



## ***Charlotte-Mecklenburg Police Department***


### ***Interactive Directives Guide***

**This document contains the following:**

### **➤ CMPD Directives Section:**

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

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

	<b>Charlotte-Mecklenburg Police Department</b>		<b>100-001</b>
	<b>Interactive Directives Guide</b>		<b>Mission Statement</b>
			<b>Effective Date: 3/25/2021</b>

I. PURPOSE

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

II. WE VALUE:

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

III. VISION

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


We will achieve our vision through:

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

IV. POSITIVE PROGRESS


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

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

	<b>Charlotte-Mecklenburg Police Department</b>		<b>100-002</b>
	<b>Interactive Directives Guide</b>		<b>Limitation of Liability</b>
	<b>Effective Date: 5/3/2023</b>		<b>1 of 1</b>

I. PURPOSE

This manual consists of departmental directives, which are for the internal use of the Charlotte-Mecklenburg Police Department (CMPD) and in no way enlarges a sworn employee's civil or criminal liability. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of the departmental directives, if proven, can only form the basis of complaints by CMPD in a non-judicial administrative hearing. This limitation of liability shall apply equally to all departmental directives, rules of conduct, and standard operating procedures.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>100-003</b>
	<b>Interactive Directives Guide</b>		<b>Jurisdiction and Authority</b>
	<b>Effective Date: 12/14/2021</b>		<b>1 of 3</b>

I. PURPOSE

This directive establishes guidelines for the territorial jurisdiction and delegation of authority of sworn officers of the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY


A. Jurisdiction

1. CMPD derives its authority from the North Carolina General Statutes and Session Laws, the Code of the City of Charlotte, and the Agreement between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg Police Departments.
2. The Chief of Police and all sworn officers will have full law enforcement authority within the boundaries of Mecklenburg County and on all property owned by or leased to the City of Charlotte or Mecklenburg County wherever located within the State of North Carolina.

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

3. The Chief of Police and all sworn officers have the authority to arrest anywhere in the State of North Carolina for a felony committed in Mecklenburg County as described in paragraph II - A – 2 and have the authority to pursue an offender who is in immediate and continuous flight, outside of this jurisdiction, in accordance with CMPD policy.
4. When an offense is committed within the territory described above, under circumstances that would authorize an arrest without a warrant, an officer has the authority to pursue and arrest an offender who is in immediate and continuous flight, outside said territory, in accordance with CMPD policy.
5. Officers in pursuit of a person who is in immediate and continuous flight from the commission of a crime dangerous to life are authorized to enter South Carolina in a vehicle or foot pursuit to affect the arrest of the offender. Officers engaged in a vehicle pursuit into the State of South Carolina for a crime dangerous to life must adhere to the provisions set forth in CMPD Directive 600-022 Emergency Response and Pursuit Vehicle Operations.
6. Cooperation Between Law-Enforcement Agencies

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

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7. Assistance to State Law Enforcement Agencies

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

B. Oath of Office

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

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

C. Discretion


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

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

D. Empowerment

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

1. Supervisors and managers must create a work environment where employees will choose to exert themselves to deliver a higher level of service to the public and the department. This environment will enable employees to make prompt, informed decisions within their responsibility.
2. This decision-making ability is accompanied by the delegated authority and each employee is accountable for the use of this delegated authority.
3. The empowerment of employees will require supervisors to clearly communicate expectations to employees to transfer decision-making responsibility to the employee. Supervisors will remain accountable for the activities of employees under their immediate command.

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E. Delegated Authority

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

1. The supervisor that has been delegated the authority of his/her command level supervisor or manager will have the authority and responsibility to supervise their delegated area of responsibility and all personnel. These supervisors are accountable for the decisions made under that delegated authority.
2. In the sudden or unplanned absence of the command level supervisor or manager, and if no acting commanding officer or manager has been designated, the senior ranking officer in that same chain of command will assume command until relieved by a higher authority.

III. REFERENCES

- 600-025 Incident Command System
- NCGS 15A-402 Territorial Jurisdiction of Officers to Make Arrests
- NCGS 77-38 Authority of Law Enforcement Officers and Special Officers (Lake Wylie)
- NCGS 77-78 Enforcement (Mountain Island Lake)
- NCGS 160A-285 Powers and Duties of Policemen
- NCGS 160A-286 Extraterritorial Jurisdiction of Policemen
- NCGS 160A-288 Cooperation Between Law-Enforcement Agencies
- NCGS 160A-288.2 Assistance to State Law Enforcement Agencies
- Session Law 1969-1089
- Session Law 1969-1170
- Session Law 2017-42
- Agreement Between the City of Charlotte and Mecklenburg County for the Consolidation of the Charlotte and Mecklenburg County Police Departments, October 1, 1993, July 1, 1996
- Code of the City of Charlotte, Section 16-28
- CMPD Jurisdiction Map
- CMPD Regional Mutual Aid Agreements
- SC Legislation: S.C. Code § 17-13-47 (2006)
- CALEA

	<b>Charlotte-Mecklenburg Police Department</b>		<b>100-004</b>
	<b>Interactive Directives Guide</b>		<b>Discipline Philosophy</b>
	<b>Effective Date 02/23/2018</b>		<b>1 of 4</b>

Tensions and hostility are a part of policing. Police officers must, as part of their job, issue orders to people, catch them in violation of laws, deprive them of their freedom, and bring charges that may lead to the imposition of severe punishment. Contacts between officers and citizens are often initiated under conditions that are emotionally charged, such as immediately after a fight or other disturbance, or following the commission of a crime. Even the person getting a traffic ticket frequently becomes indignant. However scrupulous the police may be in carrying out their responsibilities, they are bound to incur the wrath of some of those against whom they must proceed. This hostility manifests itself in various forms -- sometimes immediately, by verbal abuse or physical resistance to the police; sometimes later by alleging that the officer's actions were improper or illegal. Under such circumstances an officer must be able to count on support for actions taken in the line of duty. The police officer expects and indeed needs some insulation from the community being served. But insulation can serve as a shield for the officer who is not so scrupulous -- who in fact acts improperly. Herman Goldstein


**Policing a Free Society - 1977**

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

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

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

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

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poor decisions that need to be considered when determining the appropriate consequences for behavior found improper.

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

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

**Employee Motivation:** The police department exists to serve the public. One factor in examining an employee's conduct will be whether or not the employee was operating in the public interest. An employee who violates a policy in an effort to accomplish a legitimate police purpose that demonstrates an understanding of the broader public interest inherent in the situation will be given more positive consideration in the determination of consequences than one who was motivated by personal interest. Obviously there will be difficulty from time to time in determining what is in the public interest. For example, would it be acceptable for an employee to knowingly violate an individual's First Amendment right to the freedom of speech to rid the public of what some might call a nuisance? Or is it acceptable as being in the public interest to knowingly violate a Fourth Amendment right against an unlawful search to arrest a dangerous criminal? Although it would clearly not be acceptable in either case for an employee to knowingly violate a Constitutional right, these are very complex issues that officers are asked to address. The police have a sworn duty to uphold the Constitution. It is in the **greater public interest** to protect those Constitutional guarantees in carrying out that responsibility even though it might be argued the public interest was being better served in the individual case. But if an employee attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures; the desire to encourage creativity in our efforts at producing public safety will carry significant weight in dealing with any discipline that might result.



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**The Degree of Harm:** The degree of harm an error causes is also an important aspect in deciding the consequences of an employee's behavior. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. An error that causes significant damage to a vehicle for example could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes such as the consequences of an unnecessary level of control. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal behavior – selling drugs for example -- could affect the public's confidence in the police if the consequences do not send a clear, unmistakable message that this behavior will not be tolerated.

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

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

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


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

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dedication to the community and department will be given every consideration in the determination of any disciplinary action.

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

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

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	<b>Interactive Directives Guide</b>		<b>Patrol Services</b>
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I. PURPOSE

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


It is designed to provide sworn employees assigned to patrol with a source of information to assist in accomplishing administrative tasks, preliminary investigations, and basic service functions. Sworn employees may find themselves in situations not specifically addressed in this policy and must use discretion, sound judgment, and direction received from their immediate supervisor or chain of command.

II. POLICY

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

III. DEFINITIONS

- A. Patrol Services Group: One (1) of the four (4) CMPD organizational groups, organized into four (4) geographical service areas.
- B. Service Area: A geographical section of the Patrol Services Group, comprised of patrol divisions.
- C. Patrol Division: A geographical subsection of a service area, separated into response areas.
- D. Response Area: A geographical boundary within a patrol division to which sworn employees are assigned to provide law enforcement services.
- E. Division Detective: A sworn employee assigned to a patrol division whose primary responsibility is to conduct follow-up investigations for Part I offenses (as defined by the Federal Bureau of Investigations (FBI) Uniform Crime Reporting (UCR) Program) or other crimes at the direction of the patrol division captain or designee.
- F. Community Coordinator: A sworn employee assigned to a patrol division response area whose primary responsibility is to serve as the liaison between the CMPD and community members seeking a partnership with law enforcement to resolve both immediate and long-term concerns directly impacting the quality of life within the community. Community coordinators provide updated information to the community to foster an atmosphere of transparency regarding police operations and crime management activity within the patrol division.
- G. Crime Reduction Unit (CRU): A group of sworn employees assigned to a patrol division tasked with focusing on specific crime trends in their assigned patrol division.

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- H. Special Operations: Sworn employees who are assigned non-patrol functions within the patrol division, including, but not limited to division detectives, traffic officers, community coordinators, and members of the CRU.

IV. PROCEDURE

A. Administration Command and Control

- 1. The CMPD Patrol Services Group contains service areas which are further divided into patrol divisions and additionally into response areas.
  - a. The Patrol Services Group is commanded by a deputy chief.
  - b. Service areas are commanded by a patrol major.
  - c. Each patrol division is commanded by a patrol captain and is assigned two (2) patrol lieutenants who share responsibility for the division’s three (3) response areas.


One (1) lieutenant is primarily tasked with the supervision of employees assigned to the patrol component of the division. The second lieutenant is primarily tasked with the supervision of all other special operations employees, including but not limited to, division detectives, community coordinators, and the Crime Reduction Unit (CRU).

- 2. Each employee is accountable to one (1) chain of command at any given time. Patrol supervisors share authority when on duty at the same time in the same patrol division.

B. Patrol Services Group Staffing and Shift Assignments

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

- 1. Staffing levels will be determined by the Patrol Services Group deputy chief.
- 2. Upon graduation from the CMPD Police Academy, sworn employees will be assigned to the Patrol Services Group, a service area, and a patrol division. This initial assignment will, in part, be determined based on:
  - a. The information provided by the recruit on the Personal Information Form.
  - b. The needs of the Patrol Service Group and the recruit’s skills as identified by the service area major.
- 3. Sworn employees are assigned and/or reassigned to a shift or special operations function based on patrol division needs and/or the employee’s performance.


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- a. The patrol division captain determines monthly shift staffing, including establishing minimum staffing levels and the rotation of days off. Day-to-day staffing is the responsibility of the patrol services lieutenants and shift sergeants.
- b. Sworn employees may be transferred from a patrol division or service area at the recommendation of the current chain of command and with the approval of the Patrol Services Group deputy chief.
- 4. All staffing during emergencies will follow the CMPD Emergency Mobilization Plan.
  - a. This plan allows the CMPD to maintain twenty-four (24) hour police services within the patrol divisions while providing adequate staffing to respond to calls for service while managing the emergency.
  - b. Patrol divisions are responsible for maintaining current emergency lineups of eight (8), ten (10), and twelve (12) hour shifts that include all available employees for use by the command center.

V. EMPLOYEE DUTIES, AUTHORITY, AND RESPONSIBILITIES


A. Authority and Responsibility

- 1. All supervisors are responsible for the activities of employees under their immediate command.
- 2. The appropriate CMPD chain of command must be notified when an employee holding the rank of captain or above needs to delegate their authority to a lower or equal-ranking supervisor. Delegation of authority exceeding seven (7) calendar days must be approved by the Patrol Services Group deputy chief. Patrol division lieutenants and sergeants cannot delegate their authority to a subordinate.
- 3. The patrol division captain has overall responsibility for ensuring patrol division employees focus on quality-of-life issues and crime trends. The patrol division captain will encourage the involvement of all division employees in community-based problem-solving efforts. The patrol division captain will establish performance expectations for the response areas and analyze the effectiveness of the patrol division's problem-solving efforts.
- 4. Lieutenants assigned to a patrol division will be responsible for the following:
  - a. Patrol division lieutenants tasked with the supervision of sworn employees who are serving in special operations functions, such as community coordinators, detectives, and the CRU, are responsible for ensuring that problems within the response area are being identified and analyzed and then developing, implementing, and reviewing responses to those problems. Lieutenants are also responsible for ensuring


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effective and thorough investigations are completed for all cases assigned to division detectives.

- b. Lieutenants tasked with the supervision of sworn employees who are serving in a patrol function are responsible for ensuring proper staffing levels are maintained, critical information is communicated to all employees, and conducting internal investigations as needed, including completing Internal Affairs Case Management System (IACMS) investigations and reviewing Body Worn Camera (BWC) footage.
  - c. Lieutenants will be responsible for all employees within the assigned patrol division, regardless of their primary assignment, and will take appropriate action as needed to ensure efficient supervision of patrol division employees.
5. Patrol sergeants will be responsible for a shift, the day-to-day supervision of the officers assigned to the shift, and any other functions as directed by the patrol division captain and the patrol services lieutenants. Patrol sergeants will ensure that at the start of each shift, employees are made aware of:
- a. Unusual situations, wanted persons, stolen vehicles, major investigations, etc.
  - b. Changes in schedules and assignments.
  - c. New or updated policies and procedures.
  - d. Intelligence briefings on wanted persons and involuntary commitment orders.
  - e. Crime trends and/or focused patrols.
  - f. Any needs noted on the Compliance Dashboard.
6. Supervisors are responsible for notifying the patrol division captains and/or operations command of, and responding to, the following incidents:
- a. Collisions that result in fatal or serious injury
  - b. Homicides
  - c. Pursuits
  - d. Serious incidents inside a CMPD facility
  - e. Any incident where a person is injured by a sworn employee.
  - f. Any incident where a sworn employee is injured.
  - g. Incidents involving hostages or barricaded subjects.
  - h. Any incident in which a sworn employee discharges a firearm.

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- i. Any incident requiring a large sworn employee response.
  - j. Calls for service where employees qualified as Crisis Intervention Team (CIT) members are requested.
  - k. Calls for service where the patrol rifle is requested.
  - l. Calls for service for an armed person.
  - m. Assault with a deadly weapon involving injury.
  - n. Shooting into occupied dwelling.
7. Supervisors will conduct annual line inspections of employees under their command and are expected to take immediate corrective action to remedy any deficiencies, in compliance with Directive 800-011, Inspections and Audits.
- a. All CMPD employees are subject to informal inspections daily to ensure compliance with CMPD directives and rules of conduct regarding personal appearance and proper use and maintenance of equipment. It is the responsibility of the inspecting supervisor to ensure that deficiencies are corrected. Informal inspections do not require documentation unless deemed necessary by the inspecting supervisor.
  - b. All sworn employees, including hirebacks, below the rank of sergeant are to be formally inspected at least once per calendar year.
  - c. Annual line inspections will be thoroughly documented in the Audit Tracking Database (ATD) located on the CMPD Portal Page.
8. Patrol sergeants will ensure that:
- a. The patrol division is adequately staffed throughout the shift with proper deployment of sworn employees within the assigned service area.
  - b. Sworn employees are reminded about required in-service training and other administrative actions as noted on the Compliance Dashboard.
  - c. Sworn employees' status on calls will be continuously monitored to ensure timely completion of calls for service.
9. Supervisors and managers should routinely observe the facilities under their command to ensure the security of weapons storage rooms, law enforcement-related equipment, arrestees, interview rooms, and general site security. Appropriate notification of and action must be taken to correct any identified areas of concern.
- a. Equipment will be kept in a locked secured location with access limited to authorized employees.

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- b. Laptop computers may be secured in an assigned vehicle unless the vehicle is taken out of service, at which time it must be kept in a locked secured location with access limited to authorized employees.
- c. Vehicle sign-in and out logs will be kept in each patrol division for a minimum period of six (6) months.
- d. Administrative sergeants are responsible for maintaining an accurate inventory of bike equipment, sworn employees' assigned equipment, and patrol division surplus equipment, including maintenance records and receipts. A yearly proof of this inventory will be submitted to the Professional Accountability Bureau. Inventory items will include uniforms, shoes, helmets, gloves, sun and safety glasses, and web gear.

10. Directed Patrol Assignments

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

- a. Directed patrol assignments can be issued for but are not limited to the following:
  - (1) Crime trends and hot spot areas
  - (2) Large crowds in parking lots (after football games or in hang-out areas)
  - (3) Traffic control and violations (red lights, collisions, etc.)
  - (4) Thefts
  - (5) Active sexual offenders
  - (6) Armed robberies
  - (7) Looking for wanted persons
  - (8) Attending school, community, and social functions or events
- b. A need for directed patrol efforts is determined based on one (1) of the following:
  - (1) A review of crime analysis reports
  - (2) Information provided by detectives
  - (3) Intelligence information
  - (4) Personal knowledge and experience
  - (5) Patrol division representatives



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c. Administrative Orders


- (1) Patrol supervisors may be required to initiate a directed patrol assignment to address any special problem that may arise.
- (2) Administrative orders may be issued in an inter-office memorandum, electronically, or verbally.
- (3) Employees assigned to a directed patrol will utilize appropriate computer-aided dispatch (CAD) call signs to notify the Communications Division of their assignment and to document and track the time they spend on a directed patrol, including any grant-funded overtime (e.g., Justice Assistance Grants (JAG), Extraterritorial Jurisdiction (ETJ) Policing, etc.).

B. Administrative Sergeant Responsibilities


1. Patrol administrative sergeants will have responsibility for special operations functions as directed by the patrol division captain and the lieutenants and may have the day-to-day supervision of sworn employees assigned to special operations functions, such as detectives.
2. Patrol administrative sergeants may be called upon to handle a variety of tasks at the direction of the patrol division captain or lieutenants. These tasks may include, but are not limited to, case management and assignment, equipment inventories, fleet maintenance, facilities maintenance, grand jury calendars, manpower pulls for special assignments and/or events, maintenance of the staffing report, training coordination, BWC audits, and division compliance reports noted on the Compliance Dashboard.

C. Patrol Officer Primary Responsibilities

1. Beginning Tour of Duty
  - a. Employees will make themselves available for calls for service immediately after the roll call briefing is concluded by logging onto the computer of their assigned vehicle.
  - b. After logging onto the computer and before leaving the office, a vehicle inspection must be performed in compliance with CMPD Directive 600-001, Departmental Vehicles.
2. Ending Tour of Duty
  - a. Employees will not log off their vehicle's computer more than ten (10) minutes before the end of their shift unless they receive permission from a supervisor.
  - b. Employees will ensure their patrol vehicle:

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- (1) Has a gas tank that is at least  $\frac{3}{4}$  full
    - (2) Is cleared of all trash
    - (3) Is locked with all windows rolled up
    - (4) Has all electronic items turned off
  - c. Before leaving, all reports must be completed and submitted for approval.
  - d. All employees will report to any available supervisor at the end of each tour of duty. When employees are late ending a shift, they must notify any available supervisor at their patrol division office.
3. Keys Locked in Vehicles
- Sworn employees will not assist motorists who have locked their keys in their vehicles by attempting to unlock the vehicle. Motorists should be directed to seek help from a private business capable of unlocking the vehicle. Sworn employees are authorized to assist in emergencies when a child, an elderly, disabled, or injured person, or an animal has been locked inside a vehicle.
4. Request to Deliver Emergency Messages
- a. Sworn employees will attempt to deliver the message in person, if possible.
  - b. If personal contact cannot be made, sworn employees will leave a message attached to the front door instructing the occupants of the home to call the requesting agency and notify their supervisor that no contact was made.
  - c. The notified sergeant will advise the next shift sergeant that another in-person attempt to deliver the message must be completed and documented within their shift.
  - d. In all cases, sworn employees will notify the Communications Division of the action taken and document the efforts taken to deliver the message in the CAD.
5. Notification to Service Providers
- Sworn employees will notify the Communications Division by radio of the service required to obtain proper assistance (i.e., the Charlotte Fire Department (CFD), Medic, the Department of Transportation (DOT), downed tree removal, animal carcass removal, etc.).


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D. Community Partnerships

1. The CMPD will build problem-solving partnerships with the community to prevent crime and enhance the quality of life throughout our community, always treating people with fairness and respect.
2. Each patrol division will contain definable response areas to which sworn employees are specifically assigned across all shifts and days of the week. Each response area will have an assigned community coordinator who will be responsible for identifying crime and quality of life issues within their response area and coordinating a response. The response area is designed to strengthen ownership and accountability for crime reduction efforts and community safety. It enables members of the community to become familiar with the sworn employees who protect and serve their community. It provides sworn employees the opportunity to become more familiar with all aspects of the response area including crime trends and the individuals who live and/or work in the community. Sworn employees will identify community resources that may be leveraged to address crime and quality of life issues in their assigned response area.
3. The special operations lieutenant will deploy the CRU, in consultation with the division captain, to crime hot spots or areas where emerging crime trends are identified. Each patrol division shall set unit and individual deployment priorities.

E. Division detective responsibilities include, but are not limited to:

1. Reviewing all cases upon assignment.
2. Reviewing reports of evidence submitted.
3. Contacting or attempting to contact victims within twenty-four (24) hours after case assignment for crimes against persons and within seventy-two (72) hours of case assignment for property crimes.
  - a. Documenting initial follow-up within fourteen (14) calendar days.
  - b. Documenting all contacts or attempts.
4. Responding to crime scenes:
  - a. When requested by a patrol division sergeant, lieutenant, or captain
  - b. When directed by operations command
  - c. When immediate follow-up is necessary
  - d. For high-profile cases that may generate unusual media or public interest
  - e. When it serves the best interest of the investigation


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5. Conducting follow-up investigations using the following procedures when applicable:
  - a. Reviewing each report and determining if the assigned case is related to any other reported cases of a similar nature.
  - b. Attempting to locate, identify, and interview all victims/witnesses.
  - c. Attempting to interview any suspects.
  - d. Preparing and conducting photo or live lineups as needed.
  - e. Ensuring the collection and analysis of physical evidence.
  - f. Presenting the case to the papering district attorney within fourteen (14) calendar days in a logical and orderly manner.
  - g. Properly documenting the case investigation in supplement form within ten (10) calendar days of assignment.
  - h. Applying for and obtaining search warrants and court orders in compliance with departmental policy.
  - i. Utilizing all available resources to identify, apprehend and prosecute suspects to prevent future incidents.
  - j. Completing property dispositions according to department policy.
6. Maintaining all investigative reports and documents in compliance with CMPD Directive 800-004, Public Records Retention and Disposition, and all state and federal records retention laws.

## VI. REFERENCES

100-003 Jurisdiction and Authority  
 500-003 Management of Subjects with Mental Illness/Extreme Distress  
 600-001 Departmental Vehicles  
 600-017 Arbitrary Profiling  
 600-019 Response to Resistance  
 800-004 Records Retention and Disposition  
 800-011 Inspections and Audits  
 Crisis Intervention Team SOP  
 Operations Command SOP  
 Patrol Rifle Program SOP  
 Patrol Case Assignment and Follow-Up SOP  
 CALEA

The previous version of Directive 100-005 Patrol Services was published on 09/24/2018.

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## I. PURPOSE

This policy establishes guidelines and procedures for the Charlotte-Mecklenburg Police Department (CMPD) related to addressing employee misconduct in a uniform manner, providing the public with fair and effective avenues for complaints against the CMPD or employees, and ensuring that employees accused of misconduct are treated fairly.


## II. POLICY

CMPD employees are expected to maintain professional standards in their conduct while on and/or off duty and observe all policies and procedures. CMPD will fully investigate and document complaints of employee misconduct to final disposition. When directed by the designated department authority, employees are required to make truthful statements during administrative investigations or inquiries.

CMPD is responsible for identifying and addressing employee behavior that discredits the organization or impairs the efficiency of its operations. The rights of the employee and public must be preserved, and any investigation or hearing that may arise from a complaint will be conducted fairly and timely, with truth as its primary objective.

## III. DEFINITIONS


- A. **Adjudication:** A formal ruling on an allegation of employee misconduct at the conclusion of the investigation. Allegations entered into IACMS will be adjudicated using a ruling of exonerated, not sustained, sustained, or unfounded.
- B. **Chain of Command Review Board (COC):** A disciplinary review board comprised of an employee's immediate chain of command.
- C. **Citizens Review Board (CRB):** An eleven (11) member advisory board to the Chief of Police, city manager, and city council with the principal function of reviewing appeals by complainants on dispositions imposed by the Chief of Police regarding allegations of misconduct against sworn employees. The board may hear appeals regarding allegations concerning:
  1. Excessive response to resistance
  2. Unbecoming conduct
  3. Arrest search and seizure
  4. Arbitrary profiling
  5. Neglect of duty
- D. **Civil Service Board (CSB):** A seven (7) member board with the principal function of establishing requirements for police and fire applicants. The CSB convenes to hold hearings of sworn employees against whom charges have been brought and approve agency hirings, promotions, demotions, and terminations. Members of the CSB are appointed to three (3) year terms by the city council and mayor.

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- E. Impact Statement: A statement offered by the complainant of the personal impact that the alleged misconduct had on the complainant. The impact statement will be considered by the board when deliberating CRB reviewable misconduct allegations and provide information for the board to consider when evaluating the degree of harm caused by the alleged misconduct, specifically related to the complainant.
- F. Independent Chain of Command Review Board (ICOC): A disciplinary review board comprised of supervisors and peers when selected who are not members of the employee's immediate chain of command. ICOC members are selected from a pool of available supervisors and peers.
- G. Internal Affairs Case Management System (IACMS): A secure software application where investigations can only be accessed by the Internal Affairs Division, Police Attorney's Office, investigated/accused employee's chain of command, or anyone designated at the discretion of the Chief of Police.
- H. Mini Board: An independent chain of command board that reviews investigations when there is less than a fair probability that an employee's alleged misconduct occurred. These cases will be given a final disposition of not sustained, exonerated, unfounded, or will be recommended for a full COC. The employee is not required to attend the hearing.
- I. Training and Tactics Review Team (TTRT): An internal review team designated by the Chief of Police comprised of personnel with advanced knowledge, training, and experience regarding a specific subject.

#### IV. PROCEDURE

- A. Internal Affairs Case Management System (IACMS) investigations of employee misconduct require review and disposition by an employee's chain of command and review by the Internal Affairs Division. Upon completion, each member within the chain of command will utilize the IACMS transfer function to route the investigation to the next higher-level chain of command member.
- B. Allegations of employee misconduct, dispositions, discipline, and completed investigations will be recorded and stored in IACMS except for investigations conducted by the Human Resources Division. Paper copies will be maintained in the secured storage area within the Internal Affairs Division and archived per Directive 800-004, Records Retention and Disposition.
- C. The Chief of Police or designee may place an employee on administrative leave with or without pay when an employee's presence at work would be a detriment to department efficiency or public safety. This action may occur before the employee is provided an opportunity to explain or justify their behavior. The Internal Affairs Division is responsible for notifying the employee in writing of this action and submitting a copy of the notification to the Human Resources Division and the employee's chain of command.


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- D. The Chief of Police may exercise final disposition in any disciplinary matter.
- E. General IACMS Investigative Information
  - 1. Supervisors will enter a preliminary synopsis of all facts known at the time in IACMS before ending their tour of duty on the day that the event occurred.
  - 2. An open internal investigation can be a source of stress for employees. In recognition of this, supervisors will adhere to specific timeframes based on the incident being investigated. If more time is required to conduct a thorough investigation, the employee will be notified of the delay. The following timeframes include the time for the incident to be investigated and ruled upon by the employee's chain of command:
    - a. Motor vehicle crashes 14 days
    - b. Employee injury 14 days
    - c. Animal euthanasia 14 days
    - d. Raid and search 14 days
    - e. Deployment of tire deflation device (TDD) 14 days
    - f. Response to resistance (non-deadly) 14 days
    - g. Non-force subject injury 14 days
    - h. Pursuit 24 days
    - i. All others 45 days
  - 3. Supervisors will ensure that employees, including those involved or witnesses, enter their statements before ending their tour of duty. Employees will not transcribe their IACMS statement to their KBCOPS statement or vice versa (e.g., cut and paste).
- F. Receiving and Processing Allegations of Employee Misconduct
  - 1. Complaints will be accepted from any source, including by person, mail, email, CMPD Website, or telephone. Supervisors must make reasonable and diligent efforts to obtain a statement from any complaining party.
    - a. Every complaining party will be referred to a supervisor, the Internal Affairs Division, or the Human Resources Division so the complaint may be received.
    - b. Without exception, every complaint, which, if true, would constitute a violation of CMPD policy, must be thoroughly investigated and documented by a supervisor or Human Resources Division.

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- c. Complaints received electronically or by telephone message (e.g., voicemail) will require a prompt supervisor response and documentation of the response. The supervisors may respond in the same manner the complaint was received (e.g., return phone call or email).
  - d. Anonymous complaints will be accepted. The Internal Affairs Division major will review each anonymous complaint and determine the feasibility of further investigation.
2. The Internal Affairs Division may be contacted for consultation on any allegations of employee misconduct.
3. Allegations of employee misconduct serious enough to require immediate action, such as suspension from duty, must be referred promptly to the Internal Affairs Division and the employee's chain of command up to the rank of deputy chief for review and recommendation to the Chief of Police.
4. The Internal Affairs Division major will review all complaint investigations and report directly to the Chief of Police.
5. The investigating supervisor will notify the employee as soon as practical following receipt of the complaint unless doing so would impact the integrity of the administrative and/or criminal investigation.
6. Supervisors will make every effort to investigate and adjudicate a complaint, including employee notification of complaint disposition, within forty-five (45) days of its reception.
7. Complaints will be investigated by the responsible unit outlined in Appendix A unless directed otherwise by the Chief of Police or Internal Affairs Division major. The employee's deputy chief must be notified of a transfer/referral of an investigation/complaint by the Internal Affairs Division to the employee's chain of command or transfer/referral of an investigation/complaint from the employee's chain of command (other than for the formal closing of the case) to the Internal Affairs Division.
8. The supervisor assigned to a complaint will ensure that the complaining party and the accused employee are promptly notified, either orally or in writing, of any delay extending case adjudication beyond the forty-five (45) day period. The notification will include the reason for the delay and the anticipated completion date.
  - a. The supervisor will record delay notifications in an IACMS supervisor synopsis by noting the date and time, the person notified, and the explanation for the delay or by attaching a written notification to the IACMS case file.




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- b. The supervisor of the accused employee will ensure the accused employee is notified and acknowledges the allegation through the IACMS case file.
- c. The Internal Affairs Division will notify all complainants in writing of the complaint conclusion, ensuring that the notification is consistent with personnel privacy law provisions, and attach the record to the IACMS case file.

## V. EMPLOYEE MISCONDUCT INVESTIGATIVE PROCEDURES

### A. Investigative Interview

1. Interviews will be conducted at a reasonable hour, determined by the urgency of the investigation and with respect to the employee's normal work schedule.
2. The employee being interviewed will be informed of the name and rank of all persons present.
3. The employee's supervisor will be notified when the employee is required to leave their assigned duties or area of assignment.
4. In an administrative investigation, the employee will not be allowed the presence and assistance of counsel. The employee will, however, be allowed to select a supervisor to speak with about case details and be present during administrative interviews as a means of support throughout the administrative investigation process.
  - a. Any supervisor an employee selects for this purpose will not be an employee subject to investigation in the same incident.
  - b. The supervisor selected must be on duty and available at the time of the initial interview. The supervisor will be only one level above the investigated employee.
  - c. The employee must sign a waiver to speak with the selected supervisor, and the supervisor must sign a confidentiality memorandum.
5. Before the interview begins, the employee must be informed in writing of the administrative advice of rights and the nature of the allegations against them.
6. Reasonable rest periods will be allowed during the interview period.
7. The employee being interviewed will not be subjected to offensive or abusive language or threatened with dismissal or other corrective action.

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**B. Employee Interview Participation**

1. The employee must completely and truthfully answer all questions the investigating supervisor poses in an administrative investigation and will not intentionally omit material facts.
2. Prior to the interview, the employee must be informed that refusal to answer questions in an administrative investigation can become the basis for corrective action.
3. Prior to the interview, the employee must be advised in writing (or orally, if the interview is conducted by telephone and the conversation is recorded) that they have no constitutional right to refuse to answer questions relating to the investigation because nothing they say in response to questions can or will be used against them in a criminal prosecution.
4. The investigating supervisor shall attach the advisement of administrative rights form or recorded acknowledgment to the IACMS case file

**C. Criminal Investigations**

Criminal investigations will not be conducted by the Internal Affairs Division and will be referred to the appropriate criminal investigative unit or agency. Employees subject to criminal investigations will be afforded all applicable constitutional rights.

**D. Training and Tactics Review Team (TTRT)**


The TTRT may review employee case files in accordance with the Training and Tactics Review Team SOP and serve as a resource for the employee's review board hearing. TTRT members must sign a confidentiality agreement to review employee case files. In addition, the employee requesting the TTRT review must provide written consent authorizing the TTRT review. The TTRT may review the following internal cases:

1. Response to resistance and conducted electrical weapons (CEW)
2. Fourth Amendment
3. Any investigation as determined by the Chief of Police

**E. Polygraph Examination**

The following procedures will be used in situations involving polygraph examinations.

1. In a criminal investigation, the employee must be advised of the right to refuse a polygraph examination. Should the employee waive this right and consent to the polygraph examination, the employee will be informed that CMPD can use any statement or evidence derived from the examination in the administrative and criminal action.

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2. In an administrative investigation, employees can be required to submit to a polygraph examination. The results of a polygraph examination compelled through an administrative investigation will not be shared with any criminal investigation. Failure to submit may result in corrective action.
3. An employee who is the subject of an investigation may request a polygraph examination.

**F. Searches**

1. Desks, lockers, storage space, rooms, offices, equipment, information systems, work areas, and vehicles are the property of the City of Charlotte or Mecklenburg County and are subject to inspection. They may be searched to retrieve City of Charlotte or Mecklenburg County property or to discover evidence of work-related misconduct if there is reason to suspect such evidence is there.
2. Private property can be stored in the areas mentioned above; however, employees will not expect privacy in those areas. Only employees acting in their official capacity may be authorized to search or inspect areas assigned to other employees.

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


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

**VI. CHAIN OF COMMAND REVIEW**

A. ICOC boards will be convened for the following Internal Affairs Division-level administrative investigations:


1. Arrest, search, and seizure
2. Arbitrary profiling
3. Unbecoming conduct
4. Excessive response to resistance
5. Response to resistance/discharge of a firearm at a person
6. Harassment
7. Neglect of Duty

B. Internal Affairs Division investigated/ICOC review level cases where audio and/or video exists that clearly indicate that the employee had a lawful basis for the action(s)


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taken that resulted in the complaint or where audio/video clearly refutes the allegation made, a mini-board hearing may be convened to review and adjudicate the investigation. The employee will not be required to attend the mini-board hearing. These cases will be given a final disposition of not sustained, exonerated, unfounded, or will be recommended for a full ICOC.

- C. Except, as noted above in section VI.A, investigations conducted by the Internal Affairs Division that indicate there is less than a fair probability that employee misconduct occurred may be reviewed by the employee's major and captain/manager or through a mini-board hearing. These cases will be given a final disposition of not sustained, exonerated, unfounded, or will be recommended for a full COC hearing. If recommended for a full COC hearing, the employee may select a division/section-level COC and/or ICOC.
- D. Internal Affairs Division investigations that indicate a fair probability that employee misconduct has occurred will be heard by an ICOC or a division/section-level COC board at the employee's selection, as outlined in Appendix A, to determine the final disposition.
- E. Investigations conducted by the service area-level or section-level chain of command will be given a final disposition of sustained, not sustained, exonerated, or unfounded. The employee may choose to waive a hearing and have his or her chain of command adjudicate the investigation or select a division/section-level COC or ICOC board to determine the final disposition. The Internal Affairs Division will facilitate all ICOC boards and send a representative to assist with any division/section-level COC boards.
- F. The Chief of Police or designee may convene an ICOC and/or recommend a TTRT in circumstances deemed appropriate.
- G. Review of Discharge of Firearms Investigations:
  - 1. The Internal Affairs Division will investigate allegations involving the discharge of firearms at a person, aggressive animals, and negligent discharges.
  - 2. All discharge of firearms cases involving persons and alleged negligent discharges will be reviewed by a standing shooting review board, which will consist of:
    - a. A deputy chief appointed by the Chief of Poice
    - b. A Community Relations Committee representative
    - c. The Training Division major
    - d. The Criminal Intelligence Division captain
    - e. The Firearms Training Unit sergeant


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3. Each employee discharge of a firearm will be adjudicated in one of the following ways:
    - a. Negligent discharge
    - b. Justified
    - c. Not justified
  4. Any employee discharge of a firearm with a disposition of not justified or negligent discharge will be adjudicated under the appropriate Rule of Conduct violation by a shooting review board. The review board for an employee discharge of a firearm not at a person can be chaired and adjudicated by the Training Division major.
- H. Peer member of the chain of command review board:
1. For any level independent or division chain of command review board, the accused employee may elect to have a peer serve as a board member.
  2. Peer selection process:
    - a. The peer will be selected from a pool of eligible employees department-wide in the accused employee's job classification. If no pool of employees exists within the accused employee's job classification, the Internal Affairs Division major will select a peer from a similar class of employees.
    - b. The peer may not be a probationary employee, be involved in the case to be heard, have disciplinary action pending, have disciplinary action taken against them within the previous twenty-four (24) months, be selected from the accused employee's division, or be on suspension or other leave.
    - c. The Internal Affairs Division provides two (2) peer employee names to the accused employee, who selects one or rejects both.
    - d. If the employee rejects the first two (2) peer employee names, the Internal Affairs Division will provide one (1) more name for the employee to select or reject. The accused employee must select one (1) of the three (3) names or elect not to have a peer.
    - e. The Internal Affairs Division major may replace any peer for just cause.
  - I. The presence and assistance of the employee's counsel during the review is not permitted.

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VII. ADJUDICATION OF ALLEGATIONS OF EMPLOYEE MISCONDUCT


- A. Each allegation of employee misconduct entered into IACMS must be adjudicated with one of the following rulings:
  - 1. Exonerated: The acts which provided the basis for the complaint or allegation occurred, but the investigation revealed that the acts were justified, lawful, and proper.
  - 2. Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.
  - 3. Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint.
  - 4. Unfounded: The investigation proved the allegation to be unsubstantiated. The incident never occurred or the employee was not involved in the incident, or the investigation conclusively proved that the employee's alleged act or actions which provided the basis for the complaint or allegations did not occur.
- B. Dispositions resulting in active suspensions will not be deferred or suspended.
- C. The accused employee will be notified electronically through IACMS or in writing of the final disposition of each allegation. This notification will occur as soon as practical after the disposition is made, and the notification form will be attached to the electronic case file in the IACMS.
- D. The employee will have the opportunity to read, sign, and date any document containing the results and/or disposition of any investigation before the document is placed in the employee's personnel file. The employee may attach a reply to any adverse complaint in their personnel file. Any reply will also be attached to the electronic case file in IACMS.
- E. Supervisors must ensure that the employee's annual performance review and development (PRD) record includes a summary of a sustained complaint and related counseling or reprimand, which was adjudicated in a performance year.
- F. All reports resulting from an investigation of an employee, including corrective actions taken, are to be provided to the city manager if requested or if the Chief of Police determines the city manager should be apprised of the investigation.
- G. An employee's resignation will not prevent CMPD from rendering a decision concerning an internal investigation.
- H. The Internal Affairs Division Chain of Command Hearing Diversion Program aims to provide an avenue to adjudicate eligible cases without subjecting employees to the stress of a full board. This process includes:

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1. Only internally generated complaints are eligible. External complaints (complaints generated by a member of the public) must follow the standard board process.
2. The employee must admit to violating the Rule of Conduct under investigation to the investigating Internal Affairs Division sergeant.
3. The employee will be given the option of having the case adjudicated by the service area major.
4. The service area major will be limited in the severity of the corrective action imposed. The maximum corrective action will be twenty-four (24) hours suspended without pay. If the service area major believes the corrective action could or should exceed a twenty-four (24) hour suspension, the case will be returned to the Internal Affairs Division, and an ICOC board will be convened.
5. Cases eligible for diversion will be determined by the Internal Affairs Division command staff. The determination will depend on the severity of the event to maintain department-wide consistency within the discipline process.

### XIII. CORRECTIVE ACTION GUIDELINES FOR SUSTAINED ALLEGATIONS OF MISCONDUCT

- A. Any internal investigation that results in a sustained finding requires appropriate corrective action by the Chief of Police or designee. Corrective actions will be guided by Directive 100-004, Discipline Philosophy.
- B. Training is a non-punitive component of the CMPD discipline philosophy designed to improve a member's productivity and effectiveness using positive education and instructional methods. Training may be implemented on its own, combined with, or take the place of, other components of the CMPD discipline philosophy to correct employee misconduct and/or improve performance deficiencies. Training may also be recommended for allegations not sustained but where a performance deficiency has been noted. When training is implemented, the employee's supervisor will coordinate with the Training Division to develop a specific training plan.
- C. Counseling is a non-punitive component of the CMPD discipline philosophy intended to correct minor acts of employee misconduct and/or performance deficiencies. Counseling allows supervisors to discuss improvement strategies with the employee concerning work performance deficiencies and/or minor acts of misconduct.
- D. A written reprimand is the lowest form of formal corrective action and is not to be issued when previous corrective actions have not resulted in the expected improvement or when an employee commits a more serious act of misconduct. Written reprimands will include a description of the incident(s) of misconduct, including specific dates and times, locations, policies, and/or procedures violated. The [Written Reprimand Memo](#) located on the CMPD Portal Page should be utilized.


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- E. Records of training, counseling, or reprimand resulting from a complaint investigation shall be attached to the IACMS case file before forwarding the case file to the Internal Affairs Division for closure.
- F. Suspension without Pay
  - 1. Suspension hours imposed upon an employee as a result of a formal corrective action will be levied in eight (8) hour increments.
  - 2. Suspension hours imposed upon an employee will be entered into IACMS, where the employee will be electronically notified of the final adjudication and suspension hours prior to case closure by the Internal Affairs Division.
  - 3. Employees suspended without pay for twenty-four (24) hours or less may forfeit accrued vacation leave for all or part of the suspension.
  - 4. Employees suspended without pay for thirty-two (32) hours or more may forfeit accrued vacation leave for as much as one-half of the suspension.
  - 5. Employees may forfeit accrued vacation leave for all or part of a suspension only one time in any consecutive twelve (12) month period.
  - 6. This provision applies only to suspensions imposed by the Chief of Police or designee. It does not apply to any suspension imposed by the Civil Service Board.
- G. Employees are prohibited from engaging in law-enforcement-related secondary employment while on suspension from CMPD.
- H. Employees who have been served a subpoena are still legally bound to attend court while on suspension.


**IX. APPEALS AND GRIEVANCES**

- A. Employees shall refer to the City of Charlotte’s Grievance Policy for full guidelines.
- B. All regular-status full-time, part-time, and temporary-status employees (excluding rehired retirees, seasonal interns, and volunteers) who have successfully completed their new hire probationary period are eligible to initiate the City of Charlotte grievance policy. Sworn employees who have completed their probationary period may use the grievance policy only for matters outside of the purview of the Civil Service Board. Grievable matters include but are not limited to:
  - 1. Supervisory actions or decisions, or denial of promotion to a vacant position, when the grievant believes the decisions were based on unlawful discrimination.
  - 2. Any disciplinary actions involving dismissal, suspension, involuntary demotions, or reduction in pay (for non-Civil Service Board purview matters).



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3. Complaints alleging violations of state and/or federal regulations such as the Fair Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), and the Americans with Disability Act (ADA).
- C. Sworn employees who have completed their sworn probationary period have the right to appeal the imposition of any suspension, recommendation for demotion, or recommendation for termination to the Civil Service Board.
1. Recommendations for demotion or termination of sworn non-probationary officers will be filed with the Civil Service Board by the Internal Affairs Division immediately following the ICOC's decision.
  2. Sworn non-probationary employees have the right to appeal to the Civil Service Board for the imposition of any suspension. Any appeal to the Civil Service Board must be made within fifteen (15) days of the sworn employee's notification of the suspension.
  3. Should the Civil Service Board hearing result in the termination of the employee, the employee will be provided with the following information:
    - a. A written statement citing the reason for termination.
    - b. The effective date of the termination.
    - c. A referral to the CMPD Human Resources Division for a statement of any fringe or retrimment benefits earned.
- D. The Chief of Police may terminate sworn employees who have not completed their probationary period. Terminated probationary sworn employees have no right to appeal to the Civil Service Board but may file a grievance in accordance with the City of Charlotte's grievance policy.
- E. Impact Statement Process
1. The impact statement process will follow the below parameters:
    - a. The complainant will be given the opportunity to provide a recorded or written impact statement prior to the hearing date. The Internal Affairs Division will provide the complainant with the impact statement parameters in written format.
    - b. The statement may contain a description of the nature and extent of any physical, psychological, or emotional injury suffered by the complainant as a result of the alleged employee misconduct.
    - c. The statement may contain an explanation of any economic or property loss suffered by the complainant as a result of the alleged employee misconduct.
    - d. The board will not draw an inference or conclusion from the complainant's decision not to provide an impact statement.

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- e. The board will review the impact statement at the beginning of the deliberation period.

F. Deputy Chief Review Process

1. In cases resulting in a suspension exceeding forty (40) hours, employees may seek their deputy chief's review of the Internal Affairs Division investigative file and hearing audio file. Employees who request a deputy chief review must submit the request in writing using the Appeal to Employee's Deputy Chief Form provided by the Internal Affairs Division to the Internal Affairs Division within three (3) calendar days following the date of the Internal Affairs Division ICOC or COC hearing. The written request must specifically indicate the basis for the appeal and include all relevant facts the employee wishes the deputy chief to consider during the review. Appealable matters include:
  - a. The Internal Affairs Division investigative file was insufficient or lacked key evidence. Employees must specifically state what relevant material or evidence was absent that may have affected the board's decision.
  - b. The ICOC hearing process was insufficient or biased against the employee. Examples may include the employee having articulable cause to believe a board member was biased towards the employee, which influenced the board's decision, or the board did not provide the employee an opportunity to provide any mitigating information or statements.
  - c. Any other specific occurrence to indicate the employee was not afforded his or her due process per this policy or information demonstrating the employee's outcome was inconsistent with the department's discipline philosophy.
2. If a specific reason articulating the justification for a deputy chief appeal is absent, a deputy chief will not review the employee's case. For cases that a deputy chief reviews, the review will occur within five (5) business days upon approval of the appeal from the Internal Affairs Division. The deputy chief will review the relevant content of the case based on the employee's basis for appeal, and one of the following two (2) outcomes may occur:
  - a. The deputy chief may determine there is insufficient cause to indicate the employee's internal affairs process or hearing was not conducted appropriately, in which case the matter will be closed.
  - b. If the deputy chief determines there is sufficient cause to indicate an employee's internal affairs process or outcome was inconsistent with departmental standards, the case will be referred to the Internal Affairs Division, and the employee will be afforded a second board hearing with a different panel of board members. The deputy chief will also determine any further case investigation or evidentiary items to be added to the case file.

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3. Recommended corrective actions resulting from the initial board hearing will not be held in abeyance pending a deputy chief appeal. Any changes to the ruling and/or suspension time resulting from a secondary hearing will be properly corrected by the Internal Affairs Division and Human Resources Division.
4. Employees who waive their option to have an ICOC or COC hearing are not eligible to request a deputy chief review.
5. Employees who have separated (resigned or retired) from the department prior to the initial board hearing or while pending the secondary hearing are not eligible for the secondary hearing process.


**X. RELEASE OF EMPLOYEE INFORMATION IN ADMINISTRATIVE CORRECTIVE ACTION**

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

**XI. REFERENCES**

- Rules of Conduct
- 100-004 Discipline Philosophy
- 600-019 Response to Resistance
- Officer Involved Critical Incident SOP
- Subject Matter Expert Board SOP
- Training and Tactics Review Team SOP
- Written Reprimand Memo
- Appeal to Employee's Deputy Chief Form
- N.C.G.S 160A-168
- City of Charlotte HR11Employee Grievance Process
- City of Charlotte Code of Ordinances; Part 1-Chapter 4, Article III, sec 4-61
- CALEA


The previous version of Directive 200-001 Discipline, Internal Investigations, and Employees Rights was published on 05/09/2023.

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## Appendix A

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

\*Internal Affairs or Human Resources may intervene in any departmental investigation

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I. PURPOSE


This policy establishes procedures for Charlotte-Mecklenburg Police Department (CMPD) employees that are transferring to a new assignment within or separating from the department.

II. POLICY

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

III. DEFINITIONS

- A. **Transfer:** Reassignment from a currently held position to another position. A newly assigned position made through a transfer can be within or outside of the current organizational unit and can be used to fill vacant positions or positions created by organizational expansion.
- B. **Department-Wide Transfer:** A transfer that is open to any eligible and qualified employee within CMPD for the purpose of filling a vacancy. The vacancy will be approved by a deputy chief or a designee and will be forwarded to the CMPD Human Resources Division (CMPD HR) for posting.
- C. **Division/Bureau-Level Transfer:** A transfer that is open to any eligible and qualified employee within the division/bureau for the purpose of filling a vacancy for a non-patrol function. Division Level transfers can be changed to department-wide transfers at the discretion of the division major. The vacancy will be approved by the service area major of the unit attempting to fill the vacancy.
- D. **Organizational Fit:** The compatibility and balance between the work-related skills of a candidate and the needs of the organization.
- E. **Relevant Job Experience:** Describes previous work, assignments, training, etc., a person has in preparation for a new assignment for which he or she is applying.
- F. **Patrol Immersion Program:** A program that allows a sworn employee to swap divisions with another sworn employee for a month. This will allow CORE-4 growth for the sworn employee through learning a different geographical area and experiencing a new community and policing cultures within CMPD.
- G. **Ride-Along:** An opportunity available to officers to spend a short duration of time (typically less than fourteen (14) days) working in another assignment for professional development.
- H. **Specialized Assignment:** Duties that require specialized training to successfully perform the job requirements. This includes those functions for which both pre- and post-

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assignment specialized training is required. The following units are considered specialized assignments:

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


The eligibility requirements and the process for selection for these assignments are covered in the individual division and unit SOPs.

Vacancies for these specialized assignments will be advertised department-wide.

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

#### IV. PROCEDURE FOR SEPARATING EMPLOYEES

- A. Employees separating from the department will be scheduled for first-shift duty for the final two weeks of their employment. Employees must provide sufficient notice of their resignation or retirement date to allow their supervisor time to schedule them for first-shift duty.
- B. During a period of two weeks, separating employees will complete the following tasks:
  1. Participate in an exit interview to be scheduled, conducted, and evaluated by CMPD Human Resources.
  2. Properly transfer responsibility for, or dispose of, all evidence, safe-keeping, and found property in the Property and Evidence Management Division.
  3. Make arrangements regarding pending court cases and cases under active investigation with the supervisor of the division or unit in which the employee worked.
  4. Turn in all equipment and uniforms issued by the City of Charlotte with a supervisor.

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The Property and Evidence Management Division shall hold equipment and uniforms for employees who are willing to return as hire backs if needed and complete a re-issuance upon the employee's reinstatement.

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


C. Supervisors of separating employees will:

1. Ensure all evidence is properly disposed of or, if needed, transferred to an officer for continued follow-up on retention.
2. Ensure that all open-further investigation cases are transferred in KBCOPS to another officer for continued follow-up on new information when it becomes available.
3. Contact the CMPD District Attorney Liaison sergeant and the Court Liaison supervisor and make a notification of impending separation and determine the impact on current court cases.
4. Ensure employees complete all appropriate documentation before proper separation from the department. This documentation will include the Property Return Statement, Supervisor's Separation Form, and final clearance forms needed by the Human Resources Division.

V. PROCEDURES FOR TRANSFERRING EMPLOYEES

A. Posting a Vacancy

1. Division-Level Transfer
  - a. All vacancies for an assignment must be posted and announced within the division for at least seven (7) days.
  - b. The vacancy announcement should include:
    - (1) A description of the job assignment.
    - (2) Required minimum knowledge, skills, abilities, and relevant body of work.
    - (3) Division contact for questions and letters of interest.
    - (4) Application submission due date.
  - c. Any division-level transfer position may be changed to a department-wide transfer position at the discretion of the division manager. If a division major decides to change a division-level transfer to a department-wide transfer, division candidates will be afforded an opportunity for feedback

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if they request it. Managers should seek to develop employees from within their division.

- d. Refer to the Police Training Officer (PTO) SOP for procedures on posting and selecting division PTOs.

## 2. Division Shift Transfer

Division shift transfer requests may be initiated by a division supervisor or requested by the employee.

## 3. Department-Wide or Specialized Assignment Transfers

- a. Any division manager with a vacant position they desire to fill will submit a Seamless Doc justifying the need to fill the position through their respective chain of command to their respective deputy chief by e-mail. Upon approval, that respective deputy chief or designee will then forward the e-mail to CMPD's Human Resources Division for posting.
- b. CMPD HR will be responsible for announcing the vacancy to CMPD employees. All vacancies for a department-wide transfer must be posted and announced to CMPD employees for at least seven (7) days.
- c. The vacancy announcement should include:
  - (1) A description of the job assignment.
  - (2) Required minimum knowledge, skills, abilities, and relevant body of work.
  - (3) Division contact for questions and letters of interest.
  - (4) Application submission due date.
  - (5) Any employee selected for a department-wide or specialized assignment will be placed on probation for six months from the date of transfer and may be removed for performance concerns, disciplinary reasons, or concerns of team cohesiveness.


## B. Selecting Employees to Fill a Vacancy

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

### 1. Division-Level Transfers

- a. Interested employees will submit a letter of interest to the division manager.



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

2. Department-Wide Transfers


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

C. Transferring Employees for Department-Wide Transfers

- 1. Final recommendations for filling any vacancy will be made at the discretion of the division manager. That division manager should forward through the Chain of Command via email a memorandum to their respective deputy chief. The e-mail shall include the following:
  - a. Two potential candidates for each vacant position will be submitted. For example, two names will be submitted if there is one vacancy. If there are two vacancies, three names will be submitted. For units with ongoing vacancies, a list may be created at the discretion of the bureau major. Any list will be valid for up to six months from the date of the interviews.

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- b. All transfers should be effective on a Saturday as this is the first day in a pay period and should be at least two weeks from the transfer date to give employees time to transition to the new assignment.
    - c. Once the applicant is approved, the respective deputy chief of the applicant or designee will then forward the Seamless Doc to the CMPD Human Resources manager and copy the division major who held the selection process.
  2. The division commander or manager is responsible for notifying the selected employee's current chain of command, including the deputy chief prior to notifying the selected employee. The division commander or manager and the selected employee's current chain of command will agree on the appropriate effective date of the transfer.
  3. The deputy chiefs of the service groups involving transferring employees for department-wide vacancies have the final authority to allocate affected personnel as needed.
  4. The selected employee's new chain of command will be responsible for notifying the selected employee.
  5. The division commander or manager will notify the candidates that were not selected for the position and allow them to receive feedback.
  6. Selected Employee
    - a. The transferring employee must meet with his or her current supervisor before transferring to their new assignment to ensure pending court cases, cases under active investigation, and property dispositions are properly closed, disposed of, or transferred to another employee.
    - b. The transferring employee's supervisor will ensure that all pertinent files including performance appraisals, citation receipts, etc., are forwarded to the employee's new supervisor.
    - c. In addition, the transferring employee's supervisor will ensure that any outstanding PRDs for that employee are completed and submitted to HR. If the transferring employee has a PRD due within the following 90 days, then the new supervisor will send the PRD to the previous supervisor through the "get feedback" option in MySuccess to obtain comments and a proposed rating from the previous supervisor.
    - d. The transferring employee shall return any issued equipment belonging to the division or unit which will not be needed in their new assignment.
    - e. To ensure communication is taking place, the selected employee's current supervisor will complete the electronic HR Transfer of Personnel, Divisions, or Units form in coordination with the receiving supervisor.

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[https://charlottenc.seamlessdocs.com/w/EMP\\_UNITtransfer](https://charlottenc.seamlessdocs.com/w/EMP_UNITtransfer)

7. Human Resources will ensure all pertinent information is updated in the current personnel management system as well as make a notification to Business Services. Human Resources will also include any employee separations or transfers in the weekly Personnel Order that is distributed to all employees.
8. Financial Management will be responsible for accounting for all appropriated funding transfers as necessary.
9. The Business Services administrative officer will be responsible for updating any changes in the organizational chart.

**D. Command Reassignments**

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

**E. Patrol Immersion Program**

All sworn employees seeking to participate in the patrol immersion program will submit a request through a seamless document to receive their chain of command approval and schedule an immersion swap in the requested immersion division.

Officers will assume the shift lineup position of the swapping officer for the month's rotation and will return to their home division after the immersion rotation. If no swap is located in the requested division, the officer may request a two-week immersion with the division commander's approval.


**E. Ride-Along**

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


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

**VI. REFERENCES**

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

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CALEA

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	<i>Interactive Directives Guide</i>	<b>Professional Development</b>	
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I. PURPOSE


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

II. POLICY

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

III. DEFINITIONS

- A. Department-Wide Transfer: A transfer open to any eligible and qualified employee within CMPD for the purpose of filling a vacancy.
- B. Division/Bureau Transfer: A transfer open to any eligible and qualified employee within the Division/Bureau for the purpose of filling a vacancy for a non-patrol function.
- C. PRD: Annual Performance Review and Development evaluation.
- D. Promotion Probation: The period in which all newly promoted sworn personnel are on probation and therefore subject to demotion in the event of unsatisfactory performance. This period is effective for 6 months from the date of promotion.
- E. Ride-along: A professional development opportunity available to officers to spend a short duration of time (typically less than 14 days) working in another assignment of interest.
- F. Senior Police Officer Incentive (SPO): Incentive available to sworn employees at the rank of officer who have reached the top step in the Public Safety Pay Plan (does not include education, second language, or training incentive pay in determining top pay step). Employees must complete all prerequisites identified in the program prior to receiving the SPO financial incentive.
- G. Specialized Assignment: Duties that require specialized training to successfully perform the job requirements. This includes those functions for which both pre- and post-assignment specialized training is required. The following units are considered specialized assignments:
  - 1. Aviation – Helicopter,
  - 2. Bomb Squad,
  - 3. Canine Unit (K9),
  - 4. DWI Task Force,

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5. Lake Enforcement Unit,
6. Major Crash Investigation Unit,
7. Motorcycle Unit,
8. Special Weapons and Tactics (SWAT) Team,
9. Violent Criminal Apprehension Team (VCAT).

#### IV. PROCEDURE

##### A. Minimum Requirements for Specialized Assignment Transfers

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

1. At minimum: an “Achieved Expectations” on their most recent PRD.
2. No sustained violations under the following Rules of Conduct adjudicated within the previous two years prior to the date of the job posting:
  - a. Unsatisfactory Performance;
  - b. Use of Force (ROC 28A only);
  - c. Truthfulness;
  - d. Harassment.
  - e. Insubordination
  - f. Conformance to laws that result in arrest or a warrant for arrest (i.e. DWI, Domestic violence, Communicating Threats)
3. Length of Service Requirements
  - a. Department-wide Transfers (including Specialized Assignments) - to be eligible for a Department-wide transfer, employees must have a minimum of three (3) years of service at CMPD. Lateral officers may be eligible for a Department-wide transfer with a minimum of two (2) years of service at CMPD.
  - b. Division Transfers - to be eligible for a Division transfer, employees must have a minimum of two (2) years of service at CMPD. Lateral officers may be eligible for a Division transfer with a minimum of one (1) year of service at CMPD.
  - c. Sergeant Transfers- Sergeants will be eligible to transfer to other areas of CMPD after they have successfully been released from their promotion probationary period (typically six months).

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B. Transfer to Investigative Assignments

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

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


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

C. Transfers to Covert Operations Division

1. In addition to the eligibility requirements listed in section IV. A. and B., sworn employees must complete CMPD's Vice/Narcotics 102 Imprest Fund-Confidential Informant Training prior to being considered for a transfer to an officer assignment in the Special Investigations Bureau.
2. Although not required, sworn employees are encouraged to schedule a ride-along with the specific unit in the Covert Operations Division of interest prior to requesting a transfer. Ride-alongs will be conducted consistent with CMPD Directive 200-002 Employee Transfers and Separation.

D. Transfers to Specialized Assignments

1. In addition to the eligibility requirements listed in section IV. A., sworn employees seeking transfer to a Specialized Assignment are required to comply with any specific eligibility requirements of the individual Specialized Unit's SOP, as well as CMPD Directive 200-002 Employee Transfers and Separation. Employees may also contact the Commander of the specialized unit for specific eligibility requirements.
2. Although not required, sworn employees are encouraged to schedule a ride-along with the Specialized Assignment of interest prior to requesting a transfer. Ride-alongs will be conducted consistent with CMPD Directive 200-002 Employee Transfers and Separation.

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E. Senior Police Officer Incentive Program

1. Sworn employees at the rank of Officer who have reached the top step in the Public Safety Pay Plan are eligible to participate in the Senior Police Officer Program.
2. Employees eligible to participate in the Senior Police Officer Program must complete the following:
  - a. CMPD's Nobility of Policing Training,
  - b. CMPD's De-Escalation Scenario Training.
3. All employees who have completed the SPO requirements will receive a 5% pay incentive effective on their merit date.


F. Promotion to Supervisor

1. In addition to the eligibility requirements listed in section IV. A., employees seeking promotion to first-line supervisor are required to complete the following prior to applying to participate in the promotional process:
  - a. CMPD's Supervisor's Career Path 101,
  - b. CMPD's Supervisor's Career Path 102,
  - c. CMPD's Supervisor's Career Path 103,
  - d. CMPD's Supervisor's Career Path 104.
2. All employees promoted to Sergeant will be initially assigned to the Patrol Services Group.
3. Appointments are made at the discretion of the Chief of Police. Preference will be given to sworn employees seeking promotion to the rank of Major who have completed CMPD's Command College, Police Executive Research Forum (PERF) Senior Management Institute for Policing (SMIP) or the Federal Bureau of Investigation (FBI) National Academy (NA).
4. Sworn employees seeking a promotion to any rank should also review CMPD Directive 300-011 Promotional Procedures for further eligibility requirements.

G. Leadership Management Courses

1. Annually, CMPD provides opportunities for Command Staff members to attend various leadership management courses, such as the Police Executive Research Forum's (PERF) Senior Management Institute of Policing (SMIP) or the Federal Bureau of Investigation's (FBI) National Academy (FBINA).
2. Completion of CMPD's Command College is preferred prior to seeking selection for attendance to any other leadership management course.




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3. Selection Process for Command Level Courses

- a. The Professional Standards and Training Bureau Major will coordinate with PERF and the FBI to reserve spaces in SMIP and FBINA courses annually.
- b. The Professional Standards and Training Bureau Major will send an announcement to all command level employees and those interested in attending the leadership management course must submit a letter of interest to be considered.
- c. The Professional Standards and Training Bureau Major will compile the list of those employees interested and forward to the Administrative Services Deputy Chief for presentation to the other Deputy Chiefs and Chief of Police to agree on the selectee(s) for each leadership management course.
- d. The Professional Standards and Training Bureau Major will communicate with selected command staff and serve as the liaison between the selected employees and PERF and FBI management course representatives.

V. REFERENCES

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

	<b>Charlotte-Mecklenburg Police Department</b>		<b>200-004</b>
	<b>Interactive Directives Guide</b>	<b>Hazard Communication Standard</b>	
		<b>Effective Date: 10/13/2022</b>	<b>1 of 4</b>

## I. PURPOSE

This policy establishes guidelines to ensure that the Charlotte-Mecklenburg Police Department (CMPD) meets the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS) 29 CFR 1910.1200.

## II. POLICY


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

## III. DEFINITIONS

- A. Chemical: OSHA defines a chemical as “any substance, or mixture of substances.” For further clarification, a chemical is “any substance” consisting of matter in a solid, liquid, or gas form. The substance may be pure – an element – or a compound - a “mixture” of elements.
- B. Container: Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that holds a chemical.
- C. Division Coordinator: Each division or affected specialized unit will have an employee assist in maintaining that section’s SDS Information.
- D. Employee: All sworn, civilian, volunteer, and contract personnel working at the CMPD.
- E. Hazardous Chemical: OSHA defines a hazardous chemical as “any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.”
- F. Hazard Communication Coordinator (HCC): The CMPD employee responsible for the development and implementation of the Hazard Communication Standard (HCS).
- G. Hazard Communication Standard (HCS): The OSHA standard regarding the “Worker’s Right to Know Act” requires that each employee be informed of the hazardous properties of chemicals used in their work environment and the precautions to take to protect themselves from these chemicals.
- H. Safety Data Sheet (SDS): Information about the chemical, containing its chemical and common name, physical and health hazards, OSHA exposure limits, safe handling precautions, and emergency first aid procedures.

## IV. PROCEDURE

- A. The CMPD Human Resources Division is responsible for the overall coordination of the HCS. The CMPD safety coordinator will serve as the active HCC.
- B. Each division captain will assign a division coordinator who will ensure that each division updates its chemical list and SDS.

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1. Division coordinators will ensure that the SDS, a fully completed OSHA Form 174 or equivalent, is on file with the CMPD before or upon receipt of the first shipment of any potentially hazardous chemicals purchased from a vendor.
2. A copy of the HCS along with the chemical list and SDS are kept on the CMPD Portal for easy access by all employees.
3. The division coordinator is responsible for acquiring and maintaining updated forms and providing electronic copies to the HCC for portal updates.
4. Hard copies of SDS are kept at the Charlotte-Mecklenburg Police Department Headquarters (CMPDHQ) first-floor security desk, and will be accessible to all employees, at any time, during all shifts.
5. Animal Care and Control, Aviation Unit, Bomb Unit, Crime Lab Division, Crime Scene Search Unit, Firearms Training Unit, Special Operation Support Warehouse, SWAT, and other division specific SDS hard copies will be maintained by the division in a conspicuous, easily identified, well known, and easily attainable area, and are accessible to all employees, at any time, during all shifts.
6. SDS that are no longer applicable must be kept on file in an inactive section of the SDS manual for thirty (30) years.


C. The HCC will consult with OSHA to address questions or concerns regarding the HCS.

#### V. HAZARDOUS CHEMICAL LIST

- A. The HCC will maintain a list of all hazardous chemicals used in CMPD facilities and will update the list as necessary.
- B. Division coordinators will have a chemical list generated and made available to employees.
- C. For accurate record keeping, the HCC must be notified of any modifications to existing chemical lists and be provided a revised inventory list and an electronic and hard copy of the SDS.

#### VI. LABELS AND OTHER FORMS OF WARNING

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

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## VII. TRAINING

- A. The division coordinator will be responsible for advising their division of any potentially hazardous chemicals being introduced and providing information regarding any necessary training as soon as the information becomes available.
- B. Training will emphasize the following elements:
  - 1. A summary of the HCS.
  - 2. A written HCS policy.
  - 3. A comprehensive guide to SDS, including the information it contains.
  - 4. The location of SDS and how employees may obtain and use the information they provide.
  - 5. Awareness of the emergency plan for the specific work area assigned.
- C. The CMPD Training Academy will monitor training needs and maintain a record of employee training.

