and results.
- G. Development of new skills and proficiency.
- H. Increase the efficiency and effectiveness of the department by enhancing the competency of new recruits.

### II. Phases of the Field Training Program

No specific timeframe has been set for this program. The instruction can be completed in a timely manner; given the trainee has shown proficiency in all three phases of the program. Two FTO's will be assigned to a new trainee. The first phase will start with FTO#1. After the completion of this phase, trainee will move to phase two and FTO#2. When this phase is completed, the trainee will move to phase three and back with FTO#1 so that FTO#1 can compare performance and improvement or decline.

- A. Phase One: During this phase, the trainee will learn the basics of procedure and patrol. FTO#1 will be assigned to teach the trainee in the following areas.

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1. Ordinances: Trainee will be familiar with Landis Town ordinances and procedures to enforce same.
  2. Police Department Policy: Trainee must become familiar with policy and procedures of the Landis Police Department and perform their duties within these policies.
  3. Town jurisdiction: Trainee will become familiar with the Town of Landis limits and jurisdiction. Absolute knowledge of every street within these limits will be learned.
  4. Observation and basic interaction: Trainee will observe the Field Training Officer (FTO) at all times learning from the decisions, interactions, behavior and actions of this officer. The recruit will learn to interact with the citizens on calls for service and at any point directed by the FTO.
  5. Trainee will take reports for incidents and learn procedures for entering them into the reporting system.
  6. Learn proper radio procedures.
  7. Spend a determined number of hours at emergency communications to observe how the center works. Hours will be determined by the FTO and on-duty supervisor at the communications center.
  8. FTO#1 will make the decision to recommend the trainee to the next phase of the program or to retrain, subject to the approval/denial by the officer's Sergeant, with final approval/denial from the Commander. Daily Observation Reports (DOR) must be completed after each shift and attached to the recommendation sheet.
- B. Phase Two: During this phase, the trainee will take a more active role in the duties of a patrol officer. FTO#2 will be assigned to train and evaluate the trainee during this phase.
1. Trainee will be the primary officer on all calls for service.
    - a) Take control of the event.

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- b) Ask and answer questions from those involved.
    - c) Make recommendations based on the investigation.
  2. Trainee will be more proactive in all aspects of patrol duties including but not limited to:
    - a) Answer calls for service
    - b) Issue Citations
    - c) Create and serve warrants
    - d) Business checks
    - e) Reporting
  3. The trainee will be expected to start, investigate, report, prepare a case for and testify before court.
  4. Become familiar and proficient with NCAWARE, DCI, eCrash, eCitation, RMS, OSSI and other application software used in the performance of daily assignments.
  5. FTO#2 will make the decision to recommend the trainee to the next phase of the program or to retrain, subject to the approval/denial by the officer's Sergeant, with final approval/denial from the Commander. Daily Observation Reports (DOR) must be completed after each shift and attached to the recommendation sheet.
- C. Phase Three: This is the final phase of the program and contains two parts. By this point, the trainee should be competent in the duties of a patrol officer. In this phase, FTO#1 will ride with the trainee and evaluate their knowledge as an observer.
  1. Phase 3A
    - a) Trainee should be proficient in the duties of a patrol officer.
    - b) Trainee will be primary officer on all calls for service.

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- c) Trainee is being evaluated to see if they can perform the necessary duties on their own.

## 2. Phase 3B

- a) Once the FTO is certain the trainee can perform the essential functions of a Patrol Officer, the FTO will ride, in plain clothes, with the trainee and evaluate their performance as an observer.
- b) FTO#1 will make the decision to recommend the trainee to the next phase of the program or to retrain, subject to the approval/denial by the officer's Sergeant, with final approval/denial from the Commander. Daily Observation Reports (DOR) must be completed after each shift and attached to the recommendation sheet.

## D. Lateral Transfers

1. In cases where new officers are hired with experience, the FTO process will be abbreviated. The altered program, approved by the Chief of Police, will be outlined and added to the folder of this officer.
2. Minimum requirements
  - a) Knowledge of department policies and procedures.
  - b) Proficiency in department paperwork procedures.
  - c) Proficiency in Landis jurisdiction to include all street names.
  - d) Review creating documents such as warrants, citations, traffic crash forms, and etc.
  - e) Observation of traffic stops and calls for service.
  - f) Shadow phase.
3. Paperwork for experienced new hires shall include:

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- a) DOR's
- b) All reports on calls for service.
- c) Recommendation forms.

### III. Daily Observation Reports

- A. **Rating Scale:** In each of the categories, the trainee's performance must be evaluated using the following guidelines. These guidelines will be used to maintain the validity of the program, maintain reliability, standardize the viewpoint of all the FTOs, and eliminate subjectivity and biases by the FTOs. The guidelines are behavioral anchors, in other words, they are specific, easy-to-apply examples of behaviors that demonstrate a competency and proficiency level. They provide a definition, in behavioral terms, Unacceptable, Minimally Acceptable and Superior levels of performance that must be applied to all trainees. Narrative comments are required on the reverse side of the DOR for any ratings less than "3" or more than "5" or any category marked "NRT".
- a) 1 is totally unacceptable.
  - b) 2 is close to a 1 and is just a little better than totally unacceptable.
  - c) 3 is close to a 4, but not yet minimally acceptable.
  - d) 4 is the minimum acceptable level. It is an officer's ability to work a solo assignment in a safe, skillful, productive, and professional manner.
  - e) 5 and 6 are above acceptable and like a bonus score recognizing work that is above the minimum acceptable level.
  - f) 7 is a superior performance.
  - g) N.O. indicates this category was not observed.
  - h) NRT indicates the trainee is not responding to training.

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| <p style="text-align: center;"><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Field Training Program</b>     | <b>Page 6 of 8</b> |
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- B. Narrative Comments. Should be added daily to the DOR. A trainee needs to see their daily progress and where they need growth. If the FTO has given the trainee a rating of 1-3, 5-7 or NRT, comments should be made in these sections.
- a) Most acceptable performance of the day. This does not have to necessarily be the highest rating of the shift. It could be that a 3 level performance would be considered the “best” performance of the day if the trainee had been getting 1’s and 2’s until this point.
  - b) Least acceptable performance of the day. It is mandatory that the FTO write a category number(s) in the area provided when a failing grade (1–3) is earned. Then in the area given, the FTO must write about a specific incident that demonstrates the identified least acceptable area of performance.
  - c) Additional comments. The FTO is required to make a narrative documentation of how the trainee earned ratings of 1, 2, 6, 7 and NRT if they had not already been noted in the most or least acceptable blocks. The FTO can note any other information in this area related to the trainee’s work shift, such as role playing scenarios performed, quizzes taken, etc.
- C. The trainee is required to sign and date each DOR. The trainee’s signature indicates that the FTO has gone over the DOR and any accompanying documentation with the trainee and the trainee has had the opportunity to discuss the ratings and comments and ask questions. The trainee’s signature does not indicate that the trainee necessarily agrees with the DOR’s ratings and comments.
- D. FTO signature and date is also required on each DOR. The FTO’s signature indicates that the FTO has gone over the DOR and any accompanying documentation with the trainee and the trainee has had the opportunity to discuss the ratings and comments and ask questions.

#### IV. Reports

- A. FTO will make a copy of all DOR reports and include them in a double fastening, blue folder.
- B. All reports should be attached to the left side of this folder.

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V. Recommendation Form

A. Each phase of the program has a recommendation form to be filled out by the FTO. FTO is responsible for filling out the correct form and attach correlating DOR's to it.

1. Trainee: At the top of the form, insert trainee's name here.
2. Check box for recommendation of FTO. FTO will sign their initials on the appropriate recommendation.
  - a) First check box: Initial this section if the trainee shows proficiency in the current phase and should move forward or if the trainee is currently in phase 3, it is the FTO's recommendation to be released from the program.
  - b) Second check box: Initial this section if the trainee requires remedial training in the current phase of the program.
  - c) Third check box: Initial this section if the trainee has been through remedial training and still has not responded to the training. This section is a recommendation for termination.
3. Comments Section. Any comments that the FTO deems necessary to add to this form. Any check box for remedial training or dismissal must be followed by comments citing the reasons for this recommendation.
4. Signatures. Once each phase is complete, the appropriate signatures are required at the bottom of this form.

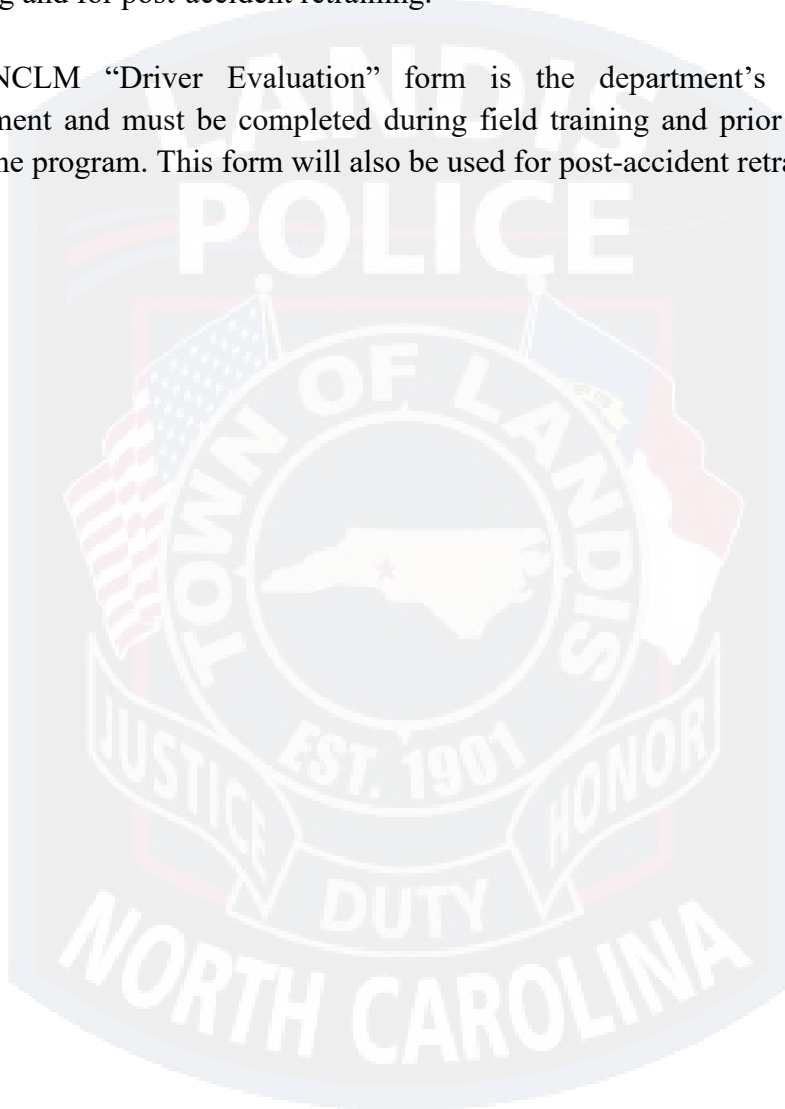
VI. Final Steps of the Field Training Program

- A. All DOR's, recommendation sheets, and reports should be compiled into one folder for review by the Patrol Supervisor.
- B. Patrol supervisor checks for accuracy on all forms, signatures on all forms and asks any questions of the field-training officer before sending this to the head of the department.
- C. The Chief of Police, or his designee, will review the trainees file, then set up an interview to discuss the recommendation of the field training officer.

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VII. Proactive Risk Reduction Strategies

- A. The department utilizes a comprehensive driver's evaluation instrument during field training and for post-accident retraining.
- B. The NCLM "Driver Evaluation" form is the department's recognized standard instrument and must be completed during field training and prior to successful release from the program. This form will also be used for post-accident retraining as needed.





VEHICLE OPERATIONS EVALUATION FOR LAW ENFORCEMENT



Trainee's name \_\_\_\_\_ ID# \_\_\_\_\_

Training officer \_\_\_\_\_ ID# \_\_\_\_\_

Date \_\_\_\_\_ Observation week # \_\_\_\_\_

*Trainer should provide a written statement for EACH of the following observation categories.*

*Use as many observation reports as needed. Make as many observations for each category as possible. Revised – 5/31/2016*

**1. Trainee properly scans intersections while approaching and prior to proceeding after a traffic control light change.**

*Trainer should stress the importance of not assuming that it is safe to proceed through an intersection simply because the light is green.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2. Trainee maintains proper eye movement while driving and when stopped in traffic.**

*Explain to the trainee that proper eye movement is important to avoid developing tunnel vision. You should verify that the trainee is not looking at any one object for more than 2 seconds while driving and that all mirrors are frequently checked.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. Following distance is consistently appropriate for conditions.**

*Trainee should maintain a minimum of a 4 second following distance during favorable conditions. The following distance should be increased during adverse driving conditions related to weather, lighting and driver alertness.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. Leaves appropriate space in front of patrol vehicle when stopped.**

*Trainee should leave at least 15 feet (1-1 ½ ) car lengths between the patrol vehicle and the car it is stopped behind. This distance should also be maintained behind the white stop line at intersections. This practice will develop a space between the vehicles to avoid rear end collisions and will also provide the officer with room to get out of traffic in the event of an emergency call.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**5. Brakes early to warn drivers that the vehicle is coming to a stop.**

*Trainee should start the braking process early enough to let vehicles in the rear know that the patrol vehicle is coming to a stop. Abrupt stops may result in the patrol vehicle being struck.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

VEHICLE OPERATIONS EVALUATION FOR LAW ENFORCEMENT



Trainee's name \_\_\_\_\_ ID# \_\_\_\_\_

Training officer \_\_\_\_\_ ID# \_\_\_\_\_

Date \_\_\_\_\_ Observation week # \_\_\_\_\_

*Trainer should provide a written statement for EACH of the following observation categories.*

*Use as many observation reports as needed. Make as many observations for each category as possible. Revised – 5/31/2016*

**6. Trainee observes all traffic laws and departmental policies.**

*Ensure that the trainee observes all traffic laws such as speed limits, turn signals and other laws and policies related to safe vehicle operations.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**7. Demonstrates an eye lead time consistently in excess of 15 seconds.**

*Instruct the trainee to look down the road and not focus in on just the vehicle in front of the patrol vehicle. The trainee should be looking about 2 city blocks ahead at 30 mph and ¼ mile ahead at 55 mph. This will allow him/her additional time to see and react to driving obstacles.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**8. Reduces vehicle speed when the 15 second eye lead time is reduced due to weather or vision obstructions such as hills, curves, trees or other obstacles.**

*Trainee's time to react is greatly reduced when confronted with vision obstructions. When there is not a 15 second eye lead time the trainee should reduce his/her speed.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**9. Stays out of the blind areas of other drivers.**

*Trainee should be constantly aware of the area around the patrol vehicle. Care should be taken to stay out of the blind areas of other drivers.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**10. Trainee is alert to the actions of other drivers.**

*Trainee should demonstrate that he/she is alert to the activities of other drivers. Have the trainee point out actions of other drivers that may be a hazard such as a vehicle that is pulling out of a parking lot or one that has just pulled up to a stop sign.*

Consistent  Inconsistent  Never

Describe observations: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## VEHICLE OPERATIONS EVALUATION FOR LAW ENFORCEMENT

Trainee's name \_\_\_\_\_ ID# \_\_\_\_\_



Training officer \_\_\_\_\_ ID# \_\_\_\_\_

Date \_\_\_\_\_ Observation week # \_\_\_\_\_

*Trainer should provide a written statement for EACH of the following observation categories.**Use as many observation reports as needed. Make as many observations for each category as possible. Revised – 5/31/2016***11. Maintains control of vehicle and proper alertness while talking on radio or using MDT.**

*Typing on the MDT should be avoided whenever possible. Trainee should reduce speed and increase following distance before picking up and talking on the radio or typing on the MDT. Trainer should also watch to ensure that the trainee remains alert with proper eye movement to avoid tunnel vision.*

\_\_\_ Consistent \_\_\_ Inconsistent \_\_\_ Never

Describe observations: \_\_\_\_\_

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**12. Avoids backing situations.**

*Trainee should try to select a spot that makes backing unnecessary. If backing is necessary attempt to do it upon arrival. If trainee must back from a parked position make sure that he/she walks around the patrol vehicle to look for any obstacles before backing.*

\_\_\_ Consistent \_\_\_ Inconsistent \_\_\_ Never

Describe observations: \_\_\_\_\_

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**13. Completes a 4 second 4 step lane change.**

- Turn signal on
- Check mirrors
- Look over shoulder
- Make lane change

\_\_\_ Consistent \_\_\_ Inconsistent \_\_\_ Never

Describe observations: \_\_\_\_\_

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**14. Completes 360 degree circle of awareness.**

*Trainee is constantly aware of the total area around the patrol vehicle. This includes checking all four sides before pulling off to avoid collision with fixed objects. Trainee should also avoid the blind spot of other drivers and avoid being boxed in by traffic. Trainee should position the patrol vehicle in traffic to allow for a way out in an emergency braking situation.*

\_\_\_ Consistent \_\_\_ Inconsistent \_\_\_ Never

Describe observations: \_\_\_\_\_

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**15. Follows departmental policy when responding to an emergency call or involved in a pursuit.**

*Operates lights AND siren. Clears intersections prior to entering. Patrol vehicle speed is operated with due regard to the safety of officers and citizens. Reduces patrol speed to legal limit when emergency equipment is turned off. Trainee follows safety procedures outlined in the previous categories of this evaluation.*

\_\_\_ Consistent \_\_\_ Inconsistent \_\_\_ Never

Describe observations: \_\_\_\_\_

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VEHICLE OPERATIONS EVALUATION FOR LAW ENFORCEMENT



Trainee's name \_\_\_\_\_ ID# \_\_\_\_\_

Training officer \_\_\_\_\_ ID# \_\_\_\_\_

Date \_\_\_\_\_ Observation week # \_\_\_\_\_

*Trainer should provide a written statement for EACH of the following observation categories.*

*Use as many observation reports as needed. Make as many observations for each category as possible. Revised – 5/31/2016*

**TRAINER:**

List any of the 15 observation categories or additional observations made during this week of training that requires additional instruction. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe additional instructions given and the trainee's response. Example – Trainee was not maintaining at least a four second following distance. Showed trainee how to determine following distance using fixed objects. Trainee followed instructions and corrected following distance deficiency.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMPLETE THE FOLLOWING DURING THE FINAL WEEK OF TRAINING**

**TRAINER:**

Does this trainee need additional training before he/she can safely operate a patrol vehicle?  YES  NO  
If "YES" indicate training needs and recommendations. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Trainee \_\_\_\_\_ Trainer

**PATROL SUPERVISOR:**

Based on your observations and review of all driving evaluations completed by trainers, is this trainee ready to safely operate a police vehicle?  YES  NO

Describe your observations. If response is "NO", indicate recommendations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Supervisor

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|   | <b>POLICY # 400.01</b>                   |                     |

## I. PURPOSE

To establish written dress code and appearance guidelines for all employees, both sworn and non-sworn, working on-duty and off-duty in a law enforcement capacity.

## II. POLICY

All employees will maintain their appearance by being neatly groomed and properly attired. All employees are subject to having contact with the public and will maintain their appearance in accordance with professional business standards.

## III. DEFINITIONS

- A. Employees: designates both sworn and non-sworn personnel.
- B. Officer: A certified Law Enforcement Officer, subject to an Oath of Office, meeting the requirements of the North Carolina Criminal Justice Education and Training Standards Commission.
- C. Tattoo / Brand: Markings on skin with indelible designs, forms, figures, art, etc. by making punctures in the skin and inserting pigment. The intentional markings on the skin for the purpose of creating a design.
- D. Piercing: A hole in any part of the body for the purpose of creating a design, form, figure, art or the wearing of jewelry.
- E. Professional Business Attire: For male employees includes dress shirt with tie, dress pants and dress shoes. Dress coat should be available at all times. For female employees includes dress pants with jacket available at all times, dresses or dress suits, and dress shoes.
- F. Casual Business Attire: For male employees includes collared shirt, slacks and appropriate footwear. For female employees includes slacks, blouses/sweaters, and appropriate footwear. For all employees, casual business attire means clothing in “good business taste” which is appropriate for the job the employee performs. Casual business attire does not include jeans, tank tops, tee shirts with advertising, sweatshirts, warm up suits, athletic sportswear, sundresses, shorts, or beach type flip flops.

## IV. PROCEDURE

All employees will maintain the following appearance standards, unless specified as being a sworn or non-sworn requirement.

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|   | <b>POLICY # 400.01</b>                   |                     |

A. Personal Grooming and Appearance.

1. All clothing shall be maintained in a neat, clean and serviceable condition when reporting for duty.
2. All patrol officers working on-duty shall wear issued uniform of the day and approved ballistic vest at all times, unless approved by supervisor. A request not to wear a ballistic vest must be accompanied by physician's letter explaining the reason such an exemption is medically necessary. Each such request will be addressed on a case-by-case basis.
3. All officers working law enforcement related secondary employment will wear approved patrol uniform of the day and ballistic vest at all times unless otherwise approved by the Chief of Police or designee.
4. The style of attire while on-duty for officers not in uniform will be that of casual business attire for both male and female employees. The following are prohibited:
  - (a) Unapproved ball caps: (This does not apply while training at the range.)
  - (b) Tee shirts: (This does not apply while training at the range.)
  - (c) Dirty athletic shoes: (This does not apply while training at the range.)
  - (d) Flip-flops, sandals or slides. (All times)
  - (e) Short pants. (All times)
  - (f) High heel shoes over 2-inch base. (All times)
  - (g) Skirts or dress shorter than arm length.
5. Sworn and non-sworn employees participating in training (in service or special class) may wear duty uniform, casual business attire or blue jeans and shirt with collar. Shirts may have small emblems on the chest or sleeves but must be professional in appearance.
6. Contact lenses shall be of natural eye colors and appearance only.

B. Tattoos and Brands:

1. Visible tattoos or brands that are extremist, indecent, sexist, or racist are prohibited.

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- (a) Extremist tattoos or brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, disability, or national origin.
  - (b) Indecent tattoos or brands are those that are grossly offensive to modesty, decency, or propriety; shock the moral sense because of their vulgar, filthy, or disgusting nature.
  - (c) Sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on gender, but that may not meet the same definition of “indecent”.
  - (d) Racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.
2. The following locations for tattoos or brands are prohibited from being worn at the LPD but may be covered with clothing or make-up in order to comply with this policy.
- (a) Face
  - (b) Neck
  - (c) Head
  - (d) Hands
3. Exceptions
- (a) A small, diminutive tattoo on the back of the neck and/or behind the ear, which will be assessed on a case-by-case basis. Existing employees who would like to add a tattoo on the back of their neck or behind their ear will need prior approval from the Chief of Police.
  - (b) One ring tattoo on each hand, below the joint of the bottom segment of the finger.
4. All employees with visible tattoos or brands must provide photographs of such tattoos or brands to the Office of the Chief of Police upon request. Employees may be required to provide in writing the meaning of their existing tattoos or brands to the Office of the Chief of Police.

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5. Prior to procuring a new tattoo, that will be visible; employees shall provide artwork to the Office of the Chief of Police for review to ensure it does not violate policy.

C. Hair Grooming (Males)

All male Officers of the Department shall conform to the following standards of appearance.

1. Hair colors shall be of natural colors and appearance only.
2. Hair will be neatly groomed. The length and/or bulk of the hair will not be excessive or present a ragged or extreme appearance. Hair, when combed, may not cover more than the top half of the ears, and may extend down in the back, but shall not touch the top edge of the shirt collar when standing in an erect position.
3. In all cases, the bulk or length of the hair will not interfere with the normal wearing of a uniform hat.
4. Facial Hair
  - (a) Sworn and non-sworn personnel are permitted to wear a goatee or beard that is maintained at a length and pattern so as not to detract from the officer's professional appearance. Permission to wear beards, mustaches, and goatees may be withdrawn by the Chief of Police, at any time. Facial hair shall be neat, trimmed and maintained. Under no circumstances shall facial hair interfere with the employee's ability to pass fit testing or standard equipment.
  - (b) Beards and goatees must be worn with a mustache. The beard shall be neatly trimmed, above and below, and shall not exceed 1-inch below the jaw line. Beards shall not be any longer than  $\frac{3}{4}$  inches, 18mm, or a #6 guard in thickness. It is prohibited to display ornamental styles, designs, logos, words, or patterns in the facial hair. The beard or goatee shall not be dyed or worn in any color different from the hair. The following styles are prohibited:
    - i. Chin Strap;
    - ii. Soul Patch;
    - iii. Goatee without mustache;
    - iv. Van Dyke;



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- v. Anchor Beard;
- vi. Mutton Chops or Gunslinger Beard; and
- vii. Balbo

(c) Sideburns shall not extend below the earlobe, and shall at no point be more than 1-1/2 inches wide. Sideburns shall not exceed ½ inch in bulk, and shall not flare, and shall be trimmed horizontally across the bottom.

(d) Mustaches worn without a beard shall be full mustaches, neatly trimmed and no longer than ½ inch in thickness. A neatly trimmed mustache is acceptable providing the following standards are strictly adhered to:

- i. The mustache shall not cover the upper lip;
- ii. The length of the mustache shall not extend past the jaw line and must have clean edge;
- iii. The mustache shall not be worn twisted or waxed at the ends;
- iv. Handlebar and toothbrush style are strictly prohibited; and
- v. The mustache shall not be dyed or worn any color different from the hair.

(e) Facial hair is at the discretion of the Chief of Police and can be withdrawn at any time.

#### D. Hair Grooming (Females)

All female officers of the Landis Police Department shall conform to the following standards of appearance.

1. Hair colors shall be of natural colors and appearance only.
2. Female officers in uniform shall wear their hair in modest styles.
3. Whether in uniform or in a plainclothes assignment, the bulk or length of the hair will not interfere with the normal wearing of the uniform hat.

#### E. Jewelry

All employees shall maintain the following appearance standards.

1. The following is prohibited:
  - (a) Visible body piercing jewelry, other than ear piercing for wearing of earrings as permitted below.

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- (b) Tongue piercing
  - (c) Split or forked tongue
  - (d) The use of gold, platinum, silver, or other veneer caps for the purpose of dental ornamentation.
  - (e) Teeth, whether natural, capped or veneered, shall not be ornamented with designs, jewels, and initials, etc.
2. Except as permitted herein or authorized by the Chief of Police or designee, ornaments and jewelry shall not be worn with the uniform.
  3. A single tie bar or badge tiepin projecting a professional image of the Landis Police Department may be worn.
  4. Female officers may wear earrings; however, they must meet the following standards: one in each ear; small ball, disc, or solitaire style not exceeding 6 mm in size.
  5. Officers will not wear necklaces, chains or other ornamentation that are visible when wearing their uniform.
  6. An officer's visible jewelry is limited to two rings, a watch, and identification/ medic alert bracelet while in uniform. Jewelry should not be excessively large or conspicuous so as to create a safety hazard.
  7. Female plainclothes officers may wear necklaces that are consistent with professional business attire.
- E. Makeup, Fingernails and Cologne:
1. Female employees may wear makeup in moderation.
  2. Employees' nails must be professional in appearance and shall not be of such a length that they interfere with job performance or create a safety issue.
  3. If worn, perfumes and colognes shall be used in moderation.

## V. UNIFORM INSIGNIAS

### A. Badges and Pins

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|--|--|---------------------|
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1. Officer's badge is to be worn on the upper left chest area.
2. Officer's nametag will be worn on the outermost garment of the uniform shirt or vest.

**B. Patches and Stripes**

1. Department patches will be sewn on both upper sleeves on all issued shirts, jackets, and coats.
2. Sergeant stripes will be sewn, no more than ½ inch below the Department patch on both sleeves on all issued shirts, jackets, coats and jumpsuits.

**C. Insignia, Pins, Etc**

No insignia, pins, badges, medals, ribbons, etc. are to be worn / displayed on the uniform not issued by the Department, unless approved by the Chief of Police or his designee.

**D. Footwear**

1. Any type of shoes worn by an Officer while in uniform not issued by the Department must get approval from the Chief of Police.
2. All footwear is to be maintained in a clean manner when worn as part of the uniform.

**VI. SHOPPING IN UNIFORM**

Officers in uniform, on or off duty, shall not shop extensively or carry large quantities of merchandise unless directly connected with their normal police activity or required in the line of duty.

**VII. COURT APPEARANCE**

Employees will wear professional business attire or the uniform of the day while attending a court hearing, or any other hearing where an employee may be required to present testimony as an official duty assignment.

**VIII. REGULATION FOR WEARING OF BLACK BANDING**

A black elastic banding, a mourning badge band, or black tape will be used to cover the horizontal center of the uniform badge, without covering the badge number. The black band is

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wear in remembrance of officers killed in the line of duty or as authorized by the Chief of Police or designee.

## IX. UNIFORM REGULATIONS

### A. Uniform Class Definitions

1. Class "A" Uniform: All officers, regardless of position, will be required to maintain a minimum of one (1) Class "A" uniform. The uniform shall consist of a long sleeve shirt, four (4) pocket trouser, necktie (mandatory for superior court and funerals), department issued badge, name with "serving since" plate, "LPD" collar pins and a silver whistle chain. All uniforms shall have the department patch sewn on each sleeve. Chevrons for sergeants and non-supervisory officers shall be silver in color and sewn below the department patch on each sleeve. Officer holding the rank of lieutenant or above shall wear metal rank pins attached to the collar of the uniform shirt.
  - a. Outer or tactical vest carriers may not be worn over the Class "A" uniform.
  - b. All duty gear worn with the Class "A" uniform shall be plain black leather and non-tactical in appearance. Officers are specifically prohibited from wearing drop-leg holsters, nylon duty gear, and similar equipment.
2. Class "B" Uniform: This will be the patrol uniform of the day. It shall consist of a long or short sleeve shirt, multi-pocket trousers, department patches, rank and department issued metal badge or fabric badge.
  - a. The vest may be worn in either an inner or outer carrier
  - b. Approved tactical gear such as a drop-leg holster and nylon duty gear may be worn.
3. Class "C" Uniform: This uniform shall consist of a long or short sleeve polo or button down shirt with sewn or fabric badge and approved pants.
  - a. The vest may be worn in either an inner or outer carrier.
  - b. Approved tactical gear such as a drop-leg holster and nylon duty gear may be worn.
  - c. Only to be worn for special assignment, administrative personnel or as designated by a supervisor.

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- B. Members shall present a professional appearance at all times in dress. Uniforms shall be clean, pressed and in conformity with specifications in this manual. The wearing of an improper uniform, failure to carry all necessary equipment or to maintain one's uniform and/or equipment in good order is prohibited.
- C. All issued items will be recorded and an issuance file maintained.
- D. Members of the Department are required to keep their uniform/attire and equipment neat, clean and in good repair.



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1. Metal surfaces, including badges, buckles and weapons shall be cleaned and shined.
2. Leather goods, such as holster, belt and other accessories will be kept polished. Class “A” dress shoes must be shined and in good repair.
3. Nylon goods will be kept clean and repaired. Boots must be in good condition.
4. Members of the Department are required to wear the designated uniform in a manner consistent with a professional appearance.
5. Uniform of the day shall be the class “B” uniform. Members will be considered out of uniform when not wearing the prescribed uniform.
6. Buttons must be kept buttoned, sleeves rolled down at all times.
7. Uniform trousers must be sufficiently long to cover the anklebone when standing.
8. Neckties will be of a color and style as issued by the Department.
9. Uniformed personnel will wear dark blue or black socks with dress shoes. If, for medical reasons, socks other than those specified are needed, they must be covered by dark blue or black socks. Members wearing boots may wear white socks if not seen when standing or sitting.
10. The footwear worn by uniformed members will be black in color, leather/clarion, and smooth toe, low heel and devoid of decoration or design.
11. The Class A uniform hat, if issued, may be worn at the member’s discretion:
  - a. While attending formal ceremonies such as parades or funerals
  - b. At any other time as directed by a supervisor or the Chief of Police.
12. The police badge will be worn on the outermost garment unless the Department issued cloth badge has been sewn on the garment.
13. The individual member’s comfort will dictate whether coat or jacket is worn and when they need to be worn.
14. Alteration will not be made to departmental issued equipment or personal items substituted in lieu of such equipment, unless authorized. NOTE: Clothing excluded, where alteration for proper fit is required.

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15. Personal Protective equipment (PPE Kits) will be carried within the officer's assigned police vehicle at all times when on duty.
16. Patrol officers are required to wear their body armor. All other officers shall have their body armor readily available.
17. Wearing the uniform:
  - a. Each article on the uniform shall conform to Department regulations. Civic pins, fraternity pins, etc., shall not be worn on the uniform. Departmental uniform accessories such as badges, insignia, and nameplate shall be worn.
  - b. Any writing pens worn with the uniform will be devoid of symbols and emblems.
18. The Chief of Police shall decide questions concerning details of uniform dress or personal appearance not covered by the Operating Procedures.
19. Non-Uniform Standard Dress Regulations:
  - a. Members whose assignments call for plainclothes shall wear civilian dress clothing, which is consistent with the image of the law enforcement profession. These regulations do not include special assignments.
  - b. Officers attending court shall wear appropriate business attire. Male officers shall wear a coat and tie. Female officers shall wear dress clothing such as dress pants/skirt and blouse. Uniformed officers have the option of wearing the regulation uniform to court. No extreme fashions will be permitted.
20. Members required or voluntarily working special assignments may be permitted to wear neat, casual attire as an exception to the standard dress regulation policy as permitted by the Chief of Police or his designee.

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## I. PURPOSE

To provide guidelines for the proper use and maintenance of issued equipment and for the return of issued equipment.

## II. POLICY

The Landis Police Department will purchase and replace all required equipment for employees, including protective ballistic vests issued to police. The purchase of all approved supplemental equipment is the responsibility of the employee.

## III. PROCEDURES

### A. Police Employee Identification

1. All officers will be issued a police photo identification card and have it in their possession while on duty or taking police action.
2. If not visible, all employees will produce identification upon request. Employees will give verbal identification over the telephone.
3. Employees performing in an undercover capacity will not be required to provide police identification when it is necessary to protect the investigation, or to maintain the safety of the parties involved.

### B. Equipment

1. Employees are responsible for the security of any issued equipment and for taking reasonable precautions to ensure that it is used properly.
2. All officers at the Landis Police Department will be issued a ballistic vest. All uniformed personnel are required to wear the ballistic vest while in uniform and working a patrol shift or law enforcement off-duty.
3. All sworn officers are required to have in their possession their service weapon with magazine, badge, and have immediate access to handcuffs, radio and ballistic vest while on duty. The exception for this is when it is impractical or deemed dangerous to the officer or harmful to the investigation.
4. All **sworn uniform** personnel working a patrol shift or law enforcement off-duty must carry their service weapon with magazine, badge, radio, and handcuffs.
5. **Only department-issued firearms, ammunition, and magazines may be carried while on-duty.**



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6. All sworn personnel will wear protective vests by personnel engaged in pre-planned, high-risk situations, which may include for example search warrant execution and circumstances in which the officer's supervisor determines that wearing a protective vest is appropriate.
7. Officers must carry, once certified and with proper certification in accordance with LPD policy, at least one less than lethal weapon such as: Conductive Energy Device (CED), collapsible baton (ASP), flashlight (not to exceed 13 inches in length), or OC.
8. All field personnel will carry the issued fluorescent reflective traffic safety vest, or other authorized fluorescent reflective traffic safety vest while on duty or working secondary employment or special events. Affected personnel will have the fluorescent reflective traffic safety vest available for use at all times when needed for traffic direction.

#### **IV. SUPPLEMENTAL EQUIPMENT**

- A. Officers may obtain, at their own expense and use on duty, equipment which duplicates issued equipment and has been approved for duty use by the Chief of Police or his designee.
- B. Officers may wear black gloves designed for warmth, during cold or inclement weather or for safety reasons. The gloves must allow the use of issued police equipment, including firearms.

#### **V. RADIO**

- A. 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. The officer will notify the dispatcher as soon as possible upon returning to "on the air" status.
- B. Officers who are issued a loaner radio will maintain the loaner radio until the permanently assigned radio is returned.

#### **VI. RESPONSIBILITY FOR EQUIPMENT**

- A. Worn, damaged or destroyed equipment will be repaired or replaced by the department at the direction of the officer's immediate supervisor. Officers needing to replace worn or damaged equipment must first turn the item into Support Services to receive a requisition for replacement.
- B. All equipment will be properly maintained by the employee.

#### **VII. LOST, STOLEN OR TRANSFER OF EQUIPMENT**

- A. Employees whose equipment has been lost or stolen will immediately report such loss to their supervisor in writing. The employee's supervisor must do the following.

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1. Notify the Office of the Chief of Police immediately regarding a lost or stolen police radio and take appropriate action to deactivate (when possible) the lost or stolen radio.
  2. Take appropriate action to attempt to de-activate remote computer access for lost or stolen computers.
  3. Notify a supervisor of any lost or stolen computers or cell phones.
  4. When an employee departs from the police department all computers and radios must be turned in immediately.
- B. The supervisor will investigate the loss of any issued equipment and prepare a written report including his or her findings and recommendations for replacement of the lost or stolen items.
- C. A copy of the supervisor's report will be forwarded to the employee's chain of command.

#### VIII. PROHIBITED EQUIPMENT

**Any equipment not specifically approved by the department or this policy is prohibited. Only Department issued batons, O.C Spray, and CEDs may be worn.** Officers have the option of purchasing their own flashlights and handcuffs for use while on duty. Flashlights must be black in color and of professional standards. Handcuffs must be either black or silver in color and of professional standards.

#### IX. OFF-DUTY USE OF DEPARTMENT EQUIPMENT

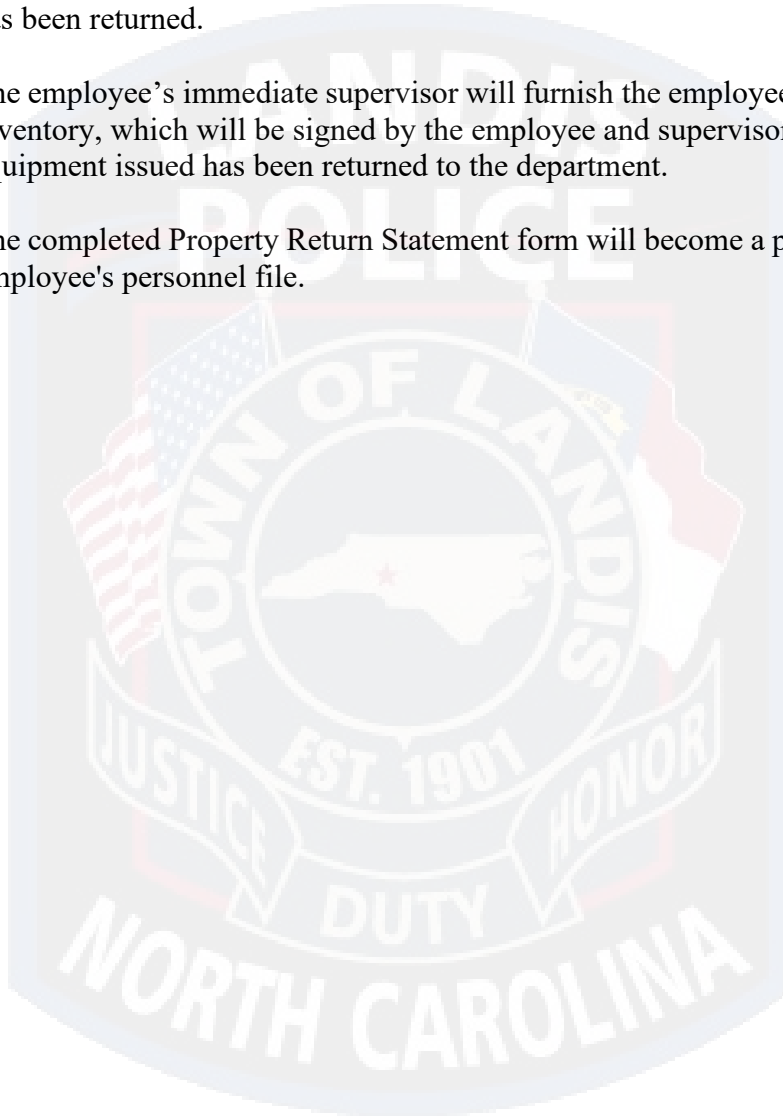
Employees may use departmental equipment issued to the employee for regular duty use when engaged in law enforcement off-duty secondary employment. Employees may not use specialized departmental equipment (vehicles, weapons) when engaged in other types of secondary employment without the approval of the Chief of Police or his designee.

#### X. RETURNING EQUIPMENT AND UNIFORMS

- A. Employees suspended for a period of time greater than 3 days, but less than 15 days will turn in their badge, photo identification, service weapon(s), radio, assigned computer, and any assigned vehicle to their supervisor at the beginning of their suspension. The employee's supervisor will secure or this equipment pending the officer's return to duty.
- B. Employees who are suspended from duty with a recommendation for termination, or who are suspended for a period of greater than fifteen (15) days, will turn in all issued uniforms and equipment to their supervisor through the chain of command, unless otherwise directed by the Chief of Police, or designee.

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- C. Upon resignation, retirement, or termination, employees must return all issued uniforms and equipment. It is the responsibility of the employee's immediate supervisor to ensure all equipment is returned to the department.
1. The employee's final paycheck will be held until all issued uniforms and equipment has been returned.
  2. The employee's immediate supervisor will furnish the employee with a property inventory, which will be signed by the employee and supervisor stating that all equipment issued has been returned to the department.
  3. The completed Property Return Statement form will become a permanent part of the employee's personnel file.



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## I. PURPOSE

To establish departmental policy governing the use of the department's computers, mobile data devices, cell phones, system software, hardware, network and internet.

## II. POLICY

The Landis Police Department will maintain and use all computers and computer network systems in accordance with all applicable federal, state, and local laws and ordinances, software manufacturers licensing agreements, and department rules and regulations.

Mobile Data Computers or devices provide field officers with virtually "real-time" access to local, state and national criminal justice computer databases. This technology is a vital resource for improving officer safety, efficiency and productivity. Mobile data also enable officers to communicate directly with each other, the Communications Center, and with other law enforcement agencies using wireless technology. The mobile data system shall be used for official purposes only and in strict accordance with applicable regulations established by the Division of Criminal Information (DCI) and the Landis Police Department.

The Landis Police Department can access and review all information stored on the Town's computer equipment and network. The Landis Police Department reserves the right to perform an inspection of town computers, devices and the network at any time. An employee should not expect that any file, record, or any other data stored or accessed on the town's computer equipment or network will be private. No reasonable expectation of privacy exists in any such file, record, data, search or device.

The Landis Police Department also has established this policy concerning the use of mobile phones as an effective communications tool to enhance personal safety and provide a vital communications link for employees and to the citizens they serve.

## III. DEFINITIONS

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

- A. Microcomputer: Any desktop or laptop computer (also considered hardware).
- B. Software: Programs used by the computer to perform any of its functions.
- C. Authorized Software: Computer programs the department has paid for or is licensed to use. Also included in this definition is personally owned or public domain software approved for use on a departmental microcomputer.

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- D. Network: A system of linked microcomputers that facilitates data communication between components.
- E. Internet: A system of linked computer networks, international in scope that facilitates data communication services such as remote login, file transfer, electronic mail and newsgroups.
- F. E-mail: Electronic mail is a way of sending other people messages from a computer. This includes messages sent over the Internet or internally over the department's network.
- G. Mobile Data Computer (MDC): An approved combination of a laptop computer, operating software, and a network, which allows an authorized user to access the CJIN network and local law enforcement databases.
- H. Mobile Data System: The combination of mobile computers and headquarters based wireless data technology that enables cars to interface directly with CJIN as well as the police department's computer aided dispatch (CAD) and records management system (RMS).
- I. CJIN (Criminal Justice Information Network): A system established by the North Carolina Department of Justice to develop and enhance a statewide system of communication.
- J. DCI (Division of Criminal Information): A State agency that regulates access and release of computerized criminal justice information.
- K. Agency Mobile Phone: A mobile phone purchased/leased by the Town of Landis/Landis Police Department to conduct Town business.
- L. Personal Mobile Phone: A mobile phone that is purchased and paid for by an employee of the police department for their personal use.
- M. Smartphone: A mobile phone with enhanced capabilities such as e-mail, web, applications (apps) and GPS.
- N. Applications Software: Computer software designed to help the user to perform specific tasks. This software is also known as an application or an "app".
- O. Text Messaging: The act of typing and sending a brief, electronic message between two or more mobile phones or fixed or portable devices over a phone network. This act is also known as "texting".
- P. Data plan: Service provided by a mobile telephone carrier that allows the user access to the internet, applications, texting and other alternative communication formats.

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- Q. Minutes: A unit of time measurement for the use of mobile phones which is usually established by agreement or contract between client and service provider.

#### IV. PROCEDURES

##### A. Responsibilities

1. It is the responsibility of each employee to ensure the proper and legal use of the agency's computer network. The use of any part of the network is subject to all applicable federal, state, and local statutes.
2. The final authority relating to the procurement, maintenance, inventory, and security of the agency's computer network rests with the Chief of Police.

##### B. System Administration

1. The Chief of Police or his designee serves as the police department's administrative authority over all access and use of the computer data system by agency employees.
2. The Chief of Police or his designee shall have the following duties and responsibilities related to the network:
  - (a) Serve as the Police Department's single point of contact.
  - (b) Maintain an updated inventory of all network hardware and components.
  - (c) Ensure that adequate security measures are implemented to protect the agency's computer network from viruses and unauthorized access.
  - (d) Coordinate the acquisition of all departmental microcomputer hardware and software products.
  - (e) Coordinate the installation, use, inspection, and support of the department network and related software.

##### C. Security

1. Computer Login Names and Passwords:
  - (a) The Chief of Police or his designee shall maintain a list of login names.
  - (b) Each employee is assigned a unique login name (access code) and password to access the network computer system.

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- (c) Employees shall either lock or close all programs and log out prior to leaving the computer workstation unattended. Any activity completed on an individual workstation will be the responsibility of the employee signed on at the time.
- (d) In the event that an employee forgets his/her assigned password or the confidentiality of the password is compromised a memorandum or phone call shall be made to the Chief of Police or his designee without delay.
- (e) The Chief of Police or his designee shall conduct an annual audit of the agency's computer network and records management software for verification of passwords. The validation will consist of ensuring personnel roles/duties still require access to the CJIN. The results of this audit shall be reported to the Chief of Police and maintained for three years.
- (f) Authorized employees will utilize a security password to access the CJIN system and local databases. Employees shall not disclose their password to anyone.
- (g) The Technology Services Officer, designated by the Chief of Police, will manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The agency shall validate information system accounts at least annually and shall document the validation process.
- (h) The Technology Services Officer shall identify authorized users of the information system and specify access rights/privileges. The agency shall grant access to the information system based on:
  - i). Valid need-to-know/need-to-share that is determined by assigned official duties.
  - ii). Satisfaction of all personnel security criteria.
- (i) The Technology Services Officer shall be notified when:
  - i). A user's information system usage or need-to-know or need-to-share changes.
  - ii). A user is terminated, or associated accounts are removed, disabled, or otherwise secured.
  - iii). Logs of access privilege changes shall be maintained for three years.

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2. Remote Access to LPD stations containing CJI is only allowed for authorized Technology Services Officer personnel and is logged.
3. In the event of a suspected security incident, LPD personnel will notify Technology Services Officer personnel immediately. An incident report will be filed with the appropriate agency officials and or authorities.
4. Technology Service Officers will share security alerts/advisories as is appropriate with the LPD users; as well as conduct internal reviews of the network/system to ensure the environment is protected against the threat and make all necessary changes that the systems will allow.

#### D. Software

1. Computer software is generally a copyrighted product. The Town of Landis and/or the Landis Police Department purchases the right (license) to use a computer program on a specific number of workstations. All department employees are to respect computer software copyrights and adhere to the terms of the software license. Employees shall not unlawfully duplicate any licensed software obtained for the department's use.
2. Privately owned software shall not be installed on town owned computer equipment.

#### E. Training and Certification Required

Only those employees who hold a valid certification from DCI may log onto DCI or perform DCI transactions from an MDC.

#### F. Use of Mobile Data System

1. Communication over the mobile data system is not intended to replace radio communication, rather to enhance it and make it more efficient. Because not every police vehicle is equipped with an MDC, it is critical that all on-duty officers and supervisors be made aware of emergencies and other situations affecting officer safety.
2. Computerized criminal history (CCH) and driver history information received from DCI inquiries is considered confidential and may be released only to authorized criminal justice personnel in accordance with DCI security regulations.
3. Safety Issues
  - (a) Police officers must not let the operation of an MDC distract them from their primary duty to drive with due regard for the safety of themselves and other users of the roadway. When the police vehicle is in motion, the officer



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should operate the terminal ONLY if such operation can be safely accomplished. *(Note: This section does not apply to operation of the MDC by a secondary officer riding as a passenger in the police vehicle).*

- (b) During vehicle stops and other potential enforcement situations, officers must remain alert to their surroundings and the movement of individuals who could pose a potential threat. Officers should avoid becoming so focused on MDC operation that they fail to see movement or other actions that could pose a hazard to officer safety.
- (c) Officers are to ensure that vehicle mounted MDC equipment is not positioned in a manner that could interfere with deployment of the air bag safety system.

#### 4. Maintenance and Security of all Computers

- (a) Patrol officers, SROs, and officers engaged in secondary employment, shall, upon beginning a tour of duty (or secondary employment where an officer is using his/her patrol car), turn on, log into and remain logged into their MDC throughout their tour of duty. Officers must also inspect the MDC (if installed) for proper operation. Any malfunction or problem shall be reported as soon as practical. The Technology Services Officer will be responsible for arranging the repair or service of the unit by a qualified technician.
- (b) At the end of an officer's tour of duty MDC's are to be turned off and the case closed. If an officer is on extended leave (e.g. vacation, light duty), the unit must be removed from the vehicle for safekeeping. Closing the MDC when not in use offers enhanced protection from the extreme heat buildup that can occur inside a closed car during warmer weather.
- (c) All maintenance and service to all computer devices will be performed by approved personnel. This includes any repair or modification of the equipment, as well as the installation, upgrade, deletion, or modification of operating software. The installation of supplemental software will be approved based on a demonstrated business need.

#### G. Restrictions

1. The use of any departmental computer or electronic device for any purpose that violates any federal, state, or local law is prohibited.
2. The use of any departmental computer or electronic device for private commercial purposes, financial, or material gain while on or off duty is prohibited.
3. Sending harassing, intimidating, abusive, or offensive materials to or about others is

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prohibited.

4. The use of another employee's password or login name is prohibited. The Technology Services Officer may use an employee's password or login name when necessary to identify or correct computer related problems.
5. Employees are not authorized to add, delete, or modify computer components without the direct approval of the Technology Services Officer or designee. This includes both hardware and software.
6. Employees must not share log-in credentials.
7. Personal cloud service accounts may not be used for storage, manipulation or exchange of Town data.

#### H. Mobile Phone Usage

Employees of the police department will comply with the following procedures regarding mobile phone use.

1. Employees using mobile telephones shall comply with all applicable state and federal laws and departmental policies related to their use.
2. While on duty, employees will limit the use of any mobile device for the purpose of recreation or entertainment.
3. While on duty, personal phone calls, even on a personal cell phone, should be restricted to only essential communications and limited in length so as not to interfere with official duties. The employee is expected to utilize fair and appropriate judgement of what constitutes acceptable use.
4. Information contained on an employee's personal cell phone that is job related may be considered a public record and as such, may be available to the public pursuant to a public records request. N.C.G.S. § 132-1 et. seq.
5. Any information contained or stored on a personal or agency mobile phone (text messages, phone numbers, photographs, email, social media, videos, etc.) that is collected while on or off-duty, and is of evidentiary value in a criminal case or otherwise subject to discovery in a criminal or civil case, is subject to production to the State of North Carolina or possibly to private litigants. Content on an agency mobile phone (text messages, phone numbers, photographs, email, social media postings, videos, etc.) that reflects misconduct is subject to production to the Landis Police Department.
6. If an employee chooses to have his/her town email forwarded to his/her personal cell phone, the above conditions would or could apply whether an employee is on or

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off duty. In this case, the potential collection of discovery (for criminal and civil cases) or other evidence would not be limited to an officer's shift or tour of duty and could be collected. Employees also should be aware that emails created in the conduct of town business generally are a matter of public record unless legally privileged.

7. Unless an email that relates to town business is privileged (e.g., attorney-client, criminal investigative or intelligence information, etc.) the email is a matter of public record and must be produced upon request. Requests for public records should be forwarded to the Office of the Chief of Police.

**NOTE: Non-exempt employees shall not work on Town business during non-duty hours without the prior approval of the employee's supervisor. This includes a prohibition on reviewing and responding to Town email.**

I. Prohibited Activity

Use of Town computers, networks, and internet access is a privilege granted by management and may be revoked at any time for inappropriate conduct including, but not limited to:

- a. Sending chain letters.
- b. Engaging in excessive private or personal business activities.
- c. Misrepresenting oneself or the Town.
- d. Engaging in unlawful or malicious activities.
- e. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages.
- f. Sending, receiving, or accessing pornographic materials.
- g. Causing congestion, disruption, disablement, alteration, or impairment of town networks or systems.
- h. Infringing in any way on the copyrights or trademark rights of others.
- i. Using recreational games.
- j. Defeating or attempting to defeat security restrictions on town systems and applications.

Using town systems to create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates the Town of Landis anti-harassment policies and is subject to disciplinary action. The town's electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of town resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution.

J. Confidentiality of Electronic Mail

Electronic mail is subject at all times monitoring, and the release of specific information is

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subject to applicable state and federal laws and town rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

#### K. Internet and Intranet

This policy applies to all uses of the Internet and Intranet but does not supersede any state or federal laws or town policies regarding confidentiality, information dissemination, or standards of conduct.

The use of town automation systems is for business purposes only. Brief and occasional personal use is acceptable as long as it is not excessive or inappropriate, occurs during personal time (meals or other breaks), does not result in expense to the town.

Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Managers determine the appropriateness of the use and whether such use is excessive.

The Internet is to be used to further the town’s mission, to provide effective service of the highest quality to the town’s citizens, customers and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet access are municipal resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications.

Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of computer equipment and software.

Employees are individually liable for any and all damages incurred as a result of violating town security policy, copyright, and licensing.

All Town of Landis policies and procedures apply to employees’ conduct on the Internet, especially but not exclusively, relating to: intellectual property, confidentiality, town information dissemination, standards of conduct, misuse of town resources, anti-harassment, and information and data security.

Violation of these policies and/or state and federal laws can lead to disciplinary action, up to and including dismissal and possible criminal prosecution.

#### L. Inappropriate Use of Internet and Intranet

Use of town computer, network, or internet resources to access, view, transmit, archive, or distribute racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. “Material” is defined as any visual, textual, or auditory item, file, page, graphic, or other entity. Such material violates the town’s anti-harassment policies and is subject to disciplinary action.

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No employee may use the town's Internet/Intranet facilities to deliberately propagate any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the town's network or systems or those of any other individual or entity.

The municipal Internet/Intranet facilities and computing resources must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of town resources for illegal activity can lead to disciplinary action up to and including dismissal and criminal prosecution.

#### M. Internet and Intranet Security

The town owns the rights to all data and files in any information system used by the town. Internet use is not confidential and no rights to privacy exist. The town reserves the right to monitor Internet/Intranet usage, both as it occurs and in the form of account histories and their content. The town has the right to inspect any and all files stored in private areas of the network on any types of computer storage media in order to assure compliance with this policy and state and federal laws. The town will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities.

Existing rules, policies, and procedures governing the sharing of work related or other confidential information also apply to the sharing of information via the Internet/intranet.

The town has taken the necessary actions to assure the safety and security of our network. Any employee who attempts to disable, defeat, or circumvent town security measures is subject to disciplinary action, up to and including dismissal.

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## I. PURPOSE

To establish procedures and responsibilities of officers who are assigned vehicles pursuant to the departments assigned take home vehicle program.

## II. DISCUSSION

Individually assigned take home vehicles provide many advantages to the community, the department, and the officer. The public benefits by increased police vehicle visibility and reduced response time. The department benefits from a reduction of maintenance costs, increased accountability and ability to summon off-duty officers in emergencies and have them report directly to the area where needed. The officers will have enhanced pride in the having a take home vehicle for exclusive use.

## III. DEFINITION

1. Used Tire: A tire that is like new that has been removed from service and repaired with the speed rated plug/patch or one removed from a LPD vehicle. Only used tires removed from LPD vehicles will be utilized.
2. Tire Failure: A failure caused by an object puncturing the tire, air loss, blowouts etc.
3. Speed Rated Tire Plug/Patch: An approved repair kit approved by leading tire manufacturers that does not reduce the speed rating or performance of the tire.

## IV. PROCEDURE

The use of an assigned take home vehicle is a privilege and not a fringe benefit or employment right. The privilege is subject to change or revocation at any time at the discretion of the Chief of Police or his designee.

### A. Eligibility

1. Officers without prior experience must have successfully completed their FTO training and be released from the FTO training program. Lateral officers who join the department, may, with the permission of the Chief of Police, drive a police vehicle home during FTO training.
2. Officers must have a good work and safety record with no excessive unexcused absences.
3. Vehicles will be assigned by the Chief of Police or his designee in the best interest of the department.

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4. Officers on suspension, or light duty shall not operate any police vehicle at any time during such period and shall leave their assigned vehicle parked at the department until their return to full work status. Officers on extended leave (more than 14 calendar days) shall leave their assigned vehicle parked at the department until their return to full work status.
5. Participation in this plan is a privilege, and violations of policy and/or procedures may result in the loss of privileges to participate, and/or other disciplinary action in accordance with established disciplinary guidelines.
6. It is the officer's responsibility to notify the Assistant Chief of Police within 72 hours when they have a change of address.

**B. Operation of Assigned Vehicles**

1. Only authorized personnel may operate the assigned vehicle. Authorized personnel include the officer assigned the vehicle, maintenance personnel, and any other officer designated by a supervisor.
2. No person, neither police employees nor others, are to be transported in police vehicles except for a police purpose. Operators of police vehicles are responsible for the appearance and conduct of passengers.
3. Operators of police vehicles must comply with all rules, regulations and laws concerning operation of vehicles. No special privileges are afforded to operators of police vehicles either on or off duty, such as parking in handicap spaces, double parking, except in emergency circumstances.
4. No alcoholic beverages or contraband of any type may be transported under any circumstance, except as necessary in the official performance of police duties. No officer shall operate a police vehicle after having consumed any alcoholic beverages, and/or any other impairing substance.
5. Officers operating police vehicles must meet the minimum dress code standards for the Landis Police Department. In all cases, an officer must be armed with his assigned duty weapon, or departmentally approved off-duty weapon, and have in his possession his badge and department identification card while operating the police vehicle.

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6. Vehicles must be secured and locked anytime the vehicle is unattended.

C. Use of Assigned Vehicles

1. Officers are to use the assigned police vehicle only in the capacity for which it is assigned. Officers' conduct shall be such that the image of the department will be positive.
2. Assigned vehicles may only be driven to and from the officer's residence and/or his assigned on-duty or secondary employment location. Vehicles may be driven to institutions of higher learning (i.e. colleges) within Rowan County, or outside the County for assigned and approved departmental training.
3. Officer's operating assigned vehicles off-duty are required to monitor the main police radio frequencies, and respond to, and render assistance where needed, apprehend violators of serious crimes and/or summon on-duty officers in circumstances which require police response in such instances. Off-duty officers will be compensated in accordance with established procedures.
4. Personnel operating police vehicles are not required to check in and out of service while off-duty, unless they respond to an incident or working off-duty. Duty time does not include travel from and to the officer's residence, unless the officer resides within the jurisdiction of the Town of Landis or within 5 miles of the Town's limits.
5. Officers living outside the town limits are permitted to take their assigned vehicle home only if they reside within a 30-mile radius of the Landis Police Department.
6. Officers who live outside the 30-mile radius are required to park their car at an approved location, as deemed acceptable by the Chief of Police, and commute their remaining distance in a vehicle not owned by the Town of Landis. There is no limit to how far away an officer may live from the Landis Police Department.
7. Other town vehicles that are used, are at the discretion of the Chief of Police or his designee.

D. Maintenance of Assigned Vehicles

1. Officers are required to inspect their vehicles before and after each tour of duty (on or off duty) and report any damage to their supervisor.
2. It is the operator's duty to keep the vehicle clean and in good repair. These duties shall be performed while on-duty, unless prior approval is obtained. These duties include, but are not limited to, cleaning inside and out, checking and maintaining



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proper tire pressure, checking oil and other fluids along with gasoline.

3. Portable radios and weapons are not to be left in parked vehicles while the operator is off-duty, except the shotgun and other long weapons must be secured in the trunk and/or in the gun rack. All weapons shall be removed from the vehicle prior to leaving the car for service.
4. Vehicles shall not be altered in any way unless approved by the Chief of Police or his designee. No unauthorized equipment shall be placed in any police vehicle and no unauthorized bumper stickers or tags may be placed on the vehicle.
5. Routine preventative maintenance is the responsibility of the officer to whom the vehicle is assigned. When the vehicle is due for service or in need of repair, the employee shall submit the vehicle to the designated service center for the work.
6. The designated service center shall perform all maintenance on police vehicles.
7. Should an assigned vehicle break down, or be required to be left out of service, the officer shall drive a pool vehicle. A pool vehicle may only be taken home with the permission of the Chief of Police or his designee in order to ensure spare vehicles are available to other officers if required.
8. Any damage to a police vehicle must be reported immediately to the employee's supervisor.

**E. Vehicle Tire Maintenance**

1. All assigned vehicle tires will be rotated at the same time as the scheduled oil change.
2. All sworn and civilian personnel with assigned vehicles will maintain the proper psi (air pressure).
  - (a) Maintaining proper air pressure is vital for the safety of the operator, the motoring public and the life of the tire.
  - (b) LPD fleet vehicles require varying PSI established by the manufacturer of the vehicle and tires.
  - (c) Vehicle PSI recommendations are displayed inside the vehicle door jamb.
3. Vehicles requiring the replacement of two or more tires will be equipped with 4 new tires of manufacturer recommendation and size.

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4. When a tire failure occurs on one tire, the tire will be replaced with a used tire with like tread and same make and size of the remaining tires.
  - (a) If used tires are not readily available, the damaged tire will be inspected to determine the extent of the damage. If the tire passes the inspection it will be plugged in compliance with manufacturer guidelines pertaining to the speed rated plug/patch procedures.
  - (b) Studies conducted by the leading tire manufactures have proven that damaged tires can be successfully repaired and maintain their speed rating with a speed rated plug/patch when the repair is done following manufacturer's guidelines concerning speed rated tires.
5. If a tire failure occurs as a result of the tire striking an object, i.e.; curbs, drain cover etc, the rim will be removed from service. The rim may have damage such as hairline cracks that may not be visible and difficult to detect. Any damage to the rim can cause problems such as air loss. Any damage to the rim can cause tire failure.
6. All new spare tires in the vehicle will be replaced with used tires.
7. No vehicle will be equipped with mixed-matched tires.

Any concerns regarding the maintenance of fleet vehicles should be directed to your supervisor.

#### F. Administrative Inspections

1. Vehicles assigned to officers shall be inspected by the supervisors of the officer to ensure the vehicle is safe and properly maintained.
2. Supervisors shall randomly check assigned vehicles in unannounced inspections and shall insure the assigned vehicle is being properly maintained and equipped; such inspections may include an inspection of the entire vehicle. Supervisors shall check for cleanliness, signs of abuse, fluid levels, and tire wear. Assigned equipment such as First Aid kits, hazardous waste kits, fire extinguishers, and other assigned gear must be present and operable.

#### G. Seat Belt Use

1. All employees occupying a Town owned vehicle will use safety belts/ restraining devices unless specifically exempted. When the use of seat belts would have an adverse effect on officer safety or interfere with tactical or other functions, an exception to this procedure may be granted by a first-line supervisor and/or commanding officer.
2. Seat belt usage is mandatory for all non-custodial passengers in a town-owned vehicle.

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3. When transporting a child, a child-safety restraint is required unless exigent circumstances exist.
4. No person will operate a department vehicle in which the driver's seat belt is inoperable.
5. No person will be transported in the front passenger seat if that seatbelt is inoperable.
6. Arrestees should be secured and transported in the back seat. State law does not require seat belt use for a person in the custody of a law enforcement officer when being transported in the back seat of a law enforcement vehicle (NCGS 20-135.2A(c) (7)). However, if arrestees are transported in the front seat, a seat belt shall be utilized.

H. Transportation of Sworn and Non-sworn Personnel

- 1) An officer may transport a civilian in a police vehicle according to the following criteria:
  - a) Transportation of a civilian will be in the public interest.
  - b) Transportation of a civilian will not interfere with police operations.
  - c) The civilian has been involved in an emergency situation or is faced with an unforeseen and unavoidable inconvenience, such as, involved in an accident, vehicle breakdown, victim of domestic violence, etc.
- 2) An officer may transport a civilian who the officer believes is a victim of domestic violence to their residence to obtain clothing, medication or other personal property as is reasonably necessary to enable them and any minor children in their care to stay elsewhere, including a shelter, etc.
- 3) Members of the Landis Police Department may be transported in police vehicles if such transportation does not interfere with police operations.

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## I. PURPOSE

The following policy regarding Mobile Data Terminals from Rowan County is hereby adopted by the Landis Police Department pursuant to the original transition to Sungard Public Sector/OSSI (Now Central Square). This policy is part of the Landis Police Department's Policy and Procedure Manual. This is mandated by an agreement between the Landis Police Department and Rowan County Communications.

## II. POLICY

The Rowan County Telecommunication's Office (911) facilitates Mobile Data Terminals (laptop computers) for various agencies of the county in an effort to enhance user safety and efficiency. The agency has established procedures for use and maintenance of Mobile Data Terminals. It strongly recommends the installation of Global Positioning System (GPS) units in each agency vehicle with a permanent Mobile Data Terminal (MDT) mount in an effort to enhance user safety and efficiency through the usage of Automatic Vehicle Locating (AVL) technology. Rowan County Telecommunications has established guidelines for the issuance, use and maintenance of such equipment for all agencies.

## III. DEFINITIONS

1. Digital Dispatch (DD) – Refers to the ability to have a call for any service dispatched directly to a Mobile Data Terminal (MDT) and allow users to research call information, initiate a call for service, and check location call history prior to arriving on scene.
2. Secure Location – A designated location selected in accordance with security criteria for user vehicle parking and approved in advance by the appropriate command staff. Refer to latest updated CJIS Security Policy in Omnixx Links for DCIN users.
3. Global Positioning System (GPS) - Refers to the satellite based system which provides accurate real time positioning and movement of vehicles equipped with GPS units.
4. GPS Unit - Refers to all cables, connections, and antennas that incorporate to the GPS unit.
5. Mobile Data Terminal (MDT) - Refers to laptop computers running OSSI MCT application software.
6. CFS – Refers to calls for service.
7. Automatic Vehicle Locator (AVL) - Refers to automatic and continuous GPS designation of vehicle location to agency supervisors and Communications Center telecommunicators.
8. Term ID's – Unique identifier that links the MDT to the OSSI message switch.

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9. Super User – Someone who has access and system knowledge above that of the end user.

#### IV. PROCEDURES

##### 1. Getting Started:

- a. Administrator
- b. Purchasing license
- c. Message switch license
- d. Agreement between purchasing agency and Telecommunications (kept in the Chief's Office)

##### 2. MDT Issuance:

- a. MDTs shall be issued by their respective agencies in coordination with Rowan and Salisbury I T offices.
- b. Access to the MDT issued to a user is limited to his/her job description.
- c. MDT's are only to be used by their assigned personnel or apparatus

##### 3. Training:

###### a. Administrator Training:

- i. Administrators are required to receive the following training prior to use of MDT.
  1. Rowan County Information Systems will establish and maintain Term IDs for MDT use. Term ID blocks may only be used by the authorized agency. Term ID's must not be changed without approval of the agencies' designated IT staff or Super User.
  2. Non-County agencies will be responsible for loading, configuring and updating the OSSIMCT application software. Rowan County Information Systems will provide assistance and make recommendations as needed.
  3. All agencies are expected to have a fully functioning spare device in the event of hardware failure or software malfunction.

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- b. Super User Training:
- i. The Telecommunications Director will provide Super User Training
  - ii. A Super User is anyone who has been approved by the Telecommunications Director.
- c. End User Training:
- i. End User training must be performed by a Super User.
  - ii. Users are required to receive the following training prior to issuance of an MDT:
    1. Use and operation of the MDT.
    2. If law enforcement, Training and certification in the Division of Criminal Information (DCI) Network if DCI access is applicable.
    3. Open Software Solutions, Inc. (OSSI) Digital Dispatch (MCT).
    4. Digital Dispatch and Automatic Vehicle Locator.
4. MDT Care:
- a. Users shall take care that no food or beverage comes in contact with the MDT.
5. MDT Use:
- a. When non-administrative staff is available for assignment to CFS, the MDT shall be logged on to Digital Dispatch.
  - b. Personal identification and access codes shall not be revealed to any unauthorized person. Individuals requesting MDT access shall contact their agency administrator for proper access authorization and codes.
  - c. MDT's are the property of the respective agencies and shall be used for official business only. MDT use is subject to each respective agencies computer usage policy. All usage and messages sent through the MDT are recorded and stored. Agency supervisors may access information on any user's MDT at any time without notice.
  - d. While responding emergency traffic the vehicle operator shall not use the MDT. Telecommunicators should verbalize updates as well as enter CAD notes for users during emergency response.
  - e. At the end of shift, users shall log off of the MDT according to agency specific policies.

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6. Issuance of GPS Units:

- a. GPS units shall be installed into user agencies' vehicles in conjunction with the installation of or the upgrade of the MDT systems. These units shall not be removed from any vehicle or disconnected in any vehicle without written acknowledgement of the user agencies designated personnel, or by the appropriate division supervisor or higher authority.

7. Operation of GPS Units:

- a. Users shall not tamper with the GPS unit installed in their vehicle or allow anyone else to tamper with the unit other than in the official course of their duties. This includes, but is not limited to, concealing or obstructing the GPS antenna installed in vehicles in any manner, disconnection of data cables attached to the MDT, or the powering off of the MDT or GPS unit while on duty and in the vehicle. Instances of tampering with the GPS unit constitute a serious violation of user agencies policy and may result in disciplinary action in accordance with individual agency policy.

8. Use of Digital Dispatch:

- a. Users shall not use Digital Dispatch for emergency traffic and shall transmit such radio traffic fully by radio. Only units checking en route after the primary unit has verbally checked en route shall be allowed to use the Digital Dispatch functionality to reduce further radio traffic.
  - i. See individual agency policy reference to status change.
- b. If an individual agency permits and the types of self-initiated calls are approved by the Telecom Board, then users may self-initiate via MDT routine CFS. If an event is self-initiated via MDT, it may be cleared via MDT.

1. Approved self-initiated calls for service include:

Civil Service  
 SOR checks  
 School Checks  
 Service Assignments  
 Info (all)  
 Business/Welfare Checks  
 Event Standbys

- c. Status changes should be made via MDT and then via radio. (Can be reviewed in 6 months or one year)

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|   | <b>POLICY # 400.05</b>               |                           |

- d. OCA/Incident Number/Rpt# can be generated on CFS if needed.
  - e. Users may arrive themselves on all calls, however, they must verbalize on the primary radio talk group also. Users may clear themselves on all calls.
  - f. Users shall add call notes to all calls in which a case number has not been generated. If the User cannot add call notes via MDT, he/she shall notify the Communications Center of the notes to be added.
  - g. Users shall not use the self-initiate function for any calls via their MDT using Digital Dispatch if no location appears in the location field, or if the address which appears is incorrect, except for making minor changes to the block, house or business number.
  - h. Users may check themselves on-duty via MDT. Users must check out of service via their radio.
  - i. If the location that a user self-initiates does not match where the Communications Center has the unit visually appearing on their maps, Communications Center telecommunicators shall contact that user via the radio to confirm his/her actual location.
  - j. If a complete system outage occurs that only affects Digital Dispatch/AVL, all units will revert to standard radio dispatching and the on-duty or on-call IT staff member shall be contacted immediately.
  - k. If an user's GPS/AVL location no longer appears on the communication CAD terminals and the user is on regular duty with the MDT logged in, the user shall be contacted immediately for a location check. If a user no longer appears to be connected to Digital Dispatch through their MDT, he/she shall be contacted by Rowan Communications Center telecommunicators. The second contact and subsequent occurrences shall be reported to the user's supervisor.
9. Nothing in this policy supersedes any Policy of the Landis Police Department. If a conflict in policy arises, the policy of the Landis Police Department shall prevail.
  10. Officers shall ensure that their AVL/GPS is working at the beginning of every tour of duty. Should an AVL/GPS stop working, the officer shall immediately notify their supervisor so that the issue can be fixed as soon as possible. Notification shall be made either in-person, on the phone, or via email as soon as the issue is discovered.
  11. No officer shall disable, unplug, turn-off, or otherwise make inoperable any AVL/GPS device in an attempt to conceal their location(s).



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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <b>Off-Duty Use of Police Vehicles</b> | <b>Page 1 of 2</b> |
|  | <b>Effective Date:</b> 03/01/2021      |                    |
|  | <b>Amended:</b>                        |                    |
|  | <b>POLICY # 400.06</b>                 |                    |

**I. PURPOSE**

To establish guidelines for off-duty uniformed officers to utilize marked and / or unmarked police vehicles at locations within the town limits during periods of off-duty employment.

**II. DISCUSSION**

There is a continual need by the police department to increase the perception to the general public that officers are readily available for response to their needs and calls for service, as well as providing the safest environment possible to the officers. Another consideration for using police vehicles during such periods is that of reducing the non-emergency responses of the patrol division to allow for a timelier response to critical incidents. Utilizing our vehicle fleet in an effective manner will afford us the opportunity to accomplish these objectives.

**III. PROCEDURE**

- A. Patrol vehicles used during off-duty employment may be used only when the employment involves enforcement of the law.
- B. Uniformed off-duty officers may check out a patrol vehicle for use at an off-duty job location if they are not assigned a vehicle or their vehicle is currently out of service:
  - 1. For transportation to and from the off-duty job.
  - 2. For use at the job location to include visibility, enforcement of laws and ordinance, as well as transportation of persons taken into custody.
- C. The on-duty patrol supervisor will be responsible for the issuance of the marked units to off-duty personnel on the first come basis. In considering the issuance of the vehicle, the projected needs of the department shall be considered.
- D. The on duty needs of the patrol division shall receive first priority for the use of all marked units.
  - 1. Officers checking out a vehicle may be directed to return the vehicle to the station or other location should a need arise. The officer must respond without delay.
  - 2. Officers should not check out the vehicles more than thirty (30) minutes prior to their off-duty employment starting time.
- E. Officers assigned permanent vehicles may drive these vehicles to off-duty job locations but must make contact with communications and provide pertinent information as to vehicle number, location vehicle will be used and time of assignment.

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- F. Officers utilizing these vehicles for off-duty jobs shall respond to any emergency call for service in their immediate area and provide assistance as needed at the direction of communications.
- G. Officers are required to return vehicles to the station with no less than ¾ tank of gas.
- H. Officers using vehicles will be responsible for the transportation of any subject taken into custody as well as any associated paperwork required.



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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Body Worn Camera</b>           | <b>Page 1 of 8</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 400.07</b>            |                    |

## I. PURPOSE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with law. This policy also establishes guidelines related to the use, management, storage, and retrieval of the audio and video recordings from departmentally issued BWCs.

## II. POLICY

It is the policy of the Landis Police Department (LPD) that officers shall activate the BWC when such use is appropriate to the proper performance of an officer's official duties, where the recordings are consistent with this policy and applicable law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

## III. PROCEDURES

### A. Administration

The LPD has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs assist in documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance the ability of the LPD to review probable cause for arrest, officer and suspect interaction, and evidence for investigative, prosecutorial purposes, provide additional information for officer evaluation, and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

### B. When and How to Use the BWC

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official enforcement or investigative duties.
2. Officers may deactivate the BWC when the incident has transitioned to a controlled orderly manner, when the officer has completed the interaction, or as instructed by their supervisor.

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3. In locations where individuals have a reasonable expectation of privacy, such as a residence, the individual may decline to be recorded *unless* the recording is being made pursuant to an arrest, search of the residence or the individuals, or sweep of the residence as authorized by law.
4. The BWC shall be activated to record the entire duration of any prisoner or civilian transport. This provision does not apply to approved LPD Ride-Along participants.
5. The BWC shall be activated, as soon as safely practical, during any emergency vehicle driving operations.
6. The “muting” of any recording is *only* allowed when not in the presence of, or directly interacting with, citizens during the performance of official enforcement or investigative duties.

**C. Procedures for BWC Use**

1. BWC equipment is issued to uniformed personnel as authorized by the LPD. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by the LPD. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the LPD.
3. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
4. Officers shall wear the BWC and mount in a manner consistent with their training, and which will allow the recording of an incident that most closely replicates the best sight line of view for the officer during a recording encounter. It is the responsibility of the officer to ensure the BWC remains in a position for proper recording during his or her shift.
5. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions or damaged or lost equipment shall be brought to the attention of the officer’s supervisor as soon as possible so that a replacement unit may be procured if available. Any damaged or

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lost equipment due to officer negligence or carelessness shall be subject to disciplinary action.

6. Officers shall inspect and test the BWC and its battery prior to each shift in order to verify it is fully charged and is properly functioning. Officers shall notify their supervisor of any problems with their BWC.
7. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his or her designee. The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited. Dissemination of any recording captured by a BWC, except in accordance with official LPD business and this policy, is strictly prohibited. The prohibition on “sharing” does not apply to authorized recipients such as the Rowan County District Attorney’s Office.
8. Employees shall not use any recording device (such as a phone, secondary camera or any other such device) to record captured video/audio footage or retrieve stored data.
9. Officers will inform their immediate supervisor of any recordings that may be of value for training purposes.
10. If an officer is suspected of misconduct, involved in an officer-involved shooting or other use of force incident resulting in serious injury; the officer shall complete all reports and give his or her statement to the designated Internal Affairs Investigator prior to viewing the BWC footage. Only after an officer has completed his or her reports following such an event, shall the officer be permitted to view the BWC footage if they desire to do so.

Upon completion of the incident report, the officer shall include the following statement: “I have completed this report prior to reviewing any video/audio pertaining to this incident to the best of my knowledge.”

11. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief or his or her designee in accordance with North Carolina municipal record retention schedules. All requests and final decisions regarding any deletion shall be kept on file until the administrative value of the decision ends.
12. Officers shall note in all reports when recordings are available. However, BWC recordings are not a replacement for written reports.

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13. Prior to conducting a strip search, the officer shall record a 360-degree video of the location where the search will be conducted; however, before any part of the actual strip search begins, the officer shall verbally record as to the reason the BWC has stopped recording. Once the reason is recorded, the officer(s) shall stop recording. As soon as the search is complete, the officer shall resume recording.
14. During a consent search, officers shall record themselves asking for consent and the citizen's response to that request. If during a consent search in a non-public place, the citizen no longer wants the search recorded, the officer shall stop recording.

#### **D. Restrictions on Using BWC**

BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:

1. Surreptitious recordings of communications between police personnel (Sworn/Non-Sworn) is prohibited without the express written permission of the Chief or his or her designee.
2. Encounters with undercover officers or confidential informants.
3. Any tactical planning, including preparations for the tactical service of any search or arrest warrant.
4. In a non-law enforcement capacity or for personal activities or use.
5. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or dressing room, unless present in an official law enforcement capacity.
6. Exposed genitals or other sexually sensitive areas, unless doing so is unavoidable.
7. The purposeful activation of BWC's during personal conversations involving counseling, guidance sessions, or personnel evaluations is prohibited unless all parties present agree to be recorded.
8. Whenever reasonably possible, officers should avoid recording children who are not involved in an incident, as well as innocent bystanders.
9. Judicial proceedings, including first appearances in front of magistrates. The BWC shall be powered off for judicial proceedings.

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10. Conversation between healthcare providers and patient pertaining to his or her medical history and or treatment.
11. When interacting with an apparent crime victim, if the apparent crime victim wants the officer to discontinue use of the body camera. The officer shall immediately discontinue use of the BWC unless the officer believes it is necessary to continue taping the event, for the officer's safety, the safety of others or to insure an accurate account of the event.

#### **E. Secondary Employment**

1. Officers issued a BWC shall adhere to all guidelines and procedures set forth in this policy while performing secondary employment.
2. Officers at the rank of sergeant and below who are assigned a BWC shall be required to wear and use the BWC and mount during the course of their law enforcement off-duty secondary employment except as follows: Sworn employees working as School Resource Officers are not to activate a BWC while working on campus during normal school hours, unless responding to a police related call for service (assault, drug investigation, theft, etc.)

#### **F. Storage**

1. All files shall be securely downloaded by the end of each shift. The officer shall categorize the file no later than 3 days from the recording. Each file shall contain information related to the date, BWC identifier, and case report number or CAD event number, title of the case, categorization type, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of the LPD. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
3. All BWC digital media will be erased from the server after the appropriate retention period based upon the classification of the case set forth in appendix A.
4. Case files must be retained in accordance with North Carolina municipal records retention schedules.

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## G. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers equipped with a BWC utilize the equipment in accordance with policy and procedures.
2. Supervisory personnel shall ensure that BWC recordings are correctly retained and categorized according to storage procedures in section F subsection 1.
3. Supervisors with a BWC shall place the BWC in recording mode upon arriving on scene of all supervisor requests initiated by a citizen or an officer.
4. At least quarterly, supervisors will audit one video per officer and document their findings in a memo to the Chief of Police or his or her designee to ensure that the equipment is operating properly and officers are using their BWC in accordance with policy.

The report shall address any training or written directive issues resulting from the audit and provide recommendations regarding compliance and accountability.

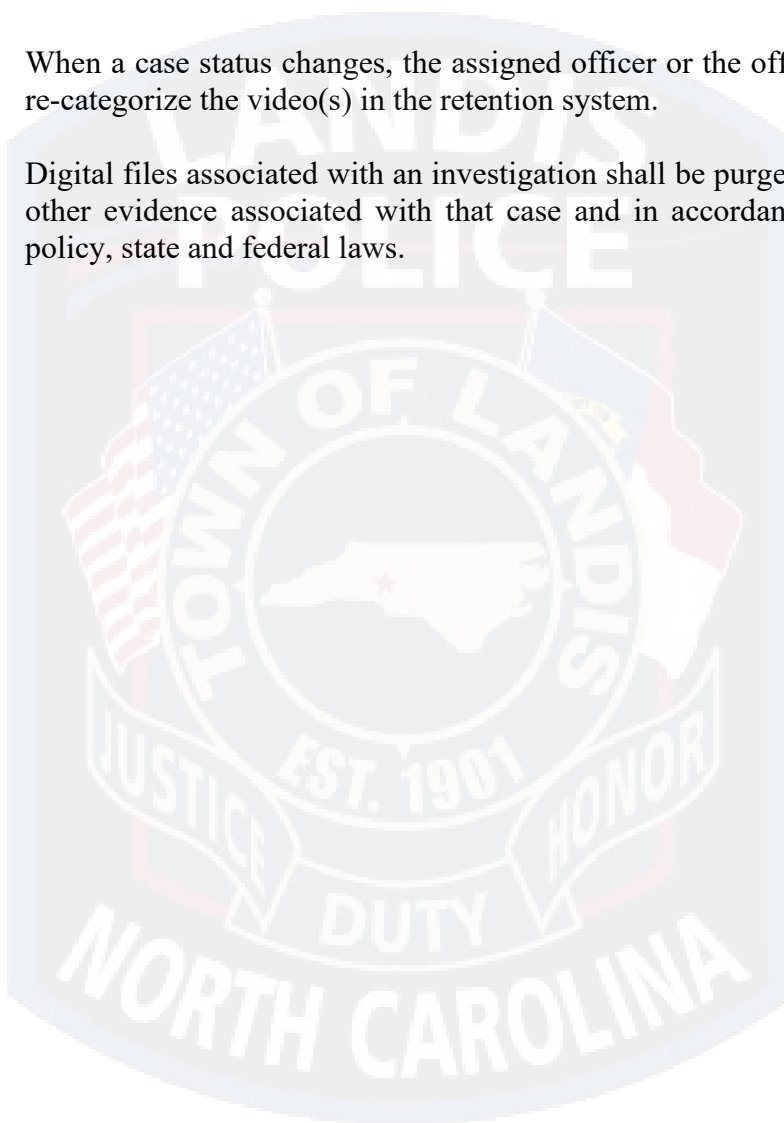
5. Any supervisor or command staff officer of the department shall have access to all BWC data recordings for reviewing complaints filed against officers that the supervisor is responsible for investigating.
6. Supervisors will download recordings to media file (i.e. MP4) or CD for administrative investigations within 90 days. The recording will be placed in the investigative file.
7. A supervisor will physically take custody of the officer's BWC at the scene of an officer-involved shooting or use of force incident involving serious injury. The supervisor assumes responsibility for downloading the data.
8. Retention
  - a. Any portion of a recorded image that records an event surrounding a violation of the law, which includes an infraction or a crime or offense prosecutable in the criminal courts in this State or the United States, is considered a record of a criminal investigation, as described by NCGS 132-1.4, and not a public record, as deemed in NCGS 132-1.
  - b. Recordings will be released or disclosed pursuant to NCGS 132-1.4A.
  - c. It shall be the assigned case officer's responsibility to ensure that all recordings which constitute evidence, or are required to be included in the case file, are



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properly labeled and categorized for storage prior to their scheduled purge date from the department's designated BWC digital evidence media management location.

- d. When a case status changes, the assigned officer or the officer's supervisor will re-categorize the video(s) in the retention system.
- e. Digital files associated with an investigation shall be purged in conjunction with other evidence associated with that case and in accordance with current LPD policy, state and federal laws.



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## APPENDIX A

A list of each category and the number of days until deleted.

|    | <b>Category</b>                | <b>Days Until Deleted</b> |
|----|--------------------------------|---------------------------|
| 0  | All Other                      | 30 Days                   |
| 1  | Misdemeanor                    | 1,095 Days                |
| 2  | Solved Felony                  | 7,300 Days                |
| 3  | Unsolved Felonies              | Indefinite                |
| 4  | Unsolved Malicious Misdemeanor | Indefinite                |
| 5  | Administrative Investigation   | 90 Days                   |
| 9  | Restricted                     | 90 Days                   |
| 10 | None/Uncategorized             | 30 Days                   |
|    |                                |                           |

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|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 500.01</b>            |                    |

## I. PURPOSE

Establish departmental guidelines for the seizure and disposition of real or personal property under state and Federal forfeiture laws.

## II. POLICY

To identify assets derived from criminal enterprise and to pursue the seizure and forfeiture of such assets in accordance with State and Federal law. Officers shall comply with applicable constitutional, statutory, and administrative requirements governing seizure practices and procedures.

## III. DEFINITIONS

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

- A. Adoptive Seizure: The Federal adoption and forfeiture of property seized exclusively through the efforts of state or local agencies. Federal law enforcement agencies empowered by statute or regulation may adopt such seized property for forfeiture where the conduct giving rise to the seizure is in violation of federal law. Forfeitures of seized property adopted in this manner have the same effect as if the property had originally been seized by the Federal government. Adoption is discretionary and subject to the guidelines of each federal agency.
- B. AFC (Asset Forfeiture Coordinator): An officer designated by the Chief of Police as having administrative oversight responsibility for all asset forfeiture cases originated by members of the department.
- C. Conveyance: Any vehicle, vessel, or aircraft.
- D. Joint Seizure: The federal forfeiture of property seized during a law enforcement operation that involves both local and federal law enforcement authorities. In such cases, the participating federal agency will normally administer the forfeiture.
- E. Personal Property: Includes currency, bank accounts, monetary instruments, jewelry, conveyances (vehicles, vessels, and aircraft), firearms, or any other item of ownership not defined as real property.
- F. Proceeds: Money derived from the sale of forfeited property.
- G. Real Property: Generally, refers to land and any improvements, structures or appurtenances erected or affixed on the property.

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- H. State Seizure: A seizure made by local authorities that is administered under North Carolina law and that requires either forfeiture to the local school system or the escheat fund, return to the lawful owner, or forfeiture to a permissible law enforcement purpose.

#### IV. PROCEDURES

##### A. Administration

1. The Chief of Police serves as the agency's executive point of contact for Federal and/or State agencies involved in the forfeiture process.
2. The AFC will serve as the operational point of contact for Federal and/or State agencies involved in the forfeiture process.
3. All seizure of property subject to State or Federal forfeiture shall be jointly reviewed by the seizing officer, his or her immediate supervisor, or the AFC. The purpose of the review will be to determine if the seizure is in compliance with applicable law and the provisions of this policy. If it is determined that the seizure does not meet statutory requirements, the property must be promptly returned to the lawful owner or possessor.
4. Property or conveyances retained or awarded for law enforcement use shall be subject to internal controls consistent with those applicable to property acquired through the normal purchasing processes of the town.
5. The town shall establish separate, designated revenue and expenditure accounts for the deposit and disbursement of proceeds received from state and federal forfeitures, including any interest income generated by these funds. These accounts are exclusive and contain no other funds.
6. The Chief of Police will determine the purposes for which forfeited property and proceeds are utilized by the agency and must authorize all expenditure of funds. Expenditures shall be affected only for permissible law enforcement uses, and then only in accordance with the town's established purchasing procedures.

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## B. Federal Forfeitures

1. In 1984, the Comprehensive Crime Control Act was passed which permitted the Federal government to share assets forfeited under Federal law with the local government whose officers assisted with the investigation and/or seizure. There are two ways that a local law enforcement agency can participate in the Federal equitable sharing program:
  - (a) Joint Investigations: Those in which federal agencies work with state or local law enforcement agencies to enforce federal criminal laws; or
  - (b) Adoption of Local Seizure: A local law enforcement agency that has seized property may request that one of the participating federal agencies shown in paragraph (3) below adopt the seizure and proceed with Federal forfeiture. Federal agencies may adopt such seized property for Federal forfeiture where the conduct giving rise to the seizure is in violation of federal law and Federal law provides for forfeiture.
2. Types of Federal Forfeiture Actions:
  - (a) Criminal Judicial Forfeiture: An action brought as part of the criminal prosecution of a defendant. It is an action against the person and requires that the government indict the property used or derived from the crime along with the defendant. If the jury finds the property forfeitable, the court issues an order of forfeiture.
  - (b) Civil Judicial Forfeiture: A civil action brought in court against the property. The property is the defendant and no criminal charge against the owner is necessary.
  - (c) Administrative Forfeiture: An action that permits the federal seizing agency to forfeit the property without judicial involvement.
3. Federal law enforcement agencies participating in the federal forfeiture program, and who directly adopt state and local seizures are as follows:
  - (a) Justice Department Agencies
  - (b) Treasury Department Agencies
  - (c) Department of Homeland Security
  - (d) U.S. Postal Service

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- (e) U.S. Department of Interior
4. Major Statutes Enforced by Federal Agencies that Permit Equitable Sharing include:
- (a) Violations (Title 21 USC § 333(e)(3), 853 and 881);
- (b) Money Laundering Violations (Title 18 USC §981 and 982);
- (c) Gambling & Racketeering Laws (Title 18 USC §1963, 1955 and 1177);
- (d) Child Pornography & Obscenity Laws (Title 18 USC §2253, 2254 and 1467);
- (e) Auto & Electronic Communication Theft (Title 18 USC §512 and 2513);
- (f) Illegal War Munitions (Title 22 USC §401);
- (g) Copyright Materials (Title 17 USC §509);
- (h) Smuggling of Aliens (Title 8, USC §1324(b)); and
- (i) Drug Paraphernalia (Title 21, USC §857).
5. In adoptive cases, officers must adhere to the minimum monetary thresholds for adoptive forfeitures established by the adopting Federal agency.
6. After the seizure in a joint investigation or adoption in an adoptive case, the Department may request a share of the property by submitting an Application for Transfer of Federally Forfeited Property to the pertinent Federal investigative agency.
7. If an adoptive seizure is requested, the seizing officer and AFC are jointly responsible for the following:
- (a) Determine that the seized items to be transferred to Federal authorities are not required for use in any State prosecution;
- (b) If the seizure was made under a State law, provide written notice to the District Attorney that the property is being transferred to federal authorities, as the property is not required for state prosecution.

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- (c) Complete all required application forms for review and signature by the Chief of Police and Town legal staff, and submit the forms to the Federal agency administering the forfeiture;
- (d) Coordinate with the adopting Federal agency regarding the transfer of the seized property to Federal custody. Any seized cash must be converted into a check when transferring seized funds to a Federal agency.

C. State Forfeitures

1. North Carolina statutes enforced by the Landis Police Department in which property or currency is subject to seizure and forfeiture include, but are not limited to:
  - (a) NCGS 90-112 Violations of the North Carolina Controlled Substances Act;
  - (b) NCGS 14-269.1 The Illegal Use or Possession of Deadly Weapons;
  - (c) NCGS 14-7.20 Profits Derived From a Continuing Criminal Enterprise;
  - (d) NCGS 14-2.3 Gain Acquired Through Felonies;
  - (e) NCGS 14-86.1 Conveyances Used in Committing Felony Larcenies & Other Crimes;
  - (f) NCGS 14-399(g) Conveyances and Equipment Used to Deposit Litter;
  - (g) NCGS 15A-289 Illegal Electronic Surveillance Equipment;
  - (h) NCGS 18B-504 Violations of State ABC laws;
  - (i) NCGS 20-28.5 Forfeiture of Motor Vehicle for DWI after DWI License Revocation;
  - (j) NCGS 20-138.5 Habitual Impaired Driving; or
  - (k) NCGS 75D-5 Racketeering Influenced & Corrupt Organizations (RICO).
2. All seizures of property or currency that is subject to forfeiture under state law shall be reported by the seizing officer to the AFC by the end of the next working day, or as soon as possible, following the seizure.

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3. Any property seized that is subject to forfeiture under State law shall be inventoried and listed on an Evidence Log as seized property. A copy of this sheet shall be forwarded to the AFC.
4. Seized conveyances shall be inventoried prior to storage in accordance with agency policy and properly secured to protect their value. The keys to the seized conveyance (if any) shall be affixed to a key ring to a locking device. These keys shall then be forwarded to the AFC for safekeeping.
5. A determination will be made by the AFC in cases where there is a question as to the suitability of a conveyance for forfeiture proceedings.
6. Under selected State statutes, forfeited property (other than currency) may be awarded upon request to the seizing law enforcement agency for official permitted uses. When the property is of no further use to the agency, the property will be sold at public auction. The proceeds from the sale, excluding any costs for forfeiture, maintenance of custody/storage, advertising, and court costs, must be turned over to the school fund of the county in which the seizure was made and adjudicated.
7. All forfeited property turned over to the Landis Police Department for official use shall be properly documented. Final disposition of forfeited property shall be in accordance with State and Federal law.



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## I. PURPOSE

To improve the reliability of eyewitness identification procedures used by the employees of the Landis Police Department.

## II. POLICY

It is the policy of the Landis Police Department to conduct lawful eyewitness identifications under the Eyewitness Identification Reform Act, which became effective March 1, 2008, N.C.G.S. §§15A-284.50-284.53

## III. DEFINITIONS

- A. Confidence Statement: A clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words that indicates the confidence level of the eyewitness that the person identified in the given lineup is the perpetrator.
- B. Eyewitness: A person 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. 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: The presentation of only one suspect to an eyewitness.

## IV. PROCEDURE

- A. Conducting a Sequential Photo Lineup
1. As required by GS 15A-284.52(b), Officers will only use the sequential photo lineup process in preparing and presenting a photo lineup to an eyewitness. All photo lineups that pertain to a Class C felony offense or above will be audio and/or video recorded.

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All officers will follow the guidelines listed below:

- (a) Photographs may be generated using photographs from outside sources such as yearbooks, DMV 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:
    - i. All fillers selected shall resemble, as much as practicable, the eyewitness description of the perpetrators significant features or unique features such as beard or tattoos.
    - ii. At least five fillers will be included in the sequential lineup in addition to the suspect.
  - (e) The sequential photo lineup will be conducted by an independent administrator.
  - (f) 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.
  - (g) Only one suspect will be included in a photo lineup.
  - (h) The suspect will not be placed in the first position of any lineup.
  - (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, the suspect's picture shall be placed in different position in the sequential photo array for each eyewitness.
  - (k) Nothing shall be said to the eyewitness regarding the suspect's position in the photo lineup or anything that might influence the eyewitness's identification.
2. The lineup administrator shall separate all witnesses in order to discourage them from conferring with one another before or during the procedure. Each witness will be given instructions regarding the identification procedure without other witnesses being present.

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3. The lineup administrator will read the instructions on the form attached to this policy. 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.
4. 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.
5. The lineup administrator will ensure that no writings or information concerning previous arrests or identifications will be visible to the eyewitness on any lineup.
6. If the eyewitness requests to view the photographic lineup a second time, all photographs will be shown using the same procedure as it was initially presented.
7. If the eyewitness indicates that they recognize someone in the lineup, the officer will ask and document a clear statement from the eyewitness's own words, as to the eyewitness's confidence level that the person identified in the lineup is the perpetrator.
8. The eyewitness shall not be provided any information concerning the person identified until the lineup administrator obtains the confidence statement from the eyewitness.
9. A written record of the eyewitness photo procedure will be kept and include at a minimum:
  - (a) 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;
  - (b) The names of all persons present at the lineup;
  - (c) The date, time and location of the lineup;
  - (d) The words used by the eyewitness in any identification;
  - (e) The number of the photos presented;
  - (f) The sources of the photos presented;
  - (g) The photographs used in the photo lineup.

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## B. Conducting Physical Lineups

1. All physical lineups shall be conducted in accordance with the provisions of North Carolina General Statute 15A-284.52. Lineups may be conducted by an independent administrator utilizing a sequential presentation method or by any alternative method approved by the North Carolina Criminal Justice Training and Education Standards Commission.
2. Physical lineups shall be reviewed for consistency and accuracy by a supervisor before it is presented to a witness.
3. Lineups shall be scheduled at the convenience of the victim/witness and the officer may provide transportation to and from the lineup if necessary.
4. Prior to the presentation of any physical lineup, the independent administrator shall read the attached form to the victim/witness. The form shall instruct the witness that
  - (a) The perpetrator may or may not be present in the lineup;
  - (b) The administrator does not know the identity of the suspect;
  - (c) The witness should not feel compelled to make identification;
  - (d) It is as important to exclude innocent persons as it is to identify the perpetrator; and
  - (e) The investigation will continue whether or not identification is made.
5. The eyewitness must acknowledge receipt of and understanding of the instructions by completing and signing the form. If an eyewitness refuses to complete and/or sign the form, the administrator shall note the refusal of the eyewitness to sign the acknowledgement and shall also sign the acknowledgement. The eyewitness' refusal to sign the form shall not be grounds to discontinue the presentation of the lineup.
6. 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 line up. Each witness will be given instructions regarding the identification procedure without other witnesses being present.
7. A physical lineup shall consist of six people- one suspect and five (5) filler individuals.
8. Only one suspect shall be included in each physical lineup. If there are multiple suspects, a separate lineup for each suspect must be created using five (5) different fillers in each lineup.
9. If there are multiple eyewitnesses, the same filler individuals may be used but the

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suspect shall be placed in a different position in the physical lineup for each witness.

10. If there are multiple eyewitnesses, each shall be given instructions and interviewed separately. Eyewitnesses should be kept separate and instructed not to discuss the identification procedure or the results with anyone other than the independent administrator.
11. All lineups shall be composed so that filler individuals generally resemble the eyewitness description of the suspect in terms of race, hair, skin color and skin tone and should include any significant, unique, or unusual features, to ensure that the suspect does not unduly stand out.
12. Any identifying actions, such as speech, gestures, or other movements, shall be performed by all lineup participants.
13. Avoid using filler individuals who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
14. Lineup administrators shall not allow any victim/witness to discuss the identification procedure with anyone else before, during, or after the lineup procedure. Lineup administrators shall not make any comments, gestures, or statements that could in some way influence the outcome of the lineup process.
15. No information concerning any previous arrest, indictment, or conviction of any suspect shall be visible or made known to the eyewitness.
16. If an eyewitness has previously viewed a lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in any subsequent lineup should be different from any other fillers previously used.
17. There shall not be anyone present during the physical lineup who knows the suspect's identity except the eyewitness and counsel as required by law.
18. All participants in a physical lineup must be kept out of view of any witnesses prior to the lineup. Individuals shall be presented to witnesses sequentially rather than simultaneously.
19. If the victim/witness does ask to see an individual a second time, the entire lineup must be shown again in the same sequence as the original presentation. The administrator shall document the subsequent presentations.
20. In the event an eyewitness requests to view a specific lineup for a second or third time, the administrator must document this request on the Eyewitness Identification Case Management Form. An eyewitness shall not be shown the specific lineup more than three times.

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21. If the victim/witness makes an identification during the presentation, the administrator shall continue to present all the individuals of the lineup.
22. If an identification is made, the eyewitness shall be asked to make a statement of certainty in their own words as to their confidence level that the person identified is the perpetrator. An eyewitness cannot be compelled to make such a statement; however, if such a statement is made, it must be recorded. The eyewitness shall be asked to sign and date the form. If the eyewitness refuses to sign, the independent administrator shall document the refusal and sign the form.
23. In the event no identification is made, the independent administrator shall document the procedure and results.
24. Feedback to the victim/witness is prohibited by the administrator during the identification process.
25. Unless it is not practical, a video record of live identification procedures (lineups) shall be made. If a video recording is not practical, the reasons shall be documented and an audio recording shall be made. If neither a video or audio record is practical, the reasons shall be documented and the lineup administrator shall make a written record of the lineup.
26. 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, signed by the eyewitness, including the eyewitness' confidence statement. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the results and sign the notations;
  - (b) Names of all persons present at the lineup;
  - (c) Date, time, and location of the lineup;
  - (d) Words used by the eyewitness in the identification;
  - (e) That the lineup was physical and how many individuals were used;
  - (f) A photo or visual recording of the lineup that includes all persons who participated.

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### C. Conducting a Show Up

1. A show up may be used when a photo lineup is inappropriate or impractical and the time between the occurrence of the crime and location of the suspect is reasonably short. 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) For purposes of a reasonably short location and occurrence to the crime, officers should consider whether the active field investigation and/or pursuit of the suspect have ended. It is better to use caution where the active field investigation has ended and conduct a photo lineup when practical.
2. 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, the eyewitness is somehow handicapped or incapacitated). If the suspect must be transported, officers will first 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.
3. 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.
4. Prior to the show up, the officer will obtain a detailed description of the suspect from the eyewitness. The description shall be documented.
5. 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.
6. A written record of the show up will include the following:
  - (a) A confidence statement;
  - (b) The names of all persons present including the suspect(s);
  - (c) The date, time and location of the show up; and
  - (d) The exact words used by the eyewitness in any identification.
  - (e) The result of the show-up.
7. The below link is the eyewitness identification reform act. Attachment is the eyewitness identification instructions.

[http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_15A/Article\\_14A.pdf](http://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_15A/Article_14A.pdf)

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**NC EYEWITNESS IDENTIFICATION REFORM ACT OF 2007**  
**Eyewitness Identification Instructions**

**Instructions to be used when conducting any lineup on or after March 1, 2008:**

- 1 Review wording on the Eyewitness Identification Form.
- 2 Check one option under Section b of the form.
- 3 Read the language of the form to the witness, including only the Section b option you have selected.
- 4 Ask the witness to sign and date the form. *The Lineup Administrator shall write the word "Refused" on the Eyewitness line in the event the eyewitness refuses to sign.*
- 5 Sign and date the form yourself.
- 6 Maintain a copy of this form in the investigative file.

I am required by North Carolina General Statutes to instruct you prior to viewing this lineup, that:

- a. The perpetrator might or might not be presented in the lineup.
- b.  The lineup administrator does not know the suspect's identity, or  
 The lineup administrator knows the suspect's identity and is using an approved lineup method that does not require an independent administrator.
- c. You, as the eyewitness, should not feel compelled to make an identification.
- d. It is as important to exclude innocent persons as it is to identify the perpetrator, and
- e. The investigation will continue whether or not an identification is made.

**I acknowledge receipt of the above instructions.**

Eyewitness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Lineup Administrator: \_\_\_\_\_

Date: \_\_\_\_\_



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### Victim/Witness Identification Case Management Form

Case #: \_\_\_\_\_

Suspect's Name: \_\_\_\_\_

\_\_\_\_ Fillers have been used to create this lineup. *(At least five (5) shall be used.)*

These fillers resemble, as much as practicable, the eyewitness's description of the perpetrator in significant features, including any unique or unusual features.

Sources of photos or person's used in the lineup: \_\_\_\_\_

Lineup Created By: \_\_\_\_\_ Date Created: \_\_\_\_\_

Lineup Approved By: \_\_\_\_\_ Date Approved: \_\_\_\_\_

Date of Lineup: \_\_\_\_\_ Time Lineup Presentation Began: \_\_\_\_\_ Ended: \_\_\_\_\_

Location: \_\_\_\_\_ Persons present: \_\_\_\_\_

Location of other victims/witnesses (if any) during administration of lineup: \_\_\_\_\_

***Other victims/witnesses should not be in the area when the lineup is being conducted.***

Victim/witness Name: \_\_\_\_\_

Has the victim/witness been advised of the "Victim/witness Identification Instructions" and acknowledged same?

Yes \_\_\_\_\_ No \_\_\_\_\_

Positive Identification made by the victim/witness: Yes \_\_\_\_\_ No \_\_\_\_\_  
 (Victim/Witness Initials) (Victim/Witness Initials)

Any words used by the victim/witness in any identification:

\_\_\_\_\_  
 \_\_\_\_\_

Victim/witness Confidence Statement:

***Instructions: Ask the victim/witness to tell you in their own words their level of confidence that the person they have identified is the perpetrator. Document the statement below.***

\_\_\_\_\_  
 \_\_\_\_\_

Victim/witness Signature: \_\_\_\_\_

***In the event of a refusal to sign, note the refusal and sign yourself.***

\_\_\_\_ I have attached the actual photos used in the lineup to this form.

\_\_\_\_ I have attached a photo or other visual recording of the lineup to this form. *(A video record of a live lineup presentation shall be made.)*

Administrator – Print and Sign Name: \_\_\_\_\_

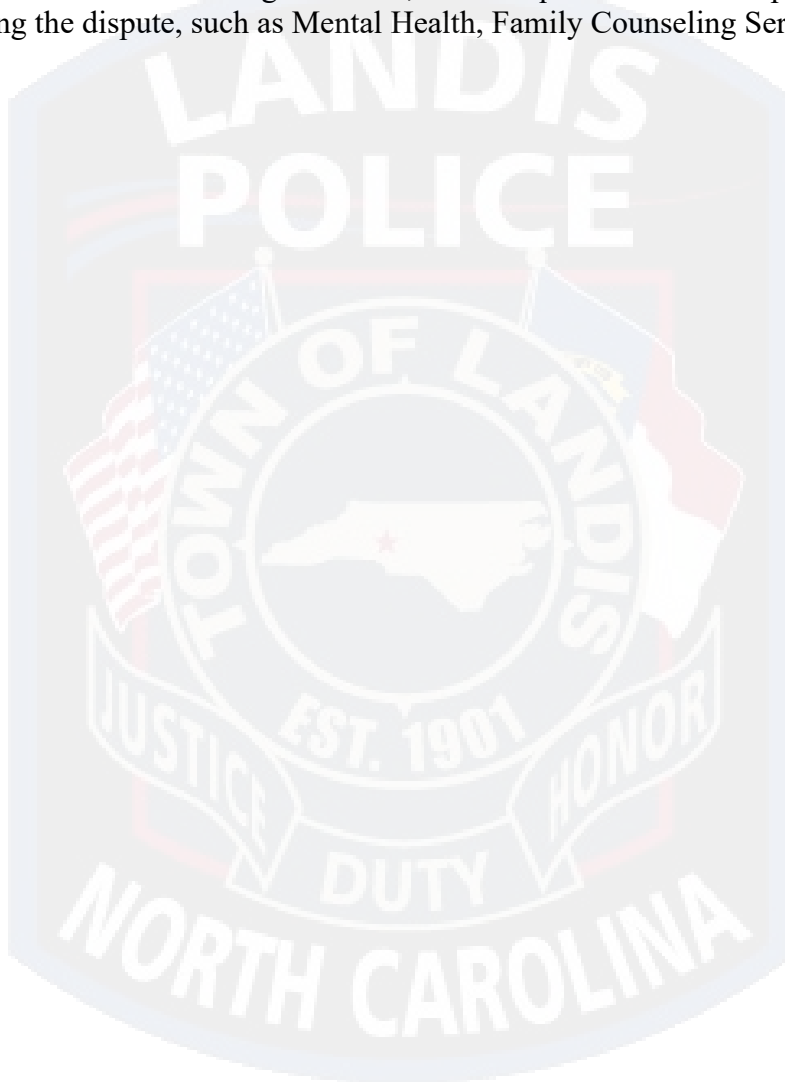
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Investigating Officer – Print and Sign Name: \_\_\_\_\_



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Officers are frequently called to the scene of civil disputes where no crime has been committed. Their presence is primarily to preserve the peace and to prevent a crime from occurring. They are not to give legal advice. Officers should avoid becoming unnecessarily involved in civil disputes. They should advise the parties to seek the advice of legal counsel, or other qualified counsel specializing in the particular area causing the dispute, such as Mental Health, Family Counseling Services, etc.



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|  | <b>POLICY # 500.04</b>            |                    |

## I. PURPOSE

International law requires that law enforcement authorities extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. The compliance of law enforcement concerning arrest or detention duties with regard to foreign nationals is paramount in order for the United States to engage in purposeful foreign relations. As these privileges are not absolute, law enforcement officers retain their fundamental responsibility to protect and police the communities they serve.

## II. POLICY

It is the policy of the Landis Police Department that all rights required under the laws and agreements of the United States government shall be rendered to all diplomats, consular officers and foreign nationals. Information will be provided to foreign nationals who may be arrested, or detained, and appropriate consular notifications shall be made as detailed in this policy. This policy shall guide officers when faced with claims of diplomatic immunity and when complying with the notification requirement upon the arrest or detention of a foreign national.

Pursuant to international law, treaties such as the Vienna Convention on Consular Relations (VCCR) and federal law, certain diplomats and their family members and servants have varying levels of immunity from arrest and detention. In other cases, the arrest or detention of a foreign national triggers the potential duty to notify the nearest consular office. Certain countries require mandatory notification; others require notification only upon request by the person being arrested or detained.

## III. DEFINITIONS

- A. Alien: See Foreign National
- B. Consul: A consular officer serving as an official representative of a foreign government. Limited immunity extends only to the Consular Officers and not to their families, staffs, or servants. Consular Officers are generally identified by one of the following titles: Consul General, Deputy Consul General, Consul, and Vice Consul.
- C. Diplomat: An employee of a foreign government engaged in international relations with the United States government and entitled to diplomatic immunity. Diplomatic Officers are generally identified by one of the following titles: Ambassador, Minister, Minister Consular, Consul, First Secretary, Second Secretary, Third Secretary, and Attaché.
- D. Diplomatic Immunity: Freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, staffs, and servants.
- E. Foreign National: Any citizen of another country, excluding diplomats and consuls, who are in the United States on a temporary basis, either legally or illegally. This includes tourists,

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students, and aliens. It also includes those holding an Alien Registration Card (I-551), commonly called a "green card". (Alien)

- F. Honorary Consul: A person who has limited duties to assist diplomatic officials. Honorary Consul will not receive diplomatic immunity.

#### IV. PROCEDURE

##### A. Diplomatic (Full) Immunity for Criminal Offenses

1. Diplomatic Immunity, even at the highest level, does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations. The purpose of immunity is not to benefit the individuals, but to ensure the efficient and effective performance of their official missions on behalf of their governments
2. Individuals who are entitled to diplomatic immunity should have identification cards issued by the U.S. Department of State. The cards are color coded by a border color that reflects a different level of immunity:
  - (a) Diplomats: Blue Border
  - (b) Embassy Employee/Official: Green Border
  - (c) Consular Personnel: Red Border
3. Significantly, a brief statement of the bearer's diplomatic status and level of immunity from arrest, detention, or criminal jurisdiction is printed on the reverse side of the identification card.
4. Diplomatic status and appropriate dignitary interactions can be verified by calling the United States State Department, Office of Protocol. They may be contacted by telephone during normal business hours at (202) 647-7277 or after normal business hours at (202) 647-1512

##### B. Incidents Involving Foreign Officials

1. Criminal Incident:
  - (a) If an individual claims diplomatic immunity, this status should be confirmed immediately with the United States Department of State regardless of any physical identification in the individual's possession. The individual may be detained at the scene pending confirmation of diplomatic status. Officers will extend all courtesies possible within the confines of officer and individual safety.

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- (b) Once status is verified, the individual may be detained at the scene until the investigation is complete.
- i. If the subject has immunity, handcuffs may not be used except when the individual poses an immediate threat to safety.
  - ii. Officers should follow Landis Police Department policies regarding investigative reports. Once all pertinent information is obtained, the individual must be released if he/she enjoys immunity.
  - iii. A copy of the report should be faxed or mailed to the U.S. Department of State in Washington, DC or to the U.S. Mission to the United Nations (U.N), if the individual has U.N. credentials.
2. Traffic Enforcement, Traffic Crash, D.U.I:
- (a) Issuance of a traffic citation for a civil infraction does not constitute an arrest or detention and is permitted. However, the person may not be compelled to sign the citation and may not be arrested for refusing to sign.
  - (b) A copy of the citation and any other documentation should be forwarded to the U.S. Department of State as soon as possible. For mandatory appearance offenses, the U.S. Department of State uses the citation and any report as the basis for requesting an express waiver of immunity.
  - (c) In serious cases, i.e., D.W.I. or accidents involving personal injury, telephonic notification to the U.S. Department of State is urged. Field sobriety investigations are allowed but may not be compelled.
  - (d) If an officer develops an opinion that the individual is too impaired to safely drive, the individual should not be allowed to drive, regardless of diplomatic status. In such cases, the officer should consider the following:
    - i. With the permission of the individual, take the person to the Police Department or other location where he/she may recover sufficiently to drive;
    - ii. Summon, or allow the individual to summon, a friend or relative to drive;
    - iii. Call a taxi for the individual;
    - iv. With supervisory approval, provide the individual with transportation.

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C. Search and Seizure

1. The person or the property (including a vehicle) of the person who has full diplomatic immunity may not be searched or seized.
2. Vehicles may not be impounded or "booted", but they may be towed the distance necessary to remove them when obstructing traffic or endangering public safety:
  - (a) If a vehicle operated by a diplomat is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to verify the vehicle's status.
  - (b) Vehicles determined to have been stolen or used by unauthorized persons in the commission of a crime are not afforded special protections. A normal search and detention of the vehicle is allowed.

D. Waiver of Diplomatic Immunity

1. If an individual enjoying full diplomatic immunity becomes involved in a criminal act, it is imperative that the investigation be thorough. A complete copy of the investigative report must be provided to the U.S. Department of State.
2. The U.S. Department of State requests waivers of immunity in every case where the prosecutor advises that, except for the immunity, charges would be pursued. In serious cases, if a waiver is refused, the offender may be expelled from the United States.

E. Contact with Diplomats or Consuls

1. Generally, those individuals who are diplomats or consuls will be in possession of identification issued by the United States Department of State.
2. If such identification is produced or the individual claims to be a diplomat or consular official, the officer shall immediately notify a supervisor prior to any arrest.
3. The supervisor will ensure that the United States Department of State is contacted and the status of the person is confirmed prior to any arrest. The United States Department of State will assist in the identification and status of such individuals. They may be contacted by telephone during normal business hours at (202) 647-7277 or after normal business hours at (202) 647-1512.
4. The supervisor will notify the departmental chain of command, to include the Chief, Assistant Chief and town attorney, of any diplomatic contacts. This notification will

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be immediate in the event of a criminal investigation or arrest situation involving a diplomat.

5. Consular documents, records, and correspondence are inviolable and may not be searched or seized.

F. Contact with Foreign Nationals (Aliens)

1. A foreign national who does not hold diplomatic or consular status is subject to detention and arrest.
2. Arrest or Detention of Foreign Nationals
  - (a) The Vienna Convention on Consular Relations (VCCR) provides for informing the foreign national of the right to consular notification and access if the national is arrested or committed to prison or to custody pending trial or is detained in any other manner.
  - (b) Consular notification is not necessary when an alien is detained only shortly, e.g., during a traffic stop. Requiring a foreign national to accompany a law enforcement officer to a place of detention, particularly if the detention lasts for a number of hours or overnight, may trigger the consular notification requirements.
3. Notification Upon Arrest or Detention of Foreign National (Alien)
  - (a) Pursuant to international law, treaties, and federal law, the arrest or detention of a foreign national triggers the potential duty to notify the nearest consular office of the country of the person arrested or detained.
  - (b) If the person detained or arrested is a citizen of a foreign country that requires mandatory notification, notification must be made, even over the objection of the person. A list of countries and facsimile numbers requiring mandatory notification is available in the Telecommunications Center.
  - (c) If the person detained or arrested is a citizen of a foreign country that does not require mandatory notification, notifications should be made only if the person requests notification.
  - (d) There are suggested statements to be used when advising the person of the notification process for both mandatory and voluntary reporting to the appropriate foreign consulate.



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- (e) Certain information must be included in the notification.
  - i. The completion and transmittal of the Foreign Consular Notification Form meets the requirements of notification.
  - ii. Notification should be sent to the nearest embassy or consulate, if known.
  - iii. The arresting/detaining officer shall make the consular notification prior to the end of shift.
  - iv. The notification procedure should also be followed for foreign nationals who may be seriously injured or die as a result of an accident or criminal act, who become seriously ill, or who become otherwise incapacitated. In such cases, the host nation may be able to assist the individual and/or assist in family notification.

4. Documentation

- (a) Officers shall document that they provided the suggested statement and made consular notification in the police report.
- (b) The Foreign Consular Notification Form and the statement form, either the English or foreign version, with the person's response properly indicated, shall be filed with the original incident report.

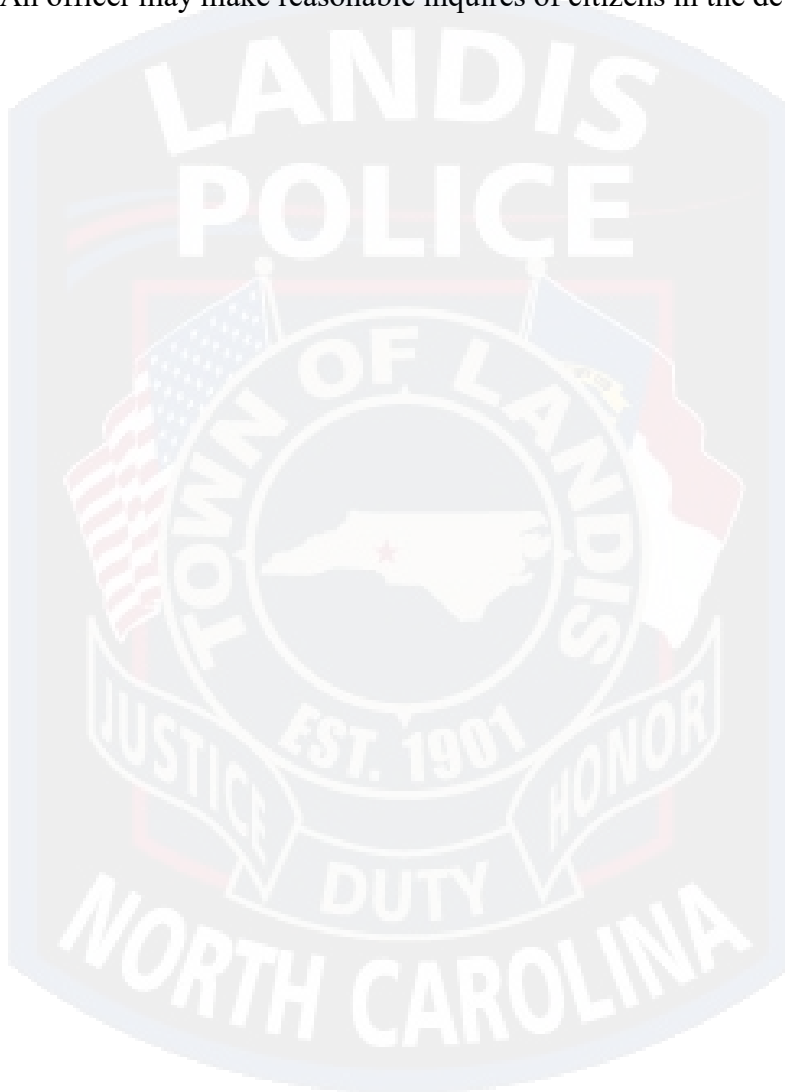
G. Additional Information

The U.S. Department of State Publications, Consular Notification and Access and Diplomatic and Consular Immunity provide additional information on this process. Copies of these publications are available at the following locations:

- 1. Online at: <http://travel.state.gov>

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While some crimes cannot be deterred, crimes committed against property and against innocent victims in public Places can be reduced by police patrol. Street crime is curbed by the potential criminal's fear of immediate apprehension or by the increased likelihood of his detection by conspicuous patrol. An officer may make reasonable inquires of citizens in the deterrence of crime.



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|  | <b>POLICY # 500.06</b>            |                    |

## I. PURPOSE

To establish policy and procedures to govern the Landis Police Department's response to incidents of domestic violence.

## II. DISCUSSION

Domestic violence poses a serious threat to affected families and the community in general. Many times the police are the only resource a victim has. The policy is designed to provide maximum protection for domestic violence abuse victims.

## III. DEFINITION OF TERMS/APPLICABLE STATE LAWS

### A. 50B-1 Domestic violence; Definition

1. Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense.
  - (a) Attempting to cause bodily injury, or intentionally causing bodily injury; or
  - (b) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury; or
  - (c) Committing an act defined in G.S. 14-27.2 through G.S. 14-27.7.
2. For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:
  - (a) Are current or former spouses;
  - (b) Are persons of opposite sex who live together or have lived together;
  - (c) Are related as parents and children, including others acting in loco parents to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16.
  - (d) Have a child in common;
  - (e) Are current or former household members;

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

**B. G.S. 14-134.3 Domestic Criminal Trespass**

1. Any person who enters after being forbidden to do so or remains after being ordered to leave by the lawful occupant, upon the premises occupied by a present or former spouse or by a person with whom the person charged has lived as if married, shall be guilty of a misdemeanor if the complainant and person charged are living apart; provided however, that no person shall be guilty if said person enters upon the premises pursuant to a judicial order or written separation agreement which gives the person the right to enter upon said premises for the purpose of visiting with minor children. Evidence that the parties are living apart shall include but is not limited to:
  - (a) A judicial order of separation;
  - (b) A court order directing the person charged to stay away from the premises occupied by the complainant;
  - (c) An agreement, whether verbal or written, between the complainant and the person charged that they shall live separate and apart, and such parties are in fact living separate and apart; or
  - (d) Separate places of residence for the complainant and the person charged.

On conviction, said person is guilty of a Class 1 misdemeanor. For the above law, an officer is authorized to make a warrantless arrest for an offense committed out of his presence under G.S. 15A-401.

**C. G.S. 14-33 Misdemeanor Assaults, Batteries and Affrays, Simple and Aggravated: Punishments**

1. **Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor. (G.S. 14-33 (a))**
2. **Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he:**

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- (a) Inflicts, or attempts to inflict serious injury upon another person or uses a deadly weapon. (G.S.14-33 (c) (1).
- (b) Assaults a female, he being a male person at least 18 years of age. (G.S. 14-33 (c) (2)).

General Statute 15A-401(b) (2) d authorizes an officer to arrest for an offense committed out of his presence if it is misdemeanor under G.S. 14-33(a), G.S. 14-33(c)(1) or G.S. 14-33(c) (2) when the offense was committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if married.

### 3. Ex-Parte Order

An initial order issued by a judge in response to a former complaint of domestic violence by a victim. This order is valid for 10 days.

### 4. Domestic Violence Protection Order

An order issued by a judge (or magistrate under emergency circumstances) after a civil hearing in response to a formal complaint of domestic violence. The order is valid for a period of one year. This order is commonly called a 50B order.

## IV. PROCEDURES

### A. Initial Response to Calls Involving Domestic Violence, Without Existing Court Orders

An officer who responds to an incident of domestic violence and establishes probable cause that either G.S. 14-134.3 (Domestic Criminal Trespass) or G.S. 14-33 (Assault & Battery) have been violated, shall:

1. If the suspect is present, place the suspect under arrest. The suspect should then be presented to a magistrate and charged as appropriate. *Officers shall not consider any claims by the victim of being unwilling to prosecute in determining whether to arrest the suspect.*
2. If the suspect is not present, the officer will assist the victim in obtaining a warrant by transporting or accompanying the victim to the magistrate's office and providing the necessary assistance to obtain the warrant(s), if requested by the victim.
3. If the elements of an offense are present, and the victim will not obtain a warrant, the officer will obtain the warrant for the victim (see #1 above).

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4. Make a reasonable effort to serve any process obtained. If unable to serve the process, pass the process on to the next shift in order to ensure a continuity of effort in the investigation.

**B. Initial Response to Calls Governed by Existing Ex Parte or 50B Court Orders**

The following guidelines should be followed:

There are two provisions in NC G.S. 50B-4(b) that require an officer to make a custodial arrest. These provisions are common to both the Ex Parte and the 50B order.

1. If the officer has probable cause to believe that the person has violated a court order excluding the person from the residence or household occupied by a victim of domestic violence. (Statutory Authority G.S. 50B-4(b).
2. If the officer has probable cause to believe that the person has violated a court order directing the person to refrain from doing any or all of the following acts:
3. Threatening, abusing or following the other party.
4. Harassing the other party, including by telephone, visiting the home or workplace, or other means; or
5. Otherwise interfering with the other party. (Statutory Authority G.S. 50B-4(b).

It should be noted that these provisions are considered to stand on their own, when included in the valid court order. Officers are not to consider any claims made by the victim as to being unwilling to prosecute after establishing existence and validity of the order. If an officer feels that there are circumstances that can be considered extenuating, the officer should contact a supervisor for the final determination of action.

- (a) The responding officer should upon arrival investigate the incident to determine if an act of domestic violence has occurred.
- (b) The officer shall contact the communications center to determine the existence of an Ex Parte or 50B order. The officer should confirm the validity by date, and also confirm by name the defendant specified in the document. If the offense is trespassing, the officer should also verify the terms of the order regarding the trespassing.
- (c) For domestic violence misdemeanors, warrantless arrest is authorized under the law based on probable cause alone. If the suspect is present at the scene, the officer will after establishing probable cause that a violation of an applicable section of the court order has occurred, arrest the suspect and take the arrestee before a magistrate. If

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the suspect is not present at the scene, the officer should make a reasonable effort to find and arrest the suspect. An officer is authorized to arrest the suspect at any place within their jurisdiction, except private premises. If an officer cannot obtain consensual entry into the private premises, the officer should present the evidence in the case to a magistrate, and request that a search warrant and a charging document, if necessary, be issued. If the suspect is not apprehended by the end of the current shift, the documentation should be passed on to the next shift, to ensure continuity of the investigation.

- (d) If probable cause is established but the suspect cannot be located after reasonable efforts, the victim should be contacted and assisted in obtaining a warrant for the offense. If the victim is unwilling or unable to obtain a warrant(s), and probable cause exists, the officer will pursue a warrant and prosecution independent of the victim.
- (e) Documentation
- i. Report
  - ii. Photographs shall be taken of all injuries and damages. The officer shall contact the shift supervisor, if working, to ensure compliance with this provision. These photographs shall be considered as evidence.
  - iii. All evidence shall be turned in along with the completed report. The report shall include a notation of evidence collected, photographs made, and 911 tapes if necessary.
  - iv. The officer shall obtain a copy of any protective order, and make it a part of the case file.

A full statement will be obtained from all victims. The statement includes a complete account of the actual incident, all injuries to the victim reported and observed, and any damage to any property that occurred. The officer should obtain from the victim a history of any prior domestic violence.

All statements by witnesses shall be fully documented, including that of any involved children.

If possible, and if in accordance with legal guidelines, a statement should also be taken from the suspect.

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|  | <b>POLICY # 500.07</b>            |                    |

## I. PURPOSE

The purpose of this Policy is to establish guidelines for electronic recording of specified custodial interviews, in their entirety, in cases conducted at any place of detention.

## II. POLICY

In order to ensure compliance with N.C.G.S. § 15A-211, the Landis Police Department will electronically record specified custodial interviews conducted at a place of detention in their entirety.

## III. DEFINITIONS

- A. Electronic Recording: An audio recording that is an authentic, accurate, unaltered record; or an audio/visual recording that is an authentic, accurate, unaltered record.
- B. 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.
- C. 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. If the recording is a visual recording, the camera recording the custodial interview must be placed so that it films both the interviewer and the suspect. 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 of the interview also must reflect the starting time of any such recess and the time that the interview resumes.
- D. Custodial Interview: An interview that occurs when a suspect has been formally arrested and is still in arrest custody, or an interview that occurs when the restraint on the suspect's freedom of movement is to such a degree as that associated with a formal arrest.

## IV. ELECTRONICALLY RECORDED INTERVIEWS

- A. An electronically recorded interview will be conducted as follows:
1. Any person under the age of 18 years old for any custodial interrogation in an investigation.
  2. State law requires electronic recording of custodial interviews of persons 18 years of age or older who is in arrest custody and being interrogated at a place of detention for the following offenses:



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- (a) Any Class A felony;
  - (b) Any Class B1 or B2 felony; or
  - (c) Any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury.
3. The policy of the Landis Police Department is broader than state law and requires electronic recording of any person 18 years of age or older who is in arrest custody at a place of detention and being interrogated for any felony.
  4. Interviews that are not required by state law to be recorded need not be recorded under this policy if, in the discretion of the investigating officer, doing so could possibly endanger a victim, informant, witness, or other individual.
  5. Interviews relating to other offenses may be electronically recorded at the discretion of a supervisor or lead investigator in the case.
- B. An electronically recorded interview of a victim or witness may be conducted at the discretion of the officer.

## V. PROCEDURES

- A. Officers will activate the interview recording equipment prior to entering the room with the suspect. The recording equipment will remain on during the entire interview process and will not be turned off until the interview has been completed.
- B. If the recording is an audio/visual recording, the camera must be placed so that it records both the interviewer and the suspect. The record of the interview also must reflect the starting time of any such recess and the time that the interview resumes.
- C. The recording equipment will remain on even during times when the suspect briefly leaves the interview room for such things as restroom breaks.
- D. In the event of a system failure, officers shall locate an alternative recording method, such as a digital recorder in order to electronically record the custodial interview in its entirety.
- E. If the suspect is involved in a privileged conversation, which is protected by law, i.e. attorney/client communication, the suspect should be removed from the interview room. However, the recording equipment will remain on. The suspect will be placed in an available room that is not recorded for the duration of the privileged conversation. The suspect should then be returned to the interview room to complete the interview.

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- F. Upon completion of the interview, the interviewing officer, or supervisor, will immediately download the interview to the appropriate media. Copies of the media will be created within a maximum of five calendar days and labeled with the file number, date of the interview, interviewee's name, and the interviewer's name(s). Officers will record the date the downloaded copy is created as the seizure date on a supplemental report.
- G. A working copy of the interview will be retained in case file and one copy will be made for the district attorney's office and provided for discovery as required by law.
- H. **All recorded interviews remain the property of the Landis Police Department and any unauthorized copying or distribution of a recorded interview is prohibited.** An electronically recorded interview shall be released externally only to the District Attorney or as otherwise required by law. An electronically recorded interview may be shared internally upon prior approval of the Assistant Chief of Police or Chief of Police.

## VI. GUIDELINES FOR MONITORING AND ACCESSING INTERVIEWS

- A. Interviews in progress should not be monitored by another officer in the absence of the interviewing officer's permission or the permission of the interviewing officer's supervisor. Likewise, interviews recorded or copied to DVD or other media should not be accessed by another officer in the absence of the interviewing officer's permission, the permission of the interviewing officer's supervisor, or the approval of the Assistant Chief or Chief of Police.
- B. Signs shall be prominently posted in every interview room advising that, "Any Conversation or Telephone Conversation in This Room is Subject to being Monitored and Recorded." These signs will be posted in both English and Spanish.
- C. Officers are strictly prohibited from recording or surreptitiously monitoring any telephone conversation made in a room that is not posted with signage as set forth above, unless consent to record or monitor the telephone conversation has been obtained from one of the parties to the telephone conversation.

## VII. RETENTION SCHEDULE

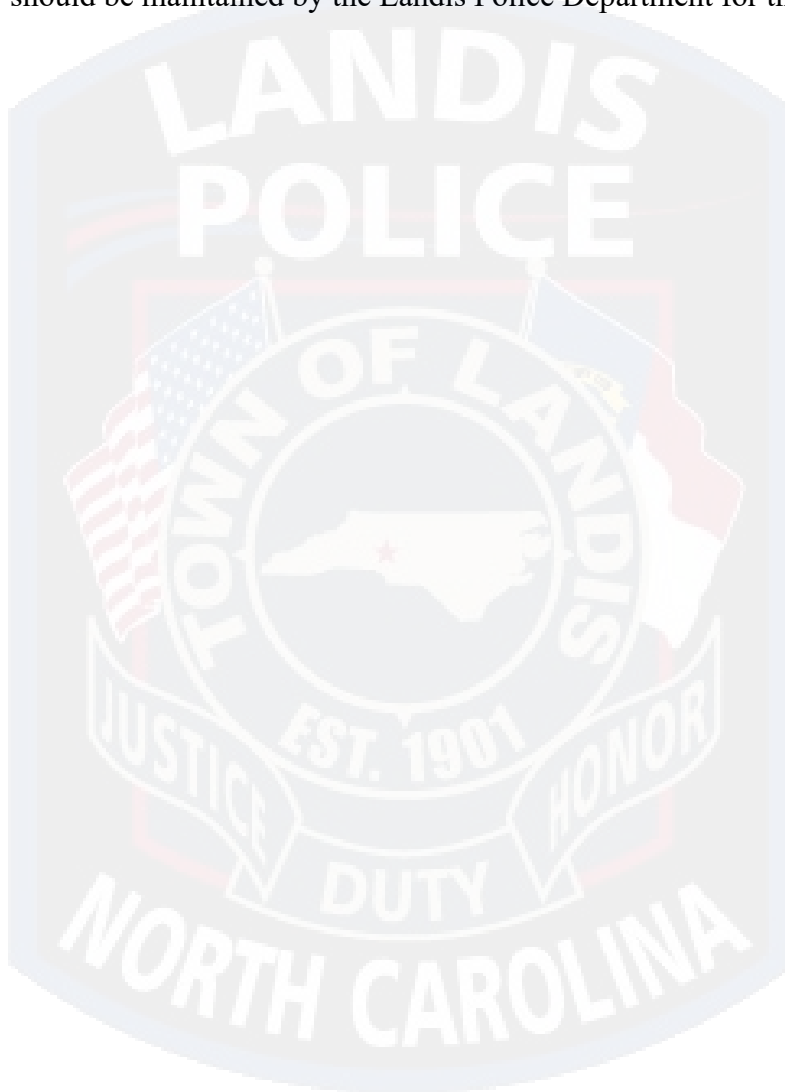
- A. Felony and Misdemeanor Investigations

Municipal law enforcement agencies are required to maintain felony investigations case files for a minimum of twenty years. Records of misdemeanor investigations must be maintained for a minimum of five years. Thus, any electronically recorded custodial interview must be maintained for these periods, unless required to be held longer as set forth below in subparagraph B.

- B. Appeals and Habeas Corpus Proceedings

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Electronic recordings of custodial interviews shall not be destroyed or altered by the State when the suspect was convicted of any offense related to the interrogation until one year after the completion of all State and federal appeals of the conviction, including the exhaustion of any appeal or motion for appropriate relief or habeas corpus proceedings. If this period exceeds the retention schedule set forth above, the electronically recorded interview should be maintained by the Landis Police Department for the longer period of time.



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|   | <b>POLICY # 500.08</b>   |                    |

Uniform officers are expected to conduct follow-up investigations: (1) When there is a reasonable chance of apprehending the suspect; (2) When there is a need for obtaining additional information for the preliminary investigation report; or (3) When there are other compelling circumstances.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Individual Investigator's<br/>Informant Responsibility</b> | <b>Page 1 of 1</b> |
|  | <b>Effective Date:</b> 03/01/2021                             |                    |
|  | <b>Amended:</b><br><b>POLICY # 500.09</b>                     |                    |

Officers must keep their supervisors informed on their relations and activities involving informants. A commanding officer is not required to disclose an informer's identity in situations, which would either endanger the informer or destroy the capacity to continue in that role.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Interview Rooms</b>            | <b>Page 1 of 2</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 500.10</b>            |                    |

## I. PURPOSE

Establish procedures for the security and use of all interview rooms.

## II. POLICY

The Landis Police Department shall adhere to all federal and state law, local ordinances, and Department policy during interviews of suspects, victims, or witnesses.

## III. INTERVIEW ROOM PROCEDURE

Any Landis Police Department officer may utilize the interview rooms with witnesses, victims or suspects for both custodial interrogations and non-custodial interviews. Responsibility for the security of persons brought into an interview room will remain with the original officer until relieved. The following procedures shall apply to all Landis Police Department officers who utilize the interview rooms:

### A. Interviews

1. All suspects shall be thoroughly searched for weapons, contraband and evidence prior to being placed in an interview room.
2. Handcuffs may be removed at the discretion of the officer having physical custody of the individual. If there is any doubt as to officer safety, the handcuffs will remain in place. At no time will suspects be secured to any object in the interview room.
3. The interview rooms are not prisoner holding cells. If an individual is left alone in an interview room, visual contact will be maintained through an open door, a two-way mirror in an adjoining room, or by utilizing the audio/video recording equipment installed in each room. If assistance is needed, it will be requested by an officer.
4. Officers will ensure that the needs of persons placed in the interview rooms are met, including access to restrooms, water, food, and breaks as needed.
5. For fire safety reasons, cigarette lighters and matches will be removed from individuals placed in an interview room. If an evacuation becomes necessary due to a fire alarm or actual fire, the individual will be taken out of the building at the nearest safe exit.
6. The number of officers allowed in the interview room at one time is at the discretion of the lead interviewer or his/her supervisor.

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <b>Interview Rooms</b>            | <b>Page 2 of 2</b> |
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7. Officer will wear firearms securely in holsters while inside the interview room with suspects/offenders. Officers may conduct an interview without wearing their firearm with a Supervisor's approval. When this occurs, the firearm is to be secured in a locked location outside the interview room and the interview should be monitored for safety concerns.

#### **B. Summoning Assistance**

Officers conducting interviews in an interview room are to have a monitoring officer. This officer will monitor the interview either through the viewing window or departmental interview room camera system. If viewing via the camera system, the monitoring officer should be close to the interview room in case assistance is needed. The officer conducting the interview can indicate he needs assistance by verbally asking for assistance. The monitoring officer will monitor the interview and if they feel assistance is needed, they should immediately provide assistance. Prior to entering the room, the monitoring officer will notify dispatch over the radio that assistance is needed.

#### **C. Interview Room Maintenance**

1. The interview rooms shall be left clean. No forms or other document shall be stored in the interview rooms.
2. Prior to and after utilizing an interview Room, the officer shall visually check the room for the presence of weapons, contraband and evidence.
3. Any failure of the audio/video recording devices shall be reported to a supervisor immediately.
4. The interview rooms are equipped with a table and chairs. Only those items necessary to conduct the interview and to provide for the safety and/or comfort of both the officer and the person being interviewed are allowed in the interview room.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Involuntary Commitments and<br/>Mentally Disabled Persons</b> | <b>Page 1 of 4</b> |
|  | <b>Effective Date:</b> 03/01/2021                                |                    |
|  | <b>Amended:</b>  |                    |
|  | <b>POLICY # 500.11</b>   |                    |

## I. PURPOSE

To establish a policy on police response when serving custody order for a person who is subject to involuntary mental commitment and/or dealing with a mentally disabled person.

## II. POLICY

Article 5 of chapter 122C of the North Carolina General Statutes determines the process for admission and discharge of persons subject to involuntary commitment. It also sets out the obligations of law enforcement officers who serve the process associated with such commitments, as well as the duties officers have when taking such persons into custody.

## III. DEFINITIONS

- A. Mental Illness: any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors such as infection or head trauma. N.C.G.S § 122C-3(21)
- B. Involuntary Emergency Commitment: a mental commitment executed by an officer without an existing commitment order, pick-up order, or petition on file.
- C. Involuntary Non-Emergency Commitment: a mental commitment executed by an officer pursuant to an involuntary commitment order issued by a magistrate or clerk of court.
- D. Voluntary Commitment: mental commitment of a person who voluntarily consents to being admitted to a mental health treatment facility.
- E. 24-Hour Facility: a facility that provides a structured living environment and services for a period of 24 consecutive hours or more and includes some designated hospitals. N.C.G.S § 122C-3(14)(g)
- F. Respondent: the person named in the commitment or transportation order.

## IV. PROCEDURE

- A. Recognizing Characteristics of Mental Illness
1. Most law enforcement officers will have some experience with one or more persons who behave in a manner indicating they may be mentally ill.



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|  | <b>POLICY # 500.11</b>                                       |                    |

2. Officers may recognize the following behaviors in an individual suffering from mental illness: Delusions, hallucinations, manic behavior, paranoia, and engaging in behavior indicating that they may be a danger to themselves or others.

#### B. Determining Danger

Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the officer, or others. Factors include: Availability of weapons, direct or indirect threats, history of violence, and agitation.

#### C. Responsibility of Communications Personnel

1. The quality of information gathered and shared by call takers can affect the way officers respond to and resolve a call for service. Gathering information regarding a call for service pertaining to a mentally ill individual is critical at all stages in assessing these situations and is particularly critical at the onset.
2. When dispatching calls for service involving people who are suspected of having a mental illness, the call taker should provide all relevant background information to responding officers.

#### D. Responsibility of the Responding Officer to Calls Involving Persons with Mental Illness

1. When responding to a call that involves a person who has, or exhibits symptoms of, mental illness, police officers should obtain as much information as possible to assess and stabilize the situation. In particular, officers should gather information regarding the nature of the problem behavior and/or events that may have precipitated the person's behavior and particularly the presence of weapons.
2. The degree to which symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance but are noticeable in conversation with the individual. When officers encounter someone who is exhibiting symptoms of a mentally ill person they should:
  - (a) Request a backup officer, and always do so in cases where the individual will be taken into custody.
  - (b) Take steps to calm the situation. When possible, eliminate emergency lights, and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive

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acts have not occurred, avoid physical contact, and take time to assess the situation.

- (c) Provide or obtain on-scene emergency aid when treatment of an injury is urgent and check for and follow procedures indicated on medical alert bracelets or necklaces.
  - (d) Avoid unnecessary excitement; do not become overly excited or emotional. Remain calm and avoid overreacting.
  - (e) Speak simply and briefly and move slowly. Communicate with the individual in an attempt to determine the problem. Relate your concern for his/her feelings and allow them to communicate his/her feelings. Where possible, gather information on the individual from acquaintances or family members.
  - (f) Attempt to be truthful with the individual. If the individual becomes aware of deception, s/he may withdraw from the contact.
  - (g) Be helpful, professional and indicate a willingness to understand and help.
3. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options officers should consider when selecting an appropriate disposition. These options may include the following:
- (a) Refer or transport the person for medical attention if he or she is injured or abused;
  - (b) Outright release;
  - (c) Release to the care of family, care giver, or mental health provider;
  - (d) Refer or transport to mental health services;
  - (e) Refer or transport to substance abuse services;
  - (f) Assist in arranging voluntary admission to a mental health facility, if requested;
  - (g) Transport for involuntary emergency psychiatric evaluation if the person's behavior meets the criteria for this action; or
  - (h) Arrest, if a crime has been committed.
4. Individuals should not be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking the person into custody can occur only when:

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Involuntary Commitments and<br/>Mentally Disabled Persons</b> | <b>Page 4 of 4</b> |
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- (a) The person has committed a crime;
- (b) The person presents a danger to the life and safety of him/herself or others and meets the state's criteria for involuntary emergency evaluation; or
- (c) In response to a judicial order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility.

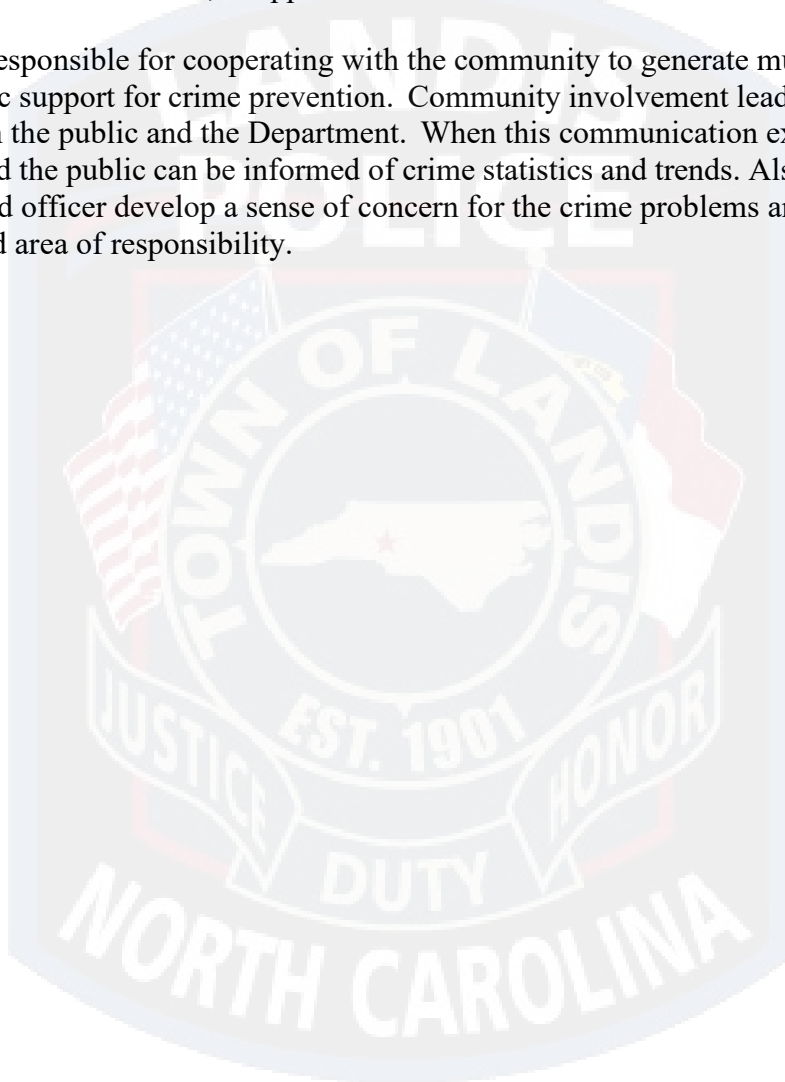
## V. INVOLUNTARY COMMITMENT

- A. N.C.G.S § 122C-261(e) requires a law enforcement officer who receives a custody order from the clerk or magistrate to take the respondent into custody *within 24 hours* after the order is signed. If the respondent cannot be located and taken into custody within this twenty-four-hour period, the order should be returned unserved. If the respondent is located after this time, the order would have to be reissued prior to taking the respondent into custody.
- B. N.C.G.S §122C-263 requires the law enforcement officer to stay at the facility with the respondent long enough to determine if such a physician or psychologist is available to conduct the examination.
- C. An officer is not required to remain with the respondent until the examination is completed. Before leaving, the officer must ensure that the respondent is left under appropriate supervision of facility staff. Factors to consider include: Whether the respondent appears violent, whether he or she has a history of violence, the type of facility where respondent is being examined (i.e., it is a secured facility) and the personnel available to supervise the respondent (i.e., is there a security guard or company police officer on site?). An officer should use his or her best judgment in making this determination. Questions regarding whether an officer should remain with the person are to be directed to the officer's supervisor.
- D. When the respondent is a resident of the Town, or is taken into custody within the town limits, N.C.G.S. §122C-251(a) requires the Town to transport the respondent. If the respondent lives outside the town limits and in the county, or is taken into custody outside the town limits, then the county must transport the respondent. If the respondent is to be transported to a facility outside the county, then the county is responsible for the transportation regardless of whether the respondent resides in the town or the county.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Prevention of Crime</b>        | <b>Page 1 of 1</b> |
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|  | <b>POLICY # 500.12</b>            |                    |

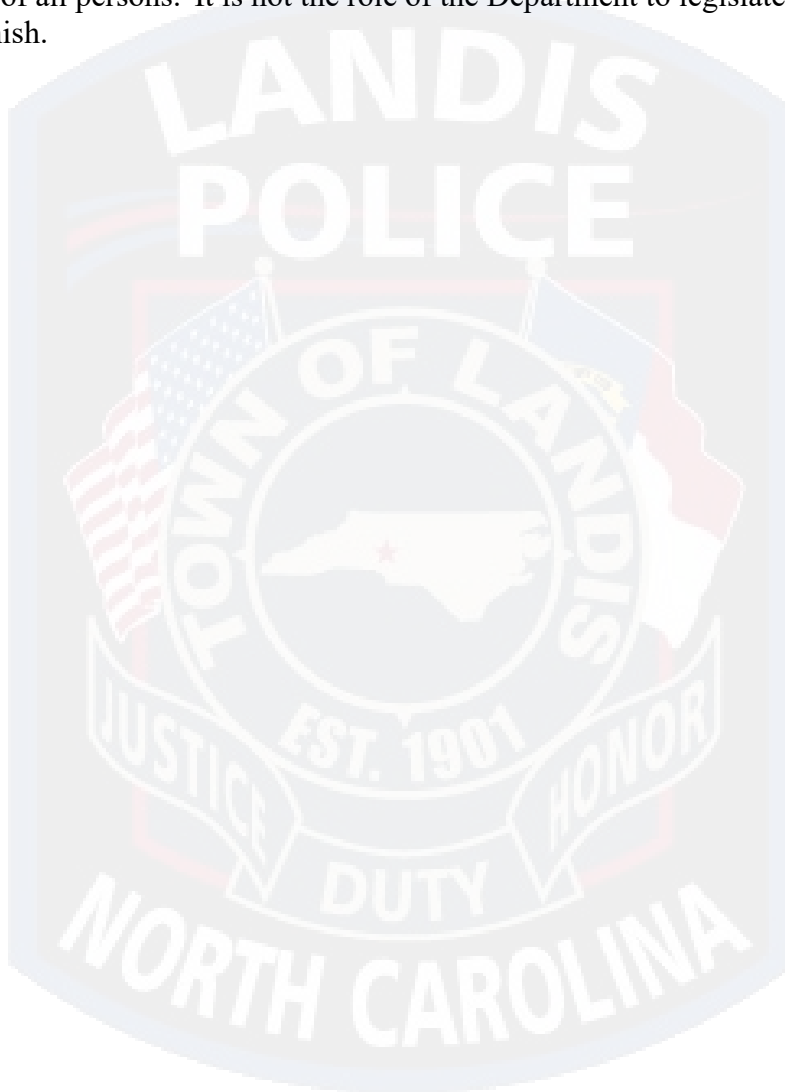
Peace in a free society depends on voluntary compliance with the law. The primary responsibility for upholding the law, therefore, lies not only with the police, but also with the people. Crime prevention is the concern of every person in society. Society employs full-time professional police to prevent crime, to deter it, and when that fails, to apprehend those who violate the law.

The Department is responsible for cooperating with the community to generate mutual understanding so that there is public support for crime prevention. Community involvement leads to free flow of information between the public and the Department. When this communication exists, problem areas can be identified, and the public can be informed of crime statistics and trends. Also, knowledge of the community helps and officer develop a sense of concern for the crime problems and law enforcement needs in his assigned area of responsibility.



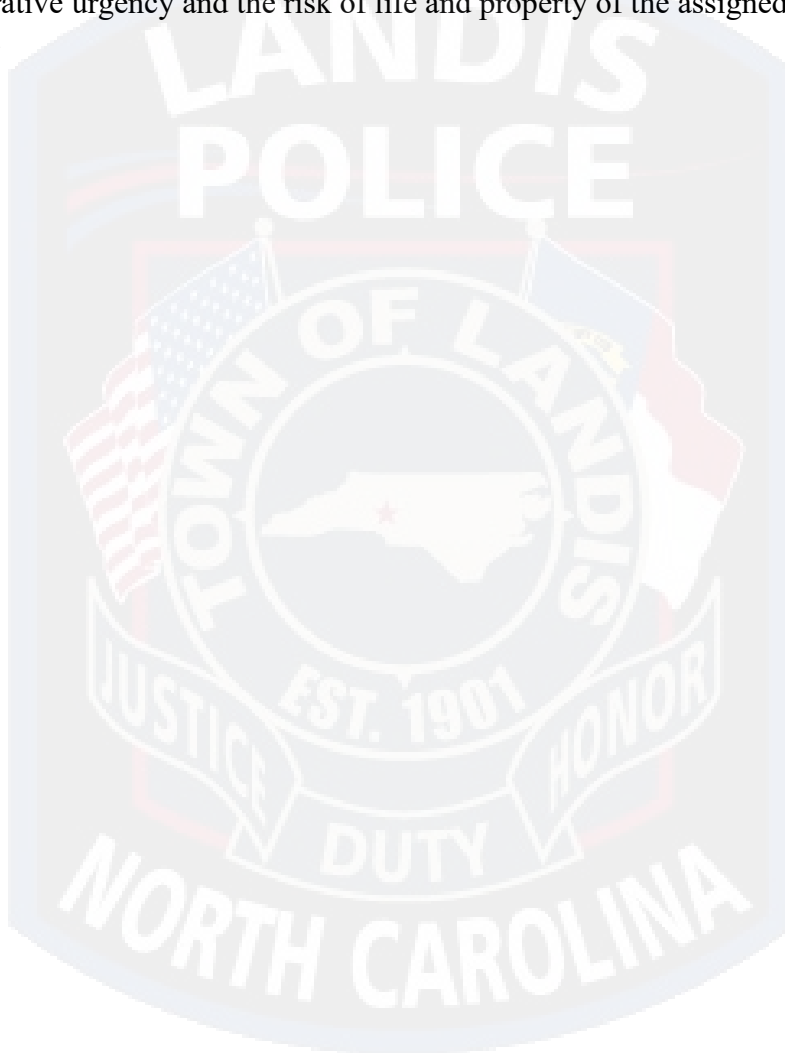
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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Primary Objective</b>          | <b>Page 1 of 1</b> |
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|  | <b>POLICY # 500.13</b>            |                    |

The primary objective of the Landis Police Department is to achieve in as far as possible a community free of crime and disorder. To that end, the Department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority, and the constitutional rights of all persons. It is not the role of the Department to legislate, to render legal judgments, or to punish.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Priority of Handling Calls for Service</b> | <b>Page 1 of 1</b> |
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|  | <b>Amended:</b>                               |                    |
|  | <b>POLICY # 500.14</b>                        |                    |

The Department sets priorities on its resources to give the most efficient service possible. Priority of call assignment depends on many factors, and it is normally the responsibility of communications personal to make such assignments. An officer in the field may; however, on occasion need to decide whether to continue on an assigned call or handle some other call for service. His decision should be based on the comparative urgency and the risk of life and property of the assigned call and the intervening incident.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Public Service</b>             | <b>Page 1 of 1</b> |
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|  | <b>POLICY # 500.15</b>            |                    |

The Department exists to serve the public. In serving the public, the Department provides assistance and advice in both routine and emergency situations. Saving lives and aiding the injured, location lost persons, keeping the peace, and providing for many other miscellaneous needs are some of the basic services provided by the Department.



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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <b>Response Codes</b>             | <b>Page 1 of 2</b> |
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|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 500.16</b>            |                    |

## I. PURPOSE

Guidelines on how to respond to calls for service, based on the nature of the call and the level of severity.

## II. DISCUSSION

This policy sets forth a uniform standard on police response to calls for service, public safety as well as the safety of officers being the most important factor of consideration.

## III. POLICY

- A. **Code 3 Response:** To be used in an **emergency** situation when an **actual** threat to human life exists. This response will be an **emergency response.**

In a Code 3, officers will operate blue lights and siren and other emergency equipment. Officers will respond with regard to the safety of the public and of the officer. Officers shall familiarize themselves with N.C. General Statute 20-145 which requires an officer in a chase or apprehension situation to operate his/her vehicle with due regard for the safety of others.

- B. **Code 2 Response:** To be used in a situation when a **potential** threat to human life exists and/or when a Code 3 Response might reduce the opportunity of suspect apprehension. This will be a non-emergency, without delay, response.

When responding Code 2, officers will adhere to the posted speed limit and obey all motor vehicle laws. Officers will not operate emergency equipment when responding Code 2.

Officers will respond without delay to Code 2 calls; “without delay” is defined as giving priority to the call.

- C. **Code 1 Response:** To be used in a situation when no threat to human life exists. This is a non-emergency response, respond when available, but as soon as possible.

In a Code 1 Response, officers will adhere to the posted speed limit and obey all motor vehicle laws.

Officers will not operate emergency equipment in a Code 1 Response.

In a Code 1 Response, officers will respond when available.

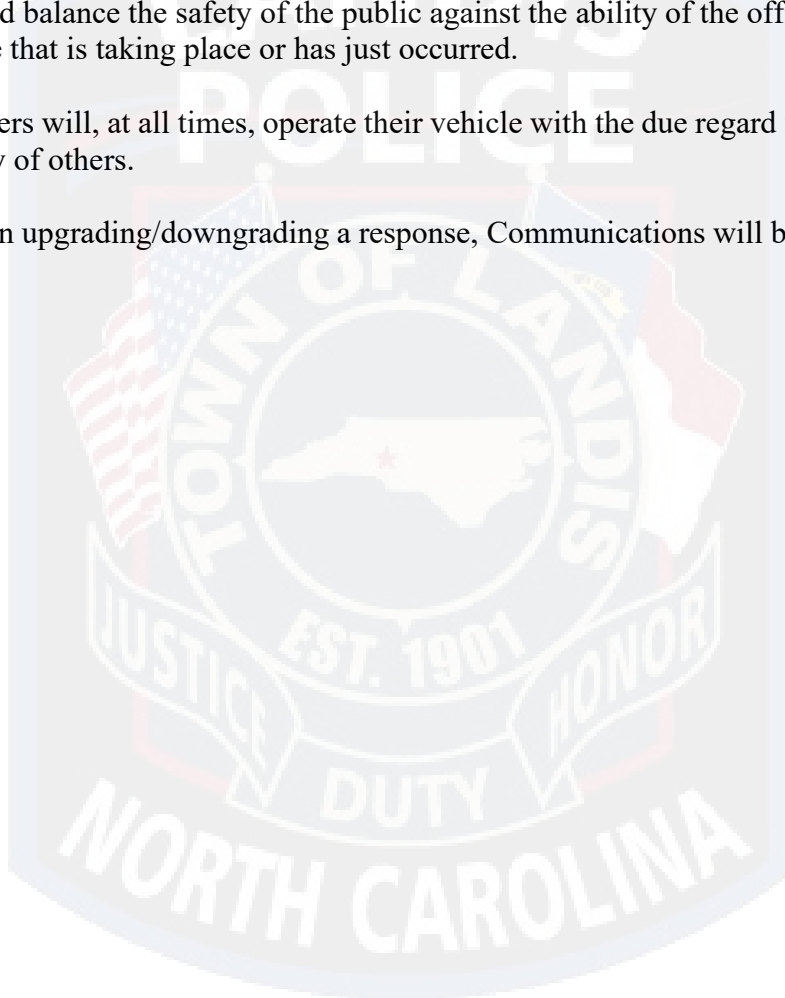
- D. **Upgrade:** Based on additional information received, a call for service may be **upgraded** to a higher response code by Communications personnel and/or Field Units, and Supervisors.



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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <b>Response Codes</b>             | <b>Page 2 of 2</b> |
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- E. **Downgrade:** Based on additional information received a call for service may be downgraded to a lower response code by Communications personnel, and/or Field units, and Supervisors.
- F. Officers will use professional judgement and the “totality of the circumstances” to decide which level of response is appropriate for the type of call or service required. Officers should consider whether the call is in-progress or is delayed. Likewise, officers should balance the safety of the public against the ability of the officer to intervene in a crime that is taking place or has just occurred.
- G. Officers will, at all times, operate their vehicle with the due regard for the rights and safety of others.

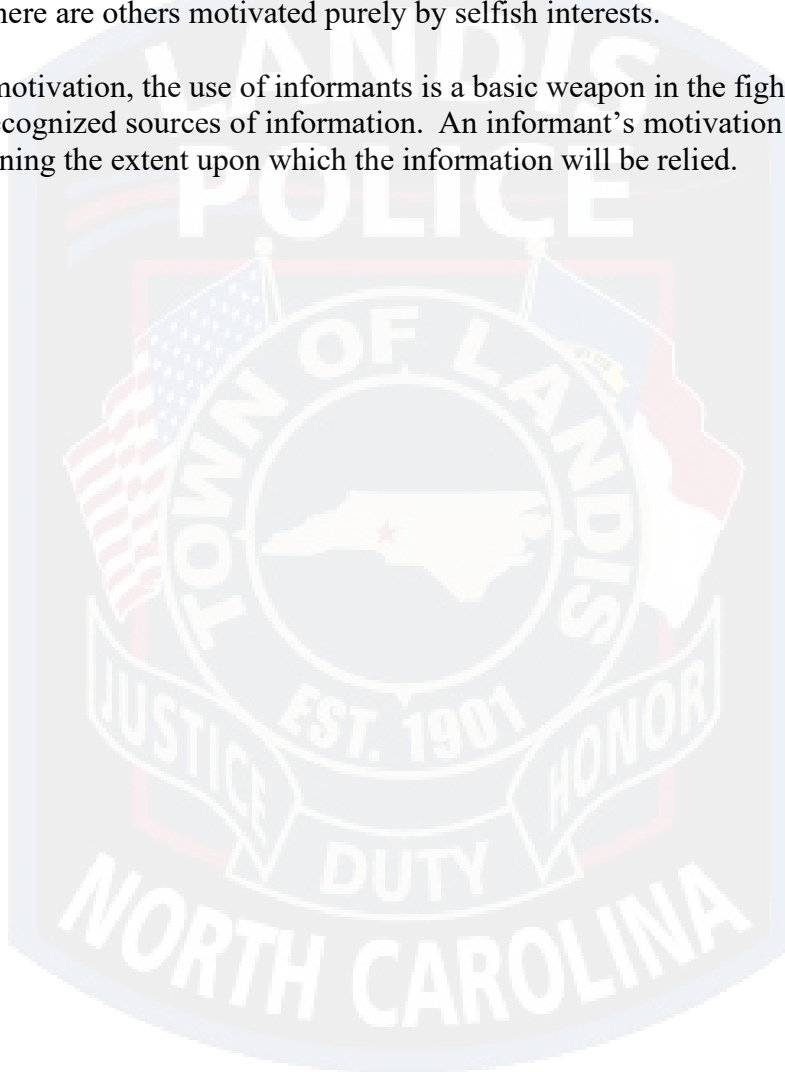
NOTE: When upgrading/downgrading a response, Communications will be notified.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Use of Informants</b>          | <b>Page 1 of 1</b> |
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|  | <b>POLICY # 500.17</b>            |                    |

Information from confidentiality sources is often the lead, which results in the solution of a case. Without this information, a prosecution may not be possible. Information is received by the Department regarding criminal activities and suspects from persons in all walks of life. Many people who give information have been victims or witnesses of crimes, or they may have a strong desire to aid law enforcement. There are others motivated purely by selfish interests.

Regardless of their motivation, the use of informants is a basic weapon in the fight against crime, and they are judicially recognized sources of information. An informant's motivation should be carefully evaluated in determining the extent upon which the information will be relied.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Out of Service</b>             | <b>Page 1 of 1</b> |
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|  | <b>POLICY # 500.18</b>            |                    |

All employees will advise the Communications Center when they depart their mobile unit for any extended period of time other than for official business.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Missing Persons</b>            | <b>Page 1 of 4</b> |
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|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 500.19</b>            |                    |

## I. PURPOSE

To provide personnel with guidelines on missing juveniles and adults.

## II. POLICY

The Landis Police Department will immediately respond to reports of missing persons and will promptly enter the information into the National Criminal Information Center (NCIC) missing persons file.

## III. PROCEDURES

All reports of missing persons must be entered into NCIC within **two (2) hours** of the initial report.

### A. Juveniles

1. The telecommunicator that receives the initial call regarding a missing juvenile should obtain all available information from the complainant. They should then send out a local broadcast to be on the look out and dispatch the preliminary reporting officer without delay.
2. The initial officer taking a missing child report will obtain a complete description of the missing child, the time they were last seen, any information indicating foul play, past behavior and history, known associates, hangouts, and any other information that will be useful in locating them. In unusual circumstances of a missing child, cases of suspected foul play, abandonment or abduction, or cases of public interest, the on-duty supervisor will be notified. The on-duty supervisor will:
  - (a) Determine if additional officers need to be dispatched to the scene in order to conduct a physical search. A physical search and rescue are defined as a coordinated effort to locate individuals missing in a wilderness area, in large bodies of water, or elsewhere. Search and rescue missions usually involve use of aircraft, boats, or other specialized vehicles and individuals with specialized skills and training.
    - (i) Initial search and rescue will be conducted by responding LPD personnel.
    - (ii) When the need for additional personnel, equipment, or training to conduct the search and rescue exceeds LPD initial response, The Chief of Police will assign an incident commander to request assistance from and coordinate efforts with appropriate agencies and organizations in accordance with the incident command system.

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3. The initial officer will ensure that the missing child is entered into N.C.I.C. by emergency communications personnel. If the specified victim criteria are met, the AMBER Alert Notification System will be activated.
4. The AMBER Alert Criteria is as follows:
  - (a) Child is 17 years old or less;
  - (b) Child believed to have been abducted, or to be in danger of injury or death;
  - (c) Child not taken by a parent (unless child is in danger);
  - (d) Child not believed to be a runaway or voluntarily missing; and
  - (e) The abduction is being investigated by a law enforcement agency
5. Any employee who receives information from the complainant or other responsible person that the missing juvenile has been located should cause the juvenile's name to be cleared from N.C.I.C. once the information is verified. A supplemental narrative stating the circumstances under which the missing juvenile was located, the date and time located, and who took custody of the juvenile must be submitted into the original case file in records.
6. Reports concerning missing juveniles will be handled in compliance with N.C.G.S. 7B-3001(b).
7. The case will remain open until the missing juvenile is located or the case is cleared. In cases where foul play or abduction is suspected from new information, outside sources may be called in for assistance.

#### B. Adults

1. The initial officer taking a missing persons report will obtain a complete description of the missing person, the time s/he were last seen, any information indicating foul play, past behavior and history, known associates, hangouts, and any other information that will be useful in locating the missing person. In unusual circumstances of suspected foul play, abandonment or abduction, or cases of public interest, the on-duty supervisor will be notified. The on-duty supervisor will:
  - (a) Determine if additional officers need to be dispatched to the scene in order to conduct a physical search. A physical search and rescue are defined as a coordinated effort to locate individuals missing in a wilderness area, in large bodies of water, or elsewhere. Search and rescue missions usually involve

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <b>Missing Persons</b>            | <b>Page 3 of 4</b> |
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use of aircraft, boats, or other specialized vehicles and individuals with specialized skills and training.

- (i) Initial search and rescue will be conducted by responding LPD personnel.
  - (ii) When the need for additional personnel, equipment, or training to conduct the search and rescue exceeds LPD initial response, The Chief of Police will assign an incident commander to request assistance from and coordinate efforts with appropriate agencies and organizations in accordance with the incident command system.
2. The initial officer will complete the missing persons report as soon as possible.
3. The initial officer will ensure that the report is entered into N.C.I.C either by the Communications Center.
  - (a) If the specified victim criteria are met, the Silver Alert Notification System may be activated.
  - (b) The Silver Alert Criteria are as follows:
    - i. The person is 18 years of age or older or legally emancipated;
    - ii. The person is believed to be suffering from dementia or other cognitive impairment;
    - iii. The person is believed to be missing, regardless of circumstance;
    - iv. A legal custodian of the missing person has submitted a missing person's report to the local law enforcement agency where the person went missing; and
    - v. The Missing Persons report is being investigated by a law enforcement agency.
4. Any employee who receives information from the complainant or other responsible person that the missing person has been located will cause that individual's name to be cleared from N.C.I.C. by notifying the Communications Center, once such information has been verified. A supplemental narrative stating the date and time the individual was located and the circumstances under which the individual was located must be submitted into the original case file.

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5. In addition to the missing persons report, in matters concerning at-risk persons (mentally challenged, elderly, physical impaired, those missing from group home/rest home settings), the initial officer will exhaust all leads to include canvassing, contacting associates, family members, and sending out a broadcast. The initial officer will notify their supervisor of the situation, who then will make the determination to contact the on-call the media or other emergency resources.



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## I. PURPOSE

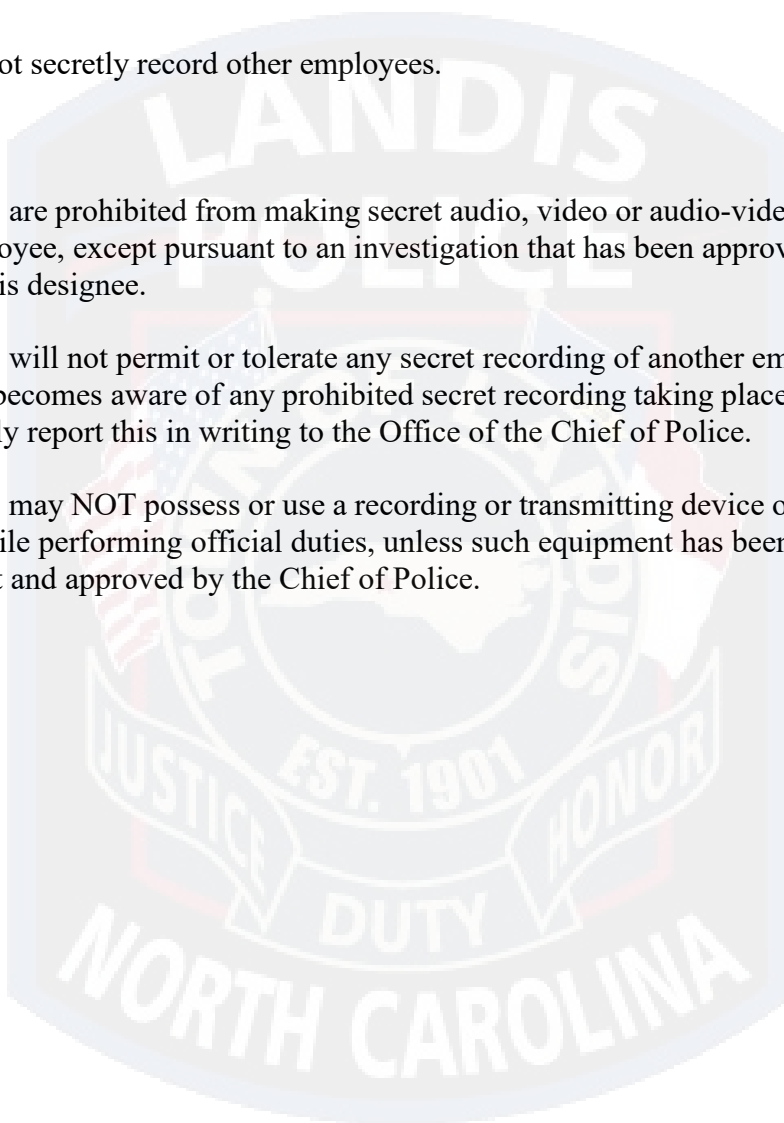
Establish guidelines for the use of recording devices by employees.

## II. POLICY

Employees shall not secretly record other employees.

## III. PROCEDURE

- A. Employees are prohibited from making secret audio, video or audio-video recordings of any other employee, except pursuant to an investigation that has been approved by the Chief of Police or his designee.
- B. Employees will not permit or tolerate any secret recording of another employee. If an employee becomes aware of any prohibited secret recording taking place, he or she will immediately report this in writing to the Office of the Chief of Police.
- C. Employees may NOT possess or use a recording or transmitting device on duty during citizen contact while performing official duties, unless such equipment has been provided by the department and approved by the Chief of Police.





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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Communicating with Deaf and<br/>Hard of Hearing Individuals</b> | <b>Page 1 of 6</b> |
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## I. PURPOSE

To ensure that the Landis Police Department (LPD) provides equal access to departmental services to persons who are deaf or hard of hearing and to ensure compliance with applicable provisions of the North Carolina General Statutes (N.C.G.S.) and Title II of the Americans with Disabilities Act (ADA).

## II. POLICY

The LPD will provide individuals who are deaf or hard of hearing with a level of service equal to that provided to other persons. Departmental employees will utilize auxiliary aids and services, as needed, in order to communicate effectively with people who are deaf or hard of hearing, unless a particular aid or service would cause an undue burden on the LPD or constitute a fundamental change in the nature of the law enforcement services being provided.

## III. DEFINITIONS

- A. Deaf Person: A person who is unable to hear or whose hearing impairment is so significant that the individual is impaired in processing linguistic information through hearing, with or without amplification. (N.C.G.S. § 8B-1(2)).
- B. Hard of Hearing Person: A person whose ability to perceive sound is reduced; the inability to perceive sound may range from a slight inability to a very significant inability, but the hearing impairment generally does not totally preclude auditory and vocal communication.
- C. Qualified Interpreter: An interpreter who is licensed by the North Carolina Interpreter and Transliterator Licensing Board as set forth in Chapter 90D of the North Carolina General Statutes.
- D. Effective Communication: Communication with deaf or hard of hearing persons in such a way that the communication is as effective as communication with others; effective communication may involve the use of auxiliary aids and services.
- E. Auxiliary Aids and Services: Devices or services that enable effective communication with people who are deaf or hard of hearing. Examples include, but are not limited to, qualified interpreters, written materials, teletypewriter (TTY or TDD), computer assisted note taking (CAN), visual aids, exchange of written notes, email, or telephone handset amplifiers.

## IV. PROCEDURE

- A. Deaf Persons Who Are Placed Under Arrest
  1. Upon arrest, the arresting officer shall make a preliminary determination of the person's ability to communicate and make efforts to determine what accommodation may be required. When attempting to communicate with a deaf person who is under

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arrest, the officer may use a variety of communication aids including: The use of gestures or visual aids to supplement oral communication, the use of a notepad and pen or pencil to exchange written notes, or the use of a qualified interpreter.

2. If the officer believes that a person he or she has arrested is deaf, and the officer needs assistance in order to communicate effectively with the arrestee, the officer shall notify Communications that a qualified and licensed interpreter is needed.
3. The type of aid or service requested by the deaf person in order to communicate effectively must be given primary consideration. For example, the arrestee may request an American Sign Language Interpreter, an Oral Interpreter who assists in making it easier for the person to read lips, a Signed English Interpreter who assists persons in communicating through signed English rather than American Sign Language, or a Cued Speech Interpreter or Transliterator who uses a hand code, or cue, to represent speech sounds.
4. Qualified and licensed interpreters must be used to interview deaf arrestees and in any other investigative interview of a deaf individual where criminal proceedings are likely to follow. Family members and friends of the deaf person shall not serve as an interpreter during such interviews.
5. If a deaf person is arrested for an alleged violation of criminal law of the State, including a local ordinance, the arresting officer shall immediately procure a qualified interpreter before any interrogation, warning, notification of rights, arraignment, bail hearing or other preliminary proceeding takes place. However, a deaf arrestee who is otherwise eligible for release on bail under Article 26 of Chapter 15A of the General Statutes shall not be held in custody pending the arrival of an interpreter. (N.C.G.S. § 8B-2(d)). Refer to Appendix A for illustrative examples of when an interpreter would be required and when an interpreter would not be necessary.
6. No answer, statement or admission taken from the deaf person without a qualified interpreter present and functioning is admissible in court for any purpose. (N.C.G.S. § 8B-2(d)).
7. If a communication made by a deaf person through an interpreter is privileged, the privilege extends to the interpreter.

**B. Interaction with Deaf or Hard of Hearing Individuals Who Are Not Under Arrest**

1. LPD employees shall not serve as an interpreter for a deaf or hard of hearing person in any civil or criminal judicial proceeding, or in an administrative proceeding before any department, board, commission, agency or licensing authority of the State or of any county or city of the State. This prohibition shall not apply in those instances in

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which the employee is a qualified licensed interpreter and the proceeding in question is entirely unrelated to the LPD and the Town of Landis.

2. Effective communication with a deaf or hard of hearing person who has been involved in an incident, whether as a victim, witness, suspect or arrestee, is essential to gathering necessary information and facts. If a deaf or hard of hearing person requests an auxiliary aid or service in order to be able to effectively communicate with an employee of the LPD, efforts should be made to accommodate that request. The type of aid or service requested by the deaf or hard of hearing person must be given primary consideration. However, the LPD is not responsible for providing a personally prescribed device such as a hearing aid.
3. Qualified and licensed interpreters should be used in communicating with deaf or hard of hearing complainants, victims, witnesses and suspects when judicial or administrative proceedings are likely to occur. In many such instances, local court officials are responsible for appointing qualified interpreters in these settings. Additional information relating to appointment of qualified interpreters for the deaf and hard of hearing in judicial and administrative proceedings is available from the North Carolina Administrative Office of the Courts at the following link:  
<http://www.nccourts.org/citizens/srplanning/documents/xguidelinesdeafandhh.pdf>
4. In general interactions, the type of auxiliary aid or service necessary to ensure effective communication with a deaf or hard of hearing person will vary depending upon the length and complexity of the communication involved, the individual's specific limitations, and the person's preferred mode of communication. In certain circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication, while in other more complex circumstances, an interpreter may be needed. Refer to Appendix A for illustrative examples of when an interpreter would be required and when other auxiliary aids would suffice.
5. Only the Chief of Police, or the Chief's designee, may make the determination that a particular aid or service requested by a deaf or hard of hearing person would cause an undue burden or a fundamental change in the nature of the law enforcement services being provided.

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## APPENDIX A

### 1. **Practical Suggestions for Communicating Effectively With Deaf or Hard of Hearing Persons**

- Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
- Face the person and do not turn away while speaking.
- Try to converse in a well-lit area.
- Do not cover your mouth or chew gum.
- If a person is wearing a hearing aid, do not assume the individual can hear you.
- Minimize background noise and other distractions whenever possible.
- When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
- Use visual aids when possible, such as pointing to printed information on a citation or other document.
- Remember that only about one third of spoken words can be understood by speech reading.
- When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.
- If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.
- If a sign language interpreter is requested, be sure to ask *which* language the person uses. American Sign Language and Signed English are the most common.
- 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 required in order to ensure effective communication.
- When an employee is using the services of an interpreter, the employee should look at and speak directly to the deaf person, not to the interpreter.
- Talk at your normal rate, or slightly slower if you normally speak very fast.
- Only one person should speak at a time.
- Use short sentences and easily understood words.
- Do not use family members or children as interpreters in law enforcement interviews. They may lack the vocabulary or the impartiality needed to interpret effectively.

### 2. **Examples of Situations in Which an Interpreter is Required/Not Required**

Generally, the services of a qualified interpreter are not required for simple transactions such as issuing a traffic citation, providing directions or responding to a person's request for LPD records, such as an accident report. The examples below illustrate situations in which an interpreter is required and situations in which an interpreter is not required.

**Example:** An officer observes the driver of a car commit a motor vehicle infraction. The driver, who is deaf, is pulled over and is issued a citation for an infraction. The individual is able to understand

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the reason for the citation because the officer points out relevant information printed on the citation, other written materials, or information written by the officer. An interpreter is not required in this situation.