## VIII. OUTSIDE CONTRACTORS


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

## IX. NON-ROUTINE TASKS

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

## X. CONTRACTOR, EMPLOYER, AND EMPLOYEES

- A. The division coordinator or facilities manager will ensure that contractors have access to information about hazardous chemicals on a job site. The division coordinator or facilities manager will advise contractors of any chemical hazards, the labeling system, protective measures to be taken, and safe handling procedures that may be encountered in the normal course of work on CMPD property. The location of the SDS and their availability will be explained to the contractor.
- B. Any chemicals brought onto CMPD property by the contractor must be disclosed, and the appropriate hazard information, including SDS and labels, must be forwarded to the HCC. The HCC will ensure that this information is made available to all affected CMPD employees.

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- C. If work is being performed in and around chemicals that require emergency eyewash or safety showers, the division coordinator or facilities manager will inform the employer(s) and the employees of the location of all available flushing/drenching facilities on-site.


XI. REFERENCES

OSHA Hazard Communication Standard (HCS) 29 CFR 1910.1200

Fire Emergency SOP

CALEA

The previous version of Directive 200-004 Hazard Communication Standard was published on 11/16/2018.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>200-005</b>
	<i>Interactive Directives Guide</i>		<b>Returning of Issued Uniforms and Equipment</b>
			<i>Effective Date: 11/30/2022</i>

I. PURPOSE


This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees regarding the return of issued uniforms and equipment.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) that all uniforms and equipment issued to employees will be returned to the CMPD under specific circumstances and established guidelines.

III. DEFINITIONS

- A. **Administrative Assignment:** When an employee has been removed from performance of all police duties with no loss of base salary and is assigned to perform non-police authority-related clerical or other tasks within the CMPD which limits public contact.
- B. **Administrative Leave with Pay:** When an employee has been removed from performance of all duties with no loss of salary and will be available by phone and/or to meet in person with their chain of command, the Internal Affairs Bureau, and/or the CMPD Human Resources Division (HRD) Monday through Friday between the hours of 0800 and 1700.
- C. **Administrative Leave Without Pay (Including Suspension):** When an employee has been removed from performance of all duties with the loss of all salary and will have no agency contact other than any contact required to resolve or adjudicate the matter resulting in this status.
- D. **Extended Military Leave:** Military leave for any period between thirty-one (31) days and five (5) years.
- E. **Extended Sick Leave:** An illness or injury resulting in an absence of thirty (30) or more consecutive calendar days.
- F. **Hireback:** A rehired sworn or civilian retiree who is responsible for a specific task approved by the Chief of Police or designee, including sworn employees responsible for working special events or at any other time deemed necessary by the CMPD. All sworn retirees must maintain NC State Law Enforcement Officer Certification with the CMPD.
- G. **Light Duty:** When an employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty tasks and has been assigned to a CMPD unit with no loss of base salary. A light duty assignment is not an employee benefit or a guaranteed entitlement.
- H. **Property Return Statement:** Form completed by a Property and Evidence Management Division representative indicating that all uniforms and equipment have been returned to the CMPD.

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- I. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, cellphones, collapsible batons, OC spray, Body-Worn Cameras (BWC), badges, IDs, access cards, take-home vehicles, keys, fuel cards, and any other items as so deemed by the CMPD chain of command.
- J. Volunteer: A non-compensated civilian partner of the CMPD who is not authorized to perform any law enforcement actions or other duties restricted to sworn employees.


#### IV. PROCEDURE

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

##### A. Resignation or Retirement from the CMPD


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

1. Upon learning of an employee's pending resignation or retirement from the CMPD, the Human Resources Division (HRD) shall direct the employee to coordinate the return of all issued uniforms and equipment with the Property and Evidence Management Division and will notify the Property and Evidence Management Division of the employee's pending resignation or retirement.
2. The employee shall contact the Property and Evidence Management Division and arrange an appointment for the return of all uniforms and equipment.
3. Employees will use the appropriate Equipment Inventory Form located on the CMPD Portal Page as a guide for uniforms and equipment to be returned at the scheduled appointment:
  - a. [Civilian Equipment Inventory Form](#)
  - b. [Sworn Equipment Inventory Form](#)
4. Employees shall return the following equipment to the Civil Emergency Unit/Logistics (CEU) in advance of the appointment with the Property and Evidence Management Division representative:
  - a. CEU equipment including gear bag, baton, personal protective suit or ballistic plates, and shields
  - b. One-time significant event-related issued equipment
  - c. Gas mask


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- d. Ballistic and/or riot helmet
  - e. Taser equipment
5. Employees will meet with the Property and Evidence Management Division representative as scheduled to provide the uniforms and equipment. The return of uniforms and equipment shall be documented on the Equipment Inventory Form by the Property and Evidence Management Division representative.
  6. The Equipment Inventory Form shall be signed by the separating employee and the Property and Evidence Management Division representative receiving the returned uniforms and equipment.
  7. The Property and Evidence Management Division representative will note any missing uniforms or equipment on the [Property Return Statement](#) seamless document located on the CMPD Portal.
  8. The Property and Evidence Management Division will send the employee the Property Return Statement seamless document, which will be electronically signed by the CEU/logistics commander, the employee's division commander, the lieutenant of the Property and Evidence Management Division, and the departing employee, stating that all uniforms and equipment issued to the employee have been returned to the CMPD. The Property Return Statement will also have a certification statement regarding the transfer of the CMPD-issued service firearm to an eligible retiree's ownership.
    - a. The completed Property Return Statement seamless document will be emailed to the separating employee, the CEU/logistics commander, the division captain, and the Property and Evidence Management Division, and will be retained electronically by the Property and Evidence Management Division.
    - b. Separation from the CMPD will not be final until the Property Return Statement seamless document has been completed and returned to the Property Evidence Management Division.
- B. Gifting of Firearms to Eligible Retirees
1. Sworn employees who retire from CMPD may be eligible to receive their service pistol as a gift upon retirement if they are retiring:
    - a. With twenty (20) years or more of credible service with the CMPD.
    - b. With thirty (30) years or more of credible service, either with the CMPD, or in combination with another North Carolina law enforcement agency, or pre-approved military service purchase time.



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- c. At age 55 with five (5) years of credible service with CMPD; or
    - d. Due to medical disability with the approval of the Chief of Police or designee. The sworn employee's total years of service, disciplinary history, and the cause of the disability will be considered in this decision.
  - 2. Sworn employees who desire to receive their service pistol as a gift must submit the Retiree Service Pistol Request Form to the HRD retirement specialist while applying for retirement or no more than one month before the anticipated retirement date, whichever date is soonest.
  - 3. Requests for service pistols submitted by sworn employees who are retiring while allegations of rule of conduct violations are pending administrative investigation will require the approval of the Chief of Police or designee.
  - 4. The gifting of a CMPD service pistol to a retiree is at the discretion of the Chief of Police and the right to decline any request based on pending, recent, or the totality of disciplinary action and/or any other just cause is reserved by the Chief of Police.
  - 5. Sworn employees who separate from the CMPD under any circumstances other than retirement are not eligible to receive a firearm as a gift.
- C. Light Duty and/or Worker's Compensation
- 1. Sworn employees who are anticipated to be on light duty and/or workers' compensation for a period exceeding two hundred and forty (240) work hours or thirty (30) consecutive calendar days are required to turn in issued firearms, related components, and other sensitive items designated by the employee's chain of command while on light duty status. Any exceptions to this requirement must be approved by the Chief of Police or designee.
  - 2. The employee's first-line supervisor is responsible for ensuring all sensitive items are collected and turned in to the Property and Evidence Management Division for storage within 48 hours. There shall be no property stored in the division. The CMPD SWAT Team sergeant will coordinate the storage of SWAT firearms.
- D. Extended Sick Leave
- An employee who expects to be absent for more than thirty (30) consecutive calendar days, or who has been absent for thirty (30) consecutive calendar days and does not know when he or she will be able to return to work, shall turn in all CMPD issued uniforms and equipment (to include ID, access card, and badge at the discretion of the chain of command) to the Property and Evidence Management Division until the employee's return to work. If the employee is unable to return the CMPD-issued

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uniforms and equipment, the employee's supervisor must arrange to retrieve the employee's uniforms and equipment and submit it to the Property and Evidence Management Division on behalf of the employee.

E. Administrative Assignment

Employees on administrative assignment may be required to surrender all CMPD-issued sensitive items and other CMPD-issued uniforms and equipment to the Property and Evidence Management Division at the discretion of the Chief of Police or designee in consultation with the CMPD Internal Affairs commander. Employees will be allowed to retain their ID and access cards.

F. Administrative Leave with Pay

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

G. Administrative Leave without Pay


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

H. Reissuance of Uniforms and Equipment after Administrative Assignment and/or Leave

A copy of the written notification restoring the employee to full duty status must be provided to the Property and Evidence Management Division before the re-issuance of any uniforms and equipment. Once an employee has been returned to full duty status, the employee will need to make an appointment with the Property and Evidence Management Division to have uniforms and equipment reissued.

I. Extended Military Leave

All divisions will assist employees who will be absent on military leave between thirty-one (31) days and five (5) years with the turning in and temporary storage of all issued uniforms and equipment to the Property and Evidence Management Division no less than twenty-four (24) hours before the start of the military leave. The Property and Evidence Management Division will complete the Equipment Inventory Form.

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J. Leave of Absence


The division captain or equivalent in coordination with the CMPD HRD will ensure that employees with an approved leave of absence return all issued uniforms and equipment to the Property and Evidence Management Division no less than twenty-four (24) hours before the start of the leave of absence unless otherwise directed by the Chief of Police or designee. The Property and Evidence Management Division will provide the employee with a copy of the completed Equipment Inventory Form.

K. Suspension

1. The division captain or equivalent will ensure that sworn employees suspended for more than forty (40) hours turn in their sensitive items. The employee's immediate supervisor will return this equipment to the Property and Evidence Management Division for storage pending the sworn employee's return to duty. At the discretion of the Chief of Police or designee, sensitive items may be retained by the employee during suspensions of (40) hours or less.
2. The division captain or equivalent will ensure that all issued uniforms and equipment of sworn employees who are suspended from duty and cited to the Civil Service Board for termination are retrieved. This retrieval may include a supervisor personally escorting the employee to the location where the CMPD-issued uniforms and equipment are stored. The employee's immediate supervisor will return the uniforms and equipment to the Property and Evidence Management Division, and the items will be temporarily stored until the matter is resolved. The supervisor returning the equipment will work with the Property and Evidence Management Division to complete the Equipment Inventory Form.
3. The division captain or equivalent will ensure that all uniforms and equipment issued to civilian employees who are suspended from duty are retrieved and submitted to the Property and Evidence Management Division for storage pending the employee's return to work.

L. Termination

1. Upon notification of a sworn employee's termination by the Civil Service Board (or if the sworn employee separates from the department while the matter is pending) the Property and Evidence Management Division will ensure all issued uniforms and equipment were retrieved at the time of suspension, and then may properly dispose of the equipment.
2. The division captain or equivalent will ensure that all uniforms and equipment issued to civilian employees who are terminated are retrieved. The division captain or equivalent will ensure that the employee's immediate supervisor returns the uniforms and equipment to the Property and Evidence Management Division unless otherwise directed by the Chief of Police, or designee. This

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		<i>Effective Date: 11/30/2022</i>	<b>7 of 7</b>

retrieval may include a supervisor personally escorting the employee to the location where the CMPD-issued uniforms and equipment are stored.

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

M. Volunteers

Upon resignation or dismissal, volunteers will return CMPD-issued uniforms and equipment including their issued ID. Volunteers will work in coordination with the Community Services Division commander to ensure that all issued uniforms and equipment have been returned.

N. Technology

In circumstances described above wherein all issued uniforms and equipment are to be returned, division commanders will ensure that employees have surrendered all data files, mobile devices, and technology-related equipment belonging to the CMPD to the Computer Technology Solutions Division.


O. Internal Affairs Bureau

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

V. REFERENCES

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

The previous version of Directive 200-005 Returning of Issued Uniforms and Equipment was published on 06/27/2019.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>200-006</b>
	<b>Interactive Directives Guide</b>		<b>Diversion Program</b>
			<b>Effective Date: 10/04/2022</b>

I. PURPOSE

The purpose of this directive is to establish guidelines for the management of the Charlotte-Mecklenburg Police Department (CMPD) diversion program.

II. POLICY

Administered by CMPD, the goal of the program is to improve patterns of offender behavior by offering alternatives outside of the criminal justice system.

Qualified juveniles and adult offenders will be referred to the diversion program manager who will oversee the program. Participants will undergo an assessment that may recommend various interventions to reduce recidivism. Sworn employees should clearly articulate any reason for not referring qualified participants to the diversion program in their confidential narratives.


III. DEFINITIONS

- A. Youth Offender: For the purposes of this directive, the term Youth Offender will refer to any offender ages 10-17 years old.
- B. Adult Offender: For the purpose of this directive, the term Adult Offender will refer to any offender 18-24 years old.
- C. First Time Offender: An offender who has never been charged with any serious crime. A single minor charge such as trespassing or possession of marijuana may not exclude the offender from being considered a First Time Offender. All exceptions are at the discretion of the diversion program manager, and/or unit lieutenant.
- D. Diversion Program Manager: The CMPD designee responsible for the daily administration of the diversion program.
- E. Diversion Specialist: The CMPD assigned civilian responsible for managing and tracking diversions in KBCOPS and reviewing the diversion contract with the offender.
- F. CMPD's Diversion Restitution Program: Funds allotted to participants who cannot provide the resources to reimburse a victim (youth diversion maximum is \$500, adult diversion maximum is \$1500).

IV. PROCEDURE

A. Screening

Prior to completing a juvenile or adult arrest, sworn employees will check the offender's juvenile and or adult arrest histories. In cases involving a qualified felony diversion, sworn employees will check both juvenile and adult arrest records. If the offender has a previous arrest history, he/she may not qualify for diversion. Under limited circumstances, the diversion program manager may accept offenders with a prior arrest or a prior referral. Previous arrests for minor crimes such as trespassing, or possession of marijuana may not automatically disqualify the offenders from the

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diversion. In these cases, the sworn employee must articulate knowledge of the prior arrest or diversion referral and request an exception under special circumstances. The diversion program manager will review the case to determine the offender's eligibility.

1. Youth Diversion Program Disqualifiers:

- a. The offender has a prior arrest history. An arrest or referral for a minor crime such as trespassing, or possession of marijuana may not disqualify the youth.
- b. The case under review is a felony case. A felony case for a property crime and other listed offenses will be considered as approved by the Mecklenburg County District Attorney's Office.
- c. The offender lives outside of the Charlotte Metropolitan Area (Mecklenburg, Union, Stanley, Cabarrus, Rowan, Iredell, Catawba, Lincoln and Gaston counties).
- d. The victim makes a request for restitution of more than \$500.
- e. After consultation, the victim requests that the offender to be criminally prosecuted.
- f. The offender refuses to participate in the diversion process.

2. Adult Diversion Program Disqualifiers:

- a. The offender is over 24 years of age.
- b. The offender has a prior arrest record as a juvenile or adult. A single arrest for a minor crime such as trespassing, or possession of marijuana may not disqualify the offender.
- c. The offender lives outside of the Charlotte Metropolitan Area (Mecklenburg, Union, Stanley, Cabarrus, Rowan, Iredell, Catawba, Lincoln and Gaston counties).
- d. The restitution amount is over \$1,500.
- e. The offender refuses to participate in the diversion process.
- f. A criminal background check reveals an arrest outside of Mecklenburg County that would disqualify the offender from participation.
- g. The Mecklenburg County District Attorney's Office rejects the diversion.


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B. Referrals

Sworn employees will refer lesser category offenses for first-time offenders to the diversion program. The target offenses include but are not limited to:

1. Youth Diversion Program

- a. Public Affray
- b. Simple Assault
- c. Disorderly Conduct
- d. Communicating Threats
- e. Trespassing
- f. Undisciplined Juvenile
- g. Truant
- h. Larceny
- i. Damage to Property
- j. Curfew Violation
- k. Felony larceny of cell phone and other electronics if returned, recovered, or the restitution amount is \$500 or less, or the offender has the means to pay.
- l. Felony larceny by employee and embezzlement with the return of property, reimbursement, or with a restitution amount of \$500 or less, or the offender has means to pay.
- m. Common law robbery with recovered property and no injuries (pushed clerk to get out of the building, pushed the victim to take a bike, etc.).
- n. Larceny from auto if the property is returned, recovered, or the restitution amount is \$500 or less, or the offender has means to pay.
- o. Commercial B/E with the recovery of property, if returned, or restitution amount of \$500 or less, or the offender has means to pay.
- p. Larceny from a person if returned, recovered, or restitution amount of \$500 or less, or the offender has means to pay.
- q. Sworn employees may contact the diversion program manager to inquire about other offenses that may qualify for diversion.

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2. Adult Diversion Program


- a. Auto theft with no pursuit or accident with injury.
- b. Larceny from auto.
- c. Larceny by an employee (Employee Discount).
- d. Felony/Misdemeanor larceny under \$1,500.
- e. Fraud (False Pretense, Financial Transactions, Uttering of Forged Instrument, or Credit Card Embezzlement).
- f. Possession of stolen property.
- g. Breaking and or entering (Commercial property only, includes concession stands).
- h. Misdemeanor B/E.
- i. Unauthorized use of a motor vehicle.
- j. Disorderly Conduct.
- k. Intoxicated and Disruptive.
- l. Damage to property/vandalism.

C. If the offender has no arrest history and the offense is one of those listed in IV.B. 1 or 2, a referral will be made. Sworn employees will complete the KBCOPS report and click Diverted Youth (under 18) or Diverted Adult (18 -under 25) under the suspect status instead of not in custody or convicted. Sworn employees will also include at the bottom of the narrative: "This case has been routed to the diversion program". The case will be marked for further investigation and the sworn employee's involvement with the case will end, (unless the offender fails to successfully complete the diversion program requirements).

If the sworn employee believes a youth offender can benefit from diversion for undisciplined behavior and there is no KBCOPS report, a KBCOPS Miscellaneous Incident (MI) report should be completed. In the event the case remains in the sworn employee's queue, or the case was not routed properly, the sworn employee should follow up with a member of the diversion unit.

D. Division supervisors approving sworn employee reports will route all diversion cases to "30 Diversion" located in the KBCOPS routing options. The diversion program manager will assign the cases to the diversion specialist, who will track the diversions through completion and close/clear the reports from the KBCOPS system. Declined case referrals or cases with property attached for PLIMS disposition will be routed back to the referring sworn employee for follow-up and closing.



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E. Youth Diversion

The program requirements for diversion will be determined by the assessment administered by the Diversion Specialist. Any request to modify program requirements will be reviewed by the program manager/lieutenant. If an offender fails to successfully complete the diversion program requirements within the allotted timeframe for assigned classes, the diversion specialist will complete a supplement indicating the youth did not complete the program. If a juvenile arrest is warranted, an email will be sent to the originating sworn employee along with the notes in the KBCOPS report. The final disposition will be determined by the originating sworn employee to arrest or not to arrest. Arrest determination must be clearly articulated in the confidential narrative prior to closing the case.

F. Adult Diversion

1. The originating sworn employee must confirm positive identification and search KBCOPS, NCIC, AOC, NCAWARE, and any other applicable databases to determine offender eligibility for diversion at the time of the potential arrest. If positive identification is not possible, an arrest should be made.
2. If the offender does not have a previous arrest or has a qualifying previous minor offense, the case can be transferred to the Diversion Program in KBCOPS as a secondary assignment until all papering is complete. The originating sworn employee is responsible for papering the case with the District Attorney's office even if the case is accepted in the diversion program.
3. The diversion specialist will review all referrals to the adult diversion program. If the case does not qualify, the case will be routed back to the originating sworn employee for arrest, papering and prosecution. The specialist will contact the victim listed in the KBCOPS report to verify the restitution amount and explain the diversion program. The diversion specialist will also have the victim complete the necessary paperwork if restitution is owed. The specialist will review the diversion contract with the offender, including class hours, participation, and restitution requirements.
4. If the offender refuses to agree to the requirements in the contract, the case will be routed back to the originating sworn employee for arrest, papering, and prosecution. If the case qualifies for diversion, the diversion specialist will send the case to the Mecklenburg County District Attorney's Office for diversion approval. All adult diversion participants will be added to the KBCOPS watch list for the duration of the program. If the offender is arrested for a new charge while participating in the diversion program, the District Attorney's Office will be notified to determine appropriate next steps.

G. Restitution

1. All restitution required in the contract will be paid to CMPD in the form of a certified check, cashier's check, or money order. If the full restitution amount is paid by a certified check, the certified check can be made payable to the victim and delivered to the victim by CMPD.
2. After full restitution is collected, CMPD will issue a check to the victim.
3. If the offender is participating in CMPD's Diversion Restitution Program or Reach Out, diversion personnel will request a check for the total number of hours completed to be issued to the victim, after completing additional programming.
4. The victim will be required to complete the necessary paperwork to receive the restitution check from the City of Charlotte.
5. The offender has 3, 6, or 12 months from the contract date to complete the restitution requirement based on their assigned class requirements.
6. If the offender fails to complete the restitution requirement within the allotted time frame, the case will be sent to the originating sworn employee for arrest, papering, and prosecution.
7. All restitution payments will be documented in KBCOPS.

H. Program Requirements


All participants in the adult diversion program will be required to complete 25 to 100 hours of diversion classes within 3, 6, or 12 months of the contract date. Failure to complete the class hours will result in the offender's case being routed back to the originating sworn employee for arrest, papering, and prosecution. Allotted time requirements are below:

<b>Offense</b>	<b>Program Duration</b>	<b>Time to Complete</b>
<b>Low Level</b>	25-50 Hours	3 Months
<b>Mid-Level</b>	50-75 Hours	6 Months
<b>High Level</b>	75+ Hours	12 Months

I. Post-Arrest Adult Diversions

If a qualifying adult defendant is identified post-arrest for diversion. CMPD will coordinate with the Mecklenburg County District Attorney's Office to screen the referrals. Post-arrest referrals can include an arrest made by a non-CMPD officer at the request of the Mecklenburg County District Attorney's Office.

Post-arrest diversions will follow the same process and screening as a pre-arrest diversion except for the referral source. In addition to the normal pre-arrest diversions, post-arrest referrals for diversion must include consent from the defendant's assigned defense attorney.

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If a post-arrest adult defendant fails to complete the required hours or the full restitution requirement, the Mecklenburg County District Attorney’s Office will be notified, and the prosecution of the case will resume.


J. Final Diversion Disposition

After the offender has completed the required class hours and all restitution has been paid, the diversion specialist will update the original KBCOPS report and notify the Mecklenburg County District Attorney’s Office of the final disposition.

V. REFERENCES

CALEA

The previous version of Directive 200-006 Diversion Program was published on 4/24/2022.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>200-008</b>
	<b>Interactive Directives Guide</b>	<b>Internal DWI Policy</b>	
		<b>Effective Date: 1/24/2024</b>	<b>1 of 2</b>

## I. PURPOSE

This policy establishes procedures for the Charlotte-Mecklenburg Police Department's (CMPD) management of circumstances where sworn and civilian employees are found to have driven a motor vehicle or operated a boat while impaired.

## II. POLICY


No person is exempt from the consequences associated with committing an impairment offense. The Charlotte-Mecklenburg Police Department (CMPD) recognizes the seriousness of these charges and their effect on the employee, the CMPD, and the community. Therefore, employees found to have committed an impairment offense will face disciplinary action up to and including being cited for termination. This directive describes disciplinary procedures for charged employees.

## III. DEFINITIONS

- A. Blood Alcohol Content (BAC): Also known as blood alcohol level, is the amount of alcohol in a person's blood, which can be measured by testing a breath or blood sample.
- B. Boating While Impaired: The charge of impaired boating as defined by North Carolina General Statute (NCGS §) 75A-10(b1) or the equivalent statute of another state or country.
- C. Driving While Impaired: The charge of impaired driving as defined by NCGS § 20-138.1 or the equivalent statute of another state or country.
- D. Impaired Driving in a Commercial Vehicle: As defined by NCGS § 20-138.2 or the equivalent statute of another state or country.
- E. Impairment Offense: For this directive, an impairment offense is defined as driving while impaired or boating while impaired.
- F. Independent Chain of Command Review Board (ICOC): A disciplinary review board comprised of supervisors and peers who are not members of the employee's immediate chain of command, selected from a pool of available supervisors and peers.

## IV. PROCEDURE

- A. If an employee is arrested or cited for an impairment offense, the employee's supervisor and/or Internal Affairs must be notified as soon as possible after the employee is cited or released from custody. Any employee who fails to notify the CMPD of an arrest for an impairment offense as required by this directive will be cited for termination.
- B. Internal Affairs will conduct an internal investigation if an employee is arrested or charged for an impairment offense.
- C. The employee will be administratively charged with CMPD Rule of Conduct 14A: Conformance to Laws.


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- D. Barring any aggravating factors (as defined by NCGS § 20-179 or the equivalent statute of another state or country) related to the impairment offense arrest or charge, the CMPD may make accommodations for the employee until the employee obtains limited driving privileges and resumes employment-related duties while the case is processed through the criminal court system.
- E. The CMPD Internal Affairs Division will work to have the case investigation complete and convene an Independent Chain of Command (ICOC) review board hearing no later than ten (10) working days after the date of the incident or upon notification by a third party that an employee committed an impairment offense.
- F. An employee receiving a sustained violation related to an impairment offense will receive an automatic minimum thirty (30) day active suspension (regardless of court outcome). Additionally, the CMPD may remove the employee from any assignment, CMPD program, or privilege.
- G. The CMPD may recommend an employee for termination if any of the following apply:
  - 1. the employee has a history of disciplinary action and/or performance issues,
  - 2. the employee has previously been arrested for DWI, and/or
  - 3. there are aggravating factors, including but not limited to a vehicle accident, serious injury, death, or any other factor that aggravates the seriousness of the offense.
- H. A sworn employee who is arrested for an impairment offense will automatically be cited to the Civil Service Board for termination if the employee:
  - 1. resists arrest resulting in a police-level control response,
  - 2. flees to elude apprehension,
  - 3. has a BAC of 0.15 or greater, and/or
  - 4. refuses to submit to a certified BAC test (breath or blood) resulting in the suspension of the employee's driver's license.

V. REFERENCES

Rules of Conduct  
 200-001 Discipline, Internal Investigations, and Employee Rights  
 300-009 Employee Drug and Alcohol Testing  
 North Carolina General Statute § 20-138.1  
 North Carolina General Statute § 20-138.2  
 North Carolina General Statute § 20-179  
 North Carolina General Statute § 75A-10(b1)

The previous version of Directive 200-008 Internal DWI Policy was published on 10/24/2023.

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	<b>Interactive Directives Guide</b>	<b>Youth Programs</b>	
		<b>Effective Date: 10/13/2022</b>	<b>1 of 3</b>

I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employee participation in Right Moves for Youth, Police Activities League (P.A.L.), and REACH OUT youth programs.

II. PROGRAMS

A. Right Moves for Youth

The Right Moves for Youth program is a unique 501C-3 organization with a volunteer board of directors. The Right Moves for Youth personnel work in collaboration with local law enforcement agencies, Charlotte-Mecklenburg Schools, and community volunteers. The program is designed to help students maximize their education and opportunities to ensure they graduate and have a successful future. Participants are referred from a variety of sources, including school personnel, law enforcement, and self-referral. Members meet weekly with program personnel in a group mentoring environment that emphasizes education, social-emotional well-being, career development, and civic duty. Groups meet in schools during school hours or virtually after school and are led by a program team member with the additional involvement of CMPD sworn employees, particularly school resource officers.


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

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

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

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


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

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- c. Jail North – Provides life skills programming while participants are incarcerated and pairs them with sworn employees who serve as mentors after release.
2. Sworn employees can contact the CMPD Community Services Division to sign up for City of Charlotte mentor training. Once trained, sworn employees will be introduced to youth enrolled in the program component of their interest for mentor pairing. Sworn employees are required to have at minimum one contact with their mentee per month and participate in bi-monthly group sessions.

### III. GUIDELINES FOR PARTICIPATION


- A. Any non-probationary sworn employee may request participation in Right Moves for Youth and P.A.L.; however, prior approval must be obtained from the employee's division captain. The request for approval must be submitted in writing.
- B. Sworn employees who have received approval to participate in the program must coordinate their assignments with the Community Services Division.
- C. Division and departmental staffing needs may preclude participation in a youth program meeting or event. Therefore, volunteers must inform their shift supervisor of all scheduled required meetings and events.
- D. Sworn employees involved in the program are allowed to participate on-duty or receive up to a maximum of eight (8) hours of compensation for off-duty time spent working with youth programs during a twenty-eight (28) day cycle.
- E. Sworn employees are permitted to wear police uniforms or plain clothes while engaged in youth program activities. The utilization of departmental vehicles for the transportation of program members is allowed. Sworn employees can reserve vans assigned to Right Moves for Youth by contacting the School Resource Office sergeant or reserve P.A.L. vans by contacting the P.A.L. supervisor. Trips involving the use of a departmental vehicle are generally restricted to a fifty (50) mile radius from the center of Charlotte. Any trips outside of Mecklenburg County must be approved by the Community Services Bureau chain of command.
- F. Any sworn employee transporting club members in departmental vehicles must notify his or her immediate supervisor before providing such transportation and provide details regarding planned destinations and participant information.
- G. Right Moves For Youth and P.A.L. bumper stickers are approved for display on all marked CMPD vehicles. The sticker will be placed on the left rear bumper.
- I. Any exceptions to the above-stated guidelines must be approved by the Administrative Services Group deputy chief and the sworn employee's deputy chief.

<b>POLICE</b>	<b>Charlotte-Mecklenburg Police Department</b>		<b>200-009</b>
 <small>CHARLOTTE-MECKLENBURG</small>	<b><i>Interactive Directives Guide</i></b>	<b>Youth Programs</b>	
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IV. REFERENCES

Youth Engagement Programs SOP  
 CALEA



	<b>Charlotte-Mecklenburg Police Department</b>		<b>200-010</b>
	<b>Interactive Directives Guide</b>	<b>Written Directive System</b>	
	<b>Effective Date: 4/7/2022</b>		<b>1 of 5</b>

I. PURPOSE


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

II. POLICY

- A. All CMPD directives and SOPs must be written on the standard template available from the Strategic Policy Unit (SPU). All directives and SOPs must reflect CMPD's values and philosophy of policing when written and will be promptly updated whenever a major change occurs that directly impacts the directive or SOP. When a conflict in policy is noted, the directive with the latest effective date will be followed unless otherwise directed by the chief of police.
- B. The chief of police has the authority to issue, approve, modify, and rescind all written directives and procedures within the CMPD, as deemed necessary and at any time.
- C. No written or verbal communication will conflict with or supersede any federal, state, or local law, City of Charlotte policy, or CMPD directive or procedure without the written authority of the chief of police or designee.

III. DEFINITIONS

- A. Directives: Interactive documents governing all CMPD employees and procedures.
- B. Standard Operating Procedures (SOP): Interactive document governing CMPD employees under the command of the issuing authority.
- C. High liability SOP: SOPs identified and deemed a high liability by the Police Attorney's Office.
- D. Plans: A written formulated method of predetermining acts and purposes beforehand to ensure the safety of community members and CMPD employees.
- E. Subject Matter Expert (SME): a person who has demonstrated extensive knowledge, skill, and experience in a specific subject, discipline, or process.
- F. Summary of Changes: A document outlining a brief review of any changes in CMPD directives or SOPs.
- G. Policy Management Group (PMG): The group designated by the chief of police responsible for reviewing and approving directives, SOPs, and plans prior to presentation to the Professional Accountability Bureau Major for review and final approval by the chief of police, assigned deputy chief, or designee.
- H. Signature Sheet: Document designating official record of approval.

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#### IV. PROCEDURE

##### A. Electronic Written Directive Manual

1. The electronic written directive manual serves as the official repository for all CMPD directives. This manual is maintained electronically by the SPU. Directives, SOPs, and plans are available on the CMPD Portal.
2. New and updated directives will be disseminated through the City of Charlotte's Learning Management System (LMS). Electronic acknowledgment of the receipt and understanding of all newly issued or updated directives will be managed through the LMS. The LMS will maintain a database with electronic signatures and acknowledgments for documentation and tracking purposes.
3. Directives will be posted to the CMPD Portal and the CMPD.org website after final approval by the chief of police, deputy chief or designee.
4. After final approval by the appropriate deputy chief, or designee, SOPs will be posted on the CMPD Portal. SOPs will not be posted to the CMPD.org website.
5. An electronic copy of historical directives, SOPs, plans, general orders, memorandums, signature sheets, drafts, and similar items are maintained electronically by the SPU.

##### B. Development, Revision, or Rescinding of a Directive, SOP or Plan


1. All written directives, SOPs, and plans must be developed and revised by the SPU (See Strategic Policy Unit SOP). The SPU is responsible for ensuring compliance with the following standard format:
  - a. Header: Shall contain the directive number, title, effective date, and revision or review date, when applicable.
  - b. Purpose
  - c. Policy
  - d. Definitions
  - e. Procedure
  - f. References: Shall cite all sources that provide additional information (i.e., other directives, SOPs, plans, laws, case citations, and accreditation standards).
2. Development and revision of a directive, SOP, or plan may occur as a result of an internal request or be driven by external events.
  - a. Internal requests may include but are not limited to revisions based on SPU research of best practices, individual divisions or units requesting updates to reflect current unit or division practices, etc.

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- b. External events may include but are not limited to legal changes, national or local events of significance to policing, etc. Following relevant external events, the SPU will review CMPD directives, SOPs, and plans to determine relevance and potential impact as it relates to the event. The SPU will present any relevant impacted directives to executive staff as needed.
    - c. Absent any internal requests or external events, directives and SOPs will be reviewed every three (3) years based on their last review or effective date and updated to reflect current practices, national best practices, as well as consistency with other CMPD directives, SOPs, and plans.
  3. The SPU will identify all relevant stakeholders and subject matter experts (SME).
    - a. The SPU will seek input from identified SMEs and stakeholders and maintain a record of SMEs who provided input and assist in the development of a directive, SOP, or plan.
    - b. The SME assigned to a directive requiring review will be contacted by the SPU to discuss the directive. The SPU will provide the SME with the most updated copy of the directive. The SME will have fourteen (14) days to review, make changes (if needed) and confirm a meeting if requested by the SPU.
    - c. The SME assigned to a SOP requiring review will be contacted by the SPU to discuss the SOP. The SPU will provide the SME with the most updated copy of the SOP. The SME will have fifteen (15) days to review, make changes (if needed) and confirm a meeting if requested by the SPU.
4. Prior to directives, SOPs, and plans being submitted to the chief of police or designee for approval, all directives and high liability SOPs are presented to the Policy Management Group (PMG) for review unless there are no significant content changes. The PMG serves as a check and balance at the conclusion of the directive development and revision process.
  - a. The SPU will manage the administrative aspects of the PMG (scheduling meetings, providing documents, recording minutes, etc.).
  - b. The PMG is chaired by the Administrative Services Group Deputy Chief.

The following positions are permanent members of the PMG:


    - 1) Senior Police Attorney or designee;
    - 2) Professional Accountability Major;
    - 3) Strategic Policy Unit members;

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- 4) CMPD Training Director;
  - 5) CALEA Accreditation Manager;
  - 7) CMPD Human Resources Director or designee;
  - 8) CMPD Major determined based upon the directive being reviewed.
- c. SMEs may be requested to attend the PMG meeting to answer any content-related questions.
5. Directives and SOPs, following review by the SME, SPU, PMG, and professional accountability major, will be delivered with a signature sheet to the SME, deputy chief, chief of police, or designee, for review and final approval.
    - a. Directives will be delivered with a signature sheet to the responsible deputy chief, or designee, for review and final approval by the chief of police or designee.
    - b. High liability SOPs will be delivered with a signature sheet to the responsible deputy chief, or designee, for review and final approval.
    - c. SOPs not deemed a high liability SOP will not require review by the PMG and will be delivered with a signature sheet to the responsible SME for approval by the SME's chain of command members, up to the division or unit major. Once approved, a signature sheet will be delivered to the deputy chief, or designee, for review and final approval.
  6. Directives and SOPs that are proposed, new, or updated must be reviewed by CMPD's Accreditation Manager to ensure formatting and compliance with CALEA accreditation standards.
  7. All existing directives and SOPs will remain in effect until amended or rescinded. The SPU will track all changes to updated directives, SOPs, and plans. Whenever a new or updated directive or SOP is approved, the SPU will retain the original signature sheet and purge and replace the directive or SOP. Once purged, the SPU will maintain a historical record of the directive or SOP.
    - a. Any request to rescind or remove any directive must be made in writing and reviewed by the responsible deputy chief and approved by the chief of police.
    - b. Any request to rescind or remove any SOP must be made in writing and reviewed and approved by the responsible deputy chief.


## V. REFERENCES

800-007 Communications and Reports  
Strategic Policy Unit SOP

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CALEA SOP  
 CALEA

The previous version of Directive 200-010 Written Directive System was published 10/12/2018.

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	<i>Interactive Directives Guide</i>	<b>Asset Management</b>	
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I. PURPOSE


This policy establishes uniform procedures for asset and inventory management of CMPD capital and sensitive non-capital assets.

II. POLICY

The Charlotte-Mecklenburg Police Department will monitor and maintain an accurate inventory of agency held capital and sensitive non-capital assets to reduce risk, demonstrate compliance, and support a robust life-cycle replacement plan.

III. DEFINITIONS

- A. Asset Management System: The CMPD asset and inventory management software system that monitors and maintains capital and sensitive non-capital assets.
- B. Audits: Audits are statistically valid samplings of items that demonstrates compliance with directives and standard operating procedures. Audits should be conducted with guidance from financial management and CMPD professional standards, preferably in conjunction with scheduled inspections.
- C. Capital Asset: A tangible non-consumable asset that has a useful life of more than one year and has a value of \$5,000 or more
- D. CMPD Equipment/Asset: Tangible property, device, or apparatus that is purchased by or donated to CMPD for the purpose of carrying out the official duties and responsibilities of the police department. All CMPD Equipment that meets any one of the following criteria must be tracked in the appropriate asset management system.
  - 1. Per-unit acquisition cost which equals or exceeds the lesser of:
    - a. \$5,000; or
    - b. The recipient's or subrecipient's capitalization threshold for financial statement purposes.
  - 2. Expected useful life of more than one year.
  - 3. The item is issued to a CMPD employee to be used in the course of, or to support the official business of CMPD including technology information systems.
  - 4. The item could cause serious harm or injury regardless of dollar amount.
  - 5. The item requires ongoing maintenance costs or replacement planning.
  - 6. Any item identified by the CMPD Business Services or Financial manager

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- E. Inventory Control Coordinator (ICC): Division sergeant or above responsible for maintaining an accurate and complete inventory for the division in the Asset Management System including all additions, deletions, modifications, assignments and/or transfers.
- F. Non-capital Asset: A tangible or non-tangible, non-consumable item that has a useful life of more than one year, has a value of less than \$5000.00, and is critical and/or essential to the operations of the department.
- G. Sensitive Non-Capital Asset: A tangible non-consumable asset that has a useful life of more than one year, has a value of less than \$5,000 and is critical and/or essential to operations.
- H. Staff Inspections: Inspections conducted by personnel who do not have direct supervisory responsibilities of the unit, employees, facilities, or procedures being inspected.

#### IV. PROCEDURE


##### A. Assets Designated for Mandatory Tracking

1. All CMPD assets listed in the CMPD Asset Tracking List (Appendix A) must be entered and maintained throughout the lifecycle of the asset to include initial receiving, assignments, transfers, and final disposition.
2. Any equipment with a value of \$5000.00 or more not listed in the CMPD Asset Tracking List, must be tracked in the appropriate asset management system designated by the Business Services manager.
3. All items over \$5000.00 should already be flagged in Munis.
4. Body Worn Cameras (BWC), Tasers, and Signal Sidearms are tracked in the Axon System.

##### B. Minimum Asset Information

The Asset Management System record for each asset shall include the following:

1. Make/brand
2. Model
3. Category
4. Location
5. Assignment (employee identifier or division name)


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6. Purchase date
7. Grant name (if applicable)
8. Price/cost
9. Replacement date/warranty expiration date
10. Serial number

C. Responsibilities

1. Division Captain
  - a. Assign one individual of the rank of sergeant or above to act as the inventory control coordinator for the division.
  - b. Ensure that the division inventory coordinator compiles a list with all asset management policies.
  - c. The division captain will ensure that an inventory/audit of all physical equipment and assets as mandated by City of Charlotte's inventory policy, is conducted annually and will forward the results to the Professional Services Division.
  - d. Prior to any change of command, the departing division captain shall ensure the inventory in the Asset Management System is complete and accurate. If an asset cannot be accounted for, the inventory control coordinator is responsible for notifying the commanding officer that an item is missing and ensuring that an Inventory Discrepancy Form, located on the CMPD portal, is completed and submitted to the Financial Management Division:  
  
<https://tinyurl.com/Inventory-Discrepancy>
  - e. The incoming division captain shall validate inventory information within fifteen (15) business days of arrival. Upon completion, an Inventory Acknowledgement Form, located on the CMPD portal, must be completed and submitted to the Financial Management Division:  
  
<https://tinyurl.com/inventory-acknowledgement>
2. Inventory Control Coordinator
  - a. The inventory control coordinator is responsible for maintaining an accurate and complete inventory in the Asset Management System including all additions, deletions, modifications, assignments and/or transfers.
  - b. Upon receipt of newly acquired assets, the inventory control coordinator shall determine whether the asset should be entered into the Asset



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Management System. If the asset needs to be entered into the Asset Management System, the Inventory Control Coordinator shall determine the asset classification (Capital or Sensitive Non-Capital Asset) and enter the asset within three (3) business days.

- c. Conduct an annual non-capital asset physical inventory to ensure inventory is complete and accurate.
- e. If an asset cannot be accounted for, the inventory control coordinator is responsible for notifying the division captain that an item is missing and ensuring that an Inventory Discrepancy Form is completed and submitted to the Financial Management Division.

<https://tinyurl.com/Inventory-Discrepancy>


- f. Assist with the completion of the annual equipment inventory for capital Assets as requested by Financial Management Division.
- g. Assist with division-level staff or unit inspections by providing records and locating assets designated for inspection.

3. Financial Management Division

- a. Provide oversight to ensure compliance with this directive by monitoring the approved asset management and financial systems.
- b. Provide direction and guidance for audits of CMPD asset records, and report discrepancies and violations to the appropriate chain of command.
- c. Facilitate completion of the city's annual equipment inventory for capital assets
- d. Routinely audit samples of all CMPD assets purchased through the city's financial system to validate they were accurately recorded in the Asset Management System.
- e. Receive Inventory Discrepancy Forms submitted by divisions. Ensure proper investigation, follow-up, and resolution for inventory discrepancies.
- f. Receive and maintain Inventory Acknowledgement Forms submitted for change of command processes.
- g. Maintain the list of assets required to be tracked in CMPD asset management systems (CMPD Required Equipment and Asset Inventory List) on the CMPD portal.

4. Professional Services

Pertinent assets shall be subject to staff inspections. A select sample of assets will be inspected to verify inventory information, location and assignment (if

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applicable). Additionally, the inspection should determine if the assets are operational and well maintained.

V. REFERENCES

- 200-005 Returning of Issued Uniforms and Equipment
- 400-003 Equipment
- 800-011 Inspections and Audits
- 900-010 Shotgun Inventory
- City of Charlotte Capital Asset Policy MFS 23
- Grant Administration MFS 31

**APPENDIX A**

<b>CMPD Asset Required Tracking List</b>
<ul style="list-style-type: none"> <li>• Panasonic Computers (vehicles)</li> <li>• Dell Computers (office)</li> <li>• Cell Phones</li> <li>• Servers and associated hardware</li> <li>• Portable Radio</li> <li>• Vehicle Radio</li> <li>• Radio Accessories (example Bluetooth attachments)</li> <li>• Radio System Equipment</li> <li>• RTCC Cameras</li> </ul>
<ul style="list-style-type: none"> <li>• ATV / UTV</li> <li>• Field Services Trailers (Bike and Utility)</li> <li>• Forklift</li> <li>• Pistols</li> <li>• Weapon Mounted Light Systems</li> <li>• Shotguns</li> <li>• Rifles</li> <li>• 40mm launchers</li> <li>• Radar</li> <li>• LIDAR</li> <li>• Taser</li> <li>• BWC</li> <li>• Protective Vests</li> <li>• CEU Equipment (Helmets, Vests, protective gear, munitions)</li> <li>• SWAT Equipment (Protective gear, Vests, drones, cameras, munitions)</li> <li>• Bicycles</li> <li>• Dual Sport Motorcycles</li> <li>• Active Shooter Kits</li> <li>• LRAD</li> <li>• Drones and associated items (IPADS, batteries etc)</li> </ul>
<ul style="list-style-type: none"> <li>• Vehicles</li> <li>• Vehicle equipment (Modem, emergency equipment, protective shield)</li> <li>• Crime Lab Equipment</li> <li>• CSI Equipment (Cameras, scanners, testing equipment etc)</li> <li>• Specialized Investigative Equipment</li> <li>• Grant Purchased Items</li> <li>• Helicopter</li> </ul>

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I. PURPOSE

This policy establishes guidelines for documenting employee work schedules, timekeeping, attendance, and absences and acknowledges the Charlotte-Mecklenburg Police Department's (CMPD) compliance with the City of Charlotte's pay policy while ensuring compliance with the Fair Labor Standards Act.

II. POLICY

Due to the nature of law enforcement, duty hours and days vary widely within the department. This diversity in scheduling requires that an accurate record be kept of each employee's schedule, work hours, and absences.

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

III. DEFINITIONS

A. Compensatory Time:


1. Earned Compensatory: Hours worked, in addition to those required by a full-time employee's standard schedule, but not yet paid as overtime or used as time off.
2. Used Compensatory: Hours worked, in addition to those required by a full-time employee's standard schedule, but then used as time off.
3. Paid Compensatory: Hours worked, in addition to those required by a full-time employee's standard schedule and paid at the end of the employee's pay cycle. This will be a seven (7) day or a twenty-eight (28) day cycle, depending on the employee's position.

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


C. Exempt Sworn Employees: Includes the sworn assignment of lieutenant and above. These employees are exempt from overtime pay under the Fair Labor Standards Act.

D. Family: The City of Charlotte no longer defines family for the use of well-being (formerly sick) leave or bereavement (formerly funeral) leave. Note: This definition is not correlated with the list of family members for which an employee may qualify for leave under the Family Medical Leave Act.

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

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- F. Non-Exempt Sworn Employees: Includes police officers and sergeants. Employees in these positions are not exempt from overtime under FLSA for time worked above 171 hours in a twenty-eight (28) day cycle.
- G. Reason Codes: Codes used in the approved time management system of record to indicate why a sworn or non-exempt civilian employee's standard schedule is adjusted. Reason codes also denote when benefit time is used.
  - 1. A reason code must be selected anytime a sworn or non-exempt civilian employee's standard schedule is adjusted. Reason codes will also be used to denote benefit time used for all employees. A list of reason codes can be found in Appendix A.
  - 2. Upon departmental approval, reason codes will be created by Human Resources Division for special projects and initiatives.
  - 3. A reason code should be selected by the person initiating the schedule change. If the employee requests the change, the employee is responsible for selecting the appropriate reason code. If a supervisor initiates the change, the supervisor must select the appropriate reason code.
- H. Scheduling Administrators: Civilian or sworn employees at the rank of sergeant or above who have been designated responsible for selecting and building employee schedules. Each division will have at least one scheduling administrator. Divisions with rotating schedules will have two scheduling administrators. Scheduling administrators will be responsible for building a schedule for each sworn and non-exempt civilian employee in the division.
- I. Standard Schedule: All employees are scheduled to work a standard weekly schedule. These standard schedules include the following:
  - 1. Part-time-regular: Standard half-time schedule of twenty (20) hours, or three-quarter-time schedule of thirty (30) hours, as defined by the employee's position.
  - 2. Regular Full time
    - a. Forty (40) hours weekly.
    - b. Forty-one (41) hours weekly designated as a ten (10) hour shift roll-call schedule.
    - c. Forty-one and a quarter (41.25) hours weekly designated as an eight (8) hour shift roll-call schedule.
    - d. Forty-two and a half (42.50) hours weekly designated as a School Resource Officer (SRO) schedule
  - 3. Temporary: Temporary employees may be full-time (forty (40) hours) or part-time (twenty (20) to thirty (30) hours). The Human Resources Division shall

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specify the length of the appointment and work schedule upon the start of employment.


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

#### IV. CITY OF CHARLOTTE’S WEEKLY PAY SCHEDULE

- A. CMPD employees will be paid on the City of Charlotte’s weekly pay schedule, which runs from Saturday through Friday of each week. Paychecks and direct deposits will be effective the following Friday.
- B. Non-exempt sworn employees will be paid for their standard hours worked unless they surpass one hundred and seventy-one (171) hours in a twenty-eight (28) day cycle. These employees will be paid an additional .5 time for hours worked more than one hundred and seventy-one (171) hours when that threshold is met within the cycle. Hours worked over a sworn employee’s standard hours and coded as “REG”- Regular Earnings will be accrued as compensatory time weekly. The compensatory time will be paid at the end of the cycle unless that time is used before the end of the cycle.
- C. Non-exempt civilian employees will be paid all regular hours and applicable overtime in a seven (7) day cycle.

#### V. SCHEDULING

- A. Sworn and non-exempt civilian employees will be assigned a standard weekly schedule for each pay cycle. Any variances from that schedule must be documented in the approved time management system. Civilian-exempt employees will be assigned a standard weekly schedule, but it does not need to be recorded in the system of record in advance.
  - 1. All sworn and non-exempt civilian employees must be scheduled in the system for the current twenty-eight (28) day pay cycle.
  - 2. All changes to sworn and non-exempt civilian employee schedules must be recorded in the system.
  - 3. All benefit time usage must be recorded in the system.
  - 4. All accrued overtime must be approved in advance and recorded in the system.
  - 5. Non-exempt employees will not change their schedules without prior approval from their immediate supervisor.
- B. Scheduling and Time Adjustment Responsibilities
  - 1. Sworn division commanders and civilian unit managers

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- a. Each division commander or unit manager will appoint a schedule administrator for his/her division or unit. Divisions with a rotating schedule must have two (2) schedule administrators.
- b. When a schedule administrator is promoted or reassigned, the commander/manager is responsible for immediately identifying a replacement.
- c. Division commanders and unit managers will ensure that sworn and non-exempt civilian employee schedules are built a year in advance and updated quarterly, at a minimum.

## 2. Schedule Administrators

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


## 3. Supervisors

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

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

Examples:

- Employee who needs to go home sick; must be approved by the end of the shift.
  - Employee who takes a late call and works beyond the scheduled shift end; must be approved within twenty-four (24) hours or before the payroll deadline if the deadline occurs first.
- b. Supervisors of units with employees subject to callback must document schedule requests/changes during their next scheduled tour of duty.
  - c. All schedule requests are subject to compliance with minimum staffing levels.
  - d. Supervisors will ensure all training is attended during the employee's duty hours when possible. In the event the training is outside of the

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employee's duty hours, the supervisor, when possible, will adjust the employee's duty hours to accommodate the training schedule.

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

#### 4. Employee

##### a. All sworn and non-exempt civilian employees

- (1) Employees must use the electronic, approved time management system to request benefit leave time. These requests should be submitted as far in advance as is reasonable. All requests are subject to compliance with minimum staffing levels.
- (2) Employees must when an adjustment is necessary on the same day or after an employee's shift has begun, the employee must also notify a supervisor of the request. A same-day request must be submitted before the end of the employee's tour of duty. If the employee is off-duty and does not have access to the approved time management system, the supervisor will enter the change into the system upon the employee's request.

##### b. Exempt civilian employees

- (1) Employees must request benefit leave time from their supervisor as far in advance as is reasonable. All requests are subject to compliance with minimum staffing levels.
- (2) Employees are not required to have a schedule built into the approved time management system and therefore do not have responsibility related to schedule adjustment in the electronic system. These employees must review and, if necessary, adjust their hours in the record system's timesheet section.

## VI. COMPENSATORY TIME & OVERTIME


### A. Compensatory Time/Overtime

Compensatory time may be used only after it is earned.

### B. Court Time

Court Appearances: Employees will make electronic entries at the Court Liaison Office to document all time spent in court, whether on or off duty. Court attendance should occur during an employee's standard schedule time when possible. As



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staffing allows, supervisors may adjust schedules to accommodate court appearances.

C. Papering/Case Review

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

VII. REPORTING ABSENCES/CATEGORIES OF ABSENCES

An employee’s supervisor must be notified before the use of any benefit time.

A. Bereavement Leave

1. Bereavement leave may be taken in whole-hour increments of one or more hours and is to be coded as “funeral leave” in the system.
2. Up to forty (40) hours of non-accumulative paid bereavement leave may be granted in any calendar year. Bereavement leave is not cumulative.
3. If the need for bereavement leave exceeds forty (40) hours in any calendar year, an employee may take leave without pay, compensatory time, or vacation leave with the supervisor’s approval.

B. Day Off


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

C. Excused Leave Without Pay

1. Unpaid Leave for any period up to 240 consecutive hours must be approved by the employee’s chain of command up to the rank of deputy chief. Leave without pay for more than 240 consecutive hours must be approved by the Chief of Police.
2. Unpaid leave of more than 240 consecutive hours must be coordinated with the Human Resources Division to determine the appropriate pay status.
3. Unpaid leave will be reported as “Leave w/o Pay Approved” in the approved time management system.

D. Family and Medical Leave

1. To be eligible under the Family and Medical Leave Act (FMLA), an employee must have worked for the City of Charlotte for a minimum of twelve (12)

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months, and have a minimum of 1,250 hours of service for the employer during the twelve (12) month period immediately preceding the leave.


2. FMLA entitles eligible employees to take up to twelve (12) weeks in a one (1) year period for specified family and medical reasons. The twelve (12) weeks can be taken intermittently over a one (1) year period.
3. Per the National Defense Authorization Act, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for a covered service member with a serious injury or illness. A covered service member is defined as a current member of the armed forces, including the National Guard or Reserves, who is also the eligible employee's spouse, son, daughter, or parent.
4. The employee must request leave thirty (30) calendar days in advance when the need for leave is foreseeable. Employees on approved FMLA leave will confirm options of leave without pay and/or benefit use with the Human Resources Division before taking leave when foreseeable.
5. Employees are responsible for contacting the current City of Charlotte vendor regarding their FMLA certification status. The Human Resources Division will manage the time entry process for the employee.

**E. Holiday Leave**

1. All sworn personnel and non-exempt civilian employees who are required to work shift schedules of twenty-four (24) hours per day, to support seven (7) days a week operation will not receive holiday pay. Rather, those employees will accrue eleven (11) additional vacation days per calendar year.
2. All other CMPD employees may receive pay for days officially designated as City of Charlotte holidays. Eligible employees will only be paid for a City of Charlotte holiday when they have worked their assigned workday schedule before and after the holiday unless on approved paid leave. There is no accrual for unused holiday leave.
3. A non-exempt civilian employee eligible to receive holiday pay and works the holiday may receive compensatory time or be paid straight time for the holiday at the supervisor's discretion.
4. There will be no prior period adjustments to holiday leave after thirty (30) calendar days.

**F. Jury Duty/ Court Appearance**

1. Absences required for jury duty shall be excused and will be used as the employee's duty day. This is to be reported as "jury duty" in the approved time management system.

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2. A procedure for court leave for employees required for jury duty who are assigned to work the second or third shift and/or a weekend schedule shall be determined by the employee's supervisor.
3. Employees required to appear in court as a witness in the public interest (when the employee is serving in the capacity of a City of Charlotte representative) may use that time as part of their duty day if court time conflicts with the employee's normal work schedule, upon permission of the supervisor.
4. Legal matters of a personal nature shall not be reported as jury duty as it does not apply in this instance. Employees may be granted vacation leave or leave without pay upon the supervisor's approval to attend to legal matters of a personal nature.

G. Military Leave:


Refer to Directive 300-016 Military Leave Policy

H. Paid Parental Leave


1. Paid Parental Leave (PPL) allows parents the opportunity to use six (6) weeks of paid leave to bond with their child due to birth, adoption, or foster placement within twelve (12) months of the event.
2. An employee must be eligible for FMLA to use PPL.
3. When requesting PPL, the employee must notify his or her supervisor and the Human Resources Division at least thirty (30) days before the start date when the need for leave is foreseeable.
4. An employee must take PPL in week blocks. The employee may take the leave intermittently, one (1) week at a time, in blocks of weeks, or all six (6) weeks consecutively.
5. It is the employee's responsibility to enter time in the approved time management system when using PPL intermittently. Employees utilizing PPL in consecutive weeks will have time entered and approved by the Human Resources Division.

I. School and Community Support Leave

1. CMPD employees are allotted a maximum of eight (8) hours of school and community support (SCS) leave per calendar year.
2. Employees may use a maximum of eight (8) hours of SCS leave per calendar year for purposes of participating in parent-teacher conferences, scholastic-related school support activities, guest lecturing, tutorial programs (parent-child) or for the participation in civic, educational, and not-for-profit volunteer activities.

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- a. School support activities are those associated with assisting in school-related learning programs during designated school days. School support leave does not include activities such as attending graduations and after-school social or sporting events.
  - b. SCS leave is non-cumulative.
  - c. Volunteer activities must be sponsored by a recognized 501(c)3 organization.
3. School and community support leave must be designated as “SCS” in the approved time management system.
- J. Suspension without pay
- Absence due to active disciplinary suspension is to be reported as “suspension” in the approved time management system. This must be entered by the Human Resources Division.
- K. Training & Education
1. Time spent in department-approved training or education classes, regardless of whether the employee is in or out of town, should be coded as “training & education” in the approved time management system. This only includes training and education approved by the supervisor as part of the employee’s employment. It does not include courses approved through the tuition reimbursement program. If a training/education session does not extend beyond an employee’s standard scheduled shift, the employee must return to work or use leave time for the remainder of their duty day. All training and education time, other than online training, should be tracked in the system.
  2. Withdrawing from Assigned Academy Training
    - a. All employees may withdraw themselves from assigned training through the electronic learning management system up to three (3) calendar days before the start of the class. Employees may also send an email to the following up to three calendar days before the class.  
[CMPDAcademyClassCancellations@cmpd.org](mailto:CMPDAcademyClassCancellations@cmpd.org)
    - b. Employees needing to be excused from assigned training within the three-day timeframe must notify a supervisor. The supervisor will withdraw the employee by emailing the above email address or contacting the CMPD Training Academy in-service sergeant or range master (for firearms training) by phone.
    - c. An employee who anticipates being late or absent from training due to an unexpected on-duty conflict, e.g., on a call for service, will have a supervisor contact the CMPD Training Academy as stated above.

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- d. Failure to adhere to the above procedures to withdraw from assigned Academy training will result in a Rule of Conduct 9B investigation.

L. Unexcused Absence Without Leave/ Unexcused Absence


1. This is to be reported as “AWOL – absence without leave” in the approved time management system.
2. Employees absent from work for two (2) consecutive days without notifying their supervisor are considered to have “resigned without proper notice” and are therefore not entitled to pay for accumulated vacation leave.

M. Vacation Leave

1. Vacation leave is to be coded as “vacation leave” in the approved time management system.
2. Vacation leave may be taken as earned, subject to the supervisor’s approval.
3. Vacation leave may be taken in quarter-hour increments where: fifteen (15) minutes equals 0.25, thirty (30) minutes equals 0.50, and forty-five (45) minutes equals 0.75. When an entire day is taken as vacation, hours must be used in an eight (8) or ten (10) hour block. Employees may not add fifteen (15) minute increments to make up for lost roll call or SRO travel pay.
4. No employee shall take more than 160 consecutive hours of vacation leave except with the approval of their chain of command, including the Chief of Police.
5. Earned vacation leave cannot be used as a substitution for wellbeing leave unless wellbeing leave has been exhausted.
6. Under normal circumstances, employees must use accrued vacation leave before requesting unpaid leave.
7. There will be no prior period adjustments to vacation leave after thirty (30) calendar days.

N. Wellbeing Leave

1. Leave to care for the physical or mental health of oneself or a family member is to be indicated as “sick leave” in the approved time management system.
2. Leave without pay for any period up to thirty (30) calendar days must be approved by the employee’s chain of command up to the rank of deputy chief and coded as “leave without pay” in the approved time management system. Leave without pay for more than thirty (30) calendar days must be approved by the Chief of Police.

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3. Wellbeing leave shall be accumulated without limit and may be taken in quarter-hour increments (personal and family) where: fifteen (15) minutes equal 0.25, thirty (30) minutes equal 0.50, and forty-five (45) minutes equal 0.75.
4. There will be no prior period adjustments to wellbeing leave after thirty (30) calendar days.

O. Worker's Compensation

1. City of Charlotte employees are covered by workers' compensation benefits when injured on the job. Workers' compensation coverage is provided to employees per the laws of the State of North Carolina.
2. Workers' Compensation wage replacement benefits begin on calendar day eight (8) of an employee's on-the-job injury absence; this applies to both eight (8) and ten (10) hour shifts for employees. Employees may use accumulated wellbeing or vacation leave for days one (1) through seven (7). If an employee's injury absence extends beyond twenty-one (21) days, they will receive workers' compensation wage replacement benefits for the initial seven (7) day waiting period.
3. If injury leave continues beyond seven (7) days, employees may supplement workers' compensation wage replacement benefits with accrued wellbeing or vacation leave.
4. Employees on workers' compensation leave for more than twelve (12) consecutive weeks will have their merit date extended by the total number of full pay weeks that the employee was absent from duty.
5. Merit/salary increases will be delayed providing sufficient time to evaluate the employee's performance or until the employee returns to his/her regular assigned duties. In either event, the employee shall not receive a merit or salary increase until the supervisor can evaluate a full fifty-two (52) weeks of performance, whether concurrently or non-concurrently.
6. Entitlement to the leave benefits provided herein shall be contingent upon entitlement to Workers' Compensation benefits under the laws of the State of North Carolina and City of Charlotte policy.

VIII. TIME ENTRY

- A. All employees (both sworn and civilian) will enter their time directly into the approved time management system.
- B. All employees must review and, if necessary, adjust all time with applicable reason codes in the system before 8 a.m. each Monday unless otherwise notified of early payroll processing by the Human Resources Division. Benefit time must be declared with a reason code.

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- C. All hours submitted in the system are to be reported in whole or quarter-hour increments where: fifteen (15) minutes equals 0.25, thirty (30) minutes equals 0.50, and forty-five (45) minutes equals 0.75. Bereavement leave is an exception to this rule and must be reported in one-hour increments.

**IX. TIME APPROVAL**


- A. All supervisors must review and confirm their employee's time in the approved time management system before 8 a.m. each Monday unless otherwise notified of early payroll processing by the Human Resources Division.
- B. Supervisors must verify the accuracy of time for each employee under their command daily and require employees to correct issues and ensure time entry is accurate. Supervisors must approve employee time before 8:30 a.m. each Monday unless otherwise notified of early payroll processing by the Human Resources Division.
- C. The Human Resources Division will notify the employee's division manager when a trend occurs of repeated incorrect time entry and approval. In addition, the Human Resource Division will notify the supervisor's chain of command when a trend occurs of schedule adjustments not being acted upon (approved or denied) by the payroll deadline.
- D. Schedule change requests not approved by a supervisor by the payroll deadline will not be approved or processed by HR.

**X. PRIOR PERIOD ADJUSTMENTS**

- A. Prior period adjustments are timesheet change requests for an employee.
- B. The adjustment(s) may cause an increase or decrease in pay on the next paycheck.
- C. Adjustments must be submitted using the Prior Period Adjustment Form and sent directly to the CMPD HR Payroll Team from the employee's supervisor.
- D. Prior period adjustment requests must be submitted within one (1) month of the date needing correction. This deadline excludes FMLA or approved leave-related changes.

**XI. REFERENCES**


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

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City of Charlotte School and Community Support Leave Policy  
 CALEA


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## Appendix A - Reason Codes

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


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I. PURPOSE

This policy establishes procedures for Charlotte-Mecklenburg Police Department (CMPD) employees regarding court attendance, recording court attendance, and compensation.


II. PROCEDURE

- A. CMPD employees who appear in court (State of North Carolina District Court, Superior Court, Grand Jury, Juvenile Court, or any other court located in the Mecklenburg County Courthouse), on or off-duty, will log in and out on the computer located in the Court Liaison Office.
  - 1. Employees will accurately enter their personnel information into the computer to document their court appearance.
    - a. If documentation of an employee's court appearance is not properly completed, no compensation will be made.
    - b. Employees obtaining evidence from the Property and Evidence Management Division will do so before their court appearance and will notify the Court Liaison Office of any necessary time adjustment.
  - 2. Employees will not log in or log out any other employee, under any circumstance, when reporting for court.
- B. Employees appearing in District Court, Superior Court, Juvenile Court, or Grand Jury will not log in more than fifteen (15) minutes prior to the specified time on the subpoena.
- C. If, during a court appearance, the court is in recess for an extended period of time, and the employee is required to make an appearance in the same court immediately after such a recess, the employee will notify the Court Liaison Office. The Court Liaison Office will decide if the employee is paid through lunch or receives an additional two (2) hour minimum.
- D. Civilian employees who are required to attend court while off-duty will be compensated according to the guidelines of the City of Charlotte Personnel Rules and Regulations.
- E. Employees who receive a witness fee or mileage allowance for a court appearance related to the performance of law enforcement duties will submit the fee to the CMPD Human Resources Division.
- F. Off-duty employees will be compensated for mandatory appearances at Civil Service or any other administrative hearing. An appearance is mandatory when the officer has received a subpoena or been ordered to attend by a supervisor.
- G. Employees will schedule any offense for which a citation is issued for Administrative Court, room 1130. The scheduled date of appearance will be twenty-eight (28) days from the citation's date of issue. When a conflict exists between the proposed court

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date, a non-business day (weekend), or a recognized state or national holiday, the citation will be given the date of the following business day from the 28<sup>th</sup> day from the citation's date of issue.


- H. Employees who are subpoenaed to court are required to attend. Employees will not go directly to the District Attorney's Office to be excused from any court appearance.
- I. Employees will notify the Court Liaison Office of any anticipated absences by completing the Anticipated Absence Form and submitting the form to the Court Liaison Office upon approval of their immediate supervisor.
  - 1. The Anticipated Absence Form will be scanned into an e-mail and sent to the Court Liaison supervisor for approval and submission to the District Attorney's Office.
  - 2. Employees shall submit the Anticipated Absence Form at least six (6) weeks before the absence.
    - a. Employees who submit an Anticipated Absence Form less than six (6) weeks before the absence must have the form signed by the employee's captain.
    - b. There will be no guarantee that a case will be continued or not dismissed when an Anticipated Absence Form is submitted less than six (6) weeks before the absence.
  - 3. The employee's supervisor must sign the Anticipated Absence Form verifying that the employee was approved for leave.
    - a. The District Attorney's Office will determine whether the employee can be released.
    - b. The Court Liaison Office will notify the employee by e-mail that the District Attorney's Office has or has yet to release the employee during that anticipated absence.
    - c. An approved Anticipated Absence Form will only excuse the employee from District Court appearances. The District Attorney's Liaison Unit or assigned assistant district attorney must approve excusal from Superior Court and Juvenile Court.
- J. Employees will avoid scheduling training and vacation leave on their assigned court date. Any conflict an employee has with a court date due to training or vacation must be documented by written memo on the lower portion of the Anticipated Absence Form and signed by the employee's appropriate captain before being forwarded to the Court Liaison Office.
  - 1. The memo, in brief, will explain the reason for the conflict, why the training cannot be rescheduled, or why the vacation notification is less than six (6) weeks' notice.