**Example:** A deaf person comes to the front desk of the LPD and requests a copy of an accident report. The employee and the deaf person are able to communicate effectively through the exchange of written notes. Thus, an interpreter is not required.

**Example:** A deaf person comes to the LPD seeking to have a fingerprint card made for submission to the North Carolina State Bar in support of her application for admission to the Bar. The person making the request and the employee are able to communicate effectively through an exchange of written instructions and the requester's ability to read lips. An interpreter is not required.

**Example:** An officer responds to a call of assault with a deadly weapon inflicting serious injury. Upon arriving at the scene, the officer observes a bleeding victim and an individual holding a small crowbar. Eyewitnesses inform the officer they observed the individual strike the victim with the crowbar. The individual with the crowbar is deaf. Because the officer has probable cause to make a felony arrest without a warrant, an interpreter is not necessary to make the on-scene arrest.

However, North Carolina law provides that if a deaf person is arrested, the arresting officer shall immediately procure a qualified interpreter before any interrogation, warning, notification of rights, arraignment, bail hearing or other preliminary proceeding takes place. Thus, the officer should contact Communications personnel to obtain a qualified interpreter immediately following the arrest. **NOTE, however, that a deaf arrestee who is otherwise eligible for release on bail under Article 26 of Chapter 15A of the General Statutes shall not be held in custody pending the arrival of an interpreter. (N.C.G.S. § 8B-2(d)). Therefore, if an officer makes a warrantless arrest of a deaf person and the qualified interpreter is not available in a timely manner for arrest processing and presentment to the magistrate, the deaf arrestee shall not be held in continued custody pending the arrival of the interpreter if the arrestee is eligible for release on bail.**

**Example:** An officer responds to the scene of a domestic disturbance. The husband says the wife has been beating their children ages 13 and 15, and he has been trying to restrain her. The husband informs the officer that his wife is deaf. The officer begins questioning her by writing notes, but her responses indicate a lack of comprehension. She requests an American Sign Language interpreter. In this situation a qualified interpreter should be provided. Note that if the officer has probable cause to arrest based upon information gathered at the scene, the officer can proceed with an arrest and call Communications for an interpreter to be made available for arrest processing.

It is not appropriate to ask a family member or companion on the scene to interpret in a situation like this because emotional ties may interfere with the ability to interpret impartially.

**Example:** An officer responds to the scene of a car accident where a man has been seriously injured. The man is conscious, but is unable to comprehend the officer's questions because he is deaf. A

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family member who is present begins interpreting what the officer is saying and assisting the officer in gathering necessary information.

A family member or companion *may* be used to interpret in a case like this, where the parties are willing, the need for information is urgent, and the questions are basic and uncomplicated. However, in general, do not expect or demand that a deaf person provide his or her own interpreter. As a rule, when interpreter assistance is needed in order to effectively communicate, it must be provided by the LPD.

**Example:** An officer has reasonable suspicion that a person who is deaf has committed a felony. The officer would like for the suspect to come to the LPD for a voluntary interview. The officer approaches the individual and a voluntary interview is arranged through an exchange of written notes. A qualified interpreter is required for this interview. The officer should determine in advance what type of interpreter is needed by the suspect (American Sign Language, Cued Speech, etc.) and make arrangements for the interpreter to be available at the time of the interview.

**Example:** The LPD announces that it is going to hold a public meeting to discuss recent crime trends and to inform Landis residents of recently developed crime prevention initiatives that involve increased citizen participation. A member of the public who plans on attending the meeting is deaf, and he contacted the Office of the Chief of Police to request that services of an American Sign Language interpreter be made available at the meeting. A qualified interpreter in American Sign Language must be made available by the LPD for this meeting.

**Example:** A LPD detective takes a 13-year old into custody for armed robbery and will seek to conduct an in-custody interview. The juvenile's custodial parent is deaf. A qualified interpreter must be provided for the custodial interview of the juvenile at which the deaf parent is present (N.C.G.S. § 7B-2101).

#### REFERENCES:

N.C.G.S., Chapter 8B

N.C.G.S., Chapter 90D

N.C.G.S. § 7B-2101

Americans with Disability Act, Title II

U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Guidance, January 2006

North Carolina Administrative Office of the Courts, Guidelines for Accommodating Persons Who are Deaf or Hard of Hearing, May 2010

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <b>Identity Theft</b>             | <b>Page 1 of 2</b> |
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|   | <b>Amended:</b>                   |                    |
|   | <b>POLICY # 500.22</b>            |                    |

## I. PURPOSE

Establish departmental policy and procedure for responding to reports of identity theft.

## II. POLICY

The Landis Police Department shall gather, analyze and investigate reports pertaining to identity theft. The department will provide information and assistance to identity theft victims, coordinate investigations with other agencies, and provide public information concerning identity theft crimes.

## III. DEFINITIONS

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

1. **Identity Theft:** A person who knowingly obtains, possesses, or uses identifying information of another person, living or dead, with the intent to fraudulently represent that the person is the other person for the purposes of making financial or credit transactions in the other person's name, to obtain anything of value, benefit, or advantage, or for the purpose of avoiding legal consequences.
2. **Identifying information** as defined in N.C.G.S. § 14-113.20:
  - (a) Social security or employer taxpayer identification numbers;
  - (b) Driver's license, State identification card, or passport numbers;
  - (c) Checking account numbers;
  - (d) Savings account numbers;
  - (e) Credit card numbers;
  - (f) Debit card numbers;
  - (g) Personal Identification (PIN) Code as defined in G.S. 14-113.8 (6);
  - (h) Electronic identification numbers, electronic mail names or addresses, Internet account numbers, or Internet identification names;
  - (h) Digital signatures;
  - (i) Any other numbers or information that can be used to access a person's financial resources;
  - (j) Biometric data;
  - (k) Fingerprints;

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- (l) Passwords; and
- (m) Parent's legal surname prior to marriage.

#### IV. PROCEDURES

##### A. Responsibility of uniformed officers

Uniformed officers will gather the information and write the report in the department's records management system for crimes of identity that occur in within the town's jurisdiction.

##### B. Conduct of Investigations

Officers shall investigate identity theft cases assigned to them. They will conduct their investigations in the most discreet manner possible, being mindful not to unnecessarily endanger the reputation of any person under investigation.

##### C. Administration

1. When a case is assigned for investigation, a record will be maintained that includes, but is not limited to, the name of the officer assigned, date assigned, case number, and current status of the case.
2. Department employees will provide the general public with information on prevention of identity crime and provide information and assistance to identity crime victims.

##### D. Duties and Responsibilities

All officers are responsible for ensuring reports are taken in identity theft cases, regardless whether the case originated within the town limits or not. The report has to be filed before an investigation can be conducted.



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|  | <b>POLICY # 500.23</b>            |                    |

## I. PURPOSE

To establish guidelines and procedures to assist agency personnel in recognizing and properly responding to the needs of people with mental illness.

## II. POLICY

The department will provide people with mental illnesses or disabilities with the same services provided to others.

## III. DEFINITIONS

- A. Cognitive Disability: The mental process of knowing, including aspects such as awareness, perception, reasoning, judgment and learning.
- B. Communications Disability: A condition that impairs one's ability to convey information and ideas.
- C. Mental Illness: May consist of various conditions characterized by the impairment of an individual's normal cognitive, emotional, or behavioral functioning.

## IV. PROCEDURES

- A. Officers may encounter victims, witnesses, or suspects who have mental illnesses. Officers may also be called upon to assist people in obtaining psychiatric evaluation or other needed services of mental health organizations (see policy # 500.11 Involuntary Commitments and Mentally Disabled Persons).
- B. When responding to a call that involves a person who has or exhibits symptoms of mental illness, officers should obtain as much information as possible to assess and stabilize the situation. Officers should follow the guidelines below when dealing with an individual who appears to be exhibiting symptoms of mental illness:
  1. Remain calm and avoid overreacting;
  2. Be helpful and professional;
  3. Indicate a willingness to understand and help;
  4. Understand that a rational discussion may not take place;
  5. Be friendly, patient, accepting and encouraging, but remain firm and professional;
  6. Be aware that uniforms may frighten the person with mental illness; and

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7. If a petition for involuntary commitment is warranted, officers should proceed in accordance with departmental policy # 500.11 Involuntary Commitments and Mentally Disabled Persons).

C. Guidelines for recognition of persons suffering from mental illness:

The following are generalized signs of behavior that may suggest mental illness, although employees should not rule out other potential causes. An individual's behavior should be considered in the total context of the situation when making judgments about the need for intervention.

A mentally ill person may exhibit one or more of the following traits:

1. Abnormal memory as to such common facts as name or address.
2. Delusions – the belief in thoughts or ideas that are false, such as delusions of grandeur or paranoia.
3. Hallucinations of any of the five senses (e.g. hearing voices, feeling one's skin crawl, smelling strange odors, etc.)
4. The belief that one suffers from extraordinary physical maladies or abilities that are not possible.
5. Extreme depression.
6. Strong and unrelenting fear of persons, places, or things.
7. Extremely inappropriate behavior for a given context.
8. Easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.

D. Guidelines for responding to persons who appear to be mentally ill:

1. Carefully plan questions based on the person's ability level;
2. Formulate and write down questions that are developed around the person's communication abilities;
3. Consider having a trusted caregiver or mental health professional present;
4. Avoid all extraneous sensory distractions, the person may be easily distracted;

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5. Develop good rapport;
6. Do not be condescending;
7. Use simple, direct language. Deal with one issue at a time;
8. Get the person to restate what happened in his/her own words;
9. Make sure your words and their words have meanings that you both understand;
10. Be alert to nonverbal clues—for example, restlessness, frowning, or long pauses between answers—that suggest the person may not understand or is confused;
11. Make sure the person and you understand who is being referred to when using pronouns;
12. Be patient; wait for an answer;
13. Let them know that it is OK to say “no” to your questions;
14. Carefully establish time lines. Rather than asking about the specific time of the day or dates, broader questions focusing on context may be more useful;
15. Avoid leading questions; and
16. If the person has a short attention span, consider conducting the interview in short time intervals.

E. Guidelines for Interviews and Interrogations of Persons with a Mental Illness

1. An Officer will afford every individual investigated, interviewed or interrogated his or her constitutional rights. An individual’s rights are not diminished because of a mental illness.
2. The admissibility of a suspect’s statement will depend on evidence that he or she understood his or her rights and understood and answered the questions willingly and with consent.
3. When administering Miranda warnings, officers should make every effort to determine the extent to which the individual’s illness, impairs his or her ability to comprehend and give informed consent. Medications taken to treat mental illnesses may also impair comprehension and the ability to give informed consent.

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4. When officers doubt an individual's capacity to understand his or her rights and give informed consent, all questioning should cease and the officers should consult a supervisor and a mental health professional to determine if the person understands the Miranda rights.
5. Officer Safety must remain of paramount importance during interviews and interrogations of persons with mental illness. Having a second officer observe the interview is preferable.
6. Officers shall follow all other guidelines and directives in this policy and any other Landis police policy during interviews and interrogations of persons with a mental illness.

F. Procedure for Accessing Available Community Health Resources

Communications personnel will have access to contact and referral information for available community mental health resources. The officer may request that a mental health provider respond to the scene or may transport the subject to a mental health facility, if the situation warrants direct contact.

1. Mental Health Facilities or Providers are available for referral. Some facilities have a 24-hour crisis line and detoxification center with extended hours.
2. After hours and weekends, the person should be referred directly to a nearby medical facility.

V. Training

Entry-level employees will be provided with training to assist them in providing services to people who may be mentally ill as part of the Basic Law Enforcement Training curriculum.

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|  | <b>POLICY # 500.24</b>                 |                    |

## I. PURPOSE

To establish departmental policy and procedures for employees dealing with the general public video recording of police activity.

## II. POLICY

No member of the Landis Police Department may prevent or prohibit any person's ability to observe, photograph, and/or make a video recording (with or without a simultaneous audio recording) of police activity that occurs in the public domain, so long as the person's location, actions, and/or behavior do not create a legitimate, articulate threat to officer safety, or an unlawful hindrance to successful resolution of the police activity.

## III. DEFINITIONS

- A. Photographing: The act of capturing and storing a still image, whether in an electronic/digital format, or on any type of light-sensitive film (e.g., traditional 35mm film).
- B. Video Recording: The act of capturing a series of images that, when replayed in succession, reproduce a sequence of activities in motion. Video recordings may be stored on a length of light-sensitive film, a videotape cassette, or in a digital format (e.g., a removable memory card), and may or may not contain a simultaneous audio recording.
- C. Video Recording Device: Any device capable of capturing a still or moving image(s), regardless of whether or not a simultaneous audio recording is included. Examples may include any cellular telephone of any make, model, or manufacturer, including those devices referred to as a personal digital assistant, also known as a personal data assistant or PDA, a table-style mobile computer, commonly referred to simply as a "tablet". Any camera, whether still-photo and/or video, of any make, model, or manufacturer, regardless of whether or not the device is capable of capturing a simultaneous audio recording, and regardless of how the device stores the images captured.

## IV. GENERAL INFORMATION

It is increasingly common for uninvolved bystanders at the scene of police activity to photograph and/or video record the actions of police officers and their conduct. Employees should assume that, at any time, the general public is probably observing, and perhaps even photographing or video recording, their activities. Employees must understand that any bystander has an absolute right to photograph and/or video record any of their activities, so long as the bystander's actions do not:

- A. Place the safety of the bystander, or of any police officer(s), witness(es), victim(s), or suspect(s), in jeopardy;
- B. Hinder the execution or performance of an officer's official duties;

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- C. Interfere with or violate any section of law, ordinance or code;
- D. Involve an intrusion into any crime scene, private property, or other location under lawful police control and/or not normally accessible to the general public;
- E. Threaten, by words or actions, other persons; or
- F. Attempt to incite an immediate breach of the peace or incite others to commit a violation of the law.

**NOTE: In and of themselves, the acts of observing, photographing, and/or making a video recording of any police activity that occurs in a public setting are not criminal offenses. On their own, these acts DO NOT constitute probable cause for the arrest of the observer/bystander, and they DO NOT provide any justification for an employee of the Landis Police Department, without an appropriate court order to review, seize, damage, erase, or otherwise inspect the contents of a person's camera or video recording device.**

#### V. SPECIAL CIRCUMSTANCES

Nothing in this policy should be construed by employees as an elimination of their ability to seek out, collect, or otherwise gather evidence in the course of a criminal investigation.

If an officer has probable cause to believe, or exigent circumstances indicate, that a bystander is in possession of any still photographs/video recordings, and/or audio/sound recordings that are, or could reasonably be considered, evidence related to a crime and/or the identification of a person involved in a crime, officers may take all lawful actions to collect that evidence.

However, officers seeking to obtain material contained on a camera or recording device that is the private property of a bystander must recall that the camera or video recording device, and the bystander who possesses it, enjoy the same Constitutional protections from unreasonable search and/or seizure as they would in any other law enforcement activity or investigation.

Thus, unless the bystander voluntarily consents to: surrendering his/her camera or video recording device; an examination of its contents; and a seizure by a police officer of any images or videos contained within it, officers must adhere to the requirements of this policy.

#### VI. ROUTINE ENCOUNTERS WITH THE GENERAL PUBLIC

- A. Upon discovery that a bystander is observing, photographing, or video recording the conduct of police activity:

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1. Do not impede or prevent the bystander's ability to continue do so based solely on your discovery of his/her presence.
  2. Do not seize or otherwise demand to take possession of any camera or video recording device the bystander may possess based solely on your discovery of his/her presence.
  3. Do not demand to review, manipulate or erase any images or video recording captured by the bystander based solely on your discovery of his/her presence.
  4. For investigative purposes, be mindful of the potential that the bystander may witness or capture images/video of events considered at some later time to be material evidence.
- B. Before taking any police action, which would stop a bystander from observing, photographing, or video recording the conduct of police activity, officer(s) must have observed the bystander committing some act that falls within one of the six numbered conditions listed in Section IV of this policy, entitled "GENERAL INFORMATION."
- C. If it becomes necessary to effect the arrest of a bystander who is or has been observing, photographing, or video recording police activity:
1. Ensure the arrest is for an unlawful activity or criminal offense;
  2. Notify a supervisor that an arrest of this nature has been made; and
  3. Clearly articulate the facts and circumstances that led to the arrest in all subsequent reporting and charging documents.
- D. Do not compromise the integrity of any established crime scene or other secured/restricted area so that a bystander may observe, photograph, or video record police activity.
- E. A bystander's desire or intent to observe, photograph, or video record police activity does not entitle him/her to:
1. Trespass on private property.
  2. Place him or herself in physical danger (e.g., within an area defined by officers as an "inner perimeter").
  3. Enter into or upon any established marked crime scene.
  4. Enter into or upon any area not accessible to the general public.

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- F. In public areas, any form on identification referred to as "press credentials" does not extend any special privileges or access to any individual. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public.
- G. No individual is required to display "press credentials" in order to exercise his/her right to observe, photograph, or video record police activity taking place in an area accessible to, or within view of, the general public.

## **VII. SEIZING A VIDEO RECORDING DEVICE(S) FOR EVIDENTIARY PURPOSES**

- A. If someone is believed to possess any material that is, or could reasonably be considered, evidence related to a crime and/or the identification of a person involved in a crime, request that the person voluntarily surrender the camera, video recording device, etc., into police custody.
  - 1. If the individual consents to the request:
    - (a) Exercise due care and caution with any of the individual's property or electronic device(s).
    - (b) Provide the individual with the name and contact information of the officer who took custody of the individual's property.
    - (c) In the "Property Listing / Evidence Recovered" section of any applicable field report(s), list the item(s) surrendered by the individual and held/submitted as evidence.
    - (d) Document your request and the individual's response, in the narrative of applicable field reports and/or charging documents.
  - 2. If the individual refuses the request:
    - (a) In the absence of exigent circumstances, assess whether probable cause exist to support an application for a Search Warrant.
    - (b) Coordinate with a Detective for guidance and technical expertise in the wording and preparation of both "Application for Search Warrant," and Affidavit(s) submitted in support of your application.

If there is probable cause to believe that evidence exists on an individual's device, and there is probable cause to believe that the evidence is in immediate jeopardy or being tampered with, altered, deleted, or destroyed,) you may temporarily seize the device for safekeeping/preservation of the



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evidence while the appropriate application(s) for Search and Seizure Warrant(s) are made.

- (c) Make no attempt to view, download, or otherwise access any material contained on the device.
- (d) Apply for, execute, and return any Search Warrant(s).
- (e) Complete appropriate field reports.

### VIII. SUPERVISORS

- A. If possible, respond to any scene where officers under your supervision believe that the presence of a bystander who is observing, photographing, and/or video recording their conduct is unlawfully hindering or interfering with the successful execution of their official duties.
- B. At any scene where the actions of a bystander who is observing, photographing, and/or video recording police activity are approaching the level of a criminal offense:
  - 1. Ensure adequate police attention remains focused on whatever situation originally required a police response.
  - 2. Supervisors shall not allow subordinates under their supervision to become distracted from their professional duties if it is suspected that persons or groups of persons are deliberately creating hazardous conditions with the intent of provoking an inappropriate police response.
  - 3. If tactically feasible, inform the bystander that his/her actions may, if continued, rise to the level of a criminal offense and could subject him/her to arrest.
  - 4. If possible, recommend a less-intrusive location to the bystander from which he/she may continue to observe, photograph, or video record the police activity.
  - 5. Coordinate with the appropriate detective(s) when establishing the limits of any crime scene.
- C. Ensure that any camera or video recording device that has been used to photograph and/or video record police activity comes into custody of the Landis Police Department
  - 1. Through the voluntary consent of the individual in possession of the item.
  - 2. Through execution of a search warrant.

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- 3. Through a valid exception to the warrant requirement.



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## I. PURPOSE

To affirm the Landis Police Department's commitment to unbiased policing.

## II. POLICY

It is the policy of the Landis Police Department (LPD) to conduct patrol, enforcement and investigative activities in a proactive and unbiased manner.

## III. DEFINITIONS

1. Biased Based Policing: The selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status or age.
2. Enforcement Activities: Activities undertaken by LPD personnel that arise from their authority related to employment, oath of office, state statute or federal law or Town Ordinance. Activities such as traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.
3. Reasonable Suspicion: Suspicion that is more than a mere hunch but is based on a set of facts and circumstances that would warrant a person of reasonable caution in believing that a violation of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This information can be based on observations, training and experience, and/or reliable information received from credible sources.

## IV. PROCEDURES

### A. Traffic and Field Contacts

1. Traffic and field contacts between officers and citizens will be in accordance with applicable law as well as LPD policies and procedures. A suggested basic interpersonal communication protocol is as follows:
  - (a) Be alert at all times and approach the vehicle or person in a safe manner;
  - (b) Present a confident and professional image;
  - (c) Greet the person contacted in a respectful manner and identify yourself;

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- (d) Approach the driver or person and state the reason for the traffic stop or temporary detention, focusing on the actions of the vehicle or circumstances rather than personalizing the violation;
  - (e) If the person is driving a motor vehicle request the driver's operator's license and registration;
  - (f) Inform the driver or pedestrian as to what action is being taken and what actions, if any, the person must take as a result of the enforcement action;
  - (g) Make a reasonable effort to answer the driver's questions;
  - (h) Complete the forms required for the enforcement action taken or give a verbal warning.
  - (i) Inform the violator whether the offense is waivable or requires mandatory court appearance. If the offense is waivable, the officer shall inform the violator of the applicable fine and court costs.
  - (j) After completing the required form or verbal warning, assist the driver, if necessary, in re-entering the traffic flow safely.
2. The type of enforcement action should always be documented, such as a verbal warning, written warning, citation, field interview form or an arrest. All enforcement documentation will include the gender, race or ethnicity of the person stopped or contacted, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
  3. No individual, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity unless the continued contact is consensual in nature.
  4. No person or vehicle will be searched in the absence of a search warrant, or a legally recognized exception to the search warrant requirement, or the person's voluntary consent.
  5. In the absence of a specific, credible report containing a physical or vehicle description, a person's race, ethnicity, gender or combination of these will not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
  6. The LPD does not condone and will not permit the use of biased based policing in its enforcement programs to include criminal investigations, traffic contacts, arrest and asset seizure and forfeiture.

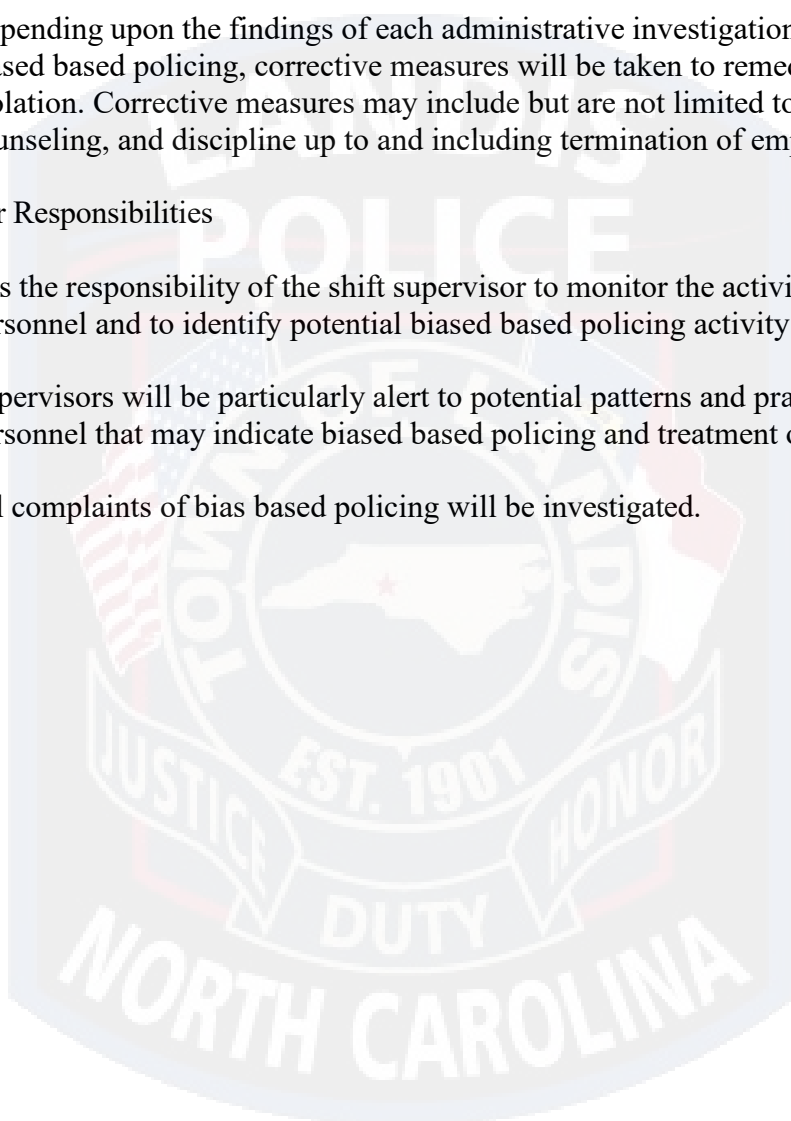
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**B. Biased Based Policing Complaints**

1. All biased-based policing complaints will be in handled in accordance with the Administrative Investigation policy.
2. Depending upon the findings of each administrative investigation of a complaint of biased based policing, corrective measures will be taken to remedy any sustained violation. Corrective measures may include but are not limited to, training, counseling, and discipline up to and including termination of employment.

**C. Supervisor Responsibilities**

1. It is the responsibility of the shift supervisor to monitor the activities of his or her personnel and to identify potential biased based policing activity.
2. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate biased based policing and treatment of individuals.
3. All complaints of bias based policing will be investigated.



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|  | <b>Amended:</b>   |                    |
|  | <b>POLICY # 500.26</b>  |                    |

## I. PURPOSE

Establish guidelines for the officers of the Landis Police Department delivering and accepting emergency messages.

## II. POLICY

Delivering and accepting emergency messages is a legitimate law enforcement function. Request for the delivery of emergency messages may be received from the general public as well as other law enforcement agencies, hospitals, etc.

## III. PROCEDURES

A. The Landis Police Department may honor requests of the following nature for delivering and accepting emergency messages:

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.
3. Reasonable attempts will be made to deliver such messages to the intended recipient.

B. When notifications must be made to the immediate family of deceased, seriously injured, or seriously ill persons, the following procedures will be followed:

1. Within the jurisdictional boundary of Landis:
  - (a) Notification will be made in person by a sworn member of the Department.
  - (b) Notification will be made to either an adult family member or a close adult friend of the family.
2. Outside the jurisdictional boundary of Landis:
  - (a) Notification will be made by telephone to the agency having jurisdiction over the residence of the next of kin.
  - (b) That agency will be asked to make the notification in person. If the agency cannot or is reluctant to do so, the duty supervisor shall be advised, and he shall determine the best course of action based upon the circumstances.

C. Whenever possible, assistance should be obtained from the clergy, relative, or close friend when notifications are made.

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## I. PURPOSE

To provide Departmental guidelines for conducting interviews and interrogations.

## II. POLICY

The Department has a responsibility to protect the Constitutional rights of suspects and citizens when encounters occur, and interviews take place.

## III. DEFINITIONS

Interview: 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.

Interrogation: The term “interrogation” under *Miranda* refers not only to express questioning, during arrest custody, but also to any words or actions on the part of the police ... that the police should know are reasonably likely to elicit an incriminating response from the suspect.

Privileged Conversation: Any private conversation between a suspect and a lawyer, a member of the clergy, or a spouse.

## IV. PROCEDURE

In order for a confession to be admissible as evidence, the court will evaluate the “totality of the circumstances” to determine if a confession was knowingly and voluntarily made.

### A. Non-Custodial Interviews

Whenever possible, officers should conduct non-custodial interviews of suspects. Because the suspect is not in custody, *Miranda* warnings are not required and should not be given. Officers will want to take steps to ensure that an interview is voluntary and non-custodial. The courts will consider the totality of circumstances to determine if the suspect is in custody.

#### 1. Voluntary Encounters

A voluntary encounter can occur anytime a citizen is willing to speak to an officer. Such an encounter could occur spontaneously, at the request of the officer or at the request of the citizen.

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## 2. Investigative Detentions

With reasonable suspicion to believe a person may be involved in criminal activity an officer may temporarily detain the person and conduct an investigation. Generally, an investigative detention is not considered custodial; therefore, it is not necessary to provide Miranda warnings prior to asking questions during an investigative detention.

- (a) A detained person who is not operating a motor vehicle is not required to provide identity information or answer questions.
- (b) An officer is permitted to transport a briefly detained person only with the permission of the person detained.

## 3. Some of the factors considered by the courts to determine if a person is in custody include, but are not limited to the following:

- (a) Whether the person was told they were not under arrest;
- (b) Whether the person was free to leave;
- (c) How the person traveled to the site of the interview;
- (d) Where the interview took place;
- (e) Whether the person was handcuffed;
- (f) Whether the person was locked in a room;
- (g) Whether the person was guarded;
- (h) Whether the person left the police station after completing the interview; and
- (i) Whether the person was permitted to move about freely to use the restroom or take a break.

## B. Custodial Interrogations

Miranda warnings must be given anytime a suspect is in arrest custody and being interrogated. Additional steps must be taken when dealing with juveniles, hearing impaired, or non-English speaking individuals. Hearing impaired and non-English speaking persons should be instructed and provided access to sign language or a foreign language interpreter.



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1. Adults

- (a) For purposes of interrogation, an adult is a person who is 18 years or older, emancipated, married or a member of the armed forces. An adult should be read the Miranda warnings as stated on a Waiver of Rights Form or from a Miranda rights card.
- (b) Officers should make reasonable efforts to determine if the adult has invoked his/her Fifth Amendment/Miranda right to counsel within the 14 days prior to being interrogated. This rule applies to all in-custody interviews and interrogations.

2. Juveniles

Refer to Juvenile Procedures Policy #500.30

3. Hearing Impaired

Refer to Communicating with Deaf and Hard of Hearing Individuals Policy #500.21

4. Non-English Speaking

- (a) Pursuant to Chapter 90D of the North Carolina General Statutes, the State licenses foreign language interpreters, officers are required to provide court-approved interpreters to non-English speaking persons under arrest or in custody, prior to any questioning. The non-English speaking person may waive the right to an interpreter provided the waiver is approved in writing by the person's attorney or by the appointing authority (court) if there is no attorney.
- (b) Non-English speaking persons should also be provided with an interpreter to facilitate notification of rights and interrogation. The suspect should not be coached in how to complete the form. Completion of the form can be used to demonstrate that the suspect could read and comprehend English at an acceptable level.

C. Waiver or Invocation of Rights

1. Waiver of Rights

- (a) Prior to interviewing an in-custody suspect, Miranda warnings must be given and a waiver of rights must be obtained. It is preferable to obtain a written waiver. When this is not possible, officers need to document how a suspect waived his/her rights through tape recorders, videotapes, or witnesses.

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- (b) In order for a waiver to be valid, it must be given knowingly and voluntarily by the person in custody. If a written waiver form is being used, the suspect should be advised to read the form. A suspect should not be coached on how to complete the form.
- (c) In addition, when conducting a custodial interrogation, the officer should make reasonable efforts to discover if the person has invoked his/her Fifth Amendment/Miranda rights within the previous 14 days while in-custody for any offense. If the person has invoked his/her Miranda rights while in custody within the previous 14 days, the officer shall wait a minimum of 14 days before conducting additional custodial interrogation, unless the suspect initiates the contact.

## 2. Invocation of Rights

- (a) After receiving Miranda warnings, an in-custody suspect may invoke one or more of his/her rights. It is crucial that officers document precisely which right is invoked.
- (b) If the suspect invokes his right to silence, all questionings must cease. After “scrupulously honoring” the suspect’s right to silence, officers may; re-approach the suspect, repeat the Miranda warnings, and attempt to obtain a waiver. While there is no bright-line rule, officers should generally wait at least two hours before re-approaching an in-custody suspect who has asserted his/her right to remain silent.
- (c) If the suspect invokes his/her Fifth Amendment/Miranda right to an attorney, then all questionings must cease. The following rules apply subsequent to a custodial assertion of one’s Miranda right to counsel. These rules apply for ALL offenses.
  - i. If suspect makes an unequivocal request for counsel, then the officer must STOP interrogation on ALL crimes until:
    - 1) Counsel is present; or
    - 2) Suspect initiates contact; and
    - 3) Suspect is advised of rights and signs waiver form.
  - ii. All law enforcement officers are bound by assertion of Miranda right to counsel while the suspect remains in continuous custody. Assertion of Miranda right counsel is not crime specific.

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iii. Prior to conducting a custodial interview of any suspect regarding any crime, officers must verify that suspect has not asserted Miranda right to counsel to another officer of any agency at any time during previous 14 days. If so, the prior assertion of Miranda right to counsel bars subsequent custodial interrogation on All offenses by any LEO for 14-days period following release from custody. (Maryland v. Shatzer )

(d) Following an assertion Miranda right to counsel, if the defendant reinitiates contact with the LEO or the attorney is present, the officer may conduct the interview, but a warning and waiver are required before the interrogation.

D. Required Recording of Interviews

Refer to Electronic Recording of Custodial Policy

E. Attachment of Sixth Amendment Right to Counsel

1. Sixth Amendment right to counsel attaches at initial appearance before a Magistrate or at time of indictment, whichever occurs first.
2. Once the Sixth Amendment right to counsel has attached, it exists regardless of whether the defendant is in custody or out of custody. Thus, an out of custody defendant whose Sixth Amendment right to counsel has attached should not be interviewed by officers without first obtaining a waiver of the Sixth Amendment right to counsel.
3. Officers may approach an in-custody defendant even after the Sixth Amendment right to counsel has attached and been asserted as long as the defendant has not previously invoked his/her Fifth Amendment/Miranda right to counsel during custodial interrogation.
4. The Sixth Amendment right to counsel may be waived by a defendant after attachment and assertion at an initial appearance, so long as the relinquishment of the right is voluntary, knowing, and intelligent. The defendant may waive the right whether or not he is already represented by counsel, and the decision to waive need not itself be counseled.
5. The waiver can be accomplished by reading the standard Miranda waiver form, but it also is a good practice to include a reference that the subject is represented by counsel and the name of counsel, if known. Also, if the defendant asserts his Sixth

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Amendment right to counsel during police questioning, officers should not attempt to re-initiate interrogation on the formally charged offense.

6. All video and audio equipment shall immediately cease recording during any privileged conversation with the suspect and a lawyer, member of the clergy or spouse. The recording shall continue at the conclusion of the privileged conversation.



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## I. PURPOSE

It is the objective of this policy to provide a clear, coordinated and timely response to alarms. It establishes responsibilities, priorities and locations needed for an adequate response. While capture of suspect(s) is a high priority, minimization of the chance of a hostage situation is paramount.

## II. POLICY

### I. Premises Familiarization:

- A. All patrol officers must familiarize themselves with the location and general layout of all businesses with alarms.
- B. All patrol officers must familiarize themselves with the usual appearances of businesses with alarms.

### II. Dispatch and Response:

#### A. Bank Alarms:

1. Responding officer(s) should obtain all available information from Rowan County Communication when dispatched.
2. Responding officer(s) should approach the bank from a direction in which as many escape routes as possible are covered.
3. Rowan County Communications should immediately call the bank and attempt to determine if an actual robbery is in progress or if it is a false alarm. Since there is no way to definitely establish if it is a false alarm, the officer(s) assigned will still respond. However, after talking with the bank officials, if Communications believes it is a false alarm, they should advise the responding officer(s). If Communications has reason to believe that a robbery is in progress, they will advise the responding officer(s). Rowan County Communications will typically have an employee exit the bank to meet an officer.
4. The first officer on the scene should position his vehicle near the bank but where the people in the bank cannot see him.
5. Officers shall be alert for suspicious persons and vehicles and should avoid using the siren. Officers should be alert for possible "lookouts" that may be working with the robbers. All unoccupied police vehicles shall be secured by removing the ignition keys.

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6. The supervisor, if available, will deploy other units in proper position to adequately cover all exits from the bank.
7. Officers arriving first at the scene will not stop directly in front of the bank and rush inside with weapons drawn. This could prove dangerous to the officers' safety and could cause a hostage situation should a robbery be in progress.
8. If, on arrival the officer(s) find the bank official outside the building, they should talk with them and determine the reason for the alarm, i.e., employee negligence, equipment malfunction, etc. They should notify communications the reason for the false alarm.
9. If upon arrival Communications has not contacted anyone by phone and no one appears outside, officers will have to enter the bank. This should be done with all possible caution, looking for unusual persons and activity. If available an officer in civilian clothing should enter first. Officers should advise Communications that they are entering the bank and as soon as possible that everything is all right.
10. If a robbery is in progress and the robbers are still in the bank, as they leave the bank (assuming without hostages) and are far enough outside so as not to dash back inside, officers will, at the opportune time, order them to submit to arrest. If they indicate resistance, the officer will use necessary force to affect an arrest.
11. If hostages are taken, officers should not make a physical attempt to arrest. The safety of the hostages is paramount. The officers shall make every attempt, short of endangering the hostages, to restrict the robber's movement. An individual acting as negotiator shall attempt to convince the robbers that their actions are futile and that they should surrender. The ranking officer at the scene must approve all negotiations made.
12. If the offenders are not apprehended immediately, officers should request Communications make local and DCI broadcasts so that other agencies will know that the offenders are at large.
13. All police personnel will restrict their use of communications to necessary traffic.
14. Department investigators will be assigned the responsibility for follow-up investigation and will work in conjunction with representatives of the FBI and/or SBI.

**B. Other Alarms:**

1. Responding officer(s) should obtain all available information from Rowan County Communication when dispatched.

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2. Responding officer(s) should approach the location from a direction in which as many escape routes as possible are covered.
3. Rowan County Communications should immediately call the location, if during business hours or a residence and attempt to determine if an actual robbery or burglary is in progress or if it is a false alarm. Since there is no way to definitely establish if it is a false alarm, the officer(s) assigned will still respond. However, after talking with someone, if Communications believes it is a false alarm, they should advise the responding officer(s). If Communications has reason to believe that a robbery is in progress, they should advise the responding officer(s). Rowan County Communications will typically have an employee exit to meet an officer.
4. The first officer on the scene should position his vehicle near the location but where anyone at the location cannot see them.
5. Officers shall be alert for suspicious persons and vehicles and should avoid using the siren. Officers should be alert for possible "lookouts" that may be working with the robbers. All unoccupied police vehicles shall be secured, and ignition keys removed.
6. The supervisor, if available, will deploy other units in proper position to adequately cover all exits from the location.
7. Officers arriving first at the scene will not stop directly in front of the location and rush inside with weapons drawn. This could prove dangerous to the officers' safety and could cause a hostage situation should a robbery be in progress.
8. If, on arrival the officer(s) find a business employee or resident outside the location, they should talk with them and determine the reason for the alarm, i.e., employee negligence, equipment malfunction, etc. They should notify communications the reason for the false alarm.
9. If upon arrival Communications has not contacted anyone by phone and no one appears outside, officers will have to enter the location. This should be done with all possible caution, looking for unusual persons and activity. Officers should advise Communications that they are entering the location and as soon as possible that everything is all right.
10. If a robbery or B&E is in progress and the suspects are still at the location, as they leave the location (assuming without hostages) and are far enough outside so as not to dash back inside, officers will, at the opportune time, order them to submit to arrest. If they indicate resistance, the officer will use necessary force to affect an arrest.
11. If hostages are taken, officers should not make a physical attempt to arrest. The safety of the hostages is paramount. The officers shall make every attempt, short of

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endangering the hostages, to restrict the suspect's movement. An individual acting as negotiator shall attempt to convince the suspects that their actions are futile and that they should surrender. The ranking officer at the scene must approve all negotiations made.

12. If the offenders are not apprehended immediately, officers should request Communications make local and DCI broadcasts so that other agencies will know that the offenders are at large.
13. All police personnel will restrict their use of communications to necessary traffic.
14. Department investigators will be assigned the responsibility for follow-up investigation and will work in conjunction with representatives of the SBI, if needed.

#### C. Alarms at Closed Businesses

1. Officers shall, upon arriving at a business, residence, school, bank, etc., which appears to be closed where an alarm has been dispatched, or a location where an officer has discovered an alarm, proceed to check all windows, doors, and entry/exit points for possible sources of the alarm and/or entry by unauthorized persons.
2. If the officer discovered the alarm before being dispatched, the officer should notify Rowan County Communications of the alarm and the location.



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## I. PURPOSE

Establish departmental policy and procedure for the service of legal process documents.

## II. POLICY

The Landis Police Department shall effectively and efficiently execute all legal process documents issued to its care and custody in accordance with existing law and statutory authority. Landis Police Department officers are not authorized to serve civil process. When requested to assist other agencies serving civil process, LPD officers will stand by for the purpose of keeping the peace.

## III. DEFINITIONS

Legal Process: For the purpose of this policy, *legal process* is limited to a warrant/order for arrest, criminal summons, magistrate's order, or when the North Carolina Uniform Citation is used to charge a misdemeanor offense where a custodial arrest is made.

## IV. PROCEDURES

### A. Organization & Administration

1. The primary responsibility for the service of legal processes, notification of persons served, and the filing of requisite reports shall rest with the officer to whom the process is assigned.

### B. Legal Process Records

1. Legal process documents are maintained through the NCAWARE system. The NCAWARE system permits 24-hour access to all law enforcement personnel.
2. The NCAWARE system tracks the date processes are accepted, assigned, forwarded, returned to clerk and/or served.

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3. Information to be recorded will include, as applicable, the following:
  - i. Date and time received;
  - ii. Type of process;
  - iii. Nature of document;
  - iv. Source of document;
  - v. Name of complainant or defendant;
  - vi. Personnel assigned for service;
  - vii. Date of assignment;
  - viii. Court file number;
  - ix. Date service due.
  
4. A record of attempts to serve each legal process will be maintained in NCAWARE. Such recording will be made in the NCAWARE system by the officer attempting the service. At a minimum, the following information will be recorded:
  - i. Location of service attempt;
  - ii. Date and time of service attempt;
  - iii. Name of person attempting service;
  - iv. Reason for non-service;
  - v. Name of person upon whom legal process was attempted.
  
5. A record on the execution or attempted service of legal process documents is maintained, and will include the following:
  - i. Date and time served;
  - ii. Name of serving member;
  - iii. Person upon whom the process was served or executed;
  - iv. Method of service;
  - v. Location of service.

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6. When an officer executes a warrant/order for arrest, criminal summons, or magistrate's order, the officer will complete the appropriate report.

#### C. Criminal Process

1. Only sworn officers shall execute criminal process on behalf of the Landis Police Department. Such documents will include arrest warrants, orders for arrest, and search warrants.
2. An officer shall only execute criminal process provided he or she 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 shall consider all of the descriptive information contained in the criminal process, including but not limited to, the person's name, race, sex, date of birth and address.
3. Criminal summonses may be served by sworn personnel and also by any employee so designated by the Chief of Police when the person to be served appears at the Landis Police Department to be served. G.S. 15A-301(b)
4. The execution of criminal process documents will be conducted by department personnel only within their legal jurisdiction and within any time limitations set forth by a process and relevant statute. This will include the territorial jurisdiction of the Town of Landis plus one mile extra territorial jurisdiction, to include any satellite property owned by the Town of Landis. G.S. 15A-402(b) and (c)
5. Upon the execution of an arrest warrant, officers shall fulfill all post-arrest processing requirements and shall transport the person arrested to a judicial official without unnecessary delay.
6. Officers may arrest violators without a warrant, as provided by law where probable cause exists to affect the arrest. Upon arrest, the officer shall transport the arrested person to a judicial official to obtain the necessary legal process.
7. The execution of criminal process in locations outside departmental jurisdiction must be conducted in accordance with requirements of state law and the governing agencies involved.

#### D. Priority of Service

1. Criminal processes that require a higher priority for service include, but are not limited to, those that involve the following offenses:
  - i. Homicide;

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- ii. Rape;
- iii. Robbery;
- iv. Aggravated assault or other violent offense; or
- v. Other charges against persons who may be expected to flee from prosecution.

E. Wanted Person Entry Procedures

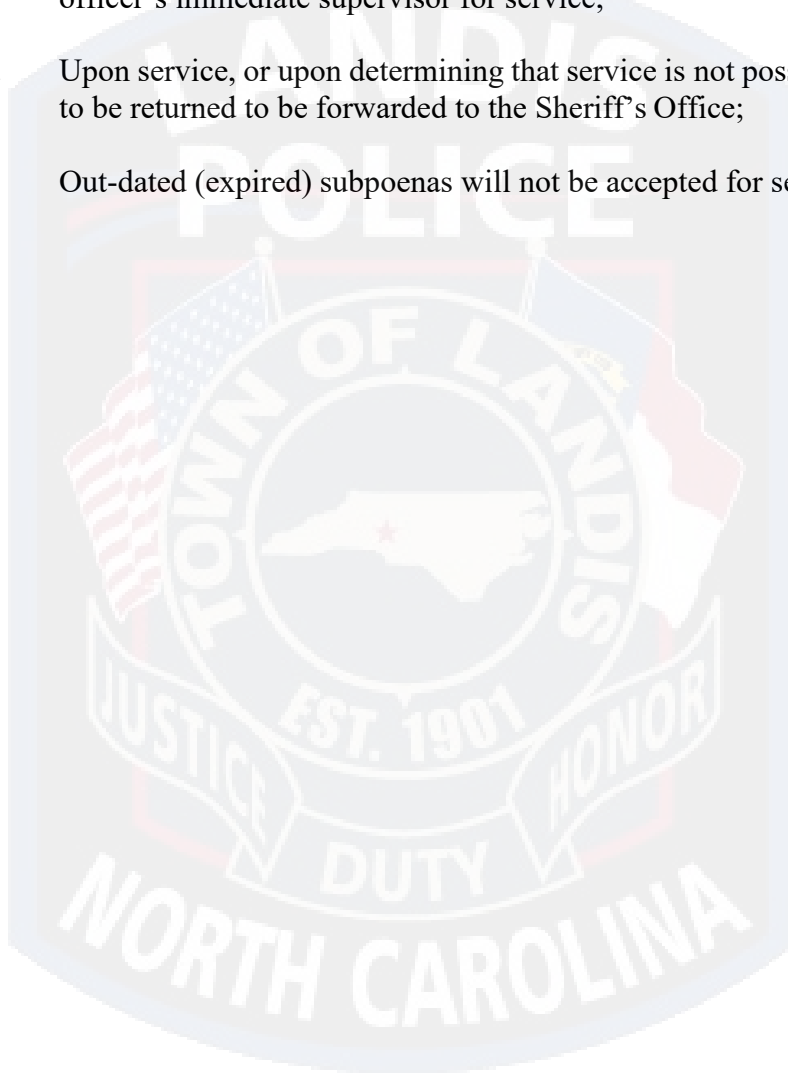
1. If an officer determines that a wanted person should be entered into the National Crime Information Center database (NCIC), the officer must consult with the District Attorney's Office to determine extradition limitations. Once extradition limits are determined the officer will have the subject entered NCIC:
  - i. OCA Number
  - ii. Full Name
  - iii. Race
  - iv. Sex
  - v. DOB
  - vi. Height/Weight
  - vii. Hair and Eye Color
  - viii. Social Security Number if available
  - ix. Date of Warrant
  - x. Charges
  - xi. Drivers License Number if available
  - xii. Vehicle Registration Information if applicable
  - xiii. Extradition Limits and Name of Approving DA/ADA
2. The completed Wanted Person Entry Form, a copy of the case report and a printed "other" copy of the warrant from NCAWARE should be retained.

F. Subpoenas

1. The Landis Police Department does serve subpoenas upon members of the general public to assist the Rowan County Sheriff's Office when requested, via mutual aid agreement.
2. Upon receipt from the Sheriff's Office or via mail from other agencies, subpoenas for police personnel will be dated and marked as received.

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3. Subpoenas will be categorized and processed for service in the following manner:
  - i. Subpoenas will be placed in a known location for the officer to retrieve it;
  - ii. Subpoenas directed to LPD officers and employees will be assigned to the officer's immediate supervisor for service;
  - iii. Upon service, or upon determining that service is not possible, subpoenas are to be returned to be forwarded to the Sheriff's Office;
  - iv. Out-dated (expired) subpoenas will not be accepted for service by LPD.



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|   | <b>POLICY # 500.30</b>            |                     |

## I. PURPOSE

Establish departmental policy and procedures related to juvenile operations.

## II. POLICY

The Landis Police Department will manage cases involving juveniles in a manner, which ensures that any law enforcement action taken is appropriate to the situation, the needs of the juvenile, and the protection of public safety. Officers should explain any relevant departmental or juvenile justice system procedures to the juvenile, parents and/or guardian, as necessary. The Department encourages review and comments by other elements of the juvenile justice system in development of policies relating to juveniles.

## III. DEFINITIONS

- A. Delinquent Juvenile: Any juvenile who, while at least 6 but less than 18 years old, commits a crime or infraction under state law or under an ordinance of local government, excluding all violations of the motor vehicle laws under Chapter 20 of the General Statutes, or who commits indirect contempt by a juvenile as defined in N.C.G.S. §5A-31.
- B. Dependent Juvenile: A juvenile in need of assistance or placement because he has no parent, guardian or custodian responsible for his or her care or supervision; or whose parent, guardian, or custodian, due to physical or mental incapacity and the absence of an appropriate alternative child care arrangement, is unable to provide for his or her care or supervision.
- C. Status Offender: A person under the age of 18 accused or adjudicated for conduct that would not, under the law of jurisdiction in which the offense was committed, be a crime if it were committed by an adult.
- D. Diversion: Any procedure that substitutes non-entry for official entry into the justice process; substitutes the suspension of criminal or juvenile proceedings for continuation; substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision; or substitutes any kind of non-confinement status for confinement.
- E. Intake Counselor: A court counselor assigned to screen complaints alleging that a juvenile is delinquent or undisciplined, to determine whether a complaint should be filed as a petition.
- F. Juvenile: a person who has not reached his or her 18th birthday and is not married, emancipated or a member of the armed forces of the United States.
- G. Non-Secure Custody: The physical placement of a juvenile in a licensed foster home, a home authorized to provide such care, a facility operated by the Department of Social Services, or any home or facility approved by the court and designated in the order.

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- H.** Non-testimonial Identification: A court-ordered procedure that requires the presence of a person (juvenile) for the purpose of establishing questioned identity and/or participation in a criminal act by means of the examination of fingerprints, palm-prints, footprints, measurements, blood samples or other reasonable physical examination, handwriting examples, voice samples, photographs, lineups, or similar identification procedure.
- I.** 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.
- J.** Secure Custody: The physical placing and holding of a juvenile in an approved detention facility, pursuant to a court order.
- K.** Temporary Custody: The physical taking and holding of a juvenile under personal supervision, before a petition is filed and without a court order.
- L.** Undisciplined Juvenile:
1. A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; OR
  2. A juvenile who is 16 or 17 years old, who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian, or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours
- M.** Custodial Interview: An interview that occurs when a suspect has been formally arrested and is still in arrest custody, or an interview that occurs when the restraint on the suspect's freedom of movement is to such a degree as that associated with formal arrest.

#### **IV. PROCEDURES**

##### **A. Role of the Law Enforcement Officer**

1. Officer's must first determine whether the juvenile is alleged to have engaged in noncriminal misbehavior or determine whether the juvenile is alleged to have been harmed or to be in danger of harm. A law enforcement officer who takes a juvenile into temporary custody should select the most appropriate course of action to the situation, the needs of the juvenile, and the protection of public safety. The officer may:

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- (a) Release the juvenile, with or without first counseling the juvenile, with no further action
  - (b) Release the juvenile to the juvenile's parent, guardian, or custodian;
  - (c) Refer the juvenile to community resources;
  - (d) Seek a petition; or
  - (e) Seek a petition and request a custody order.
  - (f) Seek medical attention for the juvenile.
2. When determining a course of action, officers should consider the following factors:
- (a) The protection of the juvenile's constitutional rights;
  - (b) Nature and seriousness of the alleged offense;
  - (c) Age and circumstances of the offender;
  - (d) Offender's prior record, if any;
  - (e) Availability of community-based programs;
  - (f) Needs and limitations of the juvenile;
  - (g) Strengths and weaknesses of the family; and
  - (h) Concerns of any victims or complainants.

## **B. Referral to Juvenile Intake Counselor**

1. At a minimum, juveniles less than 18 years of age committing offenses in the following categories should be referred to an Intake Counselor:
  - (a) Delinquent acts that would constitute a felony if committed by an adult;
  - (b) Delinquent acts involving weapons or aggravated assaults; or
  - (c) Serious gang-related delinquent acts.
  - (d) If grounds exist for the arrest of an adult in identical circumstances under N.C. General Statute 15A-401(b) domestic violence acts.



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2. Other situations that may require referral to an Intake Counselor are:
  - (a) Delinquent acts committed by juveniles on probation or by those with a case pending;
  - (b) Repeated delinquent acts within a 12 month period;
  - (c) Juveniles selected for a diversion program, but have refused to participate; or
  - (d) Cases in which it has been determined that parental supervision is not effective.

### **C. Temporary Custody of Juveniles**

1. Under NCGS 7B-1900, a juvenile may be taken into temporary custody by a law enforcement officer without a court order under any one of the following circumstances:
  - (a) If grounds exist for the arrest of an adult in identical circumstances under N.C. General Statute 15A-401(b);
  - (b) If there are reasonable grounds to believe that the juvenile is an undisciplined juvenile; or
  - (c) If there are reasonable grounds to believe the juvenile is an absconder from any state training school or approved detention facility.
2. Under NCGS 7B-500, a juvenile may be taken into temporary custody by a law enforcement officer if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and would be injured or could not be taken into custody if it were first necessary to obtain a court order.
3. Any officer who has taken a juvenile into custody to transport to an intake facility or to any juvenile component, must transport without unnecessary delay (unless the juvenile is in need of emergency medical treatment).

### **D. Compliance with Juvenile Justice and Delinquency Prevention (JJDP) Act**

1. A secure setting is defined by the Federal Juvenile Justice and Delinquency Prevention (JJDP) Act as a room that can be locked to prevent exit (even if the door is not locked), anywhere within the secure perimeter of the department, or cuffed to a stationary object. As such, status offenders (under age 18) and non-offender juveniles (e.g., dependent, neglected, or in need of mental health services) SHALL NOT be placed in any room within the department that has the ability to be locked for any reason. Status offenses

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include the following:

- (a) Underage alcohol purchase/possession (includes persons 16 or 17 years old);
  - (b) Underage purchase or accepting receipt of tobacco;
  - (c) Runaway;
  - (d) Curfew violations; and
  - (e) Truancy.
2. Delinquent juveniles (under age 18) may be held in a room that has the ability to be locked for a maximum of six (6) hours for processing purposes. Once the six-hour clock starts, it cannot be turned off, even if the juvenile is removed from this room for brief periods of time. Once introduced to the locked room, the clock runs continuously until the juvenile is permanently removed from the secured setting. In all cases, juvenile processing should be completed as quickly as possible.

#### **E. Duties of Officer Taking a Juvenile into Temporary Custody**

1. An officer taking a juvenile who is suspected of being delinquent or undisciplined into temporary custody (under NCGS 7B-1901) shall proceed as follows:
  - (a) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into temporary custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or non-secure custody.
  - (b) Release the juvenile to the juvenile's parent; guardian or custodian if the officer decides that continued custody is unnecessary.
  - (c) Officers can take temporary custody of juveniles for the purpose of returning them to their assigned school and releasing them to school personnel or the School Resource Officer if:
    - i. The Juvenile is between the ages of 7 and 17, or the child is under age 7 and is enrolled in a public school in Kindergarten through second grade;
    - ii. School is in session; and
    - iii. The officer determines through verification with school personnel that the juvenile is unlawfully absent.
  - (d) If the juvenile is not released, the officer should contact the Juvenile Intake Counselor, who will review the complaint and request for petition and possible court action.

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2. An officer taking a juvenile who is suspected of being abused, neglected or dependent into temporary custody (under NCGS 7B-501) shall proceed as follows:
  - (a) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or non-secure custody;
  - (b) Release the juvenile to his parent, guardian or custodian if the officer decides that continued custody is unnecessary;
  - (c) Communicate with the Department of Social Services (Child Protective Services), who will investigate the complaint for possible court action. If a decision is made to file a petition, DSS will contact the judge or other authorized person for a determination of the need for continued custody.
  
3. A juvenile taken into temporary custody shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless:
  - (a) A petition or motion for review has been filed by any Intake Counselor or the Director of the Department of Social Services; and
  - (b) A judge has entered an order for secure or non-secure custody.

#### **F. Secure Custody Orders**

1. The court may order secure custody of a juvenile pursuant as provided in NCGS 7B-1902. In such cases, the following procedures will apply:
  - (a) The officer shall notify the juvenile's parent, guardian, or custodian upon receipt of the written order for secure custody.
  - (b) Upon receiving a written order for secure custody, the officer will first establish that he/she has territorial jurisdiction and authority to serve the order. If so, the officer will assume custody of the juvenile and make due return on the order.
  - (c) The officer will transport the juvenile to the nearest approved juvenile detention facility or other location designated on the order.
  - (d) Copies of the juvenile petition and custody order must accompany the juvenile to the detention facility. The officer shall ensure that these documents are turned over to the detention facility at the time of transfer of custody of the juvenile.

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2. An NCIC message stating that a juvenile petition and secure custody order relating to a specified juvenile are on file in a particular county shall be authority to detain a juvenile in secure custody until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile detention facility.

#### **G. Interstate Compact on Juveniles**

1. The State of North Carolina participates in an Interstate Compact that provides for the return, from one state to another, of delinquent juveniles on probation or parole, delinquent juveniles who have escaped or absconded, and juveniles who have run away from home.
2. The appropriate court in the requesting state normally issues a “requisition” to the North Carolina courts for the return of the juvenile. Upon receipt of a requisition, the appropriate North Carolina court then issues a secure custody order.
3. Officers may assume custody and detain a juvenile pursuant to the Interstate Compact when the North Carolina courts have issued a secure custody order authorizing such action. In such cases, officers will proceed in accordance with the procedures outlined in Section F above.
4. If there are reasonable grounds to believe that a juvenile has run away from another state that is a party to the Interstate Compact, or that the juvenile is an undisciplined juvenile, or that the juvenile is an escapee or absconder, an officer will have the authority to assume temporary custody of the juvenile without a secure custody order. In such case, the officer must contact the appropriate juvenile intake counselor for assistance in obtaining a secure custody order. Any NCIC messages used by the officer to establish reasonable grounds for the temporary custody and detention of the juvenile must be provided by the officer to the juvenile intake counselor, and a copy attached to the juvenile custody report.

#### **H. Interrogation Procedures**

1. Pursuant to N.C.G.S. § 15A-211 and LPD policy, officers will electronically record all custodial interviews of any person under the age of 18 conducted at a place of detention. Such an interview will be electronically recorded in its entirety.
2. Any juvenile subject to a custodial interrogation must be advised of his/her constitutional rights before any questioning begins.
3. When the juvenile is less than 16 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile’s parent, guardian, custodian, or attorney. If an attorney is not present, the parent, guardian or custodian as well as the juvenile must be advised of the juvenile’s rights; however, a parent, guardian or custodian **may not** waive any right on behalf of the juvenile.

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4. Only the necessary number of officers should be engaged in the custodial interrogation of a juvenile at any given time. The duration of the interrogation shall be in compliance with Constitutional standards concerning voluntariness of statements.
5. If the juvenile indicates at any stage of the questioning that s/he does not wish to be questioned further, the interrogating officer shall cease questioning.

### **I. Nontestimonial Identification Procedures**

1. Nontestimonial identification procedures shall not be conducted on any juvenile without a court order unless the juvenile has been charged as an adult or transferred to Superior Court for trial as an adult, in which case the procedures applicable to adults shall apply; or after a show-up as long as it occurs shortly after an offense has been committed and is not conducted in a manner that is so suggestive as to deem it unreliable.
2. A nontestimonial identification order authorized by NCGS 7B-2105 may be issued by any judge of the district court or of the superior court upon request of a prosecutor.
3. A nontestimonial identification order authorized by NCGS 7B-2105 may be issued only on affidavit or affidavits sworn to before the judge and establishing the following grounds for the order:
  - (a) That there is probable cause to believe that an offense has been committed which if committed by an adult would be a felony offense; and
  - (b) That there are reasonable grounds to suspect that the juvenile named or described in the affidavit committed the offense; (*NOTE: A request to obtain a blood specimen must establish "probable cause" to believe that the juvenile committed the offense*); and
  - (c) That the results of specific nontestimonial identification procedures will be of material aid in determining whether the juvenile named in the affidavit committed the offense.
4. A juvenile in custody for or charged with, an offense which if committed by an adult would be a felony offense may request that nontestimonial identification procedures be conducted upon him. If it appears that the results of specific nontestimonial identification procedures will be of material aid of the juvenile's defense, the judge to whom the request was directed must order the State to conduct the identification procedures.
5. Chemical analysis procedures conducted pursuant to GS 20-16.2 **do not** require a non-testimonial identification order.

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6. Records resulting from nontestimonial identification procedures authorized by NCGS 7B-2108 shall be retained or disposed of as follows:
  - (a) If a petition is not filed against a juvenile who has been the subject of nontestimonial identification procedures, all records of such evidence shall be destroyed;
  - (b) If the juvenile is not adjudicated delinquent or convicted in superior court following transfer, all records resulting from a nontestimonial order shall be destroyed. Further, in the case of a juvenile who is under 13 years of age and who is adjudicated delinquent for an offense that would be less than a felony if committed by an adult, all records shall be destroyed;
  - (c) If a juvenile, 13 years of age or older, is adjudicated delinquent for an offense that would be a felony if committed by an adult, all records resulting from a nontestimonial order may be retained in the court file. These records may be inspected by a law enforcement officer for comparison purposes in the investigation of a crime;
  - (d) If the juvenile is transferred to and convicted in superior court, all records resulting from nontestimonial identification procedures shall be processed as in the case of an adult;
  - (e) Any evidence seized pursuant to a nontestimonial identification order must be retained by the Department until further order is entered by the court.
  - (f) Destruction of nontestimonial identification records must be performed by the agency having possession of the records, and written certification must be made to the court of the destruction.

#### **J. Fingerprinting & Photographing Delinquent Juveniles**

1. NCGS 7B-2102 requires a law enforcement officer or agency to fingerprint and photograph a juvenile when all of the following circumstances exist:
  - (a) The juvenile was 10 years of age or older when he or she allegedly committed a nondivertable offense as set forth in NCGS 7B-1701; and
  - (b) A complaint has been prepared for filing as a petition; and
  - (c) The juvenile is in the physical custody of law enforcement or of the Division of Adult Correction and Juvenile Justice.
2. N.C.G.S. §15A-284.52(c1)(4) requires a law enforcement officer or agency to photograph a juvenile who is 10 years of age or older at the time and place of a show-

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up if the juvenile is reported to have committed a non-divertible offense as set forth in N.C.G.S. §7B-1701 or common law robbery. Photographs of juveniles shall be retained or disposed of as required by N.C.G.S. §7B-2108, except that the law enforcement agency is required to make written certification to the court of the destruction of records under N.C.G.S. §7B-2108(6) only if a petition was filed. Photographs taken pursuant to this requirement are not public records under Chapter 132 of the General Statutes and the photographs shall be (i) kept separate from the records of adults, (ii) withheld from public inspection, and (iii) examined only by order of the court, except that the following persons may examine it without an order of the court: the juvenile or the juvenile's attorney; the juvenile's parent or guardian; the prosecutor; or court counselors.

2. Unless fingerprints and photographs were taken under the provisions of paragraph K.1 above and have not been destroyed, a law enforcement agency must also fingerprint and photograph a juvenile who has been adjudicated delinquent, if the juvenile was 10 years of age or older when he or she committed an offense that would be a felony if committed by an adult.
3. Fingerprints and photographs of juveniles taken pursuant to NCGS 7B-2102 shall be prepared in the proper format for submission to the State Bureau of Investigation (SBI) and Federal Bureau of Investigation (FBI).
4. If a juvenile's fingerprints and photograph are taken before adjudication (paragraph J.1 above), they must be destroyed at the earliest of the following events:
  - (a) Neither the intake counselor nor the prosecutor files a petition against the juvenile within one (1) year after the fingerprints and photograph were taken; or
  - (b) The court does not find probable cause pursuant to NCGS 7B-2202; or
  - (c) The juvenile is not adjudicated delinquent of any offense that would be a felony or misdemeanor if committed by an adult.
5. If the juvenile is adjudicated delinquent for a felony, the fingerprints must be transferred to the SBI and placed in the AFIS system. The fingerprints and photograph may be used for all investigative and comparison purposes but are not considered public record and may not be expunged.
6. Fingerprints and photographs of juveniles taken pursuant to NCGS 7B-2102 are NOT public records, are not open to public inspection or examination, and are not eligible for expunction under NCGS 7B-3200. Juvenile fingerprints and photographs must be maintained separately from any juvenile record, other than the electronic file maintained by the SBI.

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### **K. Obtaining Appropriate Process**

1. For a juvenile less than 18 years of age charged with committing a misdemeanor or infraction, the officer shall complete all applicable reports and do the following:
  - (a) The juvenile may be released to a parent, guardian, or a legal custodian; and
  - (b) The Juvenile Court Intake Counselor will be contacted and a request for a juvenile petition will be made in accordance with law.
2. A juvenile charged with a Chapter 20 offense will be processed as an adult.
3. An officer who charges and takes a juvenile into secured custody shall notify the juvenile's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the parent or guardian of the juvenile cannot be found, the officer or the officer's immediate supervisor shall notify the juvenile's next-of-kin as soon as practicable. This notification is not required if:
  - (a) The juvenile is emancipated; OR
  - (b) The juvenile is not taken into custody and has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except an offense involving impaired driving, as defined in G.S. 20-4.01 (24a); OR
  - (c) The juvenile has been charged with a motor vehicle offense that is not a moving violation.

### **L. Agency Records Pertaining to Juveniles**

1. Disposition and expungement of juvenile records will be in accordance with the prevailing requirements of the North Carolina Juvenile Code.
2. Agency records and files concerning juveniles less than 18 years of age shall be open only to inspection by law enforcement, prosecutors, court counselors, the juvenile, or the juvenile's parent, guardian, and custodian (or their authorized representative) as provided by law.
3. Disclosure of juvenile records in child fatality or near fatality cases shall be in accordance with the provisions of NCGS 7B-2902.
4. Expunction of records of juveniles alleged or adjudicated delinquent and undisciplined shall be in accordance with the provisions of NCGS 7B-3200.



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## I. PURPOSE

Establish policy and procedures for providing assistance to persons who are crime victims or witnesses.

## II. POLICY

The Landis Police Department employees will make every reasonable effort to assure that the rights and safety of victims and other witnesses are protected, and that such persons are treated with fairness, dignity, and compassion. Victims and witnesses who come into contact with our agency will be informed of their rights and appropriate support agencies, services or resources. The Department will communicate with other agencies to ensure these rights.

## III. PROCEDURES FOR VICTIMS AND WITNESSES

### A. Commitment to Victims and Witnesses.

#### 1. Definitions:

**Crime:** A felony or serious misdemeanor as determined in the sole discretion of the district attorney, except those listed in Attachment A, or an act by a juvenile as provided in Article 20A of Chapter 7B of the General Statutes.

**Victim:** A person against whom there is probable cause to believe a crime has been committed.

**Witness:** A person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony, or who by reason of having relevant information is subject to being called or is likely to be called as a witness for the prosecution in such an action, whether or not an action or proceeding has been commenced.

**Victim Information:** The information that is provided to victims and witnesses during preliminary investigations, and upon arrest and post-arrest of a suspect, regarding services available to assist them.

#### 2. Both victims and non- victim witnesses may experience frustration with the criminal justice system in the following circumstances:

(a) Insensitive questioning by police officers;

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- (b) Police or prosecutor attitudes suggesting that the victim contributed to the victimization;
  - (c) Inability to learn what is happening with the case and, later, the outcome of the case;
  - (d) Delays in return of property kept as evidence, or failure to regain the property at all;
  - (e) Fear of reprisal by the defendant;
  - (f) Loss of wages for time spent testifying in court;
  - (g) Frustration and inconvenience related to waiting for court appearances or appearing in court only to have the case continued or dismissed; and
  - (h) Difficulty obtaining childcare in order to come to court.
3. The goals of the Department in assisting victims and witnesses are to address the informational, emotional, and social needs of crime victims and witnesses. It is believed that the successful attainment of these goals will improve the efficiency of the criminal justice process.
  4. All Department personnel shall be familiar with, and able to provide, at least the levels of assistance described below 24 hours a day to persons requesting assistance.
  5. The Landis Police Department will provide information to the public and media about services available for victims and witnesses.

#### B. Rights of Victims and Witnesses

The Landis Police Department supports the North Carolina Fair Treatment For Victims and Witnesses Act (N.C.G.S. §15A-825). To the extent reasonably possible, the employees of the Department should make a reasonable effort to assure that each victim and witness:

1. Is provided information regarding immediate medical or counseling assistance when needed and is not detained for an unreasonable length of time before having such assistance administered;
2. Is provided information about available protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and receives such protection;
3. Is provided information that testimony as to one's home address is not relevant in every case, and that the victim or witness may request the district attorney to object to that line of questioning when appropriate;

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4. Has any stolen or other personal property expeditiously returned when it is no longer needed as evidence and the property's return would not impede an investigation or prosecution of the case;
5. Is provided appropriate employer intercession services to seek the employer's cooperation with the criminal justice system and minimize the employee's loss of pay and benefits whenever possible;
6. Is provided, when practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to the defendant or family and friends' of defendant;
7. Is informed of the procedure to be followed to apply for and receive any witness fees or victim compensation;
8. Is informed of the right to be present throughout the entire trial of the defendant, subject to sequestration;
9. Is given the opportunity to be present during the final disposition of the case or is informed of the final disposition of the case, if the victim or witness has so requested;
10. Is notified, when possible, that a court proceeding to which the victim or witness has been subpoenaed will not occur as scheduled;
11. Is given the opportunity to prepare a victim impact statement;
12. Is provided information about plea bargaining procedures and is informed that the district attorney may recommend a plea bargain to the court;
13. Is informed that civil remedies may be available and that statutes of limitation apply in civil cases;
14. Upon the victim's request, is notified before a proceeding is held at which the release of the offender from custody is considered, if the crime for which the offender was placed in custody is a Class G or more serious felony;
15. Upon the victim's request, is notified if the offender escapes from custody or is released from custody, if the crime for which the offender was placed in custody is a Class G or more serious felony; and
16. Has family members of a homicide victim offered all the guarantees listed above except for (1).

C. Victim Impact Statement.

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The law does not specify any particular form or content for the victim impact statement. However, if a victim submits a narrative statement the following should be contained in the statement:

1. The victim's name, address, and phone number;
2. Personal injury suffered (both physical and emotional):
  - (a) Description of injury;
  - (b) Description of treatment received or required (medical, psychological counseling, hospitalization, etc.);
  - (c) Costs of treatment and amount covered by insurance;
  - (d) Other economic costs (lost wages or impaired wage earning ability, etc.); and
  - (e) Non-economic impacts (psychological harm, pain, etc.).
3. Property damage suffered:
  - (a) Description of property stolen or damaged; and
  - (b) Value of property and amount covered by insurance.
  - (c) Comments on disposition of case and punishment/treatment of offender (if described).

#### IV. PROCEDURES FOR CERTAIN VICTIMS OF CRIMES

- A. The Landis Police Department supports the North Carolina Crime Victims Rights' Act (N.C.G.S. §15A-830 *et seq.*).

1. Definitions

**Accused:** A person who has been arrested and charged with committing a crime covered herein.

**Court proceeding:** A critical stage of the post-arrest process heard by a judge in open court involving a plea that disposes of the case or the conviction, sentencing, or release of the accused, including the preliminary proceedings described in N.C.G.S. §15A-837. If it is known by law enforcement and the district attorney's office that (i) the defendant and victim have a personal relationship as defined in N.C.G.S. §50B-1(b) and (ii) the hearing may result in the defendant's release, efforts will be made to contact the victim.

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**Felony property crime:** An act which constitutes a felony violation of one of the following: Subchapter IV or V of Chapter 14 of the General Statutes.

**Offense against the person:** An offense against or involving the person of the victim which constitutes a violation of one of the following: Subchapter III or VII of Chapter 14 of the General Statutes; Article 39 of Chapter 14; Chapter 20 if an element of the offense involves impairment, or injury or death to the victim; a valid protective order under N.C.G.S. §50B-4.1 (including but not limited to N.C.G.S. §§14-134.3 and 14-269.8); Article 35 of Chapter 14 if the elements of the offense involve communicating a threat or stalking; an offense that triggers the enumerated victims' rights, as required by the N.C. Constitution.

**Victim:** A person against whom there is probable cause to believe an offense against the person or a felony property crime has been committed.

## 2. Certain Victims' Rights

- (a) A victim of crime shall be treated with dignity and respect. The victim has the following rights:
- (1) The right, upon request, to reasonable, accurate and timely notice of court proceedings of the accused;
  - (2) The right, upon request, to be present at court proceedings of the accused;
  - (3) The right to be reasonably heard at court proceedings involving a plea that disposes of the case of the conviction, sentencing, or release of the accused;
  - (4) The right to receive restitution in a reasonably timely manner, when ordered by the court;
  - (5) The right to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims;
  - (6) The right, upon request, to receive information about the conviction or final disposition and sentence of the accused;
  - (7) The right, upon request, to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence;
  - (8) The right to present the victim's views and concerns in writing to the Governor or agency considering any action that could result in the release of the accused prior to such action becoming effective; and

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(9) The right to reasonably confer with the district attorney's office.

### 3. Procedures for Law Enforcement

(a) As soon as practicable but within 72 hours after identifying a victim, the investigating law enforcement agency shall provide the victim with the information described in N.C.G.S. §50B-3(c1) if there was a personal relationship, as defined by statute, with the accused.

(b) Within 72 hours after the arrest of a person believed to have committed an offense against the person or a felony property crime against the victim, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. Following receipt of this information, the investigating law enforcement agency shall notify the victim of the arrest within an additional 72 hours.

(c) Within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall also forward to the district attorney the defendant's name and the victim's name, address, telephone number, email address or other contact information unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall inform the district attorney's office. (Law enforcement shall not provide the date of birth, social security number, race or sex of the victim when reporting victim information to the district attorney).

(d) The victim shall inform the law enforcement agency if they wish to receive further notices from the investigating law enforcement agency on the status of the accused during the pretrial process.

(e) The investigating law enforcement agency shall promptly share this information with the district attorney's office.

### V. Release of Information

The release of Victim/Witness information will be governed by North Carolina state law. Any information provided to the public will be made in a fair, compassionate, and sensitive manner regarding available services, and will be consistent with the provisions of North Carolina law.

### VI. Liaison with Other Agencies

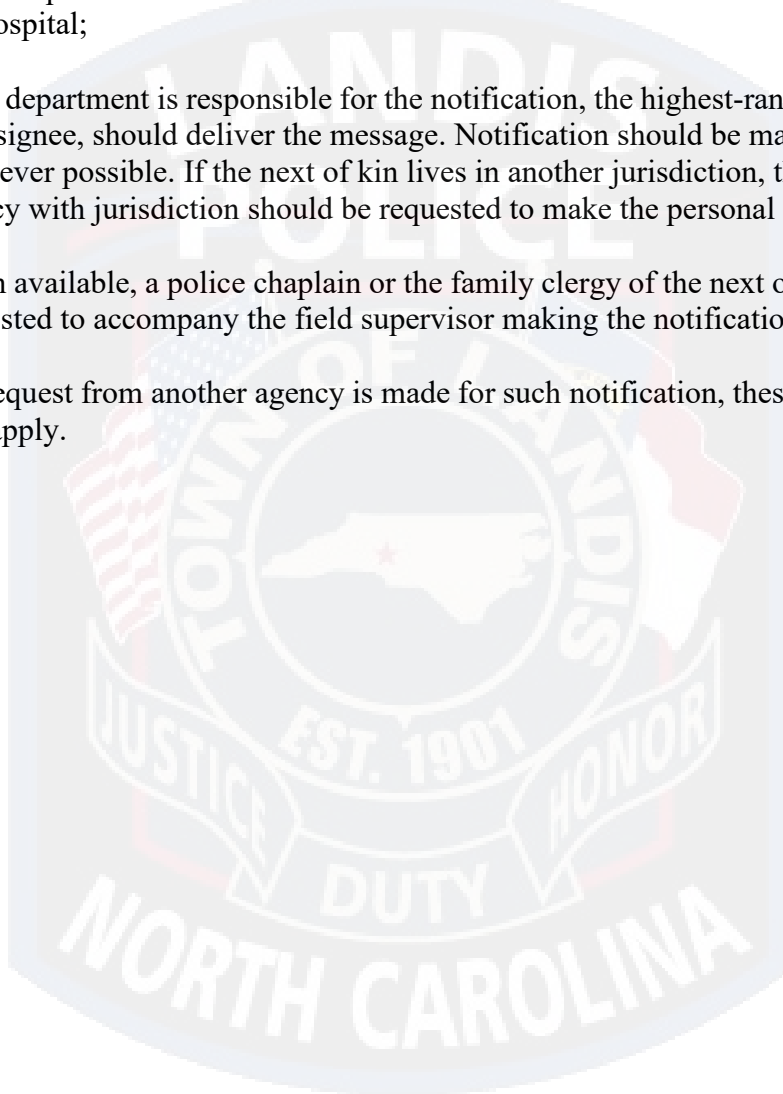
The Landis Police Department will ensure accurate and appropriate referral services and maintain channels of communication, which lead to more effective service provision by acting as a liaison with other community agencies.

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## VII. Notifying Next-of-Kin of Deceased, Seriously Injury, or Seriously Ill Persons

If it becomes necessary to notify next-of-kin of persons deceased, seriously injured or seriously ill, the following procedures will be observed:

1. Hospital personnel should make the notification if the deceased received treatment at the hospital;
2. If the department is responsible for the notification, the highest-ranking field supervisor, or designee, should deliver the message. Notification should be made in person whenever possible. If the next of kin lives in another jurisdiction, the law enforcement agency with jurisdiction should be requested to make the personal notification;
3. When available, a police chaplain or the family clergy of the next of kin should be requested to accompany the field supervisor making the notification;
4. If a request from another agency is made for such notification, these same procedures will apply.



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**I. PURPOSE**

It is the objective of this Department to standardize selected police functions and procedures in order to ensure uniformity of operations within the agency’s patrol component and to provide consistent, effective service to the public.

**II. POLICY**

I. Patrol Functions:

A. Primary functions of Patrol:

1. Preventive patrol;
2. Crime prevention activities;
3. Response to calls for service;
4. Investigation of crimes, offenses, incidents and conditions, including the apprehension of offenders;
5. Investigation of traffic accidents;
6. Traffic direction and control;
7. Maintenance of public order;
8. Provision of emergency services;
9. Prompt and accurate reporting of incidents;
10. Development of relationships between citizens and the Department.

B. Patrol Briefing:

1. Patrol briefing should be conducted 10 minutes before each shift change or beginning of tour of duty.
2. Briefings are to accomplish, at a minimum, the following task:
  - a. Review information from previous shift personnel regarding unusual situations, crimes committed, persons wanted, stolen vehicles and any other pertinent information.



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- b. Review of memos, special instructions, order and directives.
- c. Officers should check and review any paperwork in their boxes.

C. Patrol Procedures:

1. Maintain high visibility on patrol unless otherwise indicated (such as surveillance, etc.)
2. Officers should conduct a general patrol of the Town at the beginning and end of each shift.
3. Patrol all area; however, intensify patrol in areas with characteristics of:
  - a. High crime;
  - b. Heavy pedestrian or vehicle traffic;
  - c. Directed patrol areas;
  - d. Business and homes which are either closed or residents are on vacation.
4. Use foot patrol to become better acquainted with the citizens on the beat. When officers are on foot patrol, they should:
  - a. Advise Rowan County Communications that they will be on foot patrol and give location where the patrol will be conducted. (Officers on foot patrol will be considered in-service and available for calls.)
  - b. Officers on foot patrol can obtain a great deal of information from citizens. The officer, however, should not spend a great deal of time at any single business or give the impression of not being alert.
  - c. Officers may, in many cases, better check buildings if they use foot patrol.
  - d. Advise Rowan County Communications when foot patrol is completed.

D. Radio Procedures:

1. Every officer engaged in a field assignment will have constant access to radio communications. Patrol officers will have a mobile radio unit equipped in their assigned vehicles and will have issued for their use a portable radio unit.

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2. All radio traffic by officers will be kept brief and concise. Officers will use a combination of 10 Signals and plain language in transmissions.
3. While on patrol, officers will operate radios on the Rowan County Communications primary frequency mode unless otherwise instructed or required to utilize another frequency.
4. Officers will notify Rowan County Communications of their status when:
  - a. Arriving at the scene of an assigned call.
  - b. Making a vehicle stop.
  - c. Conducting a self-initiated activity.
  - d. Approaching a suspicious person or vehicle.
  - e. Completing an assignment.
  - f. Calling in or out of service.
  - g. Changing locations.
5. Officers are to keep Rowan County Communications abreast of changes in the nature of a call-in order in ensure officer safety and expedite the efficient handling of incidents.
6. Officers will conduct radio traffic using the following guidelines:
  - a. Listen before keying the microphone to make sure that no one else is transmitting.
  - b. Prompt communications that you have radio traffic, such as “2020 to Rowan, Salisbury, etc.” then wait for a response, unless the radio traffic you have is urgent.
  - c. When officers hear another officer talking with Rowan County Communications, hold your traffic unless it is urgent, until Rowan County Communications has had a sufficient amount of time to process the previous radio traffic, such as entering a call, clearing a call, warrant request and checking DMV requests.
  - d. Don’t request Rowan County Communications to do tasks officers can perform themselves, such as making telephone calls or checking with other

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local agencies for information, unless the officer is in a position where they cannot.

E. Field Interviews:

1. Officers are authorized and encouraged to conduct investigative stops and interviews based upon reasonable suspicions. An individual's action, attitudes, demeanor or being located in areas of recent problems, may warrant an investigative stop. In making the investigative stop, the officer is to present a professional, courteous manner.
2. When an officer stops and questions a suspicious person, they should enter it into the CAD with at least the person's name, DOB, address, race and sex.

F. Informants:

1. Officers are encouraged to cultivate and utilize informants as part of the police function.

II. Investigations:

A. Conducting Investigations

1. Patrol officers will routinely be assigned responsibility for the preliminary investigation of most all reported incidents. However, this will not prohibit the Investigations Sergeant from initiating cases and conducting preliminary investigations, as necessary.
2. Patrol officers will retain responsibility for initial and follow-up investigations of misdemeanor crimes initiated by their preliminary reports, unless otherwise directed by a supervisor.
3. The Investigations Sergeant will follow-up on cases as needed.
4. A patrol officer responding to an incident scene will determine if and/or what type of crime has occurred. If the officer determines that a crime has occurred and is one that is on the mandatory call-out list, then the officer will locate, detain witnesses and victims, secure the crime scene and notify the supervisor on-duty or the Investigations Sergeant. If the officer determines that the crime is not on the mandatory call-out list, but believes a Sergeant will be needed, the officer will contact the supervisor on-duty or the Investigations Sergeant.

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B. Mandatory Call-Out List:

- a. Death of a suspicious nature;
  - b. Assaults in which there is a probability of death;
  - c. Bombings;
  - d. Robberies of financial institutions;
  - e. Robbery or burglary where the victim is assaulted and receives injuries that require hospital admittance;
  - f. Rapes and serious sexual assaults;
  - g. Kidnapping or missing child when circumstances indicate possible abduction;
  - h. Felony assaults on a police officer, or family, involving a firearm or serious injury;
  - i. Officer involved in shooting of a person;
  - j. Any serious criminal incident in which the officer believes would benefit from a Sergeant's assistance.
1. The highest-ranking officer on the scene is responsible for notifying a Sergeant in these situations.
  2. Other Factors For Call-Out:
    - a. To process the crime scene for evidence for crimes other than the mandatory factors and the crime scene contains evidence that needs specialized handling; such as: blood, semen, body fluids, plaster casting of tire prints or other type prints, processing and lifting of latent fingerprints from material that may not be removed from scene or a large amount of material required to be processed or any scientific test that must be performed at the scene. However, if the dusting for and lifting of fingerprints are needed, the objects should not have a lot of moisture on them and the material should not be rough, porous material or be laden with grease, dirt or heavy dust.
    - b. Cases involving multiple victims/witnesses where lengthy and/or complicated accounts of the incident are immediately needed and may not be obtained the next day.

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- c. A complicated fraud, forgery or embezzlement case in which the suspect has been apprehended or arrest is imminent.
  - d. Any case where immediate investigation requires the officer to go more than five miles from the Town or out of the County to interview witnesses, suspects or victims.
  - e. Any other case where investigative expertise is immediately needed by the officer.
3. Sergeant Call-Out: Once the Sergeant has been called to the scene, the following guidelines will be followed.
- a. The officer will be responsible for crime scene security until the investigator arrives. Officers should gather no evidence unless the evidence is in danger of being destroyed or moved.
  - b. The officers will contact the Sergeant through Rowan County Communications or by phone if available, advise what has occurred and that the Sergeant is needed. The officer should obtain an ETA from the Sergeant.
  - c. If the officer is unable to contact the on-call Sergeant, they should notify the Chief of Police.
  - d. The officer assigned to the incident will be responsible for completion of the preliminary crime report (not victim/witness statements unless directed).
  - e. Once the Sergeant arrives, they are to immediately notify Rowan County Communications giving their location.
  - f. The Sergeant will assume the responsibility for the investigation of the crime, the processing of the crime scene, the interviewing of witnesses and victims, complete follow-up reports, etc.
  - g. The Sergeant will make any notifications to their superiors as required.
4. Investigative responsibility for felony investigations will be referred to a Sergeant unless the officer is able to determine that:
- a. Immediate clearance is highly probable; and
  - b. The officer has sufficient time and assistance to dedicate the necessary time to the situation; or

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- c. The circumstances have been discussed with a supervisor and it is determined that no detrimental effect on the case is likely if an officer continues the investigation.
5. A supervisor's decision to have officers continue an investigation should also be based on these additional factors:
- a. Nature of the offense;
  - b. Investigating officer's schedule;
  - c. Time constraints of the officer.

### III. Court/Grand Jury:

- A. Officers are to check the appropriate court docket for their scheduled cases. If their case is not docketed as scheduled by the officer, the officer will be responsible for contacting the clerk's office to determine the schedule date for their case(s).
- B. Officers who are subpoenaed to court or whose cases are docketed for trial are to appear at the appropriate time and in the uniform of the day or in appropriate civilian dress.
- C. Officers will be responsible for appearance in court when their cases are scheduled for trial or hearing, unless they are excused by the District Attorney's Office or have made arrangements with the court to be on telephone standby.
- D. Officers are to be prepared to testify in court, with appropriate documents to support their cases.
- E. In accordance with North Carolina General Statute § 17C-16, the Landis Police Department will report all instances of material relevant to testimony (Giglio) to the Criminal Justice Standards Division.

### IV. Animal Control

Animals in the Town of Landis are regulated under two ordinances: Chapter 91: Animals, and, Chapter 94: Nuisances. This policy is designed to provide guidance and consistency in the Department's response to animal complaints. As with most procedures they will not provide clear guidance for all possible situations, however they will provide workable guidelines for Department members to follow.

- A. Obtain all available information from dispatch.

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B. For infrequent or first-time complaints, the Officer should:

1. Contact the owner of the animal and advise a complaint has been made.
2. Provide the owner of the animal with a copy of the Town's ordinance.
3. Contact the caller if asked to do so.
4. Do not advise the owner of the animal who the caller is unless given specific permission by the caller or complainant.

D. For repeated, multiple-callers, or excessive complaints, the Officer should:

1. Contact the caller(s) to get information for a report and citation.
2. Advise the caller(s) that a citation will be issued, and they will have to appear in court.
3. Cite the owner of the animal with a citation, including the caller(s) as a witness.

F. If an Officer sees an animal running at large, they may issue a citation.

G. Nothing in this policy shall take the place of officer discretion. Officers may issue a citation with or without a complainant at any time. An officer may also decide not to issue a citation depending on the totality of the circumstances.

H. Officers can, and should, refer animal complaints to Animal Control, but may proceed with the procedures listed above if needed and appropriate.

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**I. PURPOSE**

Establish departmental policy and procedures for the collection and preservation of physical evidence.

**II. POLICY**

The Landis Police Department will provide employees with guidelines and procedures that incorporate the application of scientific methods for collection and preservation of physical evidence. It is the policy of the department to collect and preserve evidence in compliance with legal requirements, and in accordance with prevailing and accepted techniques. It will be the responsibility of the officer collecting the evidence to initiate the chain of custody. The procedures outlined in this policy will apply to all officers and employees who may be responsible for, or involved in, the collection and processing of evidence.

**III. DEFINITIONS**

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

- A. Chain of Custody: The continuity of custody of material and items collected as physical evidence.
- B. Crime Scene: The location where a crime occurred or where the indication of a crime exists, to include scenes involving traffic accidents or other incidents.
- C. Evidence: An item of property, substance or material seized, collected or received by the Department that is related to a case under criminal investigation.

**IV. PROCEDURES**

**A. Administration**

- 1. The processing of crime and incident scenes and the collection of evidence will be available on a 24-hour basis. Crime scene processing functions include:
  - (a) Photography of crime scenes and traffic collision fatalities.
  - (b) Developing fingerprints;
  - (c) Diagramming and sketching of crime scenes; and
  - (d) Evidence searches, preservation, collection, processing, and submission of evidence to crime laboratories for examination/analysis.



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## B. Training

1. Basic training of personnel in evidence handling procedures is provided in Basic Law Enforcement Training. The assigned Field Training Officer (FTO) shall accomplish specific training in departmental procedures and policies during the normal training period.