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2. All notifications must be sent to the Court Liaison’s office by email before the scheduled court date. The Court Liaison Officer will follow the established procedures outlined in this directive.
  3. Extended sick or military leave must utilize the Anticipated Absence Form to communicate with the District Attorney’s Office via the Court Liaison Office at the first opportunity. All Anticipated Absence Forms must have a projected date of return.
- K. Employees will notify a supervisor in their assigned area and the Court Liaison Office prior to a scheduled court appearance if they can not attend court due to sickness or funeral leave. The Court Liaison Office will provide the employee direction on how to be released from that scheduled court appearance.
  - L. Employees on duty involved in a call for service who anticipate being late for a court appearance must notify their immediate supervisor and contact the Court Liaison Office to advise of the anticipated delay to court. The employee must report for court immediately upon clearing from the call for service.
  - M. If an employee receives a subpoena that incorrectly lists the employee's assigned district court date or has incorrectly subpoenaed the employee, the employee will make a copy of the subpoena and send it to the Court Liaison Office with a written explanation of the problem. The Court Liaison Office will attempt to change the court date or have the employee excused from that appearance. The employee must honor the subpoena and attend court as directed by the subpoena unless notified by the Court Liaison Office or the District Attorney's Office. Releases from court appearances will not be granted when an employee has listed an incorrect "arresting officer" status code on the arrest worksheet.
  - N. If an employee must be excused from a subpoena, the employee must discuss the situation with the employee's immediate supervisor. With the supervisor's approval, the employee will submit a memo to the Court Liaison Office explaining the need to be excused. The Court Liaison supervisor will seek to have the employee excused by the designated assistant district attorney for that court appearance and will make proper notification to the employee. The employee is required to appear in court unless notified by the Court Liaison Office or the District Attorney's Office.

### III. SUPERIOR COURT AND JUVENILE COURT SUBPOENA PROCEDURE

- A. Superior Court and Juvenile Court subpoenas will be generated and served electronically using the “Outlook” e-mailing system. Electronic subpoenas should only be opened using a computer connected to the LAN. Otherwise, a blank screen will appear if opened from the vehicle or home computer. The employee must acknowledge electronic subpoenas by clicking on the “Reply” button. The employee will complete all contact information and document any conflicts, including planned vacation leave, training, or other matters, in the notes section. \*Note- Employees are reminded that completing an Anticipated Absence Form does not excuse the employee from Superior Court or Juvenile Court. The District Attorney Liaison Unit

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detective assigned to the case will inform the assigned assistant district attorney of any conflicts in the notes section. The assistant district attorney assigned to prosecute the case will have the final decision to release the employee from Superior Court or Juvenile Court.


- B. Superior Court subpoenas are typically issued for trial terms, usually lasting a period of one week. Employees will remain on standby until called upon by the District Attorney Liaison Unit detective or assigned assistant district attorney. Employees must be available when called upon to testify. If a case begins later in the trial term (i.e., Friday morning), the employee will remain on standby until that specific case is concluded.
- C. Juvenile Court subpoenas are issued for a specific date and time for the employee to appear and testify. In the event a case begins late in the week, the employee will remain available if the case continues into the following week.
- D. Employees appearing for Superior Court or Juvenile Court must have been contacted to testify to receive court pay.

#### IV. GRAND JURY SUBPOENA PROCEDURE

- A. Each patrol division will have a designated grand jury officer who receives Grand Jury subpoenas each week. These subpoenas will be sent using the Outlook e-mail system with a delivery/receipt confirmation attached. The designated grand jury officer is responsible for attending Grand Jury unless he/she has a substitute officer testify on his/her behalf. If a substitute officer is selected to testify, the substitute officer will ensure the Grand Jury deputy and Court Liaison Office is aware of the substitution. The substituting officer must ensure his/her name is written on each bill of indictment prior to testifying before the Grand Jury.
- B. Specialized units and investigative units may have a designated grand jury officer or detective assigned to handle Grand Jury each week. The same substitution rules apply in the previous section. The grand jury officer assigned to a case may choose to testify in complex cases.
- C. The final Grand Jury schedule will be posted on the CMPD Portal Page under “grand jury schedule.” This final schedule which includes “add-on” cases, will be posted no later than Friday morning before the following Monday’s Grand Jury. The Court Liaison’s Office will be responsible for posting this final grand jury schedule.

#### V. COMPENSATION FOR COURT APPEARANCE

- A. A minimum of three (3) hours of pay will be paid to an employee who is required to make an off-duty court appearance.
- B. The three (3) hour minimum does not apply when a court appearance is necessary directly before or after a scheduled tour of duty. When a court appearance is necessary directly before or after a scheduled tour of duty, the employee will be compensated for the actual time spent in court. For example, an employee working

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0700-1500 who attends court from 1330-1600 would be paid one-hour straight time in addition to the regular eight hours of pay.

#### VI. PERSONAL APPEARANCE IN COURT


- A. Employees are prohibited from wearing Charlotte-Mecklenburg Police Department uniforms or carrying firearms while appearing in court or entering the courthouse when engaged in personal business unrelated to the duties of a law enforcement officer.
- B. An employee will not enter the courthouse while in uniform or carrying a firearm when the employee is a defendant or witness in any court proceeding arising from personal activities unless authorized by the Chief of Police.
- C. Any employee who is requested or subpoenaed to appear and testify by, or on behalf of, a defendant in a criminal case regarding matters unrelated to the employee's official duties will notify the District Attorney's Office of the request prior to the court date.
- D. Personal activities may include, but are not limited to:
  - 1. Appearing as a defendant in criminal actions.
  - 2. Appearing as a party or witness in civilian actions on matters unrelated to the employee's official capacity (i.e., personal lawsuits, restraining orders, etc.).
  - 3. Appearing as a defendant or witness in domestic violence cases when such an appearance does not arise from actions taken as a law enforcement officer.
  - 4. Appearing as a party in an action in Superior Court.
  - 5. Appearing for jury duty.

#### VII. OFFICIAL APPEARANCE IN COURT

- A. Employees who are on official business (i.e., court date, grand jury, etc.) and in uniform or not in uniform but have appropriate photo identification displayed on the outermost garment and CMPD badge displayed will enter through the screening checkpoint and will be allowed to remain armed.
- B. Undercover or plainclothes officers who do not display proper identification will not be allowed to enter the complex while armed.

#### VIII. COURT LIAISON OFFICE


- A. The Court Liaison Office is responsible for will assist the District Attorney's Office with assigning employees' court dates and distributing the court assignment roster to all CMPD divisions.
- B. Division and/or unit supervisors are responsible for returning the subpoenas for their respective commands to the Court Liaison Office no later than the next day after service upon the subpoenaed officer.

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IX. REFERENCES

Personnel Rules and Regulations for the City of Charlotte  
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The previous version of Directive 300-002 Court Attendance was published on 01/07/2020.

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	<b>Interactive Directives Guide</b>	<b>Sick Leave Policy</b>	
	<b>Effective Date: 11/10/2021</b>		<b>1 of 4</b>

## I. PURPOSE

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

## II. DEFINITIONS

- A. Limited Duty Status: Status whereby an employee experiences a temporary inability to perform the essential functions of the job.
- B. Light Duty: Employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty and has been assigned to a CMPD unit with no loss of salary.
- C. Light Duty / Workers' Compensation: Employee, because of injury or other temporary medical disability, has been certified as capable of performing certain types of limited duty and has been assigned to a CMPD unit with no loss of salary. This status is due to an on-the-job injury.
- D. Sensitive Items: All firearms, magazines, ammunition, BWC, Conducted Electrical Weapons (CEW), portable radios, cell phones, collapsible baton, OC spray, badge, ID, access cards, take home cars, keys, fuel cards, or any other items as deemed by the CMPD Chain of Command.
- E. Extended Sick Leave: An illness or injury requiring the use of more than thirty consecutive calendar sick days.
- F. Short Term Sick Leave: An illness or injury requiring the use of thirty or less consecutive calendar sick days.
- G. FMLA: Family Medical Leave Act. <https://www.dol.gov/agencies/whd/fmla/>


## III. PROCEDURE

### A. Notification of Unforeseeable Illness or Injury

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

1. Notification will be given to the employee's on-duty supervisor each scheduled working day of the employee's absence up to and including the employee's third consecutive day of absence. The employee must make direct contact with an on-duty supervisor in the same division or unit.
2. When requesting sick leave from a supervisor, an employee is responsible for advising the supervisor of any schools, training, court, or other assignments the employee will miss. The supervisor will notify the appropriate persons of the employee's expected absence.



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**B. Notification of Foreseeable Illness or Injury**

An employee needing to use paid sick leave for a foreseeable illness or injury shall give as much prior notice as possible to the starting date of the leave in writing to an on-duty supervisor and to CMPD Human Resources. The prior notice shall not apply to circumstances that require the need for immediate medical treatment for the employee or a member of the employee's immediate family. In this circumstance the employee will notify an on-duty supervisor and human resources as soon as possible.

**C. Extended Absences**

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

1. The employee's supervisor will establish the appropriate reporting schedule (weekly contact, monthly contact, etc.). The employee will conform to the division reporting schedule specified by the supervisor.
2. The employee's supervisor will notify his or her chain of command, and CMPD Human Resources if an employee anticipates being on sick leave for an extended period of time. Any change in the employee's condition which comes to the supervisor's attention that might lengthen or shorten the employee's absence will be communicated to human resources and his or her chain of command. Employees are not required to provide any medical updates or information to their supervisor or division. All medical information or documentation regarding the absence should be forwarded to human resources. No medical information should be kept at the division or in the employee's division file.
3. Should an employee be placed on sick leave that qualifies for FMLA he or she must contact CMPD Human Resources to facilitate the FMLA qualification process.
4. An employee who expects to be absent for more than 30 consecutive calendar workdays or has been absent for 30 consecutive workdays and does not know when he or she will be able to return to work, will be required by the CMPD to turn in all department-issued equipment along with sensitive items (to include ID, access card, and badge at the discretion of the chain of command) to the Property and Evidence Management Division until returning to work. If the employee is unable to turn in the department-issued equipment, the supervisor must make arrangements to retrieve the equipment and turn it into the Property and Evidence Management Division.
5. All extended medical leaves must be reviewed by the Human Resources Division.

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6. Should a division supervisor receive medical documentation of any kind, the documents will be immediately forwarded to the CMPD Human Resources Division.

D. Abuse

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

E. No CMPD employee may work secondary employment at police or a non-police-related job on any day the employee is on workers' compensation leave or personal sick leave (except for doctor's appointments). Also, after a CMPD employee has been absent on workers' compensation leave or personal sick leave (except for doctors' appointments). An employee may work secondary employment only after working one regular duty shift.

F. Any employee who is absent from work for two consecutive workdays without permission and without reporting the absence to his or her supervisor on a daily basis is presumed to have resigned from CMPD without proper notice.

G. Returning to Work


1. An employee who is absent from duty due to illness or injury for more than three consecutive workdays may be required to obtain medical clearance from an approved medical doctor by the City of Charlotte before returning to work. The CMPD Human Resources Division will review each case and make the appropriate determination based on the details and medical documentation provided.

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

3. The Human Resources Division can require the employee to obtain written clearance from the City of Charlotte's contracted medical facility. Contact with the City of Charlotte's contracted medical facility will be arranged and coordinated by the Human Resources Division. Human Resources will notify the employee's chain of command and the training academy staff when the employee has been released by the physician to return to full duty status.



IV. REFERENCE

- 300-001 Scheduling, Timekeeping, and Attendance
- 300-006 Limited Duty Policy
- 300-007 Secondary Employment
- 300-013 Return to Duty

	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-004</b>
	<b>Interactive Directives Guide</b>	<b>Sick Leave Policy</b>	
		<b>Effective Date: 11/10/2021</b>	<b>4 of 4</b>

400-001 Uniforms  
 400-003 Equipment and Grooming Standards  
 Rule of Conduct # 9 Absence from Duty  
 City of Charlotte Policy HR9 - Leave of Absence Under the Family-Medical Leave Act  
 City of Charlotte Policy HR15- Shared Sick Leave  
 CALEA

This directive was previously updated on 3/20/2017

	<b>Charlotte-Mecklenburg Police Department</b>	<b>300-005</b>
	<b>Interactive Directives Guide</b>	<b>Workers' Compensation and Defense Against Claims and Judgments</b>
	<b>Effective Date: 11/18/2021</b>	<b>1 of 5</b>

I. PURPOSE


To establish guidelines for reporting on the job injuries, light duty that is pursuant to workers' compensation, and defense against claims and judgements.

II. DEFINITIONS

- A. Sensitive Items: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, cell phones, collapsible baton, OC spray, badge, ID, and access cards, take-home cars, keys, fuel cards, BWC or any other items as deemed by the CMPD Chain of Command.
- B. Medical Service Provider: Contracted by the City of Charlotte to provide medical care when a City of Charlotte Employee is injured while performing work related duties.
- C. Exposure Incident: Specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

III. PROCEDURE

- A. Every employee will immediately report an on the job accident or injury to an immediate supervisor. The supervisor will complete a Supervisor's Investigative Report.
- B. An employee injured on the job is to report directly to the contracted medical service provider for referral to a physician, except in cases of serious injury.
- C. If an employee receives medical attention for an on the job injury at night, on weekends or holidays, the contracted medical service provider is to be notified at the beginning of the next working day. The employee's supervisor will report injuries if the employee is unable to report the injury.
- D. Prior to returning to work, the injured employee will coordinate with Human Resources as required by Directive 300-013 Return to Duty.
- E. An employee out of work due to any injury will not work any secondary employment jobs until returned to full duty.
- F. Workers' Compensation Coverage-Jurisdictional Boundaries: On-duty officers who are injured outside their jurisdictional boundaries are not covered under workers' compensation except in the following instances:
  - 1. Pursuit of a fleeing offender.
  - 2. Transporting prisoners.
  - 3. Educational leave, at times when the employee is considered on duty, such as, attending class, etc.

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4. While in the performance of assigned duties.

G. Civilian employees are covered by workers' compensation during assigned duty hours and at any time other than regular duty hours when they are requested by CMPD to return to duty or to provide services for the City of Charlotte's benefit. Civilian employees may not place themselves on duty or assume duty functions unless authorized by CMPD.

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

I. Secondary Employment

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

J. Responsibility

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

1. Employee


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

b. If the injury is life threatening the employee is to seek treatment at the nearest medical facility. If an employee goes to an emergency department that employee must have a follow up visit at the City of Charlotte contracted medical service provider location the next calendar day or when medically able.

c. Employees in need of follow-up treatment, are to receive a medical treatment referral form from their supervisor and report to one of the City of Charlotte contracted medical service provider locations. Following the medical visit, the employee will complete the bottom of the Medical Treatment Referral form.

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


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

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- f. Sworn employees who are anticipated to be on light duty/worker's compensation for a period exceeding thirty consecutive calendar days are required to turn in their CMPD issued firearm, related equipment and other sensitive items as required in Directive 300-006 Light Duty.
- g. Employees on workers' compensation are prohibited from engaging in police related secondary employment.
- h. Employees on workers' compensation will not return to regular duty without meeting the requirements set forth in Directive 300-006 Light Duty Policy.
- i. When an employee has been written out of work by the City of Charlotte's medical provider, the employee is required to use his or her own benefit time during the first seven days of injury. Per City of Charlotte policy, an employee may opt to use accrued sick leave in lieu of leave without pay.
- j. Beginning on the 8<sup>th</sup> day, an employee will receive workers' compensation payments equal to two-thirds of the employee's gross salary and up to the time limit established by the North Carolina Industrial Commission. Employees may opt to supplement the two-thirds payments with accrued sick leave.
- k. After the 21<sup>st</sup> day, employees will receive workers' compensation payments for the first seven days of injury previously paid using the employee's benefit time. Employees injured on the job are not eligible to apply for short term disability.
- l. Employees who are eligible for Shared Sick Leave, may apply for 45 days of sick leave through the City of Charlotte's Shared Sick Leave Program after all sick and vacation leave have been exhausted. This benefit is only available if an employee has donated 8 hours of his or her own sick time to the shared sick bank during annual Open Enrollment. If all leave time is exhausted and the employee is not enrolled in the Shared Sick Leave Program, the employee must take the remainder of his or her leave without pay. Employees will be notified that they will be billed monthly by the City for their portion of their benefit premiums.

2. Supervisor

- a. The supervisor will complete a Medical Treatment Referral Form when an employee is injured on the job and must indicate whether the injured employee requires a post-accident drug and/or alcohol test.
- b. Sworn and civilian supervisors must complete an Internal Affairs Case Management System (IACMS) packet that alerts CMPD Human Resources of an employee injury or exposure, regardless of severity.


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The supervisor must also complete the required On the Job Injury Report located on the CMPD Portal to be submitted to Risk Management within 24 hours of the injury or exposure. This report is required to file a claim with the N.C. Industrial Commission for Workers' Compensation benefits. If the injury is related to a vehicle accident, a Vehicle Accident Report Form (VARF) must also be completed. This form can also be located on the Risk Management website on the same page as the On the Job Injury Report.

- c. The supervisor will contact Human Resources for all updates concerning the injured employee's work status. At no time should a supervisor ask an employee for his or her medical information.
  - d. If an employee is placed on light duty for more than thirty consecutive calendar days, the employee's supervisor will be responsible for ensuring the employee's sensitive items are collected and turned in to the Property and Evidence Management Division for storage until such time the employee is released back to full duty.
3. Human Resources/City of Charlotte Workers' Compensation Provider
- a. Human Resources will ensure all time is entered and approved for employees out of work due to on the job injuries.
  - b. For employees placed on light duty due to a workers' compensation claim, Human Resources will determine an assignment based on the employee's restrictions and upon the needs of CMPD.
  - c. If an employee is anticipated to be on light duty exceeding two years, after consulting with Risk Management, Human Resources will meet with the employee to determine the next steps.
  - d. The City of Charlotte's contracted worker's compensation provider will notify the employee of approval or denial of the workers' compensation claim.

#### IV. DEFENSE AGAINST CLAIMS AND JUDGMENTS

- A. Employees who take action within the scope of their employment and duty or engage in the good faith performance of their duties on behalf of the City of Charlotte will be defended by the City of Charlotte against any civil claim or judgment arising or resulting therefrom. This also includes the good faith performance of these duties while engaged in secondary employment.
- B. The City of Charlotte will not defend a claim or lawsuit, pay a claim, or judgement against an employee who willfully:
  - 1. Acts or fails to act because of actual fraud, corruption, or actual malice.


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2. Acts or fails to act as a result of or at a time when self-indulgence substantially impaired the officer's judgment (for example, an officer or employee who causes damage or injury while intoxicated or under the influence of drugs while on the job).
3. Acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to instructions from his superior or directly contrary to the advice of the police attorney.
4. Acts or fails to act in such a manner that constitutes a criminal act.

V. REFERENCES

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



	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-006</b>
	<i>Interactive Directives Guide</i>	<b>Light Duty Policy</b>	
	<i>Effective Date: 11/19/2021</i>		<b>1 of 4</b>

I. PURPOSE

To establish guidelines for employees of the Charlotte-Mecklenburg Police Department (CMPD) who are placed on light duty assignment.

II. POLICY

Light duty assignment is a privilege extended to departmental employees during periods of disability. The department reserves the right to approve, modify, or terminate an employee's light duty request or status as necessary to ensure the best interests of the department are addressed.

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

III. DEFINITIONS

- A. Light Duty: Employee, because of injury or other temporary medical restriction, has been certified as capable of performing certain types of light duty and has been assigned to a CMPD unit with no loss of salary.
- B. Sensitive Items: All firearms, magazines, ammunition, Body Worn Cameras (BWC), Conducted Electrical Weapons (CEW), portable radios, collapsible baton, OC spray, badge, ID and access cards, take-home cars, keys, and fuel cards or any other items as deemed by the CMPD Chain of Command.


IV. PROCEDURE

A. Light Duty

Light duty will only be offered if there is a position available that meets the employee's restrictions. There is not a guarantee of division, shift, or duties. If CMPD does not have a position available that meets the employee's restrictions, the employee must use benefit time. There is a limit of 365 calendar days for non-work-related light duty per injury.

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


1. All requests for light duty should be directed to the Human Resources Division.
2. The employee is temporarily unable to perform the essential functions of the employee's primary job.
3. A medical doctor, satisfactory to the city, certifies the employee is unable to perform the essential functions of the job, and the expected length of time to recover from the contributing condition and that there is no risk of contagion or

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infection to other employees. There is no set limit for the duration of a worker's compensation related to light duty.

B. Light Duty Guidelines

1. Each employee will be evaluated on a case-by-case basis on medical information to determine the length of time on light duty and accommodation will be at the discretion of the Chief of Police or Human Resources designee. There is no set limit for the duration of worker's compensation related to light duty. There is a limit of up to 365 calendar days for non-work-related light duty.
2. All worker's compensation related light duty requests will have priority over non-work-related light duty requests.
3. Light duty assignments are intended to be strictly administrative. Sworn employees are restricted from exercising any law enforcement authority while on light duty. Sworn employees shall not engage in any activity which is beyond the physical limitations place on the sworn employee by the employee's medical provider.
4. If a light duty assignment is not available at the time of notification, employees are expected to remain out of work and utilize benefit time until placement is available.
5. Sworn employees who are anticipated to be on light duty/workers' compensation for a period exceeding 30 consecutive calendar days are required to turn in their CMPD issued firearm and other sensitive items designated by the employee's chain of command or CMPD Human Resources. Any exceptions to this requirement must be approved by the Chief of Police or designee.
6. The employee's immediate supervisor is responsible for ensuring all sensitive items are collected and turned in to the Property and Evidence Management Division for storage within 48 hours when it has been identified that the employee will be on light duty for over 30 consecutive calendar days. There is to be no property stored in a division office or division storage facility. SWAT firearms will be stored by a SWAT supervisor in accordance with SWAT weapons storage guidelines.
7. Employees on designated light duty are prohibited from engaging in police-related secondary employment.
8. Acceptance of non-worker's compensation light duty will be voluntary on the part of the employee involved. Available benefit leave may be used if the employee so desires, subject to city and department regulations.
9. All requests for light duty assignments will be forwarded to and coordinated by the Human Resources Division. An employee will not be assigned to light duty until appropriate medical documentation has been received from the employee's physician. The final decision will be made by the Human Resources Division.

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10. All light duty assignments will be coordinated by the Human Resources Division. The light duty assignment will take into consideration the needs of the organization and not solely the division where the employee is assigned.
11. While on light duty, employees will wear civilian, business casual clothing which is professional in appearance and adheres to directive 400-001 Uniform and Grooming Standards.
12. An employee will be required to provide CMPD Human Resources Division with all statements, from a medical doctor satisfactory to the city, regarding the employee's ability to perform the full range of his or her duties. At the conclusion of authorized light duty, the employee must either return to full duty or utilize other forms of leave.

C. Return from Light Duty


1. Return from Work Related Injury (subject to workers' compensation) Light Duty

An employee on work related injury light duty will not return to regular duty without receiving written clearance from the CMPD Human Resources Division and from an approved medical provider which is defined by the Family Leave Act. Upon receiving clearance, the employee must notify the Human Resources Division and provide a copy of the written clearance.

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

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


3. Employees will adhere to the following when returning from either type of light duty, refer to Directive 300-013, Return to Duty:
  - a. Human Resources will notify the employee's chain of command and the Training Academy that the employee has been released by the physician to return to full duty status.
  - b. Employees returning from light duty may be required to report to the academy to demonstrate proficiency with firearms and to complete all overdue state mandated training before returning to full duty. In some instances, absences and/or light duty of fewer than 30 days may require the employee to demonstrate firearms proficiency if the reason for the leave (as with an injury) has the potential to negatively affect the employee's physical performance. Decision will be made in consultation with the Training Academy Range Master.

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- c. Supervisors will not allow an employee to return to regular duty until the employee has followed all instructions and is released by the CMPD Human Resource Division.

V. REFERENCES

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

	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-007</b>
	<b>Interactive Directives Guide</b>	<b>Secondary Employment</b>	
		<b>Effective Date: 3/13/2024</b>	<b>1 of 20</b>

I. PURPOSE

This policy establishes guidelines for sworn and civilian employees regarding the types of secondary employment that are appropriate and procedures to maintain accountability for any Charlotte-Mecklenburg Police Department (CMPD) employee engaged in secondary employment.


II. POLICY

Standard of conduct while engaged in secondary employment:


- A. Sworn and civilian employees engaged in secondary employment will conform to all laws and CMPD policies when working a secondary employment assignment.
- B. Sworn employees engaged in secondary employment will take appropriate action to enforce the law and preserve public safety.
- C. Sworn employees engaged in secondary employment will not act to enforce the rules and regulations of an employer, which are not otherwise violations of the law.
- D. Sworn and civilian employees engaged in employment outside of CMPD have a duty to report those activities to the Secondary Employment Unit for review, accountability, and approval on behalf of the Chief of Police.

III. DEFINITIONS

- A. **Alcohol Establishment:** Any business that sells alcoholic beverages for on-site consumption as a regular and primary part of its business. For the purpose of this policy, the final determination of whether a business is operating as an alcohol establishment rests with the secondary employment commander and should be based primarily on the percentage of food being sold versus alcohol. The secondary employment commander will make this determination in consultation with the commander of the ABC Unit.
- B. **Apartment Courtesy Officer:** Employment of a sworn employee by an apartment or residential community for the provision of on-site criminal law enforcement in exchange for pay, housing, reduction in rent, or other benefits. Sworn employees must submit a courtesy officer application prior to accepting any courtesy officer position. Apartments or residential communities will submit an Authority to Act As Agent (ATAAA) Form to authorize courtesy officers to enforce trespass laws during times when common areas are closed.
- C. **Civilian Traffic Control Officer (CTCO):** An approved CMPD civilian employee who has successfully completed their probationary period and completed the required training to participate in the CTCO program. CTCO employees can work in a secondary employment capacity where CTCO positions have been approved.
- D. **CMPD Fee:** A non-regulatory user fee to recoup the total costs associated with the special events program. The fee is set annually through the City of Charlotte budget appropriation and will not exceed the total operating cost of the Secondary Employment Program.

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- E. Extra Duty: Assignments outside of a sworn employee’s normal CMPD work hours performed on behalf of the City of Charlotte in furtherance of special law enforcement projects or initiatives. Duties such as JAG Grant, Extra Territorial Jurisdiction (ETJ) work, etc., are not considered secondary employment. However, employees with their secondary employment permit suspended for any reason cannot work any such assignments. Extra duty assignments at special events and special event venues designated for payment as “SP” time are considered secondary employment.
- F. High Profile Venue: Any location, establishment, or event that, due to its unique importance within the City of Charlotte infrastructure, will require the command and/or coordination of a member of command staff (lieutenant or above), referred to as the venue commander, regardless of staffing levels. The determination as to whether a location or event is considered a high-profile venue rests with the Chief of Police, as does the determination of the sworn command staff member who holds this position. Staffing for these venues will, in turn, be established by the venue commander.
- G. Job Site Coordinator: Any full-time sworn employee who schedules, manages, and coordinates other sworn employees working a specific secondary employment site, making secondary employment opportunities available to sworn employees equitably.
- H. Law Enforcement Secondary Employment: The provision of a service conditioned on the actual or potential use of law enforcement authority by a sworn employee outside the normal CMPD duty hours of an employee for an employer in exchange for a fee or other service; secondary employment will always remain ‘secondary’ to an employee’s on-duty job responsibilities and will not in any way infringe upon an employee’s on- duty job performance. Secondary employment will always occur within the jurisdiction of the CMPD. Secondary employment also includes unpaid volunteer or charitable work when the sworn employee is in uniform or presents themselves as a member of CMPD.
- I. Non-Law Enforcement Secondary Employment: Any secondary employment that does not require the actual or potential use of law enforcement authority by a CMPD employee (sworn or civilian), including teaching, contracting, sales jobs, personally owned businesses, etc. Employees are prohibited from engaging in any outside employment that would reflect unfavorably upon the employee, impair the operational efficiency of CMPD, or adversely affect CMPD.
- J. Personal Protection Secondary Employment: When a person enlists a sworn member of CMPD to accompany them during their daily activities for purposes of personal security. Personal protection secondary employment is prohibited. For purposes of this policy, protection of property associated with a person is not considered personal protection.
- K. Probationary Period: The probationary period for sworn employees begins on the date the employee is sworn in as a CMPD officer and ends one (1) year from that date. The probationary period for civilian employees is six (6) months from the date of hire.
- L. Restricted Secondary Employment: Employment that by its nature requires more stringent guidelines than other secondary employment. Restricted secondary employment generally requires the sworn employee to complete and sign an addendum


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attached to this policy. Completed and signed addendums will be forwarded to and maintained by the Secondary Employment Unit.

- M. Secondary Employment: The provision of a service by CMPD employees for an employer other than CMPD in exchange for a fee or other services. Secondary employment is a privilege extended to the employee by the Chief of Police, and the ability to work secondary employment rests solely at the discretion of the Chief of Police or designee. The Secondary Employment Unit will maintain full discretionary authority over all secondary employment matters on behalf of the Chief of Police.
- N. Secondary Employment Commander: The sworn command staff member, holding the rank of captain, who manages the Secondary Employment Unit. The secondary employment commander maintains full discretionary authority over secondary employment matters on behalf of the Chief of Police, subject to the concurrence of the Secondary Employment Unit chain of command.
- O. Secondary Employment Sergeant: The sworn employee who investigates and approves or denies requests for secondary employment, maintains all documentation concerning secondary employment, and makes secondary employment opportunities available to sworn employees equitably. The secondary employment sergeant is responsible for supervising the Secondary Employment Unit and performing investigations of any rule violation solely of the secondary employment policy and subsequently imposing consistent and fair corrective action upon the disposition of rule and policy violations solely of the secondary employment policy.
- P. Secondary Employment System: The computer system where secondary employment jobs are posted, employees' secondary employment history and status are stored and maintained, where secondary employment employer's information is stored, and where payments are processed.
- Q. Venue Commander: The sworn command staff member, holding the rank of lieutenant or above, responsible for the management of a high-profile venue. The appointment of a venue commander is made by the Chief of Police. Any exceptions to this policy will be determined by the Chief of Police.
- R. Work Permit: A permit required for employees to engage in secondary employment.

#### IV. EMPLOYEE SECONDARY EMPLOYMENT PERMITS

- A. Probationary officers may apply for a work permit through their chain of command once they have completed CMPD's Police Training Officer (PTO) program. Probationary officers may work traffic or security secondary employment jobs but will not work at any alcohol establishment or plain-clothes assignment. Sworn employees who are hired as a lateral transfer from another law enforcement agency are non-probationary for purposes of this policy once they complete CMPD's PTO program. The Chief of Police or designee may assign personnel to work certain events regardless of work permit status.
- B. No employee will work at a secondary employment job without an approved work permit. Employees may have their work permit suspended for cause at any time at the discretion

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of the Chief of Police or designee, the secondary employment commander for secondary employment matters, or the employee’s chain of command for work performance issues. An employee may appeal the permit suspension to their deputy chief; however, the employee should consider their permit to be suspended until the deputy chief decides otherwise.

- C. Employees must submit a completed Work Permit Form through their chain of command to the rank of major. Once the employee’s chain has approved the permit of command, a copy of the approved work permit will be forwarded to the secondary employment unit to be maintained in a file.

V. PROHIBITED SECONDARY EMPLOYMENT

- A. Employees are prohibited from engaging in any secondary or outside employment that would reflect unfavorably upon CMPD or the employee, impair the operational efficiency of CMPD, or adversely affect CMPD.
- B. Employees are specifically prohibited from engaging in the following secondary employment:
  1. Employment that presents a real, potential, or apparent conflict of interest between the sworn employee's duties as a CMPD employee and their duties for the secondary employer. Refer to the [City of Charlotte’s Conflict of Interest Policy](#).
  2. Employment inside alcohol establishments is prohibited. For the purpose of this directive, events such as festivals, sporting events, and concerts will not be considered alcohol establishments.
  3. Employment at establishments that sell merchandise of a sexual or pornographic nature as their primary source of revenue or that otherwise provides entertainment or services of a sexual nature, employment at topless bars, X-rated video or bookstores, or adult entertainment establishments.
  4. Employment as a process server, bail bondsman, property re-possessor, bill collector, vehicle tower, or any other employment in which police authority might tend to be used to collect money or merchandise for private or commercial purposes.
  5. Any employment for private security companies, company police, or any business that provides private investigations or background checks.
  6. Protection of management, employees, or property during a strike or labor dispute.
  7. Employment solicited in direct competition with private security firms.
  8. Personal protection or “bodyguard” secondary employment.
- C. Sworn and civilian employees are prohibited from engaging in any program and/or service provided through contract work or private business ownership that presents a conflict of



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interest with CMPD or any of its programs and services. Employees are subject to the City of Charlotte Conflict of Interest policy.

- D. Soliciting any secondary employment from any person is prohibited. Requests for employment will be referred to the Secondary Employment Unit.
- E. Civilian employees are not permitted to use their position with CMPD to perform any secondary employment unless approved by the secondary employment commander.

## VI. RESTRICTED EMPLOYMENT


### A. Courtesy Officer Positions

1. Sworn employees are permitted to hold apartment courtesy officer positions consistent with other CMPD regulations.
  2. Sworn employees requesting to engage in a courtesy officer position must obtain and complete a Courtesy Officer Application Packet obtained in the Secondary Employment Unit.
  3. The apartment or residential community must submit an ATAAA form to authorize courtesy officers to enforce trespass laws during times when common areas are closed.
  4. Sworn employees may not act to enforce any rule, regulation, or policy of the apartment or residential community that is not otherwise a violation of the law.
  5. Sworn employees must notify the Secondary Employment Unit when the courtesy officer position ends and/or before moving to another courtesy officer position.
  6. Sworn employees responding to a situation in their capacity as a courtesy officer must wear appropriate attire and equipment to enable them to fulfill an emergency public safety function. At a minimum, this includes their service pistol, handcuffs, radio, flashlight, body worn camera (BWC), and an outer garment identifying the employee as a CMPD employee. The attire worn will be sufficiently appropriate to reflect favorably upon CMPD.
  7. Sworn employees will operate their BWC in accordance with directive 400-006, Body Worn Cameras.
- B. Sworn employees are permitted to engage in traffic control and direction in the public streets subject to the restrictions outlined in Appendix A.
  - C. Sworn employees may be permitted to work the exterior of alcohol establishments subject to the restrictions outlined in Appendix B.
  - D. Sworn employees may be permitted to engage in neighborhood or apartment patrols subject to the restrictions outlined in Appendix C.
  - E. Lieutenants, captains, and majors will not work a recurring secondary employment job during regular business hours (Monday–Friday 0800-1600) unless they are assigned to

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Operations Command. This does not preclude command personnel from working a short-term secondary employment job with prior approval through the rank of deputy chief.

1. Recurring job: a job that occurs at a specific time and day that is repeated daily, weekly, or monthly.
  2. When closing the job, command personnel must document the deputy chief's name and date of approval in the job notes.
- F. Secondary employment that requires the use of specialized equipment received by a sworn or civilian employee through CMPD and/or specialized training, including performing training or teaching in all areas of law enforcement. These subjects may include but are not limited to police driving, police firearms, police defensive tactics, personal safety, community relations, and legal training and must be approved as follows:
1. Sworn and civilian employees using specialized equipment must obtain approval in writing through the rank of deputy chief from the chain of command assigned the equipment and the secondary employment commander.
  2. Sworn and civilian employees performing training and/or teaching in all areas of law enforcement must obtain approval in writing through the rank of deputy chief from the Training Academy chain of command and the secondary employment commander. When requested by the Training Academy chain of command, the employee will provide the Training Academy commander copies in writing of any lesson plans and instructor materials prior to approval. Copies of lesson plans and instructor materials will be maintained on file by the Training Academy commander. Any training and/or teaching by any sworn or civilian employee for secondary employment purposes in the areas of police driving, police firearms, police defensive tactics, personal safety, community relations, and legal training, whether performed inside or outside of the jurisdiction, will always be considered secondary employment subject to all the secondary employment rules specified in this policy.
  3. Instructor materials must be resubmitted every two (2) years or upon request from the Training Academy commander or secondary employment commander.
- G. Sworn and civilian employees engaged in non-law enforcement secondary employment must notify the Secondary Employment Unit by electronically completing the [Notice of Non-Law Enforcement Secondary Employment Form](#).
- Notification must be made to the Secondary Employment Unit or upon a status change, completion, or termination of the non-law enforcement secondary employment. Non-law enforcement secondary employment information must be updated every two (2) years. The employee's chain of command will address failure to comply with this request.
- H. Sworn employees are permitted to engage in "plainclothes" secondary employment but must have prior approval from the secondary employment commander. These assignments must be entered into the secondary employment system as "plainclothes" to distinguish the restrictive nature of this employment.


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VII. SUPERVISION OF SECONDARY EMPLOYMENT

- A. A sworn employee of any rank may work any approved secondary employment job staffed by less than five (5) officers.
- B. Any secondary employment job calling for five (5) to ten (10) officers will require one (1) supervisor. The affected division commander, Operations Command for last-minute jobs, or the secondary employment commander may waive this supervisory requirement based upon a variety of factors, including, but not limited to, the presence/absence of supervision, estimated attendance, the sale/or consumption of alcoholic beverages on the premises, previous history, site layout, traffic and/or parking issues, and general crime trends in the vicinity.

<b>Supervisory Requirement Chart</b>			
<b>Number of Officers</b>	<b>Supervisor</b>	<b>Second-Level Supervisor</b>	<b>Third-Level Supervisor</b>
Less than 5	NA	NA	NA
5-10	One (1) supervisor of any rank: sergeant, lieutenant, captain, or major	NA	NA
11-20	Two (2) supervisors: any combination of sergeant, lieutenant, captain, or major	NA	NA
21-29	Two (2) supervisors: any combination of sergeants and lieutenants	One (1) Lieutenant, captain, or major	NA
30-39	Three (3) supervisors: any combination of sergeants and lieutenants	One (1) Lieutenant, captain, or major	NA
40-49	Four (4) supervisors: any combination of sergeants and lieutenants	Two (2) lieutenants or captains	One (1) captain or major
50+	Staffing levels are determined by secondary employment or special events.		

1. Secondary employment supervisors will be responsible for the supervision of officers working a secondary employment job. Supervisors will ensure that sworn employees working secondary employment comply with all applicable CMPD policies and the law.
2. Secondary employment supervisors will assist on-duty supervisors in preparing any supervisor reports necessitated by secondary employment officers' actions. Supervisors working secondary employment in a non-supervisory capacity will assist on-duty supervisors with any report preparation as needed.
3. No supervisor will be allowed to work a secondary employment job where an employee of a lower rank supervises them.
4. The Communications Division will be notified of the location and hours of each secondary employment job.
  - a. At the beginning of a secondary employment job, sworn employees will advise over the radio to the telecommunicator of the patrol division where

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the job occurs of the officer's name, code number, location, and hours of employment. The telecommunicator will enter the off-duty officer into CAD with their location and transfer the off-duty officer to the appropriate division as needed.

- b. Sworn employees will notify the telecommunicator at the conclusion of the job.
- c. The event commander/supervisor or the job coordinator will provide the Communications Division supervisor with a job roster for major secondary employment jobs, which will satisfy the requirement for major secondary employment jobs. The telecommunicator will create a CAD event for the major secondary employment job.

- C. Any secondary employment job requiring staffing levels that exceed more than four (4) officers will require notification to the Secondary Employment Unit for a determination of appropriate staffing levels. This includes jobs with regular job site coordinators.
- D. Any secondary employment job may require an operational plan depending on the size or type of event at the discretion of the Chief of Police, designee, or the secondary employment commander. The supervisor in charge of the job is responsible for completing the plan and submitting it to the division captain, where the job is located, and the Secondary Employment Unit prior to the job. Operational plans will include the traffic plan for the job.
- E. Secondary employment jobs with twenty-one (21) or more officers and requiring at least a second-level supervisor, and it is anticipated that the division's communications will be adversely impacted may be required to hire a Communications Division telecommunicator or supervisor. The secondary employment commander will review these jobs and make the final determination if a telecommunicator/supervisor is required.


#### VIII. COMPENSATION FOR LAW ENFORCEMENT SECONDARY EMPLOYMENT

- A. Sworn employees working law enforcement secondary employment jobs will be compensated at an hourly rate of pay established by CMPD commensurate with current market trends. Employees may not work for a rate of pay less than the established minimum rate of pay. The minimum compensation for any job will be three (3) hours of pay at the given rate, except for certain traffic jobs that require traffic control for short periods of time. The three (3) hour rate of pay for those jobs deemed too short in duration to require the three (3) hour minimum may be waived by the secondary employment commander, and an exception to the hourly requirement may be permitted.
- B. Sergeants or command personnel working as a supervisor will be compensated at the minimum supervisor rate unless they work as a second-level or third-level supervisor as required by staffing requirements. Command personnel assigned to work as second-level or third-level supervisors will be compensated at the corresponding rate they are assigned as required by staffing. These rates will be evaluated annually. Sergeants or command personnel working as unspecified supervisors will be paid the minimum supervisor rate.

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The supervisor rate of pay will also be evaluated annually. Sergeants or command personnel working secondary employment but not designated as supervisors for that job are paid at the same rate as police officers. The police officer rate of pay will be evaluated annually.

- C. Rates of pay and fees for equipment for secondary employment will be established by the Chief of Police or designee.
- D. Sworn employees requesting payment from an employer must only seek compensation for those hours actually worked unless an agreement has been reached between the employee and the employer. Sworn employees will not receive compensation or attempt to receive compensation from any other employee of CMPD. Sworn employees who arrange for the secondary employment of another officer will not charge a fee from that employee or attempt to obtain any portion of that employee's designated pay for this service.
- E. A sworn employee may accept offered benefits from an employer if those benefits are offered to all employees of that employer.
- F. Neither CMPD nor the City of Charlotte can be held responsible for any employer's failure to pay for secondary employment work by a sworn employee.
- G. Employees should consult directive 300-005, Workers Compensation and Defense Against Claims and Judgments, for workers' compensation issues.
- H. Employees are prohibited from negotiating rates of pay with an employer; any pay for any job that exceeds the established minimum rate of pay must be arranged through an agreement between the secondary employment sergeant and the employer.
- I. Sworn personnel and CTCOs with a secondary employment work permit must enroll in direct deposit through the secondary employment system, or their permit will be suspended until they are enrolled. Employees who do not maintain current direct deposit information in the system will not be able to engage in secondary employment and will have their work permit suspended until they do so.
- J. Payments for secondary employment jobs will be processed through the secondary employment system, with the following exceptions:
  1. The officer/CTCO is an employee hired by the employer, and the employer withholds income tax, Social Security, and Medicare from wages paid to the officer/CTCO and will receive a W-2 form from the employer. Officers and CTCOs being paid in this capacity must only verify their hours in the secondary employment system and bill at \$0 per hour.
  2. The officer/CTCO receives payment immediately upon completing the secondary employment job and records the payment when closing the job in the system (e.g., cash or check paid to the officer/CTCO at the job site on the same day the job is worked).

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K. CMPD will assess a fee per hour billed for every secondary employment job. The fee is set by the Chief of Police and is determined based on the cost of the secondary employment program. The fee will be automatically collected in the secondary employment system for all jobs paid using the secondary employment system. Jobs exempt from paying through the secondary employment system (section J) will be billed on a frequency determined by the Chief of Police. Failure to pay the fee will result in the employer being suspended from the secondary employment program.

IX. JOB SITE COORDINATORS FOR LAW ENFORCEMENT SECONDARY EMPLOYMENT


A. The job site coordinator is responsible for the following:

1. Maintain an accurate, updated schedule of jobs with accurate job instructions noted in the job description in the system. Every job must have job instructions noted in the secondary employment system.
2. Keep the roster of officers for the job updated in the system.
3. Serve as a liaison between the officers and the employer.
4. Update employer information in the system.
5. Ensure staffing for the jobs/shifts with accurate job instructions in the secondary employment system.
6. Establish the pool of officers who work the job and ensure staffing is done equitably. The officers working in a job pool and the rationale for their selection will be subject to the approval of the secondary employment sergeant.
7. Ensure the employer completes CMPD's Secondary Employment Agreement and Application every two (2) years for every job coordinated.
8. Bill the employer through the secondary employment system for the CMPD administrative fee and employee payments.
9. Any other reasonable duties assigned by the secondary employment sergeant.

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


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

D. Sworn employees' requests to become job site coordinators will be approved by the secondary employment sergeant after consulting the officers' division captain. An employee who expresses interest in becoming the job coordinator for an employer must have demonstrated a familiarity with the job assignment by working for the employer at

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that job site or a different site operated by the same employer. An employer may still make a request for a specific officer to coordinate their job assignments.

- E. Job site coordinators may coordinate for up to five (5) active employers with a combined maximum of four hundred (400) monthly scheduled hours. If a single employer is routinely scheduled for more than four hundred (400) hours a month, that will be the only employer a job site coordinator may coordinate. A branch or single location for a large employer is considered one employer.
  - F. Job site coordinators may be paid up to three (3) hours pay per week for administrative time related to job coordination. Job site coordinators must enter this administrative time in the secondary employment system weekly or monthly. When the jobs are created, the job type must be listed as (Coord Admin Time).
  - G. The secondary employment sergeant must approve any deviation from the standard secondary employment rate.
  - H. Job site coordinators must work any job they coordinate at least once a month while the job is active.
  - I. Job site coordinators will not maintain any sensitive personal information on any employee working for the coordinator.
  - J. School resource officers (SROs) will serve as the job site coordinator for any jobs at their school. The SRO sergeant is responsible for ensuring compliance with this policy regarding the job site coordinator’s responsibilities for SROs; however, the division commander of the officer shares in this responsibility.
  - K. Police hirebacks are not permitted to serve as job site coordinators or courtesy officers unless they receive written approval from the secondary employment commander.
  - L. Job site coordinators can be removed at the discretion of the secondary employment commander.
- X. APPROVAL OF LAW ENFORCEMENT SECONDARY EMPLOYERS
- A. No law enforcement secondary employment is permitted until the employer and the type of employment are approved.
  - B. The Secondary Employment Unit must vet requests for secondary employment of a sworn employee. Employees will not solicit nor negotiate for new secondary employment. Sworn employees may submit a Request for Approval of Secondary Employment Form on behalf of an employer to the Secondary Employment Unit; however, this does not guarantee that the sworn employee presenting this request will be employed by the employer.
  - C. The Secondary Employment Unit will determine which jobs are considered “ongoing jobs,” described as jobs occurring for longer than thirty (30) days, and should be assigned a job coordinator. “Short-term jobs” are jobs that are temporary in nature, occurring for less than thirty (30) days, and would not require a job coordinator. An employer may request that a particular sworn full-time employee be the job coordinator. Such requests

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will be taken into consideration but will not be binding. Certain employers may be required to be coordinated by a supervisor or member of command staff based on the size or nature of the jobs requested by that employer.

- D. In the absence of the secondary employment sergeant, approval for a short-term job may be given by Operations Command.
- E. No job will be considered approved unless the division in which the specific job is located is noted in the proper field within the secondary employment system. The person entering the job will ensure that the proper patrol division is delineated without exception.
- F. It is the employer's responsibility to maintain accurate contact and job information in the system. The Secondary Employment Unit will periodically audit employers to ensure employers have accurate information and actively use secondary employment services. If the Secondary Employment Unit determines that the employer is no longer utilizing secondary employment services or maintaining accurate information, the employer may be deactivated in the system.

#### XI. WORK HOURS AND RECORD-KEEPING

- A. Law enforcement secondary employment jobs must be entered and assigned to a sworn employee in the secondary employment system at least twenty-four hours (24) before the job begins. Only the Secondary Employment Unit can enter and/or assign jobs less than twenty-four (24) hours before the job begins, except for one-time jobs entered by Operations Command in exigent situations.
- B. A sworn employee may schedule and work eighteen (18) hours daily of combined secondary employment and actual duty hours to include city-approved overtime, court time, or training time outside the employee's duty hours during any rolling twenty-four (24) hour period. No sworn employee will exceed eighty (80) accumulated hours per week in any combination of actual duty hours, city-approved overtime, court time, or training time outside of the employee's duty hours, and secondary employment hours.
  - 1. A rolling twenty-four (24) hour period is twenty-four (24) consecutive hours, beginning at any time and ending twenty-four (24) hours later.
  - 2. A week begins at 0000 hours on Saturday and ends at 2359 hours on Friday.
  - 3. During any rolling twenty-four (24) hour period, the sworn employee must have a minimum of six (6) consecutive hours in which the employee is not working on duty or engaging in secondary employment.
  - 4. Any exception to the hourly maximum requirements may be granted by the sworn employee's division commander subject to the concurrence of the secondary employment commander or the secondary employment commander in instances affecting CMPD as a whole. Department-wide exceptions must state which event, venue, or time frame the exception applies. A department-wide exception does not constitute permission for an employee to violate this directive by working excessive hours at jobs not tied specifically to the exception. Any exception granted will be



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done in writing, and it will be the responsibility of the affected employee to denote that an exception has been granted in the job comments section when the employee closes out the job. Unforeseen circumstances may present themselves while an employee is working a secondary employment job that may necessitate an increase in time of the employee's secondary employment shift. In these instances, Operations Command should be notified by the employee or the supervisor of a major secondary employment job, and the circumstances causing the increase in time to the job will be detailed in the comments section when closing out the job.

5. An employee will not work any secondary employment job if they are not showing scheduled in the secondary employment system by the time the job is scheduled to begin. It is incumbent on all employees working secondary employment to ensure they are showing as scheduled in the secondary employment system prior to working any job; if an employee is not showing as scheduled in the secondary employment system prior to the time the job is scheduled to begin, the employee will not work the job. In instances where exigencies exist that make it necessary for an employee to find a last-minute substitute for a job instead of leaving the job unfilled, and the substitute is, therefore, not scheduled, the secondary employment commander should be contacted immediately.
6. Any changes made to the secondary employment system after the time a job is scheduled to begin will only be made by the secondary employment sergeant.
7. In circumstances whereby off-duty officers may be activated to an on-duty status, the secondary employment commander will resolve any conflicts between on and off-duty pay.
8. If twelve (12) hour shifts are activated, all secondary employment is suspended unless the Chief of Police or designee grants an exception.

#### C. Closing Jobs

Employees working secondary employment must close the job in the secondary employment system within twenty-four (24) hours of completing the job. The closing details must include:

1. The total hours and minutes actually worked.
2. If the employee received payment immediately upon completion of the shift at the job site (cash, check, or instant electronic payment).
3. Any significant circumstances or events occurring while working the secondary employment job must be entered as notes in the comments section.
4. If a vehicle was used at a job, the vehicle number must be entered in the narrative when the job is closed.

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5. If a waiver of hours or specific approval was granted to work the job, the officer must include those details in the comments of the job.
6. On-duty job assignments entered into the secondary employment system must be closed by the employee within twenty-four (24) hours of completing the job and the employee's actual work hours listed.

**D. Sick Leave**

1. Employees will not work secondary employment while on personal sick leave, sick family leave, funeral leave, workers' compensation leave, limited or restricted duty, or while on special assignment due to physical reasons. Employees on personal or family sick leave must return to regular duty status and work one regular duty shift or receive permission from the secondary employment commander. Any employee who calls in sick personal or sick family to court or training will not be eligible to work secondary employment until they return to regular duty status and work one regular duty shift.
2. Sworn employees may continue to serve as job site coordinators while on limited or restricted duty but may not be financially compensated for job site coordination while on limited or restricted duty.
3. An employee on approved non-personal FMLA or paid parental leave may be allowed to work secondary employment jobs without returning to regular duty status, but only after obtaining written approval of the secondary employment commander and the chain of command in conjunction with the Human Resources Division.


**E. Suspension or Administrative Assignment**

Employees are prohibited from engaging in law enforcement secondary employment while on suspension or administrative assignment.

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

- G.** Employees are not permitted to work law enforcement secondary employment during any time span whereby the employee's on-duty shift is split.

- H.** Employees engaged in secondary employment will not overlap their duty hours with their secondary employment hours, nor will they overlap any secondary employment job with another secondary employment job. When considering if an overlap occurs between secondary employment jobs, the scheduled hours will be the basis for comparison, not the hours actually worked. All traffic jobs being paid at a negotiated rate outside of the


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three-hour minimum must be scheduled in one (1) hour increments, with a minimum scheduled time of one (1) hour. If an employee works a traffic control job for one employer and remains at one physical location, only one (1) work shift may be scheduled if the officer's work requires them to be on-site for three (3) hours or less. For jobs being paid the three (3) hour minimum and beyond, the job must be scheduled for a minimum of three (3) hours, with fifteen (15) minute increments utilized after that. No sworn employee will utilize scheduling to in any way circumvent the requirements of this policy.

- I. All jobs must be set for specific hours in the day; it is not permitted for a job to be worked when it is set up for flexible hours or unspecified hours in the day. The hours specified in the job must be the hours actually worked.
- J. Job site coordinators building jobs in the secondary employment system will accurately note the job type as "traffic" or "security," and the pay rate will accurately reflect the rate of compensation. If the job is traffic-related and has been approved for an exception to the three (3) hour minimum, the pay rate entered should equal the agreed-upon shift rate between the officer and the employer.

## XII. AVAILABILITY OF SECONDARY EMPLOYMENT JOBS

- A. The secondary employment sergeant will ensure that all jobs are available equitably.
  - 1. Sworn employees may sign up for available jobs on a first-come, first-served basis in the secondary employment system.
  - 2. Sworn employees will not sign up other sworn employees for job assignments, except job site coordinators signing up officers in their job pool.
  - 3. Sworn employees will sign up for only those jobs they intend to work.
- B. Employers may request specific sworn employees to work or have a sworn employee serve to recruit other employees for their jobs. However, no employer may discriminate regarding race, sex, religion, or ethnic origin in hiring employees to work secondary employment. An employer's desire to have a particular officer work does not guarantee that the officer will work that employment.
- C. A sworn employee scheduled to work a law enforcement secondary employment job must promptly confirm that job assignment with the employer when specified.
- D. Employees scheduled for a law enforcement secondary employment job may utilize the transfer feature in the secondary employment system to transfer their job to another officer or CMPD as a whole. Transfer of a job to another officer must be done with prior consent and approval of the accepting officer, and the accepting employee must approve the request in the system. All jobs not accepted for transfer will be considered assigned to the originating employee. The transfer feature will not be utilized after the job is scheduled to begin.
- E. A sworn employee who accepts a law enforcement secondary employment job will report for duty at the time and place assigned with all necessary equipment required by CMPD

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guidelines for that particular job, including a marked vehicle if specified in the job instructions.

Sworn employees who are unable to report for a secondary employment job must contact the job site coordinator or the Secondary Employment Unit during business hours and Operations Command after hours and on weekends, prior to the start of the job.

1. Sworn employees may self-cancel their assignment to a secondary employment job up to five (5) days (one hundred and twenty hours) prior to the start of the assignment. At the discretion of the job site coordinator, some jobs may have a longer self-cancellation period. A sworn employee may be excused from their assignment inside the set cancellation period prior to the assignment by finding a substitute and advising the job site coordinator or the secondary employment sergeant of the replacement up to the time the job is scheduled to begin, except in emergency situations as outlined in this policy.
2. Absences inside the cancellation period will only be excused for personal or family illness and emergencies.
3. Changes in on-duty schedules, court, training, or other CMPD duty assignments will take precedence over any secondary employment. Sworn employees should cancel a conflicting secondary employment job as soon as they are notified of the on-duty conflict.
4. Employees are required to work the scheduled hours assigned in the secondary employment system. Any officer unable to complete the designated hours of employment must contact the job site coordinator or the Secondary Employment Unit during business hours or Operations Command after hours and on weekends, prior to leaving the employer's worksite.

### XIII. CORRECTIVE ACTION

- A. Employees found to be in violation of section XI.B., Work Hours and Record Keeping, may have the violation documented in a written entry to their personnel file for their first documented violation. The first violation may be documented in the IACMS system at the discretion of the secondary employment commander. Further violations will result in the violation being documented in the IACMS system and may result in the revocation of the employee's work permit at the discretion of the secondary employment commander or their designee.
- B. All other violations of any provision of the Secondary Employment Policy without exception will be documented in the IACMS system, and those violations solely of the Secondary Employment Policy will be forwarded to the secondary employment sergeant for further investigation and disposition. When a Secondary Employment Policy violation is combined with a violation of another policy or regulation, the investigation will be forwarded to the affected sworn employee's chain of command for further investigation and disposition. In limited situations, some policy violations may be referred to the involved officer's division for investigation.


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- C. Upon adjudicating any rules violation involving secondary employment in combination with any other policy violation(s), the ruling body will consider whether an employee’s permit to engage in secondary employment should be suspended in conjunction with any other corrective action considered.
- D. An employee violation of the Secondary Employment Policy will be addressed as a first violation if the employee has had no other documented violations of the Secondary Employment Policy within thirty-six (36) months prior to the date of the new violation.

XIV. REFERENCES

- 300-001 Scheduling, Timekeeping, and Attendance
- 300-004 Sick Leave Policy
- 300-005 Workers Compensation and Defense Against Claims and Judgments
- 400-001 Uniforms and Grooming Standards
- 400-003 Equipment
- 400-006 Body Worn Camera
- [City of Charlotte’s Conflict of Interest Policy](#)
- CALEA


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## Appendix A

### Rules Governing Off-Duty Traffic Control on Public Streets


1. Officers seeking law enforcement secondary employment at a firm or establishment that requires traffic control on public streets will advise the prospective employer to notify the secondary employment sergeant in writing. No traffic control secondary employment may begin prior to the employer and conditions of employment being approved by CMPD. The employer must:
  - a. Obtain, if the job will be within the city limits of Charlotte, a valid traffic direction permit from the City of Charlotte Department of Transportation (CDOT) as required by City Code 14-9. A copy must be provided to the sergeant.
  - b. Advise the secondary employment sergeant of the intent to employ secondary employment officers and identify the specific need for police services.
  - c. State the duties to be performed, the hours of employment, and the salary to be paid to the officers.
2. All requests for secondary employment traffic direction will be forwarded to the secondary employment commander or sergeant for approval. If approved, the secondary employment sergeant will determine the number of officers required at each location.
3. Officers will not act to enforce any rule, regulation, or policy of the firm or establishment that are not otherwise violations of the law. Officers will act only to enforce the law and preserve public safety.
4. Officers will not impede the normal flow of vehicular traffic during peak travel hours, except in instances where a valid Parade, Festival, or Right of Way Use Permit is issued by CDOT, although a valid permit may be issued by CDOT as described above, the special events commander will make an independent assessment that the use of CMPD officers is in the best interest of the public and CMPD. Peak travel hours are 0700-0830, 1100-1300, and 1630-1830 Monday through Friday. As a rule, traffic direction should coincide with the nearest traffic control signals. Officers will serve the interests of all motorists in a fair and equitable manner without special regard for those entering or leaving the employer's business.

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## Appendix B

### Rules Governing Alcohol Establishments

1. Officers seeking secondary employment at alcohol establishments will advise the prospective employer to contact the secondary employment sergeant. Employment will not be authorized until the employer and conditions of employment are approved by the secondary employment sergeant.
2. Duty guidelines for officers working at approved alcohol establishment parking locations:
  - a. Officers must confine their duties to those of a law enforcement nature.
  - b. Officers will limit their duties and responsibilities to the exterior of the alcohol establishment unless they develop reasonable suspicion that criminal activity is occurring, has occurred, or is likely to occur inside the alcohol establishment, and this information necessitates immediate action.
  - c. Officers will not work the establishment door or where patron identification is being checked.
  - d. When responding to situations where enforcement action is anticipated, officers will notify the Communications Division, furnish the location and nature of the situation, and request assistance from on-duty officers if needed.
  - e. Officers will ensure that all alleged crimes are documented in a KBCOPS report, regardless of the desire of the victim to prosecute the matter. It will then be the responsibility of the job site coordinator to maintain a cumulative log of all such reports and the documentation of any enforcement activities that occur relative to this employment. This log will be made available to the secondary employment sergeant upon request.
  - f. Officers will originate the appropriate call for service through the Communications Division in any instance where entry is made for law enforcement purposes into the interior of an alcohol establishment itself. Officers will articulate in the appropriate clearance paperwork the purposes for entry and any action taken. This information will be forwarded to the job site coordinator for maintenance in the location log.
  - g. Officers will enforce any observed ABC violations, and copies of any enforcement action will be forwarded to both the ABC Unit and the job site coordinator for maintenance in the location log.
  - h. Failure to abide by the restrictions in this attachment will result in the revocation of the employer work permit and corrective action to the officer(s).


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### Appendix C

#### Rules Governing Neighborhood and/or Apartment Complex Patrols

1. Officers working law enforcement secondary employment, when employed by a neighborhood or an apartment complex to conduct neighborhood/apartment complex patrols, will confine their actions to violations of law only. Officers will not take any action for violations of neighborhood rules, neighborhood association rules, or apartment complex rules not regulated by criminal law or city ordinance.
2. Off-duty officers working neighborhood/apartment complex patrols will monitor the radio channel for the specific neighborhood/apartment complex at all times. In any instance where the off-duty officer monitors a crime in progress outside the confines of the neighborhood/apartment complex but within close proximity to their location, the off-duty officer will be expected to notify the dispatcher of their location and their intent to respond to assist on-duty units. The off-duty officer will then respond to the crime in progress until relieved by on-duty officers. Any questions regarding time (on-duty versus off-duty) will be resolved by the secondary employment commander.
3. It is the responsibility of the job site coordinator to keep all off-duty officers working secondary employment in their respective neighborhoods informed regarding any information relayed to them by the response area personnel.



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I. PURPOSE

To establish a procedure for the administration of employee records.

II. POLICY

This directive sets forth a standardized procedure for accurate maintenance of employee records and information, as well as explains the procedure to review employee files in accordance with North Carolina personnel law.


III. DEFINITIONS

- A. Non-Restricted Personnel File: CMPD Documents with a low level of confidentiality, including public information (this includes anything the employee has provided or signed, personnel audit report, Notice of Payroll action, PeopleSoft screenshots prior to 2002, Internal Affairs Dispositions, School Transcripts, Military Discharge Documents, North Carolina Department of Justice Forms F-5b, F-9, F-8, F-19).
- B. Personnel File: Any employment related or personal information of an individual employee gathered by the Charlotte-Mecklenburg Police Department.
- C. Personnel Information: Information about an employee related to his or her application, selection, employment actions, such as demotion, promotion, compensation, performance reviews and disciplinary actions, along with any personal information that is contained within a personnel file.
- D. Restricted Personnel File: CMPD documents with a high level of confidentiality (this may include polygraph results or questionnaire, anything medical related including drug/alcohol screenings, psychological evaluations, fingerprint cards, anything related to background investigations, recruitment's internal notes on candidate before, during, or after the selection process).

IV. PROCEDURE

A. Personnel Information

1. Employees will notify the Human Resources Division of any change in address or telephone number by the end of the next business day following any such change. Employees will notify the Human Resources Division of changes to family or beneficiary status as soon as possible.
2. Employees will enter any change of address, telephone numbers, or emergency contact information into the CMPD Personnel Information System.
3. The Human Resources Division will enter the changes in the City of Charlotte Human Resources Management System (All changes will take effect the following business day).
4. The CMPD Personnel Information System will include an employee's emergency contact and special skill(s) (i.e. SWAT, Spanish, etc.) information.

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Employees shall update their information in the Personnel Information System as it changes.

5. Any employee receiving an inquiry concerning another employee's telephone number should assist the caller in contacting the employee while he or she is "on duty". In no case will an employee's personal telephone number be given to any person who is not an employee of the CMPD. An employee may attempt to contact an "off duty" officer in emergency situations, when necessary.

**B. Review of Personnel Files**


1. Any employee interested in reviewing his or her own personnel file can review their personnel file by appointment in the Human Resources Division during normal business hours (Monday-Friday 8:00 a.m.-5:00 p.m.).
2. Additional personnel who are authorized to review an employee's personnel file include the following\*:
  - a. The employee's Chain of Command;
  - b. Police Attorney;
  - c. Internal Affairs Personnel;
  - d. City of Charlotte Human Resources;

\* The Police Attorney's Office may see the entire personnel file, while the additional authorized viewers may only see the non-restricted file.

3. A Human Resources Division employee must remain present while a file is being reviewed.
4. Whenever the department or employee is subject to litigation, a copy of the personnel file, upon request, will be delivered to the Police Attorney's Office.
5. Information from the personnel file shall only be revealed pursuant to North Carolina General Statute 160A-168.

**C. Changes in Personnel File Entries**

1. All entries included in the personnel file will remain as a permanent part of the employee's record.
2. If it becomes necessary to delete or modify an entry, the following procedure will apply:
  - a. The Human Resources Division must receive written orders from the Chief of Police or designee explaining what action is necessary.
  - b. Human Resources Division employees will make the change by adding another entry. Previous entries will not be destroyed or defaced.


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3. The contents contained in the personnel file will not be changed, altered in any fashion, or removed from the employee's file without adhering to this procedure.

V. REFERENCE

N.C.G.S. 132-6

N.C.G.S. 160A-168

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	<b>Interactive Directives Guide</b>	<b>Employee Drug and Alcohol Testing</b>	
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I. PURPOSE

This directive establishes guidelines concerning the inappropriate use of drugs, alcohol, and controlled substances by Charlotte-Mecklenburg Police Department (CMPD) employees, volunteers, or applicants and the procedures for departmental drug testing.

II. POLICY


The protection of citizens, as well as its employees, is of prime concern to the CMPD. CMPD recognizes that substance abuse can have an adverse impact on the general public, city government, and CMPD operations and can adversely affect the image and general health, welfare, and safety of CMPD employees. To maintain the public's confidence and trust in CMPD and its employees, as well as to protect the safety of the public and CMPD employees, all employees must remain free from any physical and/or mental impairment. The unlawful use of any drug or controlled substance is prohibited and may result in denial of employment, termination, or other disciplinary action. Substance abuse cannot be tolerated, and CMPD shall have the right and authority to require employees to submit to substance analysis.

III. DEFINITIONS


Negative Result: The outcome of a urinalysis drug test when a sample's concentration of a substance is below the NIDA-specified or industry-accepted cutoff levels.

IV. PROCEDURE

- A. To ensure that CMPD employees remain free from unlawful drug and alcohol impairment and use while on duty, CMPD will conduct drug testing through urinalysis and alcohol testing through chemical analysis for impairing substances. This does not preclude other appropriate drug testing methods in a particular case where cause exists.
- B. A breath alcohol test administered by a chemical analyst is an analysis of the breath to check for the presence of alcohol in the body. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. Chemical analysis that produces a blood alcohol content (BAC) reading of more than .00 can result in termination or other disciplinary action.
- C. CMPD can require drug and alcohol testing under any of the following circumstances:
  - 1. Pre-placement/employment
  - 2. Reasonable suspicion
  - 3. Random selection
  - 4. Post-accident/critical incident
  - 5. Return to duty
- D. The collection of urine, blood, and breath samples will occur at a City of Charlotte designated drug and alcohol collection site.

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1. The selected drug testing agency will follow the National Institute on Drug Abuse (NIDA) standards governing the collection and chain of custody of urine samples.
  2. The selected breath testing site will conduct a breath test administered by a chemical analyst.
- E. The analysis of urine samples will be performed by a private laboratory certified by NIDA. The drug testing procedure will be performed at the lab and consist of an enzyme immunoassay preliminary test. If the preliminary test is positive, a confirmatory test, gas chromatography/mass spectrometry (GC/MS), will be performed.
- F. Urinalysis drug testing will screen for the following classes of drugs at NIDA-specified or industry-accepted cutoff levels:
1. Amphetamines
  2. Barbiturates
  3. Benzodiazepines
  4. Cocaine
  5. Methaqualone
  6. Opiates
  7. Phencyclidine
  8. Propoxyphene
  9. Cannabinoids
  10. Methylenedioxy Methamphetamine (MDMA)
  11. Methamphetamine
- G. The results of any drug test administered under this policy will not be used as evidence in criminal prosecution. The test results will be used in considering suitability for employment or fitness for duty.
- H. Deliberate obstruction or substitution of a urine sample for the purpose of defeating a drug test will result in denial of employment, termination, or other disciplinary action.
- I. Once a CMPD employee has been designated for drug screening, he or she is not eligible to participate in the Employee Assistance Program (EAP) in connection with, or because of, any illegal drug or substance, including dependency or addiction to any illegal drug or other illegal substance. Prior to being selected, any CMPD employee is eligible to participate in the EAP.
- J. Failure to participate in any procedure required by this policy will result in denial of employment, termination, or other disciplinary action.
- K. Cannabidiol (CBD)

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1. Any product with a concentration of more than .3% tetrahydrocannabinol (THC) is classified as marijuana, a Schedule I drug under the Controlled Substances Act.
2. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, providing no federal oversight to the accuracy of labeling CBD products.
3. CBD products may lead to a marijuana-positive drug test result; therefore, CMPD employees are prohibited from using CBD products.
4. CBD is not FDA-regulated and is not a medical justification for a laboratory-confirmed marijuana-positive result.


L. Medical Review Officer (MRO)

1. A medical review officer will review all positive drug test results and determine if a legally used medication caused the results. The MRO may review any relevant medical histories or records of the applicant or employee prior to making a decision. The MRO will also conduct a medical interview with the applicant or employee. There is no MRO review of alcohol tests.
  - a. Based on appropriate dates or facts, the MRO may deem a positive result to be scientifically insufficient for further action and declare the results negative.
  - b. Any positive test result not satisfactorily explained to the MRO is considered a positive test.
  - c. Should questions arise from the MRO concerning the legitimacy of a positive result, the MRO may cancel the results of the original specimen or request the collection and testing of a new specimen.
2. If the test is positive, the MRO will contact the donor immediately prior to issuing the results. Failure of the employee to contact the MRO within five (5) business days will result in the MRO issuing results as “positive without review.”
3. The MRO will verify a drug test confirmed at the NIDA-specified or industry-accepted cutoff levels as positive, even if an employee claims they used a CBD product.

M. Employee Responsibility

CMPD employees will:

1. Abide by this policy as a condition of employment.
2. Comply with all applicable laws regulating the manufacture, distribution, dispensing, use, or possession of illegal drugs, alcohol, or prescription drugs.
3. Ensure that their ability to perform their job duties is not negatively affected due to the use of drugs or alcohol when scheduled to report to work or when on "on

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call" status.


4. Advise their supervisor that they are unable to perform their duties or they have consumed alcohol within the last four (4) hours prior to reporting for duty, should they be requested to report to work for a safety-sensitive job earlier than their normal or previously assigned time. If the employee had received prior notice that he or she is on call, the employee may be subject to disciplinary action regarding their inability to report for duty as determined by his or her chain of command.
5. Submit immediately to a drug or alcohol test when their supervisor requests.

**N. Record Keeping and Reporting**

1. All information concerning an applicant's or employee's participation in drug testing procedures will be considered part of the individual's personnel records and subject to the nondisclosure provision of G.S. 160A-168.
2. Pursuant to state law 12NCAC 09C .0310, CMPD will report to the North Carolina Criminal Justice Education & Training Standards Commission any refusal to be tested or any reported positive results on a drug test administered to any applicant or lateral transferee seeking employment as a CMPD officer. Any positive result on a drug test administered to any currently certified police officer employed by CMPD will also be reported to the State. This may result in the suspension, revocation, or denial of the individual's state law enforcement certificate by the North Carolina Criminal Justice Education & Training Standards Commission.
3. Pursuant to state law 12NCAC 10B .0410, CMPD will report to the Sheriffs' Education and Training Standards Commission any refusal to be tested or any reported positive results on a drug test administered to any applicant seeking certification or currently certified as a CMPD Communications Division telecommunicator. This may result in the suspension, revocation, or denial of the individual's certificate by the Sheriffs' Education and Training Standards Commission.

**O. Procedures for Pre-Employment and Lateral Transfer Drug Testing (Sworn Positions)**

1. All applicants seeking employment in sworn positions, including lateral transfers to sworn positions and hirebacks, in CMPD, will submit to pre-employment drug testing procedures.
2. Each applicant will be tested no more than thirty (30) days prior to employment. These drug testing procedures will require the applicant to complete a Consent Form and a Drug Screening Questionnaire prior to the testing. The collection of the urine sample will be in accordance with NIDA standards and will occur at a drug collection agency selected by the City of Charlotte.
3. All applicants for employment in a sworn position, lateral transfer to a sworn position, and hirebacks in CMPD must test negative on the pre-employment drug

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test. A positive result or refusal to submit to testing will eliminate the applicant from further consideration for employment.

4. Any applicant seeking a sworn position, including hirebacks, who tests positive or refuses to submit to drug testing will not be eligible for employment with CMPD. The Recruiting Division will verify with the North Carolina Criminal Justice Education & Training Standards Commission the certification status of each applicant.


P. Procedures for Pre-Employment Drug Testing (Civilian Positions)

1. Applicants seeking employment in civilian positions in CMPD and applicants for internships, volunteer positions, and other non-paid positions will submit to pre-employment drug testing procedures and must have a negative result.
2. Applicants who refuse to submit to drug testing will not be eligible for employment with CMPD.

Q. Procedures for In-Service Drug and Alcohol Testing

1. CMPD forbids employees from consuming alcohol while on duty (except in the performance of duty) or appearing for duty with alcohol in their system or on their breath.
2. CMPD can order an employee to submit to a reasonable suspicion drug and/or alcohol test when there is reasonable suspicion for suspecting the employee may be intoxicated and/or impaired while on duty, may have alcohol in their system/on their breath, or may have recently engaged in the unlawful use of any alcohol, drug, or controlled substance. Drug and/or alcohol testing procedures will be used to confirm or dispel the reasonable suspicion.
3. The employee will be given a direct order to submit to a reasonable suspicion drug and/or alcohol test by the supervisor or Internal Affairs Division. Failure to follow or cooperate with drug and alcohol testing procedures as stated in the policy will be treated as a refusal to comply with a direct order.
4. The following drug and/or alcohol testing procedures will be followed:
  - a. Prior to providing a direct order to submit to a drug and/or alcohol test, the supervisor will determine if sufficient cause exists based on the [City of Charlotte Reasonable Suspicion Determination Report](#) and will notify the Internal Affairs Division before taking the employee to the testing location. A completed copy of this form will be submitted to the Internal Affairs Division and Human Resources Division.
  - b. At the time the supervisor determines reasonable suspicion, the employee shall remain in sight of the supervisor at all times prior to testing.
  - c. The supervisor and Internal Affairs Division personnel will accompany the employee to the testing facility. The Internal Affairs Division will ensure that the necessary paperwork is available for testing.




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- d. The supervisor will complete the [City of Charlotte Drug and/or Alcohol Test Authorization Form](#), indicate the reason for the test, and take the completed form to the testing facility.
- e. A Forensic Drug Testing Custody and Control Form will be provided by the testing facility and completed by the collection agent who collects the sample and processes it for analysis.
- f. The collection of the urine sample will be in accordance with NIDA standards.
  - (1). If the employee claims to be unable to provide a urine specimen, the employee will remain at the designated collection site until the urine specimen is provided or three (3) hours have passed, whichever occurs first.
  - (2). Failure to provide a urine specimen of at least sixty (60) milliliters within three (3) hours will be considered a refusal to comply with a direct order.
- g. After the testing is completed, the employee will be made available to the Internal Affairs Division. The Internal Affairs Division is responsible for conducting administrative investigations regarding allegations of employees who may be intoxicated and/or impaired while on duty, have alcohol in their system/on their breath, or engaged in illegal drug use and/or substance abuse.
- h. Test results will be reported directly to the Human Resources Division administrative service manager who will notify the Chief of Police or appropriate designee.

R. Random In-Service Drug/Alcohol Testing

- 1. Sworn employees and employees assigned to a safety-sensitive position are subject to random selection for drug and alcohol testing.
- 2. Failure to submit to a random drug or alcohol test when requested is considered a refusal to comply with a direct order and a violation of this policy that will result in an Internal Affairs Division investigation into the allegation of misconduct.
- 3. Failure to provide a urine specimen of at least sixty (60) milliliters within three (3) hours will be considered a refusal to comply with a direct order.
- 4. Random selection will be accomplished through the use of a computer program.
- 5. The following procedures will apply to random drug or alcohol testing of eligible employees.
  - a. On the first business day an employee works after selection, the employee's supervisor will be notified of the employee's selection.

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- b. The employee's supervisor and/or other appropriate supervisor is required to transport the selected employee to the drug or alcohol testing agency as soon as possible during the employee's tour of duty.
  - c. If an employee is unable to be immediately transported for testing, the supervisor must contact the Human Resources Division and provide the following information:
    - (1). The employee's name (first and last)
    - (2). The reason the employee is unable to test (which may include leave such as vacation, sick, military, FMLA, etc.)
    - (3). The employee's next workday with date and time(s)
  - d. Failure of the employee's supervisor to immediately send the Human Resources Division the affected employee's information, including the reason for the inability to be immediately transported for testing and/or failure of the supervisor to execute the random drug test per this directive, may result in the responsible supervisor and/or chain of command through captain being subject to a Rule of Conduct #2: Violation of the Rules investigation.
  - e. Sample collection(s) of urine or breath will be done in accordance with NIDA standards.
  - f. The urine or breath sample collection will occur on the day of notification, except when extraordinary circumstances intervene. Employees on vacation leave, sick leave, or other approved temporary absence will be tested upon their return to work. Employees on extended sick leave, leave of absence, or educational leave who return to work within the same month they are selected will be tested.
  - g. Employees who fail to provide an adequate breath sample will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the City of Charlotte, addressing the employee's medical ability to provide an adequate amount of breath. If there is no medical reason for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be terminated.
  - h. Test results will be sent to the Human Resources Division manager. All positive test results will be issued by an MRO.
6. Collection of an employee's urine sample will occur while the employee is on duty whenever possible. Employees providing a urine sample during non-duty hours will be appropriately compensated.

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7. Employees who test positive for illicit drugs have the right to request that the MRO have the Sample B tested by a second NIDA-approved laboratory at the employee's expense.
8. The Internal Affairs Division will immediately investigate any positive alcohol and/or drug test after review by the MRO. A positive alcohol or drug test will result in the employee being placed on administrative assignment or administrative leave as determined by the Chief of Police or designee, pending the outcome of the investigation.

S. Post-Accident/Critical Incident Drug /Alcohol Testing

1. Employees involved in a vehicular accident, non-vehicular accident, or critical incident may be required to take a drug and/or alcohol test. All accidents should be documented using the Post Accident Testing Checklist.
  - a. The drug and alcohol test is required when the following vehicular conditions exist:
    - (1). The crash involves a fatality.
    - (2). The City of Charlotte driver receives a moving traffic violation arising from the accident.
    - (3). Any involved vehicle requires towing from the scene.
    - (4). Any person involved requires medical treatment away from the scene of the accident.
    - (5). The City of Charlotte cannot completely discount the employee's conduct as a contributing factor to the accident (based on reasonable suspicion of drug or alcohol use).
  - b. The drug and alcohol test is required when the following non-vehicular conditions exist:
    - (1). The incident involves a fatality of any kind.
    - (2). Any line of duty discharge of a firearm by an officer (excluding the use of a shotgun for authorized animal euthanasia).
    - (3). Other critical incidents as directed by the Chief of Police.
  - c. If none of the above conditions exist, under the City of Charlotte's authority, any employee, including safety-sensitive employees and non-safety-sensitive employees, involved in a vehicular accident or a non-vehicular incident shall be required to take a non-USDOT post-accident drug and alcohol test following an accident or incident only if it is determined that reasonable suspicion of drug or alcohol use may be a contributing factor.


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2. A post-accident/incident drug test shall be administered within thirty-two (32) hours following the accident or incident. If the drug test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test.
3. A post-accident/incident alcohol test should be administered within two (2) hours following the accident or incident. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the alcohol test was not administered promptly.
4. In the event an alcohol test is not conducted within eight (8) hours, the supervisor must cease attempts to administer the test and must document the reason(s) for not administering the test. The employee will not be allowed to remain on duty and may not return to work for twenty-four (24) hours following the accident/incident.
5. Employees involved in an accident that requires an alcohol test shall not consume any alcohol for eight (8) hours following the accident or until a post-accident/incident alcohol test is performed, whichever comes first.
6. No employee may refuse to submit to a drug and/or alcohol test required by this policy. Employees shall remain ready and available when a post-accident/incident test is required.
7. Failure to remain ready and available will be considered as a “refusal to submit” to testing.

V. REFERENCE

CMPD Rules of Conduct 2, 6, 17, and 18  
 200-001 Discipline, Internal Investigations and Employee Rights  
 300-005 Workers Compensation and Defense Against Claims and Judgments  
 300-021 Fitness for Duty  
 300-023 Employee Assistance Program  
 N.C.G.S. 160-A-168  
 12NCAC 09C .0310  
 12NCAC 10B .0410  
 City of Charlotte HR4 Drug and Alcohol-Free Workplace Policy  
 DOT Office of Drug and Alcohol Policy and Compliance Notice  
 Agricultural Improvement Act of 2018, Pub. L. 115-334, (Farm Bill)  
 Controlled Substances Act  
 National Institute on Drug Abuse (NIDA)  
 City of Charlotte Reasonable Suspicion Determination Report  
 City of Charlotte Drug and/or Alcohol Test Authorization Form  
 CALEA

The previous version of Directive 300-009 Employee Drug and Alcohol Testing was published on 09/16/2019.

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	<b>Interactive Directives Guide</b>	<b>Administrative Assignment/Leave</b>	
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I. PURPOSE


This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees placed on administrative assignment or administrative leave with or without pay.

II. POLICY

It is the policy of CMPD to place employees on administrative assignment or leave under certain circumstances for the protection of the employee and/or the department pending administrative review.


III. DEFINITIONS

- A. **Administrative Assignment:** This status applies to sworn employees who are removed from the performance of all police duties with no loss of salary. Employees are assigned to perform non-police authority-related administrative work or other tasks within the department which limit public contact.
- B. **Administrative Leave with Pay:** This status applies to employees who are removed from the performance of all duties with no loss of salary and must be available Monday through Friday from 0800 until 1700 to communicate with their chain of command, the CMPD Human Resources Division (HRD), and/or the CMPD Internal Affairs Division by phone.
- C. **Administrative Leave without Pay (Including Suspension):** This status applies to employees who are removed from the performance of all duties with the loss of all salary. Employees will have no agency contact other than the communication required to resolve or adjudicate the matter resulting in this status.
- D. **Administrative Training Status:** This status applies to employees who have been released from administrative assignment or leave by the HRD and the Internal Affairs Division but need to complete required training before returning to full duty.
- E. **Coaching:** A tool used by supervisors to help employees clarify objectives, overcome obstacles, and enhance performance. The HRD, in consultation with an employee's major and deputy chief, will assign a supervisor at the rank of lieutenant or above, or the civilian equivalent, to serve as an employee's coach. Coaches will follow the performance improvement plan (PIP) process and the guidance provided in the City of Charlotte PRD Supervisor's Manual to coach employees as needed. Coaching may be mandatory dependent upon leave cause, status, and duration.
- F. **Sensitive Items:** All firearms, magazines, ammunition, conducted electrical weapons (CEW), portable radios, cellphones, collapsible batons, OC spray, body-worn cameras, badges, IDs, access cards, take-home vehicles, keys, fuel cards, or any other items deemed sensitive by the CMPD chain of command as noted in Directive 400-003, Equipment.

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#### IV. PROCEDURE


- A. The decision to place an employee on, or remove an employee from, any type of administrative leave status rests with the Chief of Police or a designee in consultation with the HRD and the Internal Affairs Division.
1. Employees who are on administrative assignment are expected to perform any assigned administrative tasks and report to work as directed by the CMPD. Employees who are on administrative leave with pay will be considered “on call” and are expected to report when called to facilitate the resolution of any inquiries or investigations.
  2. An employee being placed on administrative leave will be informed of the action in writing by the Chief of Police, the HRD, the Internal Affairs Division, or a designee. An employee being returned to full duty status will also be informed of this action in writing. Copies of this correspondence will also be forwarded to the HRD and the employee’s chain of command.
  3. Any sworn employee being placed on administrative leave will acknowledge in writing that they understand their police authority has been suspended until they are notified of restoration. Sworn employees on administrative leave will be prohibited from taking any police enforcement actions.
  4. Any civilian employee being placed on administrative leave will acknowledge in writing that they understand their police-related functions are suspended until they are notified of restoration. Civilian employees on administrative leave with pay will only perform those duties approved by the Chief of Police or designee in consultation with the HRD and the Internal Affairs Division.
- B. Administrative Leave with Pay
1. Shall be enacted under the following circumstances:
    - a. A response to resistance that results in a serious injury.
    - b. Deaths of persons while in custody or under police control.
    - c. Vehicle accidents resulting in a fatality.
    - d. Exposure to any other major traumatic event.
    - e. When deemed appropriate by the HRD to complete administrative investigations.
    - f. Any other circumstances as determined by the Chief of Police.
  2. An employee who is placed on administrative leave with pay may be required to surrender all CMPD-issued sensitive items and other departmental equipment at the discretion of the Chief of Police in consultation with the HRD and the Internal Affairs Division. These items will be temporarily stored in the Property and Evidence Management Division until the matter is resolved or adjudicated. The employee will be allowed to retain their ID and access cards.

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3. An employee responsible for the care of a person who dies while in custody or under CMPD control will be placed on a mandatory administrative leave with pay for a minimum of three (3) working days. Before returning to full duty, the employee must meet with the approved City of Charlotte psychological services provider in coordination with the HRD and the Internal Affairs Division.
4. An employee who is placed on administrative leave with pay is expected to comply with all policies and procedures and to abide by any issued subpoenas. The court liaison supervisor in conjunction with the District Attorney's Office will determine if an employee will be required to appear in court or be released from subpoenas while on administrative leave.
5. The HRD will validate the contact information of an employee who is on paid administrative leave for more than thirty (30) calendar days to ensure the employee's availability to answer leave-related questions. Each attempt to contact an employee who is on leave by the HRD will be documented in the employee's personnel file.
6. The HRD will notify the appropriate chain of command of any special needs or concerns regarding an employee who is on paid administrative leave.
7. An employee who receives forty (40) hours or more of administrative leave may receive six (6) months of coaching upon return to duty. If the administrative leave is without pay and is the result of an Internal Affairs Division misconduct investigation, this coaching will be mandatory.
8. Coaches and employees will meet at least once per month for six (6) months. Each month the coach and employee will review the employee's Compliance Dashboard or PIP and identify the need for any additional departmental services such as Peer Support or the Employee Assistance Program (EAP).
9. The coach is responsible for identifying potential employee training needs and recommending professional development opportunities.
10. The coach will close out the six (6) month sessions by completing a PRD entry in the system of record.
11. Coaching sessions are a confidential part of an employee's personnel file.

**C. Administrative Leave without Pay**

1. Will be enacted under the following circumstances:
  - a. Felony arrest or criminal indictment.
  - b. Conviction of any offense that would preclude future performance of police powers.
  - c. Any other circumstances as determined by the Chief of Police.

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2. The Internal Affairs Division will provide written notice to an employee who is being placed on administrative leave without pay. Such notice will include the rule(s) of conduct that the employee is accused of violating. The employee will have the opportunity to respond to the charges.
3. An employee being placed on administrative leave without pay will be required to surrender all department-issued equipment and clothing, including ID and access cards. These items will be temporarily stored in the Property and Evidence Management Division until the matter is resolved or adjudicated.

**D. Administrative Assignment**

1. The police authority of a sworn employee will be suspended while the employee is on temporary administrative assignment. The employee will be prohibited from engaging in any law enforcement activity, including secondary employment.
2. An employee on administrative assignment may be required to surrender all CMPD-issued sensitive items and other departmental equipment at the discretion of the Chief of Police in consultation with the HRD and the Internal Affairs Division.
3. To ensure access to temporary administrative assignment duty locations, the employee should be allowed to retain ID and access cards.
4. An employee who is on administrative assignment is expected to comply with all policies and procedures and to abide by any issued subpoenas. The court liaison supervisor in conjunction with the District Attorney's Office will determine if an employee will be required to appear in court or be released from subpoenas while on administrative assignment.


**E. Administrative Training Status**

1. The Internal Affairs Division will notify the HRD, the employee's chain of command, and the Training Division captain when the Internal Affairs Division determines the employee is prepared to return to full duty from administrative assignment or leave.
2. The Training Division, in consultation with the Administrative Services Group deputy chief and the HRD, will determine if any training must be completed before the employee returns to full duty status.
3. Before an employee returns to full duty, the employee may be held in a temporary administrative training status until all required training is complete.

**F. Reissuance of Equipment**

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



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V. PAYROLL AND BENEFITS

- A. The HRD will ensure that the weekly time record of an employee who is on administrative leave is correctly coded in the payroll system.
- B. An employee who is on administrative leave without pay (including suspension) may continue voluntary benefits by paying the employee contribution. The HRD will notify the employee of the associated costs and the acceptable methods of payment when the leave begins.

VI. REFERENCES

City of Charlotte PRD Supervisor’s Manual  
300-006 Light Duty Policy  
300-013 Return to Duty  
300-020 Police Critical Incident Stress  
300-021 Fitness for Duty  
Officer Involved Critical Incident Procedures SOP  
Rules of Conduct

The previous version of Directive 300-010 Administrative Assignment/Leave was published on 02/17/2020.

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I. PURPOSE


The purpose of this policy is to identify, evaluate, select, and elevate qualified candidates to increased levels of responsibility within the Charlotte-Mecklenburg Police Department (CMPD). The following processes are designed to ensure fairness and consistency in the selection of employees for advancement or promotion.

II. POLICY

The evaluation and selection of employees for promotion is an essential part of professional development and leadership continuity at CMPD. Relevant and impartial promotion procedures will be used to identify those employees who possess the skills, knowledge, and abilities required to perform at a higher rank or position. It is the policy of CMPD to select and promote employees using standards and evaluation techniques that ensure qualified individuals are promoted into leadership positions with the skills, knowledge, and abilities that match the specific job description being filled.

III. PROCEDURES

- A. The CMPD Human Resources Division (HRD) is responsible for the administration of the promotional procedures for all Civil Service positions. Promotional processes for sworn employees will be initiated by the CMPD HRD with the publication of a promotional process announcement to all employees. This announcement will be specific to rank. It will provide, among other information, an eligibility date, a process commencement date, the dates of the written examination or other exercises, instructions for registering to participate in the promotional process, and any other information that may be appropriate. The various components in the promotional process shall be job-related and non-discriminatory.
- B. To participate in the promotional process, eligible candidates must begin by registering with the CMPD HRD. Resumes and other documentation should not be submitted unless specifically requested in the promotional process announcement.
- C. Eligibility requirements related to service time, education, and disciplinary history must be met by the eligibility date noted in the promotional process announcement. Lateral Police Officer Entry Program employees must follow the same eligibility requirements as outlined in section IV. C. of this directive.
- D. It is the responsibility of promotional candidates to ensure they are properly registered to participate in the promotional process and have the correct dates, times, and locations for the promotional exercises.
- E. In the sergeant's, lieutenant's, and captain's promotional processes, the combined score from all exercises will constitute a cumulative score for each candidate. However, the sergeant's multiple-choice exam is not included in the cumulative score but is used to determine the officer's eligibility to proceed to the next phase of the process. If a candidate fails to complete the sergeant's multiple-choice exam at the scheduled time, it may result in the candidate being disqualified from the promotional process. The cumulative scores of the candidates who complete all portions of the


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process will be consolidated into a rank-ordered promotional eligibility list. Being placed on the eligibility list does not guarantee a promotion.


- F. Promotional eligibility lists for sergeant, lieutenant, and captain will expire twenty-four months after the date on which they are initially established. At the discretion of the Chief of Police, an existing promotional eligibility list may be terminated early or extended.
- G. Promotional eligibility lists will be structured to minimize identical scores. In the event a promotional eligibility list contains identical scores, ties will be resolved by employee code number (priority given to the lowest employee code number) prior to an eligibility list being published.
- H. Administration of a promotional examination at a site and/or date different from the regularly scheduled examination session may be permitted by the Chief of Police or designee.
- I. Reporting to a promotional process exercise.
  - 1. Late arrivals at any promotional exercise (in-person or virtual) are not permitted. There will be a 15-minute grace period exception to tardiness when a sworn employee is directly reporting from an on-duty assignment (secondary employment/off-duty assignments are not exempted). Sworn employees are required to schedule shift coverage to participate in the promotional process.
  - 2. Process Abandonment – If a sworn employee fails to participate in any exercise of the promotional process, the sworn employee will forfeit eligibility in the current process.
- J. Questions regarding the CMPD's promotional policies should be directed to the CMPD HRD.
- K. Leave Accommodation(s)

An employee who is scheduled for military duty, approved military leave or any medical-related approved leave on the day(s) of assessment, must provide acceptable written documentation to request to participate in the promotional process. This request must be sent to [HumanResourcesDivision@CMPD.org](mailto:HumanResourcesDivision@CMPD.org)

- 1. Employees who are granted accommodation during approved leave will be permitted to participate in the promotional process virtually and must be on camera for each phase of the promotional process with the assessors and/or promotional process staff.
- 2. Failure to complete the promotional exercise as scheduled could result in disqualification from the promotional process, reference section III. I. “reporting to promotional process exercise”.
- 3. The employee requesting the accommodation will be responsible for ensuring access to the internet is secured, equipment is functional, and must maintain a private setting during the time of the assessment.

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4. The specifications of the accommodation will be determined by the CMPD HRD Manager or designee and coordinated with the employee prior to the start of the promotional process. The employee will be provided the same exercises as other candidates.
  5. Due to the intricate components of the promotional process, if the employee is unable to participate in the current promotional process, the employee may participate in the next scheduled promotional process if eligible.
- L. All promotional material will be kept in a secure location.
1. Any material that is being reviewed, proposed, or amended prior to the commencement of any testing will be secured in the office of the CMPD HRD Manager. Any person who receives that material for review must properly secure the material while in their possession and immediately return all the material to the CMPD HRD Manager upon completion of that review.
  2. Once finalized, all testing material will be kept in a secured location at the testing consultant's office or at the CMPD HRD.
  3. After completion of the promotional process, all material will be stored in a secured area controlled by the CMPD HRD Manager. The material will be stored and disposed of as directed under Departmental Directive 800-004, Records Retention and Disposition.
- M. The Chief of Police has authority to make promotions of sworn employees. All recommendations by the Chief of Police for promotions to any sworn rank are subject to majority approval by the Civil Service Board who may review previous Civil Service Board cases on eligible candidates in their approval process. Promotions are probationary for six (6) months from the date the promotion becomes effective
1. Newly promoted employees will be closely observed and evaluated by their supervisor to ensure their performance meets expectations.
  2. The newly promoted employee's supervisor will complete a quarterly review at three (3) months and a "Promotion Probation" Performance Review and Development (PRD) at six (6) months from the date the promotion becomes effective.
  3. All quarterly reports will be promptly sent to the CMPD HRD.
  4. Employees who receive a score lower than "Performance Achieved Expectations (A)" on their quarterly PRD may be subject to performance probation and/or additional training.
  5. Any demotions after the probationary period, except voluntary demotions, shall be made only after an employee is cited to the Civil Service Board for demotion by a Chain of Command Review Board following an Internal Affairs investigation. The Civil Service Board will hold a hearing and make the final determination regarding the recommended demotion.

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N. Promotional Process Review Period

- a. All candidates will be allowed to:
  - (1) Review and challenge their written examination score sheets after candidates have completed the examination at a time and place designated by the CMPD HRD.
  - (2) Review and discuss each stage of the promotional process by making an appointment with the CMPD HRD.
- b. Any employee that believes the promotional process was unfairly administered may grieve that process by following the procedures outlined in the City of Charlotte Human Resources Policy HR 11, Employee Grievance Process. Non-selection for promotion is not grievable when the allegation is only that the employee is better qualified than the selected person.

IV. ELIGIBILITY FOR PROMOTION

A. Educational Requirements

Any degree or semester hours used to fulfill promotional eligibility requirements must be from an educational institution that is accredited by one of the accrediting agencies recognized by the United States Secretary of Education. Questions regarding accreditation may be directed to the CMPD HRD.


B. Performance Review

To be eligible to participate in a promotional process, an employee's last Performance Review and Development (PRD) assessment must meet a rating of "Performance Achieved Expectations (A)" or higher. To remain eligible throughout a promotional process or the life of a promotional eligibility list, an employee must maintain a PRD assessment rating of "Performance Achieved Expectations (A)" or higher.

C. Sergeant

Service Requirements:

1. CMPD officers must have served a minimum of five (5) years of active observable service from their date of hire in the job class of police officer with CMPD as of the eligibility date noted in the promotional process announcement.
2. CMPD officers with a break in service must have a cumulative minimum of five (5) years of active observable service in the job class of a certified police officer with CMPD as of the eligibility date noted in the promotional process announcement.

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3. Lateral Police Officer Entry Program officers must have served with CMPD for a minimum of two (2) years and have combined full-time active police service of a minimum of five (5) years of qualifying experience (outlined in the Lateral Police Officer Entry Program SOP) as of the eligibility date noted in the promotional process announcement.
4. CMPD officers must have completed the Supervisor's Career Path 101, 102, 103, and 104 to be eligible to participate in the sergeant's promotional processes. Extensions may be granted in extenuating circumstances by the Chief of Police or designee.

D. Lieutenant

1. Service Requirement: Sergeants must have served a minimum of two (2) years from their date of promotion to sergeant to the eligibility date noted in the promotional process announcement.
2. Educational Requirement: Sergeants must have completed an associate degree or have completed a minimum of sixty (60) semester hours or equivalent quarter hours toward a bachelor's degree by the eligibility date noted in the promotional process announcement.

E. Captain

1. Service Requirement: Lieutenants must have served a minimum of two (2) years from their date of promotion to lieutenant to the eligibility date noted in the promotional process announcement.
2. Educational Requirement: Lieutenants must have completed a bachelor's degree by the eligibility date noted in the promotional process announcement.


F. Major

1. Service Requirement: Captains must have completed at least two (2) years of service from their date of promotion to the rank of captain.
2. Educational Requirement: Captains must have completed a bachelor's degree by the eligibility date noted in the promotional process announcement.


G. Eligibility for promotion to any rank above captain is at the discretion of the Chief of Police and requires a bachelor's degree.

H. In addition to performance, education, and service time requirements, the factors listed below will apply to all promotional processes of any rank. If these factors develop during the course of a promotional process or during the effective life of an eligibility list, they will disqualify a candidate from promotion.

1. Any sworn employee who receives a sustained violation from the list below will be ineligible for promotion or participating in a promotional process for a period of two (2) years from the date of the adjudication of said allegation:

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- a. Unsatisfactory performance
  - b. Response to resistance ([ROC 28A](#) only)
  - c. Truthfulness
  - d. Harassment
  - e. Insubordination
  - f. Conformance to laws that results in an arrest or a warrant for arrest (e.g., DWI, domestic violence, communicating threats).
2. Any sustained violation(s) resulting in a cumulative total of more than forty (40) hours of active suspension, will result in an employee being ineligible for promotion or participating in a promotional process for a period of two years from the date of adjudication.
  3. Sworn employees who have been placed on performance probation at any time within two (2) years prior to the eligibility date specified in the promotional process announcement are not eligible to participate in the promotional process for a period of two (2) years after the performance probation ends.
  4. Sworn employees who have allegations of misconduct pending against them, but who have not had those allegations resolved or adjudicated as required by departmental regulations may participate in any promotional process, assuming they are otherwise eligible.
  5. When the opportunity for promotion occurs for an employee on an active rank-ordered eligibility list and that employee is the subject of an unresolved allegation from the list above, the Chief of Police will retain the discretionary right to promote or bypass that employee. If such allegation(s) results in a finding other than sustained, that employee shall be installed in the remaining rank-ordered list at a position no lower than the employee's original rank.
  6. The Chief of Police retains the discretionary right to bypass any promotional candidate from a current rank-ordered list if the employee has demonstrated unsatisfactory performance, lack of leadership skills, lack of job readiness, poor attendance, and/or a deficiency in professional development. The candidate will be notified in writing by the Chief of Police or designee of such a decision.
  7. Falsification of information or being untruthful during the exercises would result in disqualification from the promotional process and may result in disciplinary action.
- I. Sworn employees who do not meet all eligibility standards by the eligibility date will be excluded from the promotional process. In addition, sworn employees who become ineligible during the promotional process or during the effective life of the promotional eligibility list will be eliminated as candidates for promotion.

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J. Employees are responsible for determining their own eligibility to participate in a promotional process. In every process, the final promotional eligibility list will be checked against CMPD records, and any candidates on the list who should have declared themselves ineligible will be eliminated at that point.

V. PROMOTIONAL PROCESS FOR SWORN RANKS

A. The promotional process (including the process components, their relative values, and details of administration) for the ranks of sergeant, lieutenant, and captain will be defined in the promotional process announcements for those ranks.

B. All candidates who complete the full process for the ranks of sergeant, lieutenant, and captain, as defined by the respective promotional process announcements, will be placed on a promotional eligibility list in rank order as determined by their cumulative scores. Being placed on the eligibility list does not guarantee a promotion.

C. Promotions to the rank of sergeant, lieutenant, and captain will be made from the final eligibility list.


1. For promotion to the rank of sergeant, candidates will be selected from the final eligibility list in rank order.
2. For promotion to the ranks of lieutenant and captain, the Chief of Police will select from the top five (5) candidates without regard to rank order. For each additional promotion made at that rank at the same time, the Chief may consider the next candidate on the eligibility list.

For example, if two (2) promotions will be made simultaneously at a rank, the Chief of Police can consider the top six (6) candidates, if three (3) promotions will be made at that rank, the Chief can consider from the top seven (7) candidates, etc.

3. To aid in the selection, the Chief of Police may designate members of the executive staff to be responsible for the administration of additional examinations or interviews of promotional candidates. The Chief of Police may require the production of any documentation or other materials as appropriate. Any administration of additional examinations or interviews will be at the discretion of the Chief of Police for each promotional process.
4. If a candidate participates in any additional examination or interview that the Chief of Police or designee requires to aid in the selection, that candidate may request the opportunity to receive feedback from the executive staff member who coordinated that specific exercise.
5. Any candidates not selected for promotion will remain on the list in the original rank order and will be eligible for future promotions.

D. Appointments to the rank of major and deputy police chief will be made at the discretion of the Chief of Police. However, preference will be given to those candidates who have completed CMPD's Command College, Police Executive




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Research Forums (PERF), Senior Management Institute for Policing (SMIP), or the Federal Bureau of Investigation (FBI) National Academy.

- E. All factors considered in the promotional process will be job-related and non-discriminatory. Factors to be considered when making promotions may include:
  1. The skills, knowledge, and abilities needed for a specific vacancy and the candidate's demonstrated skills, knowledge, and abilities.
  2. The ability of the candidate's demonstrated interpersonal skills to enhance the team where the vacancy exists.
  3. Any eligible candidate may decline a promotion from the Chief of Police at any time. There may be extenuating circumstances including, but not limited to, personal and professional factors which would preclude an employee from accepting a promotion. The request to decline a promotion must be submitted in writing to the CMPD HRD.


#### VI. PROMOTIONAL PROCESS FOR CIVILIAN POSITIONS

- A. Civilian employees are eligible to compete for promotion whenever vacancies occur for which they may be qualified. There are no service time requirements for civilian promotions, although the length of service may be considered as a factor affecting overall qualifications.
- B. Notice of promotional opportunities in civilian job classes will be published by the CMPD HRD. All questions concerning such opportunities should be directed to that office.
- C. Civilian candidates seeking promotion must submit their application to the CMPD HRD.
- D. The affected bureau/service area, division, or unit will coordinate a competitive interview and selection process.
- E. Promotion of civilian employees will be at the discretion of the Chief of Police.
- F. All newly promoted civilian employees are on a probationary period of six (6) months from the date their promotion becomes effective. Employees will be closely observed and evaluated by their supervisors to ensure their performance meets expectations.
  1. The newly promoted employee's supervisor will complete a quarterly review three (3) months from the date the promotion becomes effective and a "Promotion Probation" PRD six (6) months from the date the promotion becomes effective.
  2. Employees who receive a score lower than "Performance Achieved Expectations (A)" on their quarterly PRD may be subject to performance probation and/or additional training, and/or termination.

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VII. REFERENCES

- City of Charlotte Human Resources Policy HR -11
- City of Charlotte Human Resources Policy HR -12
- Rule V, Personnel Rules and Regulations
- Directive 300-018 Performance Review and Development
- Lateral Police Officer Entry Program SOP
- Charlotte, North Carolina, Code of Ordinances Part 1-Charter, Chapter 4.-Administration, Article III. Civil Service
- CALEA
- The previous version of Directive 300-011 Promotional Procedures was published on 4/6/2021.

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I. PURPOSE

To establish guidelines for recognizing and rewarding Charlotte-Mecklenburg Police Department (CMPD) employees and citizens who distinguish themselves through heroic actions, outstanding performance and/or service to the department and the community.

II. DEFINITIONS

- A. Bravery: The act of facing or enduring danger with courage.
- B. Extraordinary: Going beyond that which is usual, regular or expected.
- C. Merit: Character or conduct deserving reward, honor or esteem.


III. CMPD AWARDS COMMITTEE

The Awards Committee will review all nominations for awards except for Service Area/Bureau Level awards (i.e. Certificate of Commendation and Certificate of Appreciation), Officer of the Month, Detective of the Month, Community Partner of the Month and Civilian Employee of the Month awards. In addition, the Awards Committee will review and make decisions on award requests from outside agencies unless the agency expresses a desire to make the decision independent of CMPD, such as the Police-Community Relations Awards.

- A. The Awards Committee is composed of a minimum of ten (10) members of the department, (except as stated in III. E.). Four (4) of the positions on the Awards Committee are permanent and will consist of:
  - 1. Chairperson: A Major appointed by the Chief of Police,
  - 2. The Major of Internal Affairs,
  - 3. A Public Affairs Office representative,
  - 4. The Human Resources Division Manager or designee.
- B. Six (6) of the positions are volunteer positions consisting of:
  - 1. A Major,
  - 2. A Captain,
  - 3. A Lieutenant,
  - 4. A Sergeant,
  - 5. An Officer,
  - 6. A Civilian Manager.

One of these positions will be filled by a supervisor assigned to the Investigative Services Group.

- C. Three positions selected at the discretion of the Chairperson.

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- D. Volunteer members of the Committee will serve a minimum of two (2) years and may continue to serve on the Committee after two (2) years at the discretion of the Chief of Police.
- E. The Chief of Police will appoint a Major to serve as the Chairperson for the Awards Committee and act as the liaison to the Chief of Police. In cases where the appointed chairperson is also the Internal Affairs Major then the committee will only consist of nine (9) members.
  - 1. The Chairperson of the Awards Committee will be responsible for ensuring that nominations for departmental awards are presented to the Awards Committee prior to a decision being made about a nomination.
  - 2. The Chairperson or his/her designee will notify the nominator and the nominee's chain of command about any decision regarding a nomination and the reason for the decision.
  - 3. The Property and Evidence Management Division will be responsible for maintaining all award pins and/or recognition bars.
  - 4. The Awards Committee will coordinate with the Chief of Police to determine the appearance of the award for each category.
  - 5. The Awards Committee will coordinate with the Chief of Police to determine the dates and locations of awards ceremonies. Members may be asked to assist in arranging the ceremonies.


**IV. ELIGIBILITY FOR AWARDS**

- A. All employees of CMPD, including hire backs, and volunteers, are eligible for awards. There is no limit to the number of awards that can be earned by a CMPD employee.
- B. Citizens are eligible for the Civilian Medal of Valor, Meritorious Award, the Citizen's Service Award, the Judy Williams Lifetime Citizen Achievement Award, and the Certificate of Appreciation, for actions that benefit CMPD and/or the community. Citizens may be eligible for the Chief's Award for Excellence in Policing for their work with CMPD personnel on community-related items.
- C. All law enforcement and service agencies are eligible for an award, if earned while aiding, assisting or working with any officer or member of CMPD.


**V. CMPD AWARD CATEGORIES**

The following are the awards which may be given by CMPD:


- A. The Gold Police Cross (or alternative award as desired by the officer's beneficiary) is awarded posthumously to any CMPD officer killed in the line of duty, and is presented to the officer's beneficiary.

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- B. The Purple Heart is awarded to a CMPD officer who is seriously injured in the performance of his or her duties due to assaults or other circumstances requiring action by the officer.
1. The Awards Committee will consider all circumstances in making a determination to approve the award.
  2. It may be awarded in conjunction with another award where the facts demonstrate the recipient is entitled to such an award.
  3. The injury must not be the result of, or concurrent with, any conduct of the recipient that is inconsistent with departmental policy and training.
  4. The award will not be awarded for accidental injuries.
- C. The Medal of Valor may be awarded to employees who have distinguished themselves by acts of extraordinary bravery in the performance of an act to preserve life or property with the clear risk of serious injury or death present during the action.
1. Behavior that is considered reckless or rash will not be considered for this award.
  2. This award will not be given if the action taken was to rectify a previous mistake or poor judgment by the same employee being nominated for the award.
  3. This award may be given in conjunction with the Gold Police Cross or Purple Heart.
- D. The Civilian Medal of Valor may be awarded to citizens who have distinguished themselves by acts of extraordinary bravery, heroism or sacrifice, while preserving the life, liberty and safety of others.
- E. The Preservation of Life Medal may be awarded to a CMPD employee who utilized exceptional tactics or verbal approaches beyond the normal demands of duty to sustain human life or to de-escalate any situation that could have resulted in a deadly response.
1. Behavior that is considered reckless or rash will not be considered for this award.
  2. This award will not be given if the action taken was to rectify a previous mistake or poor judgment by the same employee being nominated for the award.
- F. The Lifesaving Award recognizes employees who are directly responsible for saving a human life.
1. Documentation and other supportive evidence such as statements from physicians, witnesses, and/or supervisors must be included for the nomination to be considered.
  2. When an employee's actions saved a life to the extent that the person lived for any period of time after the lifesaving effort, the employee is eligible to receive this award even though the person may succumb at a later time.

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- G. The Medal of Merit Award recognizes CMPD employees who have performed admirably in response to specific situations. The incident may have been of an emergency nature or a routine event, but the employee's exceptional performance merits special recognition.
1. Behavior that is considered reckless or rash will not be considered for this award.
  2. This award will not be given if the action taken was to rectify a previous mistake or poor judgment by the same employee being nominated for the award.
  3. The action meriting award may include activities which did not place the employee in a perilous situation, but the employee's actions were clearly intended to restore or enhance public safety.
- H. The Chief's Award for Excellence in Policing may be awarded to CMPD employees who have distinguished themselves by exceptional performance that clearly benefited CMPD, citizens, the communities that CMPD serves and/or advanced the field of policing in general.
1. The performance may be related to an individual response to a situation or crime resulting from a call for service. In such cases, the performance must involve extraordinary diligence, selfless attention to duty and/or unique efforts to ensure a positive outcome.
  2. The performance may be related to problem-solving initiatives that have proven effective in addressing substantive community concerns surrounding crime and quality of life and involve collaboration with other city or public agencies, private organizations, multiple law enforcement agencies or multiple units within the department.
  3. The performance may be development of a new initiative, process or system that leads to a significant improvement in how CMPD conducts its business and must involve collaboration and extraordinary diligence and effort.
  4. The performance may be one of sustained excellence in an employee's everyday work characterized by exceptional initiative and effort that results in: multiple/significant arrests or case clearances over a significant period of time, exceptional customer service and/or significant positive contributions to citizens and the community.
  5. Any other actions by an employee(s) that are clearly exceptional in nature and meet the criteria for this award as determined by the Chief of Police or the Awards Committee.
- I. The Sworn Employee of the Year Award is presented to a sworn member of CMPD who distinguishes himself/herself through either an accumulation of exceptional contributions or a single incident, and whose actions clearly place the individual well above others of equal rank or grade. Areas of recognition include, but are not limited to: extraordinary valor, positive community impact, administrative accomplishments, crime

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prevention, training programs, traffic safety and innovation in policing. This award may be presented to an employee who has also won other awards.

- J. The Chief's Unit Citation is awarded to a departmental unit or section whose performance is indicative of a high degree of initiative, determination diligence and cooperative effort in the fulfillment of a difficult mission, operation, task or project.

The award shall be presented to the CMPD employee in the name of the unit.


- K. The Meritorious Award is given to citizens who distinguish themselves by meritorious service. This award is given for extraordinary actions during which the citizen is at risk of serious injury or death.

- L. The Detective of the Year Award is presented to the detective whose body of work demonstrated a high degree of creativity, tenacity, and sense of urgency in solving cases. The detective may have investigated cases with a high level of complexity, either as part of a team or alone, from which their contributions emerged. The detective may have cultivated a respected relationship and high level of confidence from partners including patrol officers and members of the criminal justice system (i.e. Mecklenburg County District Attorney's Office) regarding the quality of the detective's work, case preparation, and case acceptance.

- M. The Civilian Employee of the Year is presented to a civilian member of CMPD who has distinguished himself/herself through either an accumulation of exceptional contributions or a single incident. The actions of the employee clearly place him or her above others of equal status. Areas of recognition to be considered are noted in the preceding section (I).

- N. The Police Training Officer (PTO) of the Year Award is presented to the PTO who has demonstrated exceptional leadership qualities in training newly sworn officers in patrol functions, preliminary investigative functions, in State and municipal laws and departmental policies, practices and procedures. The actions of the PTO of the Year expose new officers to a variety of experiences and encourage career development. The PTO of the Year is a positive role model for newly sworn officers both on and off duty. The PTO of the Year is selected by a committee independent of the Awards Committee; however the award will be presented at the CMPD's annual awards ceremony.


- O. The School Resource Officer (SRO) of the Year Award is presented to the SRO who has demonstrated exceptional leadership qualities to reduce crime on school property and throughout the surrounding communities to develop a positive learning environment. The SRO serves as a positive role model and mentor through appropriate behavior and demeanor by initiating positive contact with students. The officer acts as a club leader and promotes police sponsored agencies such as Police Activities League, Right Moves for Youth, Do the Right Thing, and Gang of One. The SRO conducts thorough investigations of all criminal incidents and encourages and facilitates the development of appropriate solutions to crime and related problems. The SRO of

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the Year is selected by a committee independent of the Awards Committee; however the award will be presented at the CMPD's annual awards ceremony.

- P. The Citizen Service Award is presented to citizens who have collaborated with CMPD and exhibited considerable initiative and resolve in one or more of the following areas: addressing problems within the community, improving neighborhood safety and conditions, serving as a community leader as demonstrated by their actions, service or work with youth, and/or have accomplished some other extraordinary act of service to CMPD or the community.
- Q. The Judy Williams Lifetime Citizen Achievement Award. This award is presented to an individual or group who, over their lifetime, has made long term and significant contributions to the Charlotte-Mecklenburg community and has improved the quality of life for citizens, or whose accomplishments have brought recognition to Charlotte.
- R. The Certificate of Commendation is awarded to an individual or groups of CMPD employees who have distinguished themselves through the accomplishment of a difficult task or act that clearly benefits the department and/or the community. The Certificate of Commendation is considered a bureau-level award and as such will be approved by the employee's chain of command to the bureau-level manager unless the nominated person is of bureau manager rank within the department, with the employee's Deputy Chief of Police approving such nominations
- S. The Certificate of Appreciation is awarded to citizens who have distinguished themselves through the accomplishment of some feat or service highly beneficial to CMPD and/or the community. The Certificate of Appreciation is considered a bureau-level award and will be approved by the appropriate bureau-level manager.
- T. The Civilian Employee Service Award (CESA) is presented to a civilian police employee who exemplifies the mission and principles of CMPD. The day-to-day performance of the employee is indicative of a high degree of initiative, determination, diligence and cooperative effort shown through continual efforts, expertise, exceptional service, commitment, and/or dedication. Civilian employees selected for this award have contributed to the overall success of CMPD.
- U. The Occupational Health Screening Fitness pin is awarded to an employee who achieves a high level of fitness. The pin is awarded at the completion of the screening.
  - 1. The Gold pin is awarded to an employee scoring 100 in each of the test categories.
  - 2. The Silver pin is awarded to an employee scoring an 80 or above in each of the test categories.
- V. The CMPD Serves Exceptional Service Award is presented to an employee or employees who embody the pillars, and sub-pillars of the CMPD Serves program by leaving positive impressions that influence our organization and/or the community. The recipient or recipients provided internal service through actions, ideas, and/or collaborative efforts aimed at enhancing our internal culture or providing exceptional



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customer service that impacted external customers in a manner that enhances someone’s perspective of law enforcement.

## VI. NOMINATION FOR AWARDS

- A. Nominations for any CMPD award may be made by any member of the department or the community who has knowledge of an act or service deserving recognition.


Awards nomination must include all relevant information for committee consideration to include, but not limited to:

1. Clear and concise narratives,
2. KBCOPS report information,
3. Body Worn Camera (BWC) footage (if applicable) to include complaint number and bookmark information for involved employees,
4. Relevant statistics,
5. Witness statements,
6. Physician statements,
7. Supervisory statements,
8. Any other relevant supporting documentation.

Nominations found to be lacking the appropriate supporting documentation may be removed from the list of considered nominations.

- B. Nominations for departmental level awards must be submitted on the CMPD Awards nomination form via the online link on the CMPD Portal. The form will be forwarded to the Awards Committee for review. The link will be active only during the time period established by the Awards Committee.

1. The nomination form must contain the date, place, and time of incident or service concerned, the full names of all persons involved, either as participants or as witnesses, and a detailed account of the incident or service performed.
2. The nomination form shall be vetted by the employee’s chain of command (through the rank of captain) prior to form submittal
3. All nominations will be presented by the Awards Committee Chair to the Awards Committee for final voting, approval and selection for presentation at the annual CMPD award ceremony(s). Final voting by the committee will occur in person and be based on a review of the nomination and whether it satisfies the recommended award type criteria. Approval does not require a unanimous vote but will be based upon a “Yea” vs. “Nay” vote.
4. Documentation of awards will be placed in the awardee’s CMPD Personnel File.


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VII. COMMENDATION AND RECOGNITION BARS

Up to four issued commendation bars may be worn with the appropriate bar holder centered above the name plate on the uniform shirt.

VIII. REFERENCES

- 400-001 Uniform and Grooming Standards
- 300-019 Occupational Health Screening
- CALEA

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**ADDENDUM**

**AWARD INSIGNIA**



**The Gold Police Cross**



**The Purple Heart**



**Medal of Valor**



**Lifesaving Award**




**Preservation of Life Award**



**Medal of Merit**



**Chief's Award for Excellence in Policing**

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**Sworn Employee of the Year**



**Occupational Health Screening Fitness (gold)**



**Occupational Health Screening Fitness (silver)**

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I. PURPOSE

To establish guidelines to assist and prepare Charlotte-Mecklenburg Police Department (CMPD) employees returning to duty after extended periods of leave, including military leave.

II. POLICY


It is the policy of CMPD to provide employees returning from extended leave with all the necessary support and training to ensure proper integration back into the CMPD workforce.

III. DEFINITIONS

- A. Extended Military Leave: Any military leave for a period exceeding thirty (30) consecutive calendar days or 240 hours and up to five (5) years cumulatively.
- B. Extended Leave: Any period of leave exceeding 30 consecutive calendar days or 240 hours, whether paid or unpaid. Leave includes long-term medical, personal, for disability reasons, or other circumstances requiring the employee to curtail his or her normal duties.
- C. Human Resources Military Liaison (HRML): Person within the Human Resources Division designated to address administrative needs for all personnel in preparation for extended military leaves of absence, during the period of time the employee is absent, and upon returning to duty.

IV. RETURN PROCEDURES

- A. Human Resources Procedures: For employees returning from extended leave the Human Resources Division will ensure that all administrative functions have been scheduled or initiated to allow the employee to return to work. Areas to be addressed include:
  - 1. Access cards, computer access permissions.
  - 2. Payroll, benefits, insurance; etc.
  - 3. Additionally, employees returning from military leave must provide:
    - a. Military discharge orders/paperwork.
    - b. Credit of deployed time for retirement purposes. (DD-214 required)
- B. Upon returning to work, sworn employees who have been absent for 30 or more consecutive calendar days or 240 or more hours will be directed to the Training Bureau where they will report to the In-Service Training Sergeant. All required training (including demonstrating firearms proficiency and overdue firearm qualification) will be completed prior to returning to full duty in their assigned division. In some instances, absences and/or light duty of fewer than 30 days or 240 hours may require the employee to demonstrate firearms proficiency if the reason for the leave (as with an injury) has the potential to negatively affect the employee's physical performance.


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Proficiency with the sworn employee's firearm will be determined by the Range Master.

- C. It is the responsibility of the returning employee to contact the Firearms Range to schedule a range day.
- D. Sworn employees returning from leave who failed to complete either daytime or nighttime qualification will be allowed to substitute the completion of those qualifications with a proficiency shoot in order to return to work. Any missed qualifications should be completed during scheduled make-up sessions before year's end to maintain State certification.
- E. Sworn employees returning from Paid Parental Leave (PPL)/Bonding, leave for a family member, and limited military leave may be exempt from the required proficiency with their firearm even if they are out of work for over 30 days or 240 hours.
- F. The Human Resources Division will provide the employee with information for various assistance programs available should the employee desire to use them. These include but are not limited to:
  - 1. Employee Assistance Program
  - 2. Agency Chaplains
  - 3. Peer Support
  - 4. Veterans Administration
  - 5. Military One Source
  - 6. CMPD Benevolent Fund
  - 7. CMPD Psychologist
- G. Patrol Return / Reorientation Process

It shall be mandatory for any patrol officer who has been out of the patrol function for 179 consecutive calendar days or more to participate in a reorientation process to fulfill the following requirements prior to returning to patrol. An officer who has been out of the patrol function for less than 179 consecutive calendar days may also request to participate in the reorientation process with approval being at the discretion of the Patrol Services Group Deputy Chief on the recommendation of the division captain or the training division captain. The Patrol Services Group Deputy Chief may, at his or her discretion, mandate participation in a reorientation process for an employee who has been out of the patrol function for less than 179 consecutive calendar days.

- 1. In-Service Training: The In-Service Training Sergeant will ensure the returning employee completes all mandated training requirements. In-service training will take place immediately upon completion of the administrative in-processing by


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Human Resources. Returning employees will be directed to the Training Division and report to the In-Service Training Sergeant for completion of all mandated training. Sworn employees absent from duty for more than one year (unrelated to disciplinary matters) will be reassigned to their division in an administrative status pending reinstatement of their Law Enforcement Certification by the State.

2. Firearms: The academy will ensure that the returning employee has demonstrated firearms proficiency and/or qualified as required at the range.
3. Field Training: The employee's assigned division commander will ensure that:
  - a. The returning employee will, immediately upon reinstatement of the employee's certification, be assigned to ride with a PTO for a minimum period of one week and up to a maximum period of six weeks.
  - b. The length of the field training period will be a joint decision of the returning employee, PTO, shift sergeant, and the division captain. Should deficiencies be identified at the end of the maximum six-week period, the division captain has the discretion to extend this training period.
  - c. Upon successful completion of the reorientation process, the division captain will notify Secondary Employment as needed when field training is complete and ensure a copy of the training record be retained in the division PTO file before the employee can return to working Secondary Employment.
  - d. There is no requirement for the field training phase to be completed in one week; the goal is to have the employee comfortable returning to the normal shift assignment.
  - e. The division captain or designee will maintain contact with the employee throughout this training cycle and inquire as to any problems or needs the employee might have.
4. Documentation of the completion of these requirements will be placed in the officer's personnel file.
5. Any employee who is out of work for longer than 12 weeks or will have his or her merit date adjusted for the respective weeks per current pay guidelines as approved by the Charlotte City Council.

#### H. Non-Patrol Return/Reorientation Process

It shall be mandatory for any non-patrol assigned sworn employee who has been absent from the employee's assignment for 179 consecutive calendar days or more to participate in a reorientation process to fulfill the following requirements prior to returning to his or her assignment.


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1. In-Service Training: The In-Service Training Sergeant will ensure the returning employee completes all mandated training requirements. In-service training will take place immediately upon completion of the administrative in-processing by Human Resources. Returning employees will initially be directed to the Training Division and report to the In-service Training Sergeant for completion of all mandated training. Sworn employees absent from duty for more than one year (unrelated to disciplinary matters) will be reassigned to their division in an administrative status pending reinstatement of their Law Enforcement Certification by the State.
2. Firearms: The academy will ensure that the returning employee has demonstrated firearms proficiency and/or qualified as required at the range.
3. Assignment Training: The employee's assigned division captain will ensure:
  - a. The returning employee will, immediately upon reinstatement, be required to participate in a re-orientation process as designated by the division captain for a minimum period of one week and up to six weeks to re-familiarize the employee with the assignment.
  - b. Upon successful completion of the assignment training phase, the division captain will notify Secondary Employment as needed when training is complete and ensure documentation of successful completion of training is entered into the division's file for the employee before the employee can return to working Secondary Employment.
  - c. There is no requirement for the assignment training to be completed in one week; the goal is to have the employee comfortable returning to his or her normal assignment.
  - d. The division captain or designee will maintain contact with the employee throughout this training cycle and inquire as to any problems or needs the employee might have.
4. Documentation of the completion of these requirements will be placed in the sworn employee's personnel file.
5. Any employee who is out of work for longer than 12 weeks consecutively will have the employee's merit date adjusted to the respective weeks per current pay guidelines as approved by the Charlotte City Council.

## V. REFERENCES

300-016 Military Leave Policy  
 300-005 Workers' Compensation  
 300-004 Sick Leave Policy  
 300-001 Scheduling, Timekeeping, and Attendance  
 300-010 Administrative Leave Policy  
 CALEA



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## I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department's (CMPD) Educational Incentive and Educational Reimbursement Program.

## II. POLICY

CMPD recognizes the importance of higher education, seeks to recruit and retain an educated and diverse workforce, and supports the efforts of employees to further their educational goals.

## III. DEFINITIONS

### A. Regular Full time

1. 40 hours weekly
2. 41 or 41.25 hours weekly designated as roll-call schedule
3. 42.50 hours weekly designated as school resource officer schedule

### B. Regular Part-Time: Standard half-time schedule of twenty (20) hours, or three-quarter-time schedule of thirty (30) hours, as defined by the employee's position.

## III. PROCEDURE

### A. Educational Incentive – Sworn Public Safety Pay Plan Employees


#### 1. Police Recruits

##### Eligibility for Educational Incentive

- a. Recruits are eligible to receive the educational incentive of five percent (5%) for an associate degree or ten percent (10%) for a bachelor's degree on the date of hire. The total maximum educational incentive is ten percent (10%).
- b. Documentation of the degree must be submitted to the Human Resources Division. Recruits will not receive the incentive without proper documentation (official transcripts with grades indicating that a bachelor's or associate degree has been conferred). The employee will receive the increase on the subsequent pay period upon submission of the appropriate documentation to the Human Resources Division. There will be no retroactive pay.
- c. All coursework must be from a public or private academic institution accredited by one of the regional accrediting associations. ([US Dept. of Education Accredited Institution List](#)).

#### 2. Eligibility for Sworn Public Safety Pay Plan Employees

- a. Employees below the rank of sergeant are eligible to receive an educational incentive of five percent (5%) for an associate degree or ten


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percent (10%) for a bachelor's degree. The total maximum educational incentive is ten percent (10%).


- b. Employees must submit proper documentation (official transcripts with grades indicating that a bachelor's or associate degree has been conferred) to the Human Resources Division. The effective date for the incentive pay will be the Saturday following the day the documentation was received.
- c. The degree must be from a public or private academic institution accredited by one of the regional accrediting associations. ([US Dept. of Education Accredited Institution List](#)).
- d. The City of Charlotte and/or CMPD can withhold educational incentives and reimbursements at any time.

#### B. Educational Reimbursement Program

1. Regular full-time and regular part-time employees of CMPD are eligible for the educational reimbursement program. Employees must have been employed with CMPD for one (1) year and be in good standing. If an employee is placed on performance probation at any time, the employee will no longer be eligible to participate in the education reimbursement program. The employee must be in good standing for one (1) full year before eligibility is reinstated. If the employee is currently participating in the program and is placed on probation, the employee is no longer eligible for reimbursement for those courses.
2. The program applies only to courses taken for academic credit and does not cover regular training provided by CMPD or the City of Charlotte.
3. The Chief of Police or designee may determine the type of coursework that enhances the organization's business goals and are eligible for reimbursement.
4. Reimbursement will only be made for one (1) degree at each level (associate degree, bachelor's degree, and master's degree). Reimbursements will not exceed UNC Charlotte fee rates for a bachelor's or master's degree and Central Piedmont Community College (CPCC) fee rates for an associate degree. Eligible reimbursements must be submitted no later than sixty (60) days following the successful completion of the class. Submissions after the deadline will not be eligible for reimbursement.
5. The degree must be from a public or private academic institution accredited by one of the regional accrediting associations. ([US Dept. of Education Accredited Institution List](#)).
6. CMPD will not reimburse for Doctor of Philosophy (Ph.D.), juris doctorate, or other doctorate programs.

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7. Approval must be obtained from the employee's supervisor and the Human Resources Division prior to enrollment in each new term. The employee's supervisor and the Human Resources Division manager or designee must sign the reimbursement application.
8. Eligible expenses submitted must have prior signature approval from the Human Resources Division and the employee's supervisor to be processed for reimbursement.
9. Employees must receive a grade of C or higher in undergraduate courses or B or higher in graduate courses to qualify for reimbursement.
10. An official grade report or certified transcript is required after the successful completion of each course. A certified transcript is required after every \$2,000 of reimbursements.
11. Expenses eligible for reimbursement are:
  - a. Tuition (not to exceed UNC Charlotte fee rates for a bachelor's or master's degree or CPCC fee rates for an associate degree).
  - b. Lab fees and other required fees (UNC Charlotte or CPCC fee rates).
  - c. Required learning materials and/or textbooks.  
  
When submitting for reimbursement, a copy of the course syllabus indicating the required learning materials and/or books accompanied by receipts for these materials and/or books is required.
12. Expenses not eligible for reimbursement are:
  - a. Tools and supplies (other than textbooks).
  - b. Meals, lodging, parking, and transportation.
  - c. Pre-enrollment testing, graduation fees, transcripts.
  - d. Computer and internet access fees.
13. Employees may not claim reimbursement for costs covered by other sources. This includes grants, scholarships, G.I. Bill, and any other program where the employee receives educational reimbursements.
14. Non-credit courses are not eligible for reimbursement. (Certificate/diploma programs, continuing education credits, etc.).
15. Educational reimbursement will be taxed based on the current federal tax guidelines at the time of reimbursement.
16. Reimbursement rates may be subject to change based on current rates at UNC Charlotte or CPCC.

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IV. REFERENCES

- [Education Reimbursement Form](#)
- [City of Charlotte Educational Assistance Policy](#)
- [US Dept. of Education Accredited Institution List](#)
- Tax Benefits for Education
- CALEA

The previous version of Directive 300-014 Educational Incentive and Reimbursement Program was published on 01/27/2022.

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I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department’s (CMPD) procurement of goods and services and strengthens internal controls for the CMPD’s procurement process.

II. POLICY


Per the Citywide Procurement Policy (MFS 24), all Charlotte-Mecklenburg Police Department (CMPD) employees will procure goods and services through the City of Charlotte’s financial system (hereafter referred to as “the system”). The CMPD will assist employees in the procurement process to ensure that CMPD processes comply with applicable law, the City of Charlotte Procurement policy, and Charlotte City Council directives.

III. DEFINITIONS

See the [Citywide Procurement Policy](#) (MFS 24).

IV. GENERAL PROCUREMENT RULES


- A. Goods, services, and technology purchases shall be made using a purchase order (PO) or procurement card (P-Card) unless otherwise provided for in Section 1.12 of MFS 24. Certain limited, authorized purchases may also be made using a request for check (RFC), as defined and approved by the [Accounts Payable Payment Policy](#) (MFS 6).
- B. Goods, services, and technology shall be purchased from a citywide or CMPD contract except as provided in Section 1.13 of MFS 24.
- C. All supporting documents (quotes, proposals, bids, contracts, POs, etc.) shall be maintained per applicable federal, state, and local records retention requirements and policies. Certain documents are required to be maintained in the system as attachments to the relevant contract, purchase order, invoice, receiving, or P-Card transaction record.
- D. Purchases made via purchase order or RFC may only be made from a vendor properly registered with the City of Charlotte per the [Citywide Vendor Policy](#) (MFS 19). While vendor registration is not required for P-Card transactions, the City of Charlotte Corporate Compliance Manager will monitor each vendor’s frequency and cumulative spending to identify registration opportunities.
- E. Unless subject to one of the exceptions outlined in Section 1.12 of MFS 24, purchases shall follow the procurement process outlined in Appendix A: Thresholds, Processes, and Approval Authorities Table and be approved by the employee specified, based on the dollar amount and procurement type.
- F. Employees are responsible for estimating the total need for a good, service, and/or technology, to the extent practicable, to ensure proper application of this policy.

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- G. Procurements shall not be split into multiple purchases to circumvent thresholds and approval authorities established in Appendix A.
- H. Purchases, regardless of type, shall be entered into the system.
- I. Purchases shall be encumbered or accounted for using a contract, PO, P-Card, and/or request for check (RFC).
- J. The use of P-Cards shall comply with the [Citywide Procurement Card Policy](#) (MFS 25) and may be, from time to time, governed by executive direction as required.
- K. A PO or P-Card shall be used when making purchases and can also be used against an approved contract (encumbered or unencumbered) for goods, services, and/or technology.
- L. A blanket purchase order (BPO) may be used in the purchase of goods, services, and technology, but only in those situations where a specific relationship between quantity and cost is not available. A [BPO Request Form](#) must be completed and attached to the requisition in the system for review and approval.
- M. The purchase type field of purchases initiated on a requisition in the system must be properly designated.
- N. Project accounts must be applied to contracts, requisitions, and P-Card transactions to be charged to a project.
- O. A list of city-wide contracts is available on the [Citywide Contact List](#).


V. PROCEDURE

- A. Before entering a purchase order requisition into the financial system, employees will obtain quotes as noted in MFS 24 Table 1 - Thresholds, Processes, and Approval Authorities. In addition, sole source purchases will require an approved [Sole Source Justification or Waiver Form](#) signed by the appropriate CMPD supervisor and a designee from the City of Charlotte Procurement Management Division. Other than obtaining informal quotes, employees will refrain from communicating with potential vendors before receiving direction from the CMPD Financial Management Division.
- B. Any employee soliciting goods, bids, or quotes for services or goods should not make any actual or implied verbal or written statements that could reasonably be interpreted by a vendor as an agreement of exclusivity for a particular purchase or contract.
- C. The City of Charlotte is not tax-exempt. Certain North Carolina taxes need proper allocation. Do not break out taxes from other states. If there are taxes from other states, include them with the receipt subtotal.
- D. Technology purchases of \$10,000.00 or more must be approved through the Technology Investment Process (TIP) before the requisition can be entered in the system. If a project includes the implementation of a new cloud-based software

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product, the product must go through an IT security assessment, regardless of cost.