## C. Responsibilities of First Officer on the Scene

1. Investigating officers who are assigned to the scene of any crime are responsible for the protection, documentation, preservation, and all other needs pertaining to both the scene and any physical evidence that may be located on the scene, unless otherwise directed by a supervisor or relieved by other authorized investigative personnel.
2. The first responding officer's responsibilities regarding the crime scene and evidence will be, unless otherwise directed by supervisory personnel, as follows:
  - (a) Secure and protect the crime scene;
  - (b) Protect and/or collect perishable evidence; and,
  - (c) Document all entries of persons into the scene

## D. Processing Evidence in the Field

Every effort must be made to appropriately preserve the condition of evidence, prevent the introduction of foreign materials or contaminants, and ensure that an adequate sample is collected. The following procedures are intended only as a basic guide. Personnel performing the identification function are to refer to specific procedures provided in the SBI Evidence Manual and are to utilize techniques taught in specialized training courses.

1. Latent Fingerprints: When processing a crime scene for latent fingerprints, the officer should take the following into consideration:
  - (a) The size of the item to be processed;
  - (b) The type of surface;
  - (c) Potential for destruction of latent prints if moved. If movement or transportation of the object will destroy the latent prints, or movement is impractical, the object should be processed at the scene. When possible, a 1:1 scale photograph should be taken of visible or developed latent prints prior to any attempt at lifting.

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- (d) Latent lifts are to be placed on backing cards and filled out indicating case, Detective, Date, Time, location and notes or diagram.
- (e) Lifts will be stored in latent lift envelope filed by date and case number. Envelopes will note any examination in AFIS or individual subject.
2. Photographing the Scene: At the end of the preliminary scene survey, overall photographs of the scene should be taken. Video graphs may also be made.
- (a) Overall photos should be taken from several different locations and angles;
- (b) Photograph the surrounding area thoroughly; Video of homicide scenes. Copies placed in case file, district attorney, and stored on secured backed up server.
- (c) The officer processing the scene will maintain a record of each photo taken at the scene. Information to be recorded when taking the photos will include:
- i. Date, time, location;
  - ii. Case number;
  - iii. Type of camera and media used;
  - iv. Lighting used;
  - v. Person taking photograph;
  - vi. Description of object photographed.
- (d) Before moving any item of evidence, close-up photographs will be taken, as follows:
- i. Fill the entire field of view with item;
  - ii. Take close-up shot of the item with a scale reference, such as a ruler.
3. Location of Evidence: Prior to the collection of any item of evidence, the following procedures should be considered:
- (a) Take measurements by use of triangulation or coordinate method so that the officer can place exactly the item at the scene;
- (b) The officer should conduct a close visual examination of the item so he

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knows exactly what material is being handled.

4. Collection & Packaging of Evidence: When collecting items of evidence, the officer should consider:
- (a) The use of tongs or tweezers where possible. The officer should avoid touching the item of evidence with his hands or anything that might contaminate the evidence;
  - (b) Proper order of collection (collect perishable evidence first);
  - (c) If destruction of evidence is not a concern, then the officer should work his way through the scene, collecting evidence in a logical sequence, trying to avoid disruption of other items of evidence;
  - (d) **Trace Evidence**: When collecting trace evidence (such as hair, fibers, fabric and paint), samples of like material should be collected from known sources, when available, for comparison purposes. When collecting known samples, it is important to note the location from which it was collected;
  - (e) **Biological Evidence**: Evidence containing blood, physiological or biological fluids, living vegetable materials, or other materials that may be damaged by sealing in plastic should be air dried if necessary and sealed in a paper bag or other approved container;
  - (f) **Infectious Materials/Sharps**: All hypodermic needles and other sharp objects shall be secured in approved rigid containers or packaged so as to prevent accidental injury. Evidence contaminated with potentially infectious materials (e.g. blood, body fluids, etc.), must be properly packaged and labeled with a biohazard label to prevent accidental contamination or exposure;
  - (g) **Firearms Shall Be Unloaded**: Semi-automatic weapons should be placed in a locked open or “open chamber” condition if possible, and ammunition clips removed from the weapon. If the firearm cannot be unloaded, it must be hand delivered to the Property Control Officer.
  - (h) **Controlled Substances**: Officers are to count, weigh and/or measure controlled substances prior to submission into the property control system. Loose pills or capsules shall be accurately counted in addition to weighing. Pills or capsules that are in pre-sealed containers need not be counted. The controlled substance is to be securely packaged, sealed to prevent tampering, and marked for identification.
  - (i) **Flammable or Explosive Items**: Flammable or explosive items of evidence will not be stored in property control areas unless absolutely necessary, and

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only when such storage can be safely effected. The Property Control Detective shall be contacted for authorization prior to submitting such items of evidence.

**F. Processing DNA Evidence**

1. Collection of DNA Evidence: Submission of samples will follow guidelines set forth in SBI evidence procedures Forensic Biology Section. Cases must meet NC State Crime Lab criteria for testing before submitting.



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2. The following table identifies potential locations for DNA evidence.

| <b>Evidence</b>                | <b>Potential locations of DNA on the evidence</b> | <b>Source of DNA</b>                |
|--------------------------------|---|-------------------------------------|
| Baseball bat or similar weapon | Handle, end                                       | Sweat, skin, blood tissue           |
| Hat, bandanna or mask          | Inside  | Sweat, hair, dandruff               |
| Eyeglasses                     | Nose or ear pieces, lens                          | Sweat, skin, blood tissue           |
| Facial tissue, cotton swab     | Surface area                                      | Mucus, blood, swear, semen, ear wax |
| Dirty laundry                  | Surface area                                      | Blood, sweat, semen                 |
| Toothpick                      | Tips  | Saliva                              |
| Used cigarette                 | Cigarette butt                                    | Saliva                              |
| Stamp or envelope              | Licked area                                       | Saliva                              |
| Tape or ligature               | Inside/outside surface                            | Skin, sweat                         |
| Bottle, can or glass           | Sides, mouthpiece                                 | Saliva, sweat                       |
| Used condom                    | Inside/outside surface                            | Semen, vaginal or rectal cells      |
| Blanket, pillow, sheet         | Surface area                                      | Sweat, hair, semen, urine, saliva   |
| "Through & through" bullet     | Outside surface                                   | Blood, tissue                       |
| Bite mark                      | Person's skin or clothing                         | Saliva                              |
| Fingernail, partial fingernail | Scrapings   | Blood, sweat, tissue                |

3. It is important to keep the Crime Scene uncontaminated:
- (a) Officers and First Responders should not eat, drink, smoke, spit, litter or do anything that might compromise the crime scene;
  - (b) Any movement of potential evidence should be avoided; and
  - (c) Evidence should be moved only if it would otherwise be lost or destroyed.
4. To avoid contamination of DNA evidence the following precautions should be taken:
- (a) Wear gloves and change them often;
  - (b) Use disposable instruments or clean them thoroughly before and after handling each sample;

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- (c) Avoid touching the area where you believe DNA may exist;
  - (d) Avoid talking, sneezing, and coughing over the evidence;
  - (e) Avoid touching face, nose, and mouth when collecting and packaging evidence;
  - (f) Air-dry evidence thoroughly before packaging; and
  - (g) Place evidence into new paper bags or envelopes, not into plastic bags. Do not use staples.
5. For the effective use of DNA analysis, elimination samples should be obtained.
6. When transporting and storing evidence that may contain DNA:
- (a) Evidence should be kept dry and at room temperature;
  - (b) Evidence should be placed in paper bags or envelopes, sealed and then labeled;
  - (c) Plastic bags should not be used as plastic bags provide a growth medium for bacteria that may degrade DNA evidence; and
  - (d) All potential DNA evidence should be submitted as soon as possible in accordance with the SBI Evidence Procedures Manual.

**G. Collecting DNA from Known Source**

When available and applicable, comparisons from known samples will be collected and submitted with physical evidence to be examined by a forensic laboratory. The sample should be as complete as possible. This procedure is especially important when the evidence consists of hairs, fibers, paint, glass, wood, soil and tool marks. The collection, preservation, packaging and processing of all known samples of evidence will be completed in accordance with the SBI Evidence Procedures Manual. The known sample can be obtained by written consent, search warrant, or non-testimonial identification order whichever is appropriate.

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#### H. **Processing Evidence in Forgery**

1. Evidence obtained in forgery cases shall be handled the same as all other evidence. Affidavits pertaining to a forgery should not be submitted as evidence. Only the actual document that was allegedly forged should be submitted as evidence. A copy of the forged item must be made and attached to the original incident report along with affidavits and other supporting documents.
2. Items of evidence should be tagged with officer's name, date, time, and location of recovery, item number, and case number.
3. Items requiring laboratory analysis or processing should be placed in separate containers. Proper lab request forms must accompany all such containers. Items must be marked individually if multiple items are submitted.
4. The officer collecting the item of evidence will be the person responsible for tagging or labeling the item at the time it first comes into custody.

#### I. **Crime Scene Sketch**

1. When crime scene sketches are prepared, the minimum detail to be contained includes:
  - (a) Dimensions of the area being sketched;
  - (b) Exact location of the incident;
  - (c) Location of items of physical evidence recovered;
  - (d) Location and names of victims, witnesses, and suspects;
  - (e) Relationships of the crime scene to other rooms, buildings, or roads;
  - (f) Direction of North;
  - (g) Name of person(s) preparing the sketch; and
  - (h) Date and time of sketch preparation.

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#### J. **Processing stolen vehicles**

Recovered stolen vehicles may be processed once a determination is made that there are items of evidentiary value. Prior to processing any stolen vehicle, the owner of the vehicle must be contacted and permission must be provided.

#### V. **REPORTING REQUIREMENTS**

Personnel who collect evidence for any purpose shall accurately and legibly complete an Evidence/Property Report. The following information must be included:

1. A complete description of the item (including quantity, make, serial number, etc);
2. The source from whom or where the item was obtained; and
3. The name of officer collecting the item.

#### VI. **CHAIN OF CUSTODY**

Proper chain of custody must be maintained on all items of evidence and documented on the Evidence/Property Report. When custody is changed, it must be indicated in the chain of custody portion of the form and appropriate signatures obtained.

#### VII. **EVIDENCE CONTROL PROCEDURES**

All evidence seized, collected or received by members of the department shall be properly documented, submitted to and stored under the custody of the department's Property Control Detective.

#### VIII. **SUBMISSION OF EVIDENCE FOR LABORATORY EXAMINATION**

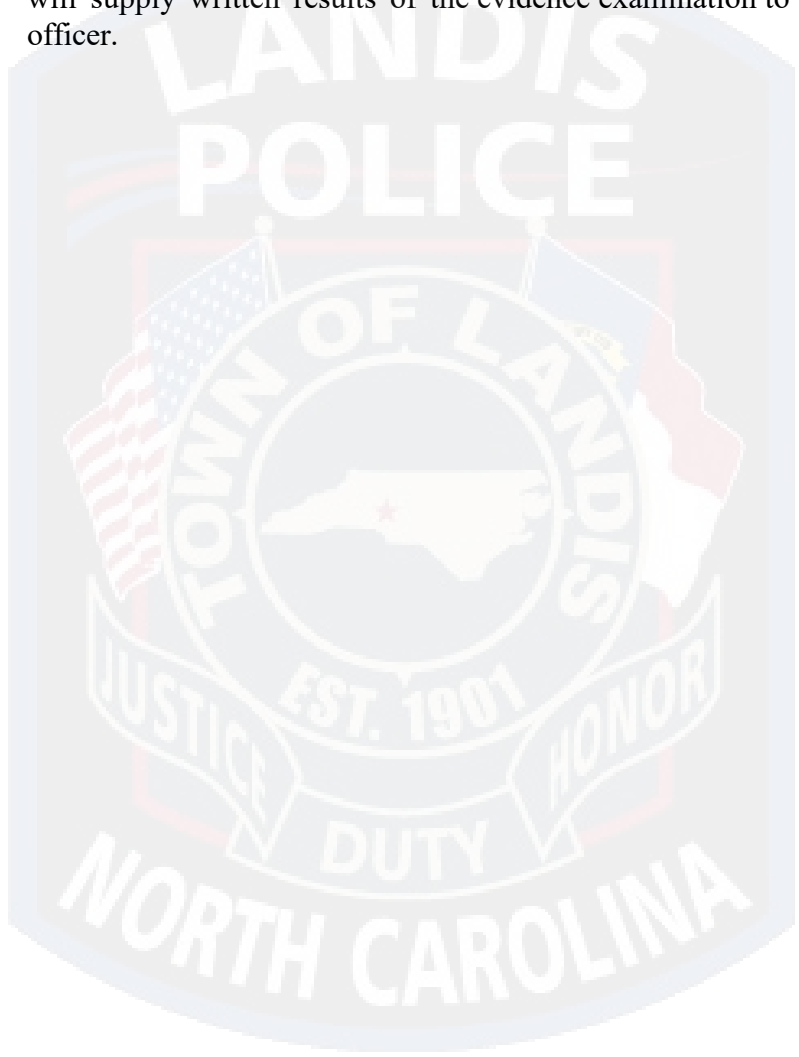
1. Responsibility for packaging and completion of forms requesting laboratory examination of evidence will rest with the officer or detective collecting the evidence.
2. When evidence of a perishable nature (e.g. blood or biological fluids) is collected, it should be transported to the laboratory at the earliest possible convenience.
  - (i) Any evidence submitted to the NC Crime Laboratory for examination must be packaged to their specifications (refer to SBI Evidence Procedures Manual) and must be accompanied by a properly completed Form SBI-5 (Request for Examination of Physical Evidence). It is the submitting officer's responsibility



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to complete this form and properly package the evidence for submission. The SBI crime laboratory will supply written results of the evidence examination to the requesting officer.

Under certain conditions, evidence may be submitted directly to the FBI Crime Laboratory for examination. Such evidence must be packaged and submitted in accordance with FBI laboratory specifications. The FBI crime laboratory will supply written results of the evidence examination to the requesting officer.



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## I. PURPOSE

It shall be the policy of this Department to safeguard property, preserve evidence, and properly document the chain of custody. A property control system should provide for the control of found, recovered, and evidentiary property in the custody of the Department. This is critically important in investigative areas and the proper administration of agency resources. This agency's property control system will maintain strict measures with respect to the handling, security, and disposition of property.

## II. DEFINITIONS

- A. Evidence Technician(s) – The Evidence Technician(s) shall be appointed by the Chief of Police and shall be responsible for all internal handling of evidence and found property. He/She shall be responsible for the integrity and protection of all evidence and other property until such time as it is disposed of in accordance with North Carolina General Statutes.
- B. Lead Evidence Technician – The senior Evidence Technician appointed by the Chief of Police. He/She shall be responsible for all internal handling of evidence and found property. He/She shall be responsible for the integrity and protection of all evidence and other property until such time as it is disposed of in accordance with North Carolina General Statutes. In addition, He/She is specifically responsible for several items as laid out by this policy.
- C. Evidence Section – The Evidence Section is the secure location in which all evidence shall be safely stored. Records of said evidence are kept in a secure location by the Lead Evidence Technician. The Evidence Section includes the evidence rooms, but does not include temporary evidence drop lockers or approved temporary evidence holding areas.
- D. Evidence – Evidence is any property or thing that is collected at the scene of a crime or from a suspect by investigating personnel that, when collected, is suspected evidence of a crime. This includes items that are collected and are later determined not evidence of the crime.
- E. Investigating Personnel – For the purpose of this directive, investigating personnel are those persons or officers who are assigned to the incident and/or are in possession of evidence.
- F. Investigator(s) – Department members specifically designated by the Chief of Police to carry out serious and complex criminal investigations.
- G. Chain of Custody – The Chain of Custody is the part of the Evidence Documentation that documents persons who have had physical custody of evidence.

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- H. Temporary Evidence Drop Lockers – A facility provided to maintain a secure location to hold evidence until such time as an Evidence Technician is on-duty or available to take custody of the evidence.
- I. Approved Temporary Evidence Holding Area – A facility other than temporary evidence drop lockers provided to maintain a secure location to hold evidence until such time as an Evidence Technician is on-duty or available to take custody of the evidence. This location must be approved by the Lead Evidence Technician.
- J. Department – The Landis Police Department either as an entity or as a physical building.
- K. Evidence Documentation – The paperwork or electronic database that provides information on any property stored in the Department. This documentation includes such information such as items seized, chain of custody, and disposition of items, but is not limited to that information.
- L. Property Category – A category assigned to an item of property taken into custody of the Department. Those categories are listed below.
1. Evidence – Any item that directly relates to a criminal act and can or will, be used in court, including recovered stolen property.
  2. Safekeeping – Any property that should be protected until the rightful owner can claim it and weapons that are voluntarily released by the owner to an Officer for temporary safety purposes.
  3. Found Property – Any item of property received by an Officer for the purpose of returning the property to the rightful owner, whether or not the identity of the owner is known.
  4. Seized Contraband – Property that is illegal to possess and is found, turned in by a citizen, or seized by an Officer and will not be used as evidence in a court of law.
  5. Inmate Property - any item of arrestee property refused by the Rowan County Jail that is not related to a case under investigation and is not intended for use in court that the Officer submits into the evidence room for safekeeping.
  6. Confiscated Property - any item of property confiscated by an Officer that does not meet the criteria above.

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#### IV. PROCEDURES

##### I. Evidence Personnel

- A. The Chief of Police supervises the Lead Evidence Technician and the Lead Evidence Technician is responsible for the day-to-day supervision and operation of the Property and Evidence function.
- B. Evidence Technicians are responsible for:
  1. Accountability, preservation, chain of custody, and final disposition of evidence submitted to the Evidence Section.
  2. Maintaining the Evidence Section in accordance with Department policies and State and Federal Laws.
- C. Documenting all activity related to each item of evidence under His/Her control through final disposition.
- D. Providing testimony in court on the chain of custody of any evidence submitted.
- E. Ensuring unauthorized persons do not enter the Evidence Section facilities.
- F. Release and disposal of evidence in accordance with this policy and all State and Federal applicable laws.

##### II. Inspections and Audits

- A. It is the policy of the Department to receive and safely store evidence, found property, confiscated property, and inmate property; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The Department will use the audit, inspection, and inventory process as a means to ensure the integrity of this function. The purpose of an audit and inspection is not solely to verify compliance of policies and procedures, but also to identify areas that may need improvement or updating and to correct any procedural deficiencies.
- B. The Chief of Police, or His/Her designee, may conduct or cause to be conducted through the Lead Evidence Technician, annual inspections of the Evidence Room. These inspections shall be to ensure that proper record and storage processes are being accomplished at all times and may be announced or unannounced.
- C. The Chief of Police, or His/Her designee, may, at their discretion, conduct audits of the Evidence Room at any time throughout the year. These audits may be accomplished in conjunction with any inspection or separately. These audits may be announced or unannounced.

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- D. A complete inventory shall be accomplished any time a new Lead Evidence Technician is appointed by the Chief of Police. If possible, this inventory shall be conducted jointly by the out-going Lead Evidence Technician and the in-coming Lead Evidence Technician to ensure accuracy of all property records and continuity of custody.
- E. Inspection and audit results will be attached to a report. This report will be filled as documentation of the results of the inspection, inventory, or audit.
- F. The inspections, inventories, and audits are conducted to ensure that:
1. The evidence facilities are being maintained in a clean and orderly fashion.
  2. Procedures, orders, and directives concerning the property management system are being followed.
  3. Property is being protected from damage or deterioration.
  4. Proper accountability procedures are being maintained.
  5. Property having no further evidentiary value is being disposed of promptly.
  6. To ensure the integrity of the system and accountability of property.
- G. An Evidence Technician will correct any deficiencies noted on the inspection sheet. The Lead Evidence Technician or Chief of Police conducting the inspection will follow up to ensure deficiencies are corrected.

### III. Access and Security of Evidence Section

#### A. Hours of Operation

1. The Evidence Section will be open for business to the Town of Landis, Court Systems, and other Law Enforcement personnel from 0800 to 1700 on Monday through Friday. The Evidence Section will be closed on Saturday and Sunday.
2. The Evidence Section will be open for business to the general public from 0830 to 1200 and 1300 to 1630 on Monday through Friday. The Evidence Section will be closed on Saturday and Sunday.
3. Exceptions to these hours of operation may be made by the Lead Evidence Technician as necessary to facilitate operational requirements or the needs of the public.

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#### B. Key Control/Physical Access

1. Access to the Evidence Section will be restricted to minimize any breach of security, maintain accountability, and reduce the number of employees involved in the chain of custody.
2. The only employees authorized and issued keys to the Evidence Section are Evidence Technicians. Physical key access is limited to the personnel listed on the posted authorized access list.

#### C. Access

1. The Lead Evidence Technician in coordination with the Chief of Police will publish an authorized access list for entry into the Evidence Section and post the list near the front door of any Evidence Section.
2. During all hours, access is controlled by physical key entry into the section.
3. When it is necessary for individuals whose names do not appear on the access list to enter the Evidence Section, He/She will be required to sign in and out on the appropriate form and to be accompanied by an Evidence Technician at all times (maintenance and custodial personnel, visitors, computer personnel, etc.).

#### D. Security Violations and Deficiencies

1. Evidence Technicians will ensure that when leaving the Evidence Section the door is locked.
2. At no time will Evidence Technicians leave the Evidence Section unsecured or unattended.
3. If the Evidence Section security has been breached, no one will enter until The Chief of Police, an Investigator, and The Lead Evidence Technician have arrived at the scene. The Evidence Section will be processed as a crime scene. The Lead Evidence Technician and an Evidence Technician will conduct an accountability inventory of the Evidence Section and a copy will be forwarded through the chain of command to the Chief of Police.
4. Evidence Technicians will immediately report any security violations or security deficiencies to the Chief of Police.

#### IV. Overall Evidence and Property Handling Procedures

- A. Officers collecting evidence, confiscated property, and found property are responsible for complying with all of the following procedures up to and including final disposition of property, except for the period during which an item is in storage in the Evidence Section.

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B. Once property is turned in to the Evidence Section and received, Evidence Technicians are responsible for the custody, control, and accountability of all evidence, confiscated property, and found property.

C. Seizure and Storage

1. Seizure of any property will be done in accordance with Department policies, State and Federal Law.
2. In accordance with NCGS 15.11.1, all property will be safely kept in assigned and secured departmental storage facilities.
3. The storage facilities will be entered only when accompanied by an Evidence Technician.
4. Property storage space is limited and only items of evidentiary value should be collected.
5. Under no circumstances will an Officer hold any property in His/Her personal possession beyond the end of their shift.
6. Officers will ensure that property owners are provided the necessary information to retrieve their property, including a property receipt in accordance with this policy. Nothing in this section prevents Officers from giving a property owner a property receipt at a later time after the property is seized.

V. Collection of Evidence/Property:

- A. Investigating personnel who are assigned to the scene of any crime are responsible for the protection, documentation, preservation and all other needs pertaining to both the scene and any physical evidence that may be located at the scene. The first law enforcement personnel on the scene shall usually accomplish these tasks, unless otherwise directed by supervising personnel they should continue until appropriately relieved by supervising or other authorized investigating personnel.
- B. Every effort must be made to appropriately preserve the condition of evidence in the process of collection. These efforts shall be to prevent the introduction of foreign materials or contaminants to it and to ensure as complete a sample is collected as is practical.
- C. Any and all evidence collected and property procured during a tour of duty will be placed into a temporary evidence drop locker or any other approved temporary evidence holding area, along with the proper Evidence Documentation, before leaving the tour of duty.
- D. Whenever a firearm is collected as evidence, pick the weapon up and handle it with a gloved hand, picking it up by the grip with thumb and forefinger. Do not place a pen or pencil down the bore to effect lifting.

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- E. Small pieces of broken glass that are being collected as evidence should be picked up and handled with caution. Large pieces of broken glass, which are being collected as evidence, should be picked up and handled with gloved hands. All sharp objects must be packaged in such a way that they pose no potential for injury to others.
- F. Any and all objects contaminated with blood or other body fluids should be collected using latex gloves and other personal protection equipment as necessary. These items must be marked as "BIO-HAZARDS".

VI. Documentation:

- A. Personnel who collect evidence or property for any purpose shall accurately and legibly complete Evidence Documentation. Inaccurate or incomplete documentation shall be returned to the appropriate Supervisor. Unless authorized by this policy, Evidence Documentation shall be completed for all evidence/property, even if it is released to the owner. The manner of the documentation will be at the discretion of the Lead Evidence Technician. Regardless of the manner of documentation it must be completed with the following information at a minimum. Questions on specific blocks or specific forms should be directed to any Evidence Technician:
  1. Information Section: This section includes information such as the OCA (An OCA number is required for all Evidence Documentation, even if an incident report isn't completed), officer, offense, who the property was obtained from, and the type of property seized. This section may also include demographics of the offender. This section should be filled out in its entirety.
  2. Item Description Section: This section is for the numbering and description of property items seized. This section should include make, model, serial number, identifying marks, condition, quantity, and dollar value when appropriate. Caution should be used when numbering items so that the same number is not used for two different property items for the same OCA.
  3. Notes/Special Instruction Section: This section is for notes or special instructions to an Evidence Technician. For example, items needed to be sent to the lab.
    - a. If items are to be sent to the laboratory for testing the following items should be placed in the notes section of the Evidence Documentation:
      - i. Exact Location Found: Place the specific location the Officer retrieved the evidence from, such as back pocket, vehicle console, kitchen cabinet, dresser drawer, victim's body, on the ground at (give address), etc.
      - ii. Additional Analysis Requested/Instruction: The Officer should note if there are specific instructions regarding the expectations, He/She



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has regarding the lab's examination of the evidence. Examples are the weight of evidence, the strength or percentage on drugs, the type of blood comparison of one piece of submitted evidence to another piece of submitted evidence, multiple function requests for several distinctly different examinations to be performed by several different laboratory sections, etc.

4. Chain of Custody: This section is for the listing of information that describes the physical change in custody of any item of property. It includes the item number of the changed item, the person releasing and the person receiving the item along with their signature and the reason for the release.
  5. Disposition: This section contains the description of the disposition for any item of property. This includes dispositions such as owner release and destruction.
- B. Property placed in temporary evidence drop locker or any other approved temporary evidence holding area should have Evidence Documentation forms placed with it unless other direction has been received from the Lead Evidence Technician or this policy. For items placed at off-site storage, or in another temporary area at the Department, the Evidence Documentation should be given directly to the Lead Evidence Technician or placed in the Lead Evidence Technician's mailbox.
  - C. After the property submitted has been accepted and entered into the Evidence Section, the original copy of the Evidence Documentation will be retained by the Lead Evidence Technician and a duplicate copy should be retained by the submitting Officer and/or attached to the original case report for record keeping and evidence retrieval purposes.
  - D. The responsibility of requesting laboratory analysis of any evidence collected lies with the originally assigned investigating Officer, unless an Investigator is called, assumes chain of custody, and requests laboratory analysis.
  - E. After evidence is submitted to the NC State Crime Lab (NC SCL) and an Officer determines the analysis is no longer needed the Officer should notify the Rowan County District Attorney's Office who will then relay the pertinent information to the NC SCL.
  - F. Evidence Technicians will submit all necessary evidence to the NC SCL through a NC SCL Laboratory Examination Request form. These forms are to be filled out and submitted electronically through the Forensic Advantage system provided by the NC SCL. As the rules for operating Forensic Advantage change often, all Evidence Technicians should be familiar with the rules set forth by the NC SCL.
  - G. The Evidence Technician who receives property from the NC SCL will notify the submitting Officer when examined materials are returned and when laboratory results are produced. Officers should also get a laboratory results notification via e-mail from the Forensic Advantage system.

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- H. Each separately numbered piece of evidence or property as enumerated on the Evidence Documentation must be placed in an individual numbered evidence bag or have an Evidence Property Control tag filled out and attached if too large for an evidence bag (i.e. bicycles, lawn equipment etc.). Limited exceptions to this standard are listed elsewhere in this policy (ex. Drug paraphernalia).
- I. The Evidence Property Control tag or evidence bag shall be accurately and legibly completed. In general, the following information should be included:
1. Description of Item.
  2. The Department's OCA number. An OCA number is required for all Evidence Documentation, even if an incident report isn't completed.
  3. Item / Exhibit Number
  4. Location found or recovered.
  5. Investigating Officer
  6. If necessary, other information can be written on the backside of the tag or bag.
- J. When attaching an Evidence/Property Tag to the individual items to be submitted, use the provided tie string or tape if needed. Officers should be careful not to conceal the information written on the tag when securing the tag to an item.

## VII. Numbering Evidence

- A. Caution should be used when numbering items so that the same number is not used for two different property items for the same OCA.
- B. There should be only one item number 1 for each OCA as there should be only one item number 2 for each OCA and so on.
- C. Officers should not duplicate item numbers for the same OCA.
- D. Caution should especially be used when there are multiple defendants on one OCA or if multiple officers work the same case. If there are two defendants for one OCA an Officer may do two evidence sheets (if He/She wishes) but the Officer should not duplicate item numbers. For example, if an Officer seizes a marijuana roach from one defendant and a bong from another in the same traffic stop then the roach should be listed item number 1 and the bong as item number 2, regardless if there are two sheets for multiple defendants. If multiple Officers are working a case together all Officers should coordinate with all other Officers involved so that there are no duplicate item numbers.

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- E. Officers should not number items as the item number *of* the current total number of items (ex. 1 *of* 1 or 3 *of* 20) and should list the numbers individually (ex. 1 or 3 respectively). As cases sometimes are complex and multiple items of the same OCA may be added at a later time on a separate evidence sheet, numbering items as the item number *of* the current total number of items can cause confusion on the overall total number of items to the Evidence Technicians and in court.

### VIII. Weighing of Evidence

- A. Reports should always show the material weight indicated by a digital scale. To prevent the unnecessary exposure of toxic fumes or accidental skin contact evidence should be weighed in the packaging it was recovered in.
- B. If a problem is encountered operating scales, stop and contact a supervisor before proceeding.
- C. All narcotics and/or dangerous drugs shall be weighed before submission to the Evidence Section using the scales provided by the Department. Additionally, loose pills or capsules shall be accurately counted. Pills or capsules that are contained in pre-sealed containers should be left unopened even if this makes counting impossible. The weight and/or count shall be included on the Evidence Documentation.

### IX. Packaging & Submission of Evidence:

- A. All evidence, with the exception of physiological and biological fluids or pieces, wet or blood-stained items, living vegetable materials, broken glass, needles, oversize items or other items that may be contaminated or damaged by plastic, shall be placed into an appropriately sized evidence bag. The bag shall be self-sealing or sealed with the provided evidence tape or clear packing tape.
- B. Items that cannot be placed in a plastic evidence bag, with the exception of dramatically oversized items, shall be placed in an appropriately sized paper bag or cardboard box. Items that have the potential for DNA evidence should be packaged in a paper bag or cardboard box.
- C. Items, which are wet or bloodstained, must be air-dried prior to being packaged.
- D. Items that are wet and/or freshly bloodstained should be collected by Officers who shall then contact an Evidence Technician in order to coordinate proper dry storage.
- E. Employees handling and hanging biohazardous materials should wear necessary biohazard personal protection equipment.
- F. Blood or body fluid stained or contaminated items which have been air-dried must have a Biohazard Label placed on the outside of the paper bag or cardboard box prior to being stored.

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- G. The Evidence Documentation should reflect the location of the item(s).
- H. Once an item has been collected and stored by the appropriate authority for air-drying it becomes the responsibility of an Evidence Technician to ensure proper drying and packaging of the submitted item(s).
- I. All sharp instruments such as knives, scalpels, axes, hatchets, machetes, ice picks and razors shall be handled with extraordinary care and have their sharp points and/or edges sheathed, using cardboard or Styrofoam before being placed into evidence.
- J. All hypodermic syringes and needles will be placed in a puncture proof, leak resistant container, with a Biohazard label before being submitted to a temporary evidence drop locker or approved temporary evidence holding area.
- K. All firearms that are collected for evidence shall be **UNLOADED** prior to submission. All firearms collected for evidence shall be submitted subject to the following rules in addition to any rules listed elsewhere in this policy:
1. All firearms are to be **UNLOADED** prior to submission to the Evidence Section. Caution and safety should be used when unloading a firearm. If a firearm cannot be unloaded, it should be submitted directly to the Lead Evidence Technician along with a verbal warning of its loaded condition. If the Lead Evidence is not on-duty or available, a **WARNING** label shall be placed on the firearm so as to be immediately visible to any Evidence Technician upon retrieval, and the firearm secured in an evidence drop locker.
  2. If the firearm is a revolver remove any ammunition from the revolver and place the ammunition into an evidence bag and seal the evidence bag. However, in homicide, suicide, and shooting investigations, empty casings should be left in revolvers and live cartridges, which are removed, should be documented as to their position. This may be accomplished by a simple diagram showing the exact position of the cylinder in the locked position, noting where each casing or cartridge appeared in sequence. Officers may also mark the live rounds for investigative purposes by marking them with a marker or by placing the ammunition in separate evidence bags to distinguish them.
  3. If the firearm is a semiautomatic the Officer should remove any ammunition from the magazine and remove any round from the chamber and place the ammunition into an evidence bag and seal the evidence bag. If the Officer needs to mark the round in the chamber for investigative purposes, the Officer can mark it with a marker or place it in a separate evidence bag from the ammunition taken from the magazine. In homicide, suicide, and shooting investigations shell casings recovered from the scene should be packaged separate from any ammunition taken out of the semiautomatic firearm.

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4. Place the safe firearm, the magazine (if a semiautomatic), and the bag or bags of ammunition that were taken from the firearm into a cardboard gun box and close the box. Note: Shell casings recovered from the scene should be packaged separate from any ammunition taken out of the firearm. Note: If there are no cardboard gun boxes available a paper bag may be used for firearms.
5. Seal the box with 1 piece of tape across the front insert and initial the tape as usual for standard items of evidence. Note: If using a paper bag, seal the bag and initial the tape as usual for standard items of evidence.
6. Fill out the all of necessary information on the outside of the box or bag.
7. If there is a firearm seized as evidence pursuant to a case, the firearm (and all the items in the box ex. magazine, rounds taken from gun, etc.) should be listed as item number 1 on the Evidence Documentation. If two firearms are received, the firearms (and all the items in the box ex. magazine, rounds taken from gun, etc.) should be listed as item numbers 1 and 2 on the Evidence Documentation respectively. For example, a Glock 22 is seized with a magazine with 15 rounds in the magazine and one in the chamber the Officer would list it as Item 1: Glock 22 semiautomatic pistol with magazine and 16 rounds.
8. Firearms are not to be tied down to the box with zip ties. Do not use zip ties to show that the gun is safe. Do not put a zip tie or any other item down the barrel of a seized firearm.
9. All firearms (to include long-guns) should be placed in a size appropriate firearms evidence box. Such firearms should be placed in a cardboard box and marked "Biohazardous" or "Fingerprint preservation", if applicable.
10. Cartridges, casing, shells and magazines or clips seized that were not removed from firearms should be placed in an appropriately sized evidence bag. Casings seized from a scene (not removed from a firearm) as evidence of a crime should be placed in a separate bag from any live cartridges. Casings from different locations or of different calibers should be placed in separate bags for investigative purposes.
11. Firearm projectiles seized from a scene as evidence of a crime should be placed in a separate bag from any other item (casings, cartridges, etc.). Firearm projectiles from different locations or of different calibers should be placed in separate bags for investigative purposes.

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- L. The following polices will be applicable to monies or currency (including counterfeit currency):
1. Checks and money orders being held for evidence may be placed in the appropriately sized plastic bag for preservation of any possible fingerprint/palm print evidence if applicable.
  2. Currency being placed into evidence should be counted in the presence of two members of the Department and placed into a plastic bag and sealed in the presence of both members. Both members' initials should be placed on the evidence sealing tape. If two members of the Department are not present, a member of another law enforcement agency may assist the single member of the Department in counting the currency, but He/She must also place their initials on the evidence sealing tape. In the event there is only one member of the Department available, the currency should be counted by that individual member and sealed promptly. The currency will then be placed into evidence. The Lead Evidence Technician will then remove the currency as soon as practical. The currency will then be unsealed and counted by the Lead Evidence Technician and the original member and then be resealed. All counting of currency should be done in a location that it can be video recorded if at all practical. Currency should never be bagged with any other items regardless of amount or circumstances.
- M. Items possibly supporting latent fingerprints must be protected from movement or any other action that may destroy or contaminate the prints prior to a latent print search.
- N. Oversized items and other items with cords, straps, appendages or loose parts should have these loose parts taped or tied to the item so as not to be a storage or handling problem since these items do not lend themselves to packaging.
- O. Evidence Technicians will maintain supplies of evidence bags, tape, tags and biohazard labels in an approved location within the Department. Officers will have access to these items at all times if needed.
- P. Evidence Technicians will be responsible for properly packaging and shipping/delivering evidence, which requires SBI or FBI laboratory examination as well as the packaging and shipping of counterfeit currency and raised currency to the US Secret Service.
- Q. The method of shipping or delivering packaged evidence to the SBI or FBI laboratories will be determined by the nature, fragility, size and weight of the evidence. Evidence Technicians in cooperation with the submitting Officer will make the final decision.
- R. Approved methods of shipping are US Postal First-Class Registered mail or State courier.
- S. Perishable items that must be refrigerated, such as meats, other foods, drinks, and dairy products should be photographed and returned to the owner for destruction, safekeeping, or

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resale. In such cases, the chain of custody should be documented in the incident report. The disk with the photographs shall be retained in the case file. If the investigating Officer feels that there is an urgent investigative need to place perishable items into evidence for storage, then He/She should then contact the Lead Evidence Technician immediately for direction.

T. The following policies will be applicable to alcoholic beverages:

1. Alcoholic beverages that constitute evidence of underage possession or misdemeanor driving while impaired offenses shall be photographed by the investigating Officer and then shall be disposed of by the Officer or the offender in the presence of the Officer. The empty containers should then be photographed as proof that the alcoholic beverages were disposed of. These photographs should be provided as evidence in court. Video may be used in place of the photographs.
2. Alcoholic beverages that constitute evidence of non-tax paid alcoholic beverage offenses, any felony offenses, or any other alcoholic beverage violation not enumerated herein should be held by the investigating Officer. The investigating Officer should then contact the Lead Evidence Technician for direction. The Lead Evidence Technician in coordination with Chief of Police will decide the disposition and storage of the alcoholic beverages.

U. The following policies will be applicable to license registration plates:

1. License registration plates that constitute evidence of registration offenses (revoked, fictitious, borrowed, etc.) shall be photographed while they are attached to the offender's vehicle. These photographs should be provided as evidence in court. License registration plates should then be placed in the box provided for return to the North Carolina Division of Motor Vehicles with the yellow copy of the NC DMV form DL-53A "Acknowledgement and/or Receipt for Surrender of North Carolina License/Registration Plate" taped to the **back** of the license registration plate. If the investigating Officer feels that there is an urgent investigative need to place a license registration plate that constitutes evidence of registration offenses into evidence for storage, then He/She should then contact the Lead Evidence Technician immediately for direction.
2. License registration plates that are found that are believed to be lost and/or stolen should be run through DCI by the initial Officer to determine their status. If the license registration plate is listed in NCIC as stolen it should be removed immediately after it is found. The initial Officer should attempt to notify the registered owner for pickup for all stolen and/or lost license registration plates that are still active in the system. All stolen and/or lost license registration plates that are not still active in the system (ex. expired, revoked, etc.) should then be placed in the box provided for return to the North Carolina Division of Motor Vehicles.

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V. All drugs collected for evidence shall be submitted subject to the following rules in addition to any rules listed elsewhere in this policy:

1. When placing drugs into evidence each different type of drug should be placed into a separate evidence bag (ex. put cocaine in its own bag and marijuana in its own bag or each different type of pill in its own bag). Paraphernalia and other items should be bagged separate from any drugs. Paraphernalia items seized for the same offense may be bagged in one bag together.
2. Drugs seized should be listed as item 1 on the Evidence Documentation unless there are extenuating circumstances. If two types of drugs are seized the drugs should be listed as items 1 and 2 respectively with the drug constituting the highest charge listed first. If drugs and a firearm are seized Officers should list the firearm as item 1 and the drugs item 2 and so on.
3. Drug testing kits shall not be placed into evidence as they contain chemicals that are harmful to skin and will often leak into an evidence bag over time. In addition, the color indication of the kit will not retain its color after a few minutes. The Officer should photograph the kits for the proper color identification and dispose of them in an outdoor trash can after using the provided acid neutralizer. These photographs should be provided as evidence in court.
4. Officers should note on the Evidence Documentation whether the drug charge is a felony or misdemeanor charge. This can be done in the offense or notes section on the Evidence Documentation.
5. Officers should only seize and place into evidence hypodermic needles for offenses that are actively charged. Officers should not place found hypodermic needles or hypodermic needles seized at an overdose with no active charges into evidence for destruction. These should be placed into a sharps container in the patrol room, or given to EMS for destruction.
6. Active charges and a written request from the Rowan County District Attorney's Office are needed before hypodermic needles are sent to the NC Crime Lab. Getting this letter is the responsibility of the charging Officer.

W. The following properties will be applicable to found property:

1. Before collecting or turning in found property, Officers should:
  - a. Determine reasonable value of the property. Items that are essentially worthless or appear to have been discarded should be left where they are found or disposed of in a suitable refuse container.
  - b. Prior to turning in property, the Officer will make every attempt to return the property to the rightful owner. The Officer should use all methods available



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to attempt to identify the rightful owner and return the property. (RMS, DCI, phone directories, contact with other agencies, etc.) BEFORE submitting the property to the evidence room. The methods used by the Officer to attempt to identify or contact the owner of the property should be noted in the Officer's incident report or activity log

- c. A found vehicle license plate should be checked through DCI as soon as practical to determine the registered owner. Officers should then proceed with handling procedures listed above in section IX. U. 2.
2. If there is any question as to ownership of any evidence or property, the Officer will contact His/Her immediate supervisor for assistance. If there continues to be a question of ownership the Lead Evidence custodian should be contacted for direction, before the item is placed into evidence.
  3. If locating an owner is unsuccessful by the end of an Officer's shift and the found property must be placed into evidence, an incident report and the required Evidence Documentation must be completed.
  4. If the Officer is able to locate the owner and are able to return the property without the property being placed into evidence, then the Officer may note this in an incident report if one was completed, or if one was not completed, the information put into the CAD notes. In the Officer's discretion, He/She may also fill out Evidence Documentation showing the item has been turned over to the owner and have the owner sign it as a receipt. In this case, the Evidence Documentation should be kept by the Officer for their records.
- X. The following properties will be applicable to bicycles:
1. If a bicycle is seized as evidence it should be treated as any other item of evidence and it should be documented with an incident report and the Evidence Documentation.
  2. When a bicycle is found and considered found property the Officer should find the serial number and have dispatch run the serial number to ensure the bike is not registered stolen. If the bike is stolen Officers should enter it into evidence the same as any other stolen property.
  3. If a bicycle is not evidence or stolen and is simply found property, the Officer should complete a short, found property incident report. In the property section, the Officer should list the make and model of the bike as well as the serial number of the bike. Officers may refer to section IX. W. for more information on handling found property in general.

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4. The Officer should complete Evidence Documentation for any found bicycle. The Officer should place a tag on the bicycle and note as “found property” with the location, date, and time the bicycle was located.
  5. Once any bicycle is ready to be placed in evidence, the Officer should place the bicycle in the approved temporary evidence holding area designated by the Lead Evidence Technician for bicycles and place the Evidence Documentation in tray provided. The Officer in coordination with an Evidence Technician should be responsible for moving the bicycle to the appropriate Evidence Section.
- Y. The following items will NOT be entered into evidence. They will be towed in accordance with policy and procedures. Towing documentation and notation in the incident report should be completed. Evidence Documentation should not be completed for these items.
1. Motorcycles
  2. Motor Scooters/Mopeds
  3. Golf Carts
  4. Go Carts
  5. Riding Mowers
  6. Trailers
- Z. The following properties will be applicable to used Conducted Energy Device (CED) TASER cartridges:
1. Used TASER cartridges that constitute evidence of a criminal violation by a citizen or by an Officer will be treated as an item of evidence. These TASER cartridges will be placed into a temporary evidence drop locker and Evidence Documentation should be completed as any other item of evidence. Generally, use of force deployments are not considered criminal in nature.
  2. Used TASER cartridges that are used for non-criminal purposes (use of force, accidental officer deployments, etc.) should not be placed into any temporary evidence drop locker or the evidence section for any reason.
  3. All used TASER cartridges placed into a temporary evidence drop locker for any purpose shall be made safe. The prongs should be placed into the TASER cartridge and the wires should be wrapped around the cartridge. The cartridge should be taped with clear packing tape so that the prongs cannot come out of the cartridge. The cartridge should then be placed in a clear plastic tamper proof bag and filled out and labeled as evidence.

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4. No active TASER cartridge shall be placed into a temporary evidence drop locker without express permission of the Lead Evidence Technician.

X. Storage of Evidence/Property:

- A. Lockers # 1A – 18A are used as temporary evidence drop lockers for the majority of items submitted into custody.
- B. Locker # 1B – 4B are used as an overflow temporary evidence drop lockers when lockers # 1A – 18A are full and may also be used to store items that will not fit in lockers # 1A – 18A. For any items that do not fit in any of the above lockers, the submitting Officer should contact the Lead Evidence Technician for direction on an approved temporary evidence holding area.
- C. Officers shall contact the Lead Evidence Technician in the event refrigerated or frozen storage is needed.
- D. Most wrecker services will provide storage for vehicles that do not need processing. Vehicles in need of processing will be stored at an approved location by the Lead Evidence Technician or his designee.
- E. Storage for anything else will be at a location determined by the Lead Evidence Technician in coordination with the Chief of Police.

XI. Authority to Reject/Deny Evidence Submission:

- A. The Lead Evidence Technician has the ability to refuse to accept any item placed into the Evidence Section for storage if that item is placed into temporary evidence drop lockers or any other approved temporary evidence holding area and that item meets the following criteria:
  1. Has incomplete or inaccurate Evidence Documentation.
  2. Is improperly packaged or labeled.
  3. Is not in compliance with this policy.
  4. Does not meet any criteria for submission to the Evidence Section.
  5. Is dangerous and/or hazardous to the health of any Evidence Technician or Officer and is not required to be kept pursuant to state law or this policy.
  6. Items that are essentially worthless or appear to have been discarded by their owner.

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- B. Evidence Technicians should consult with the Lead Evidence Technician if He/She feels an item of evidence has been submitted and violates a provision of this section and should be rejected or denied.
- C. Any item listed above will not be entered into the Evidence Section and will be returned to the Officer for correction or disposition. The Officer's supervisor will also be contacted to aid the Officer in correction or disposition.

**XII. Release of Evidence/Property:**

- A. No property shall be released to anyone without proper proof of identification for the receiving person.
  - 1. This proof of identification shall be a Government/State issued photo-identification card only. No other forms or methods of identification are acceptable.
  - 2. The receiving person must then print their name and sign the chain of custody section of the Evidence Documentation to show that He/She received the property. If sufficient room allows the Officer should write the driver's license number next to the printed name or in the notes section of the Evidence Documentation.
- B. Proof of ownership should be obtained from the claimant before property is released. However, each release will have its own set of circumstances. Some general guidelines are listed here below:
  - 1. Motor vehicles, including motorcycles and mopeds, should require a title, registration card, manufacturer's statement of origin, or bill of sale.
  - 2. Firearms should require a copy of the bill of sale or proof of sale, notarized documentation from the original seller denoting the sale circumstances, or a Court Order. Firearms may also be released to the person listed in a recently completed ATF e-trace without further documentation. Before any firearm is released to the owner and/or recipient, a firearms criminal history check shall be conducted prior to the release of the firearm. A firearm may not be released to any owner/recipient if the results of the criminal history check provide law enforcement with derogatory information disqualifying said recipient from possessing a firearm.
  - 3. All other property should be released using a variety of methods, whenever possible, to prove ownership.
  - 4. Some of these methods are:
    - a. Accurate description by claimant.
    - b. Unique features or marks.

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- c. Owner applied numbers or marks.
  - d. Receipt or bill of sale.
  - e. Stolen report prior to recovery.
  - f. Notarized statement from original seller, particularly of commercial origins.
  - g. Matching or pairing of parts being held against pairing of parts.
  - h. Limited edition on collectible number registration with manufacturer.
  - i. Photographs or video image which accurately depicts item(s).
  - j. Insurance inventory which accurately describes item(s).
  - k. Special alterations or additions made by owner/claimant.
- C. No property will be released whenever it is being held as evidence in a pending court case unless authorized by the Rowan County District Attorney's Office or any judge with jurisdiction.
- D. No property will be released when satisfactory proof of ownership or right to claim cannot be established.
- E. The Rowan County District Attorney's Office or any judge with jurisdiction may authorize the release of property being held once He/She has established that it is no longer of evidentiary value. A letter or court order authorizing the release should be obtained prior to release.
- F. When an investigation reveals that no crime actually occurred, the property being held as evidence may then be released to the rightful owner, without court authorization, after appropriate supplemental information is filed.
- G. When individuals come to the Department seeking the release of property after a case has been adjudicated, certain steps must be taken:
1. Voluntary Dismissal – Property may be released immediately to the rightful owner upon receipt of a court disposition computer printout from the Automated Criminal Infraction System (ACIS) or disposition order bearing the seal of the Rowan County Clerk of Court.
  2. Not Guilty – Property may be released immediately to the rightful owner upon receipt of a court disposition computer printout from the Automated Criminal Infraction System (ACIS) or disposition order bearing the seal of the Rowan County Clerk of Court.

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3. Pleas or Verdict of Guilty or Nolo Contendere - Property may be released to the rightful owner only after the disposition of the item has been verified. A disposition order bearing the seal of the Rowan County Clerk of Court is also necessary. The property cannot be released for a period of ten days of following the court disposition due to the possibility of an appeal being filed. In limited circumstances a court disposition computer printout from the Automated Criminal Infraction System (ACIS) may be used for release if this disposition specifically lists the means of disposition of evidence.
  4. When a case has been tried, the appeal period has expired and the Rowan County Clerk of Court has no disposition on file or listed in the Automated Criminal Infraction System (ACIS) regarding item being held by the Department, which is involved in a case; said item shall not be released without a court order.
- H. When the Department is holding property and the rightful owner cannot come by to retrieve same, He/She may authorize another individual to pick up the property for them. This individual may be an employee, a relative, in-law, friend, business associate or spouse. In order for this to be accomplished, the rightful owner must give the substitute person all necessary proof of ownership and a notarized letter of authorization. The substitute person will still need to present proper identification.
- I. Officers may authorize the release of found property to individuals when proof of ownership is provided. When this is being done and the item is stored in the Evidence Section, an Evidence Technician should have the receiving person print their name and sign the chain of custody section of the Evidence Documentation to show that He/She received the property. If sufficient room allows the Evidence Technician should write the driver's license number next to the printed name or in the notes section of the Evidence Documentation. If this is done by an Officer before the found property is submitted to the Evidence Section the Officer may complete the Evidence Documentation as listed above but He/She should retain the Evidence Documentation for His/Her own records.
- J. Property owned by the victim of a homicide, a suspected homicide or a suicide may not be released until certain procedures have been satisfied. This section also applies to property where the rightful owner has passed away prior to the property's release. The procedures are:
1. Check with the investigator(s) working the case to ascertain if an arrest has been made in the case or a disposition entered in the case.
  2. If no arrest has been made, determine what item(s) of the victim's property can be released and which are being held for evidence. Skip to step (6).
  3. If an arrest has been made, determine whether the case has been adjudicated. If the case has not been tried, ascertain what items, if any, are not being held as evidence and can be released. If the case has been tried, see step (4).

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4. Check with the Rowan County Clerk of Court to ascertain if written notice of appeal has been made within 10 days after conviction.
  5. If no appeal has been filed, contact the Rowan County District Attorney's Office and ask if there are any reasons to keep the evidence, since no appeal has been filed. The Rowan County District Attorney's Office's decision should be placed in writing and the letter attached to the Evidence Documentation.
  6. A letter of release needs to be obtained from the executor or executrix of the estate. The property should be turned over to that person for disposition.
  7. That person may authorize a disposition for the property, such as training purposes, auction or destruction.
  8. In cases where there is no will or appointed executor or executrix, the spouse or children of the deceased will normally be in line to receive the property. When there is no spouse or children, then the duty falls to a mother, father, brother or sister.
  9. These individuals must go to the appropriate County Clerk of Court and obtain a letter, which denotes them as the entitled relative as well as authorizing them to receive the property, as no debt claims exist.
  10. Additionally, a letter of testament, with a seal addressed to all parties involved in the case, must be obtained from the appropriate County Clerk of Court.
  11. Once the letter of release – or letter of entitlement – and the letter of testament have been received, along with any necessary letter from the Rowan County District Attorney's Office, the property may be released.
  12. Following release, attach the letter of release or entitlement, the letter of testament and if applicable, the Rowan County District Attorney's Office's letter to the Evidence Documentation.
  13. Seized evidence that is considered to be bio-hazardous, is considered biological evidence, and/or contains evidence of DNA may not be released by the investigating agency or its State/Federal affiliates.
- K. Any documentation which was used to affect the release of property, such as letters of authorization, bill of sale copies, title or registration copies, court disposition paperwork, etc., should be attached to the Evidence Documentation.
- L. Evidence that has been released to an Officer for court, in house examination, identification, etc., shall be returned to the custody of an Evidence Technician as soon as the reason it was released has been completed. When an Evidence Technician cannot be located or is not on-duty, the Officer will place item into a temporary evidence drop lockers or any other

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approved temporary evidence holding area until an Evidence Technician is available to accept custody.

- M. When a trial is ongoing, the evidence released to any Officer may be held and locked in a temporary evidence drop locker or any other approved temporary evidence holding area each night utilizing a temporary lock issued by the Lead Evidence Technician to that Officer for the duration of the court proceeding. Only the Officer shall have a copy of the key and/or combination to this lock for the duration of the court proceeding.
- N. Whenever the court system keeps evidence that was released to an Officer, the Officer should ask for and receive a receipt from the Rowan County Clerk of Court showing the change of custody. This receipt should then be returned to an Evidence Technician for filing with the Evidence Documentation.
- O. Weapons that are obtained in any way, for any reason by this Department shall not be released to anyone except the rightful owner with the proper proof of ownership, unless required by court order.

### XIII. Change of Custody

- A. When releasing property to anyone or transferring physical custody of an item, Evidence Documentation must be filled out and signed by the releasing person and the receiving person. This should be accomplished in the manner listed below:
  1. In the chain of custody area, the releasing person should fill in the item numbers being released or transferred, the date, and print their own name and sign near it in the designated area.
  2. Then, the receiving person should print their name and near it in the designated area.
  3. The purpose for Change of Custody should be filled in by the releasing person and should accurately reflect the purpose for the change, such as released to owner, relative or employee, court, in house examination, lab analysis or examination, release to State or Federal agency, etc.
  4. All of the change of custody signatures and information shall be placed on the original copy of the Evidence Documentation only. Do not fill out this information or sign the other copies. If there are multiple sheets of Evidence Documentation the change of custody should be filled out on the first page first and only moved to another page if there is no space on the first page.

### XIV. Disposition of Evidence/Property:

- A. Officers will occasionally be called in by an Evidence Technician in order for a piece of property submitted by the Officer to be returned to its rightful owner when it is no longer needed.



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- B. Periodically, Officers will be called in by an Evidence Technician to review their Evidence Documentation file. When this is done and an Officer authorizes disposal of any item(s); the Evidence Documentation should be updated to reflect this disposal.
- C. Unclaimed property that has been seized, confiscated or otherwise received by the Department may be sold, as long as the Department complies with certain requirements, which are listed below:
1. There is a waiting period that must be met. The property must remain unclaimed by the person who may be entitled to it for at least 180 days (60 days for bicycles) from the date of receipt by any Evidence Technician.
  2. After the specified period of time, the Department must publish a notice of unclaimed property in any newspaper published in the county. Publication of this notice is required only 1 time.
  3. The notice of unclaimed property must contain a brief description of the property, specify that the listed items are in the custody of the Department which published the notice and state that any person who may have or claim any interest in the property must report that claim to the Department within 30 days of the date of publication of the notice. This notice should also include a statement that any unclaimed property will be sold or otherwise disposed.
- D. Occasionally, citizens bring contraband such as, found drugs, paraphernalia, fireworks, etc., to the Department and request that it be destroyed. These requests for destruction of contraband will generally be honored. Evidence Documentation shall be completed the same as all other situations showing the proper chain of custody. These items will be disposed of as seized contraband and will be destroyed.
- E. Prescription or over the counter medications, including insulin syringes, should not be accepted for destruction. Individuals wishing to dispose of these items should be directed to an organization who handles such disposals. If direction is needed, please consult with the Lead Evidence Technician.
- F. With the exception of contraband (See section XV. D.), personal items including guns and knives should not be accepted for destruction. Individuals wishing to dispose of these items should be directed to an organization who handles such disposals. If direction is needed, please consult with the Lead Evidence Technician.
- G. As outlined above, Officers should make every attempt to locate the rightful owner of all found property. North Carolina General Statutes state that after 180 days, if the rightful owner of such property cannot be located, the finder has the right to claim the property (with the exception of weapons and bicycles). For this reason, investigating personnel shall determine whether or not the finder wishes to keep the property if the rightful owner cannot be located and include the information on the original Evidence Documentation.

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1. If the finder of the property does not wish to claim the property and no valid claim is made within the 180-day period, the property will be auctioned (with the exception of weapons).
  2. If the “Finder” is an Officer He/She may not claim the found property.
- H. It must be understood that the Department cannot be used as a “safe deposit box” and keep items for an infinite period of time. Safekeeping and inmate property shall be handled the same as unclaimed and will be returned to the rightful owner within 180 days unless a longer period is authorized by the Lead Evidence Technician.
- I. License registration plates, which are being held in evidence, will be turned over to the North Carolina Division of Motor Vehicles when they are no longer needed as evidence. Officers may refer to section IX. U. for regulations on license registration plates being entered into evidence.
- J. Certain weapons such as handguns, shotguns and rifles, which have been legally seized by the Department, have a police service value. Whenever this occurs, a request may be made by the Officer who is handling the weapon case or an Evidence Technician to the Chief of Police for permission to obtain a court order to request the weapon be turned over for agency use prior to court day.
1. Should the court comply with the request, a copy of the court disposition, signed by the presiding judge, should be obtained.
  2. This signed order should be given to Lead Evidence Technician, along with the weapon.
  3. The weapon will then be placed into the armory with the other weapons.
  4. The copy of the court disposition order will be attached to the Evidence Documentation for the weapon.
- K. Found monies which have been held for the prescribed period, seized monies on tried cases where no disposition was entered, unclaimed monies, and monies ordered by the court for disposal, shall be turned over to the Rowan County Board of Education.
- L. Destruction of contraband and court ordered destruction items will be conducted on an as needed basis in order to keep space available in the Evidence Room.
1. The destruction procedure will involve the Lead Evidence Technician and another Evidence Technician and/or Officer as a witness.
  2. Once these articles have been marked for destruction and placed in a storage container specifically designated for storage of items marked for destruction (typically a steel barrel), they will remain there until the container is full. Once the

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container is full it will be sealed. While unsealed, this container should remain in the Evidence Section at all times to maintain security.

3. Firearms should only be destroyed pursuant to a court order and in compliance with North Carolina General Statutes. Generally, firearms cannot be destroyed unless they have an altered or no serial number and/or are physically unsafe to the point that they can't operate safely.
  4. The final disposition on the Evidence Documentation shall be filled out indicating destruction, the date, and it shall be signed by the Lead Evidence Technician and the witness.
  5. Normally, once the container is full, the container and all property contained in it will be incinerated under the supervision of the Lead Evidence Technician and a witness.
- M. Whenever necessary, found property and unclaimed that has remained in custody for longer than 180 days will be sold at public auction.
1. When these auctions are conducted, they may be done in conjunction with other law enforcement agencies.
  2. If the Department conducts an auction alone a professional auctioneer will be contracted to do same.
  3. An electronic auction service may also be used.
  4. Prior to the auction sale, the Department must give a public notice of sale of unclaimed property. The notice of sale must:
    - a. Be published at least one time in a newspaper published in the county.
    - b. Be posted at the courthouse door.
    - c. Be posted at three other public places in the county.
    - d. Be published and posted at least 10 days prior to the sale.
    - e. Specify the time and place of the sale.
    - f. Contain a sufficient description of the property to be sold.
  5. The "Notice of Unclaimed Property" and the "Notice of Sale" may be combined for publication as long as all requirements for both are met.

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6. In order to conduct the sale of unclaimed property, the property must remain unclaimed for a period of 30 days after both notices have been properly published.
7. During the 30 days after publication of the notices, the public must be afforded an opportunity to inspect the unclaimed property and make claim on any item He/She feel belongs to them. However, a claimant must be able to satisfy the burden of proof of ownership before receiving the unclaimed property.
8. When a person claims to be the rightful owner of property in the possession of the Department, the Department will obtain enough information, including identification, to satisfy the agency that the person claiming ownership is the rightful owner. If the Department has doubts regarding the “claimant” or if more than one person claims the same property, the Department will not release the property. The person trying to obtain the property can petition the court for the property. After a hearing to determine ownership of the property, the court will enter an order designating the person or persons to whom the agency should release the property.
9. The property must be sold at public auction, for cash, to the highest bidder.
10. The auction sale will be conducted at a location chosen by the Lead Evidence Technician.
11. The proceeds realized from the sale shall be first used to pay the costs and expense of the sale. Then, any balance remaining from the proceeds shall be paid, within 30 days after the sale, to the Rowan County Board of Education.

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**I. PURPOSE**

It is the objective of this Department that all crimes and official department activities be documented. The Preliminary Incident Report fills part of this documentation and serves as a primary starting point for investigations.

**II. POLICY**

**I. Preliminary Incident Reports (PIR):**

- A. Incidents brought to the Department’s attention shall be documented and assigned an OCA number.
- B. OCA numbers are 7 digit numbers that are (YYMM####) generated as follows:
  - 1. YY, Last two numbers from current year.
  - 2. MM, Two numbers for the current month.
  - 3. ####, Sequential number for that month’s report (Example: 001, 002, 003...010...etc. This number resets at the beginning of each month) This number is generated by the CAD/RMS.
- C. Officers receiving assignments from Rowan County Communications shall respond to scene and complete field notes based upon the facts of the incident.
- D. Officers may complete the official Department report at the scene of the incident, in the patrol vehicle, in the field or if necessary, at the Police Department.
- E. Officers completing reports shall insure that their reports are at a minimum:
  - 1. Legible – Typed, or when handwritten, completed in ink and legible.
  - 2. Good Grammar – All reports shall show evidence of proper grammar. Reports should utilize proper spelling, follow conventional grammar, and have a clear writing style.
- F. Officers who have questions regarding the type of report to be completed and/or the proper method to complete the report should consult with a supervisor.

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G. The preliminary investigation begins when the first police unit arrives at the scene. It continues until a postponement of the investigation or transfer of responsibility in such a manner as to not jeopardize the successful completion of the investigation.

H. The following activities are part of the preliminary investigation:

1. Provide aid to the injured.
2. Protect the crime scene to ensure that evidence is not lost or contaminated.
3. Determine if an offense has actually been committed; and if so, the exact nature of the offense.
4. Determine the identity of the suspects and affect an arrest if it can be accomplished either at the scene or through immediate pursuit.
5. Furnish necessary information to other field units, through Rowan County Communications. This information may include descriptions, method or direction of flight and other relevant information concerning wanted persons or vehicles.
6. Obtain complete identification of all witnesses.
7. Determine what information the victim and each witness knows.
8. Arrange for the collection of evidence.
9. Determine in detail the exact circumstances of the offenses.
10. Obtain written statements from victims and witnesses and from the suspect if such statements can be obtained legally.
11. Accurately and completely record all pertinent information on the prescribed report forms.
12. Notification of any person(s) such as other agencies or supervisors.

II. Follow-Up Investigation:

A. The follow-up investigation is an extension of a preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to make the arrest of an offender and/or recover stolen property.

B. Basic activities of the follow-up investigation include:

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1. Identification and apprehension of the offender.
  2. Analysis and evaluation of the evidence.
  3. Recovery of stolen property.
  4. Interviewing victims and witnesses.
  5. Interrogation of suspects.
  6. Determining if the suspect may have committed other crimes.
  7. Recording information obtained.
  8. Preparation of case for court presentation.
- C. The assigned officer will be responsible for conducting and completing the preliminary investigation of all calls for police service except for those designated for follow-up by Sergeants.
1. In an instance where an officer needs counseling or guidance, the officer should seek assistance from a supervisor.
  2. The officer assigned can complete the follow-up investigation of most misdemeanor crimes. Misdemeanor offenses should usually be referred to the Sergeants for follow-up when the following conditions exist:
    - a. When the offense appears to be part of a pattern of such offenses.
    - b. Occasionally, in cases assigned to patrol officers for follow-up, additional investigation will be required at the end of a tour of duty of the assigned officer. In such cases, the assigned officer or a supervisor will determine whether the investigation should be discontinued until the assigned officer's next tour of duty or continued by officers on the next shift. Except in cases where the investigation would be jeopardized by its temporary discontinuance, it shall remain the responsibility of the assigned officer.
    - c. When an element of immediate need exists at the end of a shift, the assignment of continuing the investigation will fall to the officer coming on the next shift.

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- d. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion they work on it.
- 3. The Investigations Sergeant shall be responsible for conducting a follow-up investigation for felony offenses and assigned more serious misdemeanors.
  - a. The Investigations Sergeant shall make case assignments.
  - b. The investigation should be follow-up in nature and not a repetition of the preliminary investigation.
- D. It shall be the responsibility of an officer's supervisor to ensure that an adequate and complete preliminary investigation report has been made and to review it for corrections.
- E. Supervisors shall assist officers regarding questions as to whether a follow-up should be made by patrol or the Investigations Sergeant.
  - 1. Officers shall request the assistance of the Investigations Sergeant for the investigation if a misdemeanor offense is of a sufficiently serious nature to warrant it.

III. Non-PIR Documentation:

- A. Some incidents occur where a PIR is not required. When no PIR is written then a complete narration should be written on the officer's call log to serve as documentation.
- B. In most cases, incidents in which a PIR can be disregarded are:
  - a) Any misdemeanor when the complainant cannot prosecute.
  - b) Service calls.
  - c) Calls where the suspect has left the area and no crime was committed.

IV. Felony Self-Initiated Drug Arrest:

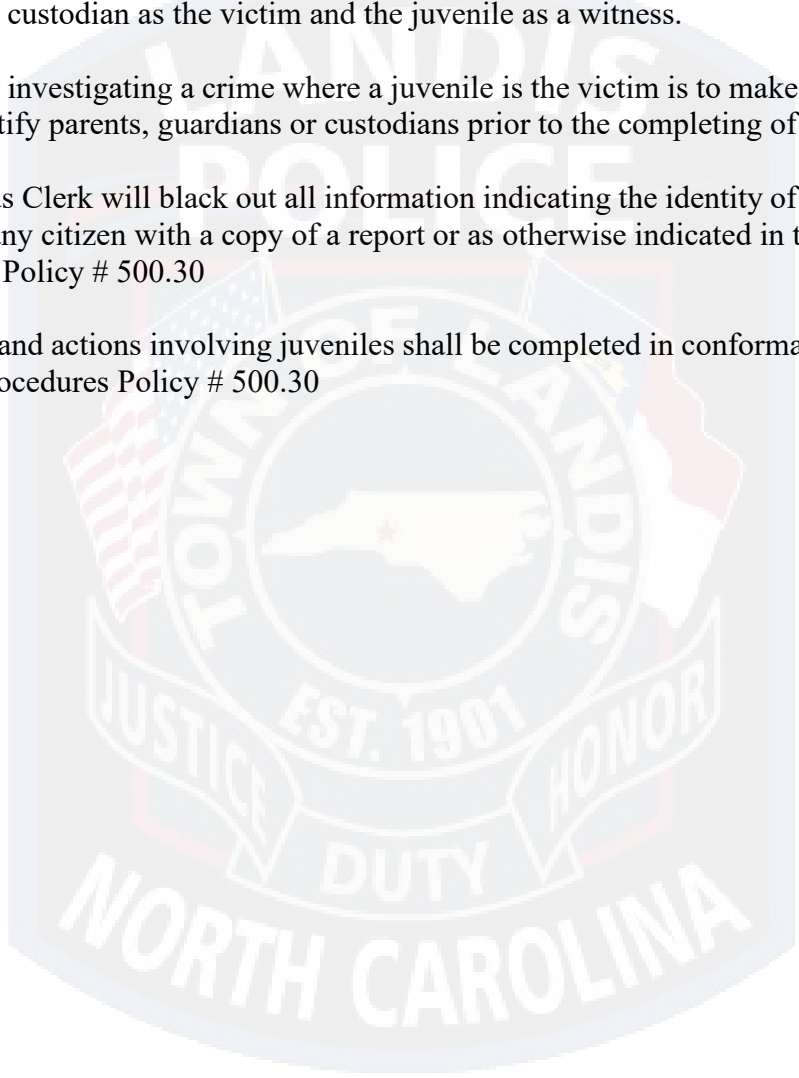
- A. In order to assist the District Attorney in successful prosecution of drug violators, a PIR shall be completed in the following instances:
  - 1. All self-initiated felony drug arrests.
  - 2. All searches with search warrants.



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V. Juvenile PIRs:

- A. When completing a PIR where a juvenile is the victim of a crime, a parent, guardian or custodian's name, address and phone number should be included in the narrative.
- B. When completing a PIR where a juvenile is the victim of a property crime, list the parent, guardian or custodian as the victim and the juvenile as a witness.
- C. Any officer investigating a crime where a juvenile is the victim is to make every reasonable effort to notify parents, guardians or custodians prior to the completing of the PIR.
- D. The Records Clerk will black out all information indicating the identity of a juvenile before supplying any citizen with a copy of a report or as otherwise indicated in the Juvenile Procedures Policy # 500.30
- E. All reports and actions involving juveniles shall be completed in conformance with the Juvenile Procedures Policy # 500.30



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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <p><b>Bomb Threat/Explosive Devices/Explosions</b></p> | <p><b>Page 1 of 5</b></p> |
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|  | <p><b>Amended:</b></p>                                 |                           |
|  | <p><b>POLICY # 600.01</b></p>                          |                           |

**I. PURPOSE**

Establish a procedure to ensure the safety of personnel of the Landis Police Department and provide direction in the investigation of a Bomb Threat, the location of an explosive device, and/or explosion.

**II. DISCUSSION**

Due to the increase of availability of explosives, and explosive incidents, the following procedures have been established with the intent of:

- A. Protecting citizens, employees, and police officers in an explosive incident.
- B. Define the activities of each stage of the investigation as it relates to an explosive incident.

**III. PROCEDURE**

**A. Bomb Threat**

A bomb threat shall be defined as: Any communication, written or spoken, which indicates an explosive incident is imminent.

1. Communications

Upon receipt of a Bomb Threat:

- (a) Obtain as much information as possible.
- (b) Dispatch a patrol unit to the scene.
- (c) Initiate a crime report number.
- (d) Notify senior shift supervisor.

2. Responding Officers

Upon arrival:

- (a) Shall identify person in charge of business.
- (b) Request that person in charge of property make a search of the premise.
- (c) Gain information to complete a general offense report.
- (d) Request additional assistance, if necessary.

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(e) Evacuation shall be the decision of the person in charge of the property.

(f) If evacuation is ordered, the patrol officer will assist as needed.

3. Patrol Supervisors

Upon notification of a bomb threat supervisors shall lend assistance to patrol officer on the scene, if necessary.

4. Bomb Squad

Will not respond to a bomb threat unless requested by the patrol supervisor. Available resources include: Cabarrus County Sheriff's Office, Charlotte-Mecklenburg Police Department, Fort Bragg Ordnance Disposal Personnel, Gastonia City Police, Gaston County Police, among others.

5. Support Personnel

Fire Department and Rescue Squads should not respond to the scene of a bomb threat unless requested by the patrol supervisor.

**B. Explosive, IED's, Suspicious Items**

For the purpose of this policy, explosives and explosive devices will be considered the same, and shall include any and all improvised devices, booby traps, military ordnance or any other substance capable of causing an explosion.

1. Communications

Upon notification that an explosive, IED or suspicious item has been located, the following will apply:

(a) Notify and dispatch a patrol unit and patrol supervisor to the scene.

(b) Notify an available BOMB SQUAD.

(c) Notify Fire and Rescue personnel, and direct each to a command post established by the patrol supervisor.

(e) Initiate a crime report number.

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2. Patrol Supervisor

Upon notification of an explosive, IED, or suspicious item being located:

- (a) Shall establish a location suitable for a command post. Be aware of counter surveillance.
- (b) Direct support personnel to command post and area.
- (c) Establish a safe perimeter utilizing patrol units and support personnel, moving citizens to a safe area.
- (d) **Expect Secondary Devices. Do Not** respond routinely to the same area.
- (d) Make initial interview with witnesses, getting information concerning the explosive, location, and any other pertinent data. Hold witnesses/informants in a secure location away from responders (your witness may be the perpetrator) (Suicide bombers often initiate a diversion device, and then wait to integrate with responders to kill them.)
- (e) Will be in charge of the scene pending the arrival of a BOMB SQUAD.

3. Patrol Officers

- (a) Assist the patrol supervisor in establishing a command post and safe perimeter. Be aware of counter surveillance.
- (b) **Expect Secondary Devices. Do Not** respond routinely to the same area.
- (b) Assist in interviewing witnesses and initiate a case report.
- (c) Be available to confer with Bomb Squad upon their arrival.

**C. Support Personnel**

1. Fire and Rescue Personnel:

Shall remain at the command post until given further instructions.

2. Bomb Squad:

- (a) Will respond to the established command post and confer with the patrol supervisor to obtain necessary information.

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- (b) The ranking bomb technician will take control of the scene with a direct line of authority to the Chief of Police.
- (c) Direct and fulfill RSP (Render Safe Procedures)
- (d) Or transport the explosive to safe area for disposal.
- (e) Or request any additional support to handle the explosive. (All requests of this nature shall be the responsibility of the ranking bomb technician.)
- (f) Assist the Detective with their investigation with pertinent information concerning the explosive, type, etc.
- (g) Have the responsibility of preserving and packaging evidence (explosives) and filing supplemental reports.

#### **D. Explosions**

In the event of explosion within the jurisdiction of the Town of Landis Police Department, the following shall apply:

1. Communications
  - (a) Obtain as much information as possible.
  - (b) Notify the senior patrol supervisor, and dispatch officers to the scene.
  - (c) Notify Rescue and Fire Department personnel.
  - (d) Initiate a case report number.
  - (e) Notify a Bomb Squad.
  - (f) Notify the Chief of Police.
2. Patrol Officer
  - (a) Shall respond to the scene. **Expect Secondary Devices. Do Not** respond routinely to the same area.
  - (b) Assist in any emergency medical treatment necessary.
  - (c) Evacuate the area.
  - (d) Assist the patrol supervisor in establishing a command post.

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- (e) Move all witnesses to the secure area. Be aware of counter surveillance.
  - (f) Request additional assistance as needed.
3. Patrol Supervisor
- (a) Establish a location for a Command Post. **Expect Secondary Devices. Do Not** respond routinely to the same area.
  - (b) Assist in any medical emergencies and evacuations.
  - (c) Request additional personnel or resources.
  - (d) Take command of the crime scene.
4. Bomb Squad
- (a) Will report to the command post.
  - (b) Make initial approach to the blast area to identify any further hazards.
  - (c) Confer with the identification officer in charge and give a technical evaluation of the scene.

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Criminals who use hostages in their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public. Assurance that a hostage will be released unharmed is a meaningless promise. The Department does not have the ability to protect the safety of a hostage who is removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations can arise where considered judgment might dictate allowing removal of a hostage, such as where there is probable danger to a large group of persons. Officers should immediately notify, or cause to be notified, the Chief of Police. Additionally, officers should contact available resources to include Negotiators and Special Response Teams/SWAT.



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|  | <b>POLICY # 600.03</b>            |                    |

## I. PURPOSE

To provide a written policy which prohibits the use of excessive force against individuals engaged in non-violent civil rights demonstrations and requiring enforcement of applicable state and local laws against demonstrators physically barring entrances to or exits from a facility or location which is the subject of a non-violent civil rights demonstration. To this end, such a policy is written with the appropriate accompanying definitions.

## II. DISCUSSION

In Order for a municipality to receive funds under the 1990 U.S. Department of Housing and Urban Development Appropriations Act, Section 519 of Public Law 101-144 and Section 906 of Public Law 101-625 require a policy prohibiting the use of excessive force against any individuals engaged in non-violent civil rights demonstrations as well as a policy requiring enforcement of any state or local laws which prohibit the physically barring of entrances or exits from a facility or location which is the subject of a non-violent civil rights demonstration.

## III. DEFINITIONS

For the purpose of this policy, to the extent possible, all words and terms will have the ordinary, common meaning, except for the following, which shall be defined as:

- A. Civil Rights: those personal, natural rights guaranteed and protected by the Constitution of the United States and the Constitution of the State of North Carolina. Example of Civil Rights includes, but is not limited to freedom of speech, freedom from discrimination, equal protection of the law, etc...
- B. Civil Rights Demonstration: the assembly of one or more persons who stands, walks, or parades in public in support of the cause of civil rights to inform the public of the legitimacy of civil rights and to enlist support for this cause.
- C. Non-violent Civil Rights Demonstration: A civil rights demonstration in which there is a peaceful, non-violent demonstration, without the participants moving or acting by using physical force or without the participants moving or acting by extreme and sudden force or by unjust or improper force.

## IV. PROCEDURE

It is the policy of the Landis Police Department that excessive force not be used against the participants of a non-violent civil rights demonstration. Certainly, as the law will allow, reasonable force can be used when needed to make an arrest, to protect property, to defend yourself, to defend third parties, to defend a participant of the demonstration, or to enforce any federal, state or local law or ordinance.

In addition, any state or local law which prohibits against physically barring entrance to or exit from a facility or location which is the subject of such a non-violent civil rights demonstration shall be



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enforced as applied to the situation then occurring. This policy does not prohibit the enforcement of any Federal, State, or local law or ordinance.

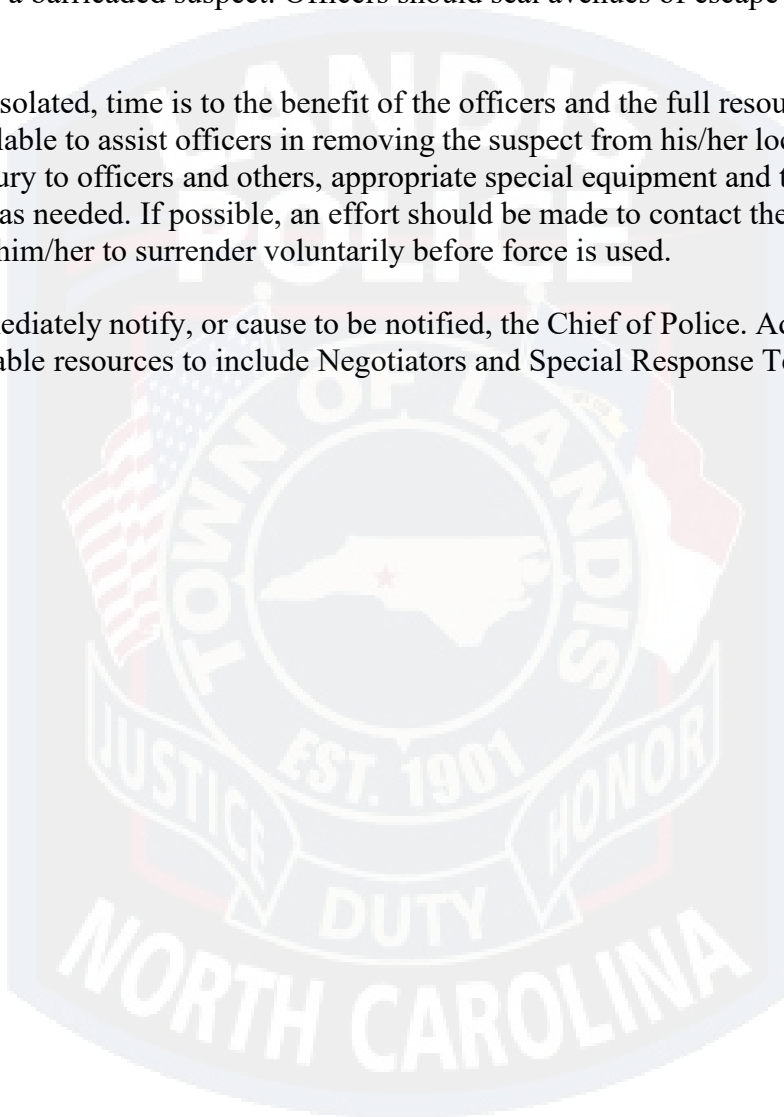


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A barricaded suspect poses an extreme danger not only to officers who seek to arrest him/her, but to other persons as well. Good judgment demands that a tactical plan should be developed rather than immediately rushing a barricaded suspect. Officers should seal avenues of escape and call for assistance.

Once the suspect is isolated, time is to the benefit of the officers and the full resources of the Department are available to assist officers in removing the suspect from his/her location. To minimize the possibility of injury to officers and others, appropriate special equipment and trained personnel should be requested as needed. If possible, an effort should be made to contact the suspect in an attempt to persuade him/her to surrender voluntarily before force is used.

Officers should immediately notify, or cause to be notified, the Chief of Police. Additionally, officers should contact available resources to include Negotiators and Special Response Teams/SWAT.



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|  | <b>POLICY # 600.05</b>            |                     |

## I. PURPOSE

Establish procedures for police response to natural and man-made disaster situations, and to provide guidance for police officers acting as first responders to hazardous materials emergencies.

## II. POLICY

The Landis Police Department will maintain liaison with the appropriate local, state, and federal agencies to ensure a comprehensive and coordinated investigation of disaster situations. Incident commanders must be able to exercise discretion and flexibility in dealing with disaster incidents. For this reason, the following plan is presented as a general guide for police response to disaster situations, and is intended to facilitate tactical decision making by on-scene commanders in the management of police field operations.

## III. DEFINITIONS

- A. Disaster: An incident or situation, generally of an emergency nature, that results from catastrophes, both natural and man-made. Examples include hurricanes, tornadoes, explosions, hazardous materials incidents, flash floods, rail/air transportation accidents, and catastrophic fires.
- B. Hazardous Material: Any element, compound or combination thereof that is flammable, corrosive, detonable, toxic, radioactive, an oxidizer, an etiological agent, or highly reactive when, because of its handling, storage, processing, or packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.
- C. Incident Command System (ICS): A model tool for the command, control, and coordination of an emergency situation.
- D. Incident Commander: The individual responsible for the overall management of the incident. The Incident Commander is the head of the command function under the Incident Command System.
- E. Staging Area: A location near the event site where officers report for a specific assignment. A location near the event site where equipment or other resources may be brought to support the response at the event site.
- F. Command Post: A location where the command staff will meet and assess the emergency situation.
- G. Chief of Police: The head law enforcement officer of the Landis Police Department or his or her designee.

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#### IV. PROCEDURES

##### A. Organization and Administration

1. The objectives of the LPD's Disaster Response Plan are as follows:
  - (a) Prepare police personnel to handle and control an incident and bring it to a safe conclusion;
  - (b) Facilitate the collection and appraisal of sufficient intelligence data to determine the magnitude of a given incident;
  - (c) Provide for the orderly and efficient assembly of necessary manpower, supplies and equipment to ensure the proper and expeditious management of disaster incidents;
  - (d) Determine the need for training and education of agency personnel, to include techniques and procedures necessary for effective incident management;
  - (e) Provide for the orderly and efficient coordination of all other agencies or organizations considered necessary and appropriate to the successful handling of disaster incidents;
  - (f) Provide the means whereby experience gained in the management of such incidents may be used in the prevention or control of future disasters.
2. The responsibility of the police in time of disaster is the same as in routine circumstances; the protection of life and property, and maintenance of public order.
3. All emergency management efforts within the Town will be subject to coordination by the Town Manager and the Rowan County Emergency Management Director.

##### B. Guidelines for Initial Response

1. Management of a major incident begins with the arrival of the first officer. Responsibilities of the First Officer arriving on the scene of the incident include:
  - (a) Assess the situation, identify serious hazards; and determine the size of the affected area;
  - (b) Take initial steps to secure and isolate the scene if possible;

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- (c) Inform a supervisor of the incident and request immediate assistance at the scene;
  - (d) Recommend an emergency response route; and
  - (e) Advise the Communications Center of the location and nature of the incident, and the type and amount of assistance (resources) needed.
2. Responsibilities of the Supervisor on the scene of a disaster incident include:
- (a) Assume initial command of all police activities at the scene.
  - (b) Verify the initial officer's assessment of the situation, and either confirm or revise the request for additional support units;
  - (c) Establish a temporary Field Command Post and inform the Communications Center of its location;
  - (d) Designate a staging area for equipment and personnel;
  - (e) Assess the recommended emergency response route and adjust if needed;
  - (f) Take appropriate action to contain the incident and ensure the security of persons, property, and public facilities in the area;
  - (g) Review all actions taken and make necessary adjustments to bring the situation to a swift and safe conclusion; and
  - (h) Notify Command Staff.
3. Responsibilities of the Chief of Police include:
- (a) If deemed necessary, report to the scene and assume command.
  - (b) Review all action taken and coordinate with the Incident Commander to make any needed adjustments to the incident action plan;
  - (c) Authorize activation of additional Incident Command System components as appropriate;
  - (d) Notify the Town Manager as warranted; and

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- (e) Serve as law enforcement liaison to the Town Manager. The Chief of Police will continue to exercise final authority over all law enforcement operations; however, the Assistant Chief of Police will assume responsibility as the on-scene Incident Commander.

**C. Incident Command**

1. The LPD will employ the Incident Command System (ICS) as a model tool for command, control, and coordination of the response to major incidents. This formal system of event organization and management will enable the agency to effectively use all available resources. The ICS serves as a method to coordinate the efforts of the LPD and other outside agencies as they work toward the common goals of stabilizing the incident and protecting life, property, and the environment.
2. The Chief of Police will exercise overall command and control of all civil law enforcement resources committed to disaster response within the Town of Landis. This overall command and control includes law enforcement personnel from outside agencies responding pursuant to a mutual aid request.
3. When necessary, the Chief of Police will direct that the Emergency Operation Center be moved to another location.
4. The Incident Commander will be the officer who assumes responsibility and is in charge of all police personnel and activities at the scene of an incident.
5. During major disaster incidents requiring a citywide response, all Town resources and personnel will be coordinated and controlled by the Town Manager. The control of individual Town Departments will be the responsibility of the Chief Executive Officer of their respective Departments. The various Town departments will perform emergency functions related to those they perform in normal operations, as well as any additional duties that may be assigned by the Town Manager.

**D. Anticipation of an Upcoming Major Event**

1. Prior to an anticipated major event, a planning committee will be formed and tasked with gathering intelligence, identifying contingencies, determining objectives, identifying needed resources and developing an action plan.
2. The Incident Command System will be utilized where necessary, and the planning staff should be comprised of personnel that will be responsible and exercise command of the different entities that will be used during the anticipated event.

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3. The Investigations Division will be responsible for gathering and disseminating intelligence information on potential problems, events, groups or organizations, and potential problem areas.
4. The action plan for an upcoming event will dictate the contingent of personnel and resources that will need to be deployed.

E. News Media and Public Information

1. During disasters, the Chief of Police will coordinate with the Town Manager as necessary to respond to news media requests for information and assistance. Where appropriate, news releases and/or media briefings will be provided on an "as-needed" basis for the following purposes:
  - (a) Informing the public of imminent or present dangers;
  - (b) Providing casualty information;
  - (c) Providing property damage reports and estimates of damage;
  - (d) Providing warnings to potential looters and others involved in criminal acts;
  - (e) Provide a means to correct false or misleading information.
2. All news media releases regarding police response to disaster situations will be in accordance with current policies and directives of the LPD.

F. Mutual Aid

1. The Chief of Police shall be responsible for developing and maintaining mutual aid agreements with outside law enforcement agencies whose assistance may be required in disaster or emergency situations.
2. Mutual aid support from other law enforcement agencies will be requested as the need arises, and in accordance with departmental policy.
3. All reasonable efforts will be made to preserve unit integrity of individual agency personnel during the management of the incident. However, exercise of on-scene command and control over all civil law enforcement resources committed to the operation will be under the Incident Commander.

G. Court & Prosecutorial Liaison

In the event of criminal activity, court and prosecutorial liaison will be established for the purpose of mobilizing any needed court personnel. The police Attorney will be responsible for providing legal advice to law enforcement commanders.

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#### H. Legal Authority

1. Disasters and major incidents can give rise to legal issues for police that in normal operations would not be significant. Such issues may include, but are not limited to:
  - (a) Law Enforcement Mutual Aid Assistance;
  - (b) Statewide Inter-Governmental Mutual Aid Compact;
  - (c) Enforcement measures pursuant to a Declared State of Emergency;
  - (d) Military Assistance;
  - (e) Dissemination of sensitive or classified intelligence;
  - (f) Urgent necessity actions; and
  - (g) Actions taken pursuant to emergency management ordinances.
2. The Chief of Police and Incident Commander will be responsible for ensuring that the law enforcement measures carried out as part of the emergency response are legally authorized.
3. Any questions regarding the legality of proposed actions by police personnel will be directed to the police Attorney prior to the initiation of such action.

#### I. Evacuation

1. Should the circumstances of an incident require the evacuation of residents or other persons from a particular area, officers will conduct such action with the safety of the citizens as the primary concern, giving consideration to their personal needs and concerns as well. Departmental vehicles and other town vehicles may be used for transporting persons during such evacuations.
2. The American Red Cross is the agency responsible for the selection of shelter sites, as well as the opening, operation and termination of evacuation shelters. Once the need for an evacuation of an area has been determined, the Incident Commander will advise the Emergency Operations Center to contact the Red Cross for activation of a shelter.

#### J. Military Support (Martial Law)

1. Major incidents may involve demands that exceed the capabilities of local authorities to control and create a need for assistance from the North Carolina National Guard. Military support to civil authorities in such emergencies for the



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purpose of preserving life, protecting property, and the maintenance of law and order is an emergency task within the mission of the National Guard.

2. By law, only the Governor can order National Guard personnel to State Active Duty in an emergency and/or declare martial law. The request authority for these call-ups is normally exercised through the Chief of Police to the Town Manager and Mayor. Individual National Guard units should **NOT** be contacted for this purpose.
3. The Chief of Police will assess the need for military support of law enforcement activities, and will advise the Town Manager accordingly.
4. National Guard troops will remain under the command and control of National Guard officers. Liaison will be established with the Commanding Officer of the Guard forces to provide the information necessary to their mission and insure a coordinated effort.

**K. Transportation of Personnel & Equipment**

All available Departmental vehicles will be utilized for transporting officers and equipment to and from the scene of an incident. If additional transportation is required, the Public Works Director will be contacted and other town vehicles will be requested.

**L. Traffic Control**

Traffic control and security will be established at designated control points throughout the Town, utilizing the services of the Patrol Division and supporting units. The selection of traffic control points will be based upon the circumstances arising from the incident.

**M. Equipment Requirements**

1. Special equipment and/or emergency supplies may be requisitioned on an "as-needed" basis from any of the following agencies:
  - (a) Any Town of Landis department;
  - (b) Rowan County Emergency Management;
  - (c) North Carolina National Guard;
  - (d) North Carolina Department of Transportation; and
  - (e) Other appropriate state, county or municipal agencies.
2. Equipment will be distributed to individuals and units based upon their assignments and duties. The issuing official will be responsible for ensuring that such distribution is properly recorded.

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N. Declared State of Emergency

1. In the event of a public crisis, disaster, civil disturbance, or similar emergency wherein public safety authorities are unable to maintain public order or afford adequate protection for lives or property, a state of emergency may be declared by proclamation of the Mayor or by resolution of the Town Council.
2. During a state of emergency as proclaimed by the Mayor or by resolution of Town Council, the following prohibitions or restrictions may be invoked:
  - (a) Limitations on the movement of people in public places;
  - (b) Limitations on the operation of offices, business establishments and other places to or from which people may travel or at which they may congregate;
  - (c) Limitation, restriction or prohibition of the possession, transportation, sale, purchase and consumption of intoxicating liquors;
  - (d) Limitation, restriction or prohibition of the possession, transportation, sale, purchase, storage and use of dangerous weapons, substances and gasoline;
  - (e) Regulation of the sale or use of scarce supplies which are essential for the public health or safety;
  - (f) Regulation of evacuation and shelters which may be reasonably necessary to maintain law and order and protect lives and property;
  - (g) Regulation of other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during the emergency.

O. De-escalation Procedures

1. The following actions will be taken to de-escalate adverse conditions that may have resulted from the disaster itself, or the ensuing response and control by public safety agencies:
  - (a) Identify areas still affected by the disaster;
  - (b) Establish priorities for restoration of services;
  - (c) Coordinate restoration activities with other town and mutual aid agencies;
  - (d) Provide continued security to the designated areas;

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- (e) Disengage officers as appropriate. On-duty officers will be returned to normal duties. Officers called back or held over for duty will be relieved;
- (f) All special equipment issued will be properly accounted for and returned;
- (g) The Command Post will be discontinued.

P. After-Action Report (Post-Incident Critique)

1. The Incident Commander will compile an after-action report. Such report will include the following information that is applicable to the particular incident being reported:
  - (a) Date and time of initial notification of the disaster or incident;
  - (b) Establishment of a field command post, including its location, composition of staff, communications capabilities; and liaison personnel (to include other law enforcement, military and town staff);
  - (c) Significant adverse events, and corrective or reactive measures taken, to include:
    - i. Deployment of personnel and equipment;
    - ii. Life-saving efforts;
    - iii. Evacuation and other relocation efforts;
    - iv. Restoration of utilities / rights of way;
    - v. Total casualty figures;
    - vi. Location and estimate of property damage.
  - (d) Recommendations for future responses.

Q. Hazardous Materials Incidents

1. Major incidents involving the release of hazardous materials may require the implementation of portions or all of the procedures included in the Emergency Preparedness Plan. Commanders and supervisors are expected to refer to this plan when confronted with a hazardous materials emergency, and to implement all applicable procedures.

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2. When responding to an incident involving the release of a hazardous substance, officers must exercise extreme caution. The following general guidelines will apply:
  - (a) Approach Cautiously: Approach the incident scene from an upwind and upgrade direction, if possible. Resist the urge to rush in. You cannot help others until you know what you are facing. Do not walk into or touch any spilled material. Avoid inhaling fumes, smoke, or vapors. Do not assume that gases or vapors are harmless because of the lack of an odor;
  - (b) Secure the Scene: Without entering the immediate hazard area, do what you can to isolate the area and assure the safety of people and the environment. Keep people away from the scene and the perimeter. Allow room enough to move or remove your own vehicle and equipment;
  - (c) Identify the Hazards: As a first responder at the scene of a hazardous materials incident, you must seek specific information about any material in question as soon as you are able;
  - (d) Obtain Help: Notify the Communications Center and request immediate dispatch of a field supervisor and the Fire Department. Request the notification of emergency medical personnel, if needed;
  - (e) Decide on Site Entry: Any efforts you make to rescue persons, protect property, or the environment, must be weighed against the possibility that you could become part of the problem. Evaluate the known hazards and comply with the advice of trained experts before placing yourself or others at risk.
3. Prior to approaching the immediate site of a hazardous material spill, the officer should make an effort to visually identify the four-digit code. The code, if located, should be immediately provided to the ranking Fire Department Officer.
4. Actual containment, control and handling of the hazardous substance are the responsibility of the Fire Department. Upon arrival on the scene, the ranking Fire Official will assume responsibility as the Incident Commander, and will be responsible for authorizing the notification of CHEMTREC and/or the County Emergency Management Director. The police supervisor will closely coordinate traffic control, perimeter security, and evacuation activities (if needed) with the ranking Fire Official on the scene.
5. If it is determined that the substance poses a hazard to the safety of the officer, actual approach to the site must be avoided if possible. Rescue operations must be conducted with extreme care. A perimeter should be established and evacuation procedures initiated as necessary to avoid further exposure.

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6. Officers should request the following from the Communications Center:
  - (a) The Fire Department be dispatched to the scene;
  - (b) If injuries are reported, have EMS personnel dispatched to the scene; and
  - (c) Request additional officers as needed.
7. In the event that an extensive or prolonged evacuation is required, the RED CROSS should be requested to assist in establishing and operating emergency evacuation shelters.
8. If multiple casualties are involved, the Emergency Room of the receiving hospital(s) should be notified to prepare for incoming casualties.

#### R. Special Procedures for Radioactive Materials

1. When confronted with an incident involving a substance known or suspected of containing radioactive material, extreme caution should be exercised to avoid contact with the substance and any contaminated areas. An initial exclusion area of at least 1,500 feet or more should be established.
2. If injured persons are present, take necessary measures to save lives, but defer any non-critical actions until properly trained and equipped medical or rescue personnel arrive. If EMS or rescue personnel are alerted to respond, they should be immediately informed of the possibility of a radiological hazard. Special decontamination procedures may be required when transporting the injured to a hospital facility.
3. Do not eat, drink, or smoke in the incident area.
4. The Fire Department has devices that measure radioactivity emission levels. Each Hazardous Materials truck is equipped with a device, and have personnel trained to take preliminary readings and provide information to the police on suggested evacuation distances.
5. Avoid taking any non-emergency action until radiation specialists arrive on the scene and assess the level of radiological threat involved.

#### S. Investigation of Haz-Mat Incidents

1. Police investigation of a hazardous materials incident will be assigned to the appropriate component, depending on the type and severity of incident involved.

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2. The completion of a DMV-349 form pursuant to the investigation of traffic collisions involving the release of small quantities (less than 50 gallons) of gasoline or diesel fuel from breached containers will satisfy the requirements of this section.

T. Medical Assessment of Affected Personnel

1. All police personnel who respond to an incident scene and who suffer exposure to a hazardous substance will be required to undergo a medical assessment to determine if any treatment or follow-up care is needed. The medical assessment will be conducted at the earliest possible time following exposure.
2. The following general procedure will be followed:
  - (a) Medical assessments will be performed by the designated departmental health care provider in accordance with the procedures applicable to worker's compensation injuries;
  - (b) The facility where the medical assessment is to be conducted should be informed (prior to the officer's arrival) of the nature of the exposure and the type of substance involved, if known; and
  - (c) A field supervisor, or his designee, should accompany affected officers to the medical facility for the purpose of providing detailed information to the attending medical personnel, and to secure duty weapons and equipment during de-contamination and examination procedures.

U. Providing Aid to Other Agencies

In the event of a disaster or similar incident within another jurisdiction, the Landis Police Department will provide assistance in accordance with existing law and applicable law enforcement mutual aid agreements.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Naloxone Administration Program</b> | <b>Page 1 of 4</b> |
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|   | <b>Amended:</b> 02/09/2022             |                    |
|   | <b>POLICY # 600.06</b>                 |                    |

## PURPOSE

This policy establishes guidelines and regulations governing the Landis Police Department's utilization of an intranasal opioid antagonist (Naloxone also known as Narcan). This policy sets forth training requirements and authorizes an officer to administer the intranasal treatment in an effort to reduce opioid-related overdose deaths.

## POLICY

It is the policy of the Landis Police Department that full-time officers part-time officers, approved for unaccompanied patrol duties, be trained in the use of the intranasal opioid-antagonist Naloxone, also known as Narcan. No officer will carry or administer Naloxone under this policy without first completing training.

This policy does not create a mandated duty to act for officers of the Department. No officer, after attending appropriate training, will be subject to disciplinary action for not administering Naloxone as long as appropriate medical responders are summoned to the scene of a suspected opioid-related overdose.

## DEFINITIONS

Naloxone/Narcan: An opioid-antagonist drug used to treat opioid-overdoses. Naloxone/Narcan displaces an opioid from brain receptors reversing the conditions of the opiate overdose.

Opioid/Opiate Drugs: To include but not limited to morphine, heroin, fentanyl, oxycodone as found in OxyContin, Percocet, and Percodan, and hydrocodone as found in Vicodin.

## PROCEDURES

### A. ADMINISTRATION

1. The Landis Police Department is authorized to participate in a Naloxone Administration Program through:
  - (a) North Carolina General Statute 90-12.7
  - (b) North Carolina Department of Health & Human Services (NCDHHS) Standing Order

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## B. TRAINING

1. Training for Naloxone Administration as treatment for a suspected opioid-overdose must be approved by the Chief of Police.

**Online Training:** <https://www.getnaloxonenow.org/training-modules/first-responder/>  
**PROMO Code:** gnn4LPD2022

2. Re-training shall be conducted at intervals not to exceed 2 years and may be incorporated in a fashion to include, but not limited to: roll-call training, yearly classroom or on-line in-service updates, or at the discretion of the Chief of Police or his designee in conjunction with the local Medical Director recommendations.

## C. DEPLOYMENT

1. Only opioid antagonist pharmaceuticals (NALOXONE/NARCAN) shall be used by Landis Police Department personnel.
2. Officers must complete the required training as detailed in this policy before administration of any Naloxone as treatment for a suspected opioid-overdose.
3. It is the officer's responsibility to inspect the Naloxone product for expiration dates to ensure quality control before administration. Out-of-date Naloxone should not be administered.
4. Officers may be dispatched to overdose calls within their jurisdiction by the Rowan County Communications Center.



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5. Officers must have supervisory approval, if available, to respond outside their jurisdiction for an agency requesting mutual aid assistance with a suspected opioid-overdose in Rowan County.

#### D. NALOXONE ADMINISTRATION

1. Upon arrival to a suspected opioid-suspected overdose, officers shall:
  - (a) Ensure that the scene is safe to initiate patient care;
  - (b) Take universal precautions;
  - (c) Exercise reasonable care in the administration of the drug and in good faith believe that the other person is experiencing a drug-related overdose;
  - (d) Perform a patient assessment to determine if:
    - i. The event is a known or suspected overdose;
    - ii. That the patient is unconscious;
    - iii. That the patient is not breathing or is breathing at a rate of 10 breaths per minute or less;
  - (e) Update Rowan County Communications personnel of assessment findings;
  - (f) Follow protocols outlined in the Naloxone Administration Training and,
  - (g) Officers are to keep safety for themselves, the patient and others paramount while following Naloxone Administration Protocols.

#### E. DOCUMENTATION

1. Officers administering Naloxone must document information detailing the event into the Naloxone Administration Reporting Form and forward it through their Chain of Command.

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## F. LEGAL IMMUNITY

1. Individuals immune from any civil or criminal liability for the administration of Naloxone/Narcan pursuant to NCGS 90-12.7 are: any practitioner who prescribes an opioid antagonist pursuant to subsection (b) of the statute; any pharmacist who dispenses an opioid antagonist pursuant to subsection (c) of the statute; anyone who administers an opioid antagonist pursuant to subsection (d) of the statute; the State Health Director acting pursuant to subsection (b) of the statute; or any organization, or agent of the organization, that distributed an opioid antagonist pursuant to subsection (c1) of the statute.
2. Pursuant to NCGS 90-96.2, a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose, or an individual experiencing a drug-related overdose, shall not be prosecuted for:
  - (a) Misdemeanor possession of any controlled substance;
  - (b) Felony possession of less than one gram of cocaine;
  - (c) Felony possession of less than one gram of heroin;
  - (d) Possession of drug paraphernalia, if the evidence for prosecution was obtained as a result of the drug-related overdose and the need for medical assistance
3. Pursuant to NCGS 18B-302.2, a person under the age of 21 shall not be prosecuted if the possession or consumption was discovered solely because the person was seeking medical assistance on behalf of another person and:
  - (a) Acted in good faith, upon reasonable belief that he or she was the first to call for assistance;
  - (b) Used his or her own name when contacting the authorities; and
  - (c) The person did not seek the medical assistance during the course of the execution of an arrest warrant, search warrant, or other lawful search.

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|  | <p><b>Amended:</b></p>   |                           |
|  | <p><b>POLICY # 700.01</b></p>  |                           |

## I. PURPOSE

To provide procedures related to traffic crash investigations.

## II. POLICY

Officers of the Landis Police Department shall have primary responsibility for investigating motor vehicle collisions occurring within the Town of Landis, and reporting such collisions to the North Carolina Division of Motor Vehicles as required by law. Officers responding to the scene of collisions should provide emergency assistance to injured persons to the extent possible and ensure the protection of the accident scene and direct vehicular traffic as necessary.

## III. DEFINITIONS

1. DMV-349: The North Carolina Collision Report used by officers to report motor vehicle collisions to the NC Division of Motor Vehicles, including any required supplemental forms.
2. Traffic Collision Investigation: The collection of factual information identifying and describing people, roads, and vehicles involved in a collision; description of the results of the collision in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and specify the factors resulting in the collision.
3. Traffic Collision Reporting: Completing the appropriate reports and documentation for each crash.
4. Hazardous Material: Any element, compound, or combination thereof which is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive, and which, because of handling, storing, processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.

## IV. PROCEDURES

### A. Response

Officers shall respond to the scene of reported traffic collisions that involve a motor vehicle collision, whether on public or private property.

### B. Duties of the First Officer on the Scene

1. The primary officer assigned to the call is initially in charge of the scene of a collision. The officer in charge of the subsequent investigation is determined by Dispatch, appointment by a supervisor, or by collaboration of officers at the scene.

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2. The duties of the first responding officer include, but are not limited to:
  - (a) Position the police vehicle and use emergency warning lights to protect the scene;
  - (b) Determine if there are injuries requiring emergency medical attention, and provide emergency medical aid to the extent practical;
  - (c) Summon additional medical, fire, police or other assistance as needed;
  - (d) Preservation of evidence;
  - (e) Locate and interview witnesses; and
  - (f) Arrange for the removal of vehicles from the roadway, if necessary.
3. In all cases, the fire department should be requested to respond to collisions involving overturned vehicles, pinned-in occupants, fuel spills, natural gas leaks, and hazardous materials. If an officer is unsure whether or not a fire unit is needed, one should be requested as a precautionary measure.
4. Officers shall take appropriate precautionary measures regarding personal protection and evacuation of an affected area in accordance with directions specified for the particular chemical or substance in the Emergency Response Guide. The police investigation of the collision will be suspended and the on-scene fire commander or county emergency management director will have incident command authority until such time as the conditions at the scene are rendered safe for emergency personnel.

### C. **Reporting**

The reporting officer will determine whether the collision is either reportable or non-reportable based on the following criteria:

1. Reportable Collisions:
  - (a) DMV-349 collision report will be taken for any motor vehicle collision that occurs within the Landis Police Department jurisdiction and involves:
    - i. Any fatality, or
    - ii. Any personal injury, or
    - iii. Total property damage of \$1,000 or greater, or

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- iv. Any collision involving a Commercial Motor Vehicle, or
  - v. Involving damage to any vehicle subject to seizure by law enforcement.
- (b) A reportable motor vehicle collision may occur on any traffic way including, but not limited to, highways, streets, and public vehicular areas.
2. Non-reportable collisions:
- (a) A LPD Collision Report may be filed for any motor vehicle collision that does not meet the criteria of Reportable Collisions and occurs within the Landis Police Department jurisdiction.
  - (b) If the reporting officer is unable to determine if the motor vehicle collision is categorized as reportable or non-reportable, the collision will be investigated as a reportable collision.
3. Undocumented motor vehicle collisions
- (a) The reporting officer may choose to forego a non-reportable motor vehicle collision report if all parties involved agree that a report is not required.
  - (b) The reporting officer will document the refusal of a motor vehicle collision report in a Computer Aided Dispatch narrative field. This documentation will include the name and/or drivers license number of all drivers involved.
  - (d) If any party involved requests a motor vehicle collision report be taken, the appropriate motor vehicle collision report, as determined by the reporting officer, will be completed.
  - (e) Once any vehicle is removed from the scene of a non-reportable collision where all parties have agreed to forgo a motor vehicle collision report, no motor vehicle collision report will be completed.

#### **D. Hit and Run**

1. Upon determining that a crash is a hit and run, officers will attempt to obtain the best possible description of the hit and run vehicle, the driver and/or passengers; the direction of travel; and will immediately relay this information to the Communications Center to be broadcast to other field units and notification of outside agencies.

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2. When the suspect vehicle is located, officers will establish positive identification utilizing physical evidence collected at the scene and, if necessary and possible, a search warrant. Officers will attempt to interview the owner of the vehicle and attempt to determine the identity of the driver at the time of the crash. Officers will take the appropriate enforcement action if the driver is identified. Supplemental information not contained in the DMV-349 should be recorded on the appropriate supplemental report and linked to the original case.

#### **E. Impairment of a Driver Due to Alcohol and/or Drugs**

In cases of traffic collisions involving impaired drivers, the dispatched officer, whenever possible, should attempt to handle both the investigation of the crash and the investigation into violation of DWI laws. If time limits for test samples or other conditions make this impractical, the dispatched officer and another officer may mutually agree to divide the responsibility for the investigation of the crash and the investigation into violation of DWI laws, until such time he/she leaves the scene with the impaired driver. The officer assuming responsibility for the crash investigation is also in charge of the scene.

#### **F. Hazardous Materials**

Collisions involving hazardous materials will be investigated, maintaining the primary objectives of officer safety, the safety of persons/property that may be affected by the hazardous material(s), and the containment of the area and the hazardous materials(s). Investigation/reporting will only proceed once the proper agencies have secured the hazardous material(s) and declared the scene safe for police personnel to enter. Officers shall request fire department response to any scene during any incident involving known or suspected hazardous materials under conditions, which would likely present a risk of harm to persons, property, or the environment.

1. The scene, which includes all areas inside the perimeter, shall be released to the control and authority of the fire department until such time as the fire department declares the emergency unfounded and/or under control. Supervisors should contact Command Staff to keep them updated as to the status of the hazardous material, advise Command Staff of the location of the command post, and ascertain what additional manpower/equipment may be needed to secure the perimeter and /or evacuate the area.
2. Any crash involving commercial cargo vehicles may involve hazardous materials, and officers should approach cautiously. Upon arrival at the scene of a traffic crash involving any cargo vehicle, officers will attempt to make a preliminary identification of the cargo on the basis of placards visible from a safe distance. Absence of an identifying placard does not necessarily mean the absence of hazardous material.

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3. Once an officer determines from a safe distance that a hazardous material may be involved, the officer will not enter the area, but will immediately relay information about the incident and possible identification of the material(s) to the dispatcher. The officer should request the dispatcher to immediately contact the appropriate fire department and advise them of the potential contact with a hazardous material and the nature of the situation.
4. If an officer on the scene comes in contact with suspected hazardous material, the officer should immediately retreat to a safe distance and immediately notify the dispatcher of the nature of the suspected material. After establishing a perimeter, the officer shall begin preparations for evacuation of the area, to begin upon notification by the responding fire department.

**G. Disturbances Between Two Principles**

If a disturbance occurs between the parties involved in a collision, the officer must separate the subjects to keep the situation from escalating until the completion of the initial investigation.

**H. Major Traffic Congestion as a Result of the Collision**

When a collision causes traffic to become congested, officers should make arrangements for the obstruction to be removed as soon as possible. If the obstruction will require an extensive amount of time to remove, or the collision will require an extensive investigation, the officer in charge of the scene or a supervisor will select a detour route for traffic. The officer should attempt to designate the most effective alternate route and arrange for proper signage when necessary. The officer should utilize available Town or State resources when re-routing traffic.

**I. Damage to Vehicles to the Extent Towing is Required**

All vehicles subject to tow due to a collision are subject to the provisions of the Department Towing Policy.

**J. The Investigating Officer's responsibility in collecting and recording information at collision scenes includes, but is not limited to:**

1. Locate and interview principles and witnesses;
2. Examine and record vehicle damage;
3. Examine and record effects of the collision on the roadway;
4. Record appropriate measurements and take necessary photographs;

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5. Collect and preserve other evidence;
6. Exchange information among the principles;
7. Secure the personal property and effects of incapacitated victims; and
8. Search for trauma victim identification and organ donor information.

**K. Changing of Reports**

1. If any individual involved in the collision notifies the Police Department that some part of the collision report is incorrect and a change is made, the investigating officer will notify the other individual involved in the collision.
2. The investigating officer will then forward a copy of the amended report to all parties.

**L. Follow-up Investigations**

When necessary, the investigating officer will complete a follow-up collision investigation in accordance with the following guidelines:

1. Complete any necessary supplemental report to the DMV-349. The case number (OCA) assigned to the original DMV-349 report will be used for all supplemental reports.
2. File or amend criminal charges, as appropriate;
3. Collect off-scene data (intoxilyzer results, blood test results, lab reports, etc);
4. Obtain and record formal statements from subjects involved and/or witnesses, as appropriate;
5. Conduct accident reconstruction of the collision, if appropriate;
6. Prepare formal reports to support any criminal charges arising out of the collision.

**M. Review and Resolution of Disputed Crash Investigations**

The supervisor of the officer who completes the DMV-349 is responsible for the review and approval of the report. In those instances in which a principle disputes the findings of the investigation, the reporting officer's Sergeant will review the information provided by the principle and determine whether a Supplemental DMV-349 is required. If the Sergeant is unable to resolve the dispute, the information will be reviewed by the Assistant Chief who



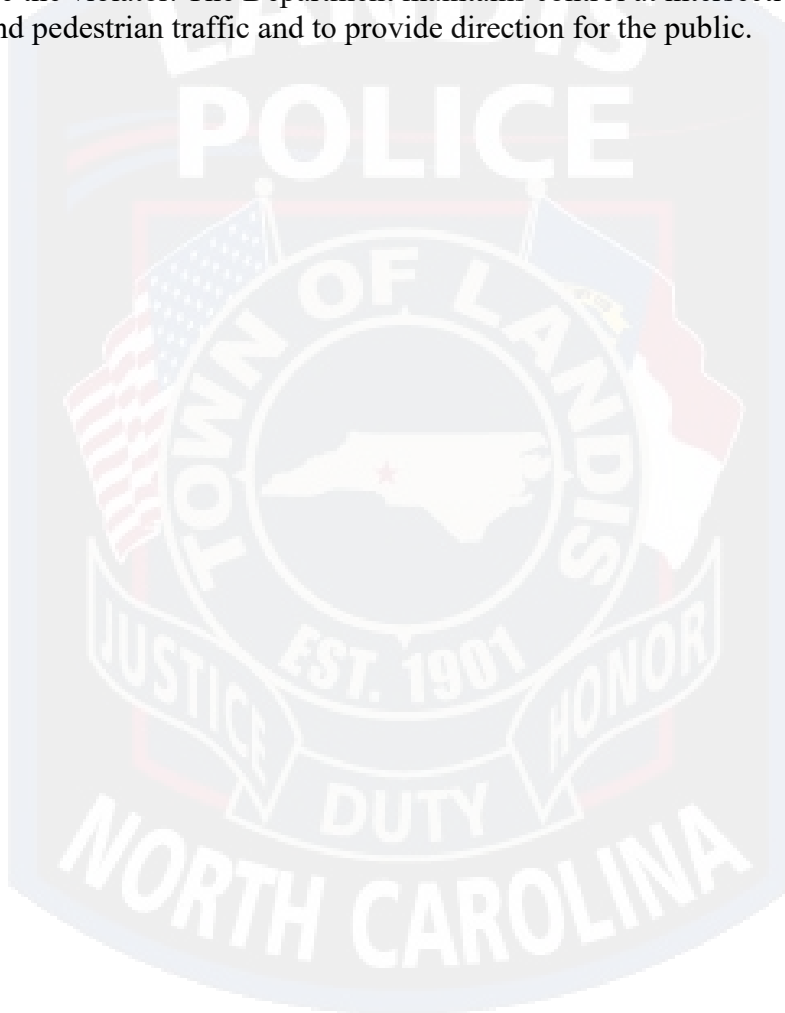
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will determine whether changes or corrections are warranted. There is no appeal process from the findings of the Assistant Chief.



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|  | <b>POLICY # 700.02</b>            |                    |

To ensure the safe and efficient movement of vehicular and pedestrian traffic, the Department enforces traffic laws, investigates traffic accidents, and directs traffic. To enforce compliance with traffic laws and to develop driver awareness of the causes of traffic accidents, the Department warns, cites, or arrests traffic law violators. Traffic accidents are investigated for these reasons: to care for the injured; to protect the rights of the involved parties; to determine the cause of accidents so that methods of prevention may be developed; and, when a traffic law violation is discovered, to gather necessary evidence to prosecute the violator. The Department maintains control at intersections where necessary to direct vehicular and pedestrian traffic and to provide direction for the public.



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|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 700.03</b>            |                    |

## I. PURPOSE

To provide guidelines for towing, inventory, storage, and releasing towed vehicles.

## II. POLICY

Landis Police Department (LPD) officers will follow established guidelines to tow, inventory, store and release all vehicles.

## III. PROCEDURE

Determining when to tow:

- A. LPD Officers may authorize the towing of vehicles when one or more of the following conditions exist.
  1. When an accident 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 a rational decision regarding the disposition of the vehicle.
  2. When it is a stolen vehicle, 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 a rational 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.
  5. When an officer believes it is necessary to tow a vehicle, in circumstances other than those listed above, the officer will notify the supervisor and obtain approval to tow the vehicle.
  6. When the owner/operator is present, and if the vehicle is not creating a hazard or obstructing traffic, owner/operator should be allowed to decide if the vehicle is to be towed or left at the scene, if the circumstances permit this option. An owner/operator should be allowed to make this decision only when his/her judgment is not so impaired as to render him/her incapable of making such a decision and they have the financial means to do so. Response time and existing conditions should be considered when a non-rotation wrecker is requested, as well as the ability of the owner/operator to pay for a personally requested tow.

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- B. Except as noted immediately below, in all cases in which a vehicle is towed at the request of the owner/operator, a Notice of Towing form must be completed and the name of the person requesting the tow indicated on the form.
1. **EXCEPTION:** Officers need not complete a Notice of Towing form at accident scenes where the owner/operator requests a wrecker, and this person is not under arrest or injured to the extent that he/she will be immediately transported to the hospital, unless the officer and the owner/operator were able to agree on the tow prior to transport of the individual from the scene. This information will be documented on the accident report.
  2. **EXCEPTION:** If the owner is under arrest, or present and unable to drive, and decides to turn the vehicle over to another person, the officer must confirm that the person taking control of the vehicle has a valid operators license and is not under the influence of an impairing substance.

Officers will turn in the Notice of Tow Form to the supervisor by the end of their tour of duty.

#### **IV. PRIVATE PREMISES**

When an officer is requested by a citizen to remove a vehicle from private property, the officer will refer to N.C.G.S. Section 20-219.2 concerning the towing of vehicles parked, without authorization, on private property, and explain that the police are not needed for this type of tow. Officers working on-duty or secondary employment will not request tows of unauthorized vehicles parked on private property.

#### **V. ROTATION WRECKERS**

When an officer requires a wrecker to remove a motor vehicle, the officer will request a rotation wrecker, unless the owner/operator requests a specific wrecker service. Rotation wreckers will tow and store vehicles on their company lots.

#### **VI. INVENTORY PROCEDURES**

Inventory procedures serve to protect an owner's property when a vehicle is in the custody of the police, to insure against claims of lost, stolen, or vandalized property and to guard the police and public from danger. An officer must complete a list of the property in the vehicle and include it in a report.

- 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. Large sums of money, items of extreme value, or pose a danger to the public if left in the vehicle should be removed and placed into property for safe keeping.

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- 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 of a containers 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 but may be opened with the key if it is available.
- C. Locked, sealed or closed containers that cannot be opened should be indicated as such and described in the inventory.

## VII. "HOLDING" VEHICLES

- A. An officer may place a "Hold" on a vehicle only in one of the following situations:
1. The vehicle is being held to be searched without a search warrant or pending the execution of a search warrant.
  2. The vehicle and/or the items contained in the vehicle are needed for evidence.
  3. The vehicle has been seized for forfeiture or destruction as specifically provided by law. Listed below are examples of this type of impoundment.
    - (a) G.S. 90-112 – Concealment, conveyance or transportation of a controlled substance in a motor vehicle.
    - (b) G.S. 20-141.3(g) – Prearranged speed competition in a motor vehicle.
    - (c) G.S. 14-2.3 – Motor vehicles acquired through the commission of other felonies.
    - (d) G.S. 20.28.3 – Seizure, impoundment, forfeiture of motor vehicle for driving while impaired while license revoked.
- B. The officer must provide the following information:
1. The report/complaint number.
  2. Reason for the "Hold".
  3. A "Hold" on a vehicle, and all resulting charges, shall be the financial responsibility of the owner/operator.

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- C. Officers who place a “Hold” on a vehicle must complete the appropriate report. The name of the wrecker service must be placed on the report with the location to which the vehicle is taken. (Wrecker Service or Police Department)
- D. Any officer placing a “Hold” on a vehicle will conduct a follow-up investigation concerning the status of the vehicle every 30 days. When the officer determines the “Hold” is no longer necessary and the vehicle is released, the officer will authorize the release of the vehicle.

## VIII. RELEASE OF TOWED VEHICLES

- A. Each wrecker company is responsible for the storage and release of towed vehicles in their possession.
- B. An officer will advise the owner/operator of any vehicle towed to go to the wrecker company to obtain their vehicle.
- C. Additional Towing Procedures and Responsibilities
  1. State law establishes procedures that a law enforcement officer must follow under certain circumstances when vehicles are towed and further provides for a hearing before a magistrate for vehicle owners contesting these tows. N.C.G.S. 219.11 applies to any tow carried out under the direction of a police officer.
  2. If the vehicle is registered in North Carolina, the officer must, as soon as possible attempt to contact the registered owner by telephone. If no contact is made, a subsequent attempt must be made within the 24-hour period. This applies only if an officer is able to obtain a phone number for the owner/operator.
  3. A notice of tow form will be mailed to the last known address of the owner.
  4. If the vehicle is registered outside North Carolina, a telephone notification as described above will be attempted as soon as possible, and within 72 hours of the towing.
  5. 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.
  6. If the officer is successful in contacting the registered owner by telephone, he/she should give the owner the following information and, within reasonable limits, answer the owner's questions regarding the vehicle and the towing.

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Documentation (date, time, etc.) of the attempts to call the registered owner will be made on the reverse side of the notice of tow form.

- (a) A description of the vehicle.
- (b) The place where the vehicle is stored.
- (c) The reason for the tow.
- (d) The violation with which the owner is charged, if any.

D. 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 Section VI. The initial investigating officer will summarize all of his or her actions and any relevant information on appropriate form/report.

EXCEPT UNDER THE FOLLOWING CIRCUMSTANCES:

- When seizing a vehicle for forfeiture or as evidence.
- When the towing is requested or voluntarily consented to by the person in control of the vehicle.

If an owner wishes to contest the tow, he/she has a right to a hearing before a Rowan County Magistrate upon submission of a written request.

1. The owner makes a written request for a hearing, the magistrate will set a hearing time within 72 hours after the owner's request.
2. The only question for the magistrate to decide at the hearing is whether there was probable cause for the towing of the vehicle.
3. If the magistrate finds probable cause for the towing, the wrecker service will be entitled to hold the vehicle until the owner pays the fee or puts up a bond.
4. If the magistrate finds no probable cause for the towing, the vehicle will be returned to the owner with no costs incurred.
5. Either party has a right to appeal an adverse decision by the magistrate to the District Court Judge.
6. 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 such hearings regarding probable cause for the towing of the vehicle.

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## **IX. ABANDONED VEHICLES**

- A. A vehicle that is discovered by an officer to be interfering with traffic or poses a danger to the public if not removed should be towed. If a vehicle appears to be abandoned and is interfering with traffic, it should be towed.
- B. When an officer observes an unattended vehicle in the town limits of Landis that is suspected of being abandoned, but is not interfering with traffic or on town property, the officer will contact the Code Enforcement Section of the Town of Landis.
- C. When a vehicle that appears abandoned is discovered on town property or right of way, the officer will attempt to contact the owner in order to determine when the vehicle will be removed. If the owner cannot be located the officer should notify communications of the time and date that the vehicle was discovered. The officer may tow the vehicle if he/she determines the vehicle is abandoned.

## **X. DUTIES OF AN OFFICER ORDERING A TOW**

The officer will complete all required reports, tow reports, and notices of tow in a timely manner.



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## I. PURPOSE

To establish guidelines for conducting traffic stops.

## II. POLICY

Officers shall conduct traffic stops only when they have sufficient legal grounds to do so. All searches and/or enforcement actions during a traffic stop must be conducted in accordance with prevailing law and departmental policy.

## III. PROCEDURES

### A. Officers' duties during a traffic stop

1. Be alert at all times and approach the vehicle in a safe manner;
2. Present a confident and professional image;
3. Approach the driver and greet him/her appropriately; inform the driver of the purpose of the traffic stop; request the driver's operator's license and registration;
4. Make a reasonable effort to answer the driver's questions;
5. Complete the forms required for the enforcement action taken or give a verbal warning.
6. Inform the violator whether the offense is waivable or requires mandatory court appearance. If the offense is waivable, the officer shall inform the violator of the applicable fine and court costs.
7. After completing the required form or verbal warning, assist the driver, if necessary, in re-entering the traffic flow safely.

### B. Unknown-risk vehicle stops:

1. Legal Basis: Stopping a vehicle requires only reasonable suspicion of commission of a motor vehicle offense or criminal activity.
2. Location: The location of any traffic stop is critical and should be carefully selected. Factors considered in selecting a location include, but are not limited to, traffic congestion, pedestrians, road conditions, and illumination (if at night), visibility to oncoming or trailing traffic, and escape route(s) for the officer/suspect. During

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nighttime stops, an officer may, at his or her discretion, allow a motorist to proceed to a lighted area.

3. Calling in the Stop: Officers will notify the Communications Center by radio when conducting traffic stops. Information provided by the officer will include the location of the stop, license number and description of the vehicle (when possible). Whenever possible, information should be transmitted before activating any emergency equipment.
4. Position of Patrol Vehicle: Officers should position the patrol vehicle approximately 10 to 15 feet to the rear of the suspect vehicle. Patrol vehicles should be positioned offset several feet to the right or left, depending on environmental conditions, to offer a buffer or safety zone for the officer from traffic and/or the suspect vehicle. Front wheels should be turned sharply to the left.
5. Approaching: Care should be taken in exiting the patrol vehicle due to traffic. During night stops, officers may use takedown lights or other appropriate equipment to illuminate the suspect vehicle. Approach will be governed by prevailing conditions:
  - (a) Driver's Side Approach: The normal approach is from the driver side when the patrol vehicle is parked directly behind or offset to the left of the suspect vehicle. Officers should not go beyond the most rear passenger when approaching the driver's door.
  - (b) Passenger Side Approach: This approach is conducted when the patrol vehicle is offset to the right. Officers should exit and walk behind their patrol vehicle and approach on the passenger side of the suspect vehicle to establish verbal contact.
6. Multiple Occupants: Stopping vehicles with multiple occupants poses additional risks to officers. Officers should try to keep all occupants seated inside the vehicle unless the situation dictates otherwise. Officers should always have a back-up unit on scene before attempting to direct multiple occupants out of a vehicle.
7. Vehicle Searches: Searches pose an additional safety hazard to officers as it places them in a position of tactical disadvantage. Prior to conducting a vehicle search, the officer should ensure that any arrestees or detainees are properly secured AND/OR that adequate backup is present on the scene. At least one officer should be responsible for watching the driver and any passenger while the other officer searches the vehicle. Officers should remove ALL occupants of the vehicle before conducting the search. Officers should then systematically search the vehicle within the lawful scope of the search, exercising caution when reaching into any hidden area.

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8. Contact with Concealed Weapon Permittees: When in the presence of a law enforcement officer, the permittee is legally bound to disclose to the officer that he or she has a Concealed Carry Permit and that they are armed. If the permittee informs the officer that he/she is legally armed, the officer should ask the permittee to keep their hands in plain view, and determine the exact location of the weapon. The officer must then decide on an appropriate course of action based on the particular nature and circumstances of the stop.
- C. High risk vehicle stops
1. Basis for Stop: High-risk vehicle stops (also referred to as felony stops) will be conducted only when the officer has reasonable suspicion to believe that one or more occupant(s) has committed a serious criminal offense or is armed and/or dangerous.
  2. Calling in the Stop: Prior to activating any emergency equipment, the officer should notify the Communications Center by radio of the nature or reason for the intended stop. The officer should provide a vehicle description, tag number and number of occupants; and should request adequate backup to make the stop. An officer should not individually initiate a high-risk vehicle stop unless back-up units are not available and immediate police action is necessary to eliminate an imminent threat of death or serious injury to a person.
  3. Location: The location of a high-risk traffic stop should be carefully selected to afford the involved officers tactical advantage. Factors considered in selecting a location include, but are not limited to, traffic congestion, pedestrians, road conditions, surrounding terrain, illumination (if at night), visibility to oncoming or trailing traffic, and escape route(s) for the suspect(s).
  4. Position of Police Vehicles: After selecting an appropriate location and with adequate back-up units in position to assist, the primary officer will initiate the stop. Once the suspect vehicle has stopped, the primary officer should position the command vehicle approximately 20 feet behind the suspect vehicle and turned at a 45-degree angle to the left. The front wheels should be turned sharply to the left. The back-up officer vehicle should be stopped at the rear of the command vehicle at no angle. If more than two police vehicles are used, additional cars and officers should be positioned to provide additional protection for the primary and secondary officers, without obstructing their line of fire, field of view, or maneuvering area.
  5. Position of Police Officers: The officer that initiates the stop and drives the police vehicle positioned at an angle will be the primary officer.
    - (a) The primary officer should take a crouched position in the open door on the driver's side of the patrol vehicle, ensuring good visibility of the driver's side of the suspect vehicle, plus immediate access to both the radio and PA system.

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- (b) The backup officer will be the cuffing officer and should take a position of cover at the right rear of the command vehicle.
6. Commands: Commands are a critical aspect of the high-risk stop and must be kept clear and simple. The primary officer will issue verbal commands to vehicle occupants (using the public address system if necessary). To avoid confusing the suspect(s), only one officer will normally issue commands. The following general guidelines should be followed whenever practical:
- (a) Identify: If the driver's window is closed, the driver should be instructed to lower it to ensure that all commands can be heard. The primary officer will identify him/herself as police and advise the occupants of the suspect vehicle that they are considered to be armed and/or dangerous. Occupants should be advised that they are under arrest (if this is the case), to move only on command, and that all commands must be obeyed.
- (b) Hands-Up: Occupants should be instructed to place their hands behind their heads with fingers interlocked.
- (c) Engine Off: The driver will be ordered to turn the ignition off. Officers should listen for engine noise, watch the exhaust pipe or antenna for vibration, or look for other indicators to confirm that the vehicle is turned off.
- (d) Remove Keys: The driver will be ordered to remove the keys and throw them out of the open driver's window onto the ground.
- (e) Removing Driver: The suspect should be instructed to open the door and exit slowly, with arms fully extended, and facing the front of the suspect vehicle. The suspect should then be directed to take two steps to the left and turn around slowly with arms fully extended. The officers should visually look for weapons. If the primary officer spots a weapon, the backup officer should be advised of the weapon and its location. The suspect should then be instructed to walk backwards toward the patrol vehicle very slowly, and directed down the right or passenger side of the command vehicle. Once he or she reaches the front of the command vehicle, the backup officer should take over and direct them back down the right or passenger side of the command vehicle. The primary officer should maintain surveillance of the suspect vehicle. As the suspect approaches the backup officer's position, the officer should move back and left, directing the suspect to move to a position behind the trunk of the command vehicle. There, the suspect will be placed in a prone position, handcuffed, and searched for weapons. The backup officer should then secure the suspect in the rear seat of the command vehicle from the right (passenger) side. The backup officer should obtain an additional set of cuffs from the

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primary officer, if needed, and assume the same cover position as taken when the stop was initiated.

- (f) Removing Passengers: The passengers are then secured in the same manner as the driver.
- (g) Securing the Vehicle: Once all visible occupants have been secured, the command officer should broadcast an order for any unseen passengers to sit up. If no other passengers are observed, officers will approach the vehicle carefully checking for any hidden occupants. Once the passenger area of the vehicle has been secured, officers should check the trunk.

7. Special Situations:

- (a) Occupant Flees on Foot: If an occupant exits the vehicle and runs, the preferred response is to call in a request for additional assistance, giving a description and direction of travel. The command and cuffing officers should not leave their position of cover until all occupants have been secured and the vehicle checked.
- (b) Occupant Refuses to Obey Commands: Time is on the side of the officer. The officer should not be concerned with how long it takes to complete the task. If compliance is not achieved in a reasonable period of time; however, tactical support should be requested.
- (c) Van and SUV Stops: Vans and sport utility vehicles can pose an additional problem due to the number and configuration of doors and windows. In such cases, the back-up vehicle should be angled and positioned far enough to the right of the command vehicle to observe the passenger side doors. When removing the driver, the command officer should order the driver to open the rear door(s) or hatchback prior to being secured. This will afford officers a better view of the vehicle interior.

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## I. PURPOSE

To establish policy and procedure for the enforcement of motor vehicle laws and regulations.

## II. POLICY

Motor vehicle laws shall be enforced fairly, equitably and uniformly in order to promote efficient traffic flow, reduce vehicular collisions, and provide effective police service to the community. The guidelines provided in this policy are intended to assist officers in making proper decisions.

## III. DEFINITIONS

- A. Citation: North Carolina Uniform Citation that is used by officers to charge persons with traffic misdemeanors and infractions.
- B. Traffic Enforcement: Involves all police activities that relate to the observance, detection, and prevention of motor vehicle violations. This includes arrests, citations, and effective warnings to drivers and pedestrians that help prevent minor and inadvertent violations.
- C. Warning Ticket: A written warning issued to a driver for minor traffic infractions. When issued, the Warning Ticket provided by the Department will be used.

## IV. PROCEDURES

### A. Equitable Enforcement

Officers must determine the proper enforcement action based on a combination of training, experience, and judgment.

### B. Levels of Enforcement Action

In order to ensure that motor vehicle enforcement is uniform and equitable, officers have various levels of enforcement action from which to select. These actions are:

1. Custodial arrest;
2. Issuance of citation;
3. Written warning; and
4. Verbal warning.

### C. Custodial Arrest for Traffic Violations:

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1. Officers should make a custodial arrest when circumstances warrant doing so.
2. When the arrest of a traffic offender is authorized, the following procedures shall apply:
  - (a) The person will be informed of the specific charge(s) leading to arrest;
  - (b) The person's vehicle will be secured in accordance with departmental policy;
  - (c) The person shall be taken before a magistrate, or other appropriate judicial official, without unnecessary delay who will determine the conditions of release;

**D. Traffic Citations:**

1. A citation may be issued in accordance with law to any individual who has committed a violation.
2. When a motorist is to be issued a citation, the following procedures will apply:
  - (a) The officer will request the motorist's drivers license and vehicle registration;
  - (b) The officer will advise the motorist of the reason for stopping the vehicle prior to issuing the citation;
  - (c) At the time the citation is issued, the officer will provide the motorist with information relative to the specific charge, to include; the scheduled court date, optional or mandatory nature of court appearance by the motorist, or notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a magistrate's office;
  - (d) If using a Uniform Citation, and after explaining to the violator the contents of the citation, the officer should request the person's signature, explaining that such signature is not an admission of guilt or responsibility, but only acknowledgment of receipt. A refusal to sign is not, in itself, grounds for arrest, and officers are not to allow such a refusal to influence them unduly; and
  - (e) The officer will furnish to the motorist the pink copy of the uniform citation or a printed copy of the e-citation.
3. It shall be the responsibility of each Sergeant to provide each officer under his or her command with a schedule of assigned court dates.

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4. Traffic ticket book citations will be completed and distributed as follows:
  - (a) The original copy (white) of the citation is to be turned into the collection tray for transport to the Clerk's Office;
  - (b) The audit copy (yellow) is to remain in the citation book;
  - (c) The defendant's copy (pink) is to be presented to the defendant at the time of charge/arrest;
  - (d) The officer's copy (white) is to be retained in accordance with procedure.
5. E-citations will be completed and distributed as follows:
  - (a) The defendant's printed copy is to be presented to the defendant at the time of charge/arrest;
  - (b) The e-citation will automatically go to the Clerk's Office/NCAOC through a download process.
6. If the defendant is being arrested a uniform citation will be used or the process as arrest function in e-citation, or as established by procedure.

#### **E. Warnings**

Warnings, either written or verbal, may be issued to violators whenever there is a minor traffic infraction, equipment violation, or when the driver may not have been aware of the violation. Warnings are issued at the discretion of the officer.

#### **F. Special Processing Circumstances**

1. Juveniles: When the violator is a juvenile, officers should follow the provisions outlined in Juvenile Operations Policy and applicable state statutes.
2. Legislators: The issuance of a citation or warning or the arrest in such instances should be conducted in accordance with prevailing law.
3. Foreign Diplomats/Consular Officials: Diplomatic officers, their families and staff who are not nationals or permanent residents of the United States, and foreign career consular officials are protected by varying levels of immunity from arrest, detention or prosecution with respect to any civil or criminal offense. Officers should follow the guidelines provided in Department Policy regarding Diplomats & Consular



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Officials, in determining whether enforcement action can be taken for traffic related offenses.

4. Military Personnel: Military personnel whose permanent residence and/or duty station is located outside the State of North Carolina will be treated as a non-resident. Military personnel whose permanent residence or duty station is located in North Carolina are treated as North Carolina residents.

**G. Uniform Enforcement Policy:**

The following are general guidelines when encountering the indicated violations.

1. **Driving While Impaired by Alcohol or Impairing Substances:**

The Landis Police Department recognizes that drivers impaired by alcohol and/or other intoxicants represent a serious threat to the safety of themselves or others. Because of the serious risk developed by impaired drivers, the department aggressively enforces applicable impaired driving statutes.

2. **Speeding Violations:**

Police officers should exercise discretion when deciding if a warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that excessive speed correlates directly with high incidence of collisions.

3. **Driver License and Registration Plates:**

Police officers frequently encounter drivers who are unable to produce a valid driver's license. When a driver is unable to produce a valid license, the police officer may check through a Mobile Data Terminal when access to a MDT is available or, the officer can request the Communications Center to check by computer through the Department of Motor Vehicles (DMV) records for current license status of the driver.

When a driver is unable to produce a valid license, the police officer has the discretion to cite the driver under North Carolina GS 20-7(n) for operating a motor vehicle without carrying a license. If the computerized records indicate an invalid license, the police officer should cite the driver for not having a license under North Carolina GS 20-7(a) unless circumstances that warrant a physical arrest (e.g., no supporting identification, out of state resident, etc.) exist.

If the computerized records indicate that the driver was issued a driving license in North Carolina or another state, and the driver's license has been suspended or revoked, the police officer has the option to cite the driver for driving while license

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revoked or suspended, under North Carolina GS 20-28, unless circumstances warrant a physical arrest (e.g., no supporting identification, out of state resident).

In either case, the driver should not be allowed to drive away from the traffic stop. If the driver is arrested, the vehicle does not need to be towed if it is legally parked or on private property unless the security of the vehicle or its contents are in jeopardy if left at the scene, or at the request of the person who is in control of the private property.

If there is a doubt to the status of a driver's license and the verification of the license status cannot be obtained within a short time, and the identity of the driver is confirmed through supporting identification, then the police officer should release the driver. The police officer may obtain a warrant later if confirmation of the license revocation or suspension is received.

If there is a doubt about the status of a driver's license and verification of the license status cannot be obtained within a short time, and the police officer cannot confirm the identity of the driver through supporting identification, then the police should arrest the driver and charge the driver with not having a valid license under North Carolina GS 20-7(a).

Officers, who determine through the Department of Motor Vehicles (DMV) that a violation of North Carolina GS 20-111 has occurred involving registration plates may choose to cite, issue a written warning or a verbal warning for the violation.

Officers, who received notification through the Division of Criminal Information (DCI) system that a driver license or registration plate has been revoked or cancelled and an order to seize the item exists, shall make the determination as to whether the appropriate enforcement action would be to seize the driver license or registration plate.

4. Hazardous Violations:

Hazardous violations are those violations that pose a direct hazard to the safe and efficient flow of traffic. These violations contribute substantially to collisions and include reckless driving, moving violations, and other accident-related violations. A police officer's enforcement action should be consistent with the severity of the violation.

5. Off-Road Vehicles:

Police officers should enforce registration, insurance, and licensing laws under Chapter 20 of the General Statutes of North Carolina when encountering off-road recreational vehicles being driven on the roadways, or involved in collisions on the

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roadways. Police officers should adhere to directives contained the Tow Policy for Department procedures for towing any and all vehicles. Such enforcement does not include properly permitted and inspected vehicles such as golf carts, ATVs, etc., as approved by the Town of Landis, to operate on the roadways within the jurisdiction of the Town.

6. **Equipment Violations:**

Equipment violations are defined as those violations that render the vehicle unsafe for operation on a public street or highway, i.e., unsafe tires, lights, either headlights or taillights not in operation, loud and/or smoking exhaust systems, and inspections not current. A police officer's enforcement action should be consistent with the severity of the violation and the existing circumstances.

7. **Public Carrier and Commercial Vehicle Violations:**

Public and commercial carriers who violate motor vehicle laws will be treated in accordance with applicable state law.

8. **Non-Hazardous Violations:**

Enforcement efforts for nonhazardous traffic violations will be guided by police officer discretion.

9. **Multiple Violations:**

Police officers may issue less than the authorized number of citations when it does not compromise their investigation and enforcement responsibilities and it accomplishes a legitimate police purpose, or they may incorporate all charges into a single charge. In all cases of multiple violations, the enforcement action taken should be sufficient to support a comprehensive and complete prosecutorial effort.

10. **Newly Enacted Laws and/or Regulations:**

Yearly in-service legal updates will advise departmental personnel of new enacted legislation.

11. **Violations resulting in traffic collisions:**

Landis Police officers shall be responsible for responding to, investigating, and reporting traffic collisions that occur within the jurisdiction of the Landis Police Department and shall take enforcement action when such action is appropriate.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Motor Vehicle Laws</b>         | <b>Page 7 of 7</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 700.05</b>            |                    |

Officers issuing a citation or making an arrest as a result of a traffic collision shall record the assigned Case Report (CR) number on the citation. In the case of injury collisions, the injury shall be noted on the citation and the severity of the injuries shall be noted in the collision report. Information of other persons involved may be listed in the witness section.

12. Pedestrian and Bicycle Law Enforcement:

Police officers shall take appropriate enforcement action when pedestrian and bicycle traffic law violations are observed.

## **H. Voiding Motor Vehicle Citations**

Any department employee, who wants a citation voided, reduced, or changed, shall notify the arresting officer and submit a written request through the Chain of Command to the Chief of Police. Nothing herein precludes the charging officer from voiding or amending a citation made in error.

## **I. Licensed Drivers Requiring Re-examination**

Persons who appear to be incapable of operating a vehicle with reasonable and ordinary care should be reported to the State drivers' licensing authority using State approved forms and documentation. A copy of this report shall be retained in the associated case file (if applicable).

## **J. Law Enforcement Practices**

1. Unmarked or unconventional vehicles may be used in enforcement actions.
2. Officers may practice enforcement actions in stationary, covert or overt observation.
3. Enforcement actions may be visible traffic patrol.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Towing of Police Vehicles</b>  | <b>Page 1 of 2</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 700.06</b>            |                    |

## I. PURPOSE

Establish procedures for emergency service of police vehicles.

## II. POLICY

To provide uniform procedures and assist in keeping records of any police vehicle required to be towed and / or servicing by a private wrecker company.

## III. PROCEDURES

### A. Tow Procedures

1. All officers who have a police vehicle towed by a private wrecker service shall use the rotation wrecker list to choose a wrecker. The following information on the tow form must be provided.
  - (a) Indicate that it is a police vehicle.
  - (b) The vehicle number.
  - (c) Reason for towing.
  - (d) Location from which vehicle was towed.
  - (e) Location to where vehicle was towed.
  - (f) Any unusual events such as damage to vehicle.
  - (g) Attach a copy of any documentation given by the wrecker company to the tow form.
2. It will be the responsibility of the supervisors to see that all necessary information is written on the form, and all information is correct.

### B. Emergency service repair procedure

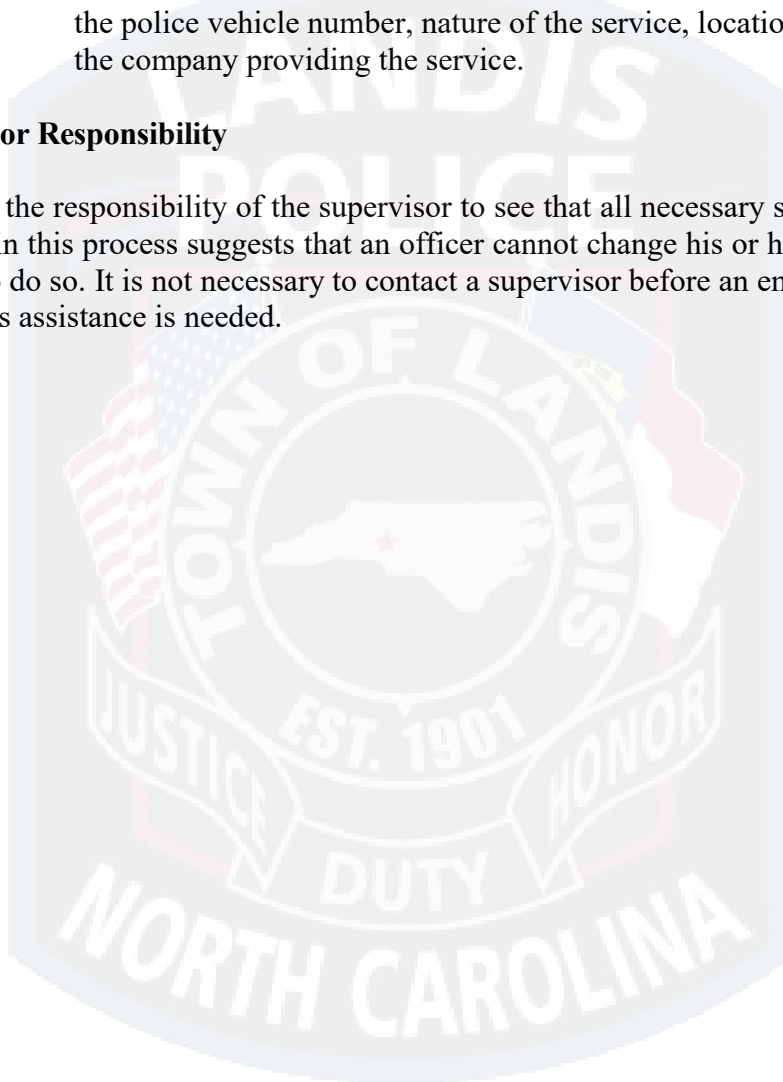
1. All officers requiring emergency service, roadside or otherwise, will contact the on-duty Supervisor.
2. After confirmation that emergency service (such as tire changes, unless during business hours and can be completed by the town mechanic) is needed the officer or Supervisor shall contact a rotation wrecker capable of providing the needed service.

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|  | <b>POLICY # 700.06</b>            |                    |

- (a) Unless specifically exempted by the Chief of Police, all police vehicles will have a spare tire in good condition inside the vehicle or reasonably accessible at a location where it can be retrieved.
- (b) The need for emergency service should be documented in an e-mail to the Assistant Chief of Police. Information contained in the e-mail should include the police vehicle number, nature of the service, location of the service and the company providing the service.

### C. **Supervisor Responsibility**

It will be the responsibility of the supervisor to see that all necessary steps are followed. Nothing in this process suggests that an officer cannot change his or her own tire if they choose to do so. It is not necessary to contact a supervisor before an employee changes a tire unless assistance is needed.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Traffic Control</b>            | <b>Page 1 of 3</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 700.07</b>            |                    |

## I. PURPOSE

To establish policy and procedures to assist personnel in their duties pertaining to traffic direction and control.

## II. POLICY

The primary objective in providing traffic direction and control is to maintain or restore the safe and efficient movement of vehicular and pedestrian traffic.

## III. DEFINITIONS

- A. Manual Traffic Direction and Control: The actual physical presence of personnel who give instructions using uniform signals and gestures to drivers and pedestrians to control traffic flow.
- B. Special Events: Situations at which a high volume of vehicular and/or pedestrian traffic is anticipated. Special events may include parades, sporting events, highway construction and maintenance activities, picketing, etc.
- C. Temporary Traffic Control Devices: Any apparatus intended for temporary deployment to assist the safe and efficient movement and control of vehicular and/or pedestrian traffic, to include moveable barricades and portable signs.
- D. Traffic Direction and Control: In general terms this includes all functions, procedures, apparatus, markings, etc. designed to promote and ensure the safe and efficient movement of vehicles and pedestrians.

## IV. PROCEDURES

### A. Manual Traffic Direction and Control

1. Officers of the Landis Police Department will provide traffic direction and control, where necessary and as resources permit, to ensure the safe and efficient movement of vehicles and pedestrians. Such duties will be carried out in a courteous and consistent manner so as to foster a positive public attitude and acceptance of such directions and control.
2. Officers will give due consideration to their own safety while carrying out manual traffic direction and control activities. Officers should position themselves so that they can be clearly seen by approaching traffic, usually in the center of an intersection or street.

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|  | <b>POLICY # 700.07</b>            |                    |

3. Prior to deciding to implement manual traffic control an officer shall consider the following variables:
  - (a) Traffic volume and speed;
  - (b) Number of pedestrians present;
  - (c) Duration of congestion period; and
  - (d) Presence or absence of traffic control devices.
4. Any personnel directing traffic, or in the roadway controlling traffic, will at all times wear the reflective safety vest, or reflective jacket, issued by the Department.
5. Officers carrying out manual traffic direction and control should seek to maintain/restore the safe and efficient movement of vehicular and pedestrian traffic. In doing so, the officer is responsible for:
  - (a) Regulating traffic flow;
  - (b) Controlling turning movements;
  - (c) Coordinating vehicle movements with the flow;
  - (d) Detouring traffic, as necessary;
  - (e) Controlling pedestrian movements;
  - (f) Arranging for the removal of traffic obstructions;
  - (g) Facilitating emergency vehicle movements; and
  - (h) Rendering aid and assistance to motorists and pedestrians.
6. Officers engaged in traffic direction and control should utilize uniform signals and gestures to enhance driver and pedestrian recognition of, and response to, their directions.
7. A flashlight may be used to signal traffic to halt.
8. When practical, officers should position their vehicle, with emergency lights activated, in such a manner so as to provide a greater warning to on-coming traffic.



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|  | <b>POLICY # 700.07</b>            |                    |

## **B. Temporary Traffic Control Devices at Collision Scenes and Other Emergencies**

1. Officers may be required to provide traffic direction and control at the scene of traffic crashes. Officers will conduct traffic direction and control activities as needed to reduce hazards and prevent additional crashes, in order to promote the safe and efficient flow of traffic in and around the scene.
2. Road flares are an excellent visibility tool and may be used to prevent possible injury to citizens and damage to property. Officers are to exercise caution when striking or using flares, if available. Flares should not come into contact with skin or clothing and officers should watch for flying debris that could cause eye injuries or ignite clothing. Because of the flammable nature of road flares, the following guidelines will be employed:
  - (a) Flares should be placed on the ground and used for fixed-point traffic control. Flares WILL NOT be used as a hand-held traffic control device.
  - (b) Flares will be used ONLY after the officer has surveyed the area for fire hazards and has determined that flares can be safely deployed.
  - (c) Officers will ensure that any deployed flares are fully extinguished and residual waste cleared from the roadway for proper disposal before leaving the incident scene.
3. If the need for additional temporary traffic control devices are required; such as, barricades, traffic cones or signage, officers shall contact a Supervisor or the Public Works Department.

## **C. Traffic Control for Adverse Road and Weather Conditions**

1. Upon discovering an adverse road or weather condition, officers should contact the Communications Center and have the appropriate agencies and persons notified for the purpose of correcting the condition.
2. Hazardous road conditions, other than minor hazards, shall be reported to a Patrol Sergeant. The Sergeant has the responsibility of determining what action, if any will be taken with regard to the situation.

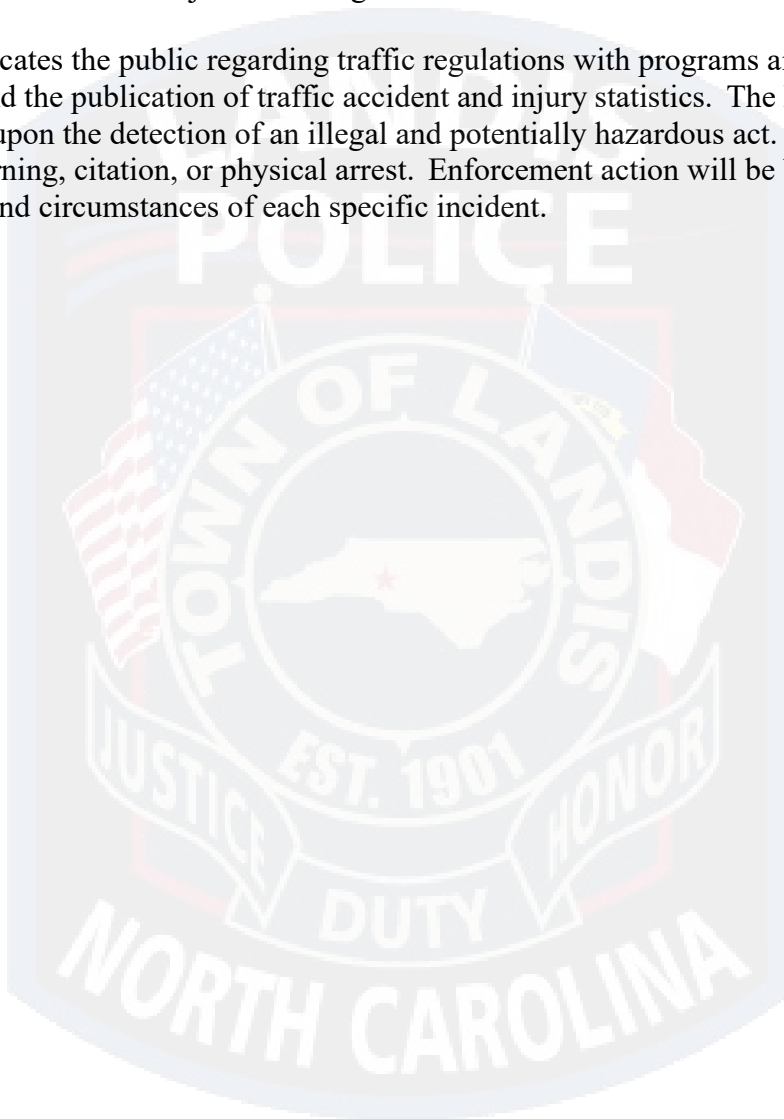
## **D. Traffic Control at Special Events**

1. Personnel conducting traffic direction and control at a special event should assist motorists/pedestrians in the vicinity of the event.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Traffic Enforcement Objective</b> | <b>Page 1 of 1</b> |
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|  | <b>Amended:</b>                      |                    |
|  | <b>POLICY # 700.08</b>               |                    |

The traffic enforcement objective of the Department is to reduce traffic accidents and injuries and to facilitate the safe and expeditious flow of vehicular compliance with traffic regulations. The department seeks to achieve this objective through a combination of education and enforcement.

The Department educates the public regarding traffic regulations with programs aimed at exposing specific problems and the publication of traffic accident and injury statistics. The Department will take enforcement action upon the detection of an illegal and potentially hazardous act. Enforcement action may consist of a warning, citation, or physical arrest. Enforcement action will be based on law, department policy, and circumstances of each specific incident.



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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Vehicle Checking Stations</b>  | <b>Page 1 of 2</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 700.09</b>            |                    |

## I. PURPOSE

The purpose of this policy is to establish procedures for conducting roadside or public vehicular motor vehicle checkpoints including, for example, safety checks, driving while impaired checkpoints, license checkpoints, and fugitive checkpoints.

## II. POLICY

It is the policy of the Landis Police Department to conduct all roadside or public vehicular area checking stations in accordance with N.C. General Statute §20-16.3.A. All checkpoints must be conducted in a manner that emphasizes the safety of participating officers and motorists.

## III. PROCEDURE

The following procedures are required for motor vehicle checkpoints.

### A. Authorization

A supervisor shall approve the checking station. The authorization shall include the location and approximate duration of the checking station. The authorizing supervisor shall designate an officer to be the on-site officer in charge of the checking station. The on-site officer in charge shall be responsible for filing the request form, briefing all officers participating in the checking station on the establishment and operation of the particular checking station, as well as the officer's responsibilities during its operation.

### B. Location

The location of a checking station shall be random or statistically indicated. Checking stations placed repeatedly in the same location or proximity should be avoided. The site for every checkpoint shall be selected with due regard for the safety of motorists and the officers conducting the checking station.

### C. Notification to Public

The public shall be advised that an authorized checkpoint is being conducted by having, at a minimum, one law enforcement vehicle with its blue lights activated at all times during the operation of the checkpoint. Signs, lights, cones, and other warning devices may be used, but are not required.

### D. Personnel

Officers will wear their assigned duty uniform, including reflective traffic vests, at all times while participating in the checking station.

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**E. Pattern for Stopping Vehicles**

A pattern for stopping vehicles at a checking station shall be established in advance of conducting the checking station. The pattern for stopping vehicles shall be to stop every vehicle or to adhere to a predetermined pattern (e.g., stopping every third vehicle). The on-site supervisor of the checking station may alter this pattern in the event of unreasonable traffic delays or other factors that create a hazard. The alteration of the pattern shall consist of permitting all vehicles to pass through the checkpoint until the delay or hazard is abated. The altered pattern must ensure that no individual officer is given discretion as to which vehicle is stopped.

**F. Pattern for Requesting Information**

Drivers of every vehicle stopped shall be requested to produce their operator's license and registration. The on-site officer in charge of the checking station may alter this pattern if unreasonable traffic delays or other hazards develop. The altered pattern must ensure that no individual officer is given discretion as to what documentation a given driver is required to produce.

**G. Reasonable Suspicion**

During the course of a stop at a checking station, if an officer determines there is reasonable suspicion to believe that a driver or other occupant has violated a provision of Chapter 20 or other provision of law, the officer may detain that driver or occupant for a reasonable period of time in order to investigate further.

**H. Alcohol Screening Device/Test**

An officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after the driving, if the officer has an articulable and reasonable suspicion that the driver has committed an implied – consent offense under §G.S.20-16.2, and the driver has been lawfully stopped for a driver license check or otherwise lawfully stopped or lawfully encountered by the officer in a course of the performance of the officer's duties. Requiring a driver to submit to an alcohol-screening test in accordance with this section does not in itself constitute an arrest.

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|  | <b>Amended:</b>                   |                     |
|  | <b>POLICY # 700.10</b>            |                     |

## I. PURPOSE

Establish a written directive, which delineates departmental guidelines and procedures for DWI enforcement.

## II. POLICY

It is the policy of the Landis Police Department to take aggressive enforcement action as it relates to persons operating vehicles under the influence of alcohol and/or drugs. The primary objective of the Landis Police Department DWI effort is to reduce the number of drug and/or alcohol related traffic crashes and their subsequent property damage, personal injuries, and death.

## III. DEFINITIONS

- A. Alcohol Concentration: The concentration of alcohol in a person's breath or blood, expressed as either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.
- B. Chemical Analysis: A test to determine the alcohol concentration of a person's breath or blood, performed in accordance with G.S. 20-139.1.
- C. Chemical Analyst: A person granted a permit by the Department of Health and Human Resources under G.S. 20-139.1 to perform chemical analyses.
- D. DHHS: The North Carolina Department of Health and Human Services.
- E. Impairing Substance: Alcohol, a controlled substance under Chapter 90 of the North Carolina General Statutes, or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.
- F. Implied Consent Offense: Offense involving impaired driving, alcohol-related offense, or misdemeanor death by vehicle.

## IV. PROCEDURES

### A. DWI Enforcement Countermeasures:

1. Driving impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of Landis. Consequently, a comprehensive, coordinated and ongoing countermeasures program involving enforcement, education, adjudication, treatment and public support is essential if a program is to have long-term success in combating the DWI problem.

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2. All officers have the primary responsibility for DWI enforcement. Because of this responsibility:
  - (a) All officers should become familiar with those locations in their beats that are frequently traveled by alcohol or drug impaired drivers, and those areas where alcohol or drug related accidents occur as established through common knowledge or by the traffic analysis function.
  - (b) All officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists.
  - (c) All officers must become familiar with visual cues that tend to indicate the possibility of an alcohol or drug impaired driver and remain alert for such visual cues to establish probable cause to stop possible violators.
  - (d) All officers should become familiar with field sobriety tests and how to administer such tests in order to further determine a driver's state of impairment.
3. Efforts to enforce traffic laws related to alcohol and drug impairment shall include:
  - (a) Selective enforcement techniques at times and at locations where alcohol/drug related offenses and/or collisions have occurred with significant frequency;
  - (b) Surveillance techniques along roadways at times of high incidents of alcohol/drug related offenses;
  - (c) Expeditious processing of offenders;
  - (d) Alcohol/drug related collision investigations and analyses of findings.

**B. Detection of Impaired Drivers:**

1. Detection and arrest of impaired drivers differs significantly from the handling of other traffic violators. There are specific legal limits of intoxication. There are also statutes and regulations governing driving under the influence of drugs and/or alcohol, implied consent, and the administration of chemical tests for blood alcohol content analysis.
2. Detection is the first step in any DWI enforcement action. It is in this state of enforcement action that probable cause is established. Detection includes:

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- (a) Recognizing, identifying, and noting specific driving behaviors that indicate a driver may be impaired by alcohol and/or drugs;
- (b) Recognizing, identifying, and noting specific behaviors, attitudes, and characteristics that occur during traffic stop which would provide evidence supporting a suspicion that a driver may be impaired;
- (c) Interviewing drivers and passengers;
- (d) Selecting and administering appropriate field sobriety tests to assess impairment.

### **C. Field Sobriety Testing:**

1. Testing should include those standardized field sobriety tests, which have been established as reliable indicators of impairment, provided the effort the officer has received training in administering such tests. These tests are:
  - (a) Horizontal gaze nystagmus,
  - (b) Walk and turn, and;
  - (c) One leg stand;
2. Officers may use additional tests such as using a preliminary breath testing (PBT) instrument, and the finger to nose test, however the officer should not rely solely on the results of the PBT test to make a determination whether or not to arrest for DWI.
3. Tests should be conducted to the rear and the right of the violator vehicle, with the driver's back to the vehicle. This will keep the officer and the driver out of traffic, and provide the officer with the opportunity to keep the suspect vehicle and other occupants of the vehicle in sight while administering such tests. Officer and public safety should be the primary concern in selecting a location for administering standardized field sobriety testing. A secondary consideration is that the location does not present any hazards or conditions that would be detrimental to performing satisfactorily on the tests, such as an excessive slope, uneven surfaces, ice on the ground, etc.

### **D. Chemical Tests for Alcohol:**

1. Certain statutory requirements must be met in order for the chemical analysis results to be admissible in court:

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- (a) The person must have been arrested or charged with an implied consent offense;
  - (b) The person must have been requested by the charging officer to submit to a chemical analysis to determine the alcohol concentration of his/her breath or blood;
  - (c) The chemical analyst conducting the test must possess a valid permit from DHHS authorizing him/her to administer the type of analysis to be conducted; and
  - (d) The chemical analysis must be conducted using instruments and procedures approved by DHHS.
2. General Statute 20-16.2 provides that any person who operates a vehicle on a street or public vehicular area in North Carolina is deemed to have given consent to a chemical analysis of their breath or blood in the event of being charged with an implied consent offense. The following is a list of implied consent offenses:
- (a) Impaired driving, G.S. 20-138.1;
  - (b) Impaired instruction, GS 20-12.1;
  - (c) Impaired driving in a commercial vehicle; G.S. 20-138.2;
  - (d) Driving after consuming alcohol or drugs for persons under age 21, G.S. 138.3;
  - (e) Habitual impaired driving, G.S. 20-138.5;
  - (f) Driving while license revoked by driving in violation of the restrictions on the limited driving privilege prohibiting consumption of alcohol prior to or during driving, G.S. 20-179.3(j);
  - (g) Driving with open container in the vehicle after consuming alcohol, G.S. 20-138.7;
  - (h) Felony and Misdemeanor death by vehicle, G.S. 20-141.4;
  - (i) Involuntary manslaughter, when underlying charge is DWI, G.S. 20-18;
  - (j) Second degree murder, when death caused by impaired driving, G.S. 20-17.



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3. If a person is charged with causing a death of another pursuant to G.S. § 20-141.4 (felony and misdemeanor death by vehicle), the charging officer shall obtain a blood sample unless the driver submits to a breath test which shows an alcohol concentration of 0.08 or more. If a person willfully refuses to provide a blood sample under this subsection, and the person is charged with a violation of G.S. § 20-141.4 (felony and misdemeanor death by vehicle), then a law enforcement officer with probable cause to believe that the offense involved impaired driving or was an alcohol-related offense made subject to the procedures of G.S. § 20-16.2 (Implied consent to chemical analysis) shall seek a warrant to obtain a blood sample.
4. All chemical analyses conducted by or at the direction of the Landis Police Department shall be for law enforcement purposes only, and shall be conducted according to the current methods, procedures, and regulations established by DHHS and state law. The Department will select certain sworn officers to be certified as chemical analysts through the state.
5. State law allows the person charged to have a physician, qualified technician, chemist, registered nurse, or other qualified person of his/her own choosing administer a chemical analysis or analyses, in addition to the analysis administered at the direction of the charging officer.

**E. Initial Procedures and Chemical Analysis Rights:**

1. Breath Test: if a breath analysis is required, the charging officer may administer the test provided he/she has a valid permit to perform chemical analysis. If the charging officer does not have a valid permit to administer the test, the Rowan County Communications Center will request an analyst from another agency to administer the test. They will request the analyst meet the charging officer at the location where the test will be administered.
  - (a) The chemical analyst will verbally and in writing advise the defendant of his/her rights under GS 20-16.2(a). The defendant will be given a written copy of these rights. After the defendant has been advised of his/her rights, the charging officer will request that the person submit to a chemical analysis of his/her breath.
  - (b) The charging officer shall complete a Department of Health and Human Services (DHHS) Driving While Impaired Report and General Adult Rights form. The interview questions on the back of the Driving While Impaired Report is considered custodial questioning and the defendant must be advised of and waive his/her *Miranda* rights prior to these questions being asked. If the person charged is under 18 years old, they must be advised of and waive their *Miranda* rights using a Juvenile Rights Form. Additionally, the custodial interview of an arrestee under the age of 18 must be electronically recorded.

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2. Blood Test: If a chemical analysis in the form of a blood test is required, the officer may transport the arrestee to a local medical facility. A chemical analyst will be summoned unless the charging officer has a valid chemical analyst permit. The chemical analyst will advise the arrestee of his/her rights both orally and in writing as set forth in G.S. 20-16.2(a).
  - (a) After the defendant has been advised of his/her rights, the officer will, in the presence of the person authorized to administer a chemical analyses, request the person to submit to a blood analysis.
  - (b) If the person qualified to draw blood requests written confirmation of the request, the officer will provide them with a copy of the Affidavit and Revocation Report of Charging Officer/Chemical Analyst.
  - (c) Blood withdrawal kits are provided by the Landis Police Department or other agencies for use. The physician or other qualified person will withdraw the blood and immediately turn it over to the charging officer. The officer will thereafter handle the blood sample as evidence in accordance with departmental policy.
3. The charging officer may also designate a chemical test for substances other than alcohol and to request a blood test in addition to the breath test. The defendant must be informed of his/her rights under G.S. 20-16.2(a) at the time he/she is requested to take each test. Chemical tests for substances other than alcohol will be handled as evidence in accordance with departmental policy.
4. If a person refuses to submit to any test, any law enforcement officer with probable cause may, without a court order, compel the person to provide blood samples for analysis if the officer has exigent circumstances. Officers should be mindful that the mere dissipation of alcohol or impairing substance from the suspect's body may not be, in and of itself, viewed as exigent circumstances.
5. The charging officer and the chemical analyst will then go before a Magistrate for the purpose of notarizing the affidavits. The Magistrate will then initiate a 30-day license revocation for chemical analysis pursuant to G.S. 20-16.5(c), which requires the filing of a copy of the affidavit. If the refusal occurs in a case involving death or critical injury to another person, that fact must be included in the affidavits.

**F. Medical Attention for Acute Alcohol Intoxication:**

1. Occasionally, the level of intoxication of a person presented for chemical analysis may indicate the need for prompt medical attention. Acute alcohol intoxication can severely depress the Central Nervous System (CNS) and is potentially fatal. The

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danger is greater for persons who are young or unaccustomed to drinking heavily. The effects of the alcohol can also be compounded if the person has taken Central Nervous System depressant drugs.

2. Officers must carefully monitor persons in their custody who are highly intoxicated or impaired, and shall ensure that the person receives prompt medical attention when, in the opinion of the arresting officer or the chemical analyst, the person's level of impairment is such that medical attention is warranted. Symptoms of acute alcohol intoxication may include, but are not limited to, very strong odor of alcohol, unconsciousness or semi-consciousness, slow respiration (eight or less breaths per minute), cold, clammy, pale or bluish skin.
3. A Supervisor shall be notified in the event that medical attention for an arrestee suffering from acute intoxication is needed. In no case, however, should apparently necessary medical treatment be delayed for the purpose of notifying or consulting with a supervisor.

#### **G. Document of Chemical Analysis Results:**

1. In order to ensure that all legal responsibilities are met, written documentation will be completed, as applicable:
  - (a) Chemical Analyst's Test Record/Rights Form: The chemical analyst will use an individual analysis record/rights form for each chemical analysis, making sure it is correctly inserted into the instrument. Distribution of this test record/rights form will be distributed as indicated on the face of the test record.
  - (b) Affidavit and Revocation Report of Charging Officer/Chemical Analyst: An affidavit and revocation report will be completed by the charging officer and chemical analyst for every DWI arrest. If the charging officer holds a valid permit to perform a chemical analysis, only one form will need to be completed.
2. Copies of necessary documentation, by the end of the arresting officer's shift, must be submitted to the officer's Sergeant for review/approval. If the DWI is a refusal or there is an alcohol restriction on the license or if the defendant blew a .15 or over, the paper work will be forwarded for transmittal to the DMV. It is the responsibility of the charging officer to ensure the required paperwork is sent to DMV.

#### **H. Pre-Charge Chemical Analysis:**

1. G.S. 20-16.2(l) allows persons suspected of committing an implied consent offense to request a pre-charge chemical analysis to determine the alcohol content of their

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blood. The person must request the analysis prior to being arrested. This law is applicable in situations where an officer stops, detains, or questions a person whom he/she has probable cause to believe has been operating a motor vehicle on a highway or public vehicular area while under the influence of an impairing substance or any other implied consent offense.

2. If the arrest has already been made at the time of the request, the suspect does not have the right to such an analysis. The officer is not required to advise the suspect that a pre-charge chemical analysis may be requested. However, if the officer suspects that the suspect may be impaired; this suspicion may be communicated to the suspect. This provides the suspect with the opportunity to make a request for the pre-charge test.
3. If a proper request is made, the officer has the responsibility to refrain from making an immediate arrest and must arrange for the requested analysis to be administered. The voluntary analysis is administered in the same manner as a custodial analysis and the results are admissible in court. The request will not cause any normal investigative procedure or practice to be delayed, compromised, or omitted.
4. If the suspect does not request a pre-charge chemical analysis, the investigation will proceed as usual. The officer may take whatever enforcement action is necessary.
5. The request for a pre-charge chemical analysis and a subsequent delay of enforcement action is conditional, based upon the suspect's compliance with certain restrictions. If the suspect fails or refuses to comply with these conditions, the request becomes invalid and immediate enforcement action may be taken.
  - (a) Upon receiving a verbal request for a pre-charge chemical analysis, the officer will acknowledge the request and provide the suspect with a Form DMV-S784 (Request for Pre-Charge Chemical Analysis). Failure or refusal of the suspect to execute this form invalidates the request for a pre-charge chemical analysis. The original copy of the form will be kept with the case file, the 2<sup>nd</sup> copy retained by the officer, and the 3<sup>rd</sup> copy provided to the suspect.
  - (b) The suspect must be transported to the analysis site in the officer's patrol vehicle. In most cases the analysis site will be another law enforcement agency. The suspect will not be allowed to drive his/her private vehicle to the analysis site under any circumstances, and may not be transported by any private citizen or passenger. The officer will notify the Communications Center that a person is being transported for a pre-arrest chemical analysis. Failure or refusal of the suspect to comply with normal prisoner transportation procedures will invalidate the request for a pre-charge chemical analysis.

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- (c) Prior to placing the suspect in the police vehicle, a pat down frisk of the suspect will be conducted. This frisk is conducted solely to ensure the officer's personal safety and not to search for contraband or evidence. Any item detected during the frisk that the officer reasonably believes could be a weapon, may be removed from the suspect's possession. Any illegally possessed weapons or other contraband may be seized and form the basis for a criminal charge. Resistance or refusal to allow the frisk will invalidate the suspect's request for a pre-charge chemical analysis. The officer may take control of personal property, such as a handbag, that is in the possession of the suspect, and should safely secure these items.
6. The suspect's vehicle may be secured by one of the following methods:
- (a) The suspect may choose to turn the vehicle over to a responsible person present at the scene; or
- (b) The suspect may choose to leave the vehicle legally, safely, and securely parked at the scene. The officer may move the vehicle to a safe position, if necessary; or
- (c) The suspect may choose to have the vehicle towed and stored. In this case, the officer will summon a wrecker at the owner's request, informing the operator that he/she will be responsible for any towing and storage charges incurred.
7. The results of the pre-arrest chemical analysis are admissible in court and will be considered by the officer in deciding whether or not to arrest the operator. If the pre-arrest chemical analysis establishes probable cause, the officer will arrest the suspect, and normal arrest and booking procedures will be followed. If the pre-arrest chemical analysis does not establish probable cause, the suspect will be released without being charged, and the officer will transport the suspect to their vehicle or other reasonable location.

#### **I. Alcohol Screening Tests:**

1. G.S. 20-16.3 authorizes law enforcement officers to use approved alcohol screening devices. Pursuant to this authority, an officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after driving if the officer has reasonable grounds to believe that the driver has consumed alcohol and:
- (a) Has committed a moving traffic violation; or
- (b) Has been involved in an accident or collision; or

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- (c) Has committed an implied consent offense under G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or detained by the officer in the performance of the officer's duties.
2. The alcohol screening test shall be administered using devices and procedures approved by the Department of Health and Human Services.
  3. The Department will select sworn officers to be proficient in administering breath tests on the Alcosensor or other such breath testing equipment that the department may adopt as standard.
  4. The positive or negative result of an alcohol screening test or a driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if there are reasonable grounds for believing that the driver has committed an implied consent offense.
  5. The results or refusal of an alcohol screening test may also be used in court when charging for offenses under G.S. 20-138.3 and G.S. 20-138.7. Except as provided herein, or otherwise allowed by prevailing law, the results of an alcohol screening test may not be admitted into evidence in any court or administrative proceeding.
  6. Required calibration of alcohol screen devices shall be verified at least once during each thirty (30) day period of use by employment of a control sample from an alcoholic breath simulator, as defined in Title 10, Section 7B.0102 (5) of the North Carolina Administrative Code, or by the use of a NALCO standard, and ensuring that the expected result is obtained. A Sergeant, as directed by the Chief of Police or his designee, will be responsible for overseeing the calibration of all approved screening devices utilized by the Landis Police Department.

**J. Juvenile Offenders:**

1. Any officer processing a juvenile (16 or 17 years of age) DWI offender shall make all reasonable attempts to contact a parent or legal guardian prior to the administration of the chemical testing of the offender so that the juvenile may consult with that adult. If after such reasonable attempt(s), a parent or legal guardian cannot be located, the administration of the chemical testing procedure will proceed. The officer(s) must adhere to the time limits on chemical testing and if contact with a parent or guardian cannot be accomplished within the required time limits the administration of the chemical testing procedure will continue.
2. Any officer processing a juvenile under the age of 18 years of age shall make an electronic recording of the custodial interrogation/ interview in its entirety.

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3. Offenders less than 16 years of age shall be processed in accordance with the North Carolina Juvenile Code.

**K. DWI Arrest Procedures:**

1. If all elements of a DWI violation are present, the officer shall arrest the subject. The subject should be handcuffed, searched, and secured in the rear of the police vehicle as specified in Department policy.
2. Arrangements must be made for the proper disposition of the prisoner's vehicle in accordance with the Department's Tow Policy.

**L. DWI Seizures**

If during the course of the arrest of a DWI suspect, it is determined that the suspect's vehicle is subject to forfeiture according to NCGS 20-28.2 the arresting officer will initiate the following actions:

1. The officer will notify the dispatch center to contact the state contract wrecker service for DWI seizure towing and storage;
2. The officer will then fill out the following forms: Tow Form/Notice of Towing, an Affidavit of Impoundment, and the Officer's Notification to the DMV of Seizure and Impoundment of Vehicle. The Affidavit of Impoundment will be returned to the magistrate. A copy of the Affidavit of Impoundment will be used to enter the seizure in to DCI within 24 hours of the Impoundment.
3. The officer will then have the vehicle towed by the appropriate wrecker service.
4. In all cases of DWI seizure, the officer's actions will be guided by the NC General Statute 20-28.3.

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## I. PURPOSE

Establish guidelines for using Speed Measurement Instruments.

## II. POLICY

Speed measuring devices are effective tools for speed control and when properly used can enhance traffic safety and promote compliance with the law. The Department will utilize speed measuring devices in an effort to reduce accidents where speeding is a factor; in locations where speed limit violations are prevalent; in response to citizen complaints of speeding motorists; and to conduct traffic volume and speed percentile studies.

## III. DEFINITION

- A. SMI: Speed Measuring Instruments to include; RADAR, LIDAR, and Time-Distance Instruments.
- B. Commission: The North Carolina Criminal Justice Education and Training Standards Commission.

## IV. PROCEDURES

### A. General Requirements

1. All sworn officers of the department have general authority for the enforcement of motor vehicle laws.
2. As such, SMI units generally will be assigned to, and operated by, authorized members of the department.
3. All SMI units utilized by the department will be of a type and design approved by the Commission for use by law enforcement agencies in North Carolina.
4. An officer must successfully complete the basic operator training program and receive certification from the Commission prior to utilizing any SMI for enforcement purposes.
5. Certified operators will be required to attend recertification as required by the Commission to ensure their continued proficiency.



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B. Speed Measurement Instruments Operations

1. The precise method for using a SMI in the enforcement of laws applying to speed will vary in accordance with the type of SMI equipment used.
2. The SMI must be installed properly, if applicable, and operated in conformance with the manufacturer's specifications using methods approved by the Commission.
3. A SMI may not be used unless the instrument has been personally determined by the officer to be operating properly and has been tested for accuracy according to a method approved by the Commission. Any SMI which is found to be operating improperly must be removed from service immediately and delivered as soon as practical to a properly licensed and qualified technician for repair and recalibration.
4. The SMI operator must choose an appropriate location that has clear visual observation of motorists to estimate their speed.
5. The location should be relevant to traffic accident data where speed has been identified as a factor, or address other speed-related traffic safety issues as provided in this order. The location selected must be conducive to the effective and safe operation of the SMI.
6. Before charging a motorist with a speeding violation, the officer must determine that the motorist was operating the vehicle in excess of the applicable speed limit.
7. When requested, officers *may* allow motorists to view the displayed speed on the SMI when taking enforcement action.
8. Once an enforcement action has been taken, the SMI operator shall follow the procedures established by the Commission for any accuracy check required for that SMI unit.

C. Assignment of Speed Measuring Instruments

1. Only officers holding current SMI certifications or those officers who are in the process of completing their required supervised field practice shall operate/use SMI, and they shall utilize only those instruments in which they are certified.

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2. The operator of any police vehicle that contains a SMI shall remove the unit and tuning forks when the vehicle is going to be placed permanently out of service, when the officer has been assigned another vehicle, or the SMI operator has been reassigned to a unit with primary duties are other than patrol.
3. Operators who no longer desire to utilize SMI shall notify their immediate supervisor so that their SMI may be reassigned.