- E. Any new uniform or clothing purchase must comply with Directive 400-001, Uniform and Grooming Standards.
- F. Equipment purchases where an individual piece of equipment exceeds \$5,000 must be marked as a fixed asset on the purchase order requisition in the financial system and entered in the CMPD inventory system.
- G. Purchases of tangible non-consumable assets that are considered sensitive, have a useful life of more than one year, have a value of less than \$5,000, and are critical and/or essential to operations must be entered in the CMPD inventory system.
- H. To the extent possible, CMPD should utilize acceptable procurement processes even during emergencies. City of Charlotte departments are not required to use a formal solicitation when a special emergency is in effect, such that the health and safety of the people or their property are in jeopardy. Purchases needed in response to a natural disaster or other sudden and unforeseeable situations must closely reflect the intent of the emergency exception. The requirements for invoking the emergency exception are:
  - 1. The emergency must be present, immediate, and existing.
  - 2. Harm cannot be averted through temporary measures; and
  - 3. The emergency cannot be self-created due to failure to take precautions.
- I. Petty cash custodians are responsible for ensuring that their petty cash box always contains the required funds. In addition:
  - 1. Petty cash custodians must report petty cash issues to the CMPD Financial Manager.
  - 2. Petty Cash Custodians are responsible for reconciling cash boxes when funds are replenished and keying expense allocations into the system.
  - 3. The Petty Cash Fund is reconciled by the CMPD Financial Management Division designee at least quarterly and more often if the balance is low.
  - 4. Employees found to be abusing the petty cash system either through questionable use or late receipts will be reported to the employee's chain of command and may be subject to disciplinary action.
  - 5. Unannounced audits may be conducted by the CMPD Financial Management Division and/or the City's Internal Audit Office to determine compliance with City of Charlotte procedures.
- J. Appendix A outlines CMPD's internal purchase request approval process, including the signatures required and methods of procurement for each purchase threshold. Final authorization comes from the signature authority, and it is the


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workflow approver's responsibility to ensure that the signature authority has approved the purchase. For purchases that require multiple signature authorities, all signatures must be obtained in the order listed.


K. Travel and P-Card Purchases

1. Travel shall be compliant with the City of Charlotte [Employee Travel and Expense Reimbursement](#) (FIN 18) policy.
2. All CMPD Employees must receive prior authorization from their chain of command up to the City Manager's Office before purchasing or making any travel arrangements. (i.e., hotel reservation, airfare, registration fees, etc.). Verbal approval is not an acceptable method of authorization.
3. At least three (3) weeks before the date of travel, CMPD employees must complete and submit the [CMPD Travel Request Authorization Form](#) electronically.
4. Once submitted, the CMPD Travel Request Authorization Form will be routed for electronic approval by the employee's chain of command.
5. Upon approval by the chain of command, a CMPD Financial Management Division designee will complete the City of Charlotte Travel Request in the citywide travel system and submit it to the City of Charlotte Finance Department for processing. The traveler will be notified when the travel loan check is available for pickup. Based on processing cost, a minimum amount of \$150.00 is required for loan requests unless there is a documented business need or prepaying would create a hardship for the employee, and such justification must be noted on the loan request form.
6. Travel Loan requests not submitted at least three (3) weeks in advance will be subject to using personal funds to cover all approved expenses and reimbursement upon returning from travel.
7. Each employee is expected to be fiscally responsible when making travel arrangements for hotel, airfare, and other components of City of Charlotte-approved travel.
8. Travel expenses may include airfare, hotel, car rental, lodging, meals, tips, and registration fees. Any additional and unapproved travel expense incurred outside of the assigned City of Charlotte business will be the responsibility of the employee.
9. Meal reimbursement requests should be calculated according to GSA Per Diem Expense Guidelines and the current [GSA Per Diem Rates](#).
10. If meals are provided during the trip, the per diem amount should be adjusted accordingly, as noted in the [Meals and Incidental Expenses Breakdown](#).



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11. When traveling on approved business, per diem should be used for all meal expenses. Accordingly, the P-Card shall not be used for meals on overnight travel, but any other valid travel expenses may go on the P-Card.
12. The P-Card shall not be used for personal expenses. A traveling cardholder is personally responsible for any payment of a personal expense by personal means other than a City of Charlotte P-Card. Misuse of a P-Card may result in disciplinary action, including termination/dismissal, P-Card revocation, or temporary suspension of P-Card privileges.
13. Within five (5) business days of returning from travel, any unused travel loan must be submitted to the CMPD Financial Management Division designee, and itemized receipts, excluding meals, must be scanned and emailed to [cmpdtravel@cmpd.org](mailto:cmpdtravel@cmpd.org). This includes, but may not be limited to:
  - a. a copy of the P-Card statement,
  - b. a copy of all associated P-Card receipts, and
  - c. any additional receipts (e.g., airfare, conference registration paid by check, hotel, transportation, rental car, etc.)
14. In advance of the due date, a CMPD Financial Management Division designee will provide at least one (1) reminder to the traveler that the expense report, travel receipts, and any unused travel loan are due. If not submitted before the five (5) business day deadline, the CMPD Financial Manager will send a communication to the employee and their chain of command up to the deputy chief requesting submission of all outstanding items.
15. Emergency travel for criminal investigations must receive authorization from the affected chain of command. Emergency travel expense reimbursement requests must be completed immediately upon return to duty.
16. Each employee is responsible for ensuring receipts are itemized and accurate before submitting them to the CMPD Financial Management Division. Any discrepancies with the billing must be resolved by the traveling employee.
17. Once all receipts have been received by the CMPD Financial Management Division designee, the employee will complete the Travel Expense Report in the travel system based on actual expenses.
18. If an employee fails to reconcile the travel expense report after all efforts from the CMPD Financial Manager and the chain of command, have been exhausted the City of Charlotte will initiate a process to recoup loaned funds via payroll deduction, if necessary.
19. Each employee should keep in mind that failing to comply with this directive may result in disciplinary action, including counseling; written reprimand; and/or suspension of travel privileges.

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## VI. PROCUREMENT DUTIES AND RESPONSIBILITIES

### A. P-Card Holders and Approvers


Any use of the P-Card is for business-related expenses. The P-Card holder is fully responsible for all transactions and the associated reconciliation process. All P-Card transactions must be reconciled in the system by the cardholder or cardholder proxy by the following Friday after the transaction is made. P-Card holders should not provide personal information, such as their social security number, home address, cell phone, or personal email address when completing business transactions. Only the P-Card holder's business information should be provided, such as a business address, phone number, and/or business email address.

#### 1. Cardholders will:


- a. Provide documentation to proxies to allocate transactions in the system weekly after they are imported into the system. This includes receipts, forms, a description of the business reason for the transaction, and the funding section.
- b. Check the system dashboard at least weekly (normally on the day transactions are downloaded from the bank) to monitor card spending.
- c. Understand that misuse of the P-Card and violations of the applicable policy and procedures may result in corrective action, including P-Card revocation, temporary card suspension, or employment termination.

#### 2. Cardholders will not:

- a. Split a transaction to circumvent a credit limit.
- b. Use the P-Card for a personal transaction.
- c. Accept cash instead of credit to the P-Card.
- d. Use the P-Card to buy alcohol.
- e. Use the P-Card to gamble.
- f. Purchase a gift card or gift certificate (the IRS considers a gift card as taxable income for an employee and is not a valid P-card transaction).
- g. Make a cash advance on the P-Card.
- h. Lend the P-Card to another person for use.
- i. Circumvent FIN 18 by use of a P-Card.

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- j. Make travel-related purchases on the P-Card without an approved Travel Authorization Form.
  - 3. Procurement cards are issued to CMPD employees who have a justified business need for that form of procurement. When a P-Card is issued, there is an implicit understanding that the P-Cardholder must use the P-Card compliant with City of Charlotte policies and procedures and keep their chain of command informed of such purchases weekly at a minimum.
- B. CMPD Captains or Executive Officers (XO) will:
  - 1. Ensure the item(s) requested meets an essential need.
  - 2. Ensure the employee's chain of command has approved the purchase.
  - 3. Ensure the requested purchase/item is budgeted and funds are available before approval of the purchase.
  - 4. Ensure purchases with contract terms and conditions are not extended, increased, decreased, or modified in any way without the approval of the CMPD Financial Management Division designee.
  - 5. Review and approve P-Card transactions within three (3) business days of their release into the system by the P-Card holder.
  - 6. Review the system dashboard at least daily for pending transactions awaiting approval or rejection.
  - 7. Keep the CMPD Financial Manager informed of significant issues involving vendors (e.g., vendor non-performance, non-delivery, etc.)
- C. Majors will:
  - 1. Ensure the item(s) requested meets an essential need and that the item(s) is not already available for use in other areas of the CMPD before purchase approval.
  - 2. Determine and select the most appropriate funding source (e.g., asset forfeiture, grant, etc.)
  - 3. Ensure the purchase is authorized and meets all procurement guidelines before approval by a deputy chief.
  - 4. Monitor the bureau's spending to ensure compliance with cumulative spending signature authorities as noted in Appendix A.
  - 5. Review the system dashboard at least daily for pending transactions awaiting approval or rejection.
- D. Deputy Chiefs will:
  - 1. Oversee the financial operations of their assigned service group.


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2. Review the system dashboard at least daily for pending transactions awaiting approval or rejection.
3. Ensure corrective action is taken to address any unauthorized purchases that have not gone through the proper procurement process.

E. The CMPD Financial Management Division will:

1. Oversee the financial operations of the CMPD including:
  - a. the operating budget,
  - b. capital budget,
  - c. grants,
  - d. contracts,
  - e. asset forfeiture,
  - f. travel, and
  - g. procurement.
2. Ensure CMPD procurement activities are completed efficiently while adhering to all statutory requirements, City of Charlotte procurement policies, and best business practices.
3. Assist in the development of CMPD procurement policies and procedures to support compliance.
4. Review and approve procurement requests to ensure compliance with CMPD and City of Charlotte procurement policies, proper approval (signature authority) has been obtained, and adequate funding is available to complete the procurement process.
5. Monitor vendor spending during each fiscal year to ensure compliance with cumulative spending and signature authorities.
6. Ensure that the contract terms and conditions of new contracts are reviewed by the Police Attorney's Office before contract execution.
7. Establish CMPD P-Card processes that are in line with MFS 25 and all other City of Charlotte procedures.
8. Recommend corrective actions through the appropriate chain of command for violations of MFS 25 and all other City of Charlotte procedures.
9. Ensure any purchase or transaction determined to be unauthorized is forwarded to the business services manager, executive officer, and deputy chief of the purchasing unit.

VII. CHARLOTTE BUSINESS INCLUSION PROGRAM (CBI)

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The CMPD is committed to promoting equal opportunities by implementing goals and good faith efforts to promote the utilization of CBIs for CMPD contracts of goods and services. Employees are encouraged to seek out minority, women-owned (MW), small business enterprises (SBEs), and/or certified CBIs for participation in the procurement of goods and services. Certified MW/SBE firms can be located on the [Charlotte Business INClusion](#) website.

- A. The CMPD Financial Management Division will keep employees updated on current, qualified, and registered CBI vendors.
- B. The CMPD Financial Management Division will monitor requests for goods and services to identify opportunities to utilize registered CBIs as a part of CMPD’s best business practices.

### XIII. ETHICS AND CONFLICT

- A. The City of Charlotte has established several policies outlining the standards for ethical practices by City of Charlotte employees. Employees must always comply with these policy standards when engaging in procurement activities. In addition, employees responsible for procurement activities shall perform their responsibilities with the highest level of professionalism, integrity, and civic stewardship.

#### B. Gifts and Favors (HR 12)


The City of Charlotte has established the [Gifts and Favors Policy](#) (HR 12), which requires that public employees be independent, impartial, and responsible to the people and that public positions not be used for personal gain. Employees responsible for procurement activities are explicitly prohibited from the solicitation and acceptance of gifts or favors in any amount, including any actual or promised payment (kickbacks), gifts, donations, services, or other offerings.

#### C. Conflict of Interest (HR 13)

The City of Charlotte has established the [Conflict of Interest Policy for City, Secondary, and Other Employment Relationships](#) (HR 13). Employees responsible for procurement activities shall employ principles of fairness and avoid favoritism or personal gain in their activities so as not to create a situation that represents an actual conflict of interest or the reasonable appearance of a conflict.


### IX. REFERENCES

- Accounts Payable Payment Policy (MFS 6)
- Citywide Procurement Card Policy (MFS 25)
- Citywide Procurement Policy (MFS 24)
- Citywide Vendor Policy (MFS 19)
- Conflict of Interest Policy for City, Secondary and Other Employment Relationships (HR 13)
- Employee Travel and Expense Reimbursement (FIN 18)
- Gifts and Favors Policy (HR 12)

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Directive 200-011 Asset Management  
 Directive 400-001 Uniform and Grooming Standards  
 CALEA

The previous version of Directive 300-015 CMPD Procurement Process was published on 01/24/2018.

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### Appendix A: Thresholds, Processes, and Approval Authorities Table

Threshold	Method of Procurement	Goods		Services		Technology	
		Workflow Approval	Signature Authority	Workflow Approval	Signature Authority	Workflow Approval	Signature Authority
Less than \$1,000	<ul style="list-style-type: none"> <li>• P-Card</li> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Captain or civilian manager, Financial Manager	Financial Manager (or higher-level signature authority)	Captain or civilian manager, Financial Manager	Financial Manager (or higher-level signature authority)	Captain or civilian manager; Financial Manager	Financial Manager (or higher-level signature authority)
\$1,000-\$4,999	<ul style="list-style-type: none"> <li>• P-Card</li> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Major or civilian manager; Financial Manager	Financial Manager (or higher-level signature authority)	Major or civilian manager; Financial Manager	Financial Manager (or higher-level signature authority)	Major or civilian manager; Financial Manager	Financial Manager (or higher-level signature authority)
\$5,000-\$9,999	<ul style="list-style-type: none"> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Deputy Chief; Financial Manager	Financial Manager (or higher-level signature authority)	Deputy Chief; Financial Manager	Financial Manager (or higher-level signature authority)	Deputy Chief; Financial Manager	Financial Manager (or higher-level signature authority)
\$10,000-\$19,999	<ul style="list-style-type: none"> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Deputy Chief; Financial Manager	Chief of Police; or Business Services Manager.	Deputy Chief; Financial Manager	Chief of Police; or Business Services Manager.	TIP; Deputy Chief; Financial Manager	Chief of Police; or Business Services Manager.
\$20,000-\$49,999	<ul style="list-style-type: none"> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Deputy Chief; Financial Manager; and Business Services Manager	Chief of Police, or Business Services Mgr.	Deputy Chief, Financial Manager; and Business Services Manager	Chief of Police, or Business Services Mgr.	TIP, Deputy Chief, Financial Manager; and Business Services Manager	Chief of Police, or Business Services Manager.
\$50,000-\$99,999	<ul style="list-style-type: none"> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Deputy Chief; Financial Manager; and Business Services Manager	Chief of Police and City Manager (or designee)	Deputy Chief, Financial Manager; and Business Services and City Manager (or designee).	Chief of Police and City Manager (or designee)	TIP, Deputy Chief; Financial Manager; and Business Services Manager	Chief of Police and City Manager (or designee)
\$100,000-\$500,000	<ul style="list-style-type: none"> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Deputy Chief, Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee).	Chief of Police and City Manager	Deputy Chief, Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee).	Chief of Police and City Manager	TIP, Deputy Chief, Financial Manager; and Business Services Manager or Chief's Executive Officer; and City Manager (or designee).	Chief of Police and City Manager
\$500,000 and above	<ul style="list-style-type: none"> <li>• PO</li> <li>• Request for Check</li> <li>• Contract</li> </ul>	Deputy Chief; Financial Manager Business Services Manager or Chief's Executive Officer; and City Manager (or designee)	Chief of Police; City Manager and City Council	Deputy Chief; Financial Manager and Business Services Manager or Chief's Executive Officer and City Manager (or designee)	Chief of Police; City Manager and City Council	TIP; Deputy Chief; Financial Manager and Business Services Manager or Chief's Executive Officer; and City Manager (or designee)	Chief of Police; City Manager and City Council

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## I. PURPOSE

The purpose of this directive is to provide Charlotte-Mecklenburg Police Department (CMPD) employees with information regarding the rights and responsibilities of the CMPD and its employees when employees serve as members of the uniformed services of the United States.

## II. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) is committed to supporting employees who are members of the uniformed services. Per federal and state law, it is the CMPD policy that no employee or prospective employee will be subjected to any form of discrimination based on membership in or obligation to serve in any of the uniformed services. Specifically, no employee or prospective employee will be denied employment, reemployment or reinstatement, promotion, or any other benefit based on such membership. Furthermore, employees or prospective employees who exercise their rights under this directive will not be subjected to retaliation for doing so.

This policy references guidelines established by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and provides an outline of rights and expectations therein. Additional details and information may be obtained by contacting the CMPD Human Resources Division (HRD).

## III. DEFINITIONS

- A. Short-Term Military Leave: Any military leave spanning thirty (30) calendar days or less. The thirty (30) calendar days may be taken consecutively or intermittently (for example monthly weekend training sessions).
- B. Extended Military Leave: Any military leave spanning more than thirty (30) calendar days and less than five (5) years.
- C. Uniformed Services: The Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service. This includes the Reserve or National Guard components and any other category of persons designated by the President in times of war or national emergencies.
- D. Human Resources Military Liaison (HRML): The designated CMPD Human Resources Division employee responsible for addressing the administrative needs of employees who are preparing for, deployed, or returning from a military leave of absence.


## IV. REPORTING DISCRIMINATION

Employees should immediately report any perceived experience of discrimination in violation of this directive to the CMPD Human Resources Military Liaison (HRML).

## V. PROCEDURES

- A. Pre-Deployment Procedures



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1. Military Leave – Notice to the CMPD
  - a. Employees should notify their direct supervisor if they anticipate receiving written or verbal military orders.
  - b. Employees must notify their direct supervisor and the CMPD HRML as soon as they receive written or verbal military orders.
  - c. Advanced notice is not required if such notice is precluded by military necessity or if giving of such notice is otherwise impossible or unreasonable.
  
2. CMPD Human Resources Division Responsibilities
 

The HRML will meet with deploying employees and ensure that all required administrative tasks are initiated, determine if there are any anticipated family needs, and update the employee’s emergency contact information. The HRML will be the point of contact for official agency business communications with deployed employees.

  - a. The HRD strongly encourages employees to provide copies of their written orders once received and their Military Leave and Earnings Statement (LES) to ensure a smooth transition.
  - b. The HRML will ensure that any needed payroll changes are completed and any benefits questions are answered.
  - c. The HRML will maintain and update contact files for all deployed CMPD employees and their families.
  - d. The HRML will maintain a centralized list of activated personnel for distribution on a need-to-know basis.
  
3. CMPD Division Level Responsibilities
 

CMPD divisions will assist their employees with pre-deployment tasks as follows:

  - a. The division will assist with the completion of any pre-deployment division-level administrative tasks.
  - b. The division will maintain contact with the HRML regarding any status changes for employees or their family members.
  - c. Upon notification of a pending deployment, additions to the employee’s workload (i.e., case assignments) will cease, and current case assignments that cannot be completed pre-deployment will be reassigned.
  - d. No less than twenty-four (24) hours before the start of a military leave lasting more than thirty (30) days, the division will assist employees with

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the return and temporary storage of all issued uniforms and equipment including, but not limited to service weapons, radios, and Conducted Electrical Weapons (CEW), to the CMPD Property and Evidence Management Division

B. CMPD Human Resources Division Deployment Procedures

1. The CMPD HRML will be responsible for monitoring the status of deployed employees and addressing benefits and payroll-related questions as they arise.
2. When the HRML is contacted by a deployed employee or authorized family member, the HRML, in addition to addressing that immediate inquiry, will also make referrals as needed regarding any status changes or benefits.

VI. BENEFITS DURING MILITARY LEAVE

A. Insurance

As an employee of the City of Charlotte, employees are eligible to continue benefits during their leave of absence. Employees should meet with the CMPD HRML to discuss the benefits plan that will best suit their situation.

B. Retirement Plan

Upon reemployment, the employee will be credited with the time served in the uniformed services for purposes of retirement plan vesting. Employees may elect to make retirement plan contributions that were suspended during deployment by contacting the CMPD HRML.

C. Vacation


Employees may elect to use none, some, or all accrued vacation leave during short-term or extended military leave.

Employees will not accrue benefit time if paid time is not entered into the payroll system. Benefit time accrual during military leave should be discussed with the HRML.

VII. MILITARY LEAVE AND PAYROLL

A. Military Training Leave

1. Employees shall provide advance notice and a copy of their training orders to the CMPD HRML.
2. Regular employees may be granted up to eighty (80) hours of military training leave annually to be used for required annual uniformed services training and may be used in increments. Military training leave pay can be used to cover one-half of each scheduled workday during the approved leave period (designated as MLS in the payroll system). For the remaining one-half of each

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scheduled workday employees may elect to use leave without pay approved (designated as LWP in the payroll system) or accrued vacation leave (designated as VAC in the payroll system).

3. Military training leave is not counted towards time worked in the calculation of overtime and unused military training leave will be forfeited at the end of each calendar year.


**B. Active Duty**

1. Employees whose gross military pay is less than their base City of Charlotte salary will be afforded supplemental pay equal to the difference between their military pay and their base salary, while on active duty in the uniformed services.
2. The CMPD HRML must receive official verification of employee military pay – LES or paycheck stubs - by the 10<sup>th</sup> of each month so that supplemental pay can be processed on the fourth Friday of each month regardless of the number of weeks in a month.
3. LES or paycheck stubs must be submitted to the CMPD HRML within thirty (30) calendar days of receipt for processing by the City of Charlotte Human Resources Department. Employees who are unable to submit LES or paycheck stubs during a deployment must submit them within thirty (30) calendar days of returning to work.
4. If an employee fails to submit LES Statements within thirty (30) calendar days of receipt, or returning to work, the statements will be deemed ineligible for supplemental pay. Eligibility determinations for extenuating circumstances will be reviewed on a case-by-case basis.

**VIII. ELIGIBILITY FOR EMPLOYMENT RESTORATION**

A. A member of the uniformed services shall be required to meet the following criteria to be eligible for full reemployment restoration with the CMPD:

1. The employee must have followed the notification requirement in section V-A-1 above.
2. The cumulative length of all uniformed services-related absences must not exceed five (5) years. Employees who believe their cumulative length of absences will exceed five (5) years should contact the CMPD HRML to determine if there is a statutory exception to this general requirement. The five (5) year total excludes certain activities such as inactive duty training (drills) and annual training.
3. Employees must have satisfactorily completed their service obligations and be released or discharged “honorably” “generally” or “under honorable conditions”.


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4. After completion of service obligations, employees must report to the CMPD as follows:
  - a. Uniformed service of thirty (30) calendar days or less - Employees must report to their direct supervisor within eight (8) hours of the first full regularly scheduled workday after the completion of uniformed service. Unless, due to no fault of the employee, an employee is unable to report within eight (8) hours, then the employee must report as soon as possible.
  - b. Uniformed service of between 31 and 180 calendar days - Employees must report to the CMPD HRML no later than fourteen (14) calendar days after the completion of uniformed service. Unless, due to no fault of the employee, an employee is unable to report within fourteen (14) calendar days, then the employee must report on the first full calendar day possible.
  - c. Uniformed service of more than 180 calendar days - Employees must report to the CMPD HRML no later than ninety (90) calendar days after the completion of uniformed service.
- B. Employees who fail to report in compliance with the above requirements will be treated as absent without leave (AWOL) and subject to the City of Charlotte's disciplinary process.

#### IX. EMPLOYEE REINSTATEMENT RIGHTS

Employees returning from uniformed service who were eligible for promotion on the last day of City of Charlotte employment shall be promptly reemployed in the following priority order:

- A. Uniformed Service of ninety (90) calendar days or less
  1. Employees who still qualify for promotion will be employed with the City of Charlotte in the promotional position that they would have held had there not been an interruption in their employment.
  2. Employees who are unable to qualify for the promotional position after all reasonable efforts have been made to aid the employee in meeting the position qualifications will be reemployed in the position held on the last date of City of Charlotte employment.
- B. Uniformed Service of more than ninety (90) calendar days
  1. Employees who still qualify for promotion will be employed with the City of Charlotte in the promotional position that they would have held had there not been an interruption in their employment. If the promotional position is no longer available, the employee will be employed in a position that is similar in qualifications, seniority, status, and pay.

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2. Employees who are unable to qualify for the promotional position after all reasonable efforts have been made to aid the employee in meeting the position qualifications, and are qualified for their previous position, will be reemployed in the position held on the last day of City of Charlotte employment or a position that is similar in qualifications, seniority, status, and pay.
3. If after all reasonable efforts have been exhausted, an employee does not qualify for promotion or reemployment in the position held on the last day of City of Charlotte employment, the employee will be employed in a position for which they are qualified and that is of equivalent pay and benefits to their previous position.

#### X. ADDITIONAL INFORMATION & RESOURCES

This directive provides an outline of basic rights and expectations. Additional details and information may be obtained by contacting the CMPD Human Resources Division to discuss specific situations.

Additionally, employees may contact the United States Department of Veterans Affairs by calling 1 (800) 827-1000 or by visiting their website at [www.va.gov](http://www.va.gov). The booklet "Federal Benefits for Veterans, Dependents, and Survivors" is available on their website or at the nearest Veterans Affairs office.

Please note that the information provided in this directive is intended only to provide a summary of the benefits available to CMPD employees who are uniformed services members in an easy-to-understand format and is not a full description of all applicable laws, benefit plans or programs, terms of eligibility, or plan restrictions.

#### XI. REFERENCES

300-001 Scheduling, Timekeeping and Attendance

300-013 Return to Duty

400-001 Uniform and Grooming Standards

400-003 Equipment

Rights of Applicants For, and Service Members and Former Service Members of the Uniformed Services (7-01-02 Edition)


Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) 38

U.S.C. 4301-4335

32 CFR Part 104

CALEA

The previous version of Directive 300-016 Military Leave Policy was published on 12/04/2017.

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	<b>Interactive Directives Guide</b>	<b>Lactation Accommodations</b>	
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I. PURPOSE

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to assist working mothers with the transition back to work following the birth of a child by providing lactation support. A lactation support program allows a nursing mother to express breast milk periodically during the workday.

II. POLICY

In compliance with the Fair Labor Standards Act, CMPD will provide lactation accommodations to include a reasonable break time and appropriate facilities for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth (29 USC § 207).


III. PROCEDURES

A. Lactation Break Time

1. A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total thirty (30) minutes or less during any four (4) hour work period or a major portion of a four (4) hour work period will be considered reasonable. However, individual circumstances may require more or less time.
2. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled break or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any time exceeding regularly scheduled and paid break time may be unpaid.
3. Employees assigned to patrol duties in need of a lactation break will appropriately check out of service through the CAD system and notify an immediate supervisor of the need to be out of service. Lactation breaks may be delayed if the break would seriously disrupt department operations.
4. Once a lactation break has been approved, the break shall not be interrupted except for emergency or exigent circumstances.
5. Expressed milk may be stored in a designated refrigerator, the employee's personal cooler, or other location. Expressed milk stored in an authorized refrigerated area within CMPD shall be clearly labeled and removed at the end of the employee's shift.

B. Private Location

1. CMPD will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be near the employee's work area, sterile, and will not be a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207). If a locker room is to be used, there must be an enclosed wall between a toilet stall and the


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designated area. Appropriate signage will be made available for posting on the door by the employee needing privacy for this purpose. The location will be in proximity to a refrigerator for storage and contain access to electrical outlets.

2. Employees occupying such private areas shall secure the door or otherwise make it clear to other employees that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.
3. CMPD has allocated resources towards the creation of lactation room facilities throughout the department. A list of lactation rooms is located in Appendix A and on the CMPD Portal Page (Human Resources Division under HR Forms Library).
4. Authorized lactation breaks for employees assigned to patrol duties may be taken at the nearest appropriate private location.
5. Lactation rooms are restricted, and access will only be provided to authorized employees by the Human Resources Division. Employees requiring access will contact the Human Resources Division to have authorization granted.
6. Employees will be granted access for one (1) year following childbirth. Access may be extended based on employee needs.
7. Employees who believe their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy are encouraged to follow the chain of command in reporting the violation and may contact the CMPD Human Resources Division via email at [cmpdhrleaveteam@cmpd.org](mailto:cmpdhrleaveteam@cmpd.org).

#### IV. REFERENCES


Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C.207)  
N.C.G.S. § 14-190.9

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### Appendix A: Lactation Room Locator

<b>Description</b>	<b>Physical Address</b>	<b>Generator</b>	<b>Distance from CMPD Headquarters</b>
CMPD Headquarters	601 East Trade Street Charlotte, NC 28202	Yes	0 miles
Westover Division Facility	2550 West Blvd - Charlotte, NC 28208	Yes	4.7 miles
Central Division Facility	700 West 5th Street Charlotte, NC 28202	Yes	1.2 miles
University City Division Facility	8452 N. Tryon Street, Charlotte, NC 28262	No	10.9 miles
Hickory Grove Division Facility	7025 Albemarle Road Charlotte, NC 28215	Yes	7.6 miles
Independence Division Facility	6711 City View Dr., Charlotte, NC 28212	Yes	4.3 miles
South Division Facility	11217 Providence Road West Charlotte, NC 28277	Yes	15.4 miles



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## I. PURPOSE

The purpose of this policy is to provide Charlotte-Mecklenburg Police Department (CMPD) employees with instruction regarding the proper method for planning and completing employee Performance Review and Development evaluations.

## II. POLICY


The City of Charlotte has adopted a pay-for-performance philosophy to reward employees based on the level of their achievements. The performance review process provides supervisors and employees with opportunities to communicate and ensure that employees receive consistent verbal and written feedback about their performance. Additionally, by communicating about the quality and value of their performance and behaviors, employees are better equipped to achieve continuous improvement that will contribute to the overall success of the CMPD.

Since performance reviews are often used to make personnel decisions, they are subject to Equal Employment Opportunity (EEO) guidelines. Therefore, the performance review process must be consistently applied, job-related, and based on clear and non-arbitrary criteria. All decisions and judgments should be based on the achievements of the individual employee.

The CMPD has moved to an electronic system, allowing the PRD process to flow seamlessly from employee to supervisor to reviewer, and to the Human Resources Division.

## III. DEFINITIONS

- A. **Competencies:** Employee skills and behaviors that are required based on the level of the employee's position within the CMPD.
- B. **Goals:** Observable and measurable expectations that are derived from the CMPD's strategic goals and are specific to an employee's role within the organization.
- C. **Special Events Hireback:** A rehired sworn retiree responsible for maintaining NC State Law Enforcement Officer Certification with the CMPD and working special events or at any other time deemed necessary by the CMPD.
- D. **Task-Oriented Hireback:** A rehired sworn or civilian retiree responsible for a specific task approved by the police chief or designee. All sworn retirees must maintain NC State Law Enforcement Officer Certification with the CMPD.
- E. **Performance Review and Development (PRD):** Performance Review and Development (PRD) is the City of Charlotte's formal employee performance management and appraisal program. PRD is a performance management, planning, coaching, review, and development program focused on performance standards that are specific to an employee's assignment and includes goals that are to be achieved by employees during the rating period.
- F. **Performance Review and Development and Learning Management System (PRD and LMS):** Currently, the City of Charlotte uses MySuccess as its electronic system for

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Performance Review and Development (PRD) and learning management. MySuccess allows both the employee and supervisor to input goals and accomplishments.

G. Performance Ratings:

1. Exceptional Performance (X): This rating indicates that an employee's performance consistently exceeded job requirements and the employee regularly produced superior and unique results during the review period. Ratings of exceptional require written explanatory comments.
2. Performance Exceeded Expectations (E): This rating indicates that an employee's performance met and frequently exceeded job requirements during the review period. An employee who receives this rating would be considered a highly competent job performer.
3. Performance Achieved Expectations (A): This rating indicates that an employee's performance met and occasionally exceeded job requirements and indicates a job well done during the review period.
4. Marginal Performance (M): This rating indicates that an employee's performance frequently did not meet the minimum job requirements. An employee who receives this rating needs improvement and requires closer supervision or guidance in some areas. As a result, the employee is placed on performance probation.
5. Unacceptable Performance (U): This rating indicates that an employee's performance failed to meet job requirements or has areas where performance is unacceptable. As a result, the employee is placed on performance probation. Ratings of unacceptable performance require written explanatory comments.

H. PRD Reviewer: The supervisor, sworn or civilian, who is directly responsible for the actions of a subordinate supervisor.

I. Supervisor: The employee, sworn or civilian, who is directly responsible for the actions of those employees directly subordinate to them.


IV. PROCEDURE

Performance evaluations must be conducted and documented annually. The due date of the evaluation is one calendar year from the last evaluation date except in the case of promotion, demotion, change of job class, or performance probation.

A. Employee Responsibilities

It is each employee's responsibility to review their work utilizing the expectations of their supervisor and to understand how their achievements contribute to the success of the CMPD.

1. Employee's primary responsibilities include:


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- a. Maintaining open and frequent communication with their supervisor.
  - b. Requesting the tools and support required to take greater ownership of their performance and future development.
  - c. Knowing what behaviors are necessary to be successful in their role and how their behavior impacts the success of their co-workers, the CMPD, and their performance.
  - d. Proactively discussing with their supervisor ways to improve their performance, learning what is expected of them, understanding their performance strengths and weaknesses, and working with their supervisor to develop and follow a plan for their future growth.
  - e. Referring to their annual goals and competencies regularly to assess their performance and evaluate their progress. Employees may not change or delete their goals without supervisor approval.
  - f. Verifying their performance review and/or merit date with their supervisor annually.
2. Employee's role in preparation for the annual performance review conference:
- a. Complete the self-evaluation portion of the PRD on time in preparation for the annual performance review conference.
  - b. Be prepared to discuss their performance openly and honestly with their supervisor and think positively about the feedback provided by their supervisor to maintain a high standard of performance.
  - c. Prepare notes and ideas regarding new goals for the next review period and be prepared to discuss them with your supervisor.
  - d. Sign the performance review form electronically at the end of the review conference to indicate that the review was discussed. An employee's signature is not indicative of agreement with the evaluation.
  - e. As soon as possible, note any additional comments on the performance review, including agreement or disagreement with the feedback provided and/or about the accuracy and fairness of the review. These comments will be reviewed by the supervisor and the reviewer.


**B. Supervisor Responsibilities**

Supervisors are responsible for formally and informally reviewing and evaluating employee performance as it relates to division and/or CMPD objectives and helping employees understand how their achievements contribute to the overall success of the CMPD.

1. Supervisor's primary responsibilities include:

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- a. Setting expectations for achieving goals, competencies, and self-management.
  - b. Giving employees the tools and support to assist them with taking greater ownership of individual performance and future development.
  - c. Ensuring that employee goals are aligned with the CMPD business plan and initiatives.
  - d. Communicating with employees about performance expectations, job standards, goals, and competencies. When goals change, amend employee performance plans, and inform the affected employees.
  - e. Ensuring goals and competencies include appropriate performance measures.
  - f. Meeting with employees to assess progress and provide feedback on goals and competencies assigned for the year.
  - g. Ensuring that employees receive relevant and frequent feedback on performance, achievements, and any areas where improvement is needed. Vague, generalized, or subjective evaluations are not helpful and can lead to misunderstandings.
  - h. Routinely reviewing goals and employee progress towards goals. Ensuring that goals are consistently aligned with the CMPD's strategic goals. Reviewing and updating employee goals as necessary.
  - i. Addressing performance concerns. Occasionally, the performance review process will involve the need to provide constructive criticism, apply corrective action, clarify expectations, and discuss the consequences of unacceptable performance.
  - j. Promptly addressing unacceptable performance and/or non-productive employees and avoiding misleading employees by tolerating poor performance for extended periods.
  - k. Maintaining ongoing communication regarding employee performance throughout the performance review period so that employees are not surprised by the feedback they receive during their evaluation.
2. Supervisor's role in preparation for the annual performance review conference:
- The annual review is a time for evaluating employee performance in terms of achievements, behaviors, outcomes, responsibilities, personal development, and contributions to organizational and team success. Frequent feedback between supervisors and employees during the review period helps to ensure that there are no unpleasant feedback-related surprises during the annual review.


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Supervisors should:


- a. Always seek employee input and perspectives before finalizing a performance review. Employee input includes but is not limited to:
  - (1) A completed employee self-evaluation.
  - (2) Mid-term meetings with employees to discuss and document performance and achievements.
  - (3) Information from work documentation and ongoing employee communication.
  - (4) Input from the reviewer during supervisor comment preparations and final rating recommendations.
- b. Schedule performance conferences far enough in advance to allow employees an opportunity to prepare and review their achievements, consider areas where they may need improvement, and begin to plan for the next review period.
- c. Schedule a time and place for the conference that will allow enough time for the review to be conducted in a relaxed, private, and neutral setting. Do not schedule the conference too soon after a disciplinary action or disagreement. The discussion should be treated as confidential.
- d. Schedule a time to discuss performance goals for the next review period to ensure employee input in the planning process.
- e. Complete the performance review discussion before discussing the merit increase. This will keep the focus on the employee's performance and not distract the employee from the developmental benefits and opportunities related to the performance discussion.
- f. Towards the end of the current year's performance discussion, begin planning for the next review period by discussing which goals will be continued from the previous year and what goals will be added.
- g. At the end of the conference, inform the employee of the merit increase.
- h. Ensure the PRD is complete and signed by all parties.
- i. Finalize goals for the next review period within four (4) to six (6) weeks after the conclusion of the current performance review process.

### C. Reviewer Responsibilities

The role of the reviewer is important to ensure that employees receive a meaningful and clear message about their performance and to ensure that job assignments and performance are aligned with the CMPD business plan.

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1. Reviewer's primary responsibilities include:
  - a. Ensuring that employees are treated fairly and consistently as it pertains to performance ratings, the application of policies and rules, and the management of legal matters or concerns.
  - b. Ensuring that supervisors receive assistance with resolving performance concerns.
  - c. Ensuring that performance reviews are completed on time.
  - d. Ensuring that annual performance evaluations are reviewed and discussed with supervisors before discussions with employees.
  - e. Ensuring that supervisor evaluations of employees are autonomous. The reviewer should take a neutral position and avoid micromanaging the performance evaluation process.
  - f. Providing an explanation for any proposed changes to supervisor comments or rating recommendations and discussing them until a consensus or compromise can be reached. The goal for both the reviewer and supervisor is to ensure that every employee receives objective, consistent, and fair performance evaluations that include constructive feedback intended to support goal achievement.
  - g. Reviewing any employee comments and taking appropriate action as needed.
  - h. Including goals related to effective supervision, effective use of MySuccess and the PRD module, and timely completion of performance reviews in the performance plan of each subordinate supervisor.
  
2. Reviewer's Role in Preparation for the Performance Review Process:
  - a. At the beginning of the performance review year, review employee goals with supervisors and recommend changes as needed.
  - b. Review the completed employee performance review submitted by the supervisor. The completed PRD should include all relevant documents, written comments by the supervisor, recommended ratings for each objective, and a recommended overall rating.
  - c. Discuss areas of disagreement with the supervisor. Often, due to work proximity, supervisors have more information about, or have had more opportunities to observe, employee performance. As a result, the supervisor's perspective should be considered in areas of disagreement.
  - d. Ensure that the performance message to the employee is complete and clear. The documentation supporting the performance review and supervisor comments should be honest and helpful to the employee.

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- e. Collaborate with the supervisor to edit supervisory comments as needed.
- f. Electronically sign the PRD after the employee and supervisor have signed.
- g. Seek support from the CMPD's Human Resources Division in difficult or unusual circumstances related to evaluating performance and interpretation of the Americans with Disabilities Act (ADA) or Federal Medical Leave Act (FMLA). ,.
- h. Review any final written comments provided by employees after the performance review conference, discuss any needed action with the supervisor, and ensure appropriate follow-up.

#### D. The Performance Review Conference

1. Successful performance review sessions require input from both supervisors and employees. Performance review conferences provide supervisors with the opportunity to discuss the value of performance reviews with employees, acknowledge employee strengths, and identify opportunities for employees to improve performance where needed. They are also an opportunity for employees to assess their performance, strengths, and any needed improvements.
2. Supervisors should discuss with the reviewer the completed performance review, performance rating, and merit increase. When discussing employee performance ratings, supervisors should:
  - a. Ensure employee input has been considered.
  - b. Present specific facts and/or illustrations of job performance to support the rating and comments.
  - d. Be able to define the major purpose of the conference and the goals to be achieved.
  - e. Review the outline of the items to be discussed during the conference. This outline should be used as a guide only, allowing for discussion in the order best suited to meet each employee's needs. Having a plan will enable the supervisor to ensure important points are addressed without wasting time or creating confusion.
3. When conducting performance review conferences, supervisors should review each goal and competency and encourage employees to provide feedback. Supervisors should:
  - a. Discuss the rating for each goal and competency and relate it to specific incidents or accomplishments. Emphasize both performance strengths and weaknesses to provide a complete picture of the employee's job performance during the review period.


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- b. In situations where there has been a performance concern, summarize the facts and define the problem by discussing the expectations associated with the related goal and/or competency. Discuss the reason why the goal and/or competency is considered unachieved, focusing on the concern and associated behavior and not the person.
- c. Establish objectives for improvement jointly with employees.
- d. Inform employees of the overall performance rating.
- e. Allow employees to react to evaluations, the review process, and any related concerns discussed during the conference. Discuss with employees any extenuating circumstances that may have affected the overall performance rating. Although employees may not agree with all ratings, try to ensure that employees understand the rationale for each rating.
- f. Inform employees that they must electronically sign their performance form to indicate that the review was discussed and that their signature does not indicate agreement with the review.
  - (1) Discuss where to find the completed form in MySuccess.
  - (2) If an employee refuses to sign, the supervisor should notify the CMPD Human Resources Division.
- g. Discuss goals for the next evaluation period and plan to finalize the performance plan after the conference.
- h. Include career counseling relative to advancement, specialization, or additional training that would assist employees in their current position or in obtaining any desired positions.


**E. Documenting Performance**

- 1. Documenting employee accomplishments and performance based on job requirements and expectations is an important part of the PRD program. Supervisors must include all documentation used to rate an employee's performance on the employee's performance review form.
- 2. Although supervisors are required to document employee performance, supervisors are not required to document everything employees do. Documentation should be focused on:
  - a. Recording incidents, actions, and behaviors that are relevant to performance monitoring and review. This documentation should include incidents, actions, and behaviors that fall outside of the rating range of Performance Achieved Expectations.



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- b. Describing specific information about the actual performance of an employee. Documentation should be developed from direct observation and be factual, job-related, specific, and consistent.
  - c. Increasing employee awareness regarding poor performance, concerns, or problems and understanding of the consequences associated with failing to improve.
  - d. Incidents of poor performance, which require close monitoring. Documenting and discussing poor performance as soon as incidents occur is necessary to give employees the maximum time to improve. Documentation should be specific about the incident and should also include expected changes to help employees improve performance to an acceptable level where possible.
  - f. Identifying training needs. Supervisors should complete the Law Enforcement Enhancement and Development (LEED) Form and forward it to the Training Lieutenant. At the end of the training session, the lieutenant will return the form to the employee's chain of command and document the training completion on the employee's Learning Plan in MySuccess. The Supervisor should retain the form with all other performance-related documentation for the review period.
  - g. Informing employees of performance that needs improvement, what the supervisor expects, any deadlines associated with improvement, and the consequences if the performance is not improved.
  - h. Incidents, actions, and behaviors that demonstrate employee performance that exceeds the job requirements.
3. Employees should also be encouraged to monitor and document specifics of significant incidents of their performance, which should be included in their performance review.
- F. Hireback Employee Performance Evaluations
- All hirebacks will have an annual performance evaluation completed as described in the Hireback SOP.
- G. Supervisor (Rater) Training
- All supervisors will receive training on the PRD module in MySuccess including the development of employee performance objectives, proper completion of the various PRD forms, proper documentation of employee activities, and methods of conducting the performance review conference.
- The CMPD Human Resources Division will monitor the PRD process and the quality of the submitted PRD forms to develop any additional training.
- H. Probationary Evaluations

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1. Probationary Employees


a. Sworn Employees

Probationary sworn employees will be reviewed quarterly, and these reviews will include a brief description of employee performance and performance goals for the next quarter. These quarterly reviews are especially important to ensure entry-level sworn employees' continued suitability for the position and to ascertain whether they can perform the required functions of their assignment.

- (1) All probationary sworn employees will receive their first quarterly review after the first three (3) months of the CMPD Basic Recruit Training. This review will include, at a minimum, a review of their academic and physical training performance.
- (2) The second quarterly report will be completed upon graduation from the CMPD Basic Recruit Training and will include an overview of their performance while in basic training. The PRD Mid-Year Review Form, which is required by the City of Charlotte at the end of the first six (6) months of employment, will be used to document the second quarter.
- (3) After the first three (3) months of assignment with a Police Training Officer (PTO), the third quarterly review should be completed in conjunction with the PTO Mid Term Evaluation. This review can be documented using the PTO Mid Term Evaluation Form or the quarterly review form as long as it includes the PTO Mid Term Evaluation criteria.
- (4) After completion of the PTO program, the fourth quarterly review should be completed in conjunction with the PTO Final Evaluation. This review can be documented using the PTO Final Evaluation Form or the quarterly review form as long as it includes PTO Final Evaluation criteria. After completing this final quarterly review, all future PRDs will be completed as outlined in this directive.

b. Civilian Probationary Employees

- (1) All civilian employees must receive a probationary evaluation 30 days before the conclusion of the six (6) month probationary period. After completing the evaluation utilizing the PRD Mid-Year Review Form, supervisors will meet with employees to provide a copy of the evaluation and discuss the employee's performance.
- (2) The purpose of the PRD Mid-Year form is to provide supervisors with an opportunity to evaluate employee continued suitability for the position for which they were hired, measure the quality of their work, reward exceptional performance, coach employee growth

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and development, and identify areas where improvement is needed.

- (3) Employees must be able to ask questions regarding the evaluation and provide written feedback regarding their performance.


## 2. New Sworn Promotion Evaluations

- a. Per Article III. Sec. 4.61. of the Charlotte City Civil Service Ordinance, all newly promoted sworn personnel are on a probationary period of six (6) months from their effective date of promotion. These employees will be closely observed and evaluated by their supervisor to ensure their continued suitability for the position and to ascertain whether they can perform the required functions of their assignment.
- b. Upon promotion, the current PRD will be closed and a new one opened.
- c. The newly promoted employee's supervisor will complete a mid-year review three (3) months from the promotion effective date and a Promotion Probation PRD six (6) months from the promotion effective date.
- d. All mid-year reviews (see Appendix A) will be promptly sent to the CMPD Human Resources Division.

## 3. Performance Probation

Performance probation is designed to inform employees that their performance does not meet job requirements and that they have a limited time to improve or they may be demoted or terminated. Non-probationary employees must be advised in writing that their performance is deemed to be unsatisfactory before the end of the annual rating period.

- a. If at any time during the year an employee's performance suddenly reaches a level that places the employee or the CMPD at risk, the employee will be placed on performance probation to clearly indicate that immediate improvement or change is mandatory. Such action requires concurrence from the employee's chain of command and the CMPD Human Resources Division Director or designee. Employees should be informed that their performance has declined before being placed on performance probation.
- b. Employees are typically placed on performance probation for 90 days. If sufficient improvement has not occurred during that period, the employee may be terminated, or the probationary period can be extended for an additional 90 days.
- c. Employees should not be placed on performance probation for longer than six (6) months except in extenuating circumstances.

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- d. Employees on performance probation at any time during the year may not be eligible for incentives and other awards that may be available to City of Charlotte employees.
- e. Employees placed on performance probation will have their merit dates extended by the length of time they are on probation.
- f. To place an employee on performance probation, the supervisor must close out the current PRD and assign a rating of Marginal or Unacceptable with appropriate documentation to justify placing the employee on probation.
- g. Performance Probation is not a prerequisite for termination from employment. An employee may be terminated without being placed on performance probation.

I. Evaluation Appeal

The PRD process is designed to provide employees and supervisors with an opportunity to communicate and to ensure that employees understand what is expected of them to meet the required level of performance. The process is much more than just a once-per-year conversation about performance. It involves daily leadership and ongoing feedback to and from employees. This process helps employees succeed by providing clear direction, guidance, correction as needed, and assistance with achieving current objectives and future career goals.

The procedures outlined in this directive are intended to minimize disagreements between supervisors and employees concerning performance evaluations. Employees may appeal evaluations that they believe are inaccurate by following the process outlined below.

1. During the performance review conference, the employee should ensure that the supervisor receives all documentation and information provided by the employee as a part of the self-evaluation. The employee should provide any additional written documentation and/or information that the employee feels is relevant to the evaluation.
2. If the conflict is not resolved at the performance review conference, the employee should schedule a meeting with the PRD reviewer. The name of the reviewer will appear on the MySuccess route map. Before the meeting, the employee should complete the self-evaluation and/or other written documentation to be used during the discussion with the reviewer.
3. If the conflict is not resolved during the conference with the reviewer, the employee may schedule a meeting with the supervisor at the immediate next higher level in the command structure. The same procedure will be followed as in the conference with the reviewer.

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4. The Deputy Chief of the appropriate service group will have the final decision as it relates to any appeals of evaluations through the chain of command.

J. Records Retention

PRD files are considered part of an employee's official personnel file and will be maintained as outlined under CMPD Directive 800-004, Records Retention and Disposition.

V. REFERENCES

Hireback SOP


MySuccess (CMPD Portal)

Charlotte, North Carolina, Code of Ordinances Part 1-Charter, Chapter 4.-Administration, Article III. Civil Service


City of Charlotte Human Resources Standards and Guidelines

CALEA

The previous version of Directive 300-018 Performance Review and Development was published on 08/09/2018.

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Appendix A

 <b>CHARLOTTE</b>	<b>City of Charlotte</b> <b>PRD MID-YEAR REVIEW</b>
<b>EMPLOYEE NAME:</b>	<b>EMPLOYEE#:</b>
	<b>DEPT/DIV:</b>


\_\_\_\_\_ **The employee has satisfactorily performed and has met all the requirements for the Mid-year review period ending \_\_\_\_\_.**

\_\_\_\_\_ **The employee has not satisfactorily met requirements expected by mid-year and this has been discussed with the employees, with recommendations for changes listed below.**

**Based on the Mid-year review, the employee will need to improve as follows:**

If the employee has not achieved expectations and met all job requirements by the conclusion of the current performance period, **the employee may be placed on performance probation.**

<b>Supervisor's Signature</b>	<b>Date</b>
<b>Employee's Signature</b>	<b>Date</b>

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	<b>Interactive Directives Guide</b>	<b>Occupational Health Screening</b>	
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I. PURPOSE


The purpose of this directive is to implement holistic measures that address employee mental and physical wellness and to minimize the negative impact of risks associated with their employment.

II. POLICY

Affected CMPD employees are required to participate in an Occupational Health Screening (OHS) at the Public Safety Occupational Health Clinic (PSOHC) annually during the employee's birth month. OHS mandates vary, based on assignment (detailed in sections V and VI).

III. DEFINITIONS

- A. Affected Employees: Sworn employees and civilian employees in supporting roles who are exposed to significant physical and/or mental stresses due to the nature of their work. Affected civilian employees are employees assigned to the following areas: Communications Division, Crime Scene Search Unit, Property and Evidence Management Division, Animal Care and Control, and Firearms Examiners.
- B. Audiology Screening: Medical examination to assess hearing deficiency in both ears. No standard is enforced. As needed, referral to an audiologist can be arranged through the nurse case manager.
- C. Behavioral Health Screening: Questionnaire completed during the annual OHS. Follow-up provided by the behavioral health specialist and/or the case manager as indicated.
- D. Chest X-Ray: Results reviewed by a radiologist. Recommendations and case management offered as indicated.
- E. Nurse Case Manager: PSOHC staff responsible for guiding employees through any referral process for treatment or specialist diagnosis.
- F. Occupational Health Screening (OHS): Annual series of mandated and voluntary medical and fitness examination components that may vary based on job assignment.
- G. Physician or Licensed Health Care Professional (PLHCP): Occupational Safety and Health Administration (OSHA) term for medical personnel approved to administer OSHA medical clearances.
- H. Physical Fitness Assessment: Health-related fitness test that may include but are not limited to: agility/endurance test, push-ups, plank hold, wall sit, or other components as mandated. Follow-up results/guidance will be provided by health coach or exercise physiologist. See addendum for details.
- I. Public Safety Occupational Health Clinic (PSOHC): Clinic operated by CMPD's approved PSOHC vendor to address specific occupational health needs and requirements for public safety employees. Services include but are not limited to

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medical screening, physical therapy, health and fitness consultation, and behavioral health counseling.

- J. Respirator Medical Clearance: Determination by PLHCP that the use of an assigned respirator is medically safe for the employee. The PLHCP has discretion regarding the screenings necessary to make this determination. Exam components may include but are not limited to; review of OSHA questionnaire (1910.134 Appendix C), spirometry, physician exam (i.e., listening to breathing), chest x-ray, and stress test with EKG monitoring.
- K. Respirator Fit Test: Annual process to qualitatively or quantitatively confirm that the assigned respirator(s) fit the employee properly to ensure safe use of the device. In addition to the annual requirement, testing may be required under any circumstances that call into question the proper fit of the respirator (in accordance with OSHA 1910.134).
- L. Sleep Disorder Screening: Questionnaire completed during the annual OHS. Follow-up provided by the behavioral health specialist and/or the case manager as indicated.
- M. Stress Test: Submaximal treadmill stress test with a 12 lead EKG. Results reviewed by a cardiologist. Recommendations and case management offered as indicated.
- N. Vaccine Screening: Blood draw (titer) to determine immunity to Hepatitis A, Hepatitis B, varicella, check the registry for tetanus, blood test for TB, Hep C screening. Does not include the COVID vaccine screening.
- O. Vision Screening: Wallchart vision assessment. No standard is enforced. As needed, referral to an optometrist can be arranged through the nurse case manager.

#### IV. RESPONSIBILITIES

- A. Training Academy: The training academy is responsible for the tracking of scheduling and compliance with the Occupational Health Screening Directive. In addition, the training academy will provide and enforce any mandated educational components associated with this directive.
- B. CMPD Human Resources (HR): CMPD HR retains all required employee records associated with the OHS in an employee medical file separate from the employee's personnel file. CMPD HR oversees processes for any employee not cleared for respirator use. CMPD HR is responsible for considering temporary exemptions from this directive.
- C. City of Charlotte Human Resources (City HR): City HR oversees and enforces the contract with the Public Safety Occupational Health Clinic. In addition, a designated City HR Benefits Analyst serves as the liaison between the CMPD and the PSOHC.
- D. CMPD Logistics: The Logistics Sergeant (who serves as the Respiratory Compliance Supervisor) is responsible for providing replacement N95 masks and cartridges to the



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PSOHC. The clinic refers employees to logistics when there are any issues with respirator equipment. Refer to the Respiratory Protection Plan for further details.


- E. Employees: Affected employees are required to schedule and fully complete an annual OHS during the employee's month of birth. Temporary exemptions may only be approved by CMPD HR.

#### V. OCCUPATIONAL HEALTH SCREENING PROCESS

- A. Affected employees (including hire back positions) are required to participate in an Occupational Health Screening (OHS) at the Public Safety Occupational Health Clinic (PSOHC) annually during the employee's month of birth. OHS mandated components may vary by assignment.
- B. Employees are responsible for self-scheduling the OHS appointment (see section VIII).
- C. If not performed during duty hours, the employee is compensated three hours for time spent completing the OHS.
- D. In some cases, an employee may be referred to a specialist or personal physician for additional diagnostic testing or medical treatment prior to a respirator clearance determination.
  - 1. If an employee is referred for additional diagnostic testing (as part of a clearance determination), the employee is not responsible for the cost of service.
  - 2. If an employee is referred for medical treatment before a clearance determination can be made, the employee will be responsible for the cost of service.
  - 3. In all referral situations, the PSOHC Nurse Case Manager will be available to assist the employee. The reason for the referral and required follow-up will be fully explained.
  - 4. Refer to the CMPD Respiratory Protection Plan Section V, B, 6 for additional guidance regarding initial non-clearance for respirator use.

#### VI. OCCUPATIONAL HEALTH SCREENING FOR SWORN EMPLOYEES

- A. Mandatory occupational health screening is required annually and could contain the following components:
  - 1. Medical respirator clearance
  - 2. Respirator fit test
  - 3. Physical fitness assessment
  - 4. Vaccine screening

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5. Behavioral health analysis
6. Sleep disorder screening
7. Audiology screening
8. Vision screening

B. Sworn employees in CMPD specialized units will adhere to the occupational health screening requirement as outlined in their Standard Operating Procedures. (See Addendum for Affected CMPD Specialized Units)


C. Personal information provided to the City of Charlotte and CMPD

1. Medical respirator clearance
2. Respirator fit test clearance
3. Physical Fitness assessment (indication if incentive met)
4. Vaccine status available upon request in the event of an occupational exposure

## VII. OCCUPATIONAL HEALTH SCREENING FOR AFFECTED CIVILIAN EMPLOYEES

A. Mandatory Occupational Health Screening Components that are required annually based upon affected employee's assignment.

1. Communications Division
  - a. Audiology screening
  - b. Vision screening
  - c. Sleep disorder screening
  - d. Behavioral health analysis
2. Crime Scene Search Unit/Animal Care and Control
  - a. Respirator medical clearance
  - b. Respirator fit test
  - c. Audiology screening
  - d. Vision screening
  - e. Vaccine screening
  - f. Sleep disorder screening
  - g. Behavioral health analysis

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3. Property Control and Evidence Management Division
  - a. Respirator medical clearance
  - b. Respirator fit test
  - c. Vaccine screening
4. Firearms Examiners only require lead and zinc screening.
5. Other units should refer to their SOPs

**B. Personal Information Provided to City of Charlotte and CMPD**

1. Medical respirator clearance
2. Respirator fit test clearance
3. Physical Fitness assessment (indication if incentive met)
4. Vaccine status available upon request in the event of an occupational exposure


**VIII. SCHEDULING PROCESS**

- A. Affected employees are required to participate in an Occupational Health Screening (OHS) at the Public Safety Occupational Health Clinic (PSOHC) annually during the employee's birth month.
- B. A "Notice to Schedule" is placed on the affected employee's learning plan approximately six weeks prior to the first day of the employee's birth month. The affected employee must schedule an appointment within three weeks.
- C. The affected employee will link to the PSOHC scheduling site to complete the sign-up process. The link is located on the affected employee's learning plan. The employee will provide the clinic with appointment preferences (such as day of the week, time of day, blackout dates, etc.). The clinic will assign an appointment time. If the affected employee cannot attend at the date assigned, instructions will be given how to contact the clinic for a new appointment.
- D. If a conflict develops, the employee is required to contact the clinic for a new appointment at a minimum of three days before their scheduled appointment.
- E. An affected employee who is on light duty or FMLA is required to attend the OHS unless a temporary OHS exemption is obtained. The CMPD HR Leave Supervisor must approve/grant the temporary OHS exemption and/or components the employee is exempt from performing based upon a physician recommendation.
- F. Failure to register, attend and complete the required Occupational Health Screening will result in Rule of Conduct 9B investigation.

<b>POLICE</b>	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-019</b>
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IX. REFERENCES

- 400-001 Uniform and Grooming Standards
- CMPD Lead Management Program SOP
- CMPD Firearms Training SOP
- CMPD Aviation SOP
- CMPD Bomb Squad SOP
- CMPD Respiratory Plan
- CMPD Exposure Plan
- CMPD PT Test Details
- CFD Dive Team Responses TAC 503.06/Section III, B
- Occupational Safety and Health Administration Standard, Title 29
- Occupational Safety and Health Administration 1910.134 Respiratory
- NENA Hearing Standards for Public Safety Telecommunications (NENA-STA-007.3-2020)
- American College of Occupational and Environmental Medicine: Guidelines for the Medical Evaluation of Law Enforcement Officers
- Law Enforcement Mental Health and Wellness Act: Report to Congress

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## Addendum:

### CMPD PT TEST

### TEST DETAILS


[RH YouTube - CMPD Fitness Assessment Test](#)

- I. TEST #1: FOUR SQUARE (AGILITY/ENDURANCE)
  - A. Test details
    1. 1 minute
    2. Both feet must land in each numbered box in order (1-2-3-4-1-2...).
      - a. Method 1: Both feet land together in each box.
      - b. Method 2: One foot at a time lands in the box (both feet must touch in the box before moving to next box).
    3. Score = number of repetitions completed
      - a. Start at box #1
      - b. Every time both feet get back to box #1 counts as 1 repetition.
      - c. Incomplete revolutions will not count (i.e. ending at box #2).
    4. Incomplete/Incorrect repetitions
 

The Administrator calls out “return”, the participant will start over at Box #1.
    5. Attempts
 

Participants may request a second attempt to improve their score.
- II. TEST #2: CONTROLLED PACE PUSH-UPS (MUSCULAR STRENGTH/ENDURANCE)
  - A. Test details
    1. Participant completes standard push-ups in time to a metronome set at 80 BPM.
 

Down on the first beat, up on the second beat.
    2. Test begins in “Up” position.
    3. Body is lowered until chin touches 4-inch-high box.
    4. Must maintain plank position throughout the motion,

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5. Repetition is completed when reaching the initial “Up” position (elbows extended).

B. Score = number of push-ups completed until one of the following occurs.

1. Participant reaches exhaustion/quits.
2. Unable to maintain pace with metronome (administrator halts test).
3. Unable to maintain proper form (administrator halts test).

C. If the participant is off the pace with the metronome.

1. Administrator gives one warning to slow down/speed up.

If not immediately corrected, the test will stop.

2. If the test is stopped due to pacing, the participant may request a second attempt.

D. Additional improper form adjustments

1. Chin does not touch box: rep does not count (if three in a row, stop test).
2. Does not reach full up position: rep does not count (if three in a row, stop test).
3. Does not maintain plank during motion: rep does not count (if three in a row, stop test).

### III. TEST #3: WALL SIT (LEG STRENGTH/ENDURANCE)


A. Test details

1. Hold a wall sit position for as long as possible (up to 3 minutes).
2. “Wall sit position”
  - a. Upper legs parallel to the floor.
  - b. Knee joint at 90 degrees.
  - c. Shoulder blades touching the wall.
3. Score = Time that proper wall sit position can be held (if reaching 3 minutes stop test and record time as 3 minutes).

### IV. TEST #4: PLANK HOLD (CORE STRENGTH/ENDURANCE)

Test details


- A. Hold a plank position for as long as possible (up to 3 minutes).
- B. “Plank position”

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1. Only elbows/forearms and feet in contact with the ground.
  2. Body maintains a straight line from neck to ankles.
- C. Score = Time that proper plank position can be held (if reaching 3 minutes stop test and record time as 3 minutes).

#### V. RESULTS

- A. Each test item will be ranked on a 0-100 scale where a rating of 50 falls in the middle of the participant's age and gender category. The four age and gender categories will be male age under 40, male age 40+, female age under 40, and female age 40+.
- B. Scales will be developed based on testing that occurs from January-March 2022.
- C. No minimum standard or negative consequences will be applied based on fitness test results. The purpose of the fitness test is to:
  1. Provide the employee with a snapshot of their fitness level in relation to other employees
  2. Provide the employee and the exercise physiologist a method to measure improvement or decline from year over year.
  3. Provide information to the exercise physiologist to develop a starting point for exercise recommendations.
- D. Employee achieving higher levels of fitness will be awarded a uniform pin.
  1. Employees scoring 100 (top 10% in each category) will receive a "gold pin".
  2. Employees at least 80 (top 30%) in each category will receive a "silver pin".

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	<b>Interactive Directives Guide</b>		<b>Police Critical Incident Stress</b>
			<b>Effective Date: 1/31/2023</b>

## I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees to obtain the assistance needed to cope with extremely stressful workplace incidents.


## II. POLICY

Law enforcement duties often expose employees to emotionally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. The Charlotte-Mecklenburg Police Department (CMPD) desires to provide employees with information regarding coping with such stressors. The CMPD will take immediate action after such incidents to safeguard the continued good mental and emotional health of all involved employees.

## III. DEFINITIONS

- A. **CMPD Behavioral Health Specialist:** The operational behavioral health specialist (BHS) is assigned to the CMPD to enhance existing and develop new programs of wellness support for CMPD employees. Such programs include peer support, critical incident and/or traumatic stress response coordination, and outreach and education programs. The CMPD BHS's goals are to create an overall resilient CMPD workforce, mitigate distress, and increase positive growth after critical incidents. Only the information shared with the CMPD BHS one-on-one is privileged.
- B. **Critical Incident Stress:** An intense but normal reaction to any sufficiently powerful event that overwhelms usual coping mechanisms. Reactions to traumatic stress can continue for an extended period. These reactions may or may not seriously interfere with the ability to function in one's normal duties. Examples of critical incidents include:
1. Shooting incidents.
  2. The death or serious injury of a CMPD employee.
  3. The sudden, unexpected, or violent death of a person well-known to the law enforcement community.
  4. Instances of multiple fatalities.
  5. The death of a child.
  6. Prolonged incidents such as hostage situations, particularly when a death or injury has occurred.
- C. **Critical Incident Support Supervisor:** A supervisor dispatched to the scene who is not responsible for the incident but is primarily responsible for supporting the involved employees. For this directive, "supervisor" refers to the rank of sergeant or above.
- D. **Defusing:** An informal, initial debriefing that occurs as soon as practical but no more than a few hours after an incident, usually conducted by a peer support member and/or



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the immediate supervisor of the involved or witnessing employees that may occur spontaneously. Defusing should:

1. Be positive, supportive, and focused on common reactions to a critical incident. Employees should be reminded of resources and effective self-care practices.
  2. Not be used to critique employee decision-making but as an opportunity to ensure the basic needs of employees are met. Employees should not be pressured to talk, but if they choose to discuss their immediate thoughts or emotions, they should be heard.
  3. Information shared by employees during defusing is not privileged information.
- E. Peer Support: The CMPD peer support program consists of employees who have received special training to offer voluntary and confidential support and assist fellow employees in dealing with stress, emotional difficulties, or other personal and job-related circumstances in compliance with Directive 300-025, Peer Support Program. Peer support members will not discuss the incident with involved or witnessing employees.
- F. Post-Traumatic Stress Disorder: A psychological disorder that can result from exposure to short-term severe stress or the cumulative effects of prolonged milder stress.
- G. Privileged Communication: Any communication made by the employee or immediate family member to the peer support team member while engaged in a support session that does not fall within the exceptions noted in Directive 300-025 Peer Support Program.
- H. Tactical Debriefing: A formal discussion of the incident with employees who were involved in and/or witnesses of the situation. This debriefing should allow employees to describe their experience and ask questions. Employees conducting the debriefing must be aware of indicators that an employee may be in distress. Confidential information critical to the investigation should not be shared during this session, and any information shared by employees is not privileged information.
- I. Traumatic Stress Response: The organizational response to critical incidents based on the needs of the involved CMPD employees.


#### IV. PROCEDURE

##### A. Post-Critical-Incident Procedures

1. Involved employees will be removed from the line of duty pending the investigation but will remain available for any necessary administrative investigations. As soon as practical, employees will be granted up to three (3) days of administrative leave with pay by their division or unit commander. Additional administrative leave days may be approved by the Chief of Police or designee.


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- a. During this leave, the employee(s) will remain available for administrative call-back needs.
- b. The work status of the employee(s) will be reviewed by the employee's chain of command within ten (10) days of the incident.
2. Administrative investigations will be conducted as soon as practical. However, investigators will be cognizant of the traumatic stressors following a critical incident and allow a break if necessary.
3. Peer support will be available to employees following the incident. Peer support team members may sit with employees during periods of waiting, contact family or friends if requested, and provide for the physical needs of the affected employees such as a change of clothes, food, drinks, etc. A peer support response to a critical incident should be requested through the Community Wellness Unit commander.
4. A brief defusing for all affected employees is recommended as soon as is practical following a critical incident.
5. If the affected employees are experiencing significant stress, the peer support employee, unit commander or manager, Community Wellness Unit commander, or CMPD BHS shall recommend a traumatic stress response.
  - a. The affected employees' unit commander or manager is responsible for coordinating with the Community Wellness Unit commander before scheduling the response session, which will include peer support team members and/or the CMPD BHS, who will provide support and information on available resources.
  - b. The response must take place as soon as possible but within 72 hours following the incident.
  - c. It is recommended that all employees directly involved in the incident, including CMPD Communications Division and Crime Scene Search Unit employees, attend the traumatic stress response session or tactical debriefing.
  - d. Generally, defusing and traumatic stress response participation is mandatory, but supervisors may exempt employees from attending if attending would constitute an unreasonable hardship.
6. Employees directly involved in a critical incident involving serious injury or death may meet with the CMPD BHS for a confidential session to address post-incident trauma reactions and stress management.
7. All sworn employees who willfully discharge their firearm in the course of their duties (except animal euthanasia) and employees directly exposed to the

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incident will meet confidentially with the CMPD BHS to address post-incident trauma reactions and stress management.


- a. Sessions will be arranged by the CMPD Human Resources Division (HRD) for each affected employee. If possible, each employee's first session will occur within a few days of the incident, and their second session will occur within sixteen (16) weeks of the incident. These sessions are not fitness-for-duty evaluations; only an employee's attendance or failure to attend will be reported. The employee's immediate supervisor will work with CMPD HRD to ensure that the initial and follow-up sessions are completed.
  - b. The involved employees' unit commander will be responsible for making reasonable attempts to keep the employees informed about the progress of the investigation(s) and any other pertinent information regularly.
8. In the event of a critical incident involving serious injury or death to an employee, the CMPD recognizes that support employees and civilian employees can be seriously affected. A traumatic stress response will be implemented if needed.
  9. The CMPD strongly encourages the families of the involved employee(s) to take advantage of available counseling and support services.
  10. The CMPD Public Affairs Division will make reasonable attempts to keep employees informed of critical incidents. CMPD employees are encouraged to show the involved employees their concern and support.
  11. When considering assignments for administrative duties following a shooting incident, returning employees to the service area where they are most familiar may be helpful to their psychological adjustment. Determination of assignments will be made by the CMPD HRD and the Internal Affairs Division.
  12. CMPD HRD will evaluate any need for additional Leave of Absence (LOA) or accommodation needs under the Americans with Disabilities Act As Amended (ADAAA) as a result of the incident on a case-by-case basis, in concert with the employee and the employee's supervisor.
- B. Response to Other Incidents**
- Immediate supervisors will consider the impact of incident stress situations on individual employees and the unit's collective ability to function. Supervisors may coordinate with the Community Wellness Unit commander, who, in consultation with the CMPD BHS may decide to deploy a peer support team member to provide one-on-one support to affected employees or may recommend a more involved traumatic stress response. The goal of all interventions is to minimize the impact of incident stress and facilitate the return of affected employees to active duty as quickly as possible.
- C. Stress Recognition**

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A supervisor may request through CMPD HRD that an employee seek assistance or counseling from a mental health specialist, an Employee Assistance Program counselor, or the CMPD BHS based on a reasonable belief that stress may be interfering with the employee's job performance.

V. REFERENCES

- 300-006 Light Duty Policy
- 300-023 Employee Assistance Program
- 300-025 Peer Support Program
- 300-026 Line of Duty Death and Serious Injury Procedure
- Officer Involved Critical Incident Procedures SOP
- City of Charlotte Employee Assistance Program
- The previous version of Directive 300-020 Police Critical Incident Stress was published on 08/09/2019.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-021</b>
	<b>Interactive Directives Guide</b>	<b>Fitness for Duty</b>	
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## I. PURPOSE

This policy establishes guidelines for ordering and conducting psychological fitness for duty evaluations of Charlotte-Mecklenburg Police Department (CMPD) employees. Fitness for duty evaluations are necessary to ensure the safety and welfare of the community and CMPD employees.

## II. POLICY

This policy is intended to provide an objective mechanism for the assessment of the mental and emotional ability of CMPD employees to perform essential job functions. Employees will undergo a fitness for duty evaluation if they exhibit observable behavior that suggests they are unable to perform the essential functions of their job or behavior that indicates continued service may be a threat to the safety of the employee or others. It is not the intention of this policy to interfere with a supervisor's ability to recommend or suggest personal counseling to a subordinate, nor is this policy intended to alter or replace confidential peer support interventions or stress debriefings provided by the CMPD in response to critical incidents.


## III. PROCEDURES

### A. Fitness for Duty Evaluation Purpose


1. To reduce the likelihood of an employee engaging in behavior that could be harmful to the employee or others.
2. To determine the fitness for continued duty of an employee when the employee's observed performance or behavior raises a reasonable question regarding the employee's psychological fitness for duty.

### B. Fitness for Duty Evaluation Criteria

1. To determine the continued emotional and mental fitness of CMPD employees to carry out essential job functions, all supervisors should be alert to any behavior that may cause concern for an employees' emotional and/or mental well-being. Such behavior may include, but is not limited to, the following:
  - a. An abrupt negative change in behavior, objectively demonstrates an inability to perform the essential functions of a position.
  - b. Irrational statements or behaviors, including those related to delusions or hallucinations.
  - c. Suicidal statements or behaviors, or personal expressions of mental instability.
  - d. Inappropriate use of alcohol, medications, or other drugs, including displaying symptoms of illegal drug use.
  - e. A pattern of impatience or impulsiveness, especially with a loss of temper.

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- f. Conduct indicating either an inability to defuse tense situations or a tendency to escalate situations and/or create confrontations.
  - g. Any other factor or combination of factors that may cause a supervisor to reasonably suspect that a fitness for duty evaluation may be necessary.
2. The mere presence of any one factor or combination of factors may not be sufficient to order an evaluation. However, the presence of such factors should not be ignored and may lead to ordering an evaluation.
- C. Reporting
1. If an employee's behavior indicates that emotional or mental fitness may be in question, the immediate supervisor and division commander or manager should meet with the employee if there is a reasonable belief that doing so will not aggravate the situation.
  2. Supervisors may explore the conduct, behavior, or circumstances that give rise to concerns. When appropriate, supervisors may refer the employee to the Employee Assistance Program or other internal employee wellness resources.
  3. If the meeting does not relieve the supervisor's concerns, or no meeting is conducted, the involved supervisor will contact the division commander or manager and prepare a written report of the circumstances. The division commander or manager will advise the bureau commander and the CMPD Human Resources Division (HRD) of the circumstances.
- D. Relief from Duty
1. When an employee's conduct is a threat to the safety of the employee or others, the supervisor will immediately relieve the employee from duty with pay pending further evaluation.
    - a. The supervisor will order the employee not to exercise official police powers.
    - b. During normal business hours, the supervisor will immediately notify the division commander. Outside of normal business hours, the supervisor will immediately notify the operations commander. The supervisor will also notify the CMPD HRD and refer the employee for treatment.
    - c. If the employee refuses treatment, the supervisor will ensure that an emergency commitment proceeding is initiated.
    - d. Before the end of the employee's shift, the supervisor will prepare a report outlining the circumstances leading to the decision to relieve the employee from duty. This report will be completed and submitted to the division or operations commander and the CMPD HRD.

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2. The Chief of Police or designee may relieve employees from duty with pay or reassign them as necessary, for public safety and/or the efficient operation of the CMPD, pending completion of an evaluation.
3. Any CMPD-owned weapon(s) and other CMPD property in the possession of the employee may be seized by the employee's supervisor. The supervisor may place personal weapons readily accessible to the employee in the custody of the CMPD Property and Evidence Management Division for safekeeping with the consent of the employee.
4. Nothing in this policy is intended to prevent or limit a supervisor from taking any emergency action reasonably necessary to protect life or property.

**E. Order for Evaluation**

1. The Chief of Police or designee, in consultation with CMPD HRD, will determine whether a fitness for duty evaluation is warranted. If an examination is warranted, a written order will be issued by the Chief of Police or designee and the evaluation will be scheduled at the earliest opportunity.
2. A CMPD HRD representative will coordinate and schedule all fitness for duty evaluations upon receipt of a written order from the Chief of Police or designee.
3. When the fitness for duty evaluation is ordered, the CMPD HRD representative will coordinate the daily duty status of the employee until a final disposition is reached.
4. All fitness for duty evaluations will be scheduled and conducted with the approved City of Charlotte psychological services provider.
5. The CMPD HRD representative will provide the employee with a written order for evaluation. This written order will include a brief description of the reason the evaluation is being ordered, the date, time, and place of the evaluation, the name of the mental health professional conducting the evaluation, and a directive to cooperate completely and honestly with the evaluation process.

**F. Limited Scope of Fitness for Duty Evaluation Reports**

1. The CMPD has a right to evaluate information that is necessary to achieve a legitimate purpose. This evaluation is ordered by and conducted on behalf of the CMPD. The purpose of the evaluation is not treatment but to determine an employee's fitness for duty. The report generated as a result of the evaluation will not be released to the employee unless approved by a legal advisor for the City of Charlotte.
2. The information provided to the CMPD, including information noted in the evaluation report, will be limited to:
  - a. A conclusion regarding a determination of an employee's fitness for duty.

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- b. A description of any functional limitations of the employee identified during the evaluation.
- c. Any other information as authorized by law and deemed necessary to achieve a legitimate purpose for the employer.

**G. Disposition of Duty Evaluation Reports**

- 1. It is always the CMPD's intent to assist employees in resolving mental and emotional problems and achieve a return to full duty status.
- 2. Depending upon the results of the evaluation and the recommendation of the evaluator, the CMPD may:
  - a. Return the employee to full duty.
  - b. Place the employee on light, modified, or administrative duty, for a limited time for treatment purposes.
  - c. Remove the employee from duty pending treatment and re-evaluation.
  - d. Conditionally, and for a limited time, allow the employee to return to full or modified duty after treatment.
  - e. Initiate an interactive process of job accommodation under the direction of the CMPD HRD, if applicable.
  - f. Institute or resume disciplinary proceedings, including separation from the City of Charlotte as appropriate.

**H. Confidentiality**


All employee fitness for duty information will remain confidential and may only be disclosed as provided in N.C.G.S. §160A-168.

**IV. REFERENCES**

- CALEA
- 300-006 Limited Duty Policy
- 300-009 Employee Drug and Alcohol Testing
- 300-010 Administrative Leave Policy
- 300-013 Return to Duty
- 300-023 Employee Assistance Program
- 300-025 Peer Support Program
- N.C.G.S. §160A-168

The previous version of Directive 300-021 Fitness for Duty was published on 06/28/2021.



	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-022</b>
	<b>Interactive Directives Guide</b>	<b>CMPD Sponsored Events and Activities</b>	
		<b>Effective Date: 5/3/2023</b>	<b>1 of 4</b>

I. PURPOSE


This policy establishes guidelines and uniformity for participation in events and activities organized by Charlotte-Mecklenburg Police Department (CMPD) employees that do not fall under the supervision of the Special Events or Community Engagement Divisions. Examples of such events and activities may include sports events or challenges, charitable fundraisers, community engagement activities, etc. It is also the intent of this policy to ensure CMPD sponsored activities support the mission of CMPD, promote positive awareness of the law enforcement community, and/or provide a direct benefit to the community.

II. POLICY

CMPD may sponsor or co-sponsor events that are mission-related or that otherwise further law enforcement interests. The Chief of Police or designee holds full discretion to approve or deny the sponsorship of any event by CMPD. The purpose of this policy is to manage employee participation in events and activities planned and organized by CMPD employees only. It is not the intent of this policy to govern employee participation in any non-CMPD event or activity on the employee's personal time, provided that activity does not constitute a violation of any CMPD policy.


III. DEFINITIONS

- A. Department Sponsored Event: Any event approved by the Chief of Police in which the department sponsors or co-sponsors the activity and/or establishes the parameters in which CMPD employees may participate to contribute to the success of the event. Sponsorship of an event may include any combination of the following: monetary support; use of CMPD property, facilities, or equipment; authorization of on-duty employee resources; use of any CMPD logo, image, or likeness, or any involvement in which CMPD and its employees would be recognized as hosting or co-hosting the event.
- B. Community Engagement Event: An event designed to bring CMPD and members of the community together to foster ongoing, permanent relationships with citizens. Community engagement events are events hosted primarily for citizen attendance/participation.
- C. Charitable Event: An activity or fundraiser held for the primary purpose of soliciting contributions for a designated charitable cause.
- D. Support Staff: On-duty CMPD employees who are assigned to a specific event for the purpose of providing operational support for the event.
- E. Participant: CMPD employees who voluntarily participate in or are involved in a specific activity or event and may be on or off duty at the discretion of the Chief of Police or designee.


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#### IV. PROCEDURE

- A. Approval process for CMPD Department Sponsored and Co-Sponsored Events:  
Any employee seeking CMPD support and/or sponsorship of an event or activity must submit a CMPD Sponsored Events and Activities Summary Form through their chain of command to be routed to the Chief of Police or designee. The proposal and subsequent approval will be required anytime CMPD employees are hosting an event for the purposes of community engagement or seeking any of the aforementioned means of support from CMPD. The proposal must be submitted a minimum of thirty (30) days prior to the event. When submitting the proposal, allow sufficient time to complete all event planning and coordination following the thirty (30)-day proposal process. The [CMPD Request for Sponsored Events / Activities Form](#) includes the following information:
1. Scope of the event – Relationship to the mission of CMPD.
  2. Other organizations, businesses, or agencies involved.
  3. CMPD resources requested, such as using facilities, equipment (vehicles, utility vehicles, etc.), financial support, on-duty man hours, etc.
  4. Liabilities and exposures associated with the event, such as transportation of non-CMPD employees in CMPD vehicles, risks of injury associated with sporting-type events, etc.
  5. Any charitable affiliations or contributions associated with the event, including if partnering organizations hold a 501(c)3 status.
  6. Confirmation that partnering agencies or organizations are insured and have a waiver in place.
  7. Requests for permission to utilize the CMPD logo or any CMPD likeness.
- B. Waivers
1. For any event in which CMPD is the primary sponsor (CMPD employee(s) established the event independent of another organization), a waiver form will be drafted, approved by the Police Attorney's Office, and signed by all participants.
  2. Signed waivers will be maintained and saved by the primary event organizer for a minimum of five (5) years.
  3. For events in which CMPD is a co-sponsor, and the lead organization or event host already has a waiver in place, the waiver will be submitted and reviewed by the Police Attorney's Office as part of the initial written proposal.
- C. Duty Status for Department Sponsored and Co-Sponsored Events:
1. Duty status of the employee will be predetermined prior to the event and based on the employee's role in the event.

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- a. An employee designated as a participant will be assigned as off-duty during the time of participation (day off, shift differential, vacation, school and community support leave, or compensatory time). The Chief of Police or designee may authorize on-duty participation to some or all CMPD employees who participate in the event. No employee will be designated as an on-duty participant without prior approval by the Chief of Police or designee.
  - b. For a CMPD-sponsored event, supervisors should accommodate employees who wish to participate in an off-duty manner through schedule adjustments or benefit time if necessary.
  - c. An employee designated as support staff will be assigned as on-duty and work the event as a partial or full duty day. No employee will be designated as support staff without first acquiring approval from a deputy chief or above.
2. Employees participating in any non-CMPD sponsored events will be designated as off-duty in compliance with Directive 300-001 Scheduling, Timekeeping, and Attendance.
  3. Employees on active Administrative Leave (with or without pay) or who are on suspension will not participate in CMPD-sponsored events in an on-duty capacity.
  4. Employees on limited duty will not participate in a CMPD sponsored event if the activity violates their work restrictions as determined by the Human Resources Division.
  5. Requests for CMPD employee attendance or participation at community events held by community partners which fall within the scope of an employee's duties will be considered on-duty. Examples may be attending community meetings or festivals, faith-based activities or school activities, or any activity in which CMPD's presence will foster positive police-citizen interaction and/or provide opportunities for community education. All requests for CMPD employee attendance or participation within the employee's division or work assignment will be evaluated and approved by the employee's chain of command up to the rank of major.
- D. Injuries
1. Injuries sustained while participating on-duty for a pre-approved CMPD-sponsored event will be documented in the Internal Affairs Case Management System. Workers' compensation claims and use of benefit time related to the injury will be managed by the Human Resource Division as standard with any on-duty injury.

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2. Employees who sustain an injury as an off-duty participant in a CMPD-sponsored event will obtain medical treatment from their personal physician and submit claims to their personal insurance as they would for any non-duty-related injury.

E. Solicitation of donations, goods, or services

1. Employees will not use their position to solicit any donations while representing themselves as a CMPD employee in any regard without the prior approval of the Chief of Police.
2. Employees desiring to seek donations for CMPD-sponsored events from any entity will submit a written request to the Administrative Services Group deputy chief. The request will include the entity's name, type of donation, and the amount requested.
3. Employees are prohibited from seeking donations while in uniform, or otherwise representing themselves as CMPD employees, for any non-CMPD sponsored events.


F. Use of the CMPD Logo

1. Employees are prohibited from using the CMPD logo or other CMPD copyrighted information to promote, solicit, or represent any non-CMPD sponsored event.
2. Employees seeking to utilize the CMPD logo for CMPD-sponsored events must have pre-approval from the Chief of Police or designee.
  - a. Requests for CMPD logo usage will be included in the written proposal for CMPD sponsorship.
  - b. Requests will include a detailed description of how the logo will be utilized for the event, for example, on printed materials such as event fliers or letters requesting support, t-shirts, or other event merchandise, etc.
  - c. Use of the CMPD logo throughout the event will not exceed the scope of the permissions granted as described in the written proposal, nor will the logo be altered or edited in any way.

G. Establishment of 501(c)3 nonprofit organization status by CMPD employees: Employees are prohibited from establishing a 501(c)3 using the Charlotte-Mecklenburg Police name, logo, or other copyrighted information without prior written approval from the Chief of Police or designee.

V. REFERENCES

300-001 Scheduling, Timekeeping, and Attendance  
Rules of Conduct  
501(c)3 Organizations  
CALEA

	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-025</b>
	<b>Interactive Directives Guide</b>		<b>Peer Support Program</b>
	<b>Effective Date: 01/18/2019</b>		<b>1 of 4</b>

I. PURPOSE

The Peer Support Program was designed by Charlotte-Mecklenburg Police Department (CMPD) employees to offer voluntary and confidential support and assist fellow employees in dealing with stress, emotional difficulties, or other personal and job-related circumstances. These circumstances could have an impact on the employee, and in some cases, could present a danger to the welfare and safety of the employee, his or her family, the public, and/or fellow employees.


II. POLICY

Peer Support Team members are not professional therapists. When problems are acute or require professional assistance, team members will provide information on professional referral resources to the employee.

The promotion of trust and confidentiality is of utmost importance for the success of this program. N.C.G.S. 8-53.10 provides that all information shared with a peer support team member will remain confidential, except as outlined in this policy. Employees who receive assistance through the Peer Support Program will be informed of those exceptions prior to engaging in any peer support session.

III. DEFINITIONS

- A. Privileged Communication: Any communication made by the employee or immediate family member to the peer support team member while engaged in a support session that does not fall within the exceptions noted in this directive.
- B. Peer Support Team Member: CMPD employees designated by the Chief of Police who are trained to be effective listeners and provide feedback to employees, clarify issues, provide emotional and moral support, and assist employees in identifying options for problem resolution.
- C. Peer Support Officer Involved Shooting (OIS) Team: Sworn CMPD employees designated by the Chief of Police or his or her designee who are trained to be effective listeners and provide feedback to employees, clarify issues, provide emotional and moral support and assist employees in identifying options for problem resolution. Furthermore, these officers have specific training and experience related to Officer Involved Shootings to include being involved in a fatal shooting.
- D. Officer Support Detail: A sworn CMPD officer detailed to the room of a law enforcement officer who has been admitted or is being treated at a Mecklenburg County hospital or trauma center. In addition to providing any necessary security, the officer is an immediate liaison between the injured officer, their family and that department or agency.
- E. Peer Support Coordinator: The Command Staff member of the Peer Support Team designated by the Chief of Police responsible for:
  - 1. Chairing the meetings of the Peer Support Team.

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2. Making recommendations to the Chief of Police concerning the selection and removal of Peer Support Team members.
  3. Making recommendations for modifications to the program and providing annual statistical reports to the Deputy Chief of the Support Services Group on the use of the program.
  4. Acting as a liaison between the Peer Support Team, other areas of CMPD, and other peer support organizations.
- F. Peer Support Selection Committee: A committee including the Peer Support Coordinator and supervisors who are members of the Peer Support Team.
- G. Immediate Family: A spouse, child, stepchild, parent or stepparent.

#### IV. PROCEDURE

##### A. Peer Support Team Member Selection


1. Employees Interested in serving as Peer Support Team Members will submit a memorandum of interest to the Peer Support Coordinator containing the candidate's length of service, motivating factors, and any other pertinent background information.
2. The Peer Support Selection Committee will review the following in order to select Peer Team Members based upon their character, integrity, interpersonal communication skills, and a history of solid decision making and wisdom.
  - a. Memorandum of interest;
  - b. Recent performance appraisal ratings;
  - c. Disciplinary history.
3. The selection process for the Peer Support Officer Involved Shooting (OIS) Team is conducted in the same manner as the Peer Support Team selection process.

A candidate's final selection to the Peer Support Team is approved by the Chief of Police as recommended by the Peer Support Selection Committee.

##### B. Training

1. Candidates will successfully complete CMPD approved Peer Support Team training before serving as peer support team members.
2. These members will then be involved in ongoing training and supervision under the direction of the Peer Support Coordinator.

##### C. Removal of Members

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Peer Support Team members may be removed from the program by the Chief of Police as recommended by his or her designee.

D. Peer Support Services


1. Peer Support Team members are to be easily accessible to employees who need their services. A list of members is available on the CMPD Portal Page under “Officer Resources” “Peer Support”.
2. Peer Support sessions are confidential. (See section F. below)
3. Supervisory approval is required for support sessions that require the team member or employee to leave their assigned duty.
4. Peer Support Team members who engage in unexpected support sessions while off-duty must contact their supervisor as soon as possible for their time to be recorded for compensation purposes.

E. Officer Support Detail

1. In the event an outside agency law enforcement officer is seriously injured on-duty (e.g., shooting, stabbing, assault, motor vehicle crash, etc.) and arrives at a Mecklenburg County trauma center for treatment and recovery, CMPD will be notified by any means necessary.
2. Operations Command will be notified when the hospital, Communications, Shift Supervisor, officer, etc. learn of another agency or department’s officer being treated for a serious duty-related injury at one of Mecklenburg County’s hospitals.
3. Upon determining the circumstances, the Operations Commander will determine the need for an Officer Support Detail. An available officer will be dispatched to provide immediate security for the injured officer’s room. The Support Officer does not need to be a member of Peer Support.
4. It should be determined if the injured law enforcement officer has any immediate needs or has family present that have any immediate needs.
5. An initial watch detail for the first 24 hours will be set up until more information can be obtained and the situation fully assessed. The detail may be extended or concluded based on need and the circumstances and wishes of the officer and their agency.

F. Confidentiality

1. Peer Support Team members will make no written record of the details of support sessions. Employees who seek assistance through the Peer Support Program must be made aware that Peer Support Team members will maintain confidentiality by not disclosing any information developed in peer support sessions, except as indicated below.


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2. N.C.G.S. 8-53.10 makes communication with a peer counselor privileged and confidential which can only be revealed in limited circumstances.
3. Peer Support Team members will advise employees prior to any support session that confidentiality will be maintained with the following exceptions:
  - a. When information revealed must be disclosed by law, such as in cases of child abuse, elder abuse, or when the employee reveals that he or she has committed a crime that presented a clear and immediate danger to self or others.
  - b. When due to mental, emotional or substance abuse problems, the employee presents a clear and immediate danger to self or others.
  - c. When information revealed gives reason to believe the employee has violated or conspired to violate a person's civil rights. Federal law (42 U.S.C. 1986) requires anyone with knowledge of such violations to report them or be subject to liability for the civil rights violations.
  - d. When the Peer Support Team member is directed by court order to disclose the information or is compelled to disclose the information by rules of civil or criminal discovery.
  - e. When the Peer Support Team member is directly involved in an incident as a participant, witness, or investigator.
4. Peer Support Team members will stop discussion of issues listed in the exceptions and refer employees to another professional resource.
5. When information described in the exceptions above is revealed during a peer support session, the Peer Support Team member will take the necessary steps to immediately notify the appropriate authority.

#### V. REFERENCES

[NCGS 8-53.10](#)  
[US Code 42 U.S.C. 1986](#)



	<b>Charlotte-Mecklenburg Police Department</b>		<b>300-026</b>
	<b>Interactive Directives Guide</b>	<b>Line of Duty Death and Serious Injury Procedure</b>	
		<b>Effective Date: 4/16/2020</b>	<b>1 of 14</b>

I. PURPOSE

This directive establishes departmental procedures to be followed in the event of an employee's line of duty serious injury or death.

II. POLICY

Coordination of the Department's response to the serious injury or death of an employee is critical to the employee involved, the investigation, other employees involved, the Department and the community. The Department's response to, and care for, the employee's family is an important responsibility. This procedure is not intended to address or affect any survivor benefits or the investigation that may apply due to an employee's serious injury or death.

In the event of an employee's non-line of duty death, CMPD will make available the appropriate command staff personnel to assist the family of the deceased.

III. DEFINITIONS


The Chief of Police may institute any part of this procedure for cases of a sworn or civilian employee's serious injury or death not covered by these definitions.

- A. Line of Duty Serious Injury: An injury that results from performing a law enforcement action, either on-duty or off-duty, that renders debilitating medical injuries for the employee that reduces his/her effectiveness either temporarily or permanently. Such injuries can even lead to death.
- B. Line of Duty Death: A death that was unlawful or accidental and occurred while an employee was performing police duties, either on-duty or off-duty.

IV. PROCEDURE


Due to the complexity of a Line of Duty Serious Injury or a Line of Duty Death, all department personnel involved in managing the situation will adhere to Area Command protocol. The Chief of Police will designate an Incident Commander for the incident who may make the following section and liaison assignments:

- A. Incident Commander (IC): The Incident Commander will be a Deputy Chief. The IC will have overall command of all functions and details related to planning and implementing police services. The IC is responsible for ensuring that a thorough after-action report is completed within 45 days of the conclusion of this event.
  - 1. The Command Center Operations Manager, the Funeral Operations Manager, and Public Affairs Director will report directly to the IC. The IC will have final approval for all plans involving services, motorcade routes, and employee travel relating to this event.
  - 2. Command Center Support: The Command Center will be staffed and operational from the beginning of business hours, normally 0800 until all operations regarding the day's events are completed. The Command Center


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will serve as the collection and dissemination point of all requests and information concerning any visitation, funeral, motorcade, and memorial service. In the event any service is located outside of the Charlotte region, the IC or their designee will arrange for a modified Command Center within the local jurisdiction.


- B. Command Center Operations Manager (CCOM): The Command Center Operations Manager will be a Major and report directly to the IC. The CCOM will be responsible for tracking the work of the Funeral Operations Manager and Public Affairs Director. The CCOM will also coordinate the staffing needs for an affected division to ensure officers or employees are available to cover normal operations for a time period determined by the IC.
1. Planning Section: The Planning Section will be commanded by a Captain and support the Incident Commander and is responsible for short and long-term planning, including, but not limited to:
    - a. Develop short-term operational plans for the first twelve hours including relief for employees assigned to the various scenes.
    - b. Develop long-term operational plans for the next seventy-two hours.
    - c. Work with the Family Liaison to develop the visitation and funeral plans.
    - d. Work with the Family Liaison to develop an assistance plan for the family following the funeral and burial.
    - e. Coordinate and develop a plan with the appropriate police agency if the deceased employee is buried outside of the Charlotte region.
    - f. Develop and maintain a roster of all police agencies attending the funeral, including the name of the Chief, address of the agency, number of employees attending, and the number of police vehicles that will be involved in the funeral procession.
  2. Family Liaison: The Family Liaison coordinates with the Planning Section Commander. The Family Liaison may be the Division Commander of the employee involved. The Family Liaison will:
    - a. Ensure that, whenever possible, the needs of the family come before the needs of the Department.
    - b. Coordinate with the employee's family and keep them informed of new information about the investigation.
    - c. Notify appropriate agencies that may be available to provide emotional support or assistance to the family.

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- d. Develop a relationship with the family to maintain close contact with the Department and to meet the family's needs for as long as they need support.
- e. In the event of an employee's death:
  - (1) Assist the family with funeral arrangements and advise them of any services the Department can offer including, but not limited to, Honor Guard, assistance to family members who may be arriving from outside of Charlotte-Mecklenburg with transportation, lodging, or meals if they choose a police funeral, and others outlined in this directive and addendums. The Family Liaison will work with the Planning Section to ensure the family's requests are met.
  - (2) Inform the Incident Commander of the family's wishes in regard to funeral proceedings.
- 3. Funeral Home/Faith Liaison: Appointed by the Family Liaison and will:
  - a. Serve as the liaison between the Funeral Home/Faith institution and the Family Liaison.
  - b. Assist in the development of site security, parking plans, and traffic control for the Funeral Home/Faith institution.
- 4. Benefits Coordinator: A Human Resources employee appointed by the Family Liaison and will:
  - a. Work to gather all information regarding benefits available to the employee or the surviving family and assist in completing necessary paperwork.
  - b. Contact the appropriate agencies immediately to ensure that the process for obtaining benefits is initiated.
  - c. Follow up with the family to ensure all benefits are received.
- 5. CMPD Headquarters Liaison: The CMPD Headquarters Liaison is appointed by the Planning Section Commander and is responsible for maintaining control of the headquarters building as it relates to the incident and will:
  - a. Establish a location where employees may gather to wait for information concerning the incident and the employee's condition.
  - b. Designate a media staging area where a Public Affairs Officer will serve as a liaison with the media.
  - c. Establish security and traffic control in the area immediately around the CMPD headquarters.

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6. Notification Liaison: Reports to the Planning Section Commander and will:
  - a. Ensure the employee's family is notified in a timely manner. The Chief of Police or designee should make the notification. The notification should be made in person. A Chaplain should accompany the person making the notification.
  - b. Notify the appropriate agency for a personal notification if the deceased employee's family lives a considerable distance outside of the Charlotte-Mecklenburg area.
  - c. Arrange transportation to the medical facility for the employee's family. Before leaving for the hospital, the Notification Liaison should notify the Hospital Liaison that the family is enroute.
  - d. Arrange for child/family care and initial security for the residence. Arrange site security for the employee's home.
  - e. Arrange for an appropriate media staging area near the family home which does not negatively impact the employee's family. Identify a Public Affairs Officer and Logistics Officer to assist with the family residence.
  
7. Hospital Liaison: Reports to the Planning Section Commander and will:
  - a. Coordinate with a hospital representative to direct responding CMPD employees to an appropriate location.
  - b. Obtain appropriate rooms or areas to accommodate the family, close friends, and co-workers who will arrive at the hospital.
  - c. Coordinate with the appropriate hospital representative to ensure that order is maintained, due to the increase in activity in and around the hospital, which may include traffic control and security in certain hospital areas.
  - d. Ensure that hospital operations are not affected by parties interested in the CMPD situation and coordinate requests and needs with the CCOM.
  - e. Arrange for an appropriate media staging area which does not negatively impact hospital operations and designate a Public Affairs Officer who will serve as a liaison with the media.
  - f. Facilitate communications between the hospital representative(s) and the Command Center.
  
8. Logistics Section: The Logistics Section will be commanded by a Captain and will support the Incident Commander and the Liaisons as needed, including, but not limited to:

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- a. Provide assistance to family members who may be arriving from outside Charlotte-Mecklenburg with transportation, lodging, or meals.
- b. Provide support for the various scenes involved, including hospital, family residence, place of worship, funeral home, funeral procession, and cemetery.
- c. Provide assistance to CMPD personnel who must travel to another location for funeral services. (i.e. Honor Guard and Command Staff)
- d. If needed, appoint additional personnel to assist with travel, transportation, lodging, and meals.


C. **Funeral Operations Manager (FOM):** The Funeral Operations Manager will be a Major and report to the IC. The FOM will coordinate all operations relating to the visitation, funeral/memorial service, motorcade, and internment. The FOM will designate command level officers, captain or civilian manager, to serve as Visitation Commander, Funeral Location Commander, Motorcade Commander, and Cemetery Site Commander. Each designated commander will be responsible for all details relating to that assignment and will report to the FOM.

1. **Visitation Commander (VC):** Captain or Civilian Manager who will be responsible for coordinating site parking, location set up, and all details as they relate to the service being held on site.
2. **Funeral Location Commander (FLC):** Captain or Civilian Manager who will be responsible for coordinating site parking, procession staging, location set up, and all details as they relate to the service being held on site.

For funeral services that take place outside of our jurisdiction the FLC will coordinate site details and make contact with local police agencies to ensure the site operations are coordinated.

A Sergeant will assist the FLC with parking and procession staging. This sergeant will ensure that all vehicles in the burial procession are in the proper place as designated by the FOM.

3. **Honor Guard Commander:** The Honor Guard Commander will report to the FOM and coordinate all service honors as outlined within the unit's SOP. The Honor Guard will coordinate with the faith institution, memorial service and burial location Commanders.
4. **Cemetery Site Commander (CSC):** Captain or Civilian Manager who will be responsible for coordinating site parking, location set up, and all details as they relate to the service being held on site.
5. **Motorcade Commander (MC):** Captain who will coordinate all processions and vehicular movements of family and deceased employee(s) as determined by the Funeral Operations Manager. This responsibility can be divided into smaller


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commands depending on the number of locations and deceased employee movements.

Burial services outside of our jurisdiction will be assigned a MC who will coordinate our participation with the appropriate agency.

D. Public Affairs Director (PAD): The Public Affairs Director will report to the IC. The PAD will coordinate all media requests, press conferences, interviews, event coverage, and designate a VIP Liaison. The PAD will work with the Funeral Location Commander and Cemetery Site Commander to coordinate coverage and broadcast of services. They will be responsible for meeting with media outlets prior to these services and establishing ground rules of coverage to comply with department and family wishes.

1. The Public Affairs Director will also:
  - a. Work closely with the Family Liaison to ensure the needs of the family are fulfilled as much as possible.
  - b. Provide appropriate information surrounding the serious injury or death to Department employees and the media.
  - c. Coordinate news media briefings throughout the incident and coordinate the activities of the Public Affairs Officers assigned to the various scenes. If a family member wishes to grant an interview, the Public Affairs Director will arrange the interview and assist the family member as needed.
  - d. Ensure that proper notification (DCI Message) is sent to all law enforcement agencies with the following information:
    - (1) Name and rank of the employee,
    - (2) Date and time of the incident,
    - (3) Circumstances surrounding the event,
    - (4) In the event of an employee's death:
      - (a) Funeral arrangements.
      - (b) Family wishes in regard to expression of sympathy (donation, fund, memorial, etc.)
      - (c) Contact person and telephone number for visiting departments to indicate desire to attend and to obtain further information.
2. Public Affairs Officer (PAO): PAO will assist the PAD as directed. In addition, a PAO will be on site at all scheduled services to assist the Funeral Location Commander or Cemetery Commander 3 hours prior to the service to address

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all media issues. The PAO will report to the PAD in coordination with the Funeral Location Commander.

3. VIP Liaison: Captain designated by the PAD in consultation with the IC and will serve as the department point of contact for visiting police dignitaries, local politicians, and any other person designated as such by the IC. VIP Liaison will be on site of all services at least 2 hours prior to the event to coordinate special requests or needs. This captain will work closely with the Public Affairs Director and other location commanders to ensure the needs of our guests are addressed.

The VIP Liaison will also be responsible for working with the FLC and Honor Guard Commander on seating arrangements for employees and guests who attend visitation or funeral services. The VIP Liaison will work with ushers to ensure that any reserved seating is designated and that persons are placed in the appropriate area.

V. REFERENCES

- [300-020 Police Critical Incident Stress](#)
- [300-025 Peer Support Program](#)
- [600-025 Incident Command](#)

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## Addendum #1

### SERVICE CORPORATION OF AMERICA

Dignity Memorial Public Servants Program: <http://www.dignitymemorial.com>

Recognizing the courage and selflessness of those who serve the public, Dignity Memorial network providers created the Public Servants Program for emergency service personnel. This program offers dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers and firefighters who fall in the line of duty.

For more than ten years, the program has helped families deal with the emotional and financial burden associated with the sudden loss of a loved one. In addition to providing burial services, the program offers extended counseling services to family members who experience this unsettling change in their lives, as well as the opportunity to create an Internet tribute to memorialize their fallen hero.

The funeral and cremation benefits include:

#### Funeral:

- Faith institution, graveside or memorial service
- 1 day of Visitation
- Professional service fees to include embalming (if requested or required)
- Customary transportation fees, such as removal from place of death (50-mile radius), transportation to the cemetery, limousine, funeral coach and flower car on day of service
- Funeral option: 20-gauge protective steel or hardwood casket, minimum lined concrete vault at burial site and a 24X14 personalized bronze marker with vase mounted onto granite base Register book, acknowledgement cards, and memorial folders


#### Cremation:

- Casket rental or cremation container
- Sheet bronze urn / capsule
- Personalized cast bronze memorial plaque.
- Cemetery, niche or garden space in a Dignity Memorial affiliated cemetery (where available)
- Interment or crematory fees

#### Family Support Benefits:

- 24-hour Compassion Helpline to assist those coping with loss
- The Aftercare Planner, a comprehensive guide to help settle an estate
- An everlasting memorial permanent internet memorial
- One-year membership in a legal services plan



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## Addendum #2:

### VISITATION, FUNERAL OR MEMORIAL SERVICE, AND BURIAL


The Funeral Operations Manager, faith liaison and Honor Guard Commander are responsible for the honors and police part of the service. The Funeral Operations Manager will coordinate with the family liaison, funeral director, faith leader, or police chaplain to coordinate the remaining part of the service. The below guideline is an example which may be helpful in planning, but the service should be based on the wishes of the family of the deceased.

#### VISITATION SERVICE:

- Visitations should be expected to last 4-5 hours.
- Honor Guard members will meet at the designated location for set up and pre-service walk through 3 hours prior to service.
- Casket Guards are posted on each side of casket as determined by Honor Guard supervisor.
- A private room, if available, will be needed for family members to take breaks.
- MEDIC should be on site to assist with medical needs.
- Water and light food should be available for officers working onsite. Command Center Logistics can coordinate this.
- PIO should be on site to address all media issues.
- VIP/Political Liaison should be on site to assist with any issues that arise.
- Seating plan during the visitation for visitors to be seated while waiting. Officers assigned to the location will usher visitors to their seats and direct them into the visitation line.
- A parking plan may be necessary depending on the location of the service. If so, this responsibility will be under the appropriate location commander.


#### FUNERAL OR MEMORIAL SERVICE:

- Honor Guard should arrive 3 hours prior to service for set-up and walk-through
- Casket Guards posted
- Officer seating locations are determined and reserved
- VIP and Police Executive seating is determined and reserved
- Family seating area is determined and reserved
- Family and faith leaders enter and seated
- Service begins
  - Bagpipes play introduction and lead into the sanctuary (CFD Bagpipe & Drum Corps)
  - CMPD Color Guard posts colors and retires
  - Casket Guards changed, attendees sit at the direction of the faith leader
  - Faith service begins
  - **Insert faith Order of Service** (provided by a faith leader)
  - Conclusion of faith service
  - Color Guard retrieves colors and Casket Guards exit sanctuary
  - Casket exits followed by: faith leader, pall bearers, and family to the hearse
  - Color Guard renders salute and casket is placed in the hearse
  - Family enters limousines or personal vehicles
  - Officers and civilians prepare for departure to burial site
  - Procession departs service location

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## **BURIAL SERVICE:**

- Honor Guard arrives at burial site ahead of funeral procession and assembles
- Bagpipe/Drum Corps arrives at burial site ahead of funeral procession
- Hearse/Family and Main procession arrives at burial site
- Honor Guard arranges officers
- Bagpipes play from a distance
- Honor Guard/Color Guard renders salute as casket is carried into place
- Faith Service begins
- Interment
- Faith Message
- Honor Guard folds U.S. flag (identify recipient prior to service)
- Honor Guard presents flag to Honor Guard Commander
- Honor Guard Commander presents flag to Chief of Police
- Chief of Police presents flag to next of kin
- 21 Gun Salute (if requested)
- CMPD Helicopter flyover (if requested and available)
- Funeral Operations Manager will call helicopter at the first volley of 21 Gun Salute. Timing should allow approximately 30 seconds from the third volley to the arrival of the helicopter at the burial site. This short silence gives attendees the ability to hear the helicopter inbound.

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## Addendum #3

### MEDIA PROTOCOLS

The Public Affairs Director or designee will coordinate with the media to ensure an unobtrusive opportunity to view the funeral / memorial service and burial from a designated staging location. These guidelines should be developed along with the families, while balancing the public interest to honor the employees and keeping the services respectful.

Media personnel could be asked to leave any service by the Public Affairs Director or Funeral Location Commander should any deviations from these guidelines occur.


#### Visitation:

- NO cameras (video or still) will be allowed inside the service venue.
- Reporters who wish to enter the service venue can do so as a visitor, wait in line, pay their respects and leave.
- Predetermined staging area for media personnel will be in an accessible, but not intrusive location. Boundaries will be established that allow cameras to capture images.

#### Funeral:

- Local television network will provide video pool feed via satellite to all outlets.
- Media will not be allowed access to the inside of the service venue for early morning stand-up.
- The PAD will select a pool photographer for still shots inside the service venue. The photographer will be in a location selected by the PAD in conjunction with the Funeral Location Commander. The FLC should be mindful of undercover officers attending and the necessity to protect their identity.
- Flash photography will not be allowed inside.
- Two full copies of the video of the service will be provided to CMPD (clean and with graphics for presentation to the families and for use in future memorial tributes to the employees (with credit given to the participating news agencies).
- A full set of all photos taken by the pool photographer that are published in the paper and on line will be provided to CMPD for presentation to the families and for use in future memorial tributes to the employees (with credit given).
- Local television satellite truck will be parked in the appropriate place near the service venue. All other media vehicles will be parked in predetermined staging location with other news personnel.
- Cameras will only be allowed in certain location(s) that maintain a respectable distance from mourners attending the service.
- Reporters without cameras (video or still) will be allowed into the service (no cameras, no live shots, no stand-ups from inside the service venue, no loitering during visitation).
- All still and video photographers will sign an agreement with CMPD not to publish any photos of plainclothes officers or civilian employees without prior review and approval of the Public Affairs Director or designee.


#### Procession:

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- Media vehicles will not be allowed to participate in the official motorcade.

**Burial:**

- Any media vehicle (live truck) must be in place at the cemetery 2 hours prior to funeral service or access will not be allowed.
- No wireless mikes will be allowed at burial site.
- Area will be identified by Burial Site Commander for news crews to capture images with minimal intrusions to service.
- Media helicopters will not be allowed to hover or make continual passes over the cemetery during burial services.
- All still and video photographers will sign an agreement with CMPD not to publish any photos of plainclothes officers or civilian employees without prior review and approval of the Public Affairs Director or designee.
- Two full copies of the video of the service will be provided to CMPD (clean and with graphics) for presentation to the families and for use in future memorial tributes to the employees (with credit given to the participating news agencies).
- A full set of all photos taken by the pool photographer that are published in the print media and on-line will be provided to CMPD for presentation to the families and for use in future memorial tributes to the employees (with credit given).

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## Addendum #4

### MOTORCADE PROCESSION

Motorcade Commander is responsible for the procession and will plan the route from the service location to the cemetery by assigning officers to specific traffic control points. The Mecklenburg County Sheriff's Office and other local agencies should be utilized, if available, to allow CMPD personnel to attend the funeral.

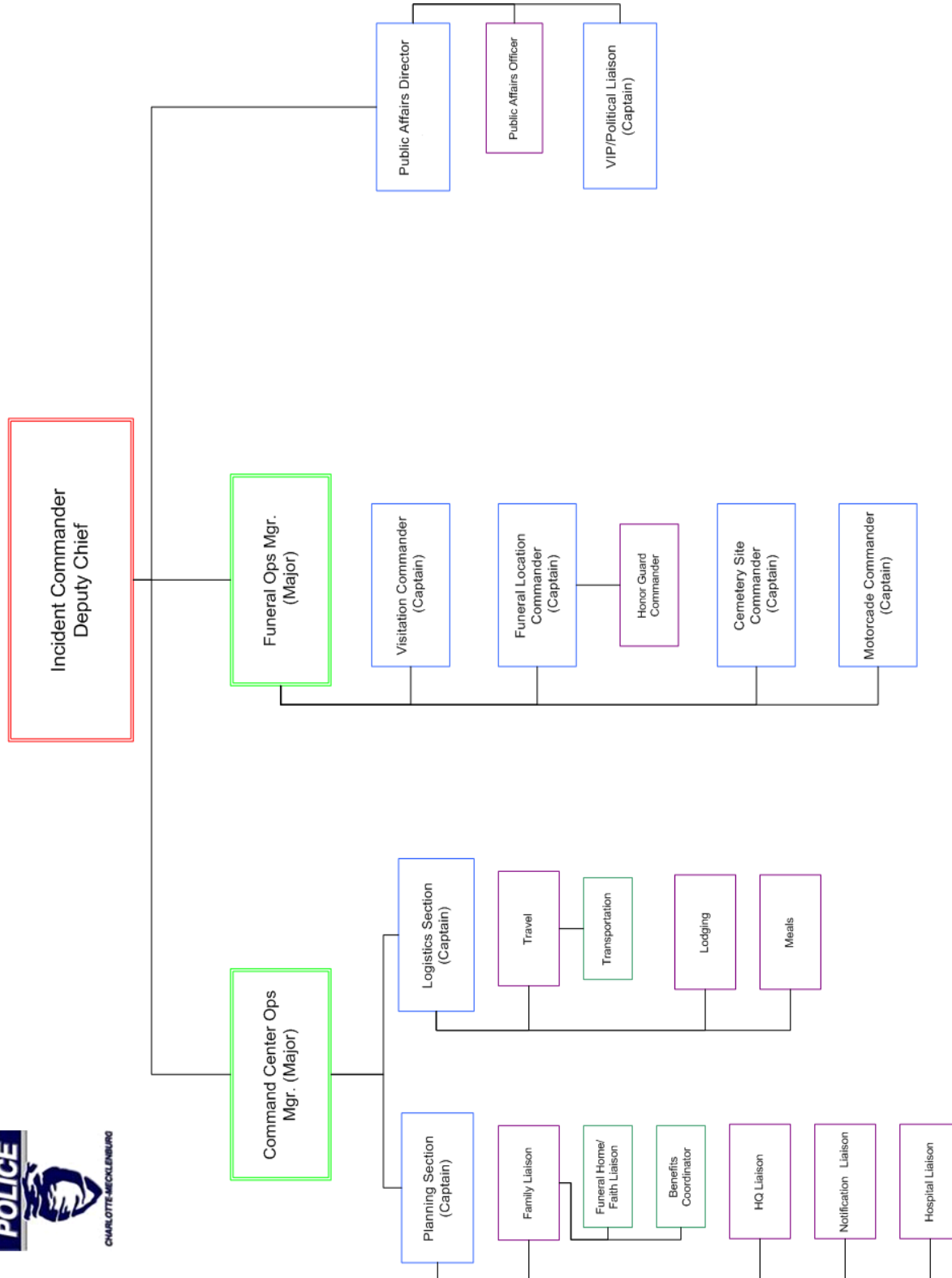
#### Procession may include:


- Motorcade Commander
- Funeral Director
- Funeral Hearse
- Family Limousine(s)
- Faith Leader
- Immediate Family
- Chief of Police
- Deputy Chiefs of Police
- Extended Family (cousins, aunts, uncles, etc...)
- Buses containing the fallen employee's division/unit
- Plain clothes MEDIC personnel (*if requested*)
- Cemetery Lead Vehicle - Lead other vehicles to parking locations in cemetery
- Funeral Operations Manager
- MEDIC Van
- All other police and private vehicles will self assemble behind the lead procession.
- Political dignitaries will be placed behind Funeral Operations Manager. All issues regarding this will be the responsibility of the Funeral Location Commander.
- Media vehicles are not allowed in the official motorcade.

## Addendum #5

### ORGANIZATIONAL CHART

Line of Duty Serious Injury and Death Procedure



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	<i>Interactive Directives Guide</i>	<b>Uniform and Grooming Standards</b>	
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I. PURPOSE

To establish guidelines for the dress and grooming standards of Charlotte-Mecklenburg Police Department (CMPD) employees while at work, on duty, or in uniform, to maintain the professional image of the department.

II. POLICY

While in uniform, in plain clothes, or on duty, CMPD employees are always expected to maintain a professional appearance. Employees are expected to adhere to the guidelines set forth in this directive while engaging in professional police activities. All uniform and grooming standard guidelines must adhere to work safety standards in accordance with the Occupational Safety and Health Administration (OSHA) Respiratory Protection Standard and CMPD Respiratory Protection Plan.


III. DEFINITIONS

A. Employees: For the purpose of this directive, employees are identified in the following groups:

1. Officer: A sworn police officer of any rank, uniformed civilian Animal Care and Control officer, and Crime Scene Investigations investigator.
2. Plain-Clothed Officer: A sworn police officer of any rank assigned to a plainclothes position or wearing plainclothes in an on-duty capacity. Sworn employees assigned to the Covert Operations Division are not included.
3. Civilian Uniformed Employee: An employee who is not a sworn law enforcement officer and is issued a work uniform. Employee uniforms are defined in the unit's respective Standard Operating Procedures (SOP).
4. Plain-Clothed Employee: A civilian employee not provided with a uniform.

B. Uniforms:

1. Class A Uniform: The Class A uniform consists of blue uniform pants, long-sleeve uniform shirt with the issued tie. An approved sweater may also be worn with the Class A uniform.
2. Class B Uniform: The Class B uniform consists of the blue uniform pants and a short-sleeved uniform shirt or the long-sleeve uniform shirt with an approved plain black mock turtleneck or one with "CMPD" embroidered on it. The long and short-sleeved patrol alternate duty uniform (often referred to as the 5.11's) is also considered a Class B Uniform.
3. Class C Uniform: The Class C utility uniform varies according to the needs of specific units. The uniform must be consistent with the Class A and B uniforms in style and consistent with the image of the law enforcement profession.

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4. Specialized Uniform: The specialized uniform will be determined by the unit's SOP. The specialized uniform is worn only when performing the duties of the unit for which it was designed e.g., S.W.A.T., A.L.E.R.T., Training Academy, etc.

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


#### IV. PROCEDURES

##### A. Grooming Standards

##### 1. Hair Styles

- a. All employees are required to wear their hair clean, combed, and neatly trimmed or arranged. Hair that is unkempt is not permissible regardless of length for any on-duty employee.
- b. Hair must be of natural color, and styles shall be in keeping with the professional image of CMPD.
- c. Hairstyles must not prevent the proper wear and seal of required safety equipment, including respiratory devices.
- d. All male uniformed officers will conform to the following standards of appearance.
  - (1) Hair on top of the head will be neatly groomed. The length/bulk of the hair will not be excessive or present a ragged or extreme appearance. When combed, the hair may only extend ¼ inch below the top of the ears and may not touch or extend below the shirt collar in the back. Vertically, short hair will be worn no more than 1 ½ inches from the scalp at any point on the head.
  - (2) In all cases, the bulk or length of the hair will not interfere with the normal wear of the uniform hat.
  - (3) Male employees will not wear hair accessories while on duty.
- e. All female uniformed officers will conform to the following standards of appearance.
  - (1) Long hair that extends below the bottom of the collar must be pinned up in a neat manner. While up, no part of the hair will extend below the bottom of the shirt collar. If it is worn up and begins to become disheveled, it must be repaired or worn down, meeting the length regulations.




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- (2) Hair accessories must be functional, not ornamental, and are restricted to the following:
  - (a) Dark blue or black ribbons or terry-covered rubber bands.
  - (b) Silver, gold, black, dark blue, or dark brown barrettes or clips.
  - (c) Black, white, dark blue, or dark brown headbands.
  - (d) All other accessories are restricted to black, white, dark blue, or dark brown.
  - (e) No accessory may have decorations on it and each accessory may be only one color.
  - (f) In all cases, the bulk, length, or style in which the hair is worn will not interfere with the normal wear of the uniform hat.

## 2. Facial Hair

A neatly groomed and maintained mustache, goatee, or beard is authorized for all employees. The following appearance standards shall apply to all employees. Employees in positions or assignments wherein a beard would be inappropriate or impede the operation of the position will adhere to the standards set forth in the employee's unit or division SOP. Beards may only exceed the parameters of this policy when the Chief of Police has granted an exception, or the employee's unit or division SOP specifies differing beard restrictions.

- a. Sworn employees' beards must be worn with a mustache, and the facial hair must not be longer than a quarter (1/4) inch in length. The beard will be uniform in length and no portion of the beard may be noticeably longer than the rest. Beards or goatees must be a natural color and natural in shape with no patterns or designs (e.g., no "chin strap" beards). No braids, bows, or other accessories are allowed in facial hair.
- b. Civilian employees' beards will be uniform in length and no portion of the beard may be noticeably longer than the rest. Beards or goatees must be a natural color and be neatly trimmed with no patterns or designs. No braids, bows, or other accessories are allowed in facial hair.
- c. In compliance with OSHA standards and the Charlotte-Mecklenburg Police Department's Respiratory Protection Plan, sworn and civilian employees who are required to properly operate and wear a respiratory device as an essential function of their position will be required to arrive

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clean-shaven for any required fit-testing of respirators. Fit-testing and subsequent use of any tight-fitting respirators will be done without facial hair that may come between the sealing surface of the facepiece and the face or that interferes with the valve function.

- d. Sworn and civilian employees who are required to properly operate and wear a respiratory device as an essential function of their position will be required to shave their beards entirely in anticipation of an operational need for the use of the gas mask (e.g., development of protests likely to become violent). Sworn employees may be ordered to remove their beards immediately and must have the necessary equipment available to do so in a timely manner.
- e. Mustaches are permitted; however, the mustache shall be neatly trimmed and shall not extend over the top lip, or vertically or horizontally beyond the corner of the mouth where the lips join.
- f. All employees shall maintain a professional appearance, regardless of the actual length of their facial hair.
- g. Sworn employees shall not claim to be in a perpetual state of growth to avoid shaving on a regular basis. Facial hair must be neatly trimmed during growth stages to avoid uneven (patchy) growth patterns.
- h. The wearing of facial hair shall remain at the discretion of the Chief of Police or designee.
- i. Supervisors will ensure employees adhere to these standards and maintain a professional appearance. Employees who state a medical condition inhibits their ability to adhere to these standards will be referred to the CMPD Human Resources Division.

### 3. Facial Hair Medical Exemption

The department recognizes that employees may have a medical need to have facial hair which exceeds the scope of this policy due to various medical conditions.

- a. Medical exemptions shall be on a case-by-case basis and require a medical accommodation issued by a licensed medical provider, reviewed, and approved by the CMPD Human Resources Division.
- b. If the medical accommodation is approved, facial hair will be kept trimmed and neat, and will not exceed the approved restrictions. The appropriate medical provider must complete the City Accommodation Form which is available from the CMPD Human Resources Division.
- c. Medical accommodations will expire six (6) months from the date of approval. Should the employee still require a medical accommodation

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past the initial six (6) months, the employee must reapply for an exemption.

4. Piercings and Dermal Accessories


Female uniformed officers may wear no more than one (1) earring per ear, and it must be worn in the lobe of the ear. Female plain-clothed officers may wear up to two (2) earrings per ear and they must be worn in the lobe area of the ear. Civilian employees may wear up to two (2) earrings per ear and they must be worn in the lobe area of the ear. Pierced earrings must have a small post.

- a. Ball earrings may be gold, silver, or white (pearl) in color and no larger than 6mm.
- b. Disc earrings may be gold or silver in color and no larger than 12mm.
- c. Solitaire earrings may be any gemstone or their facsimile and no larger than ½ karat.
- d. Female uniformed officers may not wear hoop or dangling-style earrings while on duty in uniform.
- e. Female plain-clothed officers and civilian uniformed employees may wear hoop or dangling-style earrings that do not exceed one (1) inch in width or two (2) inches in length and do not interfere with the employee’s duties.


No other forms of dermal piercings, dermal anchors, or other dermal accessories may be visible on any employee other than in the earlobe as described above.

5. Tattoos, Brands, and Scarification

- a. All CMPD employees must maintain standards of appearance that project a professional image to the public. Tattoos, brands, or scarifications that depict violence, are obscene in nature, contain sexually explicit language, or in any way ridicule, malign, disparage, or express bias against any individual or group are not in keeping with CMPD’s professional image, are inappropriate for the work environment, and may undermine public trust and confidence. All employees’ tattoos, brands, or scarification are subject to the standards and review process set forth in this directive.
- b. Employees are permitted to have visible tattoos, brands or scarification provided they do not violate the following conditions:
  - (1) Visible tattoos, brands, or scarification on the head, face, and scalp, are prohibited.

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- (2) A tattoo, brand or scarification that meets the conditions of this directive shall be permitted to be worn or displayed on an employee's hands and/or fingers. Additionally, a tattoo that resembles a wedding ring is also permitted on the traditional finger a wedding ring is typically worn. Any tattoo displayed on the hands and fingers must not violate any other section of this directive.
  - (3) An employee is allowed to have a tattoo located behind the employee's ear or on the nape of the neck, provided it does not exceed one (1) inch in length by one (1) inch in width and it does not violate any other section of this directive.
  - (4) Tattoos, brands, or scarification that depict violence, nudity, sexual acts or organs, or lewd images or content are not permitted to be visible while on duty or while on any City of Charlotte property regardless of duty status.
  - (5) Tattoos, brands, or scarification that do not meet the conditions of this directive must be covered by clothing that meets the guidelines of this directive, e.g., long-sleeve uniform shirt, or tattoo covering make-up. Tattoo sleeves or "Tat Jackets" are not permissible. Any other method of covering tattoos, brands, or scarification must be approved by the Professional Appearance Committee.
  - (6) The Class B or Class C uniform sleeve may not be altered in any regard to display or conceal any portion of a tattoo, brand, or scarification.
  - (7) Employees' chains of command are responsible for ensuring any tattoos, brands, or scarifications that are inappropriate, or do not meet the restrictions outlined above, are properly covered.
  - (8) Employees who disagree with their chain of command regarding the appropriateness or inappropriateness of a tattoo, brand, or scarification may seek to have their tattoo, brand, or scarification reviewed by the Professional Appearance Committee.
6. Restricted Tattoos, Brands, or Scarification
- a. Tattoos, brands, or scarification that depict or refer to intolerance or discrimination against any race, color, preference, creed, religion, gender, or national origin are strictly prohibited. Tattoos, brands, or scarification that depict or refer to extremist or supremacist philosophies, or any organization or group that advocates such intolerance or discrimination are strictly prohibited.

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- b. Tattoos, brands, or scarification that detract from the professional appearance of the employee or violates the standards of decency and morality are strictly prohibited.
- c. Tattoos, brands, or scarification that depict “scorekeeping” related to police activity or signify membership in unofficial law enforcement or militia groups are strictly prohibited, regardless of location on the body.
- d. Tattoos, brands, or scarification of the above nature or content do not conform with CMPD’s values and undermine public trust and the trust of co-workers. Such tattoos, brands, or scarifications would negatively affect the reputation of the employee and bring CMPD into disrepute.
- e. Employees identified as having a tattoo, brand, or scarification that may be restricted under this directive will be reported to the Internal Affairs Bureau. The tattoo, brand, or scarification may be reviewed by the Professional Appearance Committee as part of the administrative investigation.
- f. The Chief of Police or designee shall be the final authority in determining if a tattoo, brand, or scarification is considered offensive or inappropriate.

7. Professional Appearance Committee

- a. The Professional Appearance Committee will convene as needed basis to review the content of tattoos, brands, or scarification for adherence to this policy.
- b. The Professional Appearance Committee will be comprised of the deputy chief of Administrative Services (Chairperson), the Professional Accountability Major, a police attorney, and a minimum of seven (7) members of the Uniform and Equipment Committee of various ranks and positions.
- c. The deputy chief of Administrative Services, in consultation with the committee, will make the decision as to the appropriateness or inappropriateness of a tattoo, brands, or scarification, or whether the tattoo, brands, or scarification is restricted. The Chief of Police may override this decision.

Applicants to CMPD will disclose all tattoos, brands, or scarifications regardless of nature, content, or location during the hiring process to their background investigator. The CMPD Recruiting Division chain of command will determine the permissibility of each tattoo, brand, or scarification in accordance with this directive. The notation of tattoos, brands, or scarifications will be a part of the employee’s permanent personnel file.

B. General Dress

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1. Court

- a. Male employees who are attending court will wear either a Class A or B uniform, a business suit, or sport coat and slacks with a tie.
- b. Female employees who are attending court will wear either their Class A or B uniform or a blazer with slacks, a blazer with a skirt, or a dress that is professional in appearance.
- c. When attending district court, officers have the option of wearing the clothing described above or their uniform of the day. The Class C uniform will not be worn to court with the exception of the following units, provided that the uniform is clean and neat in appearance when attending district court only:
  - (1) On-duty canine officers.
  - (2) On-duty bicycle patrol officers, however, on-duty bicycle officers will not wear short pants.
  - (3) On-duty Motorcycle Unit.

2. Training Academy


Employees attending departmental training considered to be on-duty, jeans or other types of denim are permissible during Training Academy classes provided they are neat, properly fitted, and free of holes and tears. Such clothing as shorts, tank tops, overalls, cutoff shirts, sweatpants, flip-flops, and shower shoes, etc., are prohibited.

3. Other Meetings and Functions


Employees attending division or bureau meetings, or other official meetings are considered to be on-duty and will wear their issued uniforms or business casual attire.

4. Uniformed Dress

- a. Maintenance of uniforms will be the responsibility of the person to whom they are issued. Uniforms will be maintained and neat in appearance at all times.
- b. Employees will present themselves in an orderly and professional manner. Uniforms will be clean, pressed, and worn neatly at all times. Uniform shirts must be tucked in. Faded, worn, damaged, or tight-fitting clothing is not permissible.
- c. Only departmental-approved black shoes or boots will be worn. Worn-out or unkempt shoes will not be permitted.


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- d. Black or navy socks must be worn with designated shoes.
- 5. Sworn Officers Uniforms
  - a. Ballistic Vests
    - (1) Ballistic vests are required to be worn by all uniformed officers and supervisors assigned to the Patrol Service Group.
    - (2) Ballistic vests are required to be worn by all sworn employees when engaged in pre-planned high-risk activities which include warrant service, raids, searches, and other activities deemed to be high-risk by the supervisor in charge of the activity.
    - (3) The wearing of a ballistic vest is mandatory for any sworn employee working in uniform in any secondary employment capacity regardless of their rank or normal assignment.
    - (4) Supervisors will conduct inspections of all employees required to wear a ballistic vest as described above. These inspections will occur daily as part of the regular inspection of assigned equipment.
    - (5) It is also encouraged that all officers assigned to Investigative, Support, and Administrative Divisions wear a protective vest during their tour of duty. However, those officers who choose not to wear their protective vest must have it readily available at all times during their tour of duty.
    - (6) All sworn employees will be issued CMPD-approved protective vests.
      - (a) CMPD-approved protective vests will comply with protective and related requirements prescribed by current standards of the National Institute of Justice.
      - (b) CMPD-approved protective vests will be replaced at no cost to the officer upon reaching the manufacturer's product expiration date or due to non-negligent damage and normal wear and tear.
    - (7) Officers are responsible for the care and maintenance of their assigned protective vest.
      - (a) Officers are responsible for inspecting their protective vests for signs of damage or other conditions that warrant replacement.

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- (b) Officers are responsible for the proper storage and cleaning of the protective vest in accordance with the manufacturer's instructions.
- b. Medical Exemptions
    - (1) Any sworn employee seeking a medical exemption to the mandatory wear of ballistic vest guidelines will obtain a detailed written justification from a licensed medical professional that describes the physical condition and how this condition prevents the wearing of a ballistic vest. The justification will be forwarded through the chain of command to the Chief of Police or designee.
    - (2) The Chief of Police or designee may require a second medical evaluation through a physician identified by CMPD for confirmation that the ballistic vest cannot be worn. If it is determined that the employee's medical condition is such that prohibits the wear of a ballistic vest, then the employee may be referred to a physician identified by CMPD for a Fitness for Duty evaluation.
  - c. When the uniform coat is worn the embroidered badge serves as the outermost badge.
  - d. The uniform of the day, Class A, B, or C will be worn in the intended manner with the badge worn on the outermost garment.
  - e. The 5.11 style Alternate Duty Uniform (both long and short-sleeved) is considered a Class B uniform.
    - (1) A mock turtleneck is optional attire with the Class B Alternate Duty uniform.
    - (2) Screen printing or embroidery of badges and/ or nameplates is prohibited on the Class B Alternate Duty Uniform.
    - (3) Officers may obtain, at their expense, CMPD approved web gear for use with the Class B Alternate Duty Uniform.
  - f. The nameplate will be worn on the uniform shirt.
    - (1) An appropriate alternative to the nameplate, such as screen printing or embroidering may be used only on Class C uniforms not suitable for wearing a nameplate.
    - (2) Officers may purchase the "serving since" plate to be worn as part of the nameplate.



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- g. Officers must wear the issued uniform dress hat while attending formal ceremonies such as funerals and parades on or off-duty when the Class A uniform is worn.
- h. Officers may obtain, at their own expense and use on duty, approved sweaters/jackets, mock turtlenecks, and winter hats. (See 400-003 Equipment)
- i. CMPD approved baseball-style caps can be worn only with the Class C Uniform.
  - (1) Baseball-style caps will not be worn to court or while working in a secondary employment capacity.
  - (2) The Chief of Police or designee may approve the wearing of baseball-style caps for special events involving CMPD employees in uniform.
- j. Officers will wear the appropriate standard duty police uniforms (Class A, B, or C) when engaged in uniformed law enforcement-related secondary employment. Class C uniforms such as bicycle or motorcycle uniforms will only be worn when operating those types of equipment in a secondary employment capacity.

The following units are approved for baseball caps. These are part of a Class C and specialized uniform:

**Sworn Units:**

*ALERT Team*

*Aviation*

*K-9/Vice K-9*

*Lake Patrol (North and Steele Creek Divisions)*

*SWAT*

*Training-Drivers Training Unit*

*Training-Range*

*Motorcycle Unit*


**Civilian Units:**

*Animal Care and Control*

*Citizens on Patrol/ Lakes COPS*

*Crime Scene Investigations*


- k. Ornaments, jewelry, civic pins, fraternity pins, etc., will not be worn on the uniform. The only exceptions are those pins awarded or issued by CMPD or approved by the Chief of Police.
  - (1) Up to four issued commendation bars may be worn with the appropriate bar holder centered above the nameplate on the uniform shirt.

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- (2) A single tie bar or tie pin, in keeping with the professional image of CMPD, may be worn.
  - l. Officers have the option to wear either the Class A, Class B, or Class C uniform, unless otherwise specified by this directive, throughout the year. Undershirts worn with the Class B and C uniform will be white, dark blue, or black in color with no visible stripes, patterns, or decorations and may be either V-neck or crew style. Uniformed employees wearing the Class B or Class C uniform shirts are prohibited from leaving any buttons below the top button open.
  - m. Officers assigned to light duty temporary assignments will wear business casual dress in accordance with this directive (Plain-Clothed Employees).
  - n. Prohibited Activity While in Uniform
    - (1) Uniformed employees will refrain from activities that are not in keeping with CMPD's professional image, or which may be misinterpreted by the public.
    - (2) Employees are prohibited from wearing CMPD uniforms while appearing as a plaintiff or defendant in any court proceedings unrelated to law enforcement activity unless authorized by the Chief of Police.
- 6. Plain-Clothed Positions

All employees, when not in uniform, will wear their department-issued photo identification card in obvious view at all times when inside CMPD Headquarters or any CMPD facility.

  - a. Sworn Officers Assigned to Plain-Clothed Positions
    - (1) Sworn officers assigned to plain-clothed duty will wear professional business attire.
      - (a) Appropriate dress for men will be business suits, or sports coats and slacks with ties.
      - (b) Appropriate dress for women will be business suits, slacks, or skirts with blouses or sweaters and a blazer or jacket or a dress.
      - (c) All employees assigned to plain-clothed positions will adhere to this directive when attending court.
    - (2) Officers in plain clothes must wear dress shoes that do not impair their ability to carry out the normal duties of their job.