D. Speed Measuring Instrument Maintenance

1. Any operator who observes a SMI that is malfunctioning, requires repairs, or the tuning forks are missing shall immediately take the instrument out of service and notify the officer's immediate supervisor.
2. All operators with assigned SMI will be notified of each instrument's required annual calibration date. It is the responsibility of each operator to ensure that SMI calibration is performed on schedule, as delegated by the Chief of Police or his designee.
3. Only a technician who possesses a general radio-telephone operator license from the Federal Communication Commission (FCC) can perform the annual calibration, unless otherwise dictated by policy or law.

E. Speed Measuring Instrument Operator Responsibility

1. Officers who are SMI certified shall be responsible for monitoring their individual recertification date and for attending a recertification course prior to the expiration of their certification.
2. Officers using a SMI shall be held accountable for its use according to the rules and regulations set forth by the Commission as well as Departmental policy regarding equipment.
3. The officer shall maintain a copy of the instrument's current annual certification (SMI-9, SMI-11, and SMI-12) form for court purposes, as needed.

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## I. PURPOSE

To establish written policy and procedure for traffic enforcement.

## II. POLICY

The policy of the Landis Police Department is to consider traffic duties and responsibilities as vital functions of the overall police mission and to administer these duties and responsibilities in the most effective manner possible. Traffic administration and support processes include data collection and analysis, formulating policy and procedure, development of enforcement techniques, personnel allocation, and program evaluation.

## III. DEFINITIONS

- A. Selective Traffic Enforcement: The assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on factors such as traffic volume, accident experience, frequency of traffic violations, and emergency service needs.
- B. Funeral Procession: Two or more vehicles accompanying the remains of a deceased person, and traveling to the church, chapel, cemetery, or other location at which the funeral services are to be held (see NCGS 20-157.1 for the statutory definition).
- C. Special Events: Situations at which a high volume of vehicular and/or pedestrian traffic is anticipated. Special events may include parades, sporting events, highway construction and maintenance activities, picketing, etc.

## IV. PROCEDURES

### A. Organization

- All uniformed officers will have primary responsibility for performance of the agency's traffic related services and traffic law enforcement functions. Officers assigned to patrol will receive training in traffic accident investigation and traffic law enforcement.
- Since there is a close relationship between traffic enforcement and all other law enforcement activities, the responsibility for enforcing traffic laws and regulations and performing traffic control activities ***will be shared by all uniformed personnel.***

### B. Selective Traffic Enforcement

- The purpose of selective traffic enforcement is to reduce motor vehicle

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accidents and promote voluntary compliance with the traffic laws.

### C. Traffic Services

The Department will respond to traffic-related calls for service and render aid or advice as resources permit.

1. General Assistance to Highway Users:
  - (a) The Department may offer reasonable assistance to motorists. Consideration to the needs of the motorist, weather conditions, location, time of day, and other service demands must be made when determining the most appropriate way to assist stranded motorists;
  - (b) Officers will not use a police vehicle to push a disabled vehicle from the roadway unless it is equipped with a push bumper, and the officer reasonably believes that immediate action is necessary to eliminate a traffic hazard dangerous to life, and no other practical means are readily available;
  - (c) Officers should not manually push a disabled vehicle from the roadway unless the officer reasonably believes that such action is necessary to eliminate a traffic hazard, and can be safely accomplished without undue risk of injury to the officer and other persons assisting in the effort;
  - (d) Because of the risk of damaging sensitive electronic equipment, officers should not use a police vehicle to “jump start” another vehicle using battery jumper cables.
  - (e) Officers are not to recommend any specific business to motorists who are in need of mechanical or towing assistance. Officers may assist motorists in obtaining such services by offering to summon a wrecker or roadside assistance service;
  - (f) Motorists may be transported in police vehicles to a place of lodging, to obtain mechanical assistance, or to the Police Department while arrangements are being made for repairs to their vehicle. All efforts should be made to prevent persons from being left in locations that would prove hazardous.
  - (g) Victims of crime or domestic dispute may be transported to a place of refuge or the magistrate’s office. If the officer is transporting a member of the opposite sex, mileage and location should be given.

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(h) In the event that any emergency assistance is needed by a motorist, officers shall call for appropriate services.

2. Debris in the roadway:

- (a) Officers will remain vigilant for any hazards that may present a danger to motorists using the public streets and highways of our city;
- (b) If an officer encounters debris in the roadway, that officer shall remove the debris if it can be done safely. If the debris is of a nature that one person cannot safely move it or if specialty equipment is required for safe handling, call for any assistance deemed necessary;
- (c) Defects or safety hazards in the roadway should be reported immediately to the agency that is responsible for maintenance of the roadway, such as the Town Street Department or the North Carolina Department of Transportation (NCDOT). The officer should contact the appropriate department, or if after hours to call in the necessary personnel to evaluate the problem;
- (d) In all other cases of roadside hazard, officers should take appropriate action to attempt to ensure safe passage along the thoroughfare.

3. Traffic Safety Liaison and Safety Materials:

The Department will establish liaison with local and regional organizations involved in highway safety in order to promote a coordinated effort. Traffic safety educational materials prepared and disseminated by these groups will be made available to the general public. Organizations for which liaison should be established may include, but is not limited to:

- (a) National Highway Traffic Safety Administration;
- (b) North Carolina Governor's Highway Safety Program;
- (c) NCDOT Highway Incident Management Team(s);
- (d) North Carolina State Highway Patrol;
- (e) Mothers Against Drunk Driving; and
- (f) Students against Drunk Driving.

**D. General Parking Enforcement**

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Town parking regulations that may be enforced by employees of the Landis Police Department are specified in the Town of Landis Code of Ordinances.

1. Parking enforcement should be conducted as needed to address potentially hazardous conditions, in areas where specific parking-related problems have been identified, or in response to substantiated citizen complaints.
2. Employees are authorized to apply a non-permanent mark to the tire of any vehicle parked in a time-restricted parking space under the control of the Town for the purpose of recording the presence or duration of such vehicle in such space.

#### **E. Police Escorts**

1. Parade Escorts:
  - (a) Requests for a police escort of a general parade must have prior approval of the Chief of Police and an approved permit, if required.
  - (b) A parade escort shall utilize a marked cruiser in front of the parade. Where resources permit, intersection control along the parade route will be provided. The lead vehicle shall proceed at a safe speed and operate with due regard for safety.
2. Funeral Escorts:
  - (a) Requests for funeral escorts must include all necessary information regarding the departure point, scheduled departure time, destination, route information, and a contact number for the funeral director.
  - (b) Officers assigned to escort funeral processions will be expected to be at the assigned station 10-15 minutes before the scheduled departure time, unless the officer is required to respond to a higher priority call.
  - (c) Upon arriving at the assigned station, the assigned officer shall check arrived on scene by radio with the Communications Center. Prior to departure, the officer should confirm the departure time, destination and desired route with the attending funeral director. Processions should have six or more vehicles.
  - (d) The scheduled departure time is simply a professional estimate by the funeral director. Actual departure times can vary somewhat depending on the duration of funeral service activities and the size of the procession. Assigned officers should remain on-station and coordinate with the on-site funeral director if an extended delay past the scheduled

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departure time is anticipated.

- (e) If for any reason the assigned officer is unable to report to or remain at the departure point, the officer shall notify the Communications Center by radio. The Communications Center will then reassign the escort to the closest available marked unit. The Communications Center shall promptly call the funeral director at the designated contact number if any officer delay past the anticipated departure time is anticipated, or if there are no units available to provide the escort.
- (f) When escorting a funeral procession, officers shall continuously operate their emergency lights and headlight flashers. The officer shall lead from the front of the procession and should maintain a relatively low speed to help reduce gaps in the procession. Officers working alone should not “leap-frog” the procession from one intersection to the next. On multi-lane highways, the officer should use the outermost or right hand lane, unless use of other lanes is necessary to prepare for turns in the specified route.
- (g) Escorting officers shall use the siren as an audible warning at signal controlled intersections and other hazardous locations in order to gain the attention of approaching motorists and ensure that all cross traffic has stopped and yielded the right of way. Once traffic has yielded, the officer should progress through the intersection. All vehicles in the process may then follow the officer and proceed through the intersection without stopping, exercising reasonable care (see NCGS 20-157.1(c)).
- (h) In the event of an unusually long funeral procession, the escorting officer may request additional units to provide supplemental traffic direction and control at major intersections and other hazardous points along the intended route.
- (i) Funeral processions may sometimes have a final destination that extends a short distance into an adjoining jurisdiction. In such cases, the assigned officer is authorized to continue leading the escort to the final destination, provided that the escort does not extend beyond the officer’s extra-territorial jurisdiction.
- (j) Upon arrival at the destination, the escorting officer should position the patrol vehicle in the roadway to protect the turning procession from oncoming traffic. Unless circumstances require the officer to manually direct traffic, the officer should exit the vehicle and stand at parade rest. Under no circumstances should an officer attempt to manually direct traffic from inside the vehicle.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Traffic Enforcement and Services</b> | <b>Page 6 of 7</b> |
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- (k) Upon completion of the escort, the assigned officer shall check available by radio with the Communications Center.

3. Escorts of Public Officials and Dignitaries

Requests for a police escort of public officials or dignitaries, scheduled in advance, must have prior approval from the Chief of Police. The Assistant Chief of Police has the responsibility to evaluate the request and to determine what department resources may be necessary. The Assistant Chief of Police or his designee will coordinate the deployment of police personnel with the organizers, the Public Works Department, and other appropriate agencies and/or organizations. Requests for public official escorts where prior planning and approval were not possible must have the approval of the Chief of Police or in his absence, the Assistant Chief of Police. The Chief of Police or his designee shall determine the appropriate route to be taken by the escort, the units that may participate, and any other factors related to the safety and implementation of the escort.

4. Emergency Escorts for Fire Trucks and Ambulances

Officers may provide emergency escorts for other emergency vehicles (ambulances, fire apparatus, and police vehicles). Officers are required to drive with due regard to the safety of other motorists and pedestrians as required by law and applicable policy and procedures and use extreme caution when providing such service.

5. Financial or Bank Escorts

- A. Request for financial escorts will be handled on an individual, as requested, basis. Financial escorts are considered as non-emergency calls for service and will be prioritized according to the availability of manpower.
- B. The financial escorts should be handled by the responding officer in the following manner:
1. Upon arrival, the escorting officer should position their vehicle near the entrance/exit of the requesting business.
  2. The escorting officer will await the arrival of the merchant and will follow the merchant to the deposit location by the most direct route.
  3. Upon arrival at the deposit location, the escorting officer should exit their vehicle and be alert to possible criminal situations.



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## 6. Prohibited Escorts

Escorts of civilian vehicles in medical emergencies are prohibited.

### F. Vehicle Unlocking Services

- A. The Landis Police Department will provide the service of unlocking vehicles. Most newer model vehicles have electronic locks which can be damaged by unlocking devices. Officers should only attempt to unlock a vehicle after receiving permission to do so by the vehicle owner or other party in apparent control of the vehicle, unless exigency or an emergency situation demands immediate action to safeguard lives or property.
- B. If the request to unlock a vehicle is an **emergency**, officers should respond immediately. If it is not an emergency officers should respond as routine traffic.
- C. An **emergency** is, but not limited to, the following:
  - i. Small child or elderly person locked in vehicle and in apparent distress.
  - ii. Animal left in vehicle and in apparent distress.
  - iii. After business hours and no commercial help available.
- D. A release form must be signed before an attempt is made to unlock the vehicle, unless exigent circumstances, such as in i and ii, above.

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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELLEN, CHIEF OF POLICE</p> | <p><b>Landis Vehicle Collision Investigation</b></p> | <p><b>Page 1 of 2</b></p> |
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|   | <p><b>POLICY # 700.13</b></p>                        |                           |

## I. PURPOSE

Establish guidelines for employees involved in a collision while driving a town owned vehicle and guidelines for supervisors to request the North Carolina State Highway Patrol (SHP) to investigate a collision involving town vehicles.

## II. POLICY

The Landis Police Department shall request the SHP to investigate certain police vehicle collisions as described below, while allowing the department to continue investigating minor collisions.

## III. PROCEDURE

- A. The SHP shall be called to investigate a motor vehicle collision involving any Town vehicle, to include law enforcement vehicles, if:
1. The collision involves a fatality or serious personal injury to a third party; or
  2. When it is deemed appropriate by the on-duty supervisor.
- B. The following procedure will apply to motor vehicle collisions not covered in section III-A.
1. The Landis Police Department will investigate any collision involving Town vehicles which occurs inside the corporate town limits except for those collision covered in section III, A of this policy. The on-duty supervisor shall ensure a North Carolina Crash Report Form (NCCRF) is completed.
    - (a) North Carolina Crash Report Form (NCCRF) shall be used for collision, if the damage is \$1,000.00 or more or any injury.
    - (b) The supervisor shall respond immediately to the scene and take charge of and investigate the collision, preparing and forwarding a report to the Chief of Police.
    - (c) The supervisor's report will be a written report containing, at minimum, the following:
      - What the officer was doing at the time of the collision
      - Apparent cause of the collision
      - Names and statements of witnesses

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- Nature of injury of officers and/or others
  - Damage to vehicle and/or other property
  - Photographs of damaged vehicles and property
  - Recommendation as to corrective action
- (d) The supervisor shall not delegate this responsibility unless exigent circumstances require it.
- (e) Only the investigating supervisor, or designated officer as allowed in subsection (d) above, shall complete the North Carolina Crash Report Form (NCCRF), also known as a DMV-349 report.
- C. In every collision involving a Town vehicle, the involved employee will notify a supervisor, regardless whether they are on or off duty.
- D. The supervisor will ensure photographs are taken of all Town vehicle collision scenes, damaged vehicles and property.
- E. When there is extensive damage, or serious personal injury or death, the SHP will be contacted.
- F. The supervisor is responsible for ensuring the employee is screened, as required by the Town of Landis Substance Abuse Policy and any required post-collision drug testing requirements.
- G. Any officer who becomes involved in a collision while in charge of or operating a police vehicle shall immediately notify his/her supervisor.
- H. Officers shall not move the vehicle from the scene unless safety or exigency requires it. The officer shall take all precautions to protect the scene from disturbing influences until ordered by a supervisor or SHP to move the vehicle.
- I. Officer shall, immediately after tending to any injured persons and summoning appropriate resources, begin to secure the names, addresses, telephone numbers, etc. of all witnesses.
- J. Officers shall follow all instructions received from a supervisor.
- K. Officers shall prepare a complete written statement, omitting no detail, as to the collision, giving names, addresses, telephone numbers, etc. of all witnesses.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Discharging Firearms Either<br/>         Accidentally or Officially</b> | <b>Page 1 of 1</b> |
|  | <b>Effective Date:</b> 03/01/2021  |                    |
|  | <b>Amended:</b>  |                    |
|  | <b>POLICY # 800.01</b>   |                    |

## I. PURPOSE

A most exacting task of management is the proper investigation of the use of deadly force, an occurrence of utmost gravity where the integrity of the Department is severely scrutinized. Therefore, to fulfill our obligation to “protect life”, it is mandatory that all incidents involving the use of such force be justified, or that appropriate remedial action be taken.

## II. DISCUSSION

Whenever an officer discharges his/her firearm either issued by the Department or approved by the Department to carry as an off-duty weapon or back-up weapon for the protection of both officer and the Department of civil liabilities, or criminal action, no matter if the discharge is accidental or official, an investigation shall be conducted.

## III. PROCEDURE

The officer shall:

- A. Determine the physical condition of any injured person and render first aid when appropriate.
- B. Request necessary emergency medical aid.
- C. Notify the communication operator of the incident and location.
- D. The officer will remain at the scene (unless he/she is injured) until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (violent crowd), etc., the ranking Command Officer at the scene shall have the discretion to instruct the officer to respond to another more appropriate location.
- E. The officer will protect his/her weapon for examination and submit said weapon to the appropriate investigator.
- F. The officer shall not discuss the case with anyone except supervisory and assigned investigative personnel.
- G. The supervisor of the officer involved shall also write a report of his investigation of the incident and forward the report up his or her Chain of Command to the Chief of Police.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Extendible Baton</b>           | <b>Page 1 of 1</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b> 07/27/2021        |                    |
|  | <b>POLICY # 800.02</b>            |                    |

## I. PURPOSE

Situations will arise when there is a need for an intermediate device to protect an officer or a third person from death or serious injury. There will also be situations in which a device is needed when arresting someone who poses a threat of injury to the officer. The extendible baton is one option to consider as an intermediate device which, when used properly, can be used instead of more cumbersome and heavier striking devices, such as the PR-24.

## II. DISCUSSION

Any officer of this Department shall not carry or use the extendible baton unless he or she has been trained in its use. Such training will be conducted under the direction of the Police Department. Any extendible baton carried by any Officer must be approved by the Department.

## III. PROCEDURE

- A. The extendible baton is an approved instrument for use by the sworn officers of this Department.
- B. Only an approved extendible baton shall be carried; other types of extendible batons shall not be carried. Such approval must meet the approval of the Chief's designated appointee.
- C. All Officers must be trained before carrying the extendible baton. Such training will be conducted pursuant to Departmental Policy.
- D. Documentation must be made any time the baton is used to strike someone. This requirement is met by using our Department's "Use of Force" form.
- E. Nothing in this policy is meant to condone the use of the baton contrary to the requirements of G.S. 15A-401.
- F. Officers are to use the baton in accordance with training.
- G. Strikes to the head are strictly prohibited unless deadly force is required.

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| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELEN, CHIEF OF POLICE | <b>Female Prisoners</b>           | <b>Page 1 of 1</b> |
|  | <b>Effective Date:</b> 03/01/2021 |                    |
|  | <b>Amended:</b>                   |                    |
|  | <b>POLICY # 800.03</b>            |                    |

Female prisoners or suspects shall be touched only as necessary in taking them into custody and determining that weapons are not being concealed. This order shall not be construed as to prevent male officers from making necessary searches of female prisoners.

The same applies for male prisoners and female officers.



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| <p><b>Landis Police Department</b><br/>POLICIES AND PROCEDURES</p> <p>MATTHEW J. GEELEN, CHIEF OF POLICE</p> | <p><b>Oleoresin Capsicum (OC)<br/>Aerosol Spray</b></p> | <p><b>Page 1 of 8</b></p> |
|  | <p><b>Effective Date:</b> 03/01/2021</p>                |                           |
|  | <p><b>Amended:</b></p>                                  |                           |
|  | <p><b>POLICY # 800.04</b></p>                           |                           |

## I. PURPOSE

To establish policy and procedures for the training, issuance, use, decontamination, and guidelines for monitoring exposure of Oleoresin Capsicum (OC) Aerosol Sprays by members of this Department.

## II. DISCUSSION

Officers are confronted daily with situations where control must be exercised to make arrests and to protect the public safety. Control can be achieved through advisements, warnings, persuasion, or use of force. While force may be necessary in some situations, it should not be used indiscriminately. The law specifies under what conditions and to what extent force may be employed in North Carolina General Statute 15A-401 (d) Use of Force in Arrest. OC, commonly referred to as pepper spray, represents a use of force option that can stop an attacker with no lasting aftereffects. This is a soft deterrent, less-than-lethal force option available to officers that enhances their chance to neutralize aggressive situations before they escalate thus decreasing the chance of injury to officers, arrestees, and the public.

Among the chief advantages of an OC aerosol spray is that it allows police officers to stay out of reach of adversaries while still being in effective target range to spray the person. OC is an inflammatory agent that swells the mucous membranes, causes an immediate closing of the eyes, uncontrollable coughing, gagging, and gasping for breath. In addition, there will be an intense burning sensation of the skin and mucous membranes inside the nose and mouth. OC causes a subject to lose upper body control and incapacitates him, allowing him to be handcuffed and taken into custody.

## III. DEFINITIONS

- A. Oleoresin Capsicum (OC): OC is a naturally occurring substance. It is found in the oily resin of cayenne and other varieties of peppers – the same peppers used to “heat up” spicy foods.
- B. “Soft Hand” Techniques: Includes any touching or attempted touching by an officer, such as applying moderate pressure to turn, guide, or escort the person being arrested. Wrestling a suspect, pulling a suspect, and bending arms for handcuffing are higher levels of force than “soft hand” techniques.

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|  | <p><b>Amended:</b></p>                                  |                           |
|  | <p><b>POLICY # 800.04</b></p>                           |                           |

#### IV. PROCEDURES

##### A. General Principals

OC spray is a liquid spray containing oleoresin capsicum in sufficient concentration to produce a short period of pain, gagging, and loss of vision. Federal and state laws on the use of force generally regulate the use of OC spray. The following general principals apply to all use of force by law enforcement officers, including OC spray.

The law requires all citizens to submit peacefully to arrest and to cooperate with lawful orders of an officer during the arrest or custody process. Citizens must also refrain from contact that reasonably appears to create an imminent threat of physical harm to an officer in the performance of lawful duty. Reasonable force may be used to overcome resistance to lawful arrest, to enforce compliance with lawful orders of custodial officers, or prevent physical injury to the officer or others.

All force must be reasonably proportionate to the apparent need to overcome resistance to arrest or defend against an imminent threat of physical injury. Unreasonable and excessive force is never justified, nor is any force allowed to take action an officer knows, or reasonably should know, is lawful. OC cannot be used against a citizen who peacefully submits to arrest and complies with lawful orders during an arrest or stop.

Citizens have a right to express verbal disagreement with an officer's actions and no force can be used in response to offense language alone. OC spray cannot be used to retaliate against language that is merely offensive but is not imminently threatening. Language that is imminently threatening or loud shouting that significantly obstructs or delays performance of lawful duty is criminal and is not justified as mere verbal disagreement.

##### B. Training

No officer of the Landis Police Department shall carry or use OC spray until the officer has attended and successfully completed approved training.



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**C. Departmental Issuance of OC**

Officers are authorized to carry and use only the OC sprays issued by the Landis Police Department.

**D. Documenting Use of Force**

1. Any use of OC spray on a person or animal shall be documented. The form shall include the following:
  - a. The officers and subject's actions and/or statements prior to discharging the OC spray.
  - b. The officer's approximate distance from the subject when discharged.
  - c. The approximate amount of OC spray discharged (number of bursts/seconds).
  - d. The amount of time after exposure for the OC spray to take effect.
  - e. Manner in which the subject is initially restrained following use of OC spray.
  - f. Officer's efforts to conduct after-use care on the subject.
  - g. Recovery time of the exposed subject.
  - h. Whether exposed subject received medical treatment and who provided the medical treatment (EMS, emergency room, etc.).

**E. Rules on OC Spray as the Use of Force**

OC spray used in compliance with these guidelines is lawful non-deadly force. OC spray used in compliance with these guidelines is authorized to effect a lawful arrest, to prevent escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force, or to restore institutional integrity in a detention facility.

**RULE A.**

OC spray cannot be used against a person who:

1. Submits peacefully to arrest and complies with lawful commands during a lawful arrest, or

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2. Complies with lawful commands during a valid investigative stop or stop for citation purposes, or while in custody or detention.
3. Is expressing mere verbal disagreement that does not threaten or incite others to threaten an officer and is not significantly delaying or obstructing discharge of duty.

#### RULE B.

1. Verbal persuasion (verbalizing) and a warning are required before using OC spray if circumstances allow verbalizing and warning without risk to the safety of the officer or others. Verbalizing and warning are not required when the defendant resists “soft hand” techniques, or resists more substantial force, or when there is a risk to the safety of the officer or others if use of OC spray is delayed.
2. Non-threatening suspects who do not pose a significant risk to officer safety should not be sprayed unless verbalizing, warning, and “soft hands” have been attempted and resisted. This category includes suspects who are non-threatening and are very young, or old, or infirm or disabled in an obvious manner.
3. Non-violent demonstrators, who are subject to lawful arrest, and who engage in peaceful noncompliance should not be sprayed unless all other reasonable means have been exhausted to affect the arrest. Peaceful noncompliance is not considered resisting as described in section (2) of this rule. This section does not preclude the use of OC spray should the arrestee threaten the officer or physically resist the efforts to arrest which may result in a risk to the safety of the officer or others.

#### RULE C.

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

1. After the officer has attempted “soft hand” techniques and the arrestee resists the attempt, or
2. When the officer reasonably believes the use of “soft hand” techniques may jeopardize the officer’s safety, or
3. When the circumstances reasonably indicate that attempting “soft hand” control may lead to an escalation of force with a risk of serious physical injury to the person being arrested or to the officer.

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#### RULE D.

A person who assaults an officer, or whose conduct reasonably appears to be an imminent threat to the safety of the officer or others, who resists “soft hand techniques, or flees from lawful arrest or custody, is subject to use of OC spray. Verbalizing and warning are not required.

#### RULE E.

A prisoner lawfully confined in a detention or correctional facility, before or after conviction of a crime, is subject to the use of OC spray when:

1. The prisoner assaults or threatens imminent assault of any person, or by language or any conduct incites others to assault any person, or damages property of the facility or any person, or
2. The prisoner refuses to comply with a lawful command related to maintenance of the good order and security of the facility or court or refuses to comply with a lawful command to do any act, or refrain from doing any act, that is necessary for legitimate safety concerns of the institution or court security purposes.
3. Officers are not required to enter a locked area or attempt “soft hand” control technique before use of OC spray.
4. A warning before using OC spray is required if circumstances permit a warning without risk of injury to persons or property.

#### **F. Guidelines for Caring for Prisoners After OC Spray Use**

When the use of OC spray is necessary, the person being sprayed may experience elevated levels of emotional and physical stress. Officers using OC spray must follow the guidelines set forth in this Policy to ensure proper post-care of the arrestee who has been exposed.

1. Immediately advise the subject of the fact that OC spray was used. Reassure the subject of the temporary nature of the reaction to OC. Example: “You have been exposed to pepper spray. Don’t struggle. You will be ok. I have something to rinse your face and eyes.”
2. If circumstances allow, do not attempt to forcibly handcuff a sprayed prisoner immediately after spraying. Give the prisoner a brief opportunity, about 30 to 60 seconds, to react to the spray and overcome gagging and coughing. This gives the prisoner an opportunity to overcome the temporary effects of OC spray on the respiratory system unaffected by the physical stress of handcuffing.

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3. Some prisoners may panic and run blindly after being sprayed. Officers should anticipate the need to prevent injury during a panic reaction. Immediate restraint of a prisoner who panics may be necessary.
4. Rinse the affected areas with water or saline solution if available. Pour the liquid over the bridge of the nose so that it floods both eyes. Encourage the prisoner to blink his eyes repeatedly.
5. Officers should determine if the subject wears contact lens, Officers may handcuff a prisoner with hands in front if that is reasonably safe under the circumstances and when an opportunity is available, allow the prisoner to remove contact lens. First Responders may be called to help remove the contact lens from a sprayed prisoner.
6. Expose the sprayed prisoner to fresh air and ventilation. If circumstances permit after handcuffing the prisoner, delay putting the prisoner in a car for transportation until the OC spray has had a chance to dissipate. This delay may be as long as needed. Delayed transportation should occur only in instances in which it is reasonable to do so based on all surrounding safety and security factors.
7. Give the prisoner an opportunity to wash affected areas with soap and water after arriving at the Department or detention facility. Tell the prisoner to remove and wash contaminated clothing as soon as practical.
8. Officers should initiate immediate medical attention when: Gagging or breathing difficulties persist beyond an initial period of 2 to 4 minutes, or the prisoner loses consciousness, sweats profusely, appears sick, or Still significantly suffers from the effects of pepper spray more than 45 minutes after contamination.
9. If circumstances permit, when a prisoner complains of any medical problem, offer to take the prisoner to a hospital or be seen by EMS personnel. Advise the prisoner that any cost of medical care will be the prisoner's responsibility and will not be paid by the Department.
10. Ask if the prisoner suffers from bronchitis, asthma, or emphysema, or similar respiratory disease. If the answer is affirmative, initiate immediate medical attention – EMS, E.M.T., Rescue Squad, or Emergency Room.

#### **G. Guidelines for Monitoring a Prisoner's Medical Condition**

Any prisoner can suffer a medical emergency during arrest or while in custody. For prisoners with a bad heart condition, the emotional stress of arrest may provoke a heart attack. Prisoner with severe asthma can suffer a fatal bronchial attack from emotional or physical stress, even though force used to arrest was minimal. Medical emergencies aren't necessarily signaled by telltale symptoms. Officers must be alert to a medical crisis in any

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prisoner, no matter how trivial the crime or uneventful the arrest. Officers must use reasonable care in responding to a prisoner's medical needs.

1. For all arrestees sprayed with OC spray, continually monitor the level of consciousness and breathing. While totally uninterrupted monitoring may not be possible, officers should look and talk to the arrestee on a frequent basis during custody. Arrestees who have been sprayed with OC should not be left alone in a car or in a room. Do not assume a silent arrestee is asleep or harmlessly intoxicated. Monitor the subject for approximately 45 minutes, or until the arrestee is released from custody or turned over to another agency.
2. The following prisoners are in a "SPECIAL ATTENTION" category for medical emergencies:
  - (a) Prisoners who run from officers, or violently resist restraint, or try to assault officers.
  - (b) Prisoners substantially impaired by alcohol or drugs.
  - (c) Prisoners who are breathing very rapidly, or sweating heavily, or exhibiting pallid skin.
  - (d) Prisoners engaging in deranged and irrational conduct or speech.
  - (e) Very obese prisoners or prisoners with a known medical condition like diabetes, a seizure disorder, asthma, or heart trouble, or are of advanced age.
  - (f) Arrestees with any other signs of injury that may have been received before or during the arrest.

For "special attention" prisoners, an officer should monitor a prisoner's breathing and consciousness on an uninterrupted basis, unless a law enforcement emergency prevents it. If feasible, try to monitor a "special attention" prisoner at all times during and after arrest until the prisoner is released from custody or turned over to another agency. If back-up officers are available, use two officers to transport "special attention" prisoners, whenever possible.

"Special attention" prisoners should be asked if they are suffering any serious medical condition. If a "special attention" prisoner wants to be taken to a health care facility, that request should be honored if possible. Advise the prisoner that the cost of medical care must be paid by the prisoner and will not be paid by the Department. "Special attention" prisoners should be handcuffed with hands in front, not behind the back, unless officer safety considerations make that too dangerous.

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Look for a Medic Alert bracelet or necklace in making the determination if the sprayed subject may be a “special attention” prisoner.

3. If any prisoner, “special attention” or otherwise:

- (a) Loses consciousness or
- (b) Stops breathing, or
- (c) Suddenly becomes incoherent, or
- (d) Begins to hyperventilate, or
- (e) Starts to look very sick

Medical personnel should be called or made available without delay. This duty may be satisfied by calling for an E.M.S. unit or taking the prisoner to a hospital or medical facility, if one is relatively near. If a hospital or medical facility is not close by, the prisoner should be transported by ambulance or rescue squad.

- 4. Transport prisoners in an upright position with the seatbelt buckled. Do not transport prisoners lying face down or face up on the back seat. Do not “hog tie” prisoners by connecting foot and hand restraints. An arrestee placed in a horizontal or prone position may be at risk of positional asphyxia. Do not gag arrestees or cover the mouth or nose.
- 5. Notify jail personnel that your arrestee has been exposed to OC.

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|  | <b>POLICY # 800.05</b>            |                    |

## I. PURPOSE

To establish a Use of Force Continuum for guidance by sworn employees of the Landis Police Department.

## II. POLICY

The Use of Force Continuum is a guideline for officers in making critical use of force decisions. The below image illustrates the options that an officer has at each level of resistance. It should be noted that professional presence and verbal interaction are present at every level of resistance. An officer may lawfully use any amount of force listed on the continuum above as long as the amount of force used is reasonably necessary under the circumstances and, if feasible, after de-escalation techniques have been utilized.

## III. DISCUSSION

Both State and Federal law require that all force be reasonable. In *Graham v. Connor*, the United States Supreme Court stated, "the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, an officer should take into account his or her abilities.

In deciding which level of control an officer should use, the officer should reasonably believe that a lower level of control is not sufficient, and a higher level of control is not reasonably necessary. The Use of Force Continuum is not designed to be a rigid step-by-step progression; therefore, the escalation and de-escalation by the officer or the individual may not be sequential.

| Levels of Resistance | Cooperative                  | Non-Verbal and Verbal Non-Compliance | Passive Resistance | Active Resistance        | Assaultive              | Aggravated Active Aggression |
|----------------------|------------------------------|--------------------------------------|--------------------|--------------------------|-------------------------|------------------------------|
| Levels of Control    | Professional Presence        |                                      |                    |                          |                         |                              |
|                      | Verbal Dialogue and Commands |                                      |                    |                          |                         |                              |
|                      |                              |                                      |                    | Soft Empty Hand Control  |                         |                              |
|                      |                              |                                      |                    | Oleoresin Capsicum Agent |                         |                              |
|                      |                              |                                      |                    | Hard Empty Hand Control  |                         |                              |
|                      |                              |                                      |                    | Impact Weapon            |                         |                              |
|                      |                              |                                      |                    | Conducted Energy Device  |                         |                              |
|                      |                              |                                      |                    |                          | K-9 Deployment Off Lead |                              |
|                      |                              |                                      |                    |                          |                         | Deadly Force                 |

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#### IV. PROCEDURE

##### A. Reporting:

Any officer using force or involved in a use of force incident under the following circumstances will submit a use of force report prior to ending tour of duty. These reports shall be forwarded up the chain of command for administrative review. The officer will be contacted if the findings result in discipline.

1. Discharges a firearm for other than training or recreational purposes;
2. Takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. Applies force through the use of lethal or less lethal weapons; or
4. Applies weaponless physical force at a level as defined by departmental policy.

##### B. Levels of Resistance:

**Non-Verbal and Verbal Non-Compliance:** The individual expresses his intentions not to comply through verbal and non-verbal means. Statements by an individual ranging from pleading to physical threats may be encountered. This also includes physical gestures, stances, and subconscious mannerisms.

**Passive Resistance:** The individual does not cooperate with an officer's commands and does not take action to prevent being taken into custody.

**Active Resistance:** Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody. This action may include, but is not limited to, twisting, pulling, holding onto fixed objects, or running away.

**Assaultive:** A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. This aggression may manifest itself through punching, kicking, biting, or pushing.

**Aggravated Active Aggression:** Deadly force encounter. For example, actions likely to result in death or serious bodily injury; such as, discharge of a firearm, use of a blunt or bladed weapon, and extreme physical force.



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C. Levels of Control:

**Professional Presence:** The displays of visual images of authority as well as a professional manner are present at every level of resistance. This includes all symbols of police authority including the badge, uniform, and marked police vehicle.

**Verbal Dialogue and Commands:** Communication is critical to any potential use of force situation. This level of control includes any verbal requests, directions, or commands from the officer to an individual. Verbal interaction is present at every level of resistance.

**Soft Empty Hand Control:** These techniques are not impact oriented, and include pain compliance pressure points, takedowns, joint locks, come-along hold (including impact weapons used as a lever), and simply grabbing onto an individual.

**Oleoresin Capsicum (OC) Agent:** An OC agent is approved for use in situations where the officer believes that the attempts to control an individual(s) may result in injury to the individual(s) or the officer. OC should be utilized at a range of 3 to 8 feet and should be accompanied by loud verbal commands.

**Hard Empty Hand Control:** These techniques are impact oriented and include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to get an individual under control and include strikes to pressure points such as the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck). Defensive strikes are used by an officer to protect him or herself from attack and may include strikes to other areas of the body including the abdomen or head.

**Conducted Energy Device (CED):** The CED (TASER) is used in situations where there is active resistance and the arrestee presents the potential of causing injury to the officer, himself or herself, or another person.

**Impact Weapon:** Non-deadly impact weapon strikes are targeted towards major muscle groups.

**K-9 Deployment Off LEAD:** Taking into consideration the totality of the circumstance, using the information available to the officer(s) at the time of the incident, a three-part test should be used to satisfy and justify a canine deployment.

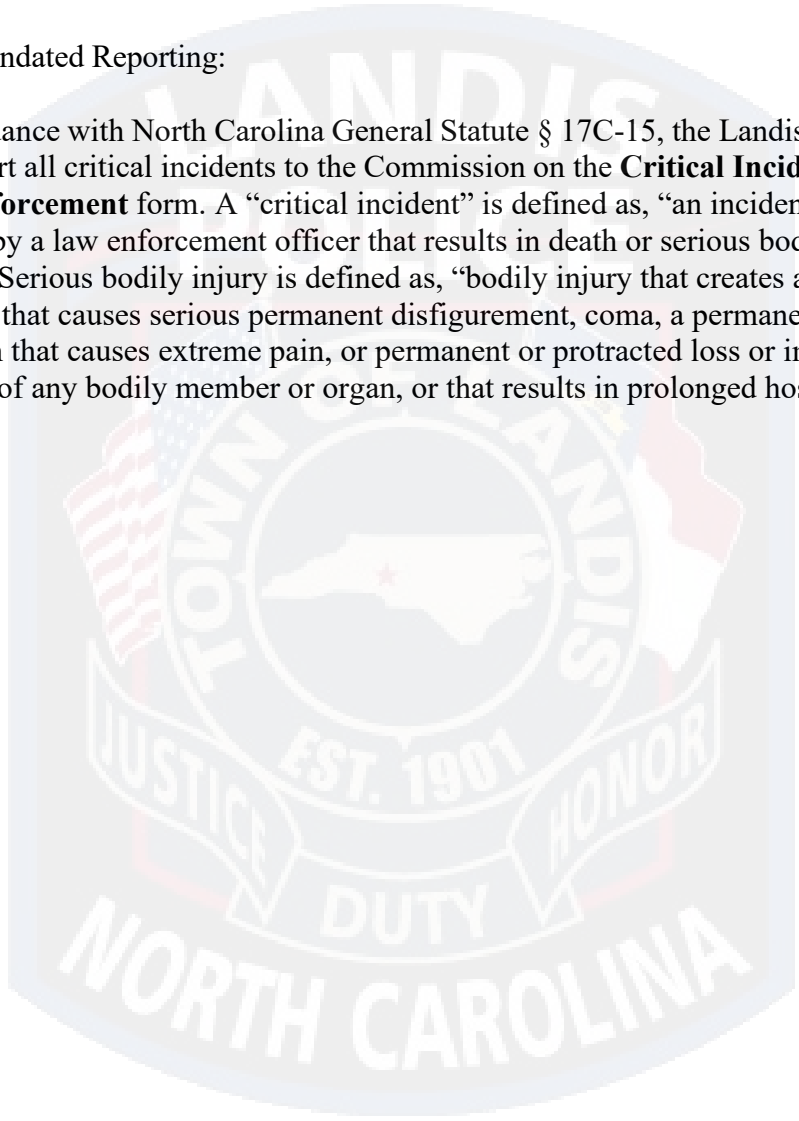
1. The severity of the crime;
2. Whether the suspect poses an immediate threat to the safety of the law enforcement officers or others; and
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

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**Deadly Force:** Deadly force is any manner of force that is reasonably likely to cause death or serious injury. This includes, but is not limited to, the use of a firearm, striking the head or neck area with an impact weapon, or chokeholds or strangleholds or any other trained technique that restricts oxygen or blood flow to the head or neck.

D. State-Mandated Reporting:

In accordance with North Carolina General Statute § 17C-15, the Landis Police Department will report all critical incidents to the Commission on the **Critical Incident Report for NC Law Enforcement** form. A “critical incident” is defined as, “an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person.” Serious bodily injury is defined as, “bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.”



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|  | <b>POLICY # 800.06</b>            |                    |

**I. PURPOSE**

The purpose of this policy is to provide officers of the Landis Police Department with guidelines on the use of deadly force.

**II. POLICY**

Officers of the Landis Police Department recognize and respect the integrity and paramount value of human life above all else. Consistent with this primary value is the Department’s full commitment to use force only when it is reasonably necessary and after de-escalation techniques have been utilized. In determining whether force is reasonably necessary, full consideration must be given to the fact that officers may be forced to make split-second judgments about the amount of force necessary in circumstances that are tense, uncertain, and rapidly evolving.

**III. DEFINITIONS**

- A. Deadly Force: Force that is reasonably likely to cause death or serious physical injury.
- B. Imminent: An event that is impending and likely to occur at any moment. In the case of deadly force, the suspect’s actions are likely to result in the death or serious bodily injury to an officer or another person.
- C. Reasonably Necessary: Facts and circumstances known to the officer at the time that he or she uses deadly force, including the logical inferences that can be drawn from them, that would cause a reasonable officer to believe that deadly force is appropriate.
- D. Serious Physical Injury: Bodily injury that creates a substantial risk of death, disfigurement, extreme pain, or permanent or long-term impairment.

**IV. APPLICATION**

This policy is for Landis Police Department use only. This policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the Town of Landis, its departments, officers, or employees, or any other person.

**V. 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

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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.
4. When it appears to be reasonably necessary to defend him or herself or another person from what the officer reasonably believes to be an imminent threat of death or serious physical injury posed by an animal.

**B. Verbal Warning**

If feasible, 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.

**C. De-escalation**

If feasible, trained de-escalation techniques will be utilized prior to using deadly force.

**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. At or from a moving vehicle, unless deadly force is being used against the officer or another person and the officer reasonably believes that no other option is reasonably available. Discharging a firearm in this circumstance 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. When confronted with an oncoming vehicle, an officer will not position him or herself in the path of the vehicle, but will take all reasonable steps to move out of the way.
3. To disable a motor vehicle, unless approved by a commander.
4. 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.

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**E. Pointing a Firearm at an Individual or Displaying Firearms**

1. 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.
2. Officers shall never display firearms unnecessarily or draw them in a public place except for the inspection or official use. Officers are specifically warned against any “dry-firing” of weapons at any other place besides the pistol range.

**F. Neck Hold Prohibited**

Law enforcement officers shall not use chokeholds or strangleholds or any other trained technique that restricts oxygen or blood flow to the head or neck unless deadly force is authorized.

**G. Duty to Intervene**

An officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized by North Carolina General Statute § 15A-401(d), and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force.

Additionally, the observing officer shall, within a reasonable period of time, not to exceed 72 hours thereafter, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the department, even if the observing officer did not have a reasonable opportunity to intervene.

If the Chief of Police was involved or present during what the observing officer reasonably believes to be the unauthorized use of force, the observing officer shall make the report to the highest-ranking law enforcement officer of the department who was not involved in or present during the use of force.

**VI. PROCEDURES FOLLOWING THE USE OF DEADLY FORCE**

**A. Medical Aid**

Whenever deadly force is used against a person and the person is injured or the person requests medical aid, the officer will immediately request medical assistance. Nothing prohibits an

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officer from immediately providing emergency care that he or she is properly trained and certified in administering.

**B. Officer’s Responsibilities**

An officer who is involved in a use of deadly force that results in the death or injury of another person, or in the discharge of a firearm at a person, will immediately notify the Communications Center of the incident and location, notify his or her supervisor, remain at the scene unless doing so would further endanger the officer and protect the discharged firearm as evidence. The officer shall make no comments about the incident except to the assigned supervisors, investigators, town legal advisor or the officer’s personal attorney or representative. Officer(s) involved in a shooting shall not change his/her appearance in any way until the investigating agency has contacted them. The clothing and equipment shall not be changed or removed from the officer unless the investigating agency or Chief of Police or designee approves otherwise.

**C. Responsibilities of On-Scene Patrol Supervisor**

The senior patrol supervisor on the scene of a use of deadly force incident will:

1. Assume command of the scene.
2. Ensure that the subject is no longer a threat and appropriate emergency medical care has been requested.
3. Ensure that patrol resources are available to secure the scene.
4. When the scene is secured, ensure that the officer(s) involved in the use of deadly force is sequestered in a safe location. The supervisor shall assign an officer to tend to the personal needs of the officer involved until the Chief’s designee arrives on the scene. Under no circumstances should the involved officer be isolated and left alone after the event.
5. Make notification to the Chief of Police.

**D. Duty to Report Use of Deadly Force**

Any officer who uses deadly force, or witnesses another officer use deadly force, will immediately contact his or her supervisor.

**E. Department Internal Investigation and State Bureau of Investigation**

Whenever an officer uses deadly force, an administrative investigation will be conducted to determine whether the officer’s action is consistent with department policy.

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The State Bureau of Investigation may be requested by the Chief of Police, his or her designee or the District Attorney, to conduct a criminal investigation. A detailed report should be submitted to the District Attorney’s Office by the investigating agency in a timely matter.

**F. Administration**

The Chief or his designee will ensure that the officer(s) involved in a shooting incident schedule mandatory counseling session with an approved psychologist. Where appropriate, other officers and telecommunicators may be referred on a voluntary basis.

**G. Shooting of Animals**

Officers will report all instances in which an animal is shot to their supervisor. The supervisor will decide whether further investigation is required.

**H. Administrative Leave**

1. Whenever the use of force by an officer results in the serious injury or death of a person, the officer initially will 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 appropriate days administrative leave with pay.
3. An officer placed on administrative leave will return to regular duties upon 24-hour notification.
4. An officer on administrative leave may not work at any law enforcement related secondary employment.
5. 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.

**I. Documentation of Use of Deadly Force**

The Landis Police Department Use of Force form will be completed whenever an officer is involved in a suspect non-compliance incident. The officer’s reviewing supervisor will ensure that the officer has properly documented the incident in a timely manner. The reviewing supervisor will investigate this incident and forward the results to the Chief of Police via the involved officer’s chain of command in a timely manner.

**J. Reporting of Discharging**

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Whenever an officer discharges his/her firearm either accidentally or in the performance of a police duty, except at an approved range, he/she shall notify his/her supervisor as soon as possible.

**VII. PROCEDURES RELATED TO PUBLIC DISSEMINATION OF INFORMATION POST USE OF DEADLY FORCE**

- A. The criminal investigative authority and the District Attorney’s Office shall collectively present public information on any investigation related to the use of deadly force that results in death or serious bodily injury. Early coordination among the agencies should ensure consistent opinions to effectively address public confidence concerns that could potentially detract from the quality and effectiveness of the investigation.
- B. Until authorized by the Chief of Police or designee, the name(s) of involved members will not be released by any member of the Landis Police Department.
- C. All Town of Landis press releases will be shared with the District Attorney’s Office.

**VIII. AWARENESS TRAINING**

- A. All department members that may be potentially impacted by a use of force incident or other law enforcement action that results in death or serious bodily injury will receive process training for managing such incidents, including but not limited to, structured delays in interviews of those involved and strategies that will be applied in preserving and collecting items of evidentiary value.
- B. All potentially impacted members of the department will receive awareness level training regarding use of force incidents.



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|  | <b>POLICY # 800.07</b>            |                    |

**I. PURPOSE**

The purpose of this policy is to provide officers of the Landis Police Department with guidelines for the use of non-deadly force.

**II. POLICY**

The Landis Police Department recognizes and respects the integrity and paramount value of human life. Consistent with this primary value is the Department's full commitment to use force only when it is reasonably necessary and after de-escalation techniques have been utilized. In determining whether force is reasonably necessary, consideration must be given to the fact that officers often are forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force necessary in a particular situation.

**III. DEFINITIONS**

- A. Imminent: An event that is impending and likely to occur at any moment.
- B. Less Lethal Option: Any force 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 weapons, and conducted energy devices.
- C. Non-Deadly Force: Any physical exertion or device that is used to restrain or control another, which is not reasonably likely to cause death or serious injury.
- D. Reasonably Necessary: Facts and circumstances known to the officer at the time that he or she uses force, including the logical inferences that can be drawn from them, that would cause a reasonable officer to believe that force is appropriate.

**IV. PROCEDURES FOR THE USE OF NON-DEADLY FORCE**

**A. Use of Non-Deadly Force During Arrest**

An officer may use non-deadly force upon another person when and to the extent that the officer believes it reasonably necessary and, if feasible, after trained de-escalation techniques have been utilized:

- 1. To 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

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2. To defend him or herself or another person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

**B. Verbal Warning**

If feasible, an officer will identify him or herself as a police officer and issue a verbal warning before using 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.

**C. Use of Force Continuum**

Officers should use only the amount of force that is objectively reasonable and necessary under the circumstances. The Use of Force Continuum is a guideline to assist officers in assessing which level of control may be appropriate when confronted with a certain level of resistance. The Use of Force Continuum does not replace the requirement that force must be objectively reasonable and necessary.

**D. Non-violent Passive Protests**

The use of OC spray or any other physical force will not be deployed immediately 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. Less Lethal Options**

1. Only officers with specialized training are authorized to use less lethal options and specialized equipment consistent with their training.
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) Chemical irritants
  - (b) Conducted Energy Devices
  - (c) Other equipment as approved by the Chief of Police that is designed to incapacitate, but not designed to deliver deadly force.

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**F. Impact Weapons**

1. Impact weapons may be used to strike a blow only when an officer is confronted with active resistance that is occurring or is imminent, against him/herself or another person.
2. The use of an impact weapon as a lever is considered a soft hands control.
3. The use of a flashlight, baton, or similar object as a club to strike a blow to the major muscle groups will be considered use of non-deadly force.
4. Any authorized Specialty Impact Munitions are considered impact weapons and will be used according to training.

**G. 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.
2. 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.
3. Any other tactic that is reasonably likely to result in death or serious injury unless deadly force was reasonably necessary.

**H. Duty to Intervene**

An officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized by North Carolina General Statute § 15A-401(d), and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force.

Additionally, the observing officer shall, within a reasonable period of time, not to exceed 72 hours thereafter, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the department, even if the observing officer did not have a reasonable opportunity to intervene.

If the Chief of Police was involved or present during what the observing officer reasonably believes to be the unauthorized use of force, the observing officer shall make the report to the highest-ranking law enforcement officer of the department who was not involved in or present during the use of force.

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|  | <p><b>POLICY # 800.07</b></p>            |                           |

**V. PROCEDURES FOLLOWING THE USE OF NON-DEADLY FORCE**

**A. Medical Treatment**

An officer will summon appropriate medical aid as quickly and as reasonably as possible when an individual requests medical assistance or, in the officer's opinion, the subject requires medical assistance. An officer also will summon medical assistance when required to do so by LPD policies. An officer will summon appropriate medical aid as quickly and as reasonably as possible if the officer is in doubt as to the necessity of medical treatment. After requesting the appropriate medical aid, the officer may render medical assistance within the limit and scope of his or her training. Those actions may include:

1. Increased observation of the subject to detect obvious changes in condition;
2. Render any first aid for which they are trained; and
3. Secure the scene to protect the subject from any further injury.

**B. Documentation**

1. Officers who use force on an individual will inform their supervisor as soon as practical, but no later than the next day.
2. Each officer using force must prepare and submit the proper report.
3. The following are examples of situations in which a report is required by the officer and review through the Chain of Command:
  - (a) An officer exercising police authority uses force which causes any visible or apparent physical injury, or which results in the subject saying he or she was injured.
  - (b) An officer exercising police authority uses any object, including baton, flashlight, and hand, fist, or foot, to strike a blow to an individual.
  - (c) An officer exercising police authority uses force that in any way causes an individual to suffer a blow to the head.
  - (d) An officer uses OC spray on an individual.
  - (e) An officer uses a less lethal option to effect the arrest of or to control an individual.
  - (f) A police canine bite.

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- (g) An officer exercises police authority on an individual resulting in the subject losing consciousness.
  - (h) Deployment of distractions devices.
4. A review through the Chain of Command or the Use of Force report is **NOT** required in the instances identified below unless the individual indicates s/he has been injured. In these instances, an officer will document the circumstances in the incident report. The following are examples of when an officer shall use this type of documentation:
- (a) Use of a pain compliance technique such as a pressure point, come-along or wrist lock.
  - (b) Use of the department issued leg restraint.
  - (c) An individual is taken to the ground.
  - (d) The subject has a pre-existing or a self-inflicted injury.
5. Any officer involved in a use of force situation is subject to the same reporting procedures as on-duty officers and officers engaged in law enforcement related secondary employment. When an officer is involved in a use of force situation, even if off-duty, s/he will notify an on-duty police supervisor immediately.

**C. Witness of Use of Force by an Employee**

Any employee, who witnesses a use of force that is required to be reported, will notify a supervisor immediately and complete a supplement report.

**D. Notification**

The officer or appropriate Supervisor will notify his or her chain of command all the way to the Chief of Police or designee as soon as possible whenever a department employee has inflicted serious injuries, regardless of the time of day.

# LANDIS POLICE DEPARTMENT

## Suspect Non-Compliance Form

|  |  |   |
|--|--|---|
| Date of Incident:  | Time of Incident:  | Case #:   |
| Address where force used:  |  |   |
| <b>Incident - General Information</b>  |  |   |
| <b>INITIAL CONTACT</b>   |  |   |
| <b>Call for service:</b> <input type="checkbox"/> Domestic <input type="checkbox"/> Civil disturbance/assault <input type="checkbox"/> Drunk/disorderly <input type="checkbox"/> Mental subject <input type="checkbox"/> Suspicious person<br><input type="checkbox"/> Larceny/shoplifting <input type="checkbox"/> Other                                      |  |   |
| <b>Officer Initiated:</b> <input type="checkbox"/> Traffic stop <input type="checkbox"/> Suspicious activity <input type="checkbox"/> Warrant service <input type="checkbox"/> Investigation <input type="checkbox"/> Field Arrest <input type="checkbox"/> Other  |  |   |
| <b>CONDITIONS</b>  |  |   |
| <b>Location occurred:</b> <input type="checkbox"/> Indoors <input type="checkbox"/> Outdoors   |  | <b>Light Conditions:</b> <input type="checkbox"/> Light <input type="checkbox"/> Dusk <input type="checkbox"/> Dark |
| <b>Weather conditions:</b> <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Ice/Snow   |  | <b>Wind:</b> Windy <input type="checkbox"/> Slight Breeze <input type="checkbox"/> Calm                             |
| <b>SUSPECT ACTIONS</b>   |  |   |
| <input type="checkbox"/> Resisted arrest <input type="checkbox"/> Physically aggressive <input type="checkbox"/> Verbal threats <input type="checkbox"/> Armed/list weapon: _____<br><input type="checkbox"/> Non-compliant <input type="checkbox"/> Assaults officer <input type="checkbox"/> Assault other <input type="checkbox"/> Other                    |  |   |
| <b>Type of Force Used by Reporting Officer (check all that apply)</b>  |  |   |
| <input type="checkbox"/> Physical <input type="checkbox"/> Chemical <input type="checkbox"/> Impact <input type="checkbox"/> Firearm <input type="checkbox"/> Vehicle <input type="checkbox"/> Aimed Firearm <input type="checkbox"/> CED <input type="checkbox"/> Other<br><b>Weapon Make:</b> _____ <b>Weapon Model:</b> _____ <b>Weapon Serial #:</b> _____ |  |   |
| <b>Subject Information</b>   |  |   |
| <b>Type of Subject</b> <input type="checkbox"/> Human <input type="checkbox"/> Animal (Type) _____   |  |   |
| <b>Subject Sex:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown   | <b>DOB/AGE:</b> _____  | <b>Subject complain of Injury:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No                         |
| <b>Subject Race:</b> <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Unknown  | <b>Subject Ethnicity:</b> <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown |   |
| <b>Subject Height</b> _____ <b>Subject Weight</b> _____  |  |   |
| <b>Subject Impairment:</b> <input type="checkbox"/> None <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Mental/Illness <input type="checkbox"/> Unknown  |  |   |
| <b>Subject Name:</b> _____   | <b>DOB:</b> _____  | <b>Phone Number:</b> _____  |
| <b>Subject Address:</b> _____  |  |   |
| <b>Subject Arrested:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list charges: _____   |  |   |
| <b>Reporting Officer Information</b>   |  |   |
| <b>Reporting Officers Name:</b> _____  |  | <b>Employee Number:</b> _____   |
| <b>R/O Age:</b> _____ <b>Ht:</b> _____ <b>Wt:</b> _____  | <b>R/O Years of Service:</b> _____   | <b>Incident Occurred:</b> <input type="checkbox"/> On duty <input type="checkbox"/> off duty                        |
| <b>Assisting Officer:</b> _____  |  | <b>Employee Number:</b> _____   |
| <b>A/O Age:</b> _____ <b>Ht:</b> _____ <b>Wt:</b> _____  | <b>A/O Years of Service:</b> _____   | <b>Incident Occurred:</b> <input type="checkbox"/> On duty <input type="checkbox"/> off duty                        |
| <b>Assisting Officer:</b> _____  |  | <b>Employee Number:</b> _____   |
| <b>A/O Age:</b> _____ <b>Ht:</b> _____ <b>Wt:</b> _____  | <b>A/O Years of Service:</b> _____   | <b>Incident Occurred:</b> <input type="checkbox"/> On duty <input type="checkbox"/> off duty                        |
| <b>Assisting Officer:</b> _____  |  | <b>Employee Number:</b> _____   |
| <b>A/O Age:</b> _____ <b>Ht:</b> _____ <b>Wt:</b> _____  | <b>A/O Years of Service:</b> _____   | <b>Incident Occurred:</b> <input type="checkbox"/> On duty <input type="checkbox"/> off duty                        |

| ADDITIONAL WITNESSES |                     |        |
|----------------------|---------------------|--------|
| Name:                | Address/Employee #: | Phone: |
| Name:                | Address/Employee #: | Phone: |
| Name:                | Address/Employee #: | Phone: |
| Name:                | Address/Employee #: | Phone: |
| Name:                | Address/Employee #: | Phone: |

**Chemical Munitions (OC, CS, CN)**

OC       CS       CN

Distance from subject when chemical munition was discharged. \_\_\_\_\_ Feet

Number of burst and time of each burst. \_\_\_\_\_ Burst approximately \_\_\_\_\_ seconds each      Number of 37/40mm rounds \_\_\_\_\_

Approximate time after exposure for chemical munitions to take effect: \_\_\_\_\_ seconds      \_\_\_\_\_ minutes

Manner in which subject restrained following use of chemical munitions:  Handcuffed behind back     Handcuffed hands in front

Other    After-use decontamination:  Flush with water     Flush with Saline Solution     EMS Unit     Wash with soap and water  
 Hospital or other Medical Facility     Rowan County Jail Decontamination Shower

Approximate suspects time of recovery after exposure: \_\_\_\_\_ seconds      \_\_\_\_\_ minutes

Subject had pre-existing condition of:  eye condition (wears glasses, contacts...)     Pregnant     impaired due to alcohol or drugs

Mental problems     Open wounds/other skin condition     Other     Unknown

Suspect complain of injury.  Yes     No

**CED**

CED Model (Check one)     Taser X26     Other

|                 |                     |         |              |
|-----------------|---------------------|---------|--------------|
| CED 1 Serial #. | Cartridge Serial #. | Length: | Cartridge #2 |
| CED 2 Serial #. | Cartridge Serial #. | Length: | Cartridge #2 |

Number of Air Cartridges Fired: \_\_\_\_\_

- 1<sup>st</sup> Cycle - Duration of cycle \_\_\_\_\_ Sec(s)
- 2<sup>nd</sup> Cycle - Duration of cycle \_\_\_\_\_ Sec(s)
- 3<sup>rd</sup> Cycle - Duration of cycle \_\_\_\_\_ Sec(s)
- 4<sup>th</sup> Cycle - Duration of cycle \_\_\_\_\_ Sec(s)
- 5<sup>th</sup> Cycle - Duration of cycle \_\_\_\_\_ Sec(s)

CED Contact: (Dart Probe)  Yes     No    Did probe penetrate skin:  Yes     No    (Drive Stun)  Yes     No    Both:

Distance from subject when dart was launched. \_\_\_\_\_

Feet Distance between two probes: \_\_\_\_\_ Inches

Probes removed on scene:  Yes     No

Probes removed By:  CED Operator     Medical Personnel     Other explain:

If the CED deployment was unsuccessful was a DRIVE STUN follow-up used?  Yes     No

Did the device respond satisfactorily?  Yes     No    If no explain:

**Injuries, Medical Treatment and Care**

Law Enforcement officer injured:  Yes     No

If Yes, Injury Type:  Bruises     Lacerations     Other explain:

Offender force used on injured:  Yes     No

If Yes, Injury Type:  Bruises     Lacerations     Other explain:

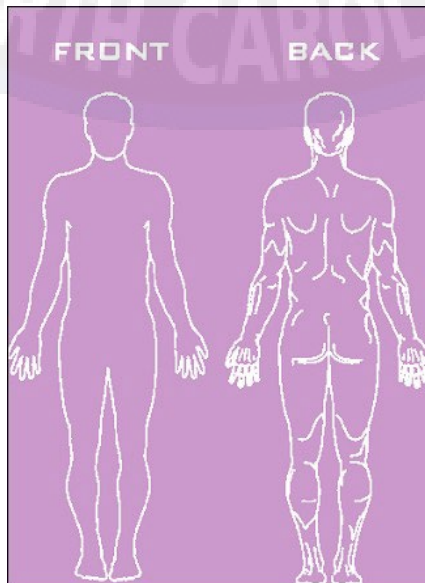
Photographs of injuries:  Yes     No

Medical Treatment  Paramedic     Jail Medical Staff     Hospital     Refused

Describe Injury:

**Application Areas (All Weapons)**

(Place "X's" where probes hit suspect and "O's" where stunned)



Reporting Officer: \_\_\_\_\_ Date of Report: \_\_\_\_\_  
 \*\*\*\*\*

Supervisors Findings: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 \*\*\*\*\*

Assistant Chief Comments: \_\_\_\_\_

Assistant Chief Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 \*\*\*\*\*

Chief of Police Comments: \_\_\_\_\_

Chief of Police Findings: ( ) Justified ( ) Not Justified

Chief Of Police: \_\_\_\_\_ Date: \_\_\_\_\_

**Additional Officer Information**

|                                 |     |                  |                       |   |
|---------------------------------|-----|------------------|-----------------------|---|
| <b>Assisting Officers Name:</b> |     | Employee Number: |                       |   |
| A/O Age:                        | Ht: | Wt:              | A/O Years of Service: | Incident Occurred: <input type="checkbox"/> On duty <input type="checkbox"/> off duty |
| <b>Assisting Officer:</b>       |     | Employee Number: |                       |   |
| A/O Age:                        | Ht: | Wt:              | A/O Years of Service: | Incident Occurred: <input type="checkbox"/> On duty <input type="checkbox"/> off duty |
| <b>Assisting Officer:</b>       |     | Employee Number: |                       |   |
| A/O Age:                        | Ht: | Wt:              | A/O Years of Service: | Incident Occurred: <input type="checkbox"/> On duty <input type="checkbox"/> off duty |
| <b>Assisting Officer:</b>       |     | Employee Number: |                       |   |
| A/O Age:                        | Ht: | Wt:              | A/O Years of Service: | Incident Occurred: <input type="checkbox"/> On duty <input type="checkbox"/> off duty |

**ADDITIONAL WITNESSES**

|       |                     |        |
|-------|---------------------|--------|
| Name: | Address/Employee #: | Phone: |
| Name: | Address/Employee #: | Phone: |
| Name: | Address/Employee #: | Phone: |
| Name: | Address/Employee #: | Phone: |
| Name: | Address/Employee #: | Phone: |



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|  | <b>POLICY # 800.08</b>            |                     |

## I. Purpose

To establish guidelines and procedures for conducting searches of persons, vehicles and property with or without search warrant.

## II. Policy

Landis Police Department shall conduct all searches and seizures in a lawful manner. Doing so protects the Constitutional rights of citizens, prevents suppression of evidence and serves to maintain public confidence in the Department's mission to carry out the police function in an ethical and legal manner.

## III. Definitions

- A. Body Cavity Search: A visual or manual inspection for contraband or weapons of the suspect's rectal or genital body cavities.
- B. 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.
- C. 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.
- D. Frisk: Patting down a person's outer clothing when the person has been lawfully detained, and the officer has articulable reasonable suspicion that the person possesses a weapon. A frisk also may be conducted pursuant to consent.
- E. Search: An attempt to locate or secure evidence from a person, vehicle, structure or an area and/or an attempt to apprehend suspects.
- F. Search Incident to Arrest (SITA): The authority of an officer to search a person or vehicle upon arrest and lungable area.
- G. Search Warrant: A written order, signed by a magistrate or other judicial official, directing a police officer to search a specific location for specified property or persons.
- H. 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.

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- I. Strip Search: A search for contraband or weapons by removal or partial removal of a person's clothing for inspection of the skin surface, inspecting the genital area, buttocks or breasts.

#### IV. Procedures

##### A. Frisk of persons

###### 1. Requirements

Officers may conduct a frisk of an individual when:

- (a) Officers have a legitimate reason to encounter or confront the person and
- (b) Officers have reasonable suspicion that the person is armed and presents a threat to their safety or the safety of others

###### 2. Scope of frisk

- (a) Officers may pat the outer clothing to determine whether the person has a weapon. If an officer detects a weapon during the frisk, it may be seized.
- (b) Reasonable suspicion to frisk does not authorize a search of a person.

##### B. Frisk of Vehicles

###### 1. Requirements

- (a) Officers have a lawful justification to be at the location in or near the vehicle; and
- (b) Officers have reasonable suspicion to believe a person is dangerous and that a weapon that could be used to harm them may be in the vehicle.

###### 2. Scope of Vehicle Frisk

- (a) Officers may frisk the interior passenger area of a vehicle and any unlocked containers that are accessible and capable of containing a weapon.
- (b) The frisk may be no more intrusive that is necessary to locate weapons.

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C. Protective Sweep in a Premises Where Arrest is Made

1. Structures: Officers may conduct a limited sweep of a place when they are lawfully present in the premises to make an arrest as follows:
  - (a) Incident to a lawful arrest in the premises, officers may, without any further justification such as reasonable suspicion or probable cause, search areas and spaces immediately adjoining the place of arrest from which an attack on them from another person could occur. The purpose of this search is to locate people who may pose a danger, not to look for evidence.
  - (b) Incident to a lawful arrest in the premises, officers may conduct a warrantless sweep of the remainder of the premises **if** they have reasonable suspicion that the premises harbor a person who is a danger to the officers.
  - (c) Incident to a lawful arrest in the premises, officers may make a protective sweep for weapons **if** they have reasonable suspicion that the search is necessary for their protection.

D. Search of Arrestee Incident to Arrest

1. Requirements
 

The officer has made, or is in the process of making, a lawful custodial arrest.
2. Scope of search
  - (a) Officers may search the arrestee's person.
  - (b) Officers may search the arrestee's lunge area including any unlocked containers or objects within the arrestee's immediate control.

E. Search of a Vehicle Incident to Arrest of Occupant

1. Police are authorized to search the passenger compartment of a vehicle incident to arrest of an occupant; or recent occupant when
  - (a) The arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search; or
  - (b) It is reasonable to believe that evidence relevant to the crime of arrest might be found in the vehicle.

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F. Consent Search

1. The consent to search a person, vehicle or premises, must be given by:
  - (a) The person to be searched;
  - (b) The registered owner of a vehicle to be searched or by the person in apparent control of its operation and contents at the time the consent is given;
  - (c) A person who by ownership or otherwise is reasonably apparently entitled to give or withhold consent to a search of premises.
2. A search conducted pursuant to consent may not exceed, in duration or physical scope, the limits of the consent given. Consent must be freely and voluntarily given.
3. The person who consents may at any time during the course of the search withdraw that consent. Officers are not required to advise the person of the right to withdraw consent. If consent is withdrawn, the search will cease immediately, unless continuation of the search is otherwise justified as matter of law.
4. Upon completion of the search, the officer must make a list of the things seized, and must deliver a receipt embodying the list to the person who consented to the search and, if known, to the owner of the vehicle or premises searched.

G. Execution of Search Warrants

1. All search warrant affidavits must comply with North Carolina General Statute 15A-244.
2. In preparing the affidavit, the officer will verify addresses, may conduct surveillance and gather other corroborating information, and take other appropriate measures to ensure accuracy of information relied upon in the affidavit.
3. Prior to the service of a search warrant, a meeting is to be held for personnel assigned to execute the search. When a pre-search meeting is conducted, the following will be established:
  - (a) The person in charge of the search warrant;
  - (b) The location and/or individual to be searched;
  - (c) Identification of existing hazards;
  - (d) The layout of the buildings, if known; and
  - (e) Assignments of assisting officers, as necessary to:

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- i. Cover front and rear of premises;
  - ii. To guard persons arrested;
  - iii. Search premises;
  - iv. Restrict access to authorized persons; and
  - v. Assign officer to handle any evidence.
4. Search warrant participants will wear conspicuously marked clothing clearly identifying them as police officers, in addition to displayed badges.
5. The officer executing a search warrant must, before entering the private premises, give appropriate notice of his identity and purpose to the person to be searched or the person in apparent control of the premises to be searched. If probable cause exists to believe that the giving of notice would endanger the life or safety of any person, entry may be made without notice.
6. Before undertaking any search or seizure pursuant to the warrant, the officer must read the search warrant order and give a copy of the warrant application and affidavit to the person to be searched, or the person in apparent control of the premises or vehicle. If no one is in apparent and responsible control of the premises or vehicle, the officer must leave a copy of the warrant affixed to the premises or vehicle.
7. The scope of the search may be only such as is authorized by the warrant and is reasonably necessary to discover the items specified therein. Upon discovery of the items specified, the officer must seize them. If in the course of the search the officer inadvertently discovers items not specified in the warrant, which are subject to seizure, he may also take possession of the items so discovered.
8. An officer executing a warrant directing a search of premises not generally open to the public or of a vehicle other than a common carrier may detain any person present for such time as is reasonably necessary to execute the warrant. Additionally, any person present at such a location may be frisked if the search relates to a potentially dangerous activity.
9. Upon the execution of a search warrant at a public place (for example, a tavern or restaurant), an officer may not automatically frisk a customer who was not named in the search warrant. To frisk such a person, the officer must possess reasonable suspicion that the person is armed and dangerous.
10. The executed search warrant must be returned without unnecessary delay to the Clerk of Court's office together with a written inventory of items seized. The inventory, if any, and return must be signed and sworn to by the officer who executed the warrant. The officer in charge is responsible for:

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- (a) Assuring that all evidence is accounted for;
  - (b) Security of the premises or vehicle; and
  - (c) Submission of all paperwork and evidence.
11. Search warrants must be executed within 48 hours from the time of issuance. Any warrant not served within this time limit is void and must be marked "Not Executed" and returned without unnecessary delay to the Clerk of Court's office.
  12. All officers involved in the execution of any search warrant will wear their personal body armor at all times while conducting the entry, search and prisoner transportation.
  13. If an officer executing a search warrant discovers that an incorrect person, vehicle, or place has been searched in error, the supervisor in charge of the search will:
    - (a) Explain clearly that the Police Department made an error and, if possible why the error was made;
    - (b) Apologize for any inconvenience;
    - (c) Notify the chain of command in writing;
    - (d) Notify the Town Attorney's Office in writing;
    - (e) Complete a report documenting circumstances; and
    - (f) Have photos taken of any damages.

NOTE: Some of the provisions of this section may not be applicable in certain circumstances, such as when a search warrant is obtained for blood or hair samples, for bank, medical, business records, phone records or any circumstances when the item(s) or record(s) sought are provided voluntarily without the necessity of a search.

#### H. Searching Premises

1. Officers will make reasonable efforts to conduct the search in a manner so as to leave the premises in the same condition as found based upon the circumstances of the search. Any evidence found by search team members should be noted and left in position. The officer responsible for evidence collection will be notified and may photograph and collect the evidence.

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2. All evidence will be handled in accordance with department policy. The officer in charge of evidence collection will complete all required reports before the end of the shift.

I. Inventory of Items Seized Pursuant to Search Warrant

An inventory of items seized will be completed as follows:

1. The officer in charge will write and sign a receipt itemizing the items seized which contains the name of the court which issued the warrant.
2. If items were seized from a person, the receipt must be given to that person.
3. If the items were seized from premises or vehicles, a receipt must be given to:
  - (a) The owner; or
  - (b) The person in apparent control of premises; or
  - (c) If no person is present, the receipt must be left in the premises or vehicle from which the items were taken.

J. Entry on Private Premises to Effect Arrest:

1. Absent consent or exigent circumstances, a Law Enforcement officer may enter private premises to effect an arrest when:
  - (a) The officer has in his possession an original arrest warrant or order for the arrest of a person. Additionally, an officer may rely upon a photocopy of an arrest warrant or order for arrest if the original warrant or order for arrest is possessed by a member of a law enforcement agency in the county where the officer is employed and the officer verifies with the agency that the warrant or order is valid. An original arrest warrant or order for arrest includes:
    - (i) A document first created and existing only in paper form;
    - (ii) A document received and printed through facsimile transmission; or
    - (iii) A document existing in electronic form in the Administrative Office of the Courts electronic repository (NCAWARE) which has been printed from the electronic form.
  - (b) The officer reasonably believes that the place to be entered is the defendant's residence;

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- (c) The officer has reasonable cause to believe the person to be arrested is present inside the premises; and
  - (d) The officer has given, or made reasonable effort to give, notice of his authority and purpose to an occupant thereof, unless there is reasonable cause to believe that the giving of such notice would present a clear danger to human life.
2. Any criminal process in the Electronic Repository (NCAWARE) may, at any time and at any place in this State, be printed in paper form and delivered to a law enforcement agency or officer by any judicial official, law enforcement officer, or other authorized person.
- (a) When printed in paper form pursuant to subsection (e) of this section, any copy of a criminal process in the Electronic Repository confers the same authority and has the same force and effect for all other purposes as the original of a criminal process that was created and exists only in paper form.
  - (b) Service of any criminal process in the Electronic Repository may be effected by delivering to the person to be served a copy of the process that was printed in paper form pursuant to subsection (e) of this section.
3. Absent consent or exigent circumstances, before entering the premises or residence of a person other than the defendant, officers must:
- (a) Have in their possession an original arrest warrant or order for arrest as described above, or have in their possession a photocopy of the warrant or order as described above; and
  - (b) Have in their possession a search warrant to search the third party's premises for the defendant; and
  - (c) Have reasonable grounds to believe that the defendant is present inside the premises.
- K. Warrantless Entry (Without Consent) Based Upon Exigent Circumstances
1. Entry to Arrest - Officers may enter private premises without a warrant or consent in order to arrest a person in the premises if:
- (a) Someone is likely to be killed or seriously injured unless immediate action is taken; or
  - (b) A serious or dangerous criminal offender is likely to escape apprehension unless immediate action is taken; or



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- (c) An arrest has been set in motion outside by a person who then flees to inside the premises; and
  - (d) There is probable cause to arrest the person sought; and
  - (e) There is probable cause to believe that the person sought is physically present in the premises at the time of entry.
2. Entry to Preserve Evidence - If there is probable cause to believe that critical evidence of a serious and/or dangerous offense is located within private premises and that the evidence is almost certain to be destroyed or removed unless immediate action is taken, the officer may enter without a warrant or consent to secure the premises while awaiting the arrival of a search warrant. Once the premises are secured, no further search shall be conducted unless:
- (a) A search warrant for the premises is on scene; or
  - (b) Consent to search has been obtained; or
  - (c) New or additional emergency circumstances arise necessitating additional warrantless search.
- NOTE: Warrantless entries based upon exigent circumstances must be reasonable in order to comply with Fourth Amendment requirements. A warrantless entry based on exigent circumstances is reasonable when the police did not create the exigency by engaging in or threatening to engage in conduct violating the Fourth Amendment.**
3. Crime Scenes - Upon arrival at a crime scene in private premises, an officer may enter the premises without a warrant or consent in order to:
- (a) Locate and secure perpetrators; and/or
  - (b) Provide assistance to injured or others requiring emergency assistance; and/or
  - (c) Locate and secure evidence, which is likely to be destroyed or lost by the passage of time.
4. Once these actions have been completed, no further search shall be conducted unless:
- (a) A search warrant for the premises is on the scene; or
  - (b) Consent to search has been obtained; or
  - (c) New or additional emergency circumstances arise.

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5. Urgent Necessity - Officers may enter private premises without a warrant or consent if it reasonably appears that such action is urgently necessary in order to:

- (a) Prevent death or serious physical harm; or
- (b) Avert or control public catastrophe.

L. Forcible Entry or Non-Consensual Entry:

1. An officer may use physical force to enter premises or vehicles with or without consent, if there is reason to believe that:

- (a) Admittance is being denied or unreasonably delayed; or
- (b) When necessary to save a life or prevent serious bodily harm; or
- (c) When the officer is in hot pursuit of a violator.

2. The term "forcible entry" shall include any entry into any building or vehicle that is made without consent. Forcible entry is entry by force, whether or not any physical damage is incurred to the property.

3. All forcible entries shall be reported to a supervisor and the supervisor shall report the action through his/her chain of command to the Chief of Police by memorandum, which shall contain, at a minimum, the following:

- (a) Information pertaining to the person sought;
- (b) The charges against the person sought;
- (c) Location of occurrence;
- (d) Damage incurred, if any;
- (e) Statement of probable cause necessitating the entry; and
- (f) Reporting supervisor's findings, justification, and recommendations concerning the entry.

4. Photographs should be taken of any damage incurred to the premises, and forwarded with the report.

5. No officer is to make any statement regarding liability for repairs due to any forcible entry. Such determination for repairs will be handled through the Office of the Chief.

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## M. SEARCHES OF PERSONS

On occasion, an officer will possess facts that indicate a strip search or a body cavity search is necessary in order to locate evidence of a crime.

### 1. Strip Searches

- (a) A strip search is a search in which a person is asked to remove a portion of that person's clothing for a visual inspection of the person's body and a search of the clothing that has been removed.
- (b) Strip searches should only be conducted if the officer has a search warrant for the person, or if the person is under arrest, or if the person consents to be searched. Consent should be documented. A strip search of a juvenile shall only be conducted if the officer has a search warrant for the juvenile, or if a parent or legal guardian consents in writing.
- (c) Strip searches are to be conducted in a manner that protects the privacy interests of the person to be searched. An officer of the same sex as the subject must conduct the search.
- (d) All strip searches of transgender persons will be performed by an officer of the gender requested by the transgender person. The request shall be documented. If the person refuses or is unable to specify a gender preference, then the search will be performed by an officer of the same gender as the person's apparent gender presentation.
- (e) A strip search is not to be conducted routinely, randomly or at the whim of an officer. Strip searches should only be conducted when the officer can articulate the facts to justify the need for a strip search. Officers should consider all of the facts, circumstances and the officer's experience to articulate why the person is suspected of concealing contraband, weapons, drugs, or some other prohibited substance or property. The nature of the crime being investigated should be considered, particularly if the crime involves weapons or contraband and the suspect has a prior history for concealing evidence on the suspect's body. The mere fact of arrest does not automatically justify a strip search.
- (f) Strip searches should be conducted under conditions that provide privacy from all but those authorized to conduct the search. Field strip searches may be conducted, except for a juvenile, under exigent circumstances only if there is probable cause to believe that the life of officer or others may be placed at risk. A field strip search must be done discreetly and out of the view of the public.

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- (g) Before a strip search is conducted the searching officer must obtain authorization from a supervisor.
- (h) After conducting a strip search, the searching officer will complete a supplement articulating reasons for the search; whether the search was incident to arrest, with a search warrant or by consent; the name of the supervisor authorizing the strip search; the location of the search; the manner in which the search was conducted; name of the officer(s) participating in the search; and whether or not evidence was located.

## 2. Body Cavity Searches

Should visual examination during a strip search or other information lead an officer to have probable cause to believe that a suspect is concealing a weapon, or evidence of a crime or contraband in a body cavity such as the rectal or vaginal cavity, the following procedures shall be followed:

- (a) The officer shall consult with his immediate supervisor to determine whether probable cause exists to arrest the subject and seek a search warrant for a body cavity search.
- (b) The search shall be conducted by appropriate medical personnel.
- (c) A person can consent to a body cavity search by medical personnel.
- (d) A body cavity search shall be performed pursuant to a search warrant or consent by a physician or appropriate medical personnel at the physician's direction.
- (e) Only an officer of the same sex as the person being searched will be present when the search is conducted. Where the person to be searched is transgender, the observing officer's gender will be determined according to the guidelines in M(1)(d) of this policy.
- (f) Body cavity searches shall be performed with due recognition of privacy and hygienic concerns.
- (g) The physician or appropriate medical personnel at the physician's direction shall furnish a copy of his or her report to the officer serving the search warrant.
- (h) After the search is complete, the officer will complete a supplement articulating the reasons for the body cavity search, including the location of

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the search, the manner in which it was conducted, and whether evidence was located.

### 3. Search of Mouth for Ingested Contraband

- (a) 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. The goal of the officer is to get the person to spit out the illegal substance. Officers should not place their hands or fingers into the person's mouth to retrieve the item.
- (b) If the person is believed to have swallowed the illegal substance, officers will immediately call for medical assistance and a supervisor.
- (c) All actions taken in response to possible ingested contraband shall be documented in a supplemental report.
- (d) Officers shall not choke, or attempt to choke, a suspect to prevent the ingestion of material into the person's mouth.

### N. Vehicle Exception

The vehicle exception provides that if an officer has probable cause to believe that a readily mobile vehicle has evidence or contraband located in it, a search of that vehicle may be conducted without first obtaining a warrant.

#### 1. Requirements

- (a) There must be probable cause to believe that evidence of a crime or contraband is located in the vehicle to be searched.
- (b) The vehicle must be located in a public place. The vehicle need not be moving at the time it is encountered, but must be capable of ready movement.

#### 2. Scope of Search

- (a) Every part of the vehicle where the object of the search could be located may be searched including locked and unlocked containers and the trunk.
- (b) A search conducted pursuant to the vehicle exception may be conducted at the scene or at a different location, such as law enforcement facility, if the vehicle is seized.

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## I. PURPOSE

Establish departmental policy regarding arrest and detention.

## II. POLICY

Officers of the Landis Police Department will exercise the power of arrest in conformity with controlling law and departmental policies.

## III. DEFINITIONS

- A. Arrest: The seizure of a person based upon probable cause to believe the person has or is committing a crime.
- B. Citation: a directive, issued by a law enforcement officer or other person authorized by statute, that a person appears in court and answer a misdemeanor or infraction charge or charges.
- C. Investigative Detention: The temporary seizure of a person based upon reasonable suspicion that the person has committed, is committing or is about to commit a crime.
- D. Probable Cause: Articulate facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would establish a fair probability that a crime has been committed and that a particular person committed.
- E. Reasonable Suspicion: Articulate facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would cause an officer to suspect that a person has been, is, or is about to be involved in criminal activity.
- F. Criminal Summons: A criminal process containing a statement of the crime or infraction of which the person to be summoned is accused, and an order directing that the person so accused appear and answer the charges made against him or her notifying a person to appear in a court of law to answer charges of a criminal violation.
- G. Warrant for Arrest: A criminal process that contains a statement of the crime of which the person to be arrested is accused, and an order directing that the person so accused be arrested and held to answer to the charges made against him or her. An arrest warrant must be based upon probable cause supported by oath or affirmation and is issued by a judicial official when it appears to the judicial official that the person should be taken into custody.

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#### IV. PROCEDURES

##### A. Police Duties Upon Arrest

1. An arrest is complete when the person submits to the control of the arresting officer, or the arresting officer takes the person into custody by the use of physical force. Upon making an arrest, the officer must:
  - (a) Verbally identify oneself as a police officer unless one's identity is otherwise apparent; and
  - (b) Inform the arrested person that s/he is under arrest; and
  - (c) As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.
  - (d) Ensure appropriate medical aid is offered if there is an injury during apprehension.
2. The arresting officer will ensure post-arrest processing of the person in accordance with NCGS § 15A-501, 15A-502, and 15A-502.1 as applicable. Upon the completion of all post-arrest processing, the arresting officer is to take the person arrested before a judicial official without unnecessary delay.
3. Arresting officers are responsible for fingerprinting the arrestee.
4. Whenever an officer has made a custodial arrest for any type of criminal offense, the arresting officer shall complete an arrest report and submit it to his immediate supervisor for review.

##### B. Alternatives to Arrest

Officers may exercise discretion when an arrest may not be the best alternative under the circumstances. Utilizing alternatives to arrest must respect the rights of the parties involved. Alternatives to arrest may include, but are not limited to, the following:

###### 1. Citations and Summonses

These enforcement procedures do not involve taking the person charged into custody.

###### 2. Warnings

Police officers may exercise discretion in minor traffic and ordinance violations by delivering oral and/or written warnings.

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### 3. Informal Resolutions

In some instances, the interests of the parties involved are satisfied better by a mediated settlement on the scene rather than a formal prosecution in court. Resolutions of this nature should be by agreement with the affected parties and should not be employed as an excuse for not effecting an arrest. Also, informal resolutions are not permitted where an arrest is mandated as matter of law (e.g., defendant's violation of a 50B domestic violence order).

### 4. Pretrial Release Procedures

Pretrial release procedures are governed by Chapter 15A, Article 26 of the North Carolina General Statutes (§§ 15A-532-15A-535). Only judicial officials as defined in N.C.G.S. 15A-101(5) may determine conditions for pretrial release. Landis Police officers shall appear and testify in pretrial proceedings as required.

## C. Discontinuation of Arrest Custody

1. On occasion, an officer will make an arrest, and then learn shortly thereafter that probable cause for the arrest is insufficient or has evaporated altogether. In some cases, there is simply a realization that the wrong person has been arrested in error. In other cases, police discover new information or evidence. Continued arrest custody of a person after the evaporation of probable cause is inconsistent with the principles of the Fourth Amendment to the United States Constitution.
2. The following procedures shall be observed in the event that probable cause to arrest evaporates:
  - (a) If, following arrest but before transport to the jail or Magistrate, probable cause to arrest evaporates, the officer shall release the person as soon as practicable in a location of the person's choosing, if that location is reasonably safe and if circumstances permit. In such cases, the officer shall document the reasons for the arrest, as well as the reasons for the release from custody, and the officer also shall notify a supervisor of those actions as soon as possible.
  - (b) If, after commitment of a person to jail, an officer discovers new information and/or realizes an error that causes probable cause to evaporate, the officer shall immediately consult with a supervisor and with the appropriate District Attorney's office in order to determine the proper procedure for causing the release of the person.



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#### D. Investigative Detention

1. An investigative detention (stop) is a seizure of a person and therefore requires articulable factual justification in order to be “reasonable” under the Fourth Amendment. Voluntary contacts or encounters with people that are not seizures do not require legal justification.
2. Prior to conducting an investigative detention, an officer must have “reasonable suspicions” of criminal activity on the part of the person to be detained. Reasonable suspicion must be determined from the facts known to the officer at the time of the stop, not from the results of any subsequent search.

#### E. Authority to Stop Without Reasonable Suspicion

An officer may stop a person under certain circumstances when s/he does not have reasonable suspicion to believe that the person is committing a crime if there is a proper justification for interfering briefly with the person’s freedom. The following are recognized circumstances in which such stops are authorized:

1. Stopping a person to serve a criminal summons, citation, nontestimonial identification order, subpoena, or any other kind of legal process that does not permit the officer to take the person into custody;
2. The exercise of special statutory authority to limit or restrict the movement of persons during public emergencies in order to save life, prevent serious bodily harm, or avert a public catastrophe;
3. Stopping and detaining a person during the execution of a search warrant to search a private premise as permitted by applicable law;
4. The systematic stopping of drivers of vehicles at vehicle checkpoints as permitted by applicable law.

#### F. Vehicle Stops

Stopping a vehicle requires only “reasonable suspicion” that the operator or an occupant of the vehicle has committed or is committing a criminal offense or motor vehicle infraction. Probable cause to arrest is not required in order to conduct a motor vehicle stop. Occupants of lawfully detained vehicles can be ordered to exit the vehicle and also may be frisked for weapons when reasonable suspicion exists to believe the driver or occupant may be armed.

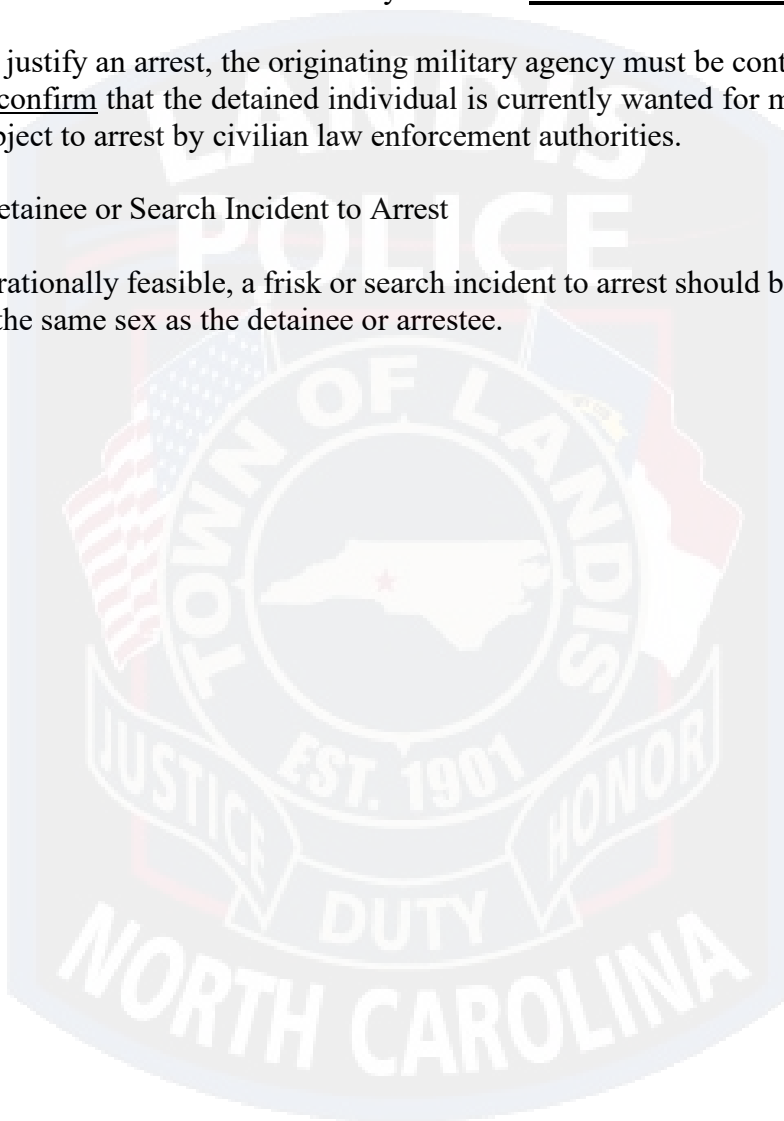
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G. Military Deserters

1. Officers may effect the investigative detention of an individual based upon information contained in the Department of Army Form DA 3835 or entry of the individual into NCIC as a military deserter. **This does not authorize an arrest.**
2. To justify an arrest, the originating military agency must be contacted via DCI/NCIC to confirm that the detained individual is currently wanted for military desertion and subject to arrest by civilian law enforcement authorities.