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- (a) Male officers in plain clothes may wear any type of business dress shoes, except sandals, open shoes, or cowboy boots.
    - (b) Female officers in plain clothes may wear any type of business dress shoe except sandals, cowboy boots, open-toe shoes, or any shoe with a heel exceeding three (3) inches in height.
  - (3) The Chief of Police, or designee, may alter the personal appearance and dress requirements of plain-clothed officers as necessary.
  - (4) Employees assigned to plain-clothed duties of the rank of sergeant and below will:
    - (a) Carry their service weapons and handcuffs while on duty.
    - (b) Wear their badge or police identification cards in obvious view on the outermost garment during a police raid or other police emergency.
- b. Plain-Clothed Civilian Employees
  - (1) Employee dress and overall appearance should present a business-like image to the public.
  - (2) Business casual or professional business attire will be worn while on duty.
  - (3) Business Casual - While standards of formality in dress are somewhat relaxed; employees are expected to present a professional and business-like appearance. The following standards apply:
    - (a) Slacks – khakis, cotton, and other slacks are acceptable if clean and neatly pressed. Denim is not acceptable. Other inappropriate items include sweatpants, stretch pants, shorts, bib overalls, stirrup pants, spandex and other form-fitting pants.
    - (b) Shirts – casual shirts with collars, golf shirts, capped-sleeved shirts, sweaters, non-collared fitted shirts, and turtlenecks are acceptable. Shirts with small, trademarked logos placed on the front pocket area of the shirt are acceptable. T-shirts, tank tops, spaghetti strap shirts, tube tops, halter-tops, revealing or midriff-baring tops, shirts with lettering, cartoon characters, phrases, pictures, or

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any tops with bare shoulders (unless worn under another blouse or jacket) are unacceptable.


- (c) Skirts and Dresses – casual dresses and skirts that are no higher than two (2) inches from the knee are acceptable. Spaghetti strap dresses and miniskirts are not acceptable.
- (d) Footwear – dress boots, loafers, flats, dress sandals, and leather deck shoes are acceptable. Athletic shoes, hiking or climbing boots, tennis shoes, thongs, casual sandals, slippers, and flip-flops are not acceptable.
- (e) Hats – hats of any kind may not be worn on duty.

## V. EXCEPTIONS

- A. Deviation from the CMPD-issued uniform is allowed for business purposes when approved by the division/unit manager in consultation with his or her chain of command.
- B. Unit managers in divisions that have little or no contact with the public may permit their employees to wear business casual attire or denim provided the clothing is neat, properly fitted, and free of holes and tears.
- C. Officers operating exposed vehicles, i.e., bicycles, etc., may wear sunglass straps to prevent loss or damage while in motion.
- D. Officers on special assignment, where their dress, hairstyle, and accessories must be conducive to the nature of the assignment and the clientele they associate with, will be temporarily exempt from this policy for the duration of the assignment. For the purpose of this directive, the employee's deputy chief will determine what constitutes a special assignment within the meaning and intent of this exception and will submit a memorandum to the Chief of Police indicating which assignments and employees are exempt and the timeframe of the exemption. A copy of the memorandum will be provided to CMPD Human Resources Division.
- E. During special campaigns such as United Way and/or Blood Donor programs, the emblem or symbol of participation may be worn during the campaign.
- F. Police recruits are governed by the CMPD Training Academy rules and regulations regarding personal appearance.

## VI. ENFORCEMENT

- A. Supervisors and managers are fully responsible and accountable for ensuring employees are appropriately groomed and dressed based on this policy. In addition, supervisors and managers may require business attire to be worn in instances where employees are expected to appear in a formal setting such as a hearing, tribunal, or professional community meeting.

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- B. If it is determined that an employee is dressed inappropriately, the employee may be asked to leave work to change clothing, and vacation leave will be charged for the missed time.
- C. Questions about uniform dress or grooming standards will be answered by the employee's chain of command.

**VII. RESPONSIBILITY FOR UNIFORMS AND EQUIPMENT**

- A. The Property and Evidence Management Division is responsible for the proper storage and issuing of all employee uniforms.
- B. Uniforms that are damaged, worn out, or destroyed in the line of duty will be repaired or replaced by CMPD. Employees who need to replace a worn-out or damaged article of clothing must submit a request for approval through the CMPD Uniform Purchase System.
- C. If uniforms need to be taken out of service due to contamination or if the duty uniform is needed as evidence in an investigation, the Emergency Clothing Bag, located in the Property and Evidence Division is available for employees to use. This emergency issue of a t-shirt, sweatshirt, and/or sweatpants is only to be used to assist the employee with clothing in which to travel home.
- D. Uniforms damaged or destroyed through negligence or abuse must be repaired or replaced at the responsible employee's expense.
- E. Employees will be responsible for uniform alterations made 30 days or more after the date of issue.


**VIII. RETURNING EQUIPMENT AND UNIFORMS**

Uniforms and equipment will be returned in accordance with Directive 200-005 Returning of Issued Uniforms and Equipment.

**IX. UNIFORM AND EQUIPMENT COMMITTEE**

- A. The Uniform and Equipment Committee will be composed of personnel assigned to the following positions:

*Deputy Chief of Administrative Services Group – Chairperson*  
*One Administrative Major – Alternate Chairperson*  
*One Patrol Services Group Captain*  
*One Investigative Services Captain*  
*Support Services Captain*  
*Property and Evidence Management Manager*  
*Training Director*  
*Fiscal Affairs Manager*  
*Policies and Directives Officer*  
*One Communications Representative*  
*One Animal Care and Control Representative*

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*One Patrol Services Group Sergeant*  
*One Investigative Services Sergeant*  
*One Investigative Services Detective*  
*Three Patrol Services Group Officers (Patrol North, Patrol South, Patrol Central)*  
*Safety Coordinator*

- B. Employees requesting a change in departmental approved equipment, uniforms, or items worn on uniforms shall complete a “Uniform and Equipment Request and Review Form” and forward it up the requesting employee’s chain of command. The requesting employee’s chain of command will indicate approval or disapproval of the request. Disapproval by any member of the chain will stop any further action with regard to the request. The deputy chief should forward the denied request and documentation to the Property and Evidence Management Division’s manager. The chain of command should not base its decision solely on the unit or section, but on the overall impact the request may have on the entire organization. The Uniform and Equipment Committee will research and discuss all items submitted for review and make recommendations regarding the requested action to the Chief of Police or designee.

X. REFERENCES

300-006 Light Duty Policy  
 400-003 Equipment  
 200-005 Returning of Issued Uniforms and Equipment  
 Code of Federal Regulations (CFR) Title 29-Labor, Chapter XVII-Occupational Safety and Health Administration (OSHA) Section §1910.134 Respiratory Protection  
 OSHA Standard, Title 29, Code of Fed Regulations  
 CMPD Respiratory Protection Plan  
 CALEA

This directive was previously updated on 9/13/2022

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	<b>Interactive Directives Guide</b>	<b>Firearms</b>	
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I. PURPOSE

To establish appropriate guidelines for training qualification and the carrying of firearms by Charlotte-Mecklenburg Police Department (CMPD) sworn personnel in all law enforcement related capacities, and to comply with the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), codified at 18 U.S.C. § 926B and 926C.


II. POLICY

The nature of law enforcement requires on-duty sworn employees to carry firearms. Training and standards designed to enhance employee performance for the protection of citizens as well as the employee are of prime concern. These standards reduce the probability of criminal and civil liability that could arise from questions of a sworn employee’s skill and competency. To ensure that they are able to perform their duties and protect themselves and the public, sworn employees are required to demonstrate reasonable proficiency in all aspects of firearms use. In addition, sworn employees receive annual training in the use of firearms, levels of control, firearms safety, and basic marksmanship.

Sworn employees who choose to carry concealed firearms in an off-duty capacity and are authorized to do so under federal and state law, with certain limitations. This directive will provide guidance to sworn employees who choose to carry concealed firearms off-duty to ensure that their conduct remains in compliance with applicable laws as well as CMPD directives.

III. DEFINITIONS

- A. Firearm: A handgun, shotgun, or rifle which expels a projectile by action of an explosion.
- B. Service Weapon: The handgun issued to CMPD sworn employees that is a sworn employee’s primary firearm in all but specialized circumstances.
- C. Backup Weapon: A handgun personally owned by a CMPD sworn employee that the sworn employee has successfully qualified with and has been approved by the CMPD Range Master for on-duty and law enforcement secondary employment. The backup weapon may be carried as a supplemental weapon. A backup weapon shall only be a caliber ranging from .380 to .45 and can reasonably be carried and easily concealable.
- D. Off-Duty Weapon: A handgun personally owned by a CMPD sworn employee that the sworn employee has successfully qualified with and has been approved by the CMPD Range Master for off-duty concealed carry in a non-law enforcement capacity under LEOSA. An off-duty weapon shall only be a caliber ranging from .380 to .45.
- E. Handgun: A firearm that is commonly referred to as a pistol or revolver.
- F. Shotgun: The shotgun issued to a CMPD sworn employee that is the sworn employee’s secondary firearm in all but specialized circumstances.
- G. Rifle/Patrol Rifle: The rifle or sub-machine gun issued to a CMPD sworn employee that is to be used only under specialized circumstances and with supervisor approval

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(except in circumstances when, in the sworn employee's judgment, contacting a supervisor is not feasible).


- H. **Weapon Mounted Light:** An approved weapon mounted light used only when justified to draw and point/cover a person or area in which the sworn employees would be legally justified to do so with a weapon without a light.
- I. **LEOSA:** The Law Enforcement Officers Safety Act of 2004. A federal act that authorizes qualified sworn and retired law enforcement officers to carry concealed firearms, under certain conditions.
- J. **Sworn Employees:** All state-certified sworn law enforcement officers regardless of rank or assignment currently in service with CMPD, including hireback officers.

#### IV. PROCEDURE

##### A. General Firearm Rules


1. Sworn employees shall not consume or have in their body any quantity of alcohol, an unlawful controlled substance, or other impairing substance while carrying:
  - a. Any firearm issued by CMPD.
  - b. A backup weapon in an on-duty or law enforcement secondary employment capacity.
  - c. Any firearm in a concealed manner outside of property owned by the sworn employee.
2. Off-duty sworn employees are prohibited from possessing a firearm while subject to an N.C.G.S. 50B order or other domestic violence restraining order that forbids the possession of firearms. In the event that the court order allows the sworn employee to possess a firearm for official use, the sworn employee shall comply with the mandates of the order and shall only possess firearms issued by CMPD while on-duty. Sworn employees shall not carry backup weapons on-duty while under such a court order and shall not engage in law enforcement secondary employment.
3. Off-duty sworn employees are prohibited from possessing firearms in buildings owned or leased by the federal government in violation of 18 U.S.C. § 930.
4. Civilian employees, including those holding a valid concealed handgun permit, are prohibited from possessing any firearm or other dangerous weapons on all CMPD properties.
5. Modifications, alterations to factory specifications, or added accessories to any firearm issued by CMPD are not permitted, except for firearms used by range staff and members of the CMPD SWAT Team with the consent of the Chief of Police or designee. Any firearm issued by CMPD that appears to be



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malfunctioning shall be turned in to CMPD Firing Range staff, or in the event that range staff are unavailable, to the Property and Evidence Management Division for repair. Under no circumstances shall anyone other than range staff or the Chief of Police authorize the destruction of a CMPD issued firearm. Any sworn employee who modifies, alters, or adds an accessory to a backup or off-duty weapon shall notify range staff of such and shall re-qualify with the backup weapon if so directed by range staff.

6. Firearms issued by CMPD and backup or off-duty weapons shall be cleaned at the Police Training Academy immediately following any practice or qualification session.
7. Sworn employees are prohibited from carrying any firearm on-duty or on CMPD property at any time while under suspension, on restricted duty, or on light duty because of an inability to perform the essential job functions of their position. (See 300-006 Light Duty Policy)
8. Sworn employees shall only carry ammunition issued by CMPD Range Staff for use in any firearm issued by CMPD or any backup weapon used while in uniform, on-duty, or while engaged in law enforcement secondary employment.
  - a. Sworn employees shall only carry the authorized amount of ammunition to fully load the service weapon and the number of authorized magazines carried by the sworn employee. All service weapon ammunition shall only be carried loaded in the service weapon and authorized magazines. S.W.A.T members must be qualified with any additional specialized ammunition.
  - b. Sworn employees needing replacement ammunition for their service weapon will notify an immediate supervisor. The supervisor may obtain replacement ammunition from the Range Master or the Internal Affairs Division. The supervisor, in consultation with the Range Master or Internal Affairs Division, will determine if the loss of the ammunition was due to negligence by the sworn employee. The negligent loss of duty ammunition will be documented in the Internal Affairs Case Management System.
  - c. Ammunition required for the deployment of patrol rifles or shotguns will be maintained in the divisions in accordance with policy and applicable SOPs.
9. Sworn employees shall not carry any firearm while in uniform, on-duty, or while engaged in law enforcement secondary employment, except in a manner authorized by the CMPD Range Master.
10. Sworn employees will carry all handguns (service weapon, backup, and off-duty) in holsters approved by the CMPD Range Master.


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**B. Firearm Storage**

1. Any firearm issued by CMPD shall only be stored in a safe and secure manner. Sworn employees shall take all reasonable steps to ensure that no unauthorized person can gain control of any firearm issued by CMPD at any time. Gunlocks are issued for use with all service pistols.
2. Firearms issued by CMPD, other than shotguns, patrol rifles, and SWAT rifles, will not be stored in a vehicle unless reasonably necessary. If it is necessary to temporarily store a CMPD firearm in a vehicle, the firearm shall be placed in the locked trunk of the vehicle (if the vehicle has a trunk). CMPD issued shotguns shall be securely stored in a CMPD vehicle shotgun rack. If a CMPD vehicle is not equipped with a shotgun rack, CMPD shotguns may be temporarily stored in a vehicle trunk. Unattended vehicles in which a firearm issued by the CMPD is stored shall be locked at all times.
3. **Patrol Rifle Storage**
  - a. While on-duty, Patrol Rifle Officers shall store their patrol rifles in the interior vehicle locking mount, weapon on safe, bolt forward, an empty chamber with a loaded magazine inserted. For vehicles not equipped with the interior locking mount, the patrol rifle will be secured in the locked vehicle trunk of the assigned police vehicle. The rifles will be stored inside the issued hard gun case unloaded, with the bolt forward, dust cover closed, and magazines removed.
  - b. At the beginning and end of the sworn employee's shift, the patrol rifle shall be issued and returned face to face with a supervisor. At that time the patrol rifle inspection sheet will be completed. If the patrol rifle is not immediately redeployed it is to be stored in a secure location with restricted access (e.g. safe), unless authorized by the Chief of Police or designee.

**C. Service Weapon**

1. When sworn employees remove their service weapon from the holster and/or point it at a person, deploy their department issued shotgun, rifle, or approved backup weapon, or activate any weapon mounted light, they will document the incident by appropriately categorizing their BWC video as they normally would for the type of incident. In addition, employees will tag the video with a secondary appropriate category of "Weapon Drawn" or "Pointing of Firearm". Sworn employees will document in the text box the justification or factors leading to drawing and/or pointing their weapon at a person. If no BWC was activated or required at the time of the incident the sworn employee will document the incident in a KBCOPS report or in a CAD MI notes.
2. Sworn employees will carry their issued service weapon at all times while in uniform, on-duty, or while engaged in law enforcement secondary employment.


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Sworn employee working plain-clothes Secondary Employment Assignment, may carry their CMPD approved “Off-Duty” weapon if they are currently qualified with the weapon. Sworn supervisors may exempt a sworn employee from this requirement for a law enforcement purpose.

3. Sworn employees, while in uniform and carrying the service weapon, will wear their badges or police identification cards in conspicuous view on the outermost garment.
4. While in uniform, sworn employees at the rank of Sergeant and below will carry on their person two fully loaded spare magazines. The service weapon will be fully loaded with a full magazine and one in the chamber, with ammunition issued by CMPD and carried in accordance with CMPD procedures. While in uniform, sworn employees at the rank of Lieutenant and above and any sworn employees wearing the Class C uniform or authorized plain clothes employees may opt to carry a single spare magazine in place of the two spare magazines.
5. A sworn employee will not remove the service weapon from its holster while on-duty, or while engaged in law enforcement secondary employment, except for supervised firearms training, equipment inspection, or when otherwise justified.

**D. Weapon Mounted Light**

1. Sworn employees at the rank of captain and below who are issued a weapon mounted light must carry their service weapon with the weapon mounted light attached at all times while in uniform working on or off-duty. Captains and below assigned to Investigations will only have the weapon mounted light attached to their weapon when in uniform working on or off-duty.
2. Activating the weapon mounted light will always be done with the support hand thumb. The trigger finger will remain outside the trigger guard until ready to fire the weapon.
3. The weapon mounted light is not a flashlight; it is an enhancement to the weapon. Therefore, it will not be used for routine searching. For the weapon mounted light to be used, the operator must first be justified in drawing and pointing their firearm at anything they intend to use the weapon mounted light to illuminate. A sworn employee who uses the weapon mounted light in a situation that would not justify having their weapon drawn will be subject to an internal investigation.
4. Sworn employees who are issued a weapon mounted light are required to have accessible a spare set of batteries for their weapon mounted light.
5. Sworn employees who are issued a weapon mounted light will be required to use their weapon mounted light during yearly night qualification at the five (5) and seven (7) yard lines.

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6. Sworn employees who are issued a weapon mounted light must ensure their weapon is unloaded prior to mounting or removing the weapon mounted light for cleaning of their weapon.

E. Backup Weapon

1. All sworn employees may carry a single backup weapon while in uniform, on-duty, or while engaged in law enforcement secondary employment. Backup weapons must be concealed when carried by a sworn employee in uniform.
2. Sworn employees may only carry CMPD authorized backup weapons in approved holsters that have been approved for use by the range staff.
3. A backup weapon may be carried in addition to, but not in lieu of, a sworn employee's service weapon.

F. Off-duty Weapon


1. Sworn employees may not carry off-duty weapons while in uniform, on-duty, or while engaged in law enforcement secondary employment, unless approved by the Range Master.
2. Sworn employees shall not carry an off-duty weapon concealed under LEOSA unless the off-duty weapon has been approved by the Range Staff and the sworn employee has qualified with that weapon. A sworn employee shall only carry an off-duty weapon concealed under LEOSA in a manner authorized by range staff.
3. Only ammunition approved by the range staff may be carried in an off-duty weapon when that weapon is carried in a concealed manner under LEOSA.

G. Shotgun

1. Only sworn employees who have qualified with the shotgun may carry or use the shotgun in a law enforcement capacity.
2. Sworn employees carrying the shotgun in a law enforcement capacity will carry the shotgun cruiser safe, five (5) rounds in the magazine, zero (0) in the chamber, with the safety engaged and with ammunition issued by CMPD. SWAT members will comply with the operating procedures for storage and deployment of their shotguns.
3. Sworn employees will not remove the shotgun from the vehicle shotgun rack while in uniform, on-duty, or while engaged in law enforcement secondary employment, except for supervised firearms training, equipment inspection, or when otherwise justified.

H. Rifle

Only sworn employees who have qualified both day and night shall use, carry, and handle the rifles or sub-machine guns in compliance with the operating procedures for


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that weapon as established by the CMPD Range Master and the relevant specialized unit. This only applies to sworn employees issued rifles or sub-machine guns by CMPD as part of specialized assignments or the Patrol Rifle designation. Only ammunition issued and approved by the Range Master is authorized.

## V. FIREARMS QUALIFICATION AND TRAINING

### A. Qualifying

1. All sworn employees are required to successfully qualify day and night annually on both the State of North Carolina qualification courses and combat courses with their service weapon. Use of the weapon mounted light will be part of the night qualification and combat course of fire. Sworn employees who want to carry a backup or off-duty weapon must successfully qualify day and night annually.
2. All sworn employees authorized to carry a shotgun are required to successfully qualify annually.
3. Those sworn employees trained and authorized to carry a patrol rifle will qualify both day and night annually.
4. The minimum qualifying score is 70 percent for all firearms except backup and off-duty weapons. The minimum qualifying score is 80 percent for backup and off-duty weapons.
5. Qualifications will be conducted at the Police Training Academy Range using courses of fire and training prescribed by CMPD and approved by the North Carolina Criminal Justice Training and Standards Commission.
6. Part of the annual qualification shall include a policy review and discussion. The review shall address the authority of a sworn employee to use force under North Carolina statutory and case law along with CMPD's Response to Resistance Policy.
7. All qualifications shall be conducted using the same ammunition that is used in duty performance or the ballistic equivalent as approved by the State of North Carolina.
8. Sworn employee shall bring all issued service magazines to all training and qualification sessions. Service ammunition will be expended and replaced at the direction of the range staff.
9. The Range Master's or designee's determinations will be final regarding all questions related to safety and equipment. Any weapon, holster, ammunition, or related equipment found unsafe for qualification and carry will be prohibited on the range and noted in writing.
10. The annual qualification sessions will be scheduled for on-duty periods whenever possible. Sworn employees will be paid for all regular, mandatory

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qualification sessions, whether or not they can be scheduled for on-duty periods.

## B. Qualification Standards

All qualification sessions will be conducted by the Range Master or another certified firearms instructor. The Range Master shall issue a Standard Operating Procedure, consistent with this policy and the North Carolina Justice Education Training and Standards Commission specifications that shall govern the manner in which qualifications shall be conducted.

1. Except in the event of equipment malfunction, only three (3) attempts at qualification for each weapon are allowed per shooting day.

2. Back-up and Off-duty Weapons:


Sworn employees seeking to qualify with a personally owned backup and/or off-duty firearm may do so outside of work hours, and in compliance with the following requirements:

- a. The weapon and ammunition must first be approved by the Range Master or designee.
- b. Back-up and off-duty firearms must be registered with the Range Master. Serial number, make, model, caliber and the type of ammunition approved for regular use will be recorded at the time of qualification.
- c. Permission to carry each backup weapon as supplemental equipment must be renewed annually. The authorization is valid until the last day of the twelfth month following the issuance of the authorization.
- d. Backup and off-duty weapon qualification will be held quarterly. The course of qualification shall be the same as that for qualification with the service weapon to the greatest extent possible.
- e. Sworn employees who fail to qualify with or otherwise obtain approval to carry a backup weapon as supplemental equipment are prohibited from carrying such weapons on-duty, in uniform, or in law enforcement secondary employment until they successfully qualify with the firearm.
- f. Sworn employees are prohibited from carrying backup or off-duty weapons on-duty or on CMPD property while under suspension, limited duty, or light duty because of an inability to perform the essential job functions of their position.

## C. Failure to Qualify

1. Service Weapon

Sworn employees who fail to qualify with their service weapon at a qualification session must immediately surrender their service weapon to the Range Master

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unless the failure is due to equipment malfunction. Sworn employees who fail to qualify will not be allowed to return to duty during the period of time over which subsequent qualification attempts are made, nor shall they leave the range facility in uniform or operate a marked police vehicle.

- a. The range staff will immediately notify the on-duty supervisor of any sworn employee who fails to qualify. The range staff will also immediately notify Internal Affairs Division staff who will determine the employee's appropriate administrative status.
- b. Sworn employees failing to qualify during their scheduled qualification session (70% in one (1) out of two (2) attempts) shall attend remedial instruction within 5 calendar days. This may be extended to 10 calendar days due to extenuating circumstances at the discretion of the Range Master. Remedial firearms instruction may include a minimum of two separate, two-hour sessions of remedial firearms instruction or 500 rounds. This remedial firearms instruction will include practice qualification courses of fire.
- c. Sworn employees who fail to qualify during the initial session are encouraged to practice on their own time between sessions. The Training Academy Range Facility, all necessary equipment (including an officer's service weapon), and Range Staff will be available for training and practice by contacting the Range Master.
- d. The permit for law enforcement secondary employment of any sworn employee who fails to qualify will be suspended immediately until such time as he or she successfully qualifies. Any such sworn employee is prohibited from taking any law enforcement action (including exercising the power of arrest) until he or she successfully qualifies.
- e. Sworn employees shall be given two (2) additional opportunities to qualify within 30 days of their successful completion of remedial firearms instruction.
- f. If the sworn employee fails to qualify during the scheduled additional qualification sessions (70% in one (1) out of two (2) attempts), the sworn employee will be the subject of an IACMS investigation by the Internal Affairs Division. The recommendation of an Independent Chain of Command board hearing will determine further employment status.
- g. Sworn employees must successfully qualify with their service weapon within the calendar year to remain in compliance with the North Carolina Criminal Justice Education and Training Standards Commission. If a sworn employee does not qualify with his or her service weapon within

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the calendar year, the employee will be subject to the guidelines as outlined in 12 NCAC 09E.01069(a).

- h. Except when due to approved, extended absence or leave, failure of a sworn employee to appear for any required qualification session within the time period established by CMPD for that qualification will be deemed a failure to report for duty and the sworn employee's supervisor will initiate an administrative investigation. When a sworn employee's failure to appear for qualification during the prescribed period is due to an approved extended absence or leave, the failure to appear will not be considered as a failure to qualify. Upon the sworn employee's return, however, he or she will be assigned to administrative duties for up to five (5) working days for firearms re-familiarization and qualification. After the five (5) working days, a sworn employee's failure to qualify will be treated as any other failure to qualify with the weapon.
- i. Police Recruit Qualification
  - (1) Police recruits are required to qualify with the handgun and shotgun as required by the Basic Law Enforcement Training guidelines contained in the Firearms Section of the BLET manual.
  - (2) Failure to qualify or failure to successfully complete the firearms training as set forth in the BLET manual will result in dismissal from the BLET program.

2. Shotgun

Upon any failure to qualify with the shotgun, sworn employees are prohibited from using a shotgun in uniform, on-duty, or while engaged in law enforcement secondary employment. Upon any later successful qualification, the sworn employee may resume use of the shotgun.


3. Rifle

Upon any failure to qualify with a rifle issued by CMPD, the sworn employee is prohibited from using the rifle and shall be relieved from the specialized duty assignment requiring the rifle until the sworn employee has successfully qualified with the rifle.

4. Backup and Off-duty Weapons

A sworn employee who fails to qualify with a personally owned firearm is prohibited from carrying that weapon in uniform, on-duty, while engaged in law enforcement secondary employment or concealed under LEOSA until such time that the sworn employee returns to the Training Academy Range and successfully qualifies with that weapon.




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D. Training

1. All sworn employees authorized to carry firearms will complete mandatory annual training on safety, basic marksmanship, use of the weapon mounted light, law, and CMPD policy regarding response to resistance. At the discretion of the Training Director, this training may be scheduled concurrently with range training, a qualification session, or other in-service training.
2. All Lateral Transfer Officers to CMPD will attend the current tactical training series, weapon mounted light training, and the combat training and qualification.
3. All sworn employees will attend annual range training for both daytime and nighttime shooting.
4. Shotgun training and qualification will take place annually at the discretion of the Training Director and may occur in a session combined with daytime and nighttime service weapon qualifications.
5. Rifle training and qualification will occur annually as scheduled by the range staff and the specialized unit to which the rifle was issued. At the discretion of the Training Director, rifle training and qualification may occur in a session combined with daytime and nighttime service weapon qualification or other training.
6. Training sessions will be scheduled for on-duty periods when possible. Sworn employees will be paid for all regular, mandatory training sessions, whether or not they can be scheduled for on-duty periods. Non-mandatory training participated in by the sworn employee will be on his or her own time and at the sworn employee's expense.

E. Firearms Training Records

1. Training and qualification records for every sworn employee are maintained for two (2) years by the Training Academy and forwarded to the CMPD Human Resources Division.
2. The Training Director will notify the appropriate division supervisors of performance deficiencies for sworn employees under their command.
3. The Training Director will submit to the Chief of Police a list of sworn employees who failed to qualify with their service weapon during the previous calendar year. The list must be submitted to the North Carolina Criminal Justice Education Training and Standards Commission no later than January 15th of that year. The Commission may issue a notice of suspension of certification to the listed sworn employees and the sworn employees' employing agency.

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## VI. LAW ENFORCEMENT AIR TRAVEL WITH ACCESSIBLE FIREARMS

Federal law allows local sworn law enforcement officers to travel on commercial airlines in possession of firearms under very limited circumstances and only in connection with a law enforcement need for a firearm to be accessible such as escort of a prisoner. Sworn employees who have a duty related need to carry an accessible firearm during air travel must:

- A. Consult the current Transportation Security Administration (TSA) CFR for rules and restrictions for armed travel.
- B. Obtain authorization from the sworn employee's chain of command.
- C. Obtain certification of completion of "LEO Flying Armed" (found through the CMPD Academy Learning Management System).
- D. Obtain TSA authorization through the Communications Division, DCI office.
- E. Follow all directions and procedures as established in the current TSA CFR and make the required notifications to the Federal Air Marshal Staff, Airport Police Commander and TSA of armed CMPD presence on the aircraft.

## VII. OFF-DUTY CONCEALED CARRYING OF FIREARMS

- A. North Carolina Concealed Carry Law
  1. The offense of carrying a concealed weapon in North Carolina has been amended so as to exempt sworn law enforcement officers, when off-duty, from the general prohibition on the carrying of concealed weapons. This exemption applies only when the officer in question:
    - a. Is a sworn law enforcement officer;
    - b. Is in North Carolina;
    - c. Is off-duty; and
    - d. Has no alcohol or unlawful controlled substance in his/her body.
  2. Any CMPD sworn personnel carrying a concealed weapon under this exemption in North Carolina shall only do so in compliance with the following requirements:
    - a. The sworn employee shall have on his/her person the valid photo identification issued to the officer by CMPD.
    - b. The sworn employee shall not consume or have in his/her body any alcohol or unlawful controlled substance.
    - c. The sworn employee shall not carry any concealed firearm other than the sworn employee's service weapon or approved backup or off-duty weapon.


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B. North Carolina Concealed Carry Permit


1. North Carolina law authorizes any qualifying citizen to obtain a concealed carry handgun (“CCH”) permit. A CCH permit authorizes a permit holder to carry concealed handguns in North Carolina, under certain restrictions. These permits are also recognized via reciprocity by numerous other states. (The North Carolina Department of Justice maintains a regularly updated list of reciprocating states available at [www.ncdoj.com](http://www.ncdoj.com)).
2. CMPD employees may utilize North Carolina’s concealed carry handgun permit authorization. Sworn law enforcement officers and recently retired sworn law enforcement officers (within one year) are not required to complete the standard CCH training course in order to secure a CCH permit. Employees who wish to secure a CCH permit should contact the sheriff’s office of his/her county of residence.
3. Any off-duty sworn employee who is carrying a concealed handgun under the authority of a North Carolina concealed carry handgun permit is under no CMPD restriction, but that sworn employee shall fully comply with all requirements and restrictions of North Carolina’s concealed carry handgun permit law.

C. The Law Enforcement Officers Safety Act of 2004, “LEOSA”

1. It is the policy of CMPD to comply with LEOSA.
2. LEOSA DOES NOT:
  - a. Grant law enforcement officers any police authority in jurisdictions outside of their home jurisdiction.
  - b. Authorize off-duty law enforcement officers to carry firearms, concealed or otherwise, on federal, state, or local government property.
  - c. Authorize off-duty law enforcement officers to carry firearms, concealed or otherwise, on private property.
  - d. Place any obligation on off-duty law enforcement officers to perform any law enforcement act or to assist any other law enforcement agency while carrying a concealed firearm.
  - e. Exempt current or retired officers from any state or local purchase or registration laws relating to firearms.
3. Off-Duty Carry under LEOSA
  - a. Off-duty CMPD sworn employees outside of their territorial jurisdiction do not have law enforcement authority and any action(s) taken under those circumstances are purely private acts that are not sanctioned, and therefore will not be defended by the CMPD or the City of Charlotte.

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- b. While CMPD sworn employees are expected to be familiar with criminal laws applicable to their jurisdiction, the laws of other jurisdictions may vary greatly, and CMPD sworn employees are therefore advised to act with caution and with due regard for local laws when in other jurisdictions.
  - c. Hireback sworn employees are not eligible to carry firearms under LEOSA solely by virtue of their hireback status.
4. LEOSA Procedure for Current Sworn Employees
- a. Any current CMPD sworn employees carrying a concealed firearm while off-duty and under the authority of LEOSA, shall comply with the requirements and restrictions of LEOSA, as well as this directive. Current CMPD sworn employees must meet all of the following qualifications in order to carry a concealed firearm under LEOSA:
    - (1) Possess statutory powers of arrest and be authorized by the CMPD to carry a firearm pursuant to his or her regular duties;
    - (2) Have successfully completed, within the past 12 months, the CMPD designated firearms qualification course for the concealed firearm;
    - (3) Not consume, be under the influence of, or have in his or her body, alcohol or any other impairing substances;
    - (4) Not be prohibited by Federal or State law from possessing a firearm;
    - (5) Not be subject to CMPD disciplinary action preventing the sworn employee from carrying a firearm.
  - b. Required Identification.
    - (1) Any off-duty sworn employee carrying a concealed firearm under LEOSA must have his/her valid CMPD photo identification card in his/her immediate possession.
    - (2) A sworn employee not authorized to carry firearms due to a specialized duty assignment or disciplinary review shall surrender his/her CMPD identifications to his/her immediate supervisor or to the Internal Affairs Division if requested.
  - c. No current CMPD sworn employees carrying a concealed firearm under LEOSA shall do any of the following:
    - (1) Use any ammunition not issued by CMPD in his or her service weapon.

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- (2) Use any ammunition not approved by Range Staff for a particular off-duty or backup weapon.

#### VIII. REFERENCES

300-006 Light Duty Policy  
 300-007 Secondary Employment  
 400-003 Equipment  
 600-019 Response to Resistance  
 900-010 Shotgun Inventory  
 Patrol Rifle Standard Operating Procedure  
 49 C.F.R. 1544.219 Carriage of Accessible Weapons (Department of Homeland Security)  
 18 U.S.C. § 930 Possession of Firearms in Federal Facilities  
 18 U.S.C. §§ 926B, 926C Law Enforcement Officers Safety Act of 2004 (LEOSA)  
 G.S. 14-269  
 G.S. 14-415.1 et. seq.  
 G.S. 50B-1 et. seq.  
 12 N.C.A.C. 9E.0106  
 City of Charlotte Code Sec.15-14 Possession of Dangerous Weapons  
 City of Charlotte HR 8  
 CALEA  
 The previous version of Directive 400-002 Firearms was published on 9/11/2020

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	<b>Interactive Directives Guide</b>		<b>Equipment</b>
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## I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) regarding the proper use and maintenance of issued equipment.

## II. POLICY


The CMPD will purchase all required equipment for employees upon initial hire, including protective vests. The protective vests will be issued to police trainees while enrolled in the CMPD Training Academy and will be replaced every five (5) years; the purchase of replacement vests will be made by CMPD. The purchase of all approved supplemental equipment is the responsibility of the employee.

## III. POLICE IDENTIFICATION

- A. When not in uniform, all CMPD employees will wear their CMPD-issued police identification card on the outermost garment when inside CMPD Headquarters or any CMPD facility.
- B. Sworn employees will carry their CMPD-issued police identification cards at all times except when impractical or deemed to be dangerous or harmful to a criminal investigation.

## IV. REQUIRED EQUIPMENT


- A. Employees are responsible for the security of their equipment and for taking reasonable precautions to ensure that it is used properly.
- B. All patrol personnel at the rank of sergeant or below will carry their service weapon with magazine, signal sidearm, radio, handcuffs, OC aerosol spray, conducted electrical weapon (CEW) (if issued), and body worn camera (BWC) while on duty. CEW devices must be carried on the non-gun side. In addition, all patrol personnel at the rank of sergeant and below will have ready access to their collapsible baton and flashlight (not to exceed thirteen (13) inches in length, excluding the traffic wand attachment).
- C. All personnel (sworn, civilian, or volunteer), if issued, will carry the issued American Standard for High Visibility/International Safety Equipment Association (ANSI/ISEA) Class 2 or 3 fluorescent green reflective traffic safety vest or the Hi-Viz raincoat (when authorized), while on duty or working secondary employment/special events. Affected personnel shall wear the fluorescent green reflective traffic safety vest available for use at all times in the following situations:
  1. Directing traffic
  2. Investigating crashes
  3. Handling lane closures, obstructive roadways, and disasters
- D. Sergeants are required to inspect this equipment regularly.
- E. Plainclothes sworn employees, including all police personnel of the rank of sergeant or below assigned to plainclothes duties, will carry their service weapon with magazines and handcuffs while on duty. The firearm must be secured in an approved holster.

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- F. Sensitive Items: All firearms, magazines, ammunition, conducted electrical weapons (CEW), portable radios, collapsible baton, OC spray, badge, ID and access cards, take-home cars, keys, fuel cards, or any other items as deemed by the CMPD chain of command.

#### V. SUPPLEMENTAL EQUIPMENT

- A. The Property and Evidence Management Division maintains a record of approved supplemental equipment. Employees wishing to use supplemental equipment shall consult with the Property and Evidence Management lieutenant before purchasing or using supplemental equipment.
- B. Sworn employees may obtain, at their own expense and use on duty, equipment which duplicates issued equipment and has been approved for duty use. Such equipment may include:
1. Patent leather belts and handcuff cases
  2. Police whistles and whistle chains
  3. Gloves that resist cuts and punctures for conducting searches
  4. Approved sweaters/jackets, mock turtlenecks, and winter hats
  5. Approved ANSI/ISEA fluorescent green reflective traffic vest
  6. Approved web gear for use with the Class B Alternate Duty Uniform.
- C. Sworn employees may wear black or blue gloves designed for warmth with the class A, long sleeve class B, or class C uniform during cold or inclement weather. The gloves must allow the use of issued police equipment, including firearms.
- D. Sworn employees, who are authorized, may wear approved commendation/service bars properly on their uniform shirt. Sworn employees may wear up to four (4) approved commendation/service bars on the uniform shirt.
- E. Employees requesting a non-medical related change in supplemental equipment shall:
1. Complete a Uniform and Equipment Request and Review Form and forward it to the requesting employee's chain of command.
  2. The requesting employee's chain of command will indicate approval or disapproval of the request. The request will be sent to the Professional Accountability Bureau's policy and directives officer, who will send the request to the Uniform and Equipment Committee.
  3. Disapproval of the request by the chain of command shall not prevent the request from being considered by the Uniform and Equipment Committee.
  4. The chain of command should not base its decision solely on the unit or section but on the overall impact the request may have on the entire organization.

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5. The Uniform and Equipment Committee will research and discuss all items submitted for review and make recommendations regarding the requested action to the Chief of Police or designee.
  6. The deputy chief should forward the denied request and documentation to the Property and Evidence Management Division manager.
- F. Employees requesting a change in supplemental equipment due to medical reasons shall refer to Directive 400-001, Uniform and Grooming Standards.


## VI. HOLSTER AND MAGAZINE CARRIERS

- A. All sworn employees are issued a departmental-approved security holster for wear while in uniform. The range master will maintain a list of department-approved optional holsters for plain clothes or uniform wear. Sworn employees may purchase and wear a department-approved optional holster for uniform wear at their own expense. Sworn employees utilizing any non-approved holster for duty use are in violation of this directive. Shoulder or ankle holsters are not approved optional holsters for plainclothes duty use. A list of approved holsters can be located on the CMPD Portal Page under Employee Resources.
- B. All sworn employees below the rank of lieutenant assigned to plainclothes positions are issued a department-approved pancake-style holster for plainclothes duty use. Sworn employees may purchase and wear a department-approved optional holster for plainclothes duty use at their own expense.
- C. All sworn command staff (Lieutenant or above) are issued a department-approved pancake-style holster for duty use. Command staff may purchase and wear a department-approved optional holster for plainclothes duty use at their own expense.
- D. All sworn employees are issued a double magazine carrier for uniform duty use. Sworn employees assigned to plainclothes positions are issued a single magazine carrier for plainclothes duty use. Sworn employees may purchase and wear an approved single magazine carrier at their own expense.
- E. Sworn employees are prohibited from carrying more than two additional magazines on their duty belt unless otherwise authorized by the Chief of Police.
- F. Sworn employees participating in firearms qualification sessions at the CMPD firing range are required to use the holster and magazine carrier utilized in their normal duty assignment.

## VII. RADIOS

- A. Uniformed sworn employees are issued portable radios and will carry them at all times while on duty, except employees who are assigned to administrative duties.
- B. Sworn employees assigned to vehicles will have their portable radios with them and turned on at all times, except when impractical, dangerous, or harmful to the progress of a criminal investigation.




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1. Sworn employees entering a situation where they will have their portable radio turned off will notify the Communications Division of their location and the reason they will be off the air.
  2. The sworn employee will notify the Communications Division as soon as possible upon returning to "on the air" status.
- C. Sworn employees are encouraged to carry their portable radio with them while off-duty. Sworn employees carrying a portable radio while off-duty will keep it in their personal possession or ensure it is secured against loss, theft, or damage when left unattended.
- D. Modifications, alterations to factory specifications, or added accessories to any radio issued by CMPD are not permitted, except for radios used by the Communications Division and CMPD SWAT Team members with the consent of the Chief of Police. Modifications include twisting, bending, or otherwise altering the antenna as issued in its original configuration, replacing the issued antenna, or using non-issued, unapproved aftermarket microphones, earpieces, or other attachments to the radio. Any attachment, including antennas, must be approved by the Charlotte Radio Shop or the Communications Division and intended only for use by the employee to whom it was issued or approved. Attachments include antennas, microphones, earpieces, and batteries. Any portable radio issued by CMPD that appears to be malfunctioning shall be taken to the Communications Division supervisor for a replacement.
- E. Replacement Radios
- Employees turning in a broken and/or malfunctioning radio to the Communications Division supervisor for repair will complete a CMPD Communications Division Portable Radio Replacement Form detailing any issues with the submitted radio. The employee will be permanently assigned the replacement radio.

#### VIII. RESPONSIBILITY FOR EQUIPMENT


- A. The Property and Evidence Management Division is responsible for determining the need for proper storage and dispensing of police equipment.
- B. Worn equipment and equipment damaged or destroyed in the line of duty will be repaired or replaced by CMPD. Sworn employees wishing to replace worn or damaged uniform equipment must request an agency purchase through the Uniform Purchase System. A supervisor must review and approve any agency purchase made for worn or damaged equipment.
- C. All equipment will be properly maintained by the employee to whom such items are issued.
  1. Any employee who has, through negligence, lost, or damaged any of their equipment may be required to reimburse the department for all or part of the cost of such item(s).
  2. Any employee who has intentionally lost, damaged, or abused any of their equipment will be required to reimburse the department for all or part of the cost of such item(s).
  3. Any unit with specialized equipment stored must have the equipment in operational readiness and must be inspected regularly.

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- D. The division captain will ensure that an inventory/audit of all physical equipment and property items is conducted annually, as mandated by the City of Charlotte's inventory policy and Directive 200-011 Asset Management.

#### IX. LOST OR DAMAGED EQUIPMENT

- A. Employees experiencing a lost or stolen police service weapon, CEW, police badge, identification card, access card, police radio, or assigned computer will immediately report such loss to their supervisor and Operations Command.
1. Operations Command will ensure that the appropriate police report is completed for equipment stolen outside CMPD reporting areas and that a KBCOPS report is completed for equipment stolen or lost inside CMPD reporting areas. Operations Command will also notify the Communications Division supervisor and the Internal Affairs Division immediately regarding a lost or stolen police radio or a lost or stolen police firearm.
    - a. The Internal Affairs Division will determine if the equipment loss or theft is due to employee negligence.
    - b. If the item was lost or stolen due to employee negligence, an internal chain of command review will be conducted.
  2. The Communications Division supervisor will take appropriate action to deactivate the lost or stolen radio and ensure that the appropriate DCI entry is made for the radio and firearm.
  3. The employee's supervisor will immediately notify the City Help Desk of a lost or stolen computer.
  4. The City Help Desk will take appropriate action to deactivate remote computer access to the CMPD LAN.
- B. Employees who lose clothing or equipment other than the police service weapon, police badge, identification card, access card, or police radio will report the loss to their supervisor in writing within twenty-four (24) hours.
- C. The supervisor will investigate the loss or damage of any issued equipment and prepare a written report including his or her findings and recommendations for the replacement of the lost or damaged items.
- D. A copy of the supervisor's report will be forwarded to the employee's service area major via the chain of command.
- E. If the major concurs with the supervisor's report and recommendations, the following actions will occur.
1. Forward a copy of the report to the Property and Evidence Management Division, where the recommendations for the replacement of the lost equipment will be undertaken.

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2. Forward a copy of the report to the employee involved.

F. If the major does not concur with the supervisor's report or recommendations, the service area/division commander will initiate an investigation and make a decision based on these findings. The decision of the major is final.

G. If it is determined that the employee was negligent in the loss or damage of departmental equipment, the employee may be required to reimburse the department for all or part of the item(s) cost.

#### X. PROHIBITED EQUIPMENT

A. Prohibited equipment includes, but is not limited to:

1. Blackjacks
2. Brass knuckles
3. Ammunition other than department issued for departmental weapons
4. Gloves that do not cover the entire hand, wrist, and fingers (i.e., driving gloves)
5. Mirrored sunglasses

B. Bicycle officers may wear approved bicycle gloves while riding the bicycle. Bicycle officers must remove gloves when performing other functions as part of their bicycle patrol duties.

C. No CMPD employee will use an audio recorder on-duty other than one issued or authorized by CMPD. To obtain authorization for an audio recorder not issued by CMPD, an employee must complete and submit a Request for Supplemental Equipment Authorization Form to their major.


#### XI. CELLULAR PHONES

A. Employees may carry personal cell phones while on duty. The phone number(s) of personal cell phones may be submitted to the Human Resources Division by completing the information in PeopleSoft.

B. The CMPD cell phone liaison may issue a departmental cell phone to an employee based on need and only after approval from the employee's chain of command. Employees requesting a cell phone must complete the CMPD Cell Phone Request Form located on the CMPD Portal Page. Approved forms will be forwarded to the CMPD cell phone liaison to issue the cell phone.

1. Should the need for a cell phone no longer exist, the employee transfers or resigns, etc., the cell phone will be returned to the CMPD cell phone liaison.

2. Cell phones are issued to individual employees and units to which they are assigned. However, if a cell phone is used for a specific function, such as a community coordinator, and the employee leaves that position, the cell phone will be returned to the cell phone liaison. The cell phone may then be issued to the new employee

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assuming the job function and responsibilities of the previous employee assigned. The cell phone numbers remain the same.


3. Any employee issued a cell phone by CMPD is required to list that cell phone number on the department's electronic phonebook (e-phonebook) as part of the employee information section.

## XII. OFF-DUTY USE OF DEPARTMENT EQUIPMENT

Employees may use departmental equipment issued to the employee for regular duty use when engaged in secondary employment. Employees may not use specialized departmental equipment when engaged in secondary employment without the approval of the special events coordinator. Questions regarding the use of specialized equipment should be directed to the special events coordinator.

## XIII. REFERENCES

Rules of Conduct #7  
 200-005 Returning of Issued Uniforms and Equipment  
 300-004 Sick Leave Policy  
 300-006 Light Duty Policy  
 300-007 Secondary Employment  
 300-010 Administrative Leave  
 300-016 Military Leave  
 400-001 Uniforms and Grooming Standards  
 400-002 Firearms  
 400-004 Use of Technology  
 400-006 Body Worn Camera  
 Cell Phone SOP  
 City of Charlotte Capital Asset Policy MFS 23  
 FHWA MUTCD Section 6D.03  
 ANSI/ISEA 107-2004  
 CALEA

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	<b>Interactive Directives Guide</b>		<b>Use of Technology</b>
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I. PURPOSE


This directive establishes guidelines for the planning, acquisition, and use of computer resources within the Charlotte-Mecklenburg Police Department (CMPD). It outlines the parameters for use of software, hardware, and data to protect the interests of CMPD and its employees, contractors, consultants, temporary staff, and other personnel accessing City of Charlotte computer resources.

II. PROCEDURE

- A. CMPD will maintain and use all computer systems according to applicable federal, state, and local laws, software manufacturer licensing agreements, and CMPD rules and regulations.
- B. At no time will software be installed or used on any computer system, either owned by CMPD or used on CMPD property, in violation of copyright laws or this policy.

III. DEFINITIONS


- A. App: An application, typically a small, specialized program downloaded for mobile devices.
- B. Innovation & Technology (I&T): City department responsible for IT Service Desk support, network, servers, and other hardware and software support used by City of Charlotte personnel.
- C. Computer: Any desktop or laptop computer (also referred to as hardware).
- D. Public Safety Technology Solutions (PSTS): I&T Division responsible for the management and support of CMPD and the Charlotte Fire Department (CFD) business-specific applications and technology.
- E. Software: Programs used by the computer to perform any of its functions.
- F. Authorized Software: Computer programs used at CMPD that have been approved for use by (PSTS) and I&T. These fall into two categories:
  - 1. Standard Software: Computer programs that are part of the standard software available to all CMPD employees and that the City of Charlotte has paid for or is licensed to use. Example: Microsoft Windows.
  - 2. Non-Standard Software: Computer programs that are not part of the standard software available to all CMPD employees but that can be purchased or licensed by CMPD for CMPD business use upon request by individual users. Example: Adobe Acrobat Pro or Photoshop.
- G. Data File: Word processing, spreadsheet, database, or other files containing information, as opposed to software that creates or uses a data file.

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- H. Mobile Device: A portable, wireless computing device that is small enough to be used while held in the hand; PDA, smartphone, tablet, etc.
- I. Mobile Support Services Team: Innovation & Technology – Public Safety Communications facility located on Spratt Street, which provides repair services for all in-car computer equipment, including modems, laptop hardware defects or damages, and provides an additional but limited level, of software support.
- J. City Service Desk: Group responsible for recording and tracking computer-related problems or requests. The service desk is available by telephone at (704) 336-5555 or through the online Service Desk portal.
- K. Administrative Rights: Permissions assigned to a user to access system-level settings on the computer. Only the Chief Security Officer (CSO) through PSTS can grant Administrative Rights.
- L. Wireless Network (Wi-Fi): Computer network that is not connected by cables of any kind. Radio waves are the basis of wireless systems.
- M. AirWatch: Management application for mobile devices to ensure network security and provides the ability for remote management of mobile devices.
- N. Virtual Private Network (VPN): A technology that creates an encrypted connection over a less secure network, such as the internet.
- O. Two-factor Authentication: An extra level of authentication to verify the identity of the person logging into a computer network or application. The second factor is something you possess such as a grid card or phone.
- P. Chief Security Officer (CSO): Position housed in I & T Cyber Security, who is assigned responsibility for Computer and Network Security policies and procedures within the City of Charlotte.

#### IV. RESPONSIBILITIES

- A. I&T Public Safety Technology Solutions (PSTS)
  - 1. Reviews requests from CMPD employees for computers software. Recommendations made to the appropriate service area deputy chief or division manager.
  - 2. Acts in an advisory capacity regarding requests for computer training.
  - 3. Coordinates acquisition of CMPD computer hardware and software products.
  - 4. Coordinates the installation, use, and support of CMPD computer systems.
  - 5. Works with other divisions in I&T to monitor service level agreements set forth for support of CMPD infrastructure components.

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6. Acts in an advisory capacity for the selection of hardware and software to support CMPD business objectives.
7. Responsible for the procurement, selection, implementation, and maintenance of all business-related applications and specialty computer hardware required to support CMPD business objectives.

**B. City of Charlotte Innovation & Technology (City I&T)**


1. Establishes guidelines for procurement of computer hardware, software, and supplies; maintenance of computer hardware and software; use of computer hardware and software; and inventory of all computer hardware and software.
2. Provides a mechanism for regular updates to computer software to protect against security risks, computer viruses, and other malicious software.
3. Responsible for the procurement, selection, implementation, and maintenance of all enterprise networks, computer hardware, and service desk services.
4. Monitors equipment, systems, and network traffic for security, network maintenance purposes, and adherence to policies for any equipment connected to the City of Charlotte network.

**C. Division Managers**

1. Ensures that members of each division, section, or unit comply with all applicable statutes, software manufacturers' licensing agreements, and CMPD rules and regulations concerning the use of all computer systems and software used by employees under their command.
2. Provides for the physical security of computer equipment, data files, and software. To the extent practical, this equipment and software should be located in a controlled area that restricts access by unauthorized persons.
3. Directs any requests for computer assistance (i.e., hardware, software supplies, or training) to the City of Charlotte Service Desk.
4. Ensures that all desktop, laptop, and mobile device users under their command perform computer updates in a reasonable amount of time in order to maintain the safety and security of the CMPD network.

**D. Computer Users**

1. Users must operate any computer system in accordance with all applicable federal, state, and local laws, software manufacturer licensing agreements, and CMPD rules and regulations.
2. Users will not make unlicensed copies of any City of Charlotte or CMPD software packages. All copies of the software will be managed by I&T.


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3. Users will not attempt to alter computer software. Software customization using user-accessible settings provided in the software is allowed.
4. Users who need administrative rights will provide a valid reason for needing such rights and submit their requests to PSTS through the employee's chain of command at the major level or higher. Administrative rights are handled with a separate account and administrative rights will not be granted to an individual's primary network account.

## V. UTILIZATION OF COMPUTERS AND NETWORKS

- A. All computer equipment is provided for the purpose of conducting CMPD business. In addition, the use of computers is governed as follows:
  1. Use in the course of approved secondary employment is permitted.
  2. Use for personal financial gain, whether on or off-duty, is prohibited.
- B. All information stored within a CMPD-owned computer or mobile device is considered official business and is the property of CMPD. All information within the computer or mobile device is subject to inspection and may be audited. The same restrictions apply to all CMPD-related information stored on a personally owned computer or mobile device.
- C. The following activities are strictly prohibited:
  1. Installation of any software or hardware on any CMPD-owned desktop or laptop except by approval from PSTS.
  2. Intentional introduction of malicious programs into the network or server (e.g. viruses, worms, Trojan horses, logic bombs, etc.)
  3. Revealing your account password to others or allowing the use of your account by others.
  4. Sending NCIC or DCI (CJI) information via electronic mail or any other unapproved medium. For more detailed information regarding the protection of CJI, refer to 400-007 Criminal Justice Information Protection.
  5. Installing personally owned software on the City of Charlotte owned computers.
- D. Employees may download apps on their mobile devices as long as the app does not conflict with a business-related application.
- E. Users may request that non-standard software be purchased and added to their computers under the following conditions.
  1. The employee demonstrates a need for the software.
  2. The software is approved by the employee's Chain of Command at the Major level or higher and the manager of PSTS.



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3. The software does not conflict with current CMPD software and hardware configurations as determined by PSTS.
4. The software is installed by I&T personnel.
5. I&T will provide limited support for non-standard software that meets the previous conditions. I&T staff will contact software vendors when necessary to resolve a problem.


F. City of Charlotte Wireless Networks (WI-FI)

1. Employees have access to City of Charlotte wireless (WI-FI) networks in patrol vehicles and Division offices.
2. Access to the wireless network must be for business-related purposes only.
3. Personal devices can only be connected to the Enterprise wireless network at CMPD and City Facilities and may not be connected via the 4G connection available in the vehicle.
4. Employees may access the wireless network using their personal devices ONLY if the device is running the City of Charlotte mandated security application (AirWatch).

VI. COMPUTER SERVICE AND SUPPORT

A. 24-hour computer service and support are available year-round through the City of Charlotte Service Desk.

1. Computer users should submit a Help Desk ticket to the City of Charlotte Service Desk or call the Help Desk at (704) 336-5555 for all system, hardware, or software problems. Mobile customers can alternatively contact the City of Charlotte Service Desk using CTS-1 on the radio between the hours of 0700-1800 Monday-Friday.
2. Laptop Users: If the City of Charlotte Service Desk is unable to troubleshoot the problem by telephone, the user may be instructed to take the laptop to the Mobile Support Services Team during regular business hours (0700-1800 hours Monday–Friday).
  - a. The Mobile Support Services Team may replace the malfunctioning laptop with an operational one.
  - b. Laptop users should notify their division’s inventory control employee of the laptop replacement so the proper documentation can be made in CMPD’s inventory system.

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B. Remote Access Users

1. Employees wanting access to the CMPD network from a remote location will request access through their chain of command at the major level or higher.
2. I&T staff will establish access for the employee and provide instructions for using remote access.
3. Employees accessing the CMPD network through the VPN must use two-factor authentication.
4. The employee's supervisor will advise PSTS if the business reason for remote access no longer exists for that employee, and I&T will remove access.

VII. LEAVE AND SEPARATION FROM EMPLOYMENT


- A. When an employee resigns, retires, is separated from employment with CMPD for any other reason, takes leave of 30 days or greater, or for any other reason at the discretion of the Chief of Police, the employee will surrender all data files and computer-related equipment.
- B. Upon notification from CMPD Human Resources Division that an employee resigns, retires, is separated from employment with CMPD for any other reason, takes leave of 30 days or greater, or for any other reason at the discretion of the Chief of Police, I&T staff will remove the employee's access rights to the CMPD network and all CMPD files.

VIII. TRANSFER OF EMPLOYEES AND COMPUTER EQUIPMENT

- A. PSTS, along with the service area deputy chief or bureau manager, will approve computer equipment transfers to other work areas or divisions.
- B. Any employee who transfers within CMPD will release to the person replacing the transferring employee or the employee's immediate supervisor any data, hardware, software, etc. that applies to the job being performed at a particular computer.
- C. Any employee who transfers within CMPD must notify PSTS prior to the transfer of any laptops, desktops, or other computer equipment that the transferring employee will take to the new division.

IX. Protection of Data

- A. Users must have a unique password to access resources in the CMPD computer network in adherence with the City of Charlotte Password Policy and 400-007 Criminal Justice Information Protection. Passwords must be kept secure and cannot be shared. Authorized users are responsible for the security of their passwords and accounts.
- B. All CMPD personnel will endeavor to identify and protect data that is exempt from public disclosure under North Carolina Public Records Law in adherence with City of

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Charlotte Policy for Protection of Restricted Data, the City of Charlotte Information Security Manual, and 400-007 Criminal Justice Information Protection.

- C. CMPD personnel will abide by the requirements of the City of Charlotte Information Security Manual establishing directives and guidelines for the City of Charlotte Information Security Program.
- D. Employees who need access to data created by a CMPD employee (such as e-mail), will request this data from the Chief Security Officer in I&T Cyber Security through their chain of command at the major level or higher or through Internal Affairs Division.
- E. Employees must use extreme caution when opening e-mail attachments or clicking embedded links in emails received from unknown senders, which may contain viruses, malware, e-mail bombs, or Trojan horse code.


X. Enforcement

- A. Violations of this policy include but are not limited to accessing data to which the individual has no legitimate right; enabling unauthorized individuals to access data; disclosing data in a way that violates applicable policy, procedures, or relevant regulations or law; inappropriately modifying or destroying data; inadequately protecting restricted data.
- B. Any violation of this policy may result in network removal, access revocation, corrective or disciplinary action, civil or criminal prosecution, and/or termination of employment.

XI. REFERENCES

- Rule of Conduct Charge Code 32 (A, B)
- 400-003 Equipment
- 400-007 Criminal Justice Information Protection
- ADM 13 Protection of Restricted Data
- City of Charlotte Information Security Manual
- FBI CJIS Security Policy
- G.S. 14-454
- G.S. 14-455

The previous version of Directive 400-004 Use of Technology was published 1/24/2018.

	<b>POLICE</b>		<b>Charlotte-Mecklenburg Police Department</b>	<b>400-006</b>
	<b>Interactive Directives Guide</b>		<b>Body Worn Camera (BWC)</b>	
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## I. PURPOSE


This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) regarding the use, management, storage, and retrieval of audio and video recordings from body worn cameras (BWC). BWCs are utilized by officers to promote transparency in accordance with state law and accountability for officers and the community through objective evidence. For the purpose of this directive, the term officer applies to all sworn employees, regardless of rank.

## II. POLICY

- A. Officers are issued a BWC and shall use it to record interactions between officers and the public as described in this directive.
- B. Any violation of this directive is considered a violation of Rule of Conduct #42 (Use of Body Worn Cameras) and will be investigated.
  1. BWCs will only be used for law enforcement purposes in accordance with applicable law and CMPD policy.
  2. Employees are prohibited from using any device, application, software, or program to copy, photograph, or record the playback of any video and audio recorded by a BWC, except as described in Section VI, Recording Control and Management.
  3. Any other copying or duplication of BWC recordings outside of the provisions outlined in Section VI, Recording Control and Management, requires the consent of the Chief of Police or designee.
- C. Officers shall insert the BWC into a designated docking station at the end of their shift to facilitate automatic video and audio upload.
- D. Officers issued a BWC shall complete and follow the approved CMPD training for the use and data storage of the BWC.
- E. Civilian employees with access to BWCs and/or Evidence.com will adhere to all applicable sections of this directive.

## III. DEFINITIONS

- A. **Audit:** A supervisor reviews BWC recordings to ensure compliance with departmental directives.
- B. **Body Worn Camera:** An on-the-body video and audio recording system assigned to an officer to document interactions between officers and the public.
- C. **Citizen Contact:** An encounter with a citizen that has no criminal or investigative purpose. (i.e., engaging in conversation with someone or interacting with persons to obtain non-criminal or non-investigative information.)
- D. **Disclose:** To make a recording available for viewing or listening.

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- E. Entry Team: Any officer whose purpose is to enter and ensure a structure is safe for the execution of a warrant or with exigent circumstances.
- F. Investigative Conversation: For the purpose of this directive, investigative conversation refers to when officers may deactivate their BWC based upon confidential conversations about an investigation (e.g., Officers discussing the appropriate charges on a domestic violence case, confidential informant development, briefing command staff about a case, etc.)
- G. Pre-Event Buffering: The BWC mode in which the video, not audio, is captured directly before the event, up to thirty (30) seconds, and will be saved and attached to the event in permanent memory.
- H. Release: To provide a copy of a recording to the petitioner or other party as designated by the Chief of Police.
- I. Search Team: Any officer who, pursuant to a judicial order or exigent circumstance, conducts a search of a structure to locate persons involved in a crime or evidence of a crime.

#### IV. ROLES AND RESPONSIBILITIES

##### A. Chief of Police


The Chief of Police shall:

1. Ensure compliance with this directive by all personnel.
2. Review and determine whether to seek the release of any BWC recording that is in the best interest of public safety and in accordance with state and federal law.

##### B. Executive Staff

Executive staff members shall:

1. Educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.
2. Ensure compliance with this directive by all personnel under their command.
3. Utilize BWC audits to identify policy and training issues. When identified, executive staff will coordinate with the training academy to develop and implement best police practices.
4. Make the final adjudication on allegations of a policy violation related to Rule of Conduct #42.
5. Wear and operate a BWC as outlined in this directive when working secondary employment in uniform or when wearing a tactical vest for plain clothes assignments.

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C. Command Staff

Command staff will adhere to the operational and directive guidelines of an officer when utilizing a BWC.

Command staff who are responsible for personnel using BWC equipment shall ensure the following:


1. Current recordings are reviewed and document best police practices and compliance with this directive as a part of a performance review development (PRD) or BWC audit.
2. Adherence to established procedures for using and maintaining BWC equipment and completing BWC documentation.
3. Compliance with this directive by personnel under their command.
4. Recordings related to an administrative investigation are properly categorized and bookmarked in the digital storage system prior to the scheduled deletion date.
5. To educate officers and the community on the benefits of BWC technology to promote transparency and accountability within our community.
6. Wear and operate a BWC as outlined in this directive when working secondary employment in uniform or when wearing a tactical vest for plain clothes assignments.

D. Sergeant

Sergeants shall adhere to all operational and directive guidelines of an officer when utilizing a BWC.

Sergeants responsible for personnel who are using BWC equipment shall ensure the following:

1. Officers are properly wearing the BWC (patrol) or have the BWC readily available (non-patrol) prior to the scheduled shift begins, as outlined in this directive.
2. BWCs are properly docked for charging and uploading at the end of the shift. Sergeants shall ensure cameras are not removed from the docking station before the uploading of recordings is complete.
3. Proper troubleshooting steps are followed upon notification of any damage or malfunction of a BWC.
4. BWC recordings are documented by the employee in all associated reports under the corresponding complaint number.
5. A monthly audit of selected BWC recordings from a random database is reviewed to assess an officer's or detective's performance, that the camera is being utilized according to this directive, and to identify any recording that may benefit future

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training. The random list consists of a minimum of one (1) recording from each officer or detective who has recorded a video. Upon completion of the division-level review, the supervisor shall document and submit the findings to the agency policy and compliance administrator via the BWC audit database.


6. BWC recordings related to an internal investigation shall contain the IACMS video category by the end of the employee's shift.
7. Assigned cases have all recordings properly categorized by the officer in charge or detective. When a recording is categorized incorrectly, the sergeant shall ensure this is corrected within twenty-four (24) hours.

E. Officer

Officers issued a BWC, regardless of rank, shall adhere to the procedures listed below:


1. BWC Operation

- a. While wearing a BWC, officers shall ensure the BWC is powered on for the duration of the on-duty or secondary employment shift as outlined herein.
- b. Officers shall wear and operate a BWC:
  - (1). When working on duty in a patrol assignment.
  - (2). When working secondary employment.
  - (3). When responding to a call as a courtesy officer.
  - (4). When wearing tactical vests for plainclothes operations for on-duty and secondary employment. Officers shall have their BWC with them in the event they need to put on a tactical vest.
  - (5). Officers with marked take-home vehicles shall wear and operate a BWC, as outlined in this directive, when operating the vehicle in uniform, regardless of duty status.
- c. Officers assigned to specialized units (e.g., SWAT, VCAT, task force detectives, Crime Gun Suppression Team, etc.) shall abide by this directive and any additional requirements outlined in their specific unit's standard operating procedure.
- d. Hireback officers shall wear and operate a BWC as outlined in this directive for on-duty and secondary employment assignments.
- e. Police training officers (PTOs) shall ensure and document in the new officer's PTO manual that new officers understand proper BWC utilization in accordance with this directive.
- f. A BWC issued to an officer or any BWC equipment installed in a vehicle is the employee's responsibility and will be utilized according to CMPD policy.

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- g. Officers shall not deliberately remove, dismantle, or tamper with any hardware and/or software component of the BWC.
- h. In the event a BWC is lost, the employee shall immediately notify their supervisor, who will initiate a lost equipment memorandum through the chain of command to the agency policy and compliance administrator. The supervisor will notify the Real Time Crime Center (RTCC).
- i. Officers must ensure that non-police-related electronic devices within the vehicle (i.e., music radios, streaming devices, etc.) are turned off when the BWC is activated.
- j. Officers, prior to the beginning of a shift, shall:
  - (1). Perform a pre-shift audio and video recording test utilizing at least one (1) available automatic activation device such as blue light automatic activation, signal side arm activation, and conducted electrical weapon (CEW) automatic activation. Test recordings will be categorized as “test.”
  - (2). Playback test recordings can be accessed via the Axon View application. The Axon View application is free to download and stores no data on the user’s smartphone.
- k. Officers prior to and throughout each on-duty or secondary employment shift shall ensure that all components of their BWC are working satisfactorily.
  - (1). If a BWC is deemed non-operational during an on-duty or secondary employment shift, the officer will notify a supervisor and contact the RTCC.
  - (2). If the camera is unrepairable and/or a replacement is unavailable, the officer shall be partnered with an officer with an operational BWC for the remainder of the officer’s shift. The officer will document in their departmental reports the reason for the lack of BWC recordings.
  - (3). If the officer is working secondary employment, the employee must notify the employee’s supervisor, and the event shall be documented in the secondary employment system notes of the secondary employment record.
- l. Officers issued a BWC shall sign into CAD when working in a capacity that requires wearing a BWC. Additional requirements in reference to CAD are outlined below:
  - (1). Officers shall either sign into CAD or contact the Communications Division via radio and request to be signed in for secondary employment.




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- (2). Two-officer calls for service units must utilize a two-officer unit ID, and both officers' code numbers shall be logged into CAD.
    - (3). Two-officer specialized unit cars must also sign into CAD with both officers' code numbers.
  - m. Officers and sergeants assigned to patrol will be issued two (2) BWCs, one (1) for on-duty and one (1) for secondary employment.
2. BWC Activation
  - a. BWCs shall be turned on and activated to record prior to arrival to any call for service, self-initiated activity, or law-enforcement-related interactions as outlined in this directive while on duty or working secondary employment.
 

In addition to responding to calls for service, examples of self-initiated activity and law-enforcement-related interactions that require a BWC activation and recording include:

    - (1). Traffic stops, including following a vehicle an officer intends to stop or has failed to stop and the investigation of a vehicle and occupants already stopped or parked. The traffic stop will be recorded in its entirety. For the purpose of this directive, the end of the traffic stop is when either the citizen's vehicle or the police vehicle leaves the traffic stop location.
    - (2). Suspicious vehicles or persons.
    - (3). Voluntary investigative contact (suspicion of some type of criminal activity by a person).
    - (4). Arrests and/or investigative detainments.
    - (5). Response to resistance occurrences.
    - (6). Animal euthanasia.
    - (7). K-9 tracks and K-9 building searches.
    - (8). Foot pursuits.
    - (9). Show-ups.
    - (10). At the request of a citizen during an interaction with an officer.
    - (11). Operation of a vehicle in an emergency response or pursuit.
    - (12). Assisting another officer on any call for service, self-initiated activity, or law-enforcement-related interaction.
    - (13). Traffic Checking Station


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The preplanned systematic stopping of vehicles to check motorists for compliance with license requirements and other motor vehicle laws, including driving while impaired.

- (a). Once an officer determines there is reasonable suspicion or probable cause to detain the driver
  - (b). Except as listed above, officers are not required to record during the entire duration of the checkpoint.
- (14). The entire duration of the transportation of any person who:
- (a). Has been arrested or detained.
  - (b). Is a witness.
  - (c). Is a juvenile (not including off-duty transport of household members).
  - (d). Has been involved in a mental health crisis or is exhibiting symptoms of distress.
  - (e). Has been involved in a response to resistance.
  - (f). Is argumentative and/or combative.
  - (g). Is verbally abusive.
  - (h). Is using inappropriate, suggestive, and/or sexual language.
  - (i). Is injured or claims to be injured.
  - (j). Is intoxicated or impaired.
  - (k). Is being provided a courtesy ride.
  - (l). Any situation that the officer or supervisor deems necessary.

The above applies to all instances where an officer is wearing a BWC, as outlined in this directive.

- (15). Search warrants or exigent circumstance searches of vehicles, buildings, and other places. This applies to all instances where an officer is wearing a BWC, as outlined in this directive.
- (a). Preparations for tactical service of any search or arrest warrant and any employee working in an undercover or covert capacity shall not be recorded, if possible.
  - (b). For the execution of a search or an entry team, the recording shall begin prior to making entry and continue until the premises have been secured.

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- (c). A search warrant or with exigent circumstances, the recording shall not stop until the search has been concluded and all evidence has been located and properly confiscated.

(16). Consent Searches

This applies to an instance or instances where an officer is wearing a BWC as outlined in this directive.


- (a). During a consent search, an officer shall record the request for consent and the citizen's response to that request.
- (b). Obtaining recorded verbal consent does not preclude an officer from also obtaining written consent. It is best practice to obtain both verbal and written consent.
- (c). If during a consent search in a non-public place, the citizen no longer wants the search recorded, the officer shall verbalize the reason for stopping the recording and continue as normal without recording.

- b. Officers issued a BWC will not circumvent the automatic activation features of the BWC, including the avoidance of utilizing vehicle emergency warning devices or powering off a BWC prior to using equipment installed with an automatic activation device. Officers will utilize flashing blue lights and sirens when operating outside of traffic laws and ensure the BWC is recording.


3. BWC Deactivation

BWCs shall be deactivated under the following circumstances:


- a. Officers have cleared the call for service, self-initiated activity, law-enforcement-related interaction, or required instance as stated in this directive.
- b. Officers who have not cleared the scene but are completing paperwork, e.g., KBCOPS report, may deactivate their BWC provided they are not interacting with persons involved in the call for service, self-initiated activity, or law-enforcement-related interaction (e.g., sitting in a patrol vehicle completing paperwork). Officers will reactivate their BWC should they become re-engaged with citizens on the call for service, self-initiated activity, or law-enforcement-related interaction in any capacity.
- c. Officers who have not cleared the scene of an investigation may distance themselves from citizens on scene and deactivate their BWC to engage in an investigative conversation but must reactivate their BWC when they reengage with citizens.

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- d. A supervisor directs the officer to deactivate the BWC (e.g., perimeter post during a major investigation).
  - e. Officers assigned to specialized units will operate BWCs as defined in their standard operating procedure if the use of BWC is addressed in their unit's standard operating procedure.
  - f. Officers will verbally state the deactivation reason prior to deactivating their BWC.
  - g. See "BWC Operation in Sensitive Areas" for additional deactivation guidelines.
4. BWC Docking
- a. All BWCs used for on-duty recordings shall be placed in the division's dock at the end of the employee's shift.
  - b. The secondary camera (if provided) shall be removed and retained by the employee for use at secondary employment or traveling to and from work while in uniform operating a marked vehicle.
  - c. Upon return to on-duty, the process will be repeated, and the "off-duty" camera shall be returned to the division dock for charging and downloading.
  - d. It is understood that some employees do not work secondary employment on a regular basis; however, this process is required each duty day to maintain the software and battery of all cameras.
  - e. Officers working secondary employment are to dock and download any recording associated with complaints, response to resistance, or other situations as directed by a supervisor before the employee ends their tour of duty. The docking and downloading can be done at any division office in any open dock port. The employee shall wait until all recordings have been downloaded before removing the camera. All other recordings shall be downloaded by docking the camera at the employee's division office upon the employee's return to duty unless that return will be delayed longer than the employee's normal days off (not to exceed three (3) days).
  - f. Hireback officers may upload their recordings at any division office within three (3) days but shall wait until all recordings have been uploaded before removing the camera.
5. BWC Mounting Requirements
- Officers will attach the BWC to their outermost garment utilizing a wing clip mount. In compliance with the Axon Body 3 camera training video provided by the CMPD Training Academy:

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- a. The inner portion of a wing clip mount will be placed inside the uniform shirt in the center of the chest.
  - b. The inner portion of a wing clip mount will be placed inside the outer fabric (not the liner) of a uniform jacket to the left or right chest area.
6. BWC Categorization and Documentation
- a. When an incident has ended, the officer will stop the BWC recording and enter the appropriate category and the corresponding incident complaint number.
  - b. Officers will ensure all BWC recordings have the correct complaint number and are properly categorized prior to the completion of their shift.
  - c. Officers must categorize recordings during secondary employment assignments immediately after download utilizing Evidence.com if their CMPD-issued smartphone is unavailable or the officer chooses not to utilize their personal smartphone.
  - d. Corrections to the categorization or complaint number must be completed within twenty-four (24) hours of being notified of the error.
  - e. Officers will ensure a KBCOPS report notes the existence of any associated BWC recordings. This documentation must include a brief description of the recording.
  - f. The officer in charge or detective will ensure all recordings in the BWC system relevant to their case are properly categorized.
  - g. BWC videos may contain multiple categories at once. Officers shall ensure all BWC videos are categorized with all categories applicable to that specific video.
  - h. Officers are responsible for notifying their supervisor of any recordings they are unable to categorize or otherwise document in the system. A division supervisor shall attempt to categorize that video properly. If unable, the division supervisor shall notify the agency system administrator.
  - i. A complete list of categories and retention times is located on the CMPD Portal Page. Below are a few examples of retention categories and when officers should utilize each category:
    - (1). Non-Citizen Involvement: Recordings that do not contain interaction with a citizen or suspect.
    - (2). Traffic Stop Warning: Verbal or written warning, with no citation or arrest, regardless of the reason for the stop.
    - (3). Traffic Stop Misdemeanor or Traffic Stop Felony: The outcome of the traffic stop is a misdemeanor or felony investigation or charge.

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- (4). Non-Criminal Offenses: Interaction with a citizen that is not related to a criminal charge or investigation.
  - (5). IACMS: An incident associated with an internal investigation and is accompanied by other appropriate categories based on the outcome of the incident.
  - (6). Criminal Investigation/Non-Felony: The outcome of the incident results in a criminal investigation or charge that is not related to a traffic stop or felony.
  - (7). Criminal Investigation/Felony: The outcome of the incident is a felony criminal investigation or charge that is not related to a traffic stop.
  - (8). Test: Test recordings only.
  - (9). Accidental: Recordings that are accidentally started only.
  - (10). SWAT Use Only: Used only by SWAT officers in conjunction with a SWAT operation and will be accompanied by other appropriate categories based on the outcome of the incident.
  - (11). VCAT Use Only: Used only by VCAT detectives in conjunction with a VCAT operation and will be accompanied by other appropriate categories based on the outcome of the incident.
  - (12). TASER Use (De-escalation/Deployment): Incidents associated with the utilization of a CEW to de-escalate a situation (i.e., turning the TASER on or using the warning arc), deploy probes at a person or animal, or use of a drive stun. This category will accompany other appropriate categories based on the outcome of the incident.
  - (13). Weapon Drawn or Pointing of Firearm: An officer removes their service weapon from the holster and/or points it at a person, deploys their department-issued shotgun, rifle, or approved backup weapon, or activates any weapon mounted light. This category will accompany other appropriate categories based on the outcome of the incident and must include the justification or factors leading to drawing and/or pointing their weapon at a person documented in the text box.
7. BWC Operation in Sensitive Areas
- a. Unless present in an official capacity, the BWC shall not be used in restrooms, locker rooms, or other places where there is an expectation of privacy.
  - b. Prior to conducting a strip search, the officer shall record a 360-degree recording of the location where the search will be conducted. In addition, before any part of the actual strip search begins, the officer shall verbally

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record the reason the BWC is being powered off and shall properly power off the BWC. As soon as the search is complete, the BWC shall immediately be powered back on and reactivated to record the rest of the interaction.

c. To aid in the protection of the right to privacy, officers shall not record while:


- (1). In a patient care area of a health care facility, unless the patient becomes physically and/or verbally adversarial with the officer or others.
- (2). In a patient care area of a health care facility for the purposes of an evidentiary blood draw unless the suspect becomes physically and/or verbally adversarial with the officer or others.
- (3). Conducting tactical planning.
- (4). In the presence of or development of a confidential informant.
- (5). In the Mecklenburg County Intake Center.

Note: BWCs should be activated when the officer completes an arrestee's final search inside intake and turned off once the search is complete. If an arrestee is uncooperative or combative, the officer should continue to record until the arrestee is secured and no longer in the officer's custody.

- (6). In the magistrate's office or any state or federal court.
- (7). Having discussions with attorneys, peer support counselors, doctors, etc.
- (8). Involved in a department, supervisory, or public meeting or hearing.
- (9). In a classroom and/or testing environment.
- (10). Speaking to any person or having a conversation that is not involved in a call for service or event as outlined in this directive.
- (11). In the Internal Affairs Division or Human Resources Division in any capacity (unless in an emergency response situation).

8. Civil Emergency Unit (CEU) BWC Recordings

- a. Officers assigned to public order bikes, dual sports, and CEU personnel will wear and operate BWCs.
- b. BWCs will be powered on and activated when actively engaged with the public in an operational capacity or at the discretion of the incident commander or designee.

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G. Administrator Responsibilities

1. Agency Policy and Compliance Administrator

The agency policy and compliance administrator shall be an executive or command staff member responsible for developing policy and conducting BWC audits to ensure accountability and compliance with the BWC directive.

The agency policy and compliance administrator shall oversee the audit process and ensure compliance with this directive, including:

a. Division-Level Random Audit

- (1). On a monthly basis, generate a random list of BWC recordings for supervisors to audit. The random list consists of a minimum of one (1) recording from each officer who has generated recordings during the previous month.
- (2). These audits do not preclude a supervisor from reviewing recordings during the course of their regular duties as needed.
- (3). Upon completing the division-level review, the supervisor shall document and submit their findings to the agency policy and compliance administrator via the BWC audit database.

b. Second-Tier Random Audit

On a monthly basis, generate a random list of BWC recordings from which employees in the Professional Accountability Bureau use for audits. These audits will focus on a random selection of:

- (1). Recordings associated with felony cases accepted for prosecution.
- (2). Recordings associated with discretionary arrests.
- (3). Recordings associated with consent searches during traffic stops or citizen contacts.


c. Officer Involved Shootings (OIS) or other Significant Events

A representative from the Professional Accountability Bureau will be responsible for responding to all OIS incidents or other significant officer-involved incidents. The representative from the Professional Accountability Bureau will ensure that all BWC footage related to the incident is downloaded as soon as possible and prepared for review by the Internal Affairs Bureau and the Chief of Police or designee.

2. Agency System Administrator

The CMPD Computer Technology Solutions (CTS) employee is responsible for the following:



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- a. Maintaining an accurate list of all users in the BWC and digital storage management system.
- b. Assigning permissions and roles to users in the BWC system based on transfers or promotions.
- c. Overall maintenance of the BWC system.
- d. Responding to requests from division administrators.
- e. Redacting or deleting any recording in consultation with the agency policy and compliance administrator.

3. Division Administrator


The division administrative sergeant or division captain's designee will coordinate the BWC program within the division and is the first point of contact to address questions or issues.

V. AXON APPLICATIONS

A. Axon Capture

The Axon Capture application allows officers with an Evidence.com profile to upload digital evidence (i.e., photos, videos, and audio) directly to Evidence.com.

1. Officers should only utilize the Axon Capture application when using a CMPD-issued smartphone. If an officer uses a personal smartphone, the phone can be considered discoverable.
2. Officers can upload digital evidence directly to Evidence.com in the Axon Capture application by completing the following steps:
  - a. Input the following information:
    - (1). ID
    - (2). Title
    - (3). Retention category
  - b. Take a photo or audio/video recording through the Axon Capture application and select evidence from the gallery within the application.
  - c. Upload evidence
3. Once evidence is uploaded, no files are permitted to be deleted from Evidence.com except by authorized personnel within the Professional Accountability Bureau in accordance with scheduled retention periods.

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B. Axon Community Request


Axon Community Request allows officers to submit individual requests for digital evidence to victims and/or witnesses and portal requests that allow CMPD to collect evidence from members of the public during large-scale criminal investigations, civil unrest, and major incidents.

1. Individual Request

- a. Individual requests can be made through the Axon Capture application or Evidence.com. This request will send a link to the individual who can upload digital evidence directly to Evidence.com without confiscating their phone.
- b. The following fields are required to be completed to send an individual request:
  - (1). ID
  - (2). Retention category
  - (3). Description
  - (4). Phone number or email address
  - (5). The first name, last name, and date of birth of the person receiving the request.

2. Portal Request

- a. Portal requests can only be made through evidence.com and should only be completed by the officer assigned to the investigation.
- b. Prior to creating a portal request, the officer assigned to the investigation shall notify the Public Affairs Division. After the portal request is created, the link provided in Evidence.com shall be forwarded to the Public Affairs Division, which is responsible for distributing the link.
- b. The following fields are required to be completed to initiate a portal request:
  - (1). ID
  - (2). Retention category
  - (3). Incident start date and time
  - (4). Title
  - (5). Description
  - (6). Incident location
  - (7). Assigned officer's name

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3. Community requests are designed to be viewed by an individual or community members. Any descriptions provided in the request should be written clearly, free of abbreviations and/or police jargon.
4. Officers must document in KBCOPS when an invite is sent and/or anytime evidence is received. Officers can view community requests they have sent and evidence submissions through the Evidence.com portal.


C. Axon Respond

The Axon Respond application allows officers with Evidence.com access to view the location on a map of global positioning system (GPS) data for CMPD-issued BWCs that are assigned to CMPD employees. GPS data is embedded in Evidence.com.

1. GPS tracking and monitoring will only be used for official law enforcement purposes such as, but not limited to, officer safety, perimeter/scene coordination, K9 tracks, woodland searches, critical incidents, and CEU deployments.
2. GPS tracking and monitoring will only be used for personnel management of employees who are actively on duty.
3. GPS data is automatically updated in Evidence.com. The following status of a BWC will be provided:
  - a. Gray: The BWC is turned off. GPS data will provide the last ping of the BWC prior to the BWC being turned off.
  - b. Red: The BWC is activated and recording. GPS data will be updated every ten (10) seconds.
  - c. Green: The BWC is on but not activated or recording. GPS data will be updated every fifteen (15) minutes.
4. Communications Division shift supervisors will have access to view GPS data for CMPD-issued BWCs and may only use the GPS tracking and monitoring features for official law enforcement purposes (i.e., assist division/unit supervisors in officer safety, perimeter/scene coordination, K9 tracks, woodland searches, critical incidents, and CEU deployments).

VI. RECORDING CONTROL AND MANAGEMENT

- A. Video and audio recordings are the property of CMPD and will not be duplicated except as described in Section VI.H.
- B. BWC recordings are incapable of being altered or deleted by users. Each recording has an audit trail that tracks the date and time of each person accessing the recording.
- C. All employees are prohibited from using any device or software program to copy, photograph, or record the playback of the recording by a BWC unless authorized by this directive.


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- D. Each recording has a chain of custody audit trail documenting all events associated with the file.
- E. The BWC system automatically deletes recordings from the server when the retention period for the categorized recording has elapsed. The retention period is set by the system according to specific categories assigned to the recording by the officer or authorized user.
- F. Digital files associated with an investigation shall be disposed of or deleted in accordance with current CMPD policy and state and federal laws.
- G. BWC recordings will remain assigned to an employee regardless of employment status. The agency system administrator will designate employees who have departed CMPD as inactive in the system. All recordings will adhere to the assigned retention period. No employee will reassign another employee's BWC recordings without approval from the Chief of Police or designee.
- H. Recordings shall be released for court and law enforcement purposes only. Release for court purposes shall only be conducted by the following units and under the direction of a supervisor assigned to that unit.
  - 1. Court Liaison Unit
 


District Court: Duplicates will only be created by the Court Liaison Unit. Officers and detectives must make the request at least forty-eight (48) hours before the court date and provide the correct category and complaint number. The Court Liaison Unit is responsible for ensuring the recording is duplicated and delivered to the District Attorney's Office or courtroom. Duplicate recordings shall not be given to a defense attorney or other entities.
  - 2. DA-Superior Court Services Unit
 

DA Papering: Duplicates shall only be created by the DA-Superior Court Services Unit. When a case is accepted for prosecution, the papering ADA will notify the DA-Superior Court Services Unit, which is responsible for ensuring a duplicate recording is delivered to the requesting ADA. The recordings will then be accessible for superior and federal court cases.
  - 3. Homicide Unit
    - a. A Homicide Unit sergeant must authorize duplication of any recording a homicide detective needs for an investigative purpose.
    - b. Detectives shall ensure all recordings in the BWC system relevant to their case are properly categorized.
  - 4. In-Service Training Unit
 


The In-Service Training Unit sergeant may authorize the duplication of a BWC recording for use in training in compliance with Section VI, I.2.

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5. Agency Policy and Compliance Administrator and Agency System Administrator
  - a. The employees in these positions shall have the authority to release copies as directed by the court order signed by a superior court judge.
  - b. The employees in these positions shall have the authority to create redacted court-related copies as directed by the court order signed by a superior court judge.
  
- I. Access to Review Video and Audio Recordings
  1. Authorized users and access levels are defined as follows:
    - a. Executive staff, command staff, Internal Affairs Division, police attorneys, and designated employees: Access to all BWC recordings. Can categorize recordings for extended retention.
    - b. Sergeants: Access to officer BWC recordings within their division. Each can categorize recordings for extended retention.
    - c. All officers, regardless of rank: Access to their own BWC recordings and can categorize for extended retention.
    - d. Officers may review their own BWC recordings to aid in completing incident reports, preparing for court testimony, or completing statements for internal investigations except as outlined in e. below.
    - e. Officers may review their own BWC recordings in officer-involved critical incidents only after consultation with the primary investigating agency and/or the Internal Affairs Division command staff for direction.
    - f. Defendants in pending criminal cases may view BWC recordings in accordance with North Carolina discovery laws as permitted by the District Attorney's Office.
    - g. The Professional Accountability Bureau and the agency system administrator will have access to all BWC recordings and can restrict or limit access to authorized users. The agency system administrator will have access to manage, redact (as ordered by the court), and set permissions on the entire system.
  2. Recordings that do not involve an active internal or criminal investigation, an active criminal prosecution, or classified as criminal intelligence that have a training benefit shall be forwarded to the agency policy and compliance administrator for review. These recommendations shall be forwarded to the Training Division captain for further consideration.
    - a. Recordings associated with a closed internal investigation may be used for internal training purposes only.

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- b. The use of any recording for training will require the authorization of all employees whose image or voice is in the recording.
  - c. The use of any recording for training will be restricted to training conducted by CMPD employees for CMPD employees. At no time will a BWC recording be used for any non-law enforcement training or to provide training by an employer other than CMPD unless properly released to the public.
3. Disclosure of Law Enforcement Video and Audio Recordings
- a. Recordings are not public records as defined by [N.C.G.S. §132-1](#). Recordings are not personnel records as defined in [N.C.G.S. Chapter 126](#), [N.C.G.S. §160A-168](#), or [N.C.G.S. §153A-98](#).
  - b. Recordings shall be disclosed only as provided by [N.C.G.S. Chapter 132](#).
  - c. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.
  - d. The following individuals may receive disclosure of a video and/or audio recording:
    - (1). A person whose image or voice is in the recording.
    - (2). A personal representative of an adult person whose image or voice is in the recording if the adult person has consented to the disclosure.
    - (3). A personal representative of a minor or an adult person under lawful guardianship whose image or voice is in the recording.
    - (4). A personal representative of a deceased person whose image or voice is in the recording.
    - (5). A personal representative of an adult person who is incapacitated and unable to provide consent to the disclosure. As defined in [N.C.G.S. §132-1.4A](#), a personal representative is a parent, court-appointed guardian, spouse, or attorney licensed to practice in North Carolina of a person whose image or voice is in the recording. If the person whose image or voice is in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, adult child; the deceased person's attorney licensed in North Carolina; or the parent or guardian of a surviving minor child of the deceased.
  - e. A person requesting disclosure of a recording must complete a Video Disclosure Request Form located on the CMPD website and forward the request and any supporting materials to the address contained within the form.

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- f. The agency policy and compliance administrator or designee shall review all disclosure request forms to determine if the disclosure is permitted and reply to the requestor in writing.
  - g. Disclosure may be denied if:
    - (1). The person requesting disclosure of the recording is not a person authorized to receive disclosure.
    - (2). The recording contains information otherwise confidential or exempt from disclosure or release under state or federal law.
    - (3). Disclosure would reveal information regarding a person that is of a highly sensitive personal nature.
    - (4). Disclosure may harm the reputation or jeopardize the safety of a person.
    - (5). Disclosure would create a serious threat to the fair, impartial, and orderly administration of justice.
    - (6). Confidentiality is necessary to protect either an active or inactive internal or criminal investigation or a potential internal or criminal investigation.
  - h. Once approved for disclosure, the agency policy and compliance administrator or designee shall immediately review the recording(s) associated with disclosure for policy violations. If violations are observed, an internal investigation documented in IACMS shall be initiated.
  - i. The requesting party shall be contacted within five (5) days of receipt of the video disclosure request to arrange a convenient time to review the recording(s).
  - j. Upon completing the disclosure, the agency policy and compliance administrator or designee shall document the conclusion of the action.
  - k. Failure to complete a disclosure as outlined herein may result in disciplinary action.
4. Disclosure of Recordings Related to Death or Serious Bodily Injury
- a. Per [N.C.G.S. §132-1.4A](#), recordings capturing death or serious bodily injury shall only be disclosed pursuant to a court order signed by a superior court judge.
  - b. Serious bodily injury means 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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c. Immediate Disclosure

- (1). An individual or personal representative seeking disclosure of a custodial law enforcement agency recording related to a death or serious bodily injury must submit to the Chief of Police a Notarized Disclosure Form provided by CMPD and developed by the Administrative Office of the Courts.
- (2). No later than three (3) business days from receipt of the Notarized Disclosure Form, CMPD shall file a petition in superior court for issuance of a court order regarding the disclosure and will include a copy of the recording to the resident superior court judge which shall remain confidential. The court shall conduct an in-camera review.
- (3). Within seven (7) days, the court will issue an order stating one of the following:
  - (a). Immediate disclosure to the requestor without editing or redacting.
  - (b). Immediate disclosure to the requestor with editing or redaction.
  - (c). Disclosure to the requestor at a later date with or without editing or redaction.
  - (d). Disclosure is denied.


d. Criminal Charges Per [N.C.G.S. §132-1.4A](#):

- (1) Any person who willfully records, copies, or attempts to do so during a disclosure is guilty of a Class 1 misdemeanor.
- (2) Any person who knowingly disseminates a recording or copy of a disclosed recording is guilty of Class I felony.

5. Disclosure to Superior Court


- a. Upon receiving a petition to either disclose or release BWC in the custody of CMPD, the agency policy and compliance administrator will identify and review all BWC recordings leading up to, during, and after the incident.
- b. Under no circumstance will CMPD alter or edit a recording's content or length unless ordered to do so by a superior court judge.
- c. The agency policy and compliance administrator, the Chief of Police or designee, and the police attorney assigned to the case shall review the packet prepared by the agency policy and compliance administrator to ensure it is complete and unedited.



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- d. All BWC recordings identified by the agency policy and compliance administrator shall be hand-delivered to the superior court unedited. (The court will determine if the footage is relevant to the petitioner’s request).
6. Release of Law Enforcement Audio and Video Recordings
    - a. CMPD will disclose or release a recording to a district attorney without a court order for the following purposes:
      - (1). The district attorney’s review of potential criminal charges.
      - (2). Compliance with discovery requirements in a criminal prosecution.
      - (3). Use in a criminal proceeding.
      - (4). Any other law enforcement purpose.
    - b. The Chief of Police or designee may release or disclose a recording without a court order for the following purposes:
      - (1). Law enforcement training purposes.
      - (2). Administrative, training, or law enforcement purposes within CMPD.
      - (3). Law enforcement purposes to another law enforcement agency.
    - c. Officers may internally release a recording or still-frame photo(s) from a recording at the departmental level without a court order for the following internal law enforcement purposes:
      - (1). Identifying an unknown subject.
      - (2). Seeking assistance in locating a subject.

Prior to the internal release of a recording or still photos, the officer must get approval from their supervisor or chain of command if their supervisor is unavailable. The release must include a note emphasizing that the release is for “INTERNAL USE ONLY-NOT FOR MEDIA RELEASE.”
    - d. In compliance with [N.C.G.S. §132-1.4A](#), the Police Attorney’s Office, upon request of the Chief of Police, shall petition the court for an order to release BWC recordings to the public in all significant officer-involved incidents where a citizen is seriously injured or killed.
      - (1). The Police Attorney’s Office will notify the Public Affairs Division and the city attorney of the Chief of Police’s desire to seek release.
      - (2). Within seven (7) days, the Chief of Police will evaluate the investigation status to determine the earliest possible date the recording could be released. However, the petition to release a recording will occur no later than the receipt of the prosecution decision letter from the district attorney.


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- e. Employees whose image or voice is captured in a recording (and can be easily identified) shall be notified by the Police Attorney’s Office or the agency policy and compliance administrator of the department’s desire to have a recording released.
- f. Employees whose image or voice is captured in a recording will have an opportunity to appear in the superior court hearing associated with the release request. The Police Attorney’s Office will notify identified and affected employees of the date and time of any hearing associated with the request.
- g. Release for reasons other than those outlined in Section VI, I,5a-b, require that the person seeking release petition the superior court of Mecklenburg County or the county where the recording was made.
- h. The Police Attorney’s Office will notify the Public Affairs Division and city attorney upon receipt of the notice to seek release.

VII. REFERENCES

Rules of Conduct, Rule #42  
 200-001 Discipline, Internal Investigations, and Employee Rights  
 400-002 Firearms  
 400-003 Equipment  
 600-019 Response to Resistance  
 600-022 Emergency Response and Pursuit Driving  
 800-004 Public Records Retention and Disposition  
 Civil Emergency Unit SOP  
 SWAT #17 Body Worn Cameras SOP  
 Traffic Enforcement SOP  
 VCAT Body Worn Camera SOP  
[N.C.G.S. Chapter 126](#)  
[N.C.G.S. §15A- 903](#)  
[N.C.G.S. §132-1.4A](#)  
[N.C.G.S. §153A-98](#)  
[N.C.G.S. §160A-168\(c\)](#)  
 CALEA

The previous version of Directive 400-006 Body Worn Camera (BWC) was published on 03/29/2022.


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I. PURPOSE

The purpose of this policy is to establish clear written protocols for Charlotte-Mecklenburg Police Department (CMPD), private contractors, and/or vendor employees for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized, and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

II. DEFINITIONS

- A. Criminal Justice Information (CJI): Criminal Justice Information is the term used to refer to the data provided by the Federal Bureau of Investigations (FBI) Criminal Justice Information Services (CJIS) Division to law enforcement agencies and used to perform their mission and enforce laws, including but not limited to, biometric, identity history, person, organization, property – when accompanied by any personally identifiable information – and case or incident history data. This data is most often found in the Division of Criminal Investigation (DCI), National Crime Information Center (NCIC), and Criminal Justice Law Enforcement Automated Data Services (CJLEADS) systems.
- B. Physically Secure Location: A facility or an area, room, or group of rooms within a facility, with both the physical and employee-provided security controls sufficient to protect the FBI CJI and associated information systems. The FBI requires that security perimeters be defined, controlled, and secured by having the perimeter of the physically secure location separated from non-secure locations using physical controls and security warnings prominently posted. As a result, restricted non-public areas of CMPD facilities are physically secured and identified with signage at the entrances.
- C. Visitor: A person who is not employed by the CMPD who visits a CMPD facility temporarily and has no unescorted access to the physically secure location within CMPD facilities where FBI CJI and associated information systems are located.
- D. CMPD Escort: An authorized CMPD employee who must accompany a visitor while the visitor is within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
- E. Local Agency Security Officer (LASO): The primary information security contact between the CMPD, the FBI, and the State of North Carolina. The LASO is typically a representative from the City of Charlotte Innovation & Technology Department, Cyber Security Team, led by the chief security officer (CSO). The CSO actively represents the CMPD in all matters regarding information security, disseminates information security alerts and other material to employees, maintains information security documentation – including system configuration data – assists with information

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security audits of hardware and procedures, and keeps the FBI informed regarding any information security needs and/or concerns.

- F. Agency Coordinator (AC): A staff member of the contracting government agency, who manages the agreement between the contractor and the CMPD.

### III. PROCEDURE

#### A. Visitors will:

1. Check-in before entering a physically secure location by obtaining a visitor badge and completing the visitor access log, which includes the visitor's name and agency, visit purpose, date of visit, arrival time, name of employee visited, the form of identification used to authenticate the visitor's identity, and the number of the badge issued.
2. Wear the issued visitor badge on the outer clothing during the duration of the visit and return it to the CMPD at the end of the visit, noting the departure time on the visitor access log.
3. Be accompanied by a CMPD escort for the duration of the visit, including delivery or service personnel, unless unescorted access has been granted in compliance with CJIS standards (See III. A. 3. below).
4. When applicable, follow CMPD policy for authorized unescorted access.
  - a. A Management Control Agreement between the CMPD and the noncriminal justice agency (NCJA) is required when City of Charlotte, Mecklenburg County, or other NCJA information technology (IT) employees require frequent unescorted access to restricted areas. Each NCJA employee with CJI access must have a state and national fingerprint-based record background check before restricted area access is granted.
  - b. A security addendum between the CMPD and each private contract employee is required when private contractors/vendors require frequent unescorted access to restricted areas. Each private contract employee must have a state and national fingerprint-based record background check before this restricted area access is granted.
5. Not be allowed to access secure information by viewing computer screens in use by employees.
6. Be courteously escorted to a public area of the facility if found unescorted in a restricted area without a legitimate business purpose. The presence of unknown individuals in physically secure areas without an escort should be challenged by employees. If resistance or behavior of a threatening or suspicious nature is encountered, employees must contact a sworn employee or 911 for assistance.

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7. Not be allowed to serve as an escort for another visitor.
8. Be allowed to enter a secure area with electronic devices, including cameras and mobile devices. However, photographs will not be allowed without the permission of a CMPD employee.

**B. Prior Planning for and Notification of CMPDHQ Visitors**


CMPD employees are required to plan for visitors to attend meetings at or participate in tours of CMPDHQ. The below procedure should be followed to plan for and notify CMPDHQ security desk employees of planned visits:

1. CMPD employees shall obtain a copy of the CMPD Visitor Form from the Records Management Division manager. The form should be completed and submitted to the Records Management Division manager no more than two (2) weeks and not less than twenty-four (24) hours in advance of the visit.
  - a. The employee shall list the visitor's name, company or organization, date(s) of visit, visitor telephone number and email address, and the name and contact information of the CMPD employee arranging the visit.
  - b. Visitors over the age of eighteen (18) may be subject to a background check in advance of being granted access to the CMPD facility.
2. Visitors affiliated with another law enforcement agency or government organization are exempt from this procedure.
3. Minors, under the age of eighteen (18), must be accompanied and escorted by a responsible adult, parent, or guardian for the duration of the visit.
4. A daily visitor roster should be prepared for CMPDHQ security desk employees and used to check visitors in and out of the facility each day.
5. Failure to plan for and complete notifications of CMPDHQ visitors can result in visit requests being denied and/or policy violations being reported to the requesting employee's chain of command.


**C. Authorized Physical Access**

Only authorized employees will have access to physically secure non-public areas. The CMPD Computer Technology Solutions (CTS) Division manager will maintain and keep current a list of authorized employees. All physical access points into secure areas of CMPD facilities are controlled by access card entry. The CMPD has implemented access controls and monitors physically secure areas to protect the transmission and display of CJ. Authorized employees must take necessary steps to prevent and protect the CMPD from physical, logical, and electronic security breaches.

All employees with CJ physical and logical access must:

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1. Meet the minimum employee screening requirements before CJI access.
  - a. A state of residence and a national fingerprint-based record check shall be conducted to verify the identity of all employees who will have direct access to CJI and those who will have direct responsibility for the configuration and maintenance of computer systems and networks with direct access to CJI before granting access.
  - b. Support employees, private contractors and/or vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized employees for the duration of their visit.
  
2. Complete security awareness training.
  - a. All authorized CMPD Noncriminal Justice Agencies (NCJA), such as City of Charlotte or Mecklenburg County IT and private contractor and/or vendor employees, must receive security awareness training within six (6) months of being granted duties that require CJI access and every two (2) years thereafter.
  - b. Security awareness training must cover areas specified in the CJIS Security Policy at a minimum.
  
3. Be aware of who is in the secure area before accessing confidential data.
  - a. Take appropriate action to protect all confidential data.
  - b. Protect all terminal monitors with viewable CJI displayed and shield the data from the view of the public and/or escorted visitors.
  
4. Properly protect and do not share any individually issued keys, access cards, computer account passwords, etc.
  - a. Immediately report the loss of issued keys, access cards, etc., to a direct supervisor. The direct supervisor is responsible for contacting the CMPD Human Resources Division to disable access cards immediately.
  - b. If the loss occurs after normal business hours or on weekends or holidays, employees are to call the Charlotte-Mecklenburg Police Department Headquarters (CMPDHQ) security desk to have the authorized credentials deactivated e.g., access cards. If door locks need to be rekeyed, the CMPD facilities manager should be contacted as soon as possible.
  - c. Safeguard and do not share passwords, personal identification numbers (PIN), security tokens (i.e., smartcards), and any other facility or computer system security access procedures.

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5. Properly protect technology from viruses, worms, trojan horses, and other malicious codes.
6. Ensure that web usage is for business-related purposes and does not allow viruses, worms, trojan horses, and other malicious codes access to the CMPD network.
7. Do not use personally owned devices on CMPD computers with CJI access.
8. Use of electronic media is allowed only by authorized CMPD employees. Controls must be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls must be in place to prevent data compromise and/or unauthorized access.
9. Immediately report any physical security incidents, including, but not limited to, loss of printed CJI, laptops, smartphones, thumb drives, CDs, DVDs, etc., to a direct supervisor. Supervisors shall report these incidents to the CTS Division manager and/or the City of Charlotte LASO immediately.
10. Properly release hard copies of CJI to vetted and authorized employees in a secure envelope and shred hard copies when no longer needed. Information should be shared on a need-to-know basis.
11. Ensure data centers with CJI are physically and logically secure.
12. Keep appropriate CMPD security employees informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all CMPD property and all CJI access must be revoked.
13. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped open and take measures to prevent piggyback entries.

#### IV. ROLES AND RESPONSIBILITIES


##### A. Terminal Agency Coordinator (TAC)

The TAC serves as the point of contact at the CMPD for matters relating to CJIS information access. The TAC administers CJIS system programs within the CMPD and oversees the CMPD's compliance with FBI and state CJIS systems policies.

##### B. Local Agency Security Officer (LASO)

Each LASO shall:

1. Identify who is using the state-approved hardware, software, and firmware and ensure no unauthorized individuals or processes have system access.
2. Identify and document how equipment is connected to the state system.

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3. Ensure that employee security screening procedures are being followed as stated in this policy.
4. Ensure the approved and appropriate security measures are in place and working as expected.
5. Support policy compliance and ensure the state's information security officer is promptly informed of security incidents.

C. Agency Coordinator (AC)


An agency coordinator (AC) is a member of the CMPD CTS Division who manages the agreement between private contractor(s) and/or vendor(s) and the CMPD. The AC shall be responsible for supervision and integrity of the system, the training and continuing education of private contractor and/or vendor employees and operators, scheduling of initial training and testing, certification testing, and all required NCIC reporting.

D. Information Technology Support


In coordination with the aforementioned, all vetted CMPD CTS support staff must protect CJI from compromise by:

1. Protecting information subject to confidentiality concerns in systems, archived, and on backup media until destroyed.
2. Being knowledgeable of required CMPD technical requirements and policies and taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit, and at the end of its life cycle.
3. Taking appropriate action to ensure maximum uptime of CJI systems and expediting backup restores by using CMPD-approved best practices for power and data backup, such as generators, and backups of universal power supplies on CJI-based terminals, servers, switches, etc.
4. Properly protecting the CMPD's CJIS system(s) from viruses, worms, trojan horses, and other malicious codes by installing and updating antivirus software on computers, laptops, MDTs, servers, etc., running real-time scans, and ensuring security definitions are updated.
5. Implementing a centralized or decentralized data backup and storage approach.
  - a. Perform data backups and take appropriate measures to protect all stored CJI.
  - b. Ensure only authorized vetted employees transport off-site tape backups or any other media that store CJI that is removed from physically secure locations.



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- c. Ensure any media released from the CMPD is properly sanitized or destroyed.
- 6. Managing access control measures
  - a. Implementing the least privilege principle of ensuring that employees only have access to what they need access to, to perform their job duties, and no more, and separation of duties by ensuring that each task in a high-level technology protocol requires two levels of action before execution.
  - b. Enabling event logging of:
    - (1) Successful and unsuccessful system log-on attempts.
    - (2) Successful and unsuccessful attempts to access, create, write, delete, or change permission on a user account, file, directory, or other system resources.
    - (3) Successful and unsuccessful attempts to change account passwords.
    - (4) Successful and unsuccessful actions by privileged accounts.
    - (5) Successful and unsuccessful attempts made by users to access, modify, or destroy audit log files.
  - c. Preventing authorized users from utilizing publicly accessible computers – e.g., computers at hotel business centers, convention centers, public libraries, public kiosks, or over public wifi – to access, process, store, or transmit CJI.
- 7. Account Management in coordination with TAC
  - a. The CMPD TAC shall ensure that all user IDs belong to currently authorized users.
  - b. Keeping login access current, updated, and monitored. Removing or disabling terminated, transferred, or associated accounts.
  - c. Authenticating verified users as uniquely identified.
  - d. Preventing multiple concurrent active sessions for one user identification for applications accessing CJI unless the CMPD allows multi-session login to meet operational business needs.
  - e. Do not use shared, generic, or default administrative user accounts or passwords to log into devices containing CJI.
  - f. Passwords for systems containing CJI must meet CJIS requirements.

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8. Network infrastructure protection measures are to be consistent with the CJIS security policy and the City of Charlotte Information Security Policy.
9. Communicate and keep employees informed of all scheduled and unscheduled network and computer downtimes, security incidents, and instances of misuse. The ultimate information technology management control belongs to the CMPD.

**E. Front Desk and Visitor Sponsoring Employees**

Administration of the visitor check-in/check-out procedure is the responsibility of the investigative technician in each CMPD facility. In the CMPDHQ, this responsibility belongs to employees assigned to the security desk in the Rotunda.

Before visitors gain access to physically secure areas:

1. Escort employees must acknowledge being responsible for properly evacuating visitors in case of emergency. Escort employees must know appropriate evacuation routes and procedures.
2. Before departure, escort and/or front desk employees must verify that visitors are not leaving CMPD facilities with any CMPD equipment or sensitive data.

All CMPD employees and supporting entities are responsible for reporting any unauthorized physical, logical, or electronic access to their immediate supervisor.


**F. Enforcement**

Violation of any of the requirements in this policy by authorized employees will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution, and/or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the escorting employee and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

**V. REFERENCES**

- 400-004 Use of Technology
- ADM16 City of Charlotte Information Security Policy
- Criminal Justice Information Services (CJIS) Security Policy
- CALEA

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	<b>Interactive Directives Guide</b>		<b>Criminal Process</b>
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I. PURPOSE

This policy establishes procedures for the Charlotte-Mecklenburg Police Department (CMPD) related to properly obtaining and serving judicial orders, arrest warrants, orders for arrest, and criminal summonses.


II. POLICY

CMPD sworn employees are authorized to execute a lawfully issued criminal process and will only do so within the territorial jurisdiction of the CMPD unless otherwise authorized by statute. Employees will exercise discretion when seeking a criminal process against a person and determine which criminal process is appropriate. Employees will consider but are not limited to, the following factors: a person’s prior failure to appear in court, the danger presented by the person, danger to the public, the likelihood of escape, and the seriousness of the offense.

CMPD employees are not authorized to serve a civil process. If another agency requests assistance with serving the civil process, CMPD will be present for the purpose of keeping the peace.

III. DEFINITIONS

- A. Criminal Process: A directive issued by a judicial official that orders the arrest or appearance in court of a person for that person to answer for an alleged crime, infraction, or failure to appear in court. Criminal processes include:
  - 1. Arrest Warrant
  - 2. Order for Arrest (OFA)
  - 3. Criminal Summons
- B. Arrest Warrant: An order issued by a judicial official directing law enforcement officers to locate and arrest a person based upon probable cause to believe that the person has committed a crime.
- C. Order for Arrest (OFA): An order issued by a judicial official directing law enforcement officers to take a person into custody based upon an indictment, a failure to appear in court, a probation violation, or an order of contempt.
- D. Criminal Summons: An order issued by a judicial official directing a person to appear in court and answer for a charge based on probable cause to believe that the person has committed a crime or infraction.
- E. Intrastate Warrant: An arrest warrant issued by a judicial official in a North Carolina jurisdiction other than Mecklenburg County.
- F. Interstate Warrant: An arrest warrant issued by a jurisdiction outside of North Carolina.
- G. Fugitive Warrant: An arrest warrant issued in North Carolina that authorizes the arrest of a person from another state who has been formally charged with a crime in that state that is punishable by more than one (1) year of imprisonment.


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- H. Medical Warrant: An arrest warrant issued at the request of the Mecklenburg County Health Department under Chapter 130A of the NC General Statutes for a person with a contagious disease who has not undergone the required treatment.
- I. Involuntary Commitment Order (IVC): An order issued by the Clerk of Superior Court or a magistrate directing a law enforcement officer to immediately transport a person to a directed facility for examination by a physician or eligible psychologist.
- J. E-Warrant: Automated warrant issuance and tracking repository that allows real-time, paperless issuance, service, and tracking of arrest warrants, orders for arrest, magistrate orders, and criminal summonses.
- K. National Crime Information Center (NCIC): National repository of warrants for serious misdemeanors and felonies.

#### IV. PROCEDURE

##### A. Criminal Processes Databases

1. Division of Criminal Information/National Crime Information Center (DCI/NCIC)
  - a. DCI/NCIC will be checked for persons with outstanding criminal processes nationwide.
  - b. Prior to arresting and transporting a person to the Mecklenburg County Intake Center (Intake), the Communications Division must verify that an arrest warrant in DCI/NCIC is valid and that the entering agency will extradite the person.
2. E-Warrants
  - a. E-Warrants will be checked for persons with outstanding criminal processes statewide.
  - b. Prior to arresting and transporting a person to Intake with an outstanding arrest warrant in E-Warrants, the warrant will be electronically verified.
  - c. Arrest warrants that are not electronically verified must be verified through the Communications Division.
3. Local Warrants
  - a. Local warrants will be checked for persons with outstanding criminal processes issued in Mecklenburg County.
  - b. Prior to arresting and transporting a person to Intake with an outstanding arrest warrant in Local Warrants, the Communications Division must verify the warrant through the Mecklenburg County Sherriff's Office.


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4. CJLeads
  - a. CJLeads may be checked for persons with outstanding criminal processes statewide.
  - b. Prior to arresting and transporting a person to Intake with an outstanding arrest warrant in CJLEADS, the warrant must be verified through E-Warrants or the Communications Division.
  
- B. Initiating Misdemeanor and Felony Criminal Process
  1. In all but exceptional circumstances, an officer will seek to obtain a criminal process from a magistrate. To obtain an arrest warrant or criminal summons:
    - a. A criminal process must be added in E-Warrants when probable cause exists.
    - b. The entry must show a status of complete.
    - c. A temporary file number (TMP) is required for the magistrate to review the pre-entered information to consider the criminal process request.
      - (1). Misdemeanor Warrants
 

When an arrest warrant is sought for a misdemeanor offense, and a civilian victim/complainant is involved, that person must request the criminal process in person from the magistrate unless there is a compelling reason that would prevent them from doing so. In that situation, an officer is authorized to request the warrant; however, the victim/complainant will be considered the prosecuting witness (e.g., shoplifting). Officers will seek the appropriate criminal processes in compliance with Directive 600-005 Domestic Violence.
      - (2). Felony Warrants
        - (a). District Attorney pre-approval is not required to obtain a felony warrant. A felony warrant may only be requested by a law enforcement officer.
        - (b). Employees will adhere to Directive 900-013 District Attorney's Papering Process when a person is arrested on a felony charge.
  2. When seeking a fugitive warrant, a written confirmation (printout of DCI transmission) that the originating agency desires to extradite the arrestee must be obtained first.
  3. The officer who obtains a fugitive warrant will forward a copy of any reports, arrest sheets, and DCI transmissions to the Violent Criminal Apprehension Team (VCAT) prior to the end of their tour of duty.

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4. When a person is arrested by another jurisdiction in North Carolina pursuant to a warrant obtained by CMPD, the division/unit assigned to the case is responsible for transporting the prisoner to Mecklenburg County. If the division/unit cannot provide transportation, the VCAT sergeant will request that a patrol officer(s) pick up and transport the arrestee.
  5. The extradition of a wanted person in a CMPD case from another jurisdiction outside of North Carolina will be determined by the charging officer/detective. The charging officer/detective may consult with a supervisor, VCAT, or Operations Command for extradition guidelines or approval for extradition in exceptional cases. VCAT or Operations Command must be notified when a warrant involving an extradition status is entered into NCIC. Out-of-state prisoner pick-ups must be coordinated by VCAT.
  6. Written approval from the District Attorney's Office must be obtained before seeking a warrant or criminal summons from the magistrate for offenses against school employees, as defined in N.C.G.S. 14-33(c)(6), while discharging their duties. This requirement does not apply to traffic offenses, offenses that occur in the presence of an officer, or offenses involving actions by school employees outside the performance of their duties. (N.C.G.S. 15A-301)
- C. Serving Legal Criminal Processes
1. An officer will execute criminal process providing:
    - a. The judicial official who issued the criminal process has jurisdiction.
    - b. The criminal process appears complete and regular on its face.
    - c. The officer is within their jurisdiction.
    - d. The officer has no reason to disbelieve the existence of probable cause.
    - e. The officer has verified that the criminal process is outstanding.
    - f. The officer has probable cause to believe the person to be arrested or served is the person named or described on the face of the criminal process and takes into consideration the descriptive information contained in the criminal process (i.e., the person's name, race, sex, date of birth, and address).
  2. Service Copies
    - a. Arrest warrants and orders for arrest (OFAs) obtained prior to January 2013 are housed in the Central Repository.
    - b. Criminal processes obtained after January 2013 are maintained electronically in E-Warrants. Original copies obtained through E-Warrants are dated, time-stamped, and only valid for twenty-four (24) hours.

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- c. A service copy of the warrant or OFA will be obtained after the original is verified as valid/outstanding and will be used in the following circumstances that require the warrant or OFA to be in hand at the scene of arrest:
  - (1). When an officer intends to force entry to execute an arrest warrant or OFA at a location where the person to be arrested lives.
  - (2). When a search warrant is obtained prior to a forcible entry of third-party premises for the purpose of locating and arresting a person named in an arrest warrant or OFA.
- d. A service copy of warrants for arrest or OFA signed out from the Central Repository must be returned immediately following a successful or unsuccessful attempt at service.

### 3. Criminal Summons

A criminal summons is a statement of a crime/infraction for which there is probable cause. A criminal summons does not authorize an officer to take the person into custody; rather, it is delivered to or “served” on the person. A criminal summons directs the person to appear in court to answer a criminal charge and is issued in any criminal case (or infraction) where it is not necessary to arrest the person or establish conditions of pretrial release.

A brief detention is authorized to serve criminal processes (citations, criminal summons, nontestimonial orders, and subpoenas) where the person is not taken into custody but should use discretion in detaining a subject for a minor offense. Officers will consider, but are not limited to, the below factors before detaining a person to serve a criminal summons:

- a. Seriousness of the offense.
- b. Danger presented by the person as well as danger to the public.
- c. The person with the criminal summons is a suspect in other, more serious crimes.
- d. Officers who encounter a person who has a confirmed active criminal summons will attempt to serve the criminal summons on that person by the following procedure:
  - (1). Print a defendant’s copy of the criminal summons and give it to the person.
  - (2). Print and sign an original copy of the criminal summons and turn the original copy into the Records Division to be taken to the Clerk of Court.
  - (3). Enter notes in the process tracking page of E-Warrants indicating the criminal summons has been served.

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- e. The criminal summons will specify a certain date and location for the defendant to appear in court. If the court date has passed or is within the next seven (7) weekdays, the employee must change the date for the defendant's appearance. To change the date:
  - (1). Enter notes in the process tracking page of E-Warrants indicating the criminal summons has been served, changing the court date on the criminal summons to any date court is in session thirty (30) days in the future.
  - (2). Print the defendant's copy of the criminal summons showing the amended court date and give this copy to the defendant.
  - (3). Print and sign an original copy of the criminal summons with the amended court date and turn this copy into the Records Division for return to the Clerk of Court.
  
4. Misdemeanor and Felony Warrants
  - a. After a warrant has been verified, electronically or by the Communications Division, the arrestee will be transported to Intake.
  - b. Arrest Processing Web will be completed prior to transporting the arrestee to Intake.
  - c. Employees will be provided a copy of the warrant to be completed and returned after serving it on the arrestee.
  - d. After the arrestee clears the jail nurse, the arresting officer/detective may leave Intake.
  
5. Orders for Arrest (OFA)
 

An OFA differs from an arrest warrant in that it does not specify a criminal charge. Any judicial official is authorized to issue an OFA, which is often issued following a person's failure to appear in court or an indictment by a grand jury. It is executed by taking the person into custody.
  
6. Domestic Violence Protection Orders (DVPO)
  - a. CMPD does not serve Domestic Violence Protective Orders.
  - b. Officers who encounter a person violating a DVPO will arrest the person for the violation as outlined in Directive 600-005 Domestic Violence.
  
7. Involuntary Commitment Orders (IVC)
 

The following process will be utilized to serve involuntary commitment orders.

  - a. The Magistrates Office will fax the IVC to the Communications Division.



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- b. The Communications Division will email a PDF copy of the IVC to the sergeant distribution list for the patrol division in which the person listed in the IVC is reported to be and create an IVC call for service in CAD to be assigned to the patrol division sergeant.
- c. The patrol division sergeant will complete or delegate a workup using various database searches (F7, KBCOPS, CJLEADS, etc.). The sergeant or designee will notate in CAD when the workup is complete and if additional resources are needed. Based on the finding of the workup, the sergeant will assign the proper number of patrol officers and resources to the call for service or may hold the call for service to acquire additional resources/determine a more appropriate response.  
  
Note: Officers present with a person or have had information already relayed to determine a safe and appropriate response do not need to prepare a workup.
- d. After the call for service is complete, the responding officer(s) will document in CAD and/or KBCOPS the outcome of the IVC service, including if the person resisted, had a weapon, communicated a threat, if a less lethal device was deployed, or if there was a response to resistance.
- e. Based on the CAD/KBCOPS documentation, the Community Wellness Division and CPCRT will document the outcome of the IVC so that information will be included in the F7 for future intel gathering.

8. Medical Warrants


Employees involved in the arrest of a person on a medical warrant will take all reasonable precautions to protect himself or herself from the contagious disease and will wear personal protective equipment (i.e., protective gloves, facial masks, etc.). Employees will contact their supervisor and the exposure control officer if there are any questions concerning the possibility of contagion, methods for preventing the spread of infection, or the proper care of persons who are ill.

9. Search Warrants

Employees executing a search warrant will adhere to procedures outlined in Directives 500-004 A-D.

10. Fugitive Warrants

- a. Prior to arresting and transporting a person to Intake, the Communications Division must verify that a fugitive warrant is valid.
- b. The Non-Arrest Form in Arrest Processing Web will be completed prior to arrival at Intake.

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11. Violent Criminal Apprehension Team (VCAT) Criminal Process

- a. In adherence with the VCAT SOP, violent felony warrants that are considered VCAT investigations include but are not limited to murder, rape (1<sup>st</sup> or 2<sup>nd</sup> degree), serious ADWs, ADW series, armed robbery, or out-of-county/state fugitives with violent felony warrants.
- b. Prior to serving a criminal process related to a violent felony charge, the officer/detective attempting to serve the process must coordinate with the VCAT sergeant or on-call VCAT detective to ensure that efforts will not compromise or hinder current or future VCAT investigations if the person in question is not already listed in deconfliction. To prevent duplicative efforts or an opportunity for a person to flee, employees should not attempt to conduct apprehension investigations or efforts on qualifying VCAT cases.
- c. This directive does not prevent officers from:
  - (1). Responding to a call for service regarding a person with a qualifying VCAT warrant. If a 911 call for service is received regarding the location of a person with a violent felony warrant, the officer should check deconfliction and coordinate with VCAT prior to responding. However, the need to respond to the needs of the public will be adhered to while not compromising ongoing VCAT investigations.
  - (2). Taking the appropriate action to safely take a person with a violent felony process into custody if the officer observes the person walking in a public area or into a business/residence and can positively identify the person.
  - (3). Responding to LPR hits for a person with a violent felony warrant.
  - (4). Taking efforts to locate a person when there is an immediate public safety need to apprehend a person who poses an imminent threat to others or the public.
  - (5). Attempting to locate a person immediately following a violent felony offense when probable cause exists to arrest a person for a violent felony prior to a criminal process being obtained.
- d. The need to protect the public from ongoing criminal acts will be taken into consideration when deciding to move forward with the apprehension investigation or efforts to serve a violent felony criminal process.

D. Reporting Requirements

1. CAD

Employees will document in CAD when an arrest is made, the arrestee's name, date of birth, race, criminal charges, and the address of the service.

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2. KBCOPS

- a. When a visual arrest is made, a KBCOPS report with the appropriate offense will be completed.
- b. If serving an arrest warrant, the arresting officer will supplement the original KBCOPS report with the arrest number and may notify the assigned investigator of the arrest via email.

V. REFERENCES

N.C.G.S. 122C-261  
 N.C.G.S. 14-33(c)(6)  
 N.C.G.S. 15A-301  
 N.C.G.S. 15A-304  
 500-004-A Conducting Person Searches  
 500-004-B Conducting Searches of Structures  
 500-004-C Conducting Vehicle Searches  
 500-004-D Search Warrants  
 600-005 Domestic Violence  
 800-003 DCI Access and Messages  
 900-013 District Attorney's Papering Process  
 VCAT SOP  
 CALEA

The previous version of Directive 500-001 Criminal Process was published on 06/29/2020.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>500-002</b>
	<b>Interactive Directives Guide</b>	<b>Confinement of Arrestees and Booking Procedures</b>	
	<b>Effective Date: 7/19/2023</b>		<b>1 of 6</b>

I. PURPOSE


This policy provides guidelines to Charlotte-Mecklenburg Police Department (CMPD) employees for processing and booking arrestees at the Mecklenburg County Intake Center and watch procedures for hospitalized arrestees. For the purpose of this directive, the term officer will apply to all sworn CMPD employees.

II. POLICY


CMPD employees will follow all procedures for processing and booking arrestees as outlined in this directive.

III. PROCEDURE

- A. Only officers with arrestees in their custody will park in the secured parking area of the Mecklenburg County Intake Center (Intake Center). Officers without arrestees will park at adjacent facilities and utilize the public entrance.
- B. The arresting officer will complete the required information in the Mecklenburg County Arrest Processing System (Arrest Processing Web) prior to arriving at the Intake Center with an arrestee. The information will include the following:
  - 1. Information pertinent to the elements of the particular offense(s) being charged and a summary of the arrest.
  - 2. Any additional information the arresting officer wishes the District Attorney's Office to consider during the arrestee's first appearance.
- C. When bringing an arrestee to the Intake Center's booking area for processing, the officer will obtain the following:
  - 1. An arrest number for the person being processed.
  - 2. Information regarding any other warrants or orders for arrest that may be outstanding for that arrestee.
- D. During processing, all arrestees will be kept away from the data entry area of the Intake Center. Benches or holding cells are provided and will be utilized for this purpose.
- E. Upon completion of the positive identification process, the arresting officer will provide direct testimony of the facts of the case to the magistrate. The officer will provide any additional information for the magistrate to consider while setting the bond (i.e., the arrestee's willingness or unwillingness to cooperate, physical resistance by the arrestee, or any other information related to the arrest).
- F. The magistrate will determine if probable cause exists and set the arrestee's bond for release. Once the terms of release have been set and provided to the arrestee, custody of the arrestee will be relinquished to the Mecklenburg County Sheriff's Office (MCSO). At this time, the arresting officer has completed the booking process and may leave the Intake Center and resume regular duty.

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- G. Officers serving warrants or OFAs that do not require testimony to the magistrate will complete the arrest process to the point of positive identification. When positive identification is received, the officer will relinquish the arrestee to the MCSO. The officer does not need to see the magistrate.
- H. If the intoxilyzer test is to be administered, the arresting officer must witness the test. If the intoxilyzer test results indicate a blood alcohol reading of .35 or higher or medical personnel at the jail recommend medical attention, the person tested will immediately be taken to a nearby hospital.
- I. Arresting officers are required to collect DNA samples from arrestees charged with qualifying offenses under N.C.G.S. 15A-266.3A and will do so in adherence with Directive 500-004-A Conducting Person Searches. The following procedures only apply to CMPD arrests being made with a warrant. The MCSO will collect DNA samples on warrantless arrests for qualifying offenses. A list of qualifying offenses can be found on the CMPD Portal Page.
1. Officers must verify the identity of the arrestee prior to the collection of the DNA sample. The NCIC Criminal History Check will also indicate if a DNA sample needs to be taken from the arrestee. Officers must ensure that the arrestee is being charged with a qualifying offense.
  2. SBI buccal swab kits will only be utilized in accordance with provided training and the instructions in the kit. The SBI buccal swab kits will be available at the Intake Center. Officers will, in all cases, complete the SBI DNA Database Collection Card and provide the arrestee with the written notice of expungement procedures.
  3. Officers will ensure that the completed SBI buccal swab kit is properly packaged and labeled before submitting it to the Intake Center sheriff deputies. Officers will document the collection of all DNA samples in the KBCOPS case report.
  4. Force will not be used in the collection of DNA samples. Arrestees refusing to submit to the collection of DNA will be referred to the Magistrate's Office, where the collection will be made a condition of release.
- J. Any officer arresting a person who is unconscious or seriously injured will immediately evaluate the state of health of that individual and obtain any necessary medical attention as outlined in N.C.G.S. 15A-503. Officers will make every effort to check for any medical alert bracelets or necklaces containing the emergency alert symbol.
1. In addition, if the officer is unable to make a proper evaluation, the immediate supervisor and MEDIC will be summoned to assist in determining the person's state of health.
  2. When an arrestee in custody is transported to a hospital, the transporting officer will remain with the arrestee and notify the immediate on-duty supervisor.
  3. The following procedures will be followed when an arrestee is admitted to the hospital.

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For the purpose of this directive, admitted to the hospital is defined as an arrestee who is placed in an inpatient care unit other than the emergency department and will generally stay overnight. The transporting officer shall consult hospital staff when there is a question as to if an arrestee has been admitted.

a. If the arrestee is admitted and in custody for a misdemeanor offense, the transporting officer can do one of the following:


- (1). Complete the [Prisoner Medical Discharge Notification Form](#).
- (2). Complete the required information in the Mecklenburg County Arrest Processing System (Arrest Processing Web), present the case to the magistrate, and seek a warrant before the end of the officer's tour of duty.
- (3). Issue a citation and release the person from custody, except in domestic violence cases where an arrest is mandatory.

Note: If the arrestee has been assigned an arrest number at intake and the officer decides to issue a citation, the immediate on-duty supervisor must call the Intake Center to cancel the arrest.

- (4). The officer or supervisor can request a prisoner watch through their chain of command if needed. The chain of command will determine if the prisoner watch is needed based on the circumstances presented.


b. If the arrestee who is admitted is under arrest for a felony offense and/or violent misdemeanor and cannot be released from custody for public safety, security, or legal reasons, a prisoner watch can be initiated at the discretion of the deputy chief of patrol or their designee. Operations Command will coordinate the response. The prisoner watch will ensure the following:

- (1). Adherence to hospital rules regarding visitation.
- (2). That sufficient personnel are assigned to guard the arrestee.
  - (a). The division in which the incident occurs is responsible for providing security for the first twenty-four (24) hours.
  - (b). When it becomes evident that the security duties will last longer than twenty-four (24) hours, the arresting unit will request assistance from Operations Command, who will coordinate a prisoner watch schedule for continued security.
- (3). That a log is kept identifying personnel assigned to guard the arrestee, including:

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- (a). The appropriate complaint number on top
  - (b). Officer's name
  - (c). Officer's code number
  - (d). Officer's assignment
  - (e). Date and time of duty
  - (f). Visitor's name with the date and time of the visit
- (4). Upon the arrestee's release from the hospital, the log will be scanned into the case file, and the original will be given to the officer in charge of the case.
  - (5). That without unnecessary delay, the person arrested is advised of his or her statutory right to communicate with counsel, family, and friends.

In the event the arrestee's counsel desires to meet with the arrestee, Operations Command shall ensure that the meeting locations are sufficiently private to maintain the attorney-client privilege. Under no circumstances will officers observe or record any communications between the arrestee and his or her attorney.
  - (6). No one is allowed to bring any items (packages, overcoats, etc.) into the arrestee's room except the arrestee's lawyer may bring a recorder, legal pad, or other items to assist with providing legal counsel.
  - (7). In the event of a legitimate objective security concern for the arrestee, the right of the arrestee to communicate with friends and family may be temporarily suspended.
  - (8). Only one family member or friend will be allowed to meet with the arrestee at a time. Before meeting with the arrestee, the family member or friend must consent to a pat-down search for weapons; otherwise, access to the arrestee will be denied.
  - (9). No visitor will be allowed to have physical contact with the arrestee except for legal counsel to obtain a signature.
- c. Operations Command may set up a specific time, in accordance with hospital rules, that friends and family are allowed to meet with the arrestee. However, legal counsel requests to meet with the arrestee will be granted as soon as reasonably possible. If the initial officer deems it necessary, additional officer(s) may be requested to respond to the hospital for security at times when visitors are expected.
  - d. The officer assigned to the case shall be notified if:

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- (1). Any visit is made or attempted.
  - (2). The arrestee requests to make any statement.
  - (3). The condition of the arrestee significantly changes.
  - (4). The arrestee is discharged from the hospital.
- e. The original arresting officer must complete the required information in the Mecklenburg County Arrest Processing System and present the case to the Magistrate Office and seek a warrant before the end of the officer's tour of duty.
  - f. It is necessary to have proof of medical release with the arrest report before confinement to the jail will be permitted.
  - g. Assigned officers may sit directly outside the arrestee's room in a position that allows them to observe any entry or exit.
  - h. Assigned officers will enter the room with any visitor, except the arrestee's legal counsel or medical personnel, while the arrestee's case or medical condition is being discussed.
  - i. Assigned officers will coordinate with hospital staff to ensure that arrestees are only provided with plastic eating utensils.
  - j. Before the end of the officer's tour of duty, officers will complete a narrative supplement in KBCOPS under the appropriate complaint numbers detailing any activity during the officer's rotation at the hospital.

- K. Officers will report any information which indicates that the arrestee is likely to be suicidal to the medical screening personnel at the jail. Officers will ensure that the information is documented by the appropriate jail personnel and will indicate in a KBCOPS supplement that the notification was given.


If the magistrate finds no probable cause (NPC), the officer will obtain any property of the arrestee collected by the deputy and immediately leave the Intake Center. Officers will:

1. Contact the immediate on-duty supervisor.
2. Ask the former arrestee if the officer can take them back to the location of arrest, if safe to do so.
3. If the former arrestee does not wish to be transported, the officer will release the former arrestee immediately from the Intake Center.

#### IV. REFERENCES


500-001 Criminal Process  
500-008 Prisoner Transport



<b>POLICE</b>	<b>Charlotte-Mecklenburg Police Department</b>		<b>500-002</b>
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500-004-A Conducting Person Searches  
 N.C.G.S.15A-501  
 N.C.G.S 15A-503  
 N.C.G.S 15A-266.3A  
 Prisoner Medical Discharge Notification Form  
 CALEA

The previous version of Directive 500-002 Confinement of Arrestees and Booking Procedures was published on 06/22/2022.

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## I. PURPOSE

This policy establishes guidelines and procedures for Charlotte-Mecklenburg Police Department (CMPD) employees when in contact with a person experiencing a mental health crisis who may be at risk of death and require proper medical care.

## II. POLICY

CMPD recognizes and respects the integrity and paramount value of human life. Consistent with this value, CMPD is committed to protecting the safety of all persons, including those who are experiencing a mental health crisis.

This policy will provide employees with information to assist in identifying persons experiencing a mental health crisis who may be at risk of death during restraint encounters, identifying persons who have a mental illness that requires assistance and/or access to community mental health resources, managing situations in a manner that minimizes the risk to all persons involved, and facilitating medical care for persons as soon as practical.


## III. DEFINITIONS

- A. **At-Risk Person:** Any person physically or mentally challenged who poses a risk to themselves or others (e.g., mental disorders, suicidal, patients with Alzheimer's, diabetics, or special needs according to the American Disabilities Act (ADA) regulations).
- B. **De-escalation:** The application of verbal and nonverbal techniques or strategies to reduce the intensity of interactions and the potential for physical altercations.
- C. **Excited Delirium Syndrome:** A serious and potentially deadly medical condition involving psychotic behavior, elevated temperature, and an extreme fight-or-flight response by the nervous system.
- D. **Mental Health Crisis:** An incident in which a person experiences or displays intense feelings or personal distress (e.g., anxiety, depression, anger, fear, panic, hopelessness, etc.) they are unable to manage with their ordinary coping strategies and may cause disruptions