H. Frisk of Detainee or Search Incident to Arrest

When operationally feasible, a frisk or search incident to arrest should be conducted by an officer of the same sex as the detainee or arrestee.



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|   | <b>POLICY # 800.10</b>            |                     |

## I. PURPOSE

The Mission and Purpose of this Policy is to establish Policy and Procedure for officers and employees of the Landis Police Department concerning Police vehicular pursuits.

## II. DISCUSSION

Because of the nature of the Police role, some instances of Police pursuit are both necessary and unavoidable. However, no assignment is of such importance, and no task is to be expedited with such emphasis, that the principals of safety become secondary. There is no act of such magnitude that justifies disregard for the welfare of innocent persons.

Vehicle pursuits are inherently high-risk situations which when engaging require that restrictions be placed on their use. Further, officers must carefully exercise discretion during a pursuit. This discretion involves the consideration of complex and sometimes unpredictable factors, which may continually change during the pursuit requiring a continued assessment of the risks involved in the pursuit. This directive provides restrictions on the use of vehicle pursuits and guidelines for officer discretion. At all times, pursuing vehicles shall be operated in a reasonable and prudent manner with a due regard for the safety of all persons using the roadways.

## III. DEFINITIONS

- A. Pursuit: An active attempt by a law enforcement officer in a police vehicle to apprehend one or more occupants of a moving motor vehicle providing the driver of such vehicle is reasonably likely to be aware of the attempt and the resisting apprehension by maintaining or increasing speed or using evasive tactics.
- B. Imminent Threat: There is a significant likelihood, based upon known facts, of death or serious injury if apprehension is delayed.
- C. Parallel Pursue: Occurs when an uncommitted unit travels on a roadway, different from the one, which the pursuit is occurring, in such a manner as to maintain close proximity and similar direction to the active pursuit.
- D. Primary Unit: The police unit, immediately behind the suspect vehicle, that engages in a pursuit.
- E. Secondary Unit: The police unit assigned and authorized to assist the primary unit. In the event the primary unit becomes disabled the secondary unit may assume control of the pursuit.
- F. Uncommitted Units: Other police units not actively engaged in the pursuit.
- G. Controlling Supervisor: The patrol supervisor in direct control of the pursuit. Normally, the Captain of the patrol team or his designee.

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- H.** Terminate: The language used by the controlling supervisor, other command personnel with appropriate authority, or officers engaged in a pursuit to clearly direct the pursuit to cease immediately. Upon direction to terminate, engaged officers and/or supervisors shall comply by slowing down to the speed limit and turning off all emergency equipment.
- I.** Moving Roadblock: The surrounding of a pursued vehicle by police vehicles, which slow to a stop forcing the pursued vehicle to stop.
- J.** Stationary Roadblock: Any method, restriction or obstruction utilized for the purpose of preventing free passage of a pursued motor vehicle in order to affect the apprehension of a suspect in that motor vehicle. It does not include blocking the path of a non-moving vehicle.
- K.** Caravanning: Police vehicles, other than those assigned to the pursuit following the route of the pursuit in such a manner as to maintain close proximity to the pursuit.

#### IV. ADMINISTRATIVE PROCEDURES

All sworn personnel will review and sign-off on the Pursuit Policy. A documented annual review of the pursuit policy will occur during sworn personnel's in-service.

#### V. JUSTIFICATIONS FOR PURSUIT(S)

The decision to initiate pursuit must be based on the pursuing officer's conclusion that the imminent danger to the public created by the pursuit is less than the imminent or potential danger to the public should the suspect remain at large. **When an officer engages in a vehicle pursuit, he or she will not assume an operator or passenger is involved in something more serious just because s/he is fleeing. The act of failing to stop, in and of itself, does not constitute exigency or an imminent threat to the public.** Officers must rely on the totality of the circumstances at the time he or she decides to pursue a fleeing vehicle and justify the reasons for the pursuit in a written report. The goal of any pursuit is the safe apprehension of the suspect without posing a needless hazard to the public. Officers often work without a supervisor on duty; these officers will make the decision to pursue and shall consider all aspects of this policy before doing so. Officers and supervisors will be held to a professional standard of judgment and maturity consistent with the highest principles of law enforcement. Officers and supervisors should be prepared to justify decisions to engage in any pursuit.

#### VI. OBJECTIVE RISK FACTORS TO BE CONSIDERED IN VEHICLE PURSUITS

##### A. High Risk

1. Volume, type, speed and direction of vehicular traffic.
2. Frequent intersection streets (e.g., business district, residential, schools).
3. Poor weather conditions, slippery streets, low visibility.

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4. Road conditions, construction, poor repair, blind curves, narrow roads.
5. Population density and volume of pedestrian traffic.
6. Heavy, congested traffic.
7. Speed, mental condition, possible impairment of violator.
8. Hazardous maneuvers (e.g., driving against on-coming traffic, running through red lights or stop signs) by the violator.
9. Numerous police vehicles in pursuit (above authorized number)
10. Minors or hostages in vehicle.

**B. Police Officer Characteristics:**

1. Driving skills.
2. Familiarity with roads.
3. Condition of police vehicle.

**VII. VEHICLE PURSUITS SPECIFICALLY PROHIBITED**

Officers **shall not** engage in a pursuit under any of the following specific conditions:

- A. When the pursuing officer has reason to believe that the suspect is a juvenile under the age of 16 and the offender does not present an imminent threat to life.
- B. When it is possible for the pursuing officer to identify and apprehend the suspect at a later time and the suspect does not present an imminent threat to life.
- C. When the pursuit involves motorcycles, mopeds, minibikes, motor scooters, and the like, unless the officer reasonably believes that the suspect is, or has, engaged in violent conduct with the apparent intent to cause harm to the public or presents an imminent threat to life.
- D. When the initial violation is an infraction as defined by NCGS 14-3.1(a), and there is no indication the violator is an imminent threat to the public.
- E. When the initial violation is a misdemeanor crime and there is no indication the violator is an imminent threat to the public.
- F. When the pursuing officer's vehicle cannot be safely operated at pursuit speed.

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- G. When an officer is transporting non-sworn personnel unless exigent circumstances exist.

## VIII. VEHICLE PURSUITS SPECIFICALLY ALLOWED

Officers are allowed to engage in a vehicle pursuit if not prohibited by section VII above, *Vehicle Pursuits Specifically Prohibited*, or other parts of this policy or any other departmental policy. Nothing in this policy relieves pursuing officers of the duty and responsibility to drive with the due regard for the rights and safety of others.

Officers are allowed to engage in vehicle pursuits for crimes that constitute immediate threats to life. Examples include, but are not limited to: violent felonies (homicide, robbery, kidnapping, etc.) and dangerous and/or violent misdemeanors (driving while impaired, careless and reckless driving, assault by pointing a gun, etc.)

## IX. WHO MAY PURSUE

- A. Marked cars utilizing blue lights and siren may pursue fleeing suspects.
- B. Unmarked cars equipped with blue lights, siren, and radios may pursue fleeing suspects, only until assigned marked cars become involved as the primary and secondary units.
- C. Only the Primary Unit, Secondary Unit and Controlling Supervisor may be engaged in a vehicle pursuit at any given time.
- D. The controlling supervisor may engage in a pursuit regardless whether they are in a marked or unmarked unit.

## X. PROCEDURES AND RESPONSIBILITIES

### A. Primary Unit Responsibilities

1. The responsibility for the decision to engage in a pursuit rests with the individual officer. The officer engaging in a pursuit shall notify Communications immediately that a pursuit is in progress. The officer shall provide Communications with the following information:
  - (a) Unit number
  - (b) Offense or reason for the pursuit
  - (c) Location and direction of travel
  - (d) Vehicle and occupant descriptions

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(e) Any exigent or unusual circumstances, such as, but not limited to, children in the pursued vehicle, traveling the wrong way on a divided highway, the occupants displaying/using weapons, etc.

2. The primary unit is responsible for updating conditions and driver actions as they occur until the secondary unit becomes engaged in the pursuit. When the secondary unit becomes engaged, that unit will be responsible for radio communications throughout the pursuit.
3. The primary unit is responsible for listening to radio communications, correcting any miscommunication, complying with any directives, and acknowledging any termination notice. Upon termination of the pursuit the primary officer shall submit a "Pursuit" report to his/her supervisor.

#### **B. Secondary Unit Responsibilities**

1. The secondary unit identified as such by Communications or the Controlling Supervisor may actively engage in a pursuit. The secondary unit will notify the primary unit when he assumes radio communications.
2. The secondary unit will maintain a safe distance behind the primary unit and shall not pass the primary unit unless directed to do so by the primary unit or a supervisor. The secondary unit's role is to provide communications and back-up assistance to the primary unit.
3. The secondary unit is responsible for listening to radio communications, correcting any miscommunication, complying with any directives, and acknowledging any termination notice.

#### **C. Uncommitted Units**

1. Upon becoming aware of a pursuit, uncommitted patrol units in the area can move toward the vicinity of the pursuit.
2. At no time shall uncommitted units caravan or parallel pursue during a pursuit.
3. All other uncommitted units should remain aware of the direction and progress of the pursuit but should not actively participate.
4. Uncommitted units should make every effort to avoid crossing the path of an oncoming pursuit.

#### **D. Communications Responsibilities**

1. Acknowledge the pursuit, assign the secondary unit, and keep the radio channel open.

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2. Ensure that a patrol supervisor is notified of the pursuit.
3. Coordinate assistance from other personnel or agencies as directed.
4. Periodically repeat updated information relayed by the pursuing units or supervisors.
5. Perform relevant record and motor vehicle checks on vehicles and suspects and communicate any relevant information to pursuit units.
6. Broadcast any termination notice issued by the pursuing units or a supervisor. Any termination notice shall be relayed to any other personnel or agencies where assistance was requested.

#### **E. Supervisor Responsibilities**

1. Upon notification of pursuit, the controlling supervisor shall promptly acknowledge by radio and take command of the pursuit and ensure compliance with this directive and shall take immediate action to terminate the pursuit when appropriate.
2. The controlling supervisor shall weigh all objective risk factors in permitting a pursuit to continue. In allowing a pursuit to continue, the supervisor shall carefully consider whether the need to apprehend the suspect has been fully weighed against the dangers created by the pursuit.
3. The controlling supervisor has the authority to request, deploy, and assign additional assistance as needed.

### **XI. TERMINATION OF VEHICLE PURSUITS**

- A. Termination of a pursuit may be ordered by the primary unit, secondary unit, controlling supervisor, or a higher authority. Any officer with relevant information who deems a pursuit too dangerous to continue should report such facts to the controlling supervisor.
- B. Any decision to terminate must be reported to Communications for broadcast to all units.
- C. Any decision to terminate a pursuit will not be subject to negative criticism or disciplinary review.

### **XII. FORCED TERMINATION TECHNIQUES**

In some pursuits and cases of extreme emergencies, immediate action must be taken to terminate a pursuit. Immediate action includes Moving Roadblocks, Stationary Roadblocks or Tire Demobilization Device. Immediate actions as described in this section are to be employed only with the express authorization from the controlling supervisor and only when the pursuing officers have received formal



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training in such techniques. A written report and an administrative review will be conducted on each roadblock and forcible stop incident.

Intentionally ramming a fleeing vehicle is prohibited due to the possible deployment of the airbag or disabling of the police vehicle, unless the use of deadly force is authorized.

#### **A. Roadblocks**

Roadblocks and other mobile techniques designed to physically force the pursued vehicle to slow down and/or stop may contribute to the possibility of collision and are prohibited except where deadly force is authorized under Department Use of Force Policy and where the maneuver(s) can be conducted in a manner not reasonably likely to harm any innocent bystander or motorist.

1. Accountability for authorization of roadblocks rests with the supervisor in charge of the pursuit and his decision whether to utilize a roadblock must be in the best interest of the public and for the safety of the pursuing officers.
2. Ramming, stationary roadblocks, and other forced vehicle stops may be deadly force, depending on the likelihood that serious injury will be inflicted. Positioning moving pursuit vehicles to deter or channel a fleeing suspect is not deadly force and is allowed in compliance with this policy but must not create an undue risk of collision unless deadly force is authorized.

#### **B. Moving Roadblocks**

1. Supervisors and officers considering using moving roadblocks should at all times, balance the need for the roadblock against the potential dangers to the public of using the roadblock. Road conditions, traffic, intersections, terrain and other such factors should be considered before establishing a roadblock.
2. A moving roadblock is appropriate when it reasonably appears that there is imminent danger to life and property if the vehicle is not stopped at the earliest possible time, or the pursued vehicle refuses continually to stop after being properly signaled to do so. Officers using a moving roadblock should always exercise due regard for the safety of others and the roadblock should be broken if it prevents an unreasonable risk of injury to others. Officers operating vehicles involved in a moving roadblock will use blue lights and siren at all times.

#### **C. Stationary Roadblocks**

1. Only a supervisor or higher authority may authorize a stationary roadblock.
2. A stationary roadblock is authorized only as a last resort. The danger to life and property must require such action. In addition, it must appear to the supervisor that such action is likely to result in the apprehension of the suspect.

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3. The supervisor in charge will decide whether to use a partial or complete roadblock. The least obstructive roadblock necessary to meet the situation should be authorized. The complete roadblock is the most obstructive and should be used only in the most extreme situations.

**D. Procedures for implementation of Roadblocks**

1. No roadblock shall be ordered or set except as clearly allows approaching traffic (including the pursued vehicle) to come to a safe stop at the roadblock, without collision.
2. In allowing for safe stopping distance in advance of the roadblock, the likely or possible speed of the pursued vehicle shall be carefully considered, along with other factors such as visibility, terrain, road conditions, weather, etc.
3. Officers involved in a roadblock activity shall remain clear of the immediate area and in safe position in case the pursued driver chooses to collide with or attempt to avoid the roadblock.
4. Once a roadblock is ordered, Communications personnel shall immediately broadcast its location. Officers in pursuit shall then reduce speed and increase distance between themselves and the pursued vehicle.

**E. Tire Deflation Devices (TDD)**

1. Prior to deploying TDD, officers shall have completed training on the use of these devices.
2. Either of the following two criteria shall be met prior to the deployment of TDD:
  - (a) There is reasonable cause to believe the suspect has committed an offense and his immediate apprehension is justified under Landis Police Department Policy governing vehicle pursuits; and  
  
The suspect has been given warning by appropriate siren and blue lights and refuses to stop the vehicle.
  - (b) The TDD is being deployed to stop a stationary vehicle that is attempting to flee the scene.
3. Officers deploying TDD shall consider the following prior to deployment of the TDD:
  - (a) An effective and safe location for the placement of the TDD.
  - (b) Deployment locations should have reasonably good sight distances to enable the officer deploying the TDD to observe the pursuit and other traffic as it approaches.

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- (c) Deployment shall not occur on bridges, curves, or those locations where reasonable judgment under the circumstances would dictate avoidance.
4. Officers deploying TDD should choose a location with natural barriers such as roadway overpasses, guardrails, or shrubbery. These barriers conceal the officer from the suspects' view and allow deployment of the devices in a relative position of safety.
  5. Traffic, construction, special events, and/or activities may create situations where the use of the device would be inappropriate.
  6. Position and vulnerability of the public, private property and other assisting units and equipment shall be considered.
  7. TDD shall not be deployed to stop the following vehicles unless there is reason to believe the fleeing vehicle will result in an imminent threat of death or serious injury if apprehension is delayed:
    - (a) Any vehicle with fewer than four (4) wheels.
    - (b) Vehicles carrying hazardous materials.
    - (c) Passenger buses transporting passengers.
    - (d) School buses transporting students.
    - (e) Any vehicle that would pose an unusual hazard to innocent parties.
  8. Pursuing vehicles shall coordinate with the officer deploying the device or assisting in the pursuit in order to ensure the safe and effective use of the TDD.
  9. When a decision is made to deploy TDD, pursuing units shall notify the officer deploying the device as far in advance as possible of the necessity of their use.
  10. The officer deploying the device shall be in position at a predetermined location in sufficient time for proper deployment. All pursuing units shall be notified when the device is in place.
  11. The TDD shall be deployed in accordance with the manufacturer's recommendations and departmental guidelines. Do not engage in physical contact with the device (other than activation handle) while the device is being runover.
  12. After deployment of the TDD, all persons at the scene should seek immediate protection.

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13. The officer deploying the TDD shall be responsible for securing the TDD after use. This includes searching the immediate area where the TDD was used and collecting any spikes that may have become detached.
14. If a Landis vehicle is the primary vehicle in a pursuit involving other agencies and a decision is made to deploy TDD, the assisting agencies shall be notified of the deployment, whenever practicable.
15. TDD may be used to stop stationary vehicles that are attempting to flee a scene.

### **XIII. INTER-JURISDICTIONAL PURSUITS**

#### **A. Pursuits Leaving Landis**

1. The primary, secondary, and controlling supervisory units are permitted to continue a pursuit of a motor vehicle until the pursuit is terminated or taken over by officers from another jurisdiction. Uncommitted patrol units are not permitted to leave the Town's jurisdiction unless requested for the deployment of TDD. Officers shall terminate pursuit upon leaving radio communications unless exigent circumstances exist to continue the pursuit.
2. The controlling supervisor shall inform Communications to request assistance from another agency with territorial jurisdiction. The controlling supervisor shall request the assisting agency units to take over as the primary pursuit vehicle. When vehicles from the requested agency become engaged in the pursuit, Landis officers will assist only if requested by the engaging agency. There is no limit to the number of officers who can assist, if requested.

#### **B. Pursuits Entering Landis:**

1. In the event another law enforcement agency engaged in a pursuit within the town limits requests assistance from the Police Department, the Telecommunications Unit shall first determine the reason for the pursuit and the number of vehicles involved in the pursuit. The Telecommunications Unit shall then notify the Senior Shift Supervisor.
2. The Senior Shift Supervisor or his designee shall be responsible for determining whether the Police Department will assist in the pursuit. The Senior Shift Supervisor or designee shall be responsible for determining the type of assistance which will be provided by our department. They shall take into consideration safety to the public, officer safety, and the nature of the pursuit in making their decision as previously defined.
3. Landis Police Department units assisting in such pursuits will adhere to Departmental Rules and Regulations. Police Department officers will terminate

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their involvement in the pursuit if so directed by a supervisor or if in the discretion of the officer(s) involved it is appropriate to do so.

4. In no event will officers of the Police Department continue their involvement in the pursuit beyond territorial jurisdiction (the town limits plus one mile) unless specifically authorized to do so by a supervisor, exigent circumstances exist, or the initiating pursuing agency request continued assistance.

### **C. Pursuits Entering South Carolina**

1. An officer in fresh and continuous pursuit may pursue into South Carolina for a criminal offense under the laws of the state of North Carolina and South Carolina and is punishable by death or imprisonment in excess of one year under the laws of North Carolina.
2. This policy applies during the pursuit.
3. The controlling supervisor shall inform Communications to request assistance from another agency with territorial jurisdiction.
4. If an arrest is made the officer must, without unnecessary delay, take the person arrested before a judicial officer of South Carolina.
5. Pursuits entering other states are subject to this policy and the laws of that state.

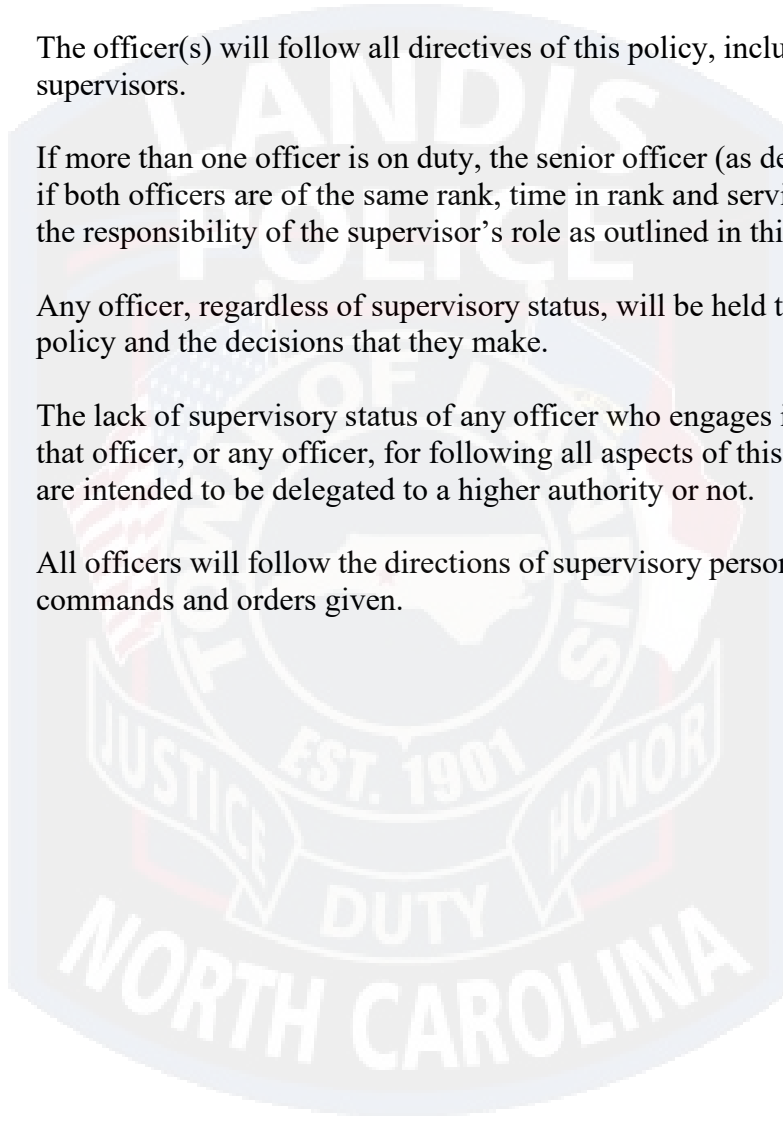
### **XIV. INVESTIGATIVE REPORTS OF VEHICLE PURSUITS**

1. The officer initiating the pursuit shall complete and submit to his/her supervisor a "Pursuit Report" and any other documentation needed by the supervisor.
2. The controlling supervisor is responsible for fully investigating the pursuit to ensure that all employees complied with this directive during the pursuit. The supervisor will submit his report through the Chain of Command along with any other appropriate paperwork.
3. The Assistant Chief of Police will review the reports and make a determination of compliance with Departmental Policy. The reports will then be forwarded to the Chief of Police.
4. Whenever a pursuit involving Landis officers as the primary or secondary units results in serious injury resulting in hospitalization or death, the Chief of Police will be immediately notified.
5. An annual review and analysis of all pursuit reports will be conducted and reviewed by the Chief of Police.

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## **XV. DUTY OF OFFICERS IN THE ABSENCE OF AN ON-DUTY SUPERVISOR**

1. Landis Police Department officers often work in the absence of an on-duty supervisor.
2. In such instances, the following shall occur:
  - (a) The officer(s) will follow all directives of this policy, including those delegated to supervisors.
  - (b) If more than one officer is on duty, the senior officer (as determined by rank first, and if both officers are of the same rank, time in rank and service secondly) shall assume the responsibility of the supervisor's role as outlined in this policy.
  - (c) Any officer, regardless of supervisory status, will be held to the standards of this policy and the decisions that they make.
  - (d) The lack of supervisory status of any officer who engages in a pursuit does not relieve that officer, or any officer, for following all aspects of this policy, regardless if they are intended to be delegated to a higher authority or not.
  - (e) All officers will follow the directions of supervisory personnel and follow all commands and orders given.



# LANDIS POLICE DEPARTMENT

## Pursuit Form

|  |  |  |   |
|--|--|--|---|
| <b>Date of Pursuit:</b>  |  | <b>Case #:</b>   |   |
| <b>Pursuit - General Information</b>   |  |  |   |
| Supervisor Monitored: <input type="checkbox"/> Yes <input type="checkbox"/> No<br><b>Monitoring Supervisor:</b>  |  | # Additional Units Involved:   | # Additional Agencies:      List Agencies:  |
| Starting Date:                      Time:  |  | Termination Date:                      Time:   |   |
| Location:  |  | Location:  |   |
| <b>Initial Violation:</b> Traffic : <input type="checkbox"/> Speeding <input type="checkbox"/> Reckless Driving <input type="checkbox"/> Other Traffic Violation<br>Criminal Misdemeanor: <input type="checkbox"/> DWI <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Firearm Related <input type="checkbox"/> Other<br>Non-violent Felony: <input type="checkbox"/> Burglary <input type="checkbox"/> Stolen Auto <input type="checkbox"/> White Collar <input type="checkbox"/> Other<br>Violent Felony: <input type="checkbox"/> Homicide <input type="checkbox"/> Robbery <input type="checkbox"/> Violent Assault <input type="checkbox"/> Rape <input type="checkbox"/> Other |  |  |   |
| If Assisting other Agency, list Agency and check their reason for pursuit above:   |  |  |   |
| <b>Environment/Conditions During Pursuit</b>   |  |  |   |
| <b>Demographics:</b> <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Rural <input type="checkbox"/> Interstate   |  | <b>Traffic Conditions:</b> <input type="checkbox"/> Light <input type="checkbox"/> Moderate <input type="checkbox"/> Heavy                   |   |
| <b>Light Conditions:</b> <input type="checkbox"/> Light <input type="checkbox"/> Dusk <input type="checkbox"/> Dark  |  | <b>Road Conditions:</b> <input type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Ice <input type="checkbox"/> Snow |   |
| <b>Average MPH Over Posted Limit:</b>  |  | <b>Estimated Maximum Pursuit Speed:</b> MPH  |   |
| <input type="checkbox"/> 0 – 10 over <input type="checkbox"/> 11 – 25 over <input type="checkbox"/> 26+ over <input type="checkbox"/> Below Limit  |  |  |   |
| <b>Termination</b>   |  |  |   |
| <b>Reason for Termination:</b>   |  |  |   |
| <input type="checkbox"/> Driver Stop <input type="checkbox"/> Collision–Officer <input type="checkbox"/> Collision–Suspect <input type="checkbox"/> Exited Jurisdiction <input type="checkbox"/> Police Intervention<br><input type="checkbox"/> Officer Discontinued <input type="checkbox"/> Supervisor Discontinued <input type="checkbox"/> Violator Eluded <input type="checkbox"/> Violator Eluded - Foot <input type="checkbox"/> Vehicle Disabled  |  |  |   |
| <b>If Police Intervention:</b> <input type="checkbox"/> PIT Maneuver <input type="checkbox"/> Roadblock <input type="checkbox"/> Rolling Roadblock <input type="checkbox"/> Tire Deflator <input type="checkbox"/> Other   |  |  |   |
| <b>Approving Intervention Supervisor:</b>  |  |  |   |
| <b>Distance Traveled During Pursuit (in miles):</b>  |  | <b>Was Suspect Apprehended?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No   |   |
| <b>Primary Officer Information</b>   |  |  |   |
| <b>Primary Officer Name:</b>   |  | <b>Sex:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female  | <b>Age:</b>   |
| <b>Race:</b> <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Other   |  | <b>Total Years Law Enforcement Experience:</b>   |   |
| <b>Primary Officer Vehicle:</b> <input type="checkbox"/> Marked, Overhead Light bar <input type="checkbox"/> Marked, Slick Top <input type="checkbox"/> Unmarked <input type="checkbox"/> Undercover   |  |  |   |
| <b>Suspect Information</b>   |  |  |   |
| <b>Suspect Sex:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown   |  | <b>DOB:</b>  | <b>Licensed:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk. |
| <b>Suspect Race:</b> <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown <input type="checkbox"/> Other:  |  |  |   |
| <b>Suspect Ethnicity</b> <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown  |  |  |   |
| <b>Suspect Impairment:</b> <input type="checkbox"/> None <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Mental/Illness <input type="checkbox"/> Unknown  |  |  |   |
| <b>Suspect Vehicle Information:</b> Tag:                      Make:                      Model:                      Year:   |  |  |   |
| <b>Suspect Name</b>  |  |  |   |
| <b>Street Address</b>  |  |  |   |
| <b>City</b>  |  | <b>State</b>   | <b>ZIP</b>  |
| <b>Charges if apprehended</b>  |  |  |   |

| Injury/Fatality             |                               |                                |                                  | Property Damage:   |  |
|-----------------------------|-------------------------------|--------------------------------|----------------------------------|--|--|
| Law Enforcement Vehicle:    | <input type="checkbox"/> None | <input type="checkbox"/> Minor | <input type="checkbox"/> Serious | <input type="checkbox"/> Fatality                        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Fleeing Vehicle:            | <input type="checkbox"/> None | <input type="checkbox"/> Minor | <input type="checkbox"/> Serious | <input type="checkbox"/> Fatality                        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Uninvolved Vehicle/Person:  | <input type="checkbox"/> None | <input type="checkbox"/> Minor | <input type="checkbox"/> Serious | <input type="checkbox"/> Fatality                        | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Other Property Damage List: | Est. Value: \$                |                                |                                  | <input type="checkbox"/> Yes <input type="checkbox"/> No |  |

**Justification for continuation of Pursuit & Pursuit Route:** See Attached

**Reporting Officer:** \_\_\_\_\_ **Employee #:** \_\_\_\_\_ **Date of Report:** \_\_\_\_\_

**Supervisors Findings:** \_\_\_\_\_

**Supervisor Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 \*\*\*\*\*

**Assistant Chief Comments:** \_\_\_\_\_

**Assistant Chief:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 \*\*\*\*\*

**Chief Comments:** \_\_\_\_\_

**Chief:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 \*\*\*\*\*

**Chief of Police Findings:** (  ) Justified (  ) Not Justified

**Chief of Police:** \_\_\_\_\_ **Date:** \_\_\_\_\_



|   |  |                    |
|---|--|--------------------|
| <b>Landis Police Department</b><br>POLICIES AND PROCEDURES<br><br>MATTHEW J. GEELLEN, CHIEF OF POLICE | <b>Conducted Energy Device</b>         | <b>Page 1 of 8</b> |
|   | <b>Effective Date:</b> 03/01/2021      |                    |
|   | <b>Amended:</b> 07/27/2021, 12/03/2021 |                    |
|   | <b>POLICY # 800.11</b>                 |                    |

**I. PURPOSE**

To authorize the use of the Conducted Energy Device (CED), a less-lethal weapon, as a use of force option. Use of a CED is considered a non-lethal use of force. The primary purpose of the CED is to save human lives and prevent injuries.

**II. DEFINITIONS**

- A. Active Aggression: A threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
- B. Actively Resisting: Physically evasive movements to defeat an officer’s attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
- C. Aggravated Active Aggression: Deadly force encounter
- D. Air Cartridge: A replaceable cartridge for the CED which uses compressed nitrogen to fire two barbed probes on thin connecting wires sending a high voltage/low current signal into a subject.
- E. CED Cycle: Duration of a CED electrical discharge following a CED activation.
- F. Conducted Energy Device (CED): A weapon primarily designed to disrupt a subject’s central nervous system by means of deploying electrical energy sufficient to cause uncontrolled muscle contractions and override an individual’s voluntary motor responses, such as the Axon® brand CED.
- G. Dart or Probe: Projectiles that are fired from a CED and penetrate the skin; wires are attached to the probes leading back to the CED.
- H. Drive or Touch Stun: A secondary function of the CED is to stun a subject by making direct contact with the body. Contact is made by pressing the front of the CED into the body of a subject and activating the CED.
- I. Duration: The aggregate period of time that CED shocks are activated.

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- J. Electromuscular Disruption/Incapacitation (EMD)(EMI): Effect CED has on the body. Overrides the brain’s communication with the body and prevents the voluntary control over the muscles.
- K. Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, euphoria, hostility, exceptional strength, and endurance without fatigue.
- L. Exigent Circumstances: Circumstances that would cause a reasonable person to believe that prompt action is necessary to prevent physical harm to civilians and/or officers.
- M. Less-Lethal Weapon: Any apprehension or restraint device that, when used as designed and intended, has less potential for causing death or serious injury than conventional police lethal weapons.
- N. Passive Resistance: Physical actions that do not prevent the officer’s attempt to control, for example, a person who remains in a limp, prone position, passive demonstrators, etc.
- O. Sensitive Areas: A person’s head, neck, genital area, and a female’s breast areas.
- P. Spark Display: A non-contact demonstration of the CED’s ability to discharge electricity.
- Q. Standard CED Cycle: A 5-second electrical discharge occurring when a CED trigger is pressed and released. The standard 5-second cycle may be shortened by turning the CED off.
- R. AXON®: A brand name for an electro-muscular disruption weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill dysfunction to a subject. This weapon is also known as a Conducted Energy Device (CED).

### III. PROCEDURE

- A. **The CED may be used only against persons who are actively resisting and the person presents the immediate potential of causing injury to the officer, himself or herself, or another person, or exhibiting active aggression, or to prevent individuals from harming themselves or others. The CED shall not be used against a passive subject.**
- B. **Unless circumstances indicate that the use of the CED is objectively reasonable and necessary, department members are not authorized to draw or display the CED, except in training.**

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**C. There are three separate types of reportable CED applications:**

1. Spark Display - A non-contact demonstration of the CED’s ability to discharge electricity. The purpose of this display is to convince the subject to comply with a lawful order and avoid the CED being deployed in the Drive Stun or Probe mode.
2. Drive or Touch Stun – Stuns a subject with a CED by making direct contact with the body. Contact is made by pressing the front of the CED into the body of a subject resisting lawful orders, and activating the CED. The Drive Stun causes significant localized pain in the area touched by the CED but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody.

**NOTE:** If a CED is fired using the cartridge, at a distance of less than three feet, the effect will be very similar to a Drive Stun.

3. Probe - The CED is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in temporary immobilization of the subject and provide the officer a window of opportunity in which to take the subject safely into custody. Optimum range for probe deployment is 7 to 15 feet with a 21-foot maximum distance.

**NOTE:** Deployment of the CED probes at distances of less than three feet will not result in temporary immobilization or central nervous system disruption.

**D. The CED is a use of force option available to officers.**

1. The CED, like the baton, OC spray or empty hand techniques may not be effective in every situation.
2. Officers must assess the effectiveness of each application and determine whether further applications are warranted, or whether a different tactic should be employed.
3. The decision to use the CED is dependent upon the actions of the subject, the threat facing the officer, and the totality of circumstances surrounding the incident.
4. An officer is permitted to use a CED against an aggressive animal that presents a threat of bodily injury to the officer or another person.

**E. Prohibited Use**

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The CED will not be used:

1. When the officer knows a subject has come in contact with flammable liquids or is in the known presence of combustible vapors and liquids or other flammable substances.
2. After or during the deployment of OC Spray (which can be flammable) by a non-LPD officer. Before deploying a CED, an officer must determine whether a non-LPD officer has utilized OC Spray.
3. When the subject is in a position where a fall may cause substantial injury or death;
4. Punitively for purposes of coercion, or in an unjustified manner;
5. To escort or jab individuals;
6. To awaken unconscious or intoxicated individuals;
7. When the subject is visibly pregnant, unless the use of deadly force is justified; or,
8. Whenever the officer has their firearm drawn/unholstered. Specifically, an officer SHALL NOT simultaneously hold their CED in one hand and their firearm in their other hand.

**F. Restricted Use**

The CED should not be used in the following circumstances, unless there are clearly articulable and exigent reasons for doing so:

1. On persons who do not pose an imminent threat of physical harm to themselves, the public or officers.
2. On a person who is mentally ill and has not committed a crime and does not pose an immediate imminent threat of physical harm to themselves, the public or officers.
3. When the subject is operating a motor vehicle;
4. When the subject is holding a firearm;
5. When the subject is elderly, a young child, or visibly frail unless exigent circumstances exist;

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6. When the subject is handcuffed. However, the CED may be used on a handcuffed person who is assaulting law enforcement, or to prevent individuals from harming themselves or others;
7. When the subject's flight is the sole justification for use of the CED. The severity of the offense and other circumstances, such as active aggression, should be considered before an officer uses a CED on a fleeing subject.

**G. Precautionary Use**

1. Officers should be aware that there is a higher risk of sudden death in people under the influence of drugs and/or exhibiting symptoms associated with the following:
  - a) Excited Delirium
  - b) Paranoia or psychotic behavior
  - c) Panic
  - d) Violence toward others
  - e) Unexpected physical strength
  - f) Sudden tranquility
  - g) Bizarre behavior
  - h) Behavior consistent with a drug overdose
  - i) Tearing off one's clothing
2. All persons who have been subjected to a CED activation should be monitored regularly while in police custody even if they have received medical care.

**H. Officer Responsibilities**

When a CED is used, the following guidelines must be followed:

1. The officer should give a warning, when practical, to the subject and other officers before the CED is used.
2. No more than one officer at a time may activate a CED against a person.
3. When activating a CED, officers should use it for one standard cycle (5 seconds) and stop to evaluate the situation. If subsequent cycles are necessary, the officer must restrict the number and duration of those cycles to the minimum activations necessary to place the subject in custody.

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4. Attempts should be made to avoid hitting the subject in sensitive areas such as the head, face, neck, genital area, or female breast area. Probes penetrating these areas will be removed only by medical personnel.
5. Probes must be removed from the subject's skin by a CED certified officer or medical personnel. Such probes should be treated as a biohazard.
6. Multiple "Drive Stuns" by more than one officer at the same time are prohibited. If initial application is ineffective, the officer will reassess the situation and consider other available options.
7. Following a CED activation, either by probe deployment or drive stun, officers should use a restraint technique that does not impair respiration.
8. The officer must notify his or her supervisor as soon as possible whenever the CED has been discharged.
9. The officer must notify detention medical personnel, at the time of booking, that the subject has been struck with CED probes, indicating the aggregate duration of CED cycles and number of stuns the individual has received.
10. Individuals exposed to the CED activation must receive a medical evaluation by EMS or higher level of care.
11. In the event of an accidental discharge of a CED cartridge, officers shall:
  - a) Notify supervisor as soon as possible after incident occurs.
  - b) Document the incident on a supplemental report.

**I. Immediate Supervisor Responsibilities**

1. Notifies the Chain of Command immediately if serious injury resulted from the CED usage or if there is a threat to life as a result of the CED's use.
2. A supervisor will investigate all instances in which a CED is used on an animal and make a determination whether further investigation is required. In any instance in which a CED is used on an animal, the use of the CED shall be documented.

**IV. POST-DEPLOYMENT RESPONSIBILITIES**

**A. Police Officer**

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1. Handles the probes in the same manner as contaminated sharps in accordance with the department’s Infectious Disease Control Plan.
2. Completes Use of Force Report in accordance with this policy, whenever a CED cartridge has been fired and the probes/darts were discharged regardless of whether a subject was struck, to include “drive stuns”.
3. Forwards a copy of the Use of Force Report and an Incident Report to immediate supervisor whenever an officer is involved in a use of a CED incident.
4. Presents CED to supervisor, upon request, for data download after the use of force incident occurs.
5. Ensures that photographs are taken of the site of the probe impacts and any related injuries.

**B. Supervisor**

1. Ensures the officers complete reports and that required photographs are taken.
2. Verifies the probes are disposed of properly and arranges for replacement cartridges.
3. Downloads the data record of the CED in which a reported use of force incident occurs and documents the data recovered from the unit.
4. Ensures a control log is maintained for weapon/cartridge checkout and check-in, and weapon repairs.
5. Ensures that the officer has properly documented the incident in a timely manner and completes a use of force investigation. The reviewing supervisor will forward the results of the investigation to the Chief of Police via the involved officer’s chain of command in a timely manner.

**V. TRAINING AND CERTIFICATION**

- A. All officers must obtain certification training to carry the CED.
- B. Only certified CED instructors will be authorized persons to instruct on the CED.
- C. Training will be conducted in accordance with department protocols.

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- D. Officers authorized to use a CED must successfully complete an initial certification training course.
- E. Once certified, officers must attend re-certification training as required.

**VI. EQUIPMENT CARE AND HANDLING**

**A. Officer Responsibilities**

1. Officers will use only authorized CED equipment issued by the Town of Landis Police Department. CED Certified Instructors will inspect the CED for damage and cleanliness, and batteries and cartridges replaced when required by the officer.
2. Officers must check the battery display at the beginning of each shift. A reading of 20% or less will require the DPM/battery pack be changed. The DPM/ battery pack will not be removed from the CED, except when the reading is 20% or less or to conduct a data download. The CED will never be stored more than 48 hours without the DPM/battery pack attached.
3. When off duty, officers must store CEDs in a secured and climate-controlled area (i.e. locker), not in a vehicle.
4. Officers must conduct a spark display check at the beginning of shift to ensure the CED will function properly. A spark display check is an equipment check conducted outside of public view to ensure the CED is operable. It is conducted by observing the electrical arc. This spark display check does not require completion of a use of force report.
5. Officers will carry the CED in a department issued holster. The holster will be carried on the duty belt or external vest carrier, on the side opposite the duty firearm; cross draw position is optional. Non-Uniformed officers will carry the CED in an approved holster on the side opposite the duty firearm. The secondary cartridge attachment, and back-up cartridge, must be connected to the issued holster.



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**I. PURPOSE**

To establish policy and procedures governing the care, maintenance, and use of issued weapons and weapons owned by the individual officer, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

**II. POLICY**

Weapons will only be issued only to sworn law enforcement officers authorized under North Carolina General Statutes, §160A-281 and §160A-285 to carry specific weapons as a condition of their duties. Only weapons and ammunition authorized by the Department will be used by personnel in carrying out law enforcement responsibilities. Proficiency levels will be established and enforced for each approved weapon.

It is the objective of this Department that officers be trained and well versed in the use of firearms. An officer's firearm is perhaps the most perceived symbol of their authority and role. In fact, every contact with a citizen is an armed encounter because the officer always carries a loaded firearm. In the interest of public safety, the department sets high standards of performance for its personnel who use weapons. The department's policy ensures that members are properly trained not only in the use of appropriate firearms and the circumstances of their use, but also in their safety and maintenance, regarding both on and off-duty weapons. All department supervisors, armorers, and certified firearms instructors shall rigorously enforce departmental firearms standards.

All sworn personnel shall qualify annually with their issued firearms. Firearms qualification is a combination of **skill** and **discretion**: officers should concentrate on learning the use of discretion in deciding when to shoot as well as honing their shooting skills. Officers shall review this policy and the Use of Force policies frequently.

**III. DEFINITIONS**

- A. Armorer: A departmentally authorized individual who is trained and experienced in the disassembly and assembly of firearms for troubleshooting functional firearms problems.
- B. Backup Weapon/Secondary Weapon: Any weapon carried in support of the primary weapon. This weapon would be used in a situation that their primary weapon is not capable of being used due to mechanical failure or other catastrophic occurrence or when their primary weapon becomes inaccessible.

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- C. Firearms Instructor: A sworn officer of the department who is currently certified by the North Carolina Criminal Justice Education and Standards Commission as a Specialized Instructor in firearms.
- D. Primary Weapon: The firearm authorized by the Chief of Police and issued by the department for on duty use.

#### IV. ISSUED SERVICE WEAPONS

- A. No officers will deviate from the primary weapon assignment without the express authorization of the Chief of Police or his designee.
- B. Any supervisor, armorer, or firearms instructor, if appropriate, shall issue departmental weapons to authorized personnel at the direction of the Chief of Police or the Assistant Chief of Police.
- C. Departmental firearms that become unserviceable or are no longer needed shall be returned to any supervisor, armorer, or firearms instructor to be repaired or placed into the armory as applicable.
- D. Department service weapons must be of a caliber approved by the Chief of Police.
- E. All officers are required to successfully qualify with their issued duty weapon a minimum of once annually.

#### V. ISSUED SPECIALTY WEAPONS

The Landis Police Department will issue certain specialty weapons to designated individuals. Each weapon must be departmentally approved and issued.

Only rifles and sub-machine guns (referred to as sub-guns) that have been approved by the Chief of Police are to be carried by officers. Officers may carry their own rifles and sub-guns if inspected by a certified firearms instructor for safety and approved by the Chief of Police. Weapons issued by this agency are to be use for law enforcement purposes only.

- a. Only when it is apparent that the situation calls for a high-powered rifle or sub-gun should these type weapons be deployed.
- b. A supervisor will be responsible for making this decision.

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- c. If a supervisor is not available on the scene the officer may make this decision but they will be held accountable if this decision is made inappropriately.

## **VI. ISSUED LESS LETHAL WEAPONS**

The Landis Police Department will issue less lethal weapons to departmental personnel. The less lethal weapons provided to departmental personnel require specialized training. During initial training, department personnel will receive instruction on Use of Force policy as well as on the policy addressing the less lethal weapon. Each weapon must be departmentally approved and issued. These weapons include, but are not limited to the following:

1. Collapsible Baton
2. OC Spray
3. Conducted Energy Device (CED)

## **VII. TRAINING AND QUALIFICATION**

- A. During annual training and qualification of departmentally issued service weapons, back-up weapons, shotgun and any other assigned weapon, all officers will be trained on the following policies:
1. Weapons
  2. Use of Force Continuum
  3. Use of Deadly Force
  4. Use of Non-Deadly Force
- B. All officers must sign off on policy before being issued any weapons.
- C. All officers are required to train and qualify annually with their departmental issued service weapon, back-up weapon (if issued or provided), shotgun and any other assigned or accessible weapons. Officers who declare to carry weapons concealed off-duty or as a secondary backup weapon as allowed under this policy are required to train and qualify annually with each weapon. This training and qualification will meet or exceed the standards

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that are established by the North Carolina Criminal Justice Education and Training Standards Commission.

- D. The Landis Police Department qualification score is established at 70% on all service weapons.
- E. Backup or secondary weapons and/or personal weapons carried concealed off duty under this policy require officers to qualify at 70%. Officers may be required to demonstrate proficiency in other training such as combat/stress courses, decision making training, and other related training exercises. Scoring methods for these type courses are pass/fail.
- F. Only a State Certified Firearms Instructor will conduct the training and qualifications. The training will include at minimum a review of range rules, safe weapon handling and malfunctions, use of force and relevant case law, and basic marksmanship fundamentals.
- G. A State Certified Firearms Instructor will develop courses of fire for qualification purposes, consistent with departmental policy and commensurate with the type of weapon to be carried by each officer. Instructors will certify that the course has been satisfactorily completed and the required state and departmental forms have been completed.
- H. Officers are allowed three consecutive attempts in a single range day to qualify with their service weapon, shotgun, or other issued weapons.
- I. An officer will be given three attempts to qualify. If an officer fails to qualify on the first or second attempt, and is not able to continue the qualification process or if the officer fails to qualify on his third attempt, the officer will be deemed to have failed qualification.

## VIII. FAILURE TO QUALIFY AT 70%

- A. If an officer fails to meet qualification standards at 70%, the officer's authority to carry the firearm will be *immediately* revoked. The State Certified Firearms Instructor will deliver written notification of the revocation on a form approved by the North Carolina Criminal Justice Education and Training Standards Commission. The officer must sign the form in acknowledgement of the revocation.
- B. The Instructor will advise the officer that he/she cannot carry a firearm under law enforcement authority and that he/she forfeits the right to carry an off-duty personally owned firearm without a valid North Carolina Concealed Carry Permit. Officers who have a permit to carry a concealed firearm may continue to do so but may not display their badge or in any

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way imply that they are operating under the authority of the Department in the use of this firearm.

- C. The revocation of authority to carry a firearm will require the officer to notify his/her immediate supervisor within 24 hours of the failure to qualify. The State Certified Firearms Instructor will forward the revocation form through the chain of command to the Chief of Police as soon as possible.
- D. Officers whose authority to carry an on-duty firearm has been revoked may be reassigned to administrative duty for a maximum period of 30 days or other nonduty status as directed by the Chief of Police or his designee. Within the 30 days, the officer must report to the State Certified Firearms Instructor for remedial training and certification. At the conclusion of the 30-day period and/or before December 31 of each year, an officer that has not met these standards will be subject to disciplinary action.

#### **IX. QUALIFICATION SCORES AT LESS THAN 80%**

Officers not qualifying at or above 80% are allowed up to two additional attempts on the range day to achieve the 80% level. Officers that are unable to demonstrate an 80% level of proficiency are required to attend additional skills training. This training will be designed and approved by the State Certified Firearms Instructor of the department. This training shall be a minimum of 8 hours additional training within a period not to exceed 12 months. Officers that have met the 70% level are deemed to be qualified and these additional attempts to reach 80% are considered as training exercises.

#### **X. FAILURE TO QUALIFY WITH SHOTGUNS OR SPECIALTY WEAPONS OR AT HIGHER ESTABLISHED STANDARDS**

Officers that fail to qualify at the standard for their shotgun or particular specialty weapon system will be permitted to remain on full duty status only if they have met the standards with their service weapon. Officer's access to these weapons will be restricted until such time that they have successfully qualified.

#### **XI. AMMUNITION**

Ammunition carried in the departmental weapons will be of the type and specification approved and issued for departmental use. Officers shall qualify with the ammunition consistent with the N.C. Training and Standards Commission.

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## **XII. GEAR & HOLSTERS**

Officers will be issued a departmental holster, belt, and magazine pouches that are designed for the service weapon and to provide standardization of equipment. Officers, while in uniform, are required to wear their departmental holster or other level II or greater holster that has met approval of the department. Plainclothes officers are required to wear their departmental or other approved gear. Approval will be at the discretion of the Chief of Police or his designee.

- A. While on duty, Patrol Officers will carry the duty weapon in the holster of the duty belt.
- B. Detectives or officers working special assignment (in civilian clothes) will wear the weapon in an approved holster that will maximize the officer's control of the weapon and allow for retention of the weapon.
- C. The Duty belt will be kept in such a manner that it provides protection for all equipment carried on it.
- D. The officer will ensure that they are able to draw the duty weapon quickly and safely from the duty holster.
- E. While the weapon is in the holster the retention method will be engaged at all times.
- F. While off duty, officers are authorized to carry the duty weapon.
- G. While off duty, the weapon will be carried in a holster that will maximize the officer's control of the weapon and allow for retention of the weapon.
- H. At no time are officers permitted to carry the duty weapon in the waistband without some type of inside the waistband holster.
- I. Officers are required to carry with them identification that they are employed with the Landis Police Department when carrying the duty weapon Off-Duty. This identification may be the officer's department issued identification card, the officer's badge, or both.

## **XIII. STORAGE AND HANDLING**

- A. Officers will safeguard their weapons to prevent theft or unauthorized use, when at their residence. Officers should adhere to North Carolina General Statute §14-315.1 Storage of firearms to protect minors.

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- B. Shotguns shall remain secured in a properly installed shotgun rack when not in use. Vehicles not equipped with shotgun mounts should carry the shotgun in the trunk in a gun case. The shotgun should be carried in a cruiser safe position (chamber empty, safety on, slide locked and magazine loaded) until such time that the shotgun is needed.
- C. Officer's assigned rifles, or other specialty weapons, should store these weapons in the proper mounting systems for security of the weapon or other department approved secured locking location.
- D. Weapons shall not be left in vehicles while parked at locations where unauthorized persons have access to the vehicle, such as when the vehicle is being left for service. It is the responsibility of the officer assigned to the vehicle to remove and secure the weapon at the station, in their department-assigned locker or in the department armory, prior to leaving the vehicle for repair or maintenance.
- E. At no time is any officer who is authorized to carry a specific weapon while on duty, to allow any unauthorized person access to that weapon. Authorized persons include the Chief of Police, any officer sworn with the department, any firearms instructor conducting qualification for the department, and any person tasked to repair any duty weapon under the direction of the Chief of Police or the Assistant Chief of Police.
- F. At no time is any person not employed by this agency to handle, shoot or otherwise possess a weapon issued or provided by this agency, unless that handling is authorized by the Chief of Police, the Assistant Chief of Police, or their designee.

#### **XIV. CARRYING OF FIREARMS**

- A. Uniformed officers will carry their service weapon in a manner consistent with their approved equipment and their training. Plainclothes officers are required to carry their weapon in a manner that does not unduly alarm the public and, if visible, should openly display their police badge.
- B. Sworn personnel, including part-time and reserve officers, are prohibited from carrying a service weapon at any time while under suspension or when deemed necessary as the result of restricted/light duty due to their inability to perform the essential duties of their position or when they have failed to meet training standards.
- C. Officers will be trained in a number of carry techniques.

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- D. Officers will keep their finger outside of the trigger guard at all times unless the officer is authorized to shoot and has made the decision to shoot.
- E. Officers will not abandon their weapons for any reason, either loaded or unloaded, unless the weapon has been disabled. This does not apply to the relinquishing of weapons as provided elsewhere in this policy.

#### **XV. MAINTENANCE OF WEAPONS**

- A. Officers are required to maintain all issued weapons. The weapons should be cleaned after each use and before being placed back into service. Officers should inspect weapons on a regular basis and perform routine maintenance as needed. Any weapon that needs repair should be reported to the officer's supervisor and forwarded to a departmental armorer.
- B. Officers shall report any weapon malfunction to any supervisor, armorer, or firearms instructor who in turn shall notify the Chief of Police and the Assistant Chief of Police.
- C. Officers shall not perform any repairs on departmental weapons. Any modifications or additions; such as grips, stocks, light attachments, etc. to any weapons, require approval and inspection of the departmental armorer. Officers shall not make modifications to issued holster or equipment.

#### **XVI. INSPECTIONS**

Officers should conduct a daily inspection of their ammunition and weapons prior to carrying, to ensure proper safety and maintenance of their weapon. A departmental level inspection shall be conducted by a qualified weapons instructor or armorer during the annual qualification. The inspection shall consist of a visual inspection of the weapons during the cycle of operation, a visual inspection during the cleaning process, and a function check of the weapon after reassembling of the cleaned weapon. This will ensure operational effectiveness of the weapon. Any weapon that does not meet optimum performance will be immediately brought to the department armorer's attention and fixed or removed from circulation.

- A. The cleanliness of all weapons is the responsibility of the officer the weapons are issued to.
- B. Any supervisor, armorer, or firearms instructor may at any time inspect any weapon carried by the officer while on duty and in the performance of their duties, for cleanliness and functionality.



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- C. If at any time a weapon is declared unclean, or unsafe to use, any supervisor, armorer, or firearms instructor may take possession of the weapon if the weapon was issued by the department or order the officer to no longer carry the weapon if the weapon is owned by the officer.
- D. When a weapon is found to be unclean, the officer will be given remedial training in the proper methods for cleaning and maintaining the weapon. Once the weapon has been cleaned and declared functionally safe the officer can then be re-authorized to carry that weapon.
- E. When the weapon is found to be unsafe due to malfunctions or damage, outside of the officer's responsibility, the weapon will be removed from use until repaired by a gunsmith approved by the Chief of Police or the Assistant Chief of Police.

## **XVII. BACKUP/SECONDARY WEAPONS**

- A. A secondary/ backup weapon allows an additional level of safety for officers. It is of critical importance that guidelines be established so that officers can properly deploy these weapons in an effective and safe manner. It is the responsibility of each officer that elects to carry a secondary or backup firearm to follow these guidelines. Officers should meet all department and state guidelines as outlined by the NC Training and Standards Commission.
- B. Officers of the Landis Police Department are permitted to carry one approved secondary/backup firearm, subject to approval by the Chief of Police or his designee.
- C. Weapons should be of a quality and type used for law enforcement and the ammunition should be commercially manufactured and commonly accepted as a duty type round.
- D. The officer's weapon is subject to inspection by departmental supervision and training staff. The officer will properly maintain the weapon(s). Any weapon that is in unacceptable working condition is prohibited from being used under this policy.
- E. Officers are prohibited from carrying any weapons of less than a .32 caliber and/or weapons that are single action only and/or require the de-cocking by use or manipulation of the trigger without the approval of the firearms staff and the Chief of Police.
- F. Officers, where the use of their department weapon may not be feasible, are permitted, with approval of chief of police or his designee, to use a secondary weapon for purposes of concealment on special assignments as a primary weapon.

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- G. Weapons carried under this order should not be carried in a conspicuous fashion or in a manner visible to the public. Because carry systems designed for concealed carry may not be as secure as the department's duty holster, officers will remain vigilant to ensure the safety and security of this weapon and at no time shall carry the weapon in a manner that places the officer, or public, at undue risk.
- H. Any weapon discharged in the line of duty is subject to the same guidelines as required for a departmental issued weapon.

### **XVIII. OFF-DUTY CONCEALED CARRY**

Chapter 44 of Title 18 United States Code and N.C. General Statute 14-269 exempt qualified law enforcement officers from states prohibiting the carrying of concealed weapons. N.C. General Statute 14-269 sets forth the guidelines for officers to carry weapons concealed under state law.

- A. A qualified law enforcement officer is an employee of a government agency who:
1. Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and has statutory powers of arrest;
  2. Is authorized by the agency to carry a firearm.
  3. Is not the subject of any disciplinary action by the agency.
  4. Meets standards established by the agency, which requires the employee to regularly qualify in the use of a firearm.
  5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  6. Is not prohibited by Federal Law from receiving a firearm.
- B. A firearm *does not* include:
1. Any machine gun (as defined in section 5845 of the National Firearms Act)
  2. Any firearm silencer (as defined in Title 18 USC section 921)
  3. Any destructive device silencer (as defined in Title 18 USC section 921)

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- C. This policy allows officers to carry a concealed handgun off-duty in the State of North Carolina under 14-269 and any other state as allowed under Chapter 44 of Title 18 United States Code.
- D. All qualified law enforcement officers are required to have in their possession a photo identification issued by the department, when armed carrying a concealed weapon.
- E. This policy shall not be construed to supersede or limit the laws of any state that permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibits or restrict the possession of firearms on any state or local government property, installation, building, base, or park.
- F. Officers are not permitted to carry any concealed firearm while the officer is consuming alcohol, while the officer is under the influence of alcoholic beverages, or while the officer is under the influence of any impairing substances or drugs, legal or illegal, that affect normal perception and judgmental faculties.
- G. An officer is not authorized by this policy to carry any weapon, whether open or concealed, around a party for which the officer is restricted under a 50B domestic violence order or any other restraining order.
- H. An officer may not carry a concealed weapon or any departmentally issued weapon, openly or concealed, if the officer is under suspension from duty.
- I. Officers are only allowed to carry their weapon concealed, or possess such weapon on properties, that they are duly authorized to possess such weapons. Officers are permitted under North Carolina General Statutes to carry weapons concealed under 14-269, 14-269.4, 14-277.2 and 14-269.2. Any private person or entity, state/local government or federal facility can restrict such officers from possessing or carrying concealed weapons on their properties under 18 USC 926a. It is the individual officer's responsibility to obtain verification of any such restrictions.
- J. Officers shall comply with all federal restrictions concerning transporting and possessing weapons on a federally regulated aircraft or other commercial transportation. Officers should only carry concealed weapons on federal property as allowed under 18 USC 930 and other properties as authorized by law.

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- K. An off-duty officer, who is outside the territorial arrest jurisdiction of this department cannot use any force, deadly or non-deadly, or take any action to enforce the criminal law, or prevent a crime from occurring, unless a private citizen is authorized by state law to do so. The burden is on the officer to know, and comply, with laws governing the possession and use of a deadly weapon by a private citizen.
- L. Officers must disclose to any law enforcement officer upon approaching them that they are carrying a concealed weapon and show proper identification upon request.
- M. This policy does not restrict officers, who are in possession of a Concealed Weapons Permit issued under NC General Statute, to carry weapons within the scope of that law.
- N. Officers are required to train and qualify annually with the weapons to be carried under this policy. Officers will be permitted to qualify with no more than two personally owned firearms without prior approval from the Chief of Police or his designee. This training will be consistent with those set forth by the NC Criminal Justice Education and Training Standards Commission and those established by our department.
- O. Off-duty weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. Secondary or back up weapons, either revolvers or semi-automatic pistols, may be provided by the department or purchased at the officer's expense. Ammunition for secondary or back up weapons will be provided by the department if the weapon was provided by the department or purchased at the officer's expense if the weapon was purchased by the officer.
- P. Officers shall successfully qualify with any off-duty, secondary, or back up weapon and holster a minimum of once annually.
- Q. Revolvers and semi-automatics shall not exceed .45 caliber, unless authorized by the Chief of Police.
- R. The Chief of Police, armorer, or a department certified firearms instructor shall inspect and certify any off-duty, secondary, or back up weapon before it may be carried.
- S. Officers are responsible for the safety and security of these weapon(s). These weapon(s), either departmentally issued or personally owned, should be carried in an inconspicuous manner and in a way that does not pose undue risk to the public.

#### **XIX. LIABILITY FOR USE OF WEAPON BEYOND TERRITORIAL JURISDICTION**

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Officers who choose to carry a concealed weapon outside their territorial jurisdiction, pursuant to a State Permit or Departmental authority, have no more authority than another citizen and can use no more force than a private citizen can use. Officers who carry a concealed weapon do so at their own risk. The Town of Landis will not represent officers sued for actions arising out of incidents that may occur off-duty outside the officer's territorial jurisdiction.

## **XX. RETIRED OFFICERS QUALIFICATION FOR CONCEALED CARRY**

Chapter 44 of USC title 18 Section 926C allows qualified retired law enforcement to carry weapons concealed in states prohibiting the carrying of concealed weapons.

- A. A qualified retired officer is as an individual that:
1. Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability.
  2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.
  3. Before such retirement was regularly employed as a law enforcement officer for an aggregate of 15 years or more.
  4. Retired from service with such agency, after completing any applicable probationary period of such service, due to a service connected disability, as determined by the agency.
  5. Has a no forfeitable right to benefits under the retirement plan of such agency.
  6. During the most recent 12 month period, has met, at the expense of the individual, the state standards for training and qualification for active law enforcement officers to carry firearms.
  7. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  8. Is not prohibited from by Federal Law from receiving a firearm.
- B. Firearm conceal carry requirements for retired officers:

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1. Each retired officer will be informed verbally and in writing of departmental weapon requirements and standards. The department will issue a photo identification card and an annual certification that indicates the retired officer has met the required standards.
2. Retired Law Enforcement Officers cannot use force, deadly or non-deadly, or take any action to enforce the criminal law, or prevent a crime from occurring, unless a private citizen is authorized by state law to do so. The burden is on the individual to know and comply with laws governing the possession and use of a deadly weapon by a private citizen. Retired officers who carry a concealed weapon do so at their own risk. The Town of Landis will not represent retired officers sued for actions arising out of any incidents, which occur, whether in or outside the territorial jurisdiction of the Town of Landis.
3. The LPD requires an annual criminal background check be conducted through Administrative office of the Courts (AOC), National Crime Information Center (NCIC) or other departmentally approved resources. Any retired officer qualified under these guidelines is required to immediately notify the Chief of Police, upon their arrest and/or being served with a criminal/civil process. The LPD reserves the right to not qualify any retired officer and the right to revoke the individual's certification at any time.
4. The LPD will only qualify officers retired from the Landis Police Department. These officers will be allowed to qualify with no more than two weapons and are required to pay for the expenses related to their qualification.

## **XXI. FIREARMS TRAINING RECORDS**

- A. The State Certified Firearms Instructor, or other person designated by the Chief of Police, will maintain training and qualification records. Forms required by the NC Training and Standards commission and all documentation of the weapons used by each officer will be maintained in the officer's training and personnel file for review.
- B. The Chief of Police will be provided a list containing all officers that failed to qualify with their service weapon during the previous calendar year. This form must be submitted to the NC Justice Education Training and Standards Commission no later than January 15<sup>th</sup> of each year. The commission may issue a notice of suspension of certification to the listed officers and the officers employing agency.

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## **XXII. RECOGNITION OF OFFICERS QUALIFYING ABOVE 90%**

Officers qualifying above 90% on their first attempt will be permitted to wear a pin on their uniform designating them at expert level.

## **XXIII. REPORTING**

A. The following requires reporting to a supervisor immediately:

1. Any officer that discharges a firearm, for other than training or recreational purposes.
2. Takes action that results in, or is alleged to have resulted in, injury or death of another person.

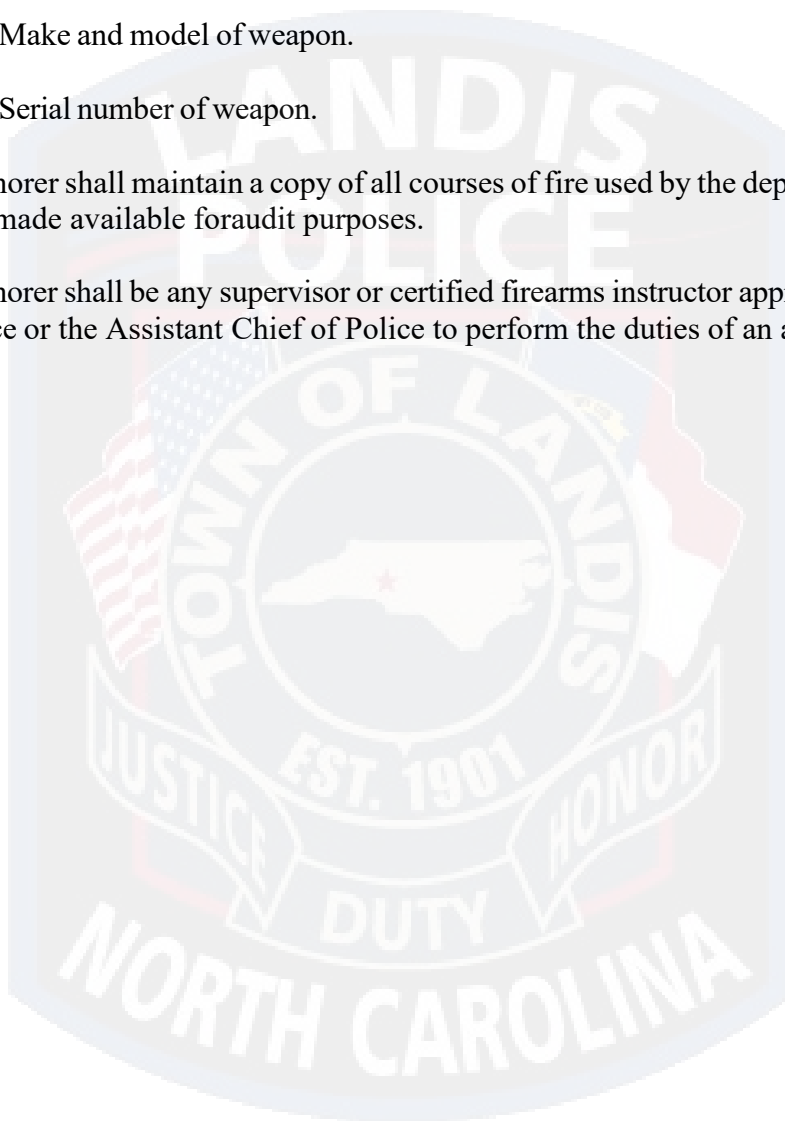
## **XXIV. DEPARTMENTAL ARMORER**

The duties of the armorer are as follows:

1. Maintain non-issued departmental weapons and associated equipment.
2. Inspect all weapons being returned to the armory to ensure they are clean and serviceable.
3. Repair or cause to be repaired all returned malfunctioning weapons.
4. Maintain records of issuance, care, and maintenance of departmental weapons and associated items.
5. Issue departmental ammunition.
6. Inspect and certify as serviceable personally owned firearms that are authorized for on or off-duty use.
7. Inspect and authorize the use of holsters for on and off-duty use.
8. Inspect all weapons used by officers both on and off-duty at each qualification shoot.
9. The armorer shall maintain a record of all firearms that have been certified as safe and with which officers have qualified. This record shall include the following:

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- a) Officer's name and identification number.
  - b) Make and model of weapon.
  - c) Serial number of weapon.
10. The armorer shall maintain a copy of all courses of fire used by the department so that they can be made available for audit purposes.
  11. The armorer shall be any supervisor or certified firearms instructor approved by the Chief of Police or the Assistant Chief of Police to perform the duties of an armorer as listed above.





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## I. PURPOSE

To establish departmental guidelines for the transportation of persons in police custody.

## II. POLICY

The handling and transportation of prisoners and other persons in custody is one of the most dangerous functions that a police officer performs. The restraint, search, and transportation of persons in police custody shall be conducted in accordance with the provisions of this policy and with the safety and security of the prisoner, the transporting officer, and the public as the foremost consideration.

## III. DEFINITIONS

- A. Detainee: An individual who is the subject of an investigative detention.
- B. Prisoner: A person who has been deprived of his or her liberty and freedom of movement and kept under involuntary restraint, confinement or custody.
- C. Restraining Devices: Equipment that is used to restrain the movement of the prisoner, such as handcuffs, waist chains, leg irons, flex-cuffs, leg restraints, etc.
- D. Security Hazard: Any threat to the security of the prisoner or to others with whom the prisoner may come into contact.
- E. Transporting Officer: A sworn law enforcement officer who is responsible for transporting a prisoner from one point to another.
- F. Transport Vehicle: The vehicle used for transporting a prisoner from one point to another.

## IV. PROCEDURES

- A. Search for Prisoners
  - 1. In all instances, prisoners will be searched incident to arrest and again by any transporting officer who is accepting responsibility for the prisoner. It should never be assumed by an officer that someone else has searched the prisoner. Officers of the same sex as the prisoner should conduct the search, when feasible.
  - 2. A thorough search of a prisoner will be conducted by officers upon assuming custody.

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3. Any strip search of a prisoner must comply with Search and Seizure Policy.

B. Search of Police Vehicles

Officers are to conduct a thorough search of their police vehicle at the beginning of each tour of duty, upon any change in vehicle assignment, and after each prisoner transport.

C. Use of Transport Vehicles

1. The transportation of prisoners will primarily be conducted using marked patrol vehicles. All officers are encouraged to utilize patrol vehicles equipped with a protective shield for the transport of prisoners whenever practical.
2. When transporting prisoners in vehicles equipped with protective shields, the following procedures will be observed:
  - (a) Units consisting of one officer will transport no more than (2) prisoners.
3. When transporting prisoners in vehicles without protective shields, the following procedures will be observed:
  - (a) Units consisting of one officer will not attempt to transport more than one (1) prisoner without supervisory approval. The prisoner should be restrained and placed in the right front seat, with lap and shoulder belt secured;
  - (b) Units consisting of two officers are to utilize the following procedures when operating a vehicle without a protective shield:
    - (1) One prisoner: The prisoner should be restrained and placed in the right front seat with lap/shoulder belt secured; the second officer will occupy the right rear seat;
    - (2) Two prisoners: One prisoner should be restrained and placed in the right front seat with lap/shoulder belt secured; the second prisoner should be restrained and placed in the right rear seat. The second officer will occupy the left rear seat.

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- (3) Three prisoners: all prisoners should be restrained and placed in the rear seat; the second officer will occupy the right front seat and maintain observation of all prisoners. Units consisting of two officers will not attempt to transport more than two prisoners without supervisory approval

D. Transport Operations

1. When feasible and appropriate, prisoners are to be transported separately, as follows: male adults, female adults, male juveniles, and female juveniles.
2. Under **no** circumstances may a prisoner in custody be left unattended in a transport vehicle or other non-secure area.
3. Safety aspects of the transport function require that the prisoner's right to communicate with others will not be exercised during the period that the prisoner is being transported (i.e. telephone communication).
4. Individual officers may transport prisoners of the opposite sex and juveniles. The Communications Center is to be notified by radio at the beginning of such transport and at the completion. Both the beginning and ending odometer reading of the transport vehicle must be provided to the Communications Center for documentation.

E. Diversion of Routes During Prisoner Transport

The primary duty of the transporting officer is the safe delivery of the prisoner. Therefore, transporting officers may not divert their route or stop to respond to the need for law enforcement services except in life threatening situations. When such instances occur, the transporting officer will assure that the risk to the prisoner is minimized. Officers are prohibited from engaging in high-speed emergency vehicle operation while transporting a prisoner.

F. Special Transport Situations

1. If a prisoner becomes sick or is injured incident to arrest and is in need of medical treatment, the arresting officer shall seek medical attention for the prisoner at that time. Prisoners with life threatening medical conditions or injuries should be transported to a medical facility by ambulance. In such instances, an officer should be designated to accompany the prisoner during transport. The need for restraining devices during transport is to be determined upon consultation with medical personnel.

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2. Prisoners who are sick or injured and require medical attention must be treated and released from a medical facility before transporting them to the county jail or detention facility.
3. Officers are to advise the magistrate and receiving jailer of any medical problems of the prisoner of which the officer has knowledge (e.g. heart condition, taking medication, diabetic, etc.). If the prisoner was subdued with a chemical agent, the officer should advise the receiving jailer accordingly.
4. Physically handicapped prisoners may be transported in either the front or rear of the police vehicle, depending upon the individual's condition. Ambulance or rescue vehicles may be requested to assist in transporting handicapped persons whose condition would preclude transport in police vehicles. Officer discretion should be used in determining whether restraints are required. The use of restraints on a handicapped prisoner is authorized in circumstances where the individual is violent, combative, presents a security hazard, or poses a danger to him/herself or others.
5. Officers are prohibited from transporting detainees to attend funerals, visit hospitals and critically ill persons, or to attend the reading of a will.

G. Security and Control of Prisoners at Medical Facilities

1. In order to allow for such medical care to be administered, normal security practices may need to be altered. Some medical procedures may require the removal of restraints and/or privacy with the prisoner. However, the safety of the officer and the public is not to be compromised. Officers becoming aware of security hazards created by medical treatment procedures are to consult with the attending physician and, if necessary, relay such information to a field supervisor.
2. When a prisoner in custody is admitted to a hospital, the transporting officer will remain with the prisoner and notify their supervisor. If the prisoner is in custody for a misdemeanor offense only, the officer may issue a citation and release the person from custody. If the prisoner is in custody for a felony offense and/or cannot be otherwise released from custody for security or legal reasons, the field supervisor shall ensure the continued security of the prisoner and notify the Commander as soon as practical.
3. Whenever feasible and appropriate, the arrest of individuals who are to be hospitalized will be delayed in order to eliminate the need for continuous guard duty. In appropriate instances, the field supervisor may request the magistrate's presence at the hospital to effect a custody release. However, if the prisoner is in custody for a violent felony offense or poses a significant security hazard, continuous custody should be maintained.

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## H. Use of Restraining Devices

1. All prisoners should be considered as posing a potential danger to the transporting officer and shall be restrained during transport. In all instances, the physical security of the prisoner and the safety of the transporting officer(s) must remain the primary consideration.
2. Handcuffs shall be utilized as follows:
  - (a) Apply handcuffs with prisoner's hands behind the back, palms out, keyholes facing upward, and engage double-lock. These steps may be altered, as necessary, when cuffing a prisoner who has special needs, is combative or when applying under adverse conditions;
  - (b) Care should be exercised to avoid unnecessary injury to the prisoner from the use of restraints.
  - (c) The transporting officer should ensure the handcuffs are double locked and tightened only enough to effectively secure the prisoner's wrists;
  - (d) Securing prisoners to stationary objects should be done only in extreme circumstances; such prisoners should not be left unattended;
  - (e) Prisoners are not to be handcuffed to any part of a motor vehicle, except when the vehicle is specifically equipped for this purpose, or when compelling emergency circumstances exist;
  - (f) When the use of regular handcuffs is not feasible (e.g. mass arrests), flex-cuffs may be used as a restraining device. Flex-cuffs are to be removed using an approved cutting tool.
3. If the prisoner is to be transported over long distances, or must be restrained for extended periods of time, the officer may apply the handcuffs with the prisoner's hands in front and fastened to an approved waist belt or lead chain designed for this purpose.
4. The use of leg restraints is authorized for prisoners who pose a security hazard, who display violent or combative behavior, or who pose a danger to himself or herself, the transporting officer, or the transport vehicle. In cases where a "hobble" device is used, officers **shall not** place the prisoner in a face down position during transport, as this creates a potential danger of positional asphyxia. The prisoner should be placed on his/her side and closely monitored for any signs of respiratory distress or vomiting during transport.

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5. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. Special restraints (e.g. padded restraints) may be applied to such prisoners where appropriate and available to provide security and prevent injury. The use of special restraints under this section does not preclude the use of handcuffs or leg restraints when special restraints are not available or feasible. If the mentally disturbed prisoner is violent or uncontrollable, and may cause injury to him/herself or others, an ambulance or rescue unit should be requested to assist in transporting the person using a tie-down stretcher.

I. Entering Police Headquarters with Prisoners

1. Under no circumstances are prisoners to be left unattended in any area of the police facility.
2. Officers may temporarily handcuff a prisoner to a fixed security rail to facilitate the safe processing of multiple arrestees. Handcuffing to a fixed object should be as brief as circumstances reasonably permit. The prisoner must be continuously monitored while secured. Prisoners shall NOT be left restrained and unattended at any time or for any reason.

J. Entering Jail and Detention Facilities

1. Upon arrival at a detention facility, the transporting officer shall leave any restraining devices on the prisoner until safely inside a secure area of the facility.
2. 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.
3. The transporting officer will deliver to the detention officer all necessary documentation pertaining to the prisoner, including any information about the prisoner's escape or suicide potential, or other traits of a security nature.

K. Transport of Prisoners to and From Outside Jurisdictions

1. N.C.G.S. 15A-402(c) authorizes municipal police officers to transport persons in custody to or from any place within the State for the purpose of attending criminal proceedings, and in doing so, may arrest persons at any place within the State for crimes that occur in connection with an incident to the transportation of prisoners.

**Note:** The intent of this law is to give officers legal authority to enforce the continued custody of their prisoner during transport outside the officer's normal territorial jurisdiction, as well as the authority to arrest persons who may try to obstruct that

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transport or assist in the escape of a prisoner. This law relates to ‘transportation’ only and should not be construed as giving officers state-wide arrest powers for crimes leading to the initial custody of the prisoner, or for offenses unrelated to the prisoner transportation.

2. Upon transporting and/or retrieving a prisoner from a jail or other facility, transporting officers are to ensure positive identification of the prisoner through verification of available documentation (e.g. photographs, booking records, identification records).
  3. Appropriate documentation must accompany a prisoner being transported between facilities. This documentation may include a properly executed warrant, notification of suicide or escape potential, any necessary commitment papers, personal property, medical records, and other items that the jail or police facility may deliver to the transporting officers.
  4. Interstate transports (extraditions) must be approved by the Chief of Police or his designee and coordinated in advance with the NCDOC Fugitive Extradition Section to ensure that all legal requirements are met.
- L. Escapes from Custody
1. In the event that a prisoner escapes from lawful custody, the transporting officer shall:
    - (a) Immediately notify the Communications Center and provide the pertinent details so that all necessary personnel and agencies may be informed;
    - (b) Notify a supervisor as soon as possible;
    - (c) Take appropriate action to recover the prisoner;
    - (d) Charge the prisoner with the appropriate criminal violation(s) related to the escape.
  2. If the escape occurs outside the City of Landis, the transporting officer shall:
    - (a) Immediately notify and request assistance from the law enforcement agency having territorial jurisdiction;
    - (b) Notify the Rowan County Communications Center and the on-duty patrol field supervisor as soon as practical;

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M. Reporting Problems

1. When an officer experiences problems with a prisoner, the officer is to document such problems and any action taken. Any application of the use of force is to be documented according to departmental policy. Such procedures will also apply to post-arrest situations such as during an interview or transport to an interview facility.
2. Any officer becoming aware of any prisoner who may present a security hazard in a court environment is to immediately notify the Sheriff's Office and any other agency responsible for the custody of the prisoner and/or security of the court facility.

N. Deaths in Custody

The sudden death of a prisoner in custody can occur at any time for a variety of reasons. Consequently, officer awareness and recognition of risk indicators are necessary to ensure prisoner safety and minimize the risk of sudden custody death. Officers must maintain diligent observation and monitoring of prisoners displaying risk factors for sudden death. Examples of such risk factors include:

1. Bizarre and/or unusually violent behavior;
2. Obesity;
3. Labored breathing;
4. Drug and/or alcohol intoxication;
5. Excited Delirium;
6. Apparent ineffectiveness of chemical agent or insensitivity to pain.



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## I. PURPOSE

The purpose of this Policy is to establish procedures for the management and use of police canines.

## II. POLICY

The mission of the police canine team is to provide assistance in the prevention and detection of crime, the apprehension of criminal offenders, and such other duties as may be directed by the Department. Canine teams will be available for emergency duty at all times. All use of agency canines shall be in accordance with applicable law and departmental policies.

## III. DEFINITIONS

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

- A. Canine (K9): A police dog trained and certified in one or more specialty areas such as the detection of narcotics, tracking, building/area searches, evidence detection, apprehension techniques, and handler protection.
- B. Handler: A police officer who has successfully completed the required training and certification, and who is authorized by the Department to function as a canine handler.
- C. Canine Coordinator: Appointed Sergeant, or ranking supervisor, who provides administrative oversight of the Department's canine program and serves as an advisor to the Department on matters pertaining to canine operations.
- D. Canine Team: One authorized handler and assigned canine both of which have received specialized training and are equipped to conduct canine operations.
- E. Off-Lead: A condition where a canine is under the verbal and/or hand signal control of the assigned handler.
- F. On-Lead: A condition where a canine is attached to and controlled by a lead in the hand(s) of a handler.

## IV. PROCEDURES

### A. Organization & Administration

1. The principal duty of a canine handler shall be to serve as an officer. Canine operations will be considered a support function to field operations. Canine handlers will respond to calls for canine assistance in accordance with this policy and in compliance with priorities set by the Chief of Police.

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2. The Chief of Police will designate a Canine Coordinator with oversight responsibility for the agency's canine program. Handlers are subject to the administrative supervision of the Canine Coordinator in matters pertaining to canine operations.
3. Police canines are the property of the Town of Landis, unless acquired/purchased by the officer, with the handler providing care and maintenance at the handler's private residence in accordance with the requirements of this policy. The cost of food and veterinary care is paid by the Department and acquired through authorized providers.
4. Departmental canines shall not be used for purposes other than official police duties. Canines may not be used for breeding purposes, or registered with any organization or association not specifically related to law enforcement without the written consent of the Chief of Police.
5. Handlers must comply with all written policy and lawful orders regarding the use of canines, but the handler is authorized to decline to perform any requested canine assignment if the request violates departmental policy, law, unreasonably threatens the health and safety of the canine, or is inappropriate or inconsistent with the police mission.

#### **B. Handler Selection**

Prospective handlers must meet the following minimum qualifications:

1. Must have completed all probationary periods and field training required by the Department, and shall have a minimum of two (2) years of full-time sworn law enforcement experience.
2. Receive their supervisor's recommendation regarding the applicant's maturity, judgment, work history, use of force history, and performance under stress;
3. Have demonstrated the ability to work effectively and productively without close supervision;
4. Must be familiar with the duties and responsibilities of the assignment and demonstrate a sincere interest in working with canines in law enforcement;
5. Maintain a residence that provides adequate yard space for the placement of a department-provided kennel, and which affords the canine suitable protection and solitude during off duty hours. In the event that the handler does not own a residence, he/she must obtain written permission from the property owner for the housing of the canine in the department provided kennel;

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6. Agree to at least five (5) years of assignment as a canine handler, excluding promotion or reassignment initiated by the Department;
7. Must be able to perform the essential functions of the position.

### **C. Training, Certification & Evaluation**

1. All canines and handlers shall be trained, both pre-service and in-service, in conformity with training standards approved by the United States Police Canine Association (USPCA) and/or a nationally accredited canine certification agency.
2. All canines and handlers must successfully complete pre-service training and certification at a Department approved and recognized law enforcement canine training facility before performing law enforcement functions. The handler must document and maintain complete training records for the canine showing the time, type and success of all training. These documents will be maintained as permanent records in accordance with this policy and reviewed monthly by the Canine Coordinator.
3. In-service training shall be conducted to reinforce initial training and maintain proficiency, correct any identified problems, and to provide new or updated training. A minimum of 16 hours of in-service training hours per month will be recommended in addition to the daily training /exercise period.
4. In-service and daily training may be conducted while on-duty as call volume allows. The canine team may also be authorized to attend outside training courses/facilities to enhance their effectiveness and level of proficiency.
5. If a police canine team fails to perform at acceptable levels the canine may be removed from active duty and placed into remedial training until the canine team can perform at acceptable levels.

### **D. Handler Responsibilities**

1. Canine handlers are responsible for carrying out all regular duties of their rank and primary assignment as patrol officers, in addition to their canine responsibilities.
2. Canine handlers are personally responsible for maintaining their canine in a clean, well-groomed, and healthy state of readiness.
3. The premises, canine, and kennel assigned to officers who serve as handlers are subject to unannounced and periodic inspection by the Department to ensure the animal is properly fed, kenneled, exercised, and healthy.

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4. At no time will the handler take the canine away from home other than while on duty or call out, authorized training, or as otherwise approved by the Department.
5. Police canines shall be kept out of restaurants, businesses, and public buildings, except when required in the conduct of official police business. Reasonable precautions should be taken to prevent the dog from urinating or defecating inside a building.
6. Police canines are not permitted inside Police Headquarters unless present for a legitimate purpose under the immediate on-lead control of the handler. A kennel may be provided at the Police Department to temporarily house canines while the handler conducts routine business.
7. Handlers are responsible for the protection of others from the canine, and shall take reasonable precautions to ensure that their canine does not present a hazard to other employees or members of the public.
8. Handlers will not permit anyone (including unauthorized officers) to feed, pet or hug their canine without their permission and immediate supervision. Should a citizen or officer express a desire to do so, the person should be informed that police canines are serious working dogs and specially trained to protect their handler, and that they can be dangerous if improperly approached.
9. At no time will a police canine be left alone with department or civilian personnel without the handler being present.
10. An ill or injured dog shall be reported to the handler's shift supervisor and Canine Coordinator. If the canine will be out of service for longer than one week, the Chief of Police will be notified. If the veterinarian deems the dog temporarily unfit for duty, the handler shall perform normal patrol duties on the current shift assigned.
11. Handlers will maintain accurate written records that document all canine activity, training, deployment and veterinary care. This information will be readily available to canine officers, the Canine Coordinator, and others who may need it to seek a search warrant. All canine activity reports and documentation shall be reviewed by the Canine Coordinator on a monthly basis.
12. Handler or the handler's supervisor shall immediately notify the local health director of bites. The notice shall include the name and address of the person bitten and identify the Landis Police Department as the owner of the animal. A canine is exempt from confinement and may perform official duties upon submission of proof that the canine has been vaccinated for rabies, in compliance with North Carolina law. N.C.G.S. §130A-196.

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### **E. Procedures Related to Approved Uses of Agency Canines**

1. Tracking: A canine can assist in tracking lost/missing persons and criminal suspects. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
2. Searches.
  - (a). Evidence/Article Search: The canine may be used to search for articles that are evidence in a criminal investigation.
  - (b). Building Searches: A canine can assist in searching an otherwise occupied building or enclosure for the presence of a hidden criminal suspect.
  - (c). Area Searches: A canine can assist in searching a limited outdoor area for the presence of a hidden criminal suspect.
  - (d). Controlled Substance Searches: The use of a canine for the detection of controlled substances is an invaluable tool for drug enforcement.
  - (e). Canine Drug Searches and Inspections in Public Schools: The use of police canines trained in narcotics detection can be a very beneficial tool to deter the possession of illegal drugs on school grounds.
3. Crowd Control: Canines shall not be used or displayed in a manner that would frighten or intimidate persons who are demonstrating, picketing or congregating in a lawful and peaceful manner. A canine can be used for crowd control if criminal rioting is occurring or imminent, and canines may be deployed as a back-up unit for public disturbance calls to protect an officer whose safety is jeopardized. Canines used in crowd control must be short leashed at all times unless the canine is used as force to prevent an imminent threat of death or serious bodily injury.

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4. Apprehension: A canine may be used to seize or prevent the escape of a fleeing suspect if the canine handler reasonably believes that the suspect has either committed, is committing or is threatening to commit any serious criminal offense, and if any of the following conditions exist:
- (a) There is a reasonable belief the suspect poses an imminent threat of serious bodily injury or violence to an officer or others unless apprehended without delay;
  - (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance; or
  - (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such event requires viewing the totality of the circumstances and the use of an objective reasonableness standard to review the decision to use a canine.

In a case where a canine has been released to apprehend the suspect and the suspect complies before the apprehension is made, the handler will make every attempt to recall the canine. If no apprehension is made, the handler will regain physical control of the canine while providing security for the back-up officer.

- 5. Officer Protection: A police canine may be used to assist another officer(s) who needs help while being overpowered by an assailant when it reasonably appears necessary that the officer is facing an imminent threat of serious bodily injury or violence.
- 6. Warrant Service: Canine teams may be used to assist in serving warrants.
- 7. Tactical Operations: Canine teams may be used to assist in tactical operations.

#### **F. K-9 Deployment Off-Lead**

- 1. Taking into consideration the totality of the circumstances, using the information available to the officer(s) at the time of the incident, a three-part test should be used to satisfy and justify a canine deployment:
  - (a) The severity of the crime;
  - (b) Whether the suspect poses an immediate threat to the safety of the law enforcement officers or others; and

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(c) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

2. Consistent with Use of Non-Deadly Force Policy, a verbal warning, if feasible, should be given by the handler before deployment off-lead. The officer shall identify him or herself as a police officer and communicate the following: direct the suspect to come out with his or her hands up or the K9 will be released to bite. Ideally, three warnings should be given, but a lesser number of warnings or 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.

#### **G. Special Procedures- Incapacitation of Handler**

In the event that the handler is incapacitated and it becomes necessary to remove the canine from the scene, the on-duty patrol supervisor will evaluate the situation and determine the best method of restraining and removing the canine. Priority consideration will be given to requesting assistance from another canine handler, canine coordinator and/or the departmental veterinarian in safely restraining the canine. Every possible effort to control and restrain the dog without injury will be made. However, the safety of the handler, other officers, and the public is the primary consideration in the method and timeliness of removing the canine.

#### **H. Conduct in the Presence of Police Canines:**

The following rules will apply to all personnel when in the presence of police canines:

1. Do not pet the dog without the permission and presence of the handler.
2. Respect the handler's wishes in regard to the dog.
3. Stay away from the dog during aggression training or bite work.
4. Stand still if you think you are about to be bitten.
5. Avoid aggressive or sudden movements in the presence of the dog.
6. Do not tease or try to agitate the dog.
7. Do not try to entice the dog to break away or disobey commands.
8. Do not use any command you have heard the handler use.
9. Do not feed the dog.
10. Do not engage in violent or simulated violent behavior toward the handler.

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11. Do not point a weapon or weapon facsimile at the dog or the handler.
12. Do not stare intensely at the dog.
13. Do not hug the dog or lean down closely to the dog's head.
14. Do not get into a canine vehicle unless directed to do so by the handler.

**I. K-9 Vehicles and Equipment:**

1. Canine handlers will be assigned a marked patrol vehicle specially equipped for canine operations, to include canine transport system, temperature monitor, and remote deployment system. Vehicles assigned for canine use will be operated only by a trained handler unless the canine is not present in the vehicle.
2. Handlers will be provided with training in the use of all specialized canine equipment installed in the vehicle, and in the general use of the vehicle in support of canine operations. The handler shall ensure that all specialized equipment installed in the vehicle is properly maintained in a fully functional condition, and that the vehicle is kept clean and sanitary.
3. Patrol vehicles assigned to canine teams will not be used to transport prisoners who resist arrest or are combative, agitated, or intoxicated and disruptive. In such instances, a regular patrol unit should be requested to provide transport assistance. Any prisoner transported by a Canine team shall be handcuffed with hands behind their back and secured with lap and shoulder belt in the front passenger seat. Patrol vehicles assigned to canine teams will not be used to transport persons taken into police custody for the purpose of mental evaluation or commitment.
4. If a canine unit is the initiating vehicle in a pursuit, it shall relinquish the pursuit to the first marked unit available. The use of canine teams to respond to the scene of pursuit terminations will be at the discretion of the controlling supervisor based on the seriousness of the incident.
5. Canine handlers will be equipped with functional utility uniforms commensurate with their specialized duties and responsibilities. The utility uniform may be worn when performing regular patrol duties; however the standard departmental class A uniform will be worn when dictated by policy, such as superior court and parades.
6. Canine teams will be provided with specialized equipment necessary to conduct safe and effective operations and training. The handler will be responsible for the proper care and security of issued equipment and shall notify the Canine Coordinator of any needed replacement or supplemental equipment. Issued equipment may include, but is not



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limited to; canine first aid kit, equipment bag, muzzles, collars, leads, harness, water containers, canine badge, and training aids.

#### **J. USE OF CONTROLLED SUBSTANCE TRAINING AIDS:**

In order to maintain the canine's proficiency in the detection of controlled substances, scent training is needed that uses drugs such as marijuana, cocaine, and heroin. The department will provide and maintain such controlled substance through court orders, which awards the department the ability to house and maintain the controlled substance, for such use. The following is a list of rules for the canine handler and other department personnel.

1. Only those drugs obtained through court orders will be used as canine training aids. Unclaimed contraband or evidentiary drugs shall NOT be used for this purpose.
2. Controlled substances used for training shall be stored in a secure area and handled separately from all contraband or evidentiary drugs. All controlled substances shall be stored in a way to prevent scent contamination.
3. To protect the integrity of the agency and all personnel involved in or assisting with the canine training program, the department has established detailed procedures governing the use of controlled substance to ensure the following:
  - (a) Appropriate records are kept;
  - (b) Access to the drugs is limited to authorized personnel only;
  - (c) A procedure for obtaining and returning drugs is strictly adhered to; and
  - (d) The drugs are obtained and disposed of in accordance with applicable law and federal regulations.
4. The evidence control officer, or his designee, will be responsible for maintaining the appropriate controls and accounting records for the controlled substances, in accordance with departmental policy, state and federal law.
5. When such controlled substances are no longer needed or useful, the evidence control officer, or his designee, will have the controlled substance destroyed in accordance with departmental policy, state and federal law.
6. The following procedures shall apply to the use of controlled substances for canine training:
  - (a) The handler has sole responsibility for the proper security and use of controlled substance while in his/her possession.

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- (b) The controlled substance shall NOT be kept in the possession of the handler for more than 12 hours without being returned to the evidence locker.
  - (c) At no time will the handler be unavailable for immediate recall to the police department when in possession such controlled substances.
  - (d) Handlers shall not allow anyone to handle or display such controlled substances except in the course of approved canine training.
  - (e) Such controlled substances will not be left unsecured or unattended at any time.
  - (f) If at any time, such controlled substances become damaged, lost, or destroyed during training, the handler shall immediately notify the Canine Coordinator and the chain of command.
7. Procedures for Checking Out and Returning Controlled Substances:
- (a) Only the Canine Coordinator and canine handlers will be authorized to check out controlled substances for use in canine training. To obtain controlled substances, the handler should contact the Canine Coordinator. If the Canine Coordinator is unavailable, the handler should contact the primary evidence control officer.
    - (i) The evidence control officer will sign out the controlled substance to the Canine Coordinator or the handler.
    - (ii) The evidence control officer will sign the form and obtain the signature of the handler acknowledging receipt.
  - (b) When controlled substances are returned, the evidence control officer will either receive the drugs directly from the handler, or retrieve the drugs from the evidence locker.
    - (i) Controlled substances returned during normal business hours should be submitted directly to the evidence control officer.
    - (ii) Controlled substances returned after normal business hours are to be deposited in a secure evidence locker for retrieval by the evidence control officer on the next business day. An email shall be sent to the Property Control Officer indicating the time and locker number that the controlled substances have been deposited.

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- (iii) The evidence officer will have the handler sign the check-out form verifying return, or will indicate which evidence locker the drugs were retrieved from.



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## I. PURPOSE

To outline the media relations procedures of the Landis Police Department. This policy is not all-inclusive, but good judgment and common courtesy will fill most voids. One goal of this policy is to secure public trust, confidence and support by maximizing the flow of relevant information to the public through means of communication.

It is also the goal of this policy to acknowledge that Landis Police Department investigations must be handled with proper security measures so as not to jeopardize the safety and welfare of the general public. It is not the intent of this policy to deny members of the community of the information they need. The ultimate goal of this policy is to respect the delicate balance of rights between news media, citizens, and the police function.

## II. POLICY

It is the policy of the Landis Police Department that appropriate members of the department provide factual, accurate, and timely information to the public and media. This information is to be distributed on a fair and equal basis and should not compromise any investigation or the rights of crime victims or persons accused of crimes.

An officer may refuse to release information if the officer believes that such release could cause potential harm to a victim, an investigation, an arrest, a search, or for any other valid reason. In such cases, the officer shall contact his/her supervisor who may take appropriate steps to resolve the matter.

## III. DEFINITIONS

- A. Administrative News Release: The dissemination of information that pertains to the administration, management, policies, and organizational aspects of the Department.
- B. General News Release: The dissemination of information that pertains to operational aspects of the Department.
- C. Public Information Officer (PIO): The Chief of Police, or his designee, who serves as the Public Information Officer for the Town of Landis Police Department.

## IV. PROCEDURE

Employees contacted by the news media or other interested parties should have direct responsibility for the subject or case in question. Otherwise, the news media representative should be referred to the appropriate person or to the Public Information Officer for proper handling. This is imperative to the security of department investigations and ensures fairness to news organizations.

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A. Addressing the Media

1. The initial officer, employee or investigator may address the news media.
2. Questions by the media concerning departmental policies or personnel are to be addressed by the Chief of Police or his designee.

B. Distribution of Agency Media Releases

1. Administrative news releases and information pertaining to agency personnel, plans, internal discipline, policies and procedures, civil litigation, complaints against Department members, internal investigations or administrative changes will be prepared by the Chief of Police or his/her designee and distributed through the PIO who may advise about news releases content, formatting or key messages as needed.
2. General news releases will normally be made by command and supervisory personnel. However, those officers conducting investigations or otherwise directly involved in a particular incident may release specific information in accordance with this policy. Such releases are to include only that information which is deemed to be public record, and which will not impair a police operation or investigation.
  - (a) Routine news releases will be made during regular business hours by the PIO and as necessitated by specific occurrences;
  - (b) Subject matter of such releases will normally involve criminal investigations, arrest information, calls for service, and traffic accident information;
  - (c) On-duty command and supervisory personnel will remain available to provide responses to inquiries as part of the public information function;
  - (d) Releases will be disseminated in such a manner to ensure that first-release information is equally available to all news media.
3. During high profile incidents or major events and emergencies, a media news conference may be held at the Landis Police Department or Town Hall. The department PIO will arrange for and assist at all media conferences at the direction of the Chief of Police.

C. The Role of the Public Information Officer (PIO)

1. The Public Information Officer serves as a liaison between the news media, citizens, and the Police Department. The PIO assists news media representatives in

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contacting news sources. The PIO contacts the news media about police-related story ideas and problems with stories or reporters.

2. The PIO is also kept advised of occurrences about which media attention may be generated or sought. Sergeants should provide information regarding current events and details of serious incidents and investigations occurring under their command in a timely manner. The PIO should be prepared to give the news media a summary of such events.
3. Patrol supervisors handle PIO media duties after hours, on weekends and holidays, and will be responsible for releasing information to media representatives in accordance with this policy. Public copies of reports and arrest information shall be released. If the case is of a sensitive nature, the news representative should be referred to the senior supervisor.
4. After hours or on weekends and holidays the on-duty Patrol Supervisor should contact the PIO when major events occur, which may require the PIO's assistance. The following are examples:
  - (a) Homicide cases which are generating a lot of media attention.
  - (b) Hostage situations.
  - (c) Police-related shootings.
  - (d) Other events, which are generating a lot of media attention.

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D. At Crime Scenes

1. At crime scenes, police have the obligation to preserve the integrity of a crime scene to gather evidence and assist injured victims. Accordingly, police personnel define the crime scene area and prevent all unauthorized persons from entering that area as long as investigation, evidence collection, and related activities are ongoing.
2. The news media has the same access to the crime scene as the general public. In other words, if the general public does not have access, then neither does the media.
3. At crime scenes, the senior supervisor addresses the media.
4. At fire scenes and mutual aid incidents, the release of media information shall be controlled by the on-scene fire or appropriate commander. Officers at the scene shall confer with the on-scene commander and assist in establishing an observation point from which media personnel may observe and photograph the proceedings.
5. Media access and the release of information concerning other incidents at which police are serving in a mutual aid or assisting role will be the responsibility of the officials in primary command of the scene.

E. Information Which Cannot Be Released

1. Details which, if released to the public, could jeopardize the apprehension of a suspect, an investigation or the prosecution of an offender.
2. Names, addresses, photographs or composite drawings of suspects or persons wanted for questioning, unless help from the news media is desired in locating the subject, when authorized by the Chief of Police or his designee.
3. Information about juveniles:
  - (a) That would identify a juvenile, under age 18, who is delinquent or undisciplined as defined in G.S. 7B-1501; or
  - (b) That would identify a juvenile (under age 18) who is abused, dependent, or neglected as defined in G.S. 7B-101.
4. Information about evidence prior to trial such as:
  - (a) The contents of any admission or confession or the fact that an admission has been made.

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- (b) Opinions concerning the character, mental or physical condition, or guilt or innocence of an arrested person.
  - (c) Opinions concerning evidence or arguments in the case.
  - (d) Statements about whether witnesses, including victims, can positively identify suspects.
  - (e) Results of fingerprint, polygraph, ballistics or other laboratory examinations.
  - (f) Precise descriptions of items seized or discovered during an investigation.
5. Any information from an employee's personnel file, other than that allowed by law (as specified by N.C.G.S. §160A-168).
  6. Any information about an internal investigation of a department employee, except as required by N.C.G.S. §160A-168.
  7. Contents of 911 recordings that may identify the caller, victim or witness.
  8. The name or address of a complaining witness if release of information is reasonably likely to pose a threat to the mental health, physical health or personal safety of the complaining witness.
  9. Home addresses and telephone numbers of Department employees.
- F. Information Which Can Be Released
1. Unless otherwise prohibited by law or prohibited by any other provision in this policy, the following information will be available for release.
    - (a) The time, date, location, and nature of a law violation reported to the Department.
    - (b) The name, sex, age, address, employment, and alleged violation of a person arrested, charged or indicted.
    - (c) 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.
    - (d) The contents of 911 and other emergency telephone calls except when the contents reveal the name, address, telephone number, or other information that may identify the caller, victim, or witness.



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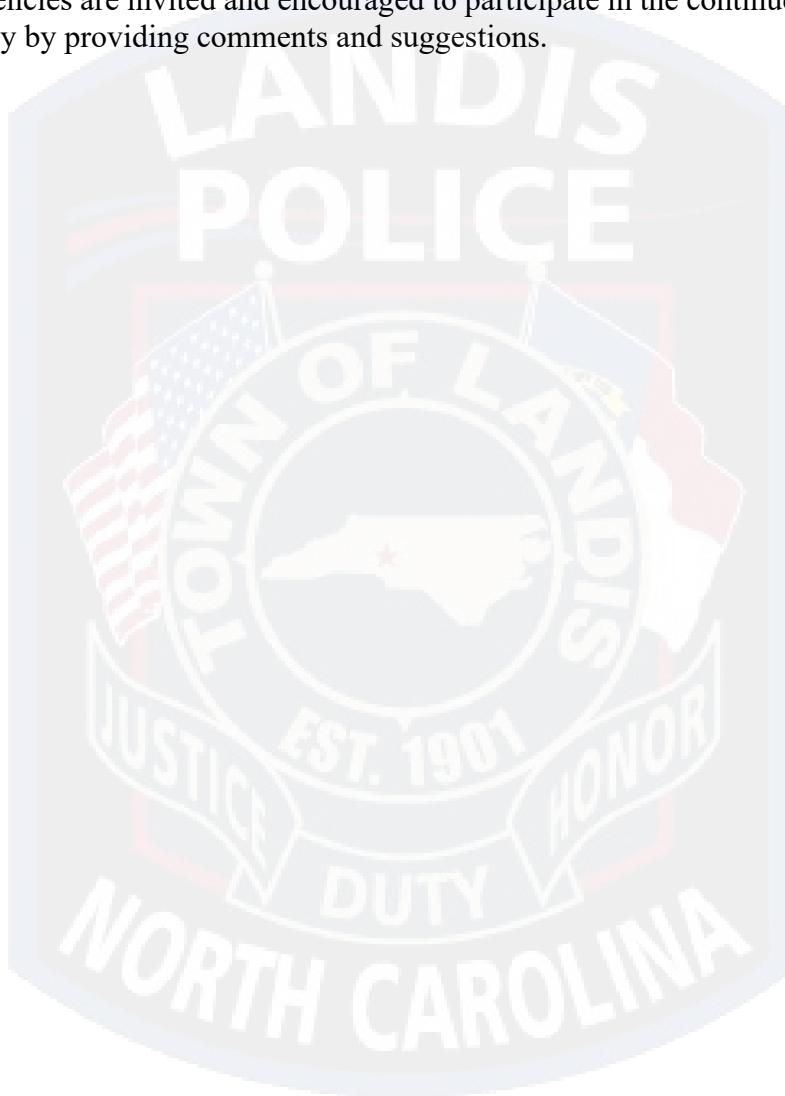
2. The name, sex, age, and address of a complaining witness or victim except in cases when:
    - (a) The release of such information is reasonably likely to pose a threat to the mental health, or personal safety of the complaining witness, or
    - (b) The release of such information might materially compromise a continuing or future criminal investigation or criminal intelligence operation.
    - (c) The victim is a juvenile (under age 18) who is believed to be abused, neglected, or dependent as defined in G.S. 7B-101. (See Section E, 3, for information about *not* identifying juveniles.)
  3. In non-criminal incidents involving a death, the names and addresses of those involved are not released until the next of kin have been notified or a reasonable effort has been made to notify the next of kin. The officer in charge of the investigation uses his or her own judgment in determining when to release names and other pertinent data.
  4. At a crime scene when the investigation is incomplete, the Senior Supervisor determines what information can be released without jeopardizing the investigation. This information may include many items on the Media Briefing sheet such as:
    - (a) A brief description of offenses, i.e. general location, time, damages, and/or injuries.
    - (b) The name of the victim unless the release of such information is reasonably likely to pose a threat to the mental health, physical health or personal safety of the complaining witness. Names of juvenile (under age 18), victims believed to be abused, neglected, or dependent as defined in G.S. 7B-101 shall not be released.
  5. Whether force or weapons were used.
  6. Pertinent information including photographs in the case of a juvenile runaway (with the parent's permission) or missing person.
- G. Confidential and Internal Investigations
1. Criminal intelligence information and criminal investigative records shall not be released except in accordance with state and federal law. N.C.G.S. §132-1.4.

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2. Investigative information pertaining to internal affairs and administrative personnel matters will be disclosed only in accordance with N.C.G.S. §160A-168.

#### H. Media Participation in Policy Development

News agencies are invited and encouraged to participate in the continued development of this policy by providing comments and suggestions.



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## LANDIS POLICE DEPARTMENT

### Statutory Restrictions Pertaining to Release of Confidential Personnel Privacy Protected Information

#### Information that is public record and shall be released:

- Name
- Age
- Date of original employment or appointment to the service
- The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the town has written contract or a record of the oral contract in its possession
- Current Position
- Title
- Current salary
- Date and amount of each increase or decrease in salary with that municipality
- Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality
- Date and general description of the reasons for each promotion with that municipality
- Date and type of each dismissal, suspension, or demotion for disciplinary reason taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal
- The office to which the employee is currently assigned

**Other than the information listed above, no other employee information shall be released. A willful violation of N.C.G.S. §160A-168 constitutes a criminal misdemeanor.**

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**I. PURPOSE**

The Landis Police Department understands the potential value in the appropriate use of social media in order to enhance communication, collaboration, and information exchange, to streamline processes, and to foster productivity. This policy establishes this department’s position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

**II. POLICY**

Social media provides a new and potentially valuable means of assisting the department and its designated and authorized personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by authorized administrative and supervisory personnel. The department also recognizes the role that these tools may play in the personal lives of other department personnel. The personal use of social media can have a bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as certain prohibitions and limitations on the use of social media by all department personnel. The Landis Police Department social media policy directs specific social media issues related to law enforcement and the intricacies of public safety. In addition, the Town of Landis social media policy directs all town employees on the proper use of social media addressing personal and professional use. The Town of Landis’ Social Media Policy can be found in the Personnel Policy Manual.

**III. DEFINITIONS**

- A. 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.”
- B. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
- C. Post: Content and individual shares on a social media site or the act of publishing content on a site.
- D. Profile: Information that a user provides about himself or herself on a social networking site.
- E. Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro-blogging sites (Twitter, Nixle), photographs and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

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- F. Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a wide range of technologies.
- G. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
- H. Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.
- I. Wiki: Web page(s) that can be edited collaboratively.

#### IV. ON-THE-JOB USE

##### A. Potential Department-Related and Work-Related Uses

1. Social media is a valuable investigative tool when seeking evidence or information about but not limited to the following:
  - (a) Missing persons;
  - (b) Wanted persons;
  - (c) Gang participation;
  - (d) Crimes perpetrated online (i.e., cyber-bullying, cyber-stalking); and
  - (e) Photos or videos of crimes posted by a participant or observer.
2. Social media also can be used for community outreach and engagement by:
  - (a) Providing crime prevention tips;
  - (b) Offering online-reporting opportunities;
  - (c) Sharing crime maps and data; and
  - (d) Soliciting tips about unsolved crimes.
3. Social media can be used to make time-sensitive notifications related to:
  - (a) Road closures;

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- (b) Special events;
- (c) Weather emergencies;
- (d) Missing or endangered persons; and
- (e) Other police emergencies.

## **B. Social Media Protocol**

1. Public Information Officers are authorized by the Chief of Police to coordinate official social media site(s) for the department that are public-oriented and not undercover in nature.
  - (a) LPD employees seeking to post to LPD's official social media site(s) can submit requests to the PIO.
  - (b) LPD employees with a work-related social media site should have a targeted business focus and get approval from their supervisor as well as informing the PIO of their site for monitoring and public records purposes.
  - (c) The Town, not the employee, owns any social media accounts created under the employee's job.
  - (d) All employees must immediately relinquish and not use such accounts after their employment is terminated.
  - (e) Only the Town is permitted to change account names and settings.
2. Designated and authorized employees are responsible for ensuring that the department-sanctioned social media conform to all applicable department rules and guidelines.
  - (a) These employees are authorized to remove immediately and without advance warning any content, including offensive content such as defamatory material, pornography, obscenities, profanity, and/or material that violates the department's EEO and/or anti-harassment policies.
  - (b) For public records purposes, before deleting anything other than offensive content such as defamatory material, pornography, obscenities, profanity and/or materials that violates the department's EEO and/or anti-harassment policies, make a print screen shot of the post, paste it into an email with

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Deleted Social Media Material written in the subject line and email it to the PIO or Chief of Police. The PIO is the contact for any questions.

## V. PERSONAL USE OF SOCIAL MEDIA

### A. Precautions and Prohibitions

1. The Town understands that social media is a form of personal communication apart from any Town-sanctioned use. However, in order to protect the department's interests and ensure that employees focus on their job duties, employees are expected to adhere to the following rules.
2. As with checking personal email or personal use of Internet Browsing on town equipment or technology, employees should limit participating in social networking or through websites or services such as Twitter, Facebook, or similar sites/services or posting to a blog or website, during working time only during breaks, lunch, or before and after regular work hours. Personal use must not interfere with the employee's or other employees' ability to perform their jobs. Such personal use will be kept to a minimum and abuse of this privilege can result in disciplinary action up to and including termination. Employees must not use their town email account in conjunction with a personal social media site.
3. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department. As public employees, speech, on or off duty, made pursuant to official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the efficient operations of the department. Employees are also reminded of the speed and manner in which information posted on a blog, website, or social networking on or through websites or services such as, Twitter, Facebook, or similar sites/services can be relayed and often misunderstood by readers. Employees must use their best judgment.
4. Department personnel shall not post, transmit or otherwise disseminate any confidential or work-related information, such as documents, recordings and photographs, to which they have access solely as a result of their employment without written permission from the Chief of Police or his/her designee.
5. For safety and security reasons, department personnel are cautioned regarding the potential impropriety of disclosing their employment with the Landis Police Department on social media sites. Officers who are, or who may reasonably be,

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expected to work in undercover operations shall not post any form of visual or personal identification.

6. When posting to a personal social media account, if an employee mentions the department and also expresses either a political opinion or an opinion regarding the department's actions, the poster must specifically state that the opinion expressed is his/her personal opinion and not the department's position.
7. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - (a) Speech containing obscene or sexually explicit language, images or acts and statements or other forms of speech that are discriminatory, defamatory, libelous or threatening, or otherwise express bias against any race, any religion or any protected class of individuals.
  - (b) Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless, unbecoming or irresponsible.
8. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel engaging in prohibited speech are subject to discipline, up to and including termination.
9. Department personnel may not divulge information gained by reason of their authority, make any statements, speeches, appearances and endorsements or publish materials that could reasonably be considered to represent the views or position of the Landis Police Department, without express authorization from the Chief of Police.
10. Department personnel should be aware that they may be subject to civil litigation upon committing the following act(s):
  - (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 their permission that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person;

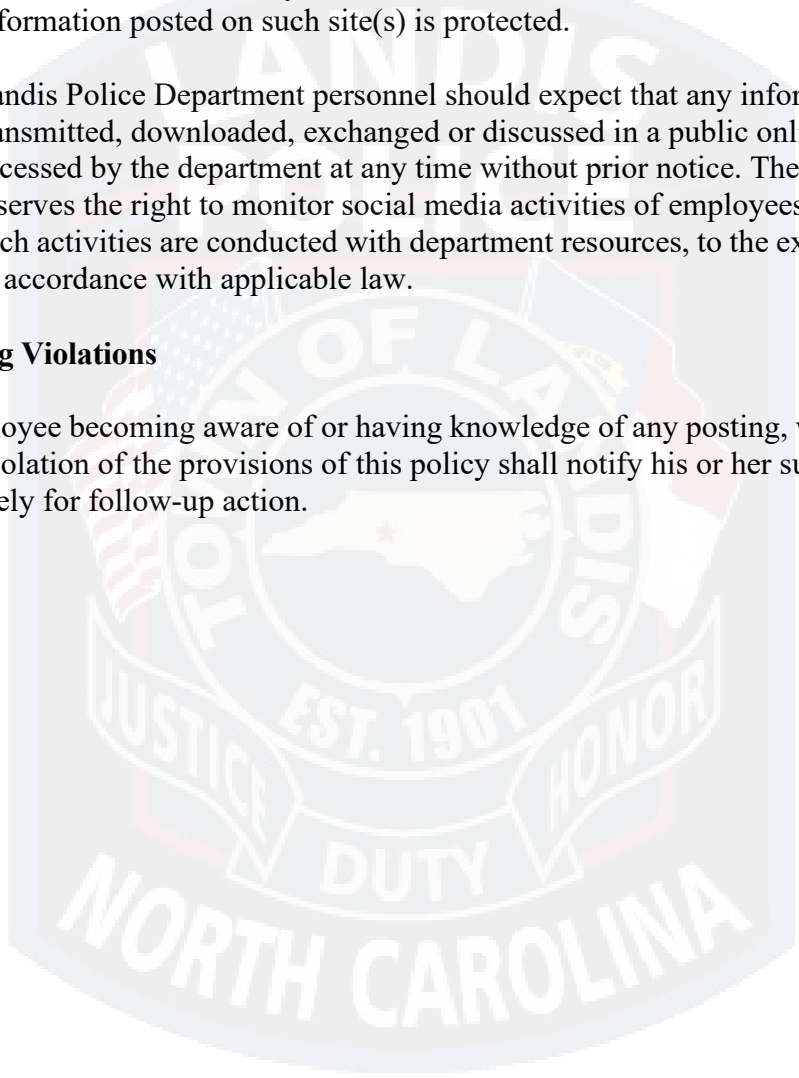


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- (c) Using someone else’s name, likeness or other personal attributes without that person’s permission for an exploitative purpose; or
  - (d) Publishing the creative work of another, trademarks or certain confidential business information without the permission of the owner.
11. Landis Police Department personnel should be aware that privacy settings and social media sites are constantly in flux and one should never assume that personal information posted on such site(s) is protected.
  12. Landis Police Department personnel should expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the department at any time without prior notice. The department reserves the right to monitor social media activities of employees, whether or not such activities are conducted with department resources, to the extent permitted and in accordance with applicable law.

**B. Reporting Violations**

Any employee becoming aware of or having knowledge of any posting, website or web page in violation of the provisions of this policy shall notify his or her supervisor immediately for follow-up action.



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## I. PURPOSE

To establish within the Landis Police Department an Awards Program to recognize employees who have distinguished themselves by acts of extraordinary bravery, special accomplishments or other acts of service above and beyond those normally expected.

## II. DISCUSSION

One of the major goals of the Landis Police Department is to maintain a high level of morale among its members. Realizing that job satisfaction has a direct relationship to high morale, the Landis Police Department has established a series of awards and decorations to publicly honor those employees whose performance of assigned duties display excellence of bravery, whether these duties be tactical or administrative in nature.

## III. PROCEDURE

### A. Authorization for Awards.

1. The Department Head shall establish an Awards Committee, which will serve for a period of one year or as designated by the Chief of Police. The committee will be responsible to review, approve, amend, or reject any nomination for award and to plan and maintain the Awards program.
2. The Chairman of the Awards Committee shall forward to the Chief of Police for his approval, a list of all recipients, the award to be received, and a brief explanation for the award.
3. All awards shall be made by the Chief of Police or his designee.
4. The Awards Committee shall meet quarterly, or as called by the Committee chairman, to review nominations.

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B. Nominations for Awards.

1. Nominations for awards may be received for any member of the department, civic groups, and individual citizens.
2. Persons or groups submitting nominations shall do so in writing and forward it to the Awards Committee Chairman.
3. Upon receipt of any letter of praise or commendation from outside the Department, the Awards Committee shall investigate the circumstances to determine if any award should be recommended.
4. Nominations shall be accepted for acts or accomplishments, which meet the criteria for awards but occurred prior to the establishment of the present Awards Program.

C. Classes of Awards.

The Landis Police Department will recognize its employees for an act or acts performed intelligently and in the line of duty. The following awards are outlined in the order of their classification, definition, order of precedence, and criteria for selection.

1. Medal of Honor
  - (a) General definition: Honor is defined as an act or acts displaying extraordinary self-sacrifice and conspicuous courage in fulfilling a high purpose or attaining a noble cause.
  - (b) Award type: Medal, breast bar, and certificate.
  - (c) Criteria: The Medal of Honor is the highest form of recognition awarded to a member of the Landis Police Department. The Medal of Honor may be awarded to any sworn member(s) of the department who intelligently and in the line of duty distinguishes him/herself by the performance of an act or acts of extraordinary heroism, above and beyond the call of duty, while engaged in personal confrontation with an armed adversary, at imminent personal hazard to life.
2. Medal for Valor
  - (a) General definition: Valor is defined as an act or acts displaying strength of mind or spirit that enables a person to encounter danger with firmness.
  - (b) Award type: Medal, breast bar with "V" attachment, and certificate.

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- (c) Criteria: The Medal for Valor is the second highest form of recognition awarded to a member of the Landis Police Department. The Medal for Valor may be awarded to a sworn member(s) of the department in the line of duty, distinguishes him/herself by the performance of an act or acts of gallantry and bravery, at imminent personal hazard to life, with full knowledge of the risk involved.
3. Police Star for Gallantry
- (a) General definition: Gallantry is defined as an act or acts performed displaying conspicuous bravery, fortitude and endurance.
- (b) Award type: Medal, breast bar, and certificate.
- (c) Criteria: The Gallantry Star is the third highest form of recognition awarded to a member of the Landis Police Department. The Gallantry Star may be awarded to a sworn member(s) of the department who intelligently and in the line of duty, distinguishes him/herself by the performance of an act or acts of gallantry where a degree of danger to life existed but was not sufficient to warrant the Medal of Valor.
4. Medal for Merit (Mayor's Award)
- (a) General definition: Merit is defined as an act or acts displaying character or conduct deserving reward or esteem.
- (b) Award type: Medal, breast bar, certificate.
- (c) Criteria: The Medal for Merit is the fourth highest form of recognition that may be awarded to a member of the Landis Police Department. The Medal for Merit may be awarded to a member(s) of the department for a highly unusual accomplishment, under adverse condition, where some hazard to the nominee existed or where death or serious injury to another party is prevented.
5. Police Medal (Legion of Honor)
- (a) General definition: A legion or group who share a common cause.
- (b) Award type: Medal, breast bar, and certificate.
- (c) Criteria: The Police Medal is the fifth highest form of recognition awarded to sworn member(s) of the department. The Police Medal may be awarded to all members of the department for permanent injuries sustained in the line of duty from arrest, gunshot, knife wounds and traffic accidents, or for hospitalization

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for work related heart condition, etc., thereby, preventing an officer from further serving in an active role for a period of three (3) months or longer.

6. Purple Heart (Work Related Injury)
  - (a) General definition: Injury is defined as hurt, damage or loss being suffered.
  - (b) Award type: Medal, breast bar, and certificate.
  - (c) Criteria: The Purple Heart is the sixth highest form of recognition awarded to a member(s) of the Landis Police Department. The Purple Heart may be awarded to sworn member(s) of the department for wounds received in the line of duty, inflicted intentionally in a confrontation with an adversary, resulting in severe lacerations, puncture wounds, fractures or concussion, etc., being suffered by the nominee.
  
7. Lifesaving Medal
  - (a) General definition: Lifesaving is defined as the skill or practice of saving and preserving life.
  - (b) Award type: Medal, breast bar, and certificate.
  - (c) Criteria: The Lifesaving Medal is the seventh highest form of recognition awarded to members of the Landis Police Department. The Lifesaving Medal may be awarded to any employee of the Department for an act performed which through prompt and alert action, a life was saved.
  
8. Officer of the Year Award
  - (a) Type of award: Breast bar, and certificate.
  - (b) Criteria: Awarded to past and present employees who are chosen as Outstanding Officer of the Year.
  
9. Exceptional Duty Award
  - (a) General definition: Exceptional is defined as being superior, out of the ordinary.
  - (b) Award type: Breast bar, and certificate.
  - (c) Criteria: The Exceptional Duty Medal is the eighth highest form of recognition awarded to members of the Landis Police Department. The Exceptional Duty

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Medal may be awarded to any employee of the department for a highly creditable accomplishment, bringing public acclaim to him/herself, the department, or the police profession as a result of training, devotion to duty, or service to the public.

10. Chief's Achievement Award

- (a) General definition: Achievement is defined as a result brought about by resolve.
- (b) Award type: Breast bar and certificate.
- (c) Criteria: The Chief's Achievement Award is the ninth highest form of recognition awarded to the members of the Landis Police Department. The Chief's Achievement Award is presented on behalf of the Chief of Police to an employee for an outstanding contribution to the Police Department through the planning, development and implementation of programs, which in some manner improves the performance, or morale of the department.

11. Unit Meritorious Service Award

- (a) General definition: Fulfilling one's job responsibilities and performing one's job duties above and beyond the normal scope.
- (b) Award type: Breast bar, and certificate.
- (c) Criteria: Any member civilian or sworn who has exhibited exceptional professional skill and conduct and who has demonstrated dynamic service worthy of recognition within their field of expertise or in action of service.

12. Military Service Award

- (a) General definition: A member who honorably serves or has served in the United States Armed Forces.
- (b) Award type: Breast bar, and certificate.
- (c) Criteria: Any member civilian or sworn who has served and was honorably discharged from the US. Army, Navy, Air Force, Marines, Coast Guard or National Guard or is currently active and in good standing in said services.

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13. Leadership Award

- (a) General definition: The process of social influence in which one person can enlist the aid and support of others in the accomplishment of a common task or the advanced fulfillment of professional accomplishment within the law enforcement community.
- (b) Award type: Breast bar, and certificate.
- (c) Criteria: This award is granted to sworn officers and civilians who have exhibited exemplary service and dynamic leadership in law enforcement that have proved to go above and beyond their normal daily duties to include successful completion of advanced leadership schools.

14. Distinguishing Service Award

- (a) Type of award: Medal.
- (b) Criteria: Awarded to an employee of the Landis Police Department to recognize him/her for at least ten (10) years of service upon the employee leaving the department due to retirement, poor health, or to seek other job opportunities.

15. Educational Achievement Awards

- (a) Awarded in four (4) categories.
- (b) Award type: Breast bar with appurtenances.
- (c) Criteria: The educational Achievement Awards shall be presented to employees after meeting the following criteria for award.
  - i. Advanced Law Enforcement Certificate
  - ii. Possess an Associate's Degree in a Criminal Justice or related field.
  - iii. Possess a Bachelor of Science or Bachelor of Arts Degree in a Criminal Justice or related field
  - iv. Possess a Masters Degree in a Criminal Justice or related field.

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16. Intermediate/Advanced Certificate

A combination of educational points or degrees, law enforcement training points and years of full-time law enforcement experience as set by Criminal Justice Education and Training Standards Commission.

D. Recipients of Awards

1. Recipients of awards may receive a medal, breast bar, certificate, or a combination of any or all of the above.
2. Recipients shall have their names and accomplishments provided to the news media in order for employees to receive public acclaim for their actions.

E. Other Awards

1. Commendation Certificate

- (a) Type of award: Certificate.
- (b) Criteria: Awarded to employees for an act or acts of service to the public which are commendable but do not meet the criteria for a higher award.

3. Multiple Awards

The criteria for some awards are such that employees may receive the same award numerous times. Appurtenances will be worn on the Breast Bar to indicate the number of awards of the same type.

- (a) A diamond appurtenance(s) shall be worn on the Breast Bar for each subsequent award through the fourth award.
- (b) If an employee had received four Exceptional Duty Awards, the Breast Bar, Would have three (3) diamonds attached.
- (c) A palm appurtenance will be attached to the Breast Bar for every fifth subsequent award.



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- (d) A bronze star will be attached to the breast bar for every fifth year served for special service award and special situations award.

4. Departmental Medals/Awards

Only medals/awards that are approved by the Policy of Landis Police Department shall be worn on the Police Uniform (See Below)



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## Order of precedence

1. Medal of Honor



2. Medal for Valor



3. Police Star for Gallantry



4. Medal for Merit (Mayor's Award)



5. Police Medal (Legion of Honor)



6. Purple Heart (Work Related Injury)



7. Lifesaving Medal



8. Officer of the Year Award



9. Exceptional Duty Award



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10. Chief's Achievement Award



11. Unit Meritorious Service Award



12. Military Service Award



13. Leadership Award



14. Distinguishing Service Award



15. Special Situations Award



16. Special Service Award



17. Educational Achievement Awards (Masters, Bachelors, Associates)



18. Intermediate/Advanced Certificate



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|  | <b>POLICY # 1000.02</b>           |                    |

## I. PURPOSE:

Establish guidelines in the administration of polygraph examinations in conjunction with criminal investigations and pre-employment screenings.

## II. POLICY:

The polygraph examination is a valuable investigative aid as used in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this agency; and assist in the conduct of internal police investigations, among other authorized purposes.

## III. DEFINITIONS:

- A. **Polygraph:** The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to obtain truth or deception. The polygraph instrument must be capable of recording visually, permanently and simultaneously, indications of a person's:
1. Cardiovascular pattern and changes therein.
  2. Respiratory pattern and changes therein.
  3. Changes in skin resistance (Electro dermal Responses).
- B. **Polygraphist:** A person who has completed a basic course of polygraph training at a polygraph school accredited by the APA or training that was substantially equivalent in length and curriculum as required for APA school accreditation. Commonly referred to as a polygraph operator or polygraph examiner.
- C. **Polygraph Examination:** a period of time that includes a pre-test interview, an in-test phase, chart evaluation, and post-test interview / interrogation.

## IV. EQUIPMENT:

Examiners must use a polygraph that is properly functioning, maintained and calibrated according to the manufacturer's specifications. In the absence of manufacturer's recommendations, examiners should semi-annually record a chart demonstrating correct functioning of the instrument and maintain that chart for at least one year, or as determined by law or regulation. The instrument must meet the specification guidelines of the American Polygraph Association and local licensing. At a minimum, the instrument must continuously record during testing with the following components.

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- A. Two pneumograph components to document thoracic and abdominal movement patterns associated with respiration;
- B. A component to record electro dermal activity reflecting relative changes in the conductance or resistance of current by the epidermal tissue; and,
- C. A cardiograph component to record pulse rate, pulse amplitude and relative blood pressure changes.
- D. A motion sensor is recommended and will be required after January 1, 2012.

#### **V. EXAMINER REQUIREMENTS:**

- A. Examiners must have completed a basic course of polygraph training at a polygraph school accredited by the APA or training that was substantially equivalent in length and curriculum as required for APA school accreditation.
- B. Polygraph examiners must be trained in conducting structured and semi-structured interviews as they apply to law-enforcement and public-service pre-employment polygraph testing.

#### **VI. ENVIRONMENT:**

All examinations should be administered in an environment that is free from Distractions that would interfere with the applicant's ability to appropriately focus on the issues being addressed. Primary distractions of concern are noise, visual distractions, and other people in the testing room.

#### **VII. INVESTIGATOR RESPONSIBILITIES:**

When requesting a person to submit to a polygraph examination, the investigator must inform the person that they would be given the polygraph examination only if they are freely and voluntarily in agreement to take the examination. The polygraphist must have the examinee sign a consent form.

- A. Polygraph examinations should be approved for scheduling only when the following conditions have been met:
  - 1. An investigation by other means has been as thorough as circumstances permit.
  - 2. The person taking the examination has been interviewed.

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- B. The investigator should provide the polygraphist with as many case facts and documents as possible, including the initial incident report. In addition, information concerning the background of the person being examined should be available.
- C. At least one investigator working on the case should be immediately available during the polygraph examination to assist the polygraphist, should a matter arise with which the polygraphist is not familiar.
- D. If the person being examined is under arrest, the investigator must have custodial responsibility.
- E. In those situations where it is necessary to cancel a scheduled polygraph examination, the polygraphist should be notified as soon as practical.
- F. The investigator should not subject the person taking the polygraph examination to interrogation immediately prior to a polygraph examination.

## VII. POLYGRAPHIST'S RESPONSIBILITIES:

- A. The responsibility of the conduct of the polygraph examination, areas to be covered, test questions, and all related procedures should lie with the polygraphist.
- B. The polygraphist should have sole responsibility to determine if any particular examination should take place and the time and location.
- C. The polygraphist must, submit a written report at the conclusion of each polygraph examination.
- D. The polygraphist must be responsible for properly maintaining and protecting the polygraph files and records.
- E. Results of a polygraph examination, and disposition of such written reports shall be in accordance with departmental policies and existing law(s).
- F. The polygraphist shall not attempt to make a physical or psychiatric diagnosis of the examinee except to make a determination as to the testability of the person taking the polygraph examination.
- G. The polygraphist shall produce a minimum of two polygraph charts relative to the testing issue.

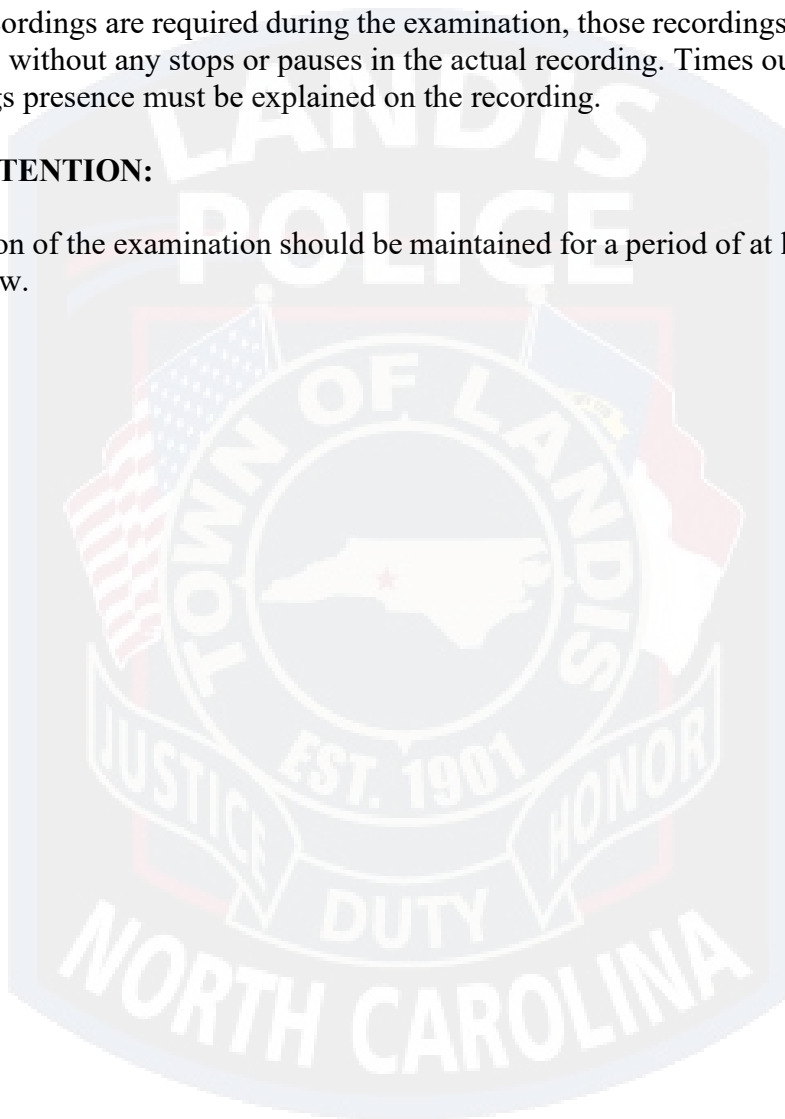
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**VIII. QUALITY ASSURANCE / RECORDING:**

- A. To sustain the quality of the testing program, an independent quality assurance review of a portion of each examiner's work product should take place periodically.
- B. If any recordings are required during the examination, those recordings must be continuous in nature, without any stops or pauses in the actual recording. Times outside of the recordings presence must be explained on the recording.

**IX. RECORDS RETENTION:**

All documentation of the examination should be maintained for a period of at least three years, or as required by law.



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## I. PURPOSE

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on employee conduct established by this agency. Rather, they are intended to: (1) alert employees to some of the more sensitive and often problematic matters involved in employee conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to the duties and responsibilities of law enforcement officers and employees; and (3) guide employees in conducting themselves in a manner that reflects standards of professionalism as required of employees.

## II. POLICY

Actions of employees that are inconsistent with the values established by this agency negatively affect its reputation and that of its officers. Such actions and inactions detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of the Landis Police Department that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy.

## III. DEFINITION

Accountability: The duty of all employees to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized Employee of this agency without deception, untruthfulness, or lack of candor.

## IV. PROCEDURES

### General Conduct:

- A. Obedience to Laws, Regulations, and Orders:
1. Employees shall not violate any law, ordinance or any agency policy, rule, procedure or directive from the Office of Chief of Police.
  2. Employees shall obey all lawful orders.
  3. Employees are required to be truthful at all times whether under oath or not.
  4. No command or supervisory officer shall knowingly issue any order, which is in violation of any constitutional right, law, ordinance or departmental order, rule or policy.
  5. All Employees shall obey all laws of the United States, and of this state, and Local jurisdiction in which the officer are present.



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6. A conviction of the violation of any law shall be *prima facie* evidence of a violation of this policy by any employee.

B. Conduct Unbecoming:

Employees shall not engage in any conduct or activities on or off duty that reflect discredit on the employees, tend to bring this agency into disrepute, or impair its efficient and effective operation.

C. Insubordination:

The failure or deliberate refusal of an employee to obey any lawful order given by a supervisor shall be deemed insubordination. Failure to recognize the authority of any superior, showing disrespect, or disputing a superior's orders shall likewise be deemed insubordination. Acts, words, or deeds committed or delivered in a disrespectful, insolent, curt, or abusive manner constitutes insubordination.

D. Integrity:

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer can impair public confidence and cast suspicion on the entire Department. An officer must avoid any conduct, which might compromise his own integrity or that of his fellow officers, or that of the Department.

E. Protection of Constitutional Rights, Official Misconduct:

Officers are sworn to uphold the laws and Constitutions of the United States and North Carolina. Any officer who intentionally misuses his or her position or authority to knowingly and unlawfully deprive an individual of constitutional rights has committed official misconduct.

F. Attention to Duty:

Employees carry with them a responsibility for the safety of the community and their fellow employees. This responsibility is discharged by the faithful and diligent performance of assigned duties.

G. Responding to calls for service:

Employees of the Department shall respond without delay to all calls for police assistance from citizens or other Employees. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly is justification for misconduct charges.

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H. Devotion of time to police business:

Each employee of the Department shall devote their whole time and attention to the services of the Department while on duty. Employees off duty, upon official notice, shall report for duty immediately upon receipt of notification and comply with instructions given at the time of notification.

I. Sleeping on duty:

Employees shall remain awake on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action to be taken.

J. Submitting reports:

Employees shall promptly submit reports required by the performance of their duties in a timely manner so as to not disrupt the services of the department or cause undue burden to any business or member of the public.

K. Informing supervisors:

1. Employees shall promptly inform a supervisor of any matter, criminal, civil, or internal, coming to their attention, which may affect the welfare of or be of interest to the Department or any other Town service. If an employee is served with an employment-related civil action, he or she shall immediately notify the Chief of Police and Town Attorney.
2. Any employee, who has been served with a domestic violence order or ex parte domestic violence order, must report it to his/her supervisor immediately.

L. Reporting violations:

1. Employees who become aware of other employees violating laws, ordinances, rules of the Department, or disobeying orders, shall report violations immediately to a supervisor.
2. Any employee who has reason to believe than an officer has engaged in official misconduct involving the unlawful deprivation of an individual's Constitutional or civil rights shall report this information promptly to his or her immediate supervisor.

M. Loyalty:

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Officers must be faithful to their Oath of Office, the principles of professional police service, and the objectives of the Department and in the discharge of their duty officers must not allow personal motives to govern their decisions and conduct.

**N. Compliance with Lawful Orders:**

All employees shall promptly obey any lawful order given by any supervisor; however, obedience to an unlawful order is not a defense for an unlawful action.

**O. Conduct Toward Fellow Employees:**

1. Employees shall conduct themselves in a manner that will foster cooperation among Employees of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
2. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. Employees should refer to the Town's Personnel Policy for additional information on this subject.
3. All employees shall refrain from making any statement that discredits, defames or degrades any other employee except when reporting to his superiors as required by these rules. Every employee shall accord courtesy, consideration and cooperation to every other employee.
4. Employees will not discriminate against any person because of race, gender, color, religion, disability, age, national origin, or prior protected EEO activity.

**P. Conduct Toward the Public:**

Employees shall conduct themselves toward the public in a professional manner that fosters public respect and cooperation. Employees shall treat citizens and violators with respect and courtesy. They shall guard against engaging in an offensive or overbearing attitude toward citizens. Employees shall not use language that may belittle or ridicule an individual.

**Q. Accountability and Responsibility:**

1. Employees are directly accountable for their actions through the chain of command, to the Chief of Police.
2. Employees shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate, truthful information in regard to any issue under investigation.

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3. Employees shall be accurate, complete, and truthful in all matters.
4. Employees shall accept responsibility for their actions without attempting to conceal or divert their culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
5. Employees who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to their direct supervisor immediately.
6. Employees shall not communicate in any manner directly or indirectly any information which might assist persons accused of criminal acts to escape arrest or punishment or which may enable them to dispose of or conceal evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.
7. Employees who have committed a criminal violation or engaged in using force against another person in this or another jurisdiction shall report the incident to their direct supervisor immediately.

R. Financial Obligations:

Employees shall fulfill all legal financial obligations.

S. Use of Alcohol, Drugs and Intoxicants:

1. Officers shall not consume any intoxicating beverage while on/off duty while in uniform.
2. No officer in plain clothes shall drink any alcoholic beverage while on duty, except when necessary in the performance of duty.
3. No alcoholic beverage shall be served, consumed or stored on police premises or in vehicles owned or leased by the Town of Landis.
4. No employees shall report for duty with the odor of alcoholic beverage on their breath.
5. No employee shall report to work or be on duty when alcohol, medication, or other substances have impaired their judgment or physical condition.
6. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol.

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Such screening shall conform to the town's policy on employee drug-screening and testing.

7. Employees shall not possess or use any substance defined by law as "controlled" unless prescribed to the employee by a licensed physician.

T. Conversion of Property:

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

U. Care for Departmental Property:

All employees are responsible for the safekeeping and proper care of all property used by them and belonging to the department. Property shall only be used for permitted purposes and in the capacity for which it was designed. It shall not be transferred to any other employee without the explicit permission of the employee's Commanding Officer or designee.

V. Off-Duty Police Action:

1. Officers shall not use their police powers to resolve personal grievances or neighborhood disputes (e.g., those involving the officer, family members, relatives, or friends) except in circumstances that justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that justifies an arrest. Officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
2. Unless operating a police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

W. Prohibited Associations and Establishments:

1. Employees shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (e.g. persons whom they know or should know are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.

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2. Except in the performance of official duties, employees shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
3. Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts, criminal conspiracies or subversive activities.
4. Employees shall not do business with or engage in any business transactions with any persons confined in the jail.

X. Acts or Statements by Employees:

Consistent with First Amendment rights, employees are permitted to engage in free speech and may speak as a citizen on matters of public concern. However, even when speaking as a citizen on a matter of public concern, employees shall not engage in speech that disrupts or adversely affects departmental operations.

Y. Malicious Criticism of Employee:

All employees shall refrain from making any statement that discredits, defames or degrades any other employee except when reporting to their supervisors. Every employee shall accord courtesy, consideration and cooperation to every other employee.

Z. Testifying in criminal, civil or administrative proceedings:

Any employee requested, noticed or subpoenaed to testify for the defense in any trial or hearing or against the Town or Department in any civil or administrative hearing or trial shall notify the Police Chief or Town Attorney upon receipt of the subpoena, request or notice of hearing.

AA. Statements, Appearances, and Endorsements:

1. Employees shall not:
  - (a) Divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose.
  - (b) Divulge non-public criminal records or information, except as authorized.
  - (c) Unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

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2. Endorsements:

Employees may not, in an official capacity, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

BB. Use of Photographs while in Uniform:

Employees shall not permit the use of their photographs or names for advertising purpose; or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the Department, without the approval of the Chief of Police.

CC. Political Activity:

Employees shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:

1. Place or affix any campaign literature on town/county-owned property;
2. Solicit political funds from any Employee of this agency or another governmental agency of this jurisdiction;
3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
4. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations; or
6. Participate in any type of political activity while in uniform, with the exception of voting.

DD. Expectations of Privacy:

Employees shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law

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enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Chief of Police or his or her designee. Employees shall not possess a reasonable expectation of privacy in such areas.

EE. Files and Records:

No employee of this agency shall maintain duplicate copies of criminal investigative or criminal intelligence files in either manual or electronic formats at his or her place of residence, or in other locations outside the confines of this agency without express permission.

FF. Citizen Complaints:

Employees shall follow established departmental procedures for processing complaints. Employees may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any employee of the Department.

GG. Civil Claims or Actions:

Employees shall not institute any civil claim or action arising out of their official duties without first notifying the Police Chief. Employees shall not use their positions with the Department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the employee.

HH. Departmental Keys:

Employees shall obtain permission from their direct supervisor or Commander before having duplicates made of any departmental key, or before lending or furnishing departmental keys to any persons not employed by the Department.

II. Review of Policy

Employees shall review and sign-off on all documents within the time frame established.

JJ. Rewards

Employees of the Landis Police Department shall not accept any reward money for the performance of official duties. If an officer arrests a member of the armed services for desertion or being in an Absent Without Leave (AWOL) status and is offered a reward for making the arrest, the officer may: (1) Decline to accept the reward money; (2) Request that the reward money be donated to a charity of the officer's choice; or (3) Direct that the



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reward money be forwarded to the officer's supervisor for deposit in the Town's general fund.

**KK. Civil Disputes**

Officers are frequently called to the scene of civil disputes where no crime has been committed. An Officer's presence is for the purpose of preserving the peace, preventing a crime from occurring or taking appropriate enforcement action. Officers should not become involved in civil disputes.

**LL. Moral Turpitude**

Officers shall not engage in any conduct or behavior(s) that bring into question their character, integrity, ethics, or fitness for duty. Additionally, officers shall not engage in any acts of "moral turpitude." "Moral turpitude" is conduct that is contrary to justice, honesty, or morality, including conduct as defined in: In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions that cite these cases as authority.

**MM. Time On-Duty**

Officers are to work their shifts, as assigned, unless changes to the work schedule are approved by their appropriate supervisor. Additionally, officers are to devote their time at work to the furtherance of the police function, and shall not spend an excessive amount of time away from their primary duties. Examples include, but are not limited to, spending time at home or at another residence or business to such an extent that the police function is not being accomplished. When examining whether time away from the police function is excessive, the location, frequency, and duration of the time away from primary duties will be analyzed.

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## I. PURPOSE

Establish a written procedure for the selection of Landis Police Department Employees. The North Carolina Criminal Justice Education and Training Standards Commission has established some of the procedures. Also, contained in this policy are additional agency requirements.

## II. POLICY

The Landis Police Department complies with the Town of Landis' employment policies. All qualified applicants will be afforded an equal opportunity for employment regardless of race, sex, color, age, religion, national origin, or disability.

## III. PROCEDURE

- A. All elements of the selection process use only those criteria or minimum qualifications that are job related and will also be administered, scored, evaluated and interpreted in a uniform manner for all candidates.
- B. Elements and activities of the non-sworn selection process:  
For some positions, job related screening processes are utilized prior to a candidate being selected for an interview or following an interview. These processes include, but may not be limited to, a typing test or another task-type exercise.
- C. All full-time positions are subject to polygraph examination at the discretion of the Chief of Police. The Town of Landis will make a conditional offer of employment prior to the administration of a polygraph exam. The conditional offer will be contingent upon a complete background check, physiological examination, firearms qualification, drug test and the administration of a polygraph examination, if required. No offers of employment are guaranteed until a final offer of employment is rendered. Polygraph exam will not be used as a single determinant of employment status.

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**E.** To submit an application for Police Officer for the Town of Landis, an applicant must:

1. Be at least 20 years of age;
2. Be a United States citizen;
3. Not have committed or been convicted of a felony; or
4. Not have committed or been convicted of a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment; or
5. Not have committed or been convicted of four or more crimes or unlawful acts defined as "Class A misdemeanors" regardless of the date of conviction; or
6. Not have committed or been convicted of four or more crimes or unlawful acts defined as "Class B misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of an application for employment.

**F.** The Town of Landis application for employment must be completed in full, and submitted to the Town of Landis Human Resources Department to apply for the position of Police Officer. At the time of the submission of their formal application, each candidate will be given a "Notice to Applicants" which will inform them of all elements of the selection process, the expected duration of the process, and the department's policy on reapplication.

With the completed Town of Landis application for employment, the applicant must also provide a copy of:

1. Birth Certificate (certified copy);
2. High School Diploma or G.E.D. and any degrees from an accredited college or university;
3. Social Security Card;
4. Valid Driver's License;
5. Military Discharge Papers (if applicable);
6. Complete addresses and contact information for past employers and personal references; and
7. Court documentation of any name changes (if applicable).

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- G.** The information submitted by the applicant will then be reviewed by the Town of Landis Human Resources Department to ensure the proper forms have been completed, and the additional information required has been submitted. The applicant shall also be provided the conditions of employment. The applicant will then be instructed to bring the application with other documents to the Landis Police Department.
- H.** Applicants will then be provided a questionnaire to complete. The process also includes the following; a criminal and driving history check, a credit history check, a release of personal information waiver and other documents necessary to determine employability. After these forms are completed, the applicant will be considered for employment.
- I.** Applications will be reviewed by the Office of the Chief of Police to determine employability. Education, certifications, decertification, special skills and or abilities, work history, criminal and driving history, credit history and previous drug use are examined at this time to determine if the applicant meets State, Town and Departmental Standards. Applicants that meet the State, Town and Departmental Standards shall be kept on file for a period of no longer than **12** months to be considered for upcoming openings. Applicants that do not meet State, Town or Departmental Standards shall no longer be considered for employment and will be notified by mail of the status of their application.
- J.** Applicants on file will be reviewed and selections made to attend a Review Board. This Review Board shall be convened periodically, depending on staffing levels, at the direction of the Chief of Police and shall consist of:
1. Chief of Police (optional);
  2. Police Department Assistant Chief or designee;
  3. Human Resources Department Representative (if available); and
  4. Landis Police Officers
- K.** The Chief of Police shall appoint the Board. The Applicant Review Board shall complete either the state F-4 Form, or another approved form as established by the North Carolina Education and Training Standards Commission. The Board will review the application with supporting documentation and conduct an interview with the applicant. The Board will determine whether the applicant is eligible for further employment processing. The Chief of Police will make conditional offers of employment to applicants selected to proceed further in the employment process. Staffing levels will be considered prior to making conditional offers. Applicants that received a favorable recommendation from the Board, but were not selected to proceed in the hiring process, will be kept on file for further consideration up to twelve months. All applicants will be notified by mail when their application is no longer on file and not being considered for employment.

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- L.** Applicants selected to continue in the hiring process will be given a conditional offer of employment at this time. Once the conditional offer is given, the expected duration to complete the remainder of the hiring process is approximately 90 days or less.
- M.** A polygraph examination will be scheduled and administered, if required, by a certified polygraph examiner. Candidates will be provided with a pre-polygraph questionnaire, which will provide them with the areas from which the polygraph questions will be drawn. A negative result on the polygraph examination will not be sufficient, in and of itself, to eliminate an applicant from the hiring process.
- N.** Once the applicant successfully completes the polygraph examination, if required, the background investigation shall be completed (using investigators trained in collecting the required information) verifying the candidates qualifying credentials and at least 3 personal and professional references, as well as summarizing the following:
1. Applicant's Biographical Data;
  2. Credit History;
  3. Employment History;
  4. Criminal History;
  5. Education Verification;
  6. Past Drug Usage;
  7. Personal and Professional Reference Statements;
  8. Medical History;
  9. Psychological Screening;
  10. Visual acuity test; and
  11. Personal History Statement.

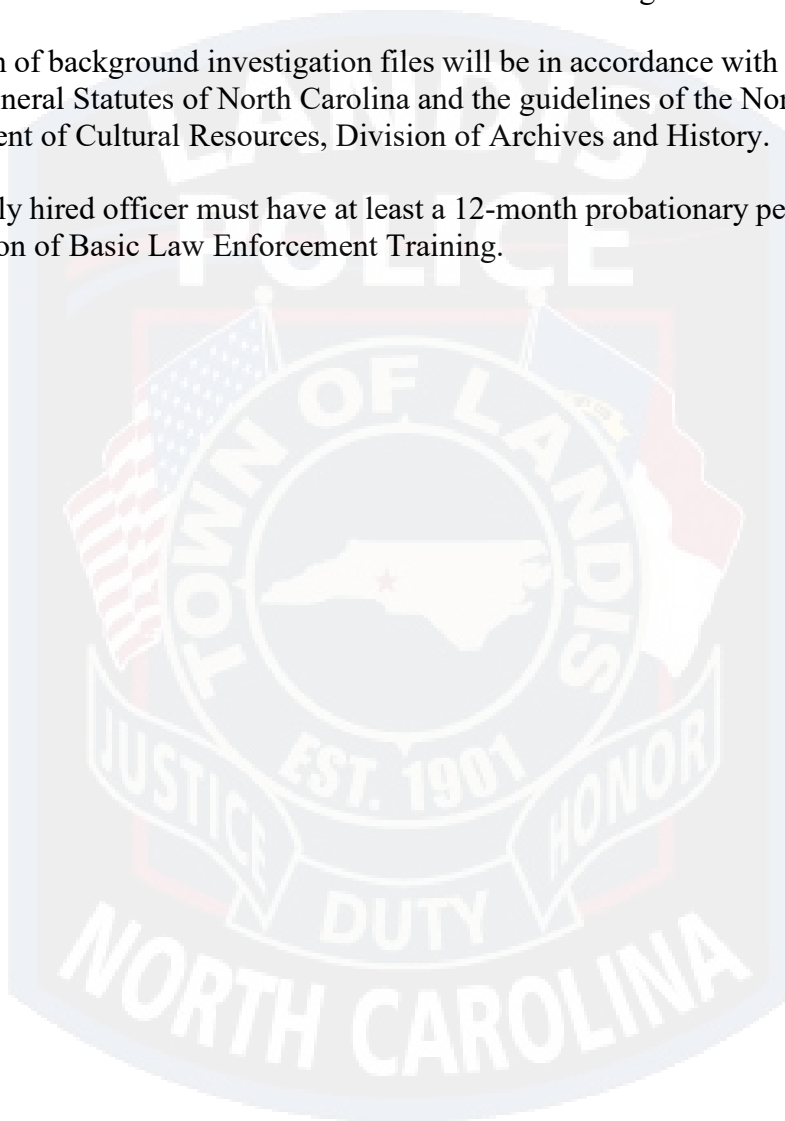
All information gathered during the background investigation will remain part of the application file. If the candidate is hired, the application file, minus medical and psychological information, will be maintained as part of the employee's confidential files. Any medical and/or psychological information gathered for the background investigation will become part of the employee's medical files maintained by the Human Resources Director.

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- O.** The Landis Police Department will make an appointment for the applicant to be given a psychological test to determine the applicant's mental and emotional suitability to properly fulfill the job responsibilities. Lateral applicants can, with Chief of Police approval, be exempt from the psychological test.
- P.** Upon completion of the background process, an Applicant Review Board will be convened to review the findings of the background investigation and make a recommendation to the Chief of Police to either hire or deny employment to the applicant.
- Q.** The Chief of Police shall make the final decision regarding employment.
- R.** An applicant approved by the Chief of Police for employment will take a job-related medical examination and drug test administered by a doctor/facility selected by the Town of Landis. The medical examination shall be in accordance with requirements mandated by the North Carolina Training Education and Standards commission to determine if the applicant meets physical requirements necessary to properly fulfill the job responsibilities of a Police Officer. The applicant must also produce a negative result on the drug screen according to the standards of the Department of Health and Human Services for Federal Workplace Drug Testing Programs. The drug test results are forwarded to the Office of the Chief of Police.
- S.** The applicant will be fingerprinted and photographed. Fingerprint cards will be sent to the State Bureau of Investigation to comply with North Carolina Training and Standards Law Enforcement Certification Procedures. (This process should be initiated early in the process due to the extended wait times often required)
- T.** The applicant will no longer be considered for employment if at any time during the hiring process, it is determined that the applicant:
1. Intentionally made a false and misleading statement concerning any relevant fact or engaged in any conduct reflecting a lack of candor;
  2. Has an unsatisfactory history of: employment, drug use, criminal activity, driving, financial responsibilities;
  3. Advocates or knowingly belongs to any organization which advocates the overthrow of the United States Government, North Carolina State Government, or any of their political subdivisions by force or violence;
  4. Is unable to perform the essential functions of the position; or
  5. Fails to meet the Minimum Standards for the Certification of Law Enforcement Officers as stated in 12 NCAC 9B .0101/9B .0111.

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- U. If at any point during the process, it is determined that the applicant is not employable by the Department, the Department will notify the applicant within 30 calendar days of such decision. Rejected applicants who are not permanently ineligible for employment may reapply after six months of their rejection date. Applicants will not be rejected because of minor omissions or deficiencies that can be corrected during the selection process.
- V. Retention of background investigation files will be in accordance with Chapter 121 and 132 of the General Statutes of North Carolina and the guidelines of the North Carolina Department of Cultural Resources, Division of Archives and History.
- W. Any newly hired officer must have at least a 12-month probationary period after the completion of Basic Law Enforcement Training.



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## I. PURPOSE

To establish procedures to be used to investigate allegations of misconduct, to provide citizens with a fair and effective avenue for redress of their legitimate complaints against the agency and/or department employees, to protect employees from false charges, and to assure that the accused are treated fairly.

## II. POLICY

The Landis Police Department shall investigate complaints and allegations of agency and/or employee misconduct.

## III. DEFINITIONS

- A. Administrative Investigation: An internal investigation that is conducted separate and apart from any criminal investigation.
- B. Complaint: An allegation against an employee that would constitute a violation of policy or procedure or law if found to be true.
- C. Disciplinary Action: Any action that impacts adversely upon an employee and that is taken in response to the conduct of that employee, except that the denial of any merit increase, promotion or advancement shall not be regarded as disciplinary action. Disciplinary actions may range in seriousness up to and including dismissal.
- D. Inquiry: Any investigation into an allegation against an employee that, in and of itself, is not a violation of policy or procedure.
- E. Employee: Includes officers and civilian employees.
- F. Volunteers: Members of the Department who are not Town employees, but who are subject to departmental administrative policies and rules of conduct. For the sole purpose of convenience, references to “employee” herein shall also include volunteers.

## IV. PROCEDURE

- A. Departmental Procedures in Administrative Investigations:
  - 1. All allegations of misconduct shall be accepted and investigated, to include complaints received from an anonymous source.



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2. The police department will, upon request, provide instructions for citizens to file complaints against the department and/or employees.
3. Any employee, upon receipt of a complaint, whether in writing, phone call, on scene, or in person, shall gather and forward the information via email to the Office of the Chief of Police within three (3) business days and should contain the following information, if possible:
  - (a) Nature/Description of the complaint,
  - (b) Location of incident, date and time,
  - (c) Names of employee(s) or unit (s) involved,
  - (d) Contact phone number and address, and
  - (e) Name of complainant and any witness.
4. When the complaint is received, a letter will be sent to the complainant confirming receipt and to inform the individual that the complaint has been assigned for investigation.
5. The Chief of Police or his designee shall be notified immediately of any complaints of a particularly sensitive nature or those which could bring notoriety or negative publicity to the department. The Chief of Police will maintain access to all Internal Affairs records.
6. Any complaint taken alleging employee misconduct shall be directed to the appropriate supervisor.
7. The accused employee may be suspended or reassigned pending disposition of the Administrative Investigation or criminal charges.
8. An administrative investigation will be completed within 90 days of its receipt by the investigating officer. If the investigating officer requires more than 90 days to complete an administrative investigation, he/she will notify their immediate supervisor. If an extension is granted by the supervisor, the investigating officer will notify the complainant at the 90 day deadline and at least once every 90 days beyond the original deadline that the investigation is still ongoing.

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9. When a complaint investigation is concluded and signed by the Chief of Police, the complainant will be notified that the investigation has been concluded and proper action has been taken.

**B. Role of the Investigator:**

1. To investigate alleged violations of policies and procedures of the Landis Police Department. Any person designated as an Investigator by the Chief of Police will report directly to him—specifically designated for IA Investigations.
2. To conduct an Administrative Investigation involving the commission of any criminal offense by any employee of the Landis Police Department as directed by the Chief of Police or his designee.
3. To receive citizen and internal complaints against the department or its employees.
4. To coordinate all Administrative Investigations of the Landis Police Department, and maintain records of these investigations in accordance with state law, North Carolina Department of Cultural Resources, Records Retention and Dispositions Schedule. Records will be maintained in a secure area to ensure and protect confidentiality.

**C. Citizen Complaints Procedures:**

When a citizen contacts an employee of the Department for the purpose of filing a complaint or inquiry, the following procedure shall be followed without delay:

- (a) Promptly contact the supervisor of the accused employee, if that supervisor is on-duty. If the accused employee's supervisor is not on-duty, contact any available on-duty supervisor;
- (b) The supervisor who receives the complaint will either investigate or forward the complaint to the appropriate supervisor.
- (c) If no supervisor is working, the complainant can be directed to contact a supervisor between the hours of 8a-5p, Monday – Friday.
- (d) The supervisor who takes the citizen complaint will acknowledge to the complainant that they have made an official departmental complaint.

**D. Co-Worker Complaint Procedures:**

1. An employee of the Department initiating a complaint against a co-worker shall forward the complaint in writing through the chain of command to the Chief

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of Police.

E. Processing Complaints: Police

The investigative process shall be handled based on determining whether the complaint received may constitute employee misconduct. The investigation shall be handled in one of the following two ways:

1. Formal Complaint:

The investigation shall be handled as a formal complaint when allegations in the complaint, if found to be true, would constitute a violation of Departmental policies and procedures.

2. Inquiry:

The investigation shall be handled as an inquiry when the allegation does not violate a Departmental policy or procedure.

F. Investigative Responsibility:

1. When a complaint or inquiry is initiated against an employee, the responsibility for the investigation may be assigned to:

- (a) The employee's supervisor; or
- (b) A supervisor other than the immediate supervisor of the accused employee if approved by a commanding officer; or
- (c) The Chief of Police or his designee.

2. Command Staff, rather than the employee's supervisor, shall be responsible for Administrative Investigations under the following circumstances:

- (a) When directed by the Chief of Police, or designee; or
- (b) When the allegation is of a sensitive nature; or
- (c) When a use of force resulting in serious bodily injury or death is involved; or
- (d) When conduct involving moral turpitude is alleged; or
- (e) When the complaint requires extensive investigation.

3. The Chief of Police or his designee shall be notified immediately upon

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receiving a complaint involving one of the above allegations. Notification will be made either in person or by telephone. Other less serious complaints will be discussed with the Chief of Police during regular briefings.

4. When handling an investigation, respective commanders shall ensure that an appropriate and thorough investigation of the complaint or inquiry is conducted. The respective commander shall maintain strict confidentiality of the investigation as required by state law.
5. Upon completion of an investigation or inquiry, all documents, photos, records, tapes, and/or recording of said investigation shall be turned over to the Chief of Police, and maintained pursuant to state law.

## **V. INTERVIEW PROCEDURES FOR DEPARTMENT EMPLOYEES**

### **A. Notification and Scheduling:**

1. An employee accused of misconduct shall be advised of the circumstances surrounding the alleged violation. The employee will be provided a written statement of the allegations and employees shall be furnished with information regarding their rights and responsibilities regarding an Administrative Investigation, before being interviewed.
2. Interviews of a Department employee shall be scheduled during the employee's normal duty hours, when practical to do so.

### **B. Presence of attorney, supervisor, other persons:**

Employees being interviewed or providing a statement concerning an Administrative Investigation shall not be permitted to have an attorney, supervisor, or other person present.

### **C. Special Examinations and Procedures in Administrative Investigations**

1. An employee may be required to submit to a medical or laboratory examination, at the agency's expense, when such an examination is specifically directed and narrowly related to a particular internal administrative investigation being conducted by the agency. An employee may also be required to be photographed, to participate in a line-up and/or submit a financial disclosure statement when such actions are material to a particular internal administrative investigation.
2. Upon the order of the Chief of Police, an employee shall:
  - (a) Submit to a polygraph examination.

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- (b) Submit to any medical, ballistics, chemical or other tests, photographs, audio, or video recordings, or line-ups required in an administrative investigation; and release the results of any such tests to the Department in connection with the administrative investigation.
- (c) Submit financial disclosure statements in accordance with Departmental procedures in connection with a complaint in which this information is material to the investigation. Financial statements will be confidentially maintained by the Chief of Police and shall not be made available to the public.
- (d) Submit medical records relating to a condition that the employee has raised as an issue and the condition pertains to the employee's fitness for duty or job performance.
- (e) Cooperate with the creation of an audio/video recording exemplar, if required.

## **VI. CRITICAL INCIDENT NOTIFICATION**

The Chief of Police shall be notified immediately concerning the following situations:

- A. Any shooting involving an Officer, excluding animals and accidental discharges.
- B. Any death by vehicle involving an employee who is operating a town vehicle; and
- C. Any death in which the supervisor has determined that an immediate response from the Chief is required.

## **VII. REVIEW OF INTERNAL INVESTIGATIONS**

- A. Findings:
  - 1. Completed investigations shall be submitted up the Chain of Command to the Chief of Police and shall contain:
    - (a) A summary of alleged misconduct;
    - (b) A statement of facts;
    - (c) Signature of investigating officer;
    - (d) All records related to the investigation;
    - (e) Recommended action by each member of the chain of command involved in the investigation.

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2. The complaint shall be disposed of in one of the following manners:

- (a) Unfounded – The investigation indicates that the act or acts complained of did not occur or failed to involve police personnel.
- (b) Not sustained – The investigation fails to discover sufficient evidence to prove or disprove the allegations made in the complaint.
- (c) Exonerated – Acts did occur but were justified, lawful, and proper.
- (d) Sustained – The investigation disclosed sufficient evidence to prove the allegation made in the complaint.

B. In any instance in which the complaint is not sustained, unfounded or exonerated, Command Staff shall notify the employee.

C. A hearing may be conducted when deemed necessary by the Chief of Police to assist the Chief in deciding a question of fact or in reaching a decision in a particular case.

### **VIII. CRIMINAL INVESTIGATIONS RESPONSIBILITIES**

A. Allegations of criminal involvement by a Department employee shall be forwarded to the Chief of Police.

B. An Administrative Investigation will be completed even though the matter has been referred for criminal investigation, perhaps to outside agencies.

### **IX. INTERNAL AFFAIRS RECORDS**

A. Only the Chief of Police or his designee may authorize release of information contained in an Internal Affairs record. Any request to inspect an IA file shall be made in writing by the employee. All information maintained in Internal Affairs records shall be kept strictly confidential and shall be released only in conformance with N.C.G.S. Section 160A-168.

B. All complaints/inquiries once completed will be forwarded up the chain of command, regardless of which supervisor handled the investigation.

C. The Office of the Chief of Police will compile an annual statistical summary of administrative investigations. This will be reviewed by the Chief of Police. This summary will be made available to the public and departmental employees upon request and will also be published in the department's annual report.

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## **X. DISCRIMINATION AND HARASSMENT COMPLAINTS**

- A. Any employee making a complaint of discrimination or harassment may direct the complaint to the Chief of Police, Town Manager's Office, Town Attorney's Office or Human Resources Director. An investigation into the complaint will be conducted in accordance with the Town's Personnel Policy Manual.
- B. If the complainant is dissatisfied with the findings of the investigation, he or she may appeal through the proper channels as defined in the Personnel Policy Manual or an external agency as provided by law.

## **XI. EMPLOYEE ACCESS TO INVESTIGATIVE CASE FILES**

Records of Administration Investigations are confidential pursuant to N.C.G.S. 160A-168, and shall not be disclosed in violation of this personnel privacy statute.

## **XII. DISCIPLINARY SANCTIONS**

Immediate supervisors, through the chain of command, may recommend any disciplinary action. The Chief of Police or his designee, prior to any discipline being administered, must approve all disciplinary actions.

- A. The Chief of Police or his designee may impose the following disciplinary action:
  1. Remedial Training;
    - (a). Training is a non-punitive component of the Department's discipline system designed to improve a member's performance, productivity and effectiveness through the use of positive education and instructional methods.
    - (b). Training may be implemented on its own, combined with, or take the place of, other components of the department's discipline system to correct employee misconduct and/or improve performance deficiencies.
    - (c). When training is implemented, the member's supervisor will coordinate with the officer in charge of the Training Unit to develop a specified training plan.
    - (d). The training plan shall be designed to address the specific deficiency noted. Training Plans will be documented and placed into the employee's training file as well as entered into the department's Early Warning System.
  2. Counseling;
    - (a). Counseling is a component of the Department's discipline system intended to correct minor acts of employee misconduct and/or work performance deficiencies through the use of positive suggestions for

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improvement.

- (b). Counseling affords supervisors the opportunity to discuss improvement strategies with the employee in relation to work performance deficiencies and/or minor acts of misconduct.
- (c). Counseling also may serve as a notice of a possible administrative response to repeated acts of misconduct and/or continued work performance deficiencies.
- (d). Counseling may be imposed by itself, in combination with, or in place of, another component of the department's discipline system. Counseling may be informal (verbal) or formal (documented).
- (e). Informal counseling sessions may be conducted with an employee to correct less serious acts of employee misconduct or work performance deficiencies observed during the normal course of their duties.
  - i. Informal counseling sessions are normally verbal between a supervisor and subordinate personnel under their command.
- (d). Formal counseling sessions will be conducted when an employee's responses to informal counseling sessions are not sufficient or when a formal complaint reveals acts of misconduct or work performance deficiencies that warrant formal counseling.
  - i. The supervisor should identify and define the area that requires improvement, offer guidance as to how the improvement can be achieved, and ensure the employee understands the department's expectations.

3. Oral Reprimand;

An oral reprimand is formal discipline. Although issued verbally, an oral reprimand is a documented disciplinary action. It constitutes verbal notification that specific performance and/or conduct requires improvement and includes a warning of potential future discipline if improvement is not forthcoming.

4. Written Reprimand;

A written reprimand is to be issued when corrective action has not resulted in the expected improvement, or when an employee engages in misconduct that warrants a written reprimand.

- (a). 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 and personnel involved.

5. Suspension Without Pay;



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A suspension without pay is to be issued when corrective action has not resulted in the expected improvement, or when an employee engages in misconduct that warrants a suspension without pay.

6. Non-disciplinary Suspension;
- (a) With the approval of the manager, a department head may impose a non-disciplinary suspension (with or without pay) on any employee who has been accused of some action which, if the accusation is substantiated, would constitute cause for disciplinary action. There may be no appeal from a non-disciplinary suspension.
  - (b) If a non-disciplinary suspension is imposed, the employee shall be notified in writing:
    - i. That the suspension is non-disciplinary;
    - ii. That the suspension is temporary in nature (for example, pending the outcome of a criminal trial or internal investigation);
    - iii. What the accusations or allegations are that triggered the non-disciplinary suspension; and
    - iv. Why a non-disciplinary suspension has been imposed in this particular case.
  - (c) If the accusations or allegations that result in a non-disciplinary suspension are the subject of an internal investigation, such investigation shall be completed within 90 days of the commencement of the suspension unless prevented by events beyond the control of the town.
  - (d) Any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury will be removed from operational assignment pending an administrative review.
  - (e) If it is determined (through a criminal trial, internal investigation, or otherwise) that the charges are not substantiated, then the employee shall be reinstated with full recovery of any lost wages or benefits.
  - (f) If it is determined that the charges are substantiated, then appropriate disciplinary action may be taken in accordance with this article. If an employee has been suspended without pay pending the outcome of the investigation and the employee is not dismissed and the discipline imposed is less severe than the suspension without pay the employee

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has already experienced, the employee may be entitled to partial recovery of lost wages or benefits according to the discipline imposed.

7. Recommendation to Town Manager for Demotion in Rank or Pay;

A reduction in demotion in rank or pay may be imposed for just cause, as a result of serious misconduct or when the employee demonstrates an inability or unwillingness to function at a satisfactory level at their rank or position. Members may also volunteer or consent to demotion.

8. Recommendation to Town Manager for Termination;

(a) Termination is a complete and final separation from the department. Termination may occur for, but are not limited to, any of the following reasons:

- i. Previous disciplinary actions have not corrected the employee's unacceptable conduct or work performance issues.
- ii. In circumstances where misconduct has rendered the employee immediately unsuitable for further employment.
- iii. It is anticipated and demonstrated that a disciplinary action less severe than termination will not correct the employee's conduct or work performance.
- iv. The Chief of Police has determined the employee is not capable of satisfactorily performing the tasks required of them.
- v. The employee is found to have engaged in misconduct which makes his or her continued employment inconsistent with standards required for employment with the department.

(b) If an employee's misconduct or continued work performance issues result in his or her termination from the department, the employee will be provided with a written statement of the following information:

- i. The reason for termination.
- ii. The effective date of the termination.
- iii. Contact information for the Town of Landis Human Resources Department for the purpose of learning the status of their fringe and retirement benefits after termination, if applicable.
- iv. The content of their employment record relating to the termination.

9. Emergency Relief from Duty.

When a situation exists where relieving an employee from duty best serves the interests of the Landis Police Department, any first level supervisor or above will have the authority to relieve (temporarily) an employee from duty. Prior to

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doing so, the supervisor should make every effort to consult with the Chief of Police or his designee. This relief from duty will remain in effect until the next business day. At that time, the employee and the supervisor taking the action will report to the Chief of Police or his designee.

B. Disciplinary Action Appeal Process

See Town of Landis Personnel Policy Manual.



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|  | <b>POLICY # 1000.06</b>           |                    |

## I. PURPOSE

To establish policy and procedures for the administration of the Department's personnel recruitment.

## II. POLICY

A program of personnel recruitment should be approached positively in order to attract the best candidates. While the primary duties and responsibilities for the recruiting process are assigned to individual positions, all members of the Department are encouraged to become involved in recruitment activities. This allows for a greater number of personnel to become committed to the effort, and often results in more qualified applicants. Therefore, it shall be the policy of the Department to conduct a program of recruitment designed to identify the best candidates available to enter the hiring process. The Landis Police Department is committed to a philosophy of equal employment opportunity, and recognizes the value of achieving a diverse workforce.

## III. PROCEDURES

### A. Administration

1. The Chief of Police, in conjunction with the Town's Human Resources Department, shall have overall authority and responsibility for the Department's recruitment.

### B. Equal Employment Opportunity

1. The Department supports all policies of the Town of Landis regarding Equal Employment Opportunity (EEO). The Town of Landis has an EEO plan to ensure equal opportunities for employment and employment conditions as required by law. Elements of the plan are as follows:
  - (a) It is the policy of this agency to ensure that all individuals should be given equal opportunity for employment, regardless of race, sex, color, age, religion, national origin, or disability;
  - (b) Complaints related to EEO should be directed to the Chief of Police and/or Human Resources Director, or Legal Department, in accordance with established directives.
  - (c) All job announcements, recruitment literature, and employment applications will state that the Town of Landis is an Equal Opportunity Employer.

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- (d) The Town's Human Resources Department will be responsible for the preparation and maintenance of EEO records on applicants for police employment and current employees in accordance with applicable law and town personnel policies

### C. Recruitment Plan

1. The recruitment plan will include the following elements:
  - (a) Statement of objectives;
  - (b) Plan of action designed to achieve the objectives; and
  - (c) Identify employees, inside and outside the police department, responsible for plan administration.
2. As part of the Department's Recruitment Plan, specific action steps must be implemented to ensure that established goals and objectives are met. These steps may include, but will not be limited to, the following:
  - (a) Identify impediments and articulate specific steps taken based on an analysis to overcome those impediments;
  - (b) Diverse recruitment literature;
  - (c) Conducting recruitment activities outside the agency's jurisdiction to attract viable law enforcement candidates; and
  - (d) Establishing relationships with groups in and outside the community who represent targeted groups.
3. The department shall conduct an annual analysis of the recruitment plan that is reviewed by the agency Chief of Police. The analysis report shall include the following:
  - (a) Progress toward stated objectives; and
  - (b) Revisions to the plan, as needed.
  - (c) demographic data of sworn personnel
4. Prior to initiating recruitment activities, consideration should be given to the following:

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- (a) The department's recruitment needs and commitments;
- (b) Agency career opportunities, salaries, benefits, and training;
- (c) Federal and State compliance guidelines;
- (d) The community and its needs, including demographics, community organizations, educational institutions, etc.;
- (e) Cultural awareness;
- (f) The selection process utilized by the department (including procedures involved in conducting background investigations and written, oral and physical agility examinations);
- (g) Characteristics that disqualify candidates;
- (h) Essential job functions; and
- (i) Equal Employment Opportunity.

D. Job Vacancy Postings

The Human Resources Department is responsible for publishing notices of position vacancies, and for the maintenance of related records in accordance with Town Personnel Policy. Vacancies may be advertised through electronic, print or other sources as necessary at the discretion of the Town's Human Resources Director. All job announcements will be posted with community service organizations. Cooperative assistance from community organization leaders should also be sought. Job announcements posted by the Human Resources Department, published in advertising media, or otherwise distributed by the Town shall contain the following information:

1. A description of the duties and responsibilities of the position;
2. The requisite skills and educational level required by the position;
3. Other minimum qualifications or requirements; and
4. Official closing date for the receipt of applications (if applicable).

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|  | <b>POLICY # 1000.07</b>           |                    |

**I. PURPOSE**

To establish an employee Early Warning System (EWS) to assist in identifying and responding to early indicators of problematic performance or conduct related issues. This program shall be conducted in conformance with North Carolina General Statute, specifically, § 17A-10.

**II. POLICY**

It shall be the policy of the Landis Police Department to utilize an EWS program in order to identify, evaluate, and assist employees who may be in need of department intervention efforts.

**III. DEFINITIONS**

- A. Early Warning System (EWS) Program: A time-sensitive database system designed to identify employees whose performance or behavior may be problematic. Early intervention allows the department to respond to early warning signs of specific performance or conduct related problems and facilitate any necessary or appropriate follow-up activities.
- B. Employee Assistance Counseling Program: Use Town insurance provider/Employee Assistant Program (EAP).

**IV. PROCEDURE**

The Chief of Police or his designee manages the employee EWS. The system will be evaluated on an annual basis. Designated supervisors are responsible for reviewing complaints and use of force incidents by employees and producing the required reports. The first line supervisors are crucial elements in the employee EWS program. Supervisors will use the system’s reports as a resource to help determine if job performance or conduct problems may exist. In order to obtain a fair assessment of the employee, the supervisor must review the reports in conjunction with other documented criteria. This may include documentation such as job performance evaluations, performance observation notes, commendations, performance improvement recommendations, counseling records, disciplinary actions or any other documentation of employee performance or conduct.

**A. Early Warning System Program Triggers**

Although no specific and universal set of incidents can determine the cause of job stress and/or job performance problems, it is important that certain types of incidents be reviewed. The following are a list of parameters that may cause an employee to be identified in the Early Warning System Program.

- 1. Behavioral Alert Indicators

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The following performance data, although not all-inclusive, may indicate a candidate employee for inclusion in the early warning system.

- a) Indication of substance abuse;
  - b) Abuse of authority;
  - c) Excessive absenteeism, or sick time patterns;
  - d) Significant reduction in work performance;
  - e) Discourteous behavior; and
  - f) Repeated safety issues.
2. When any employee has been the subject of the following listed criteria within the identified time, the employees' supervisor will alert the Chief of Police.
- a) Three (3) Vehicle Pursuits within 90 Days, or
  - b) Five (5) Use of Force Incidents within 90 Days, or
  - c) Two (2) Vehicle Collisions within 90 Days, or
  - d) Three (3) Citizen Complaints within 90 Days, or
  - e) One (1) Discharge of a Firearm (with the exception of training or the dispatch of injured or aggressive animals), or
  - f) A culmination of any Six (6) events listed above within 180 Days.

**B. Initiation**

1. If the Early Warning System Program identifies an employee, the employees' supervisor shall forward a memorandum of notice through the chain of command to the Chief of Police. Additionally, the employees' supervisor shall review the documented incidents and determine whether intervention is appropriate based upon the data that has been provided.
2. Early Warning System Program meetings between the supervisor and employee are to be corrective and non-disciplinary in nature. Employees will be informed of the purpose of the meetings and the criteria used to identify the employee.



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3. If intervention is appropriate, the supervisor will discuss with the employee a plan to address any identified issues and ensure compliance with the plan.

**C. Documentation**

The supervisor who conducts the intervention discussion with the employee shall document the discussion and resulting recommendations and plan. This documentation shall be forwarded up the chain of command to the Chief of Police.

**D. Reporting**

The system’s reports are designed as a resource to assist supervisors in evaluating and guiding employees. The system is designed to work in conjunction with various existing programs within the department such as the Employee Assistance Programs (EAPs).

The criteria listed above in section A(2)(a-e), shall be documented in the department’s official Early Warning System software. The Landis Police Department utilizes the Early Intervention Program of its Record Management Software, CentralSquare ONESolution RMS/OSSI.

Frequency of Reports

1. The Chief of Police will generate an annual report regarding employees who have a pattern of sustained complaints or a pattern of numerous complaints.
2. The documented annual evaluation compiled by the Chief of Police will contain an assessment of the following items:
  - (a) Complaints;
  - (b) Use of force reports;
  - (c) Vehicle pursuit reports;
  - (d) Formal disciplinary actions;
  - (e) Early Warning System; and
  - (f) Town vehicle accidents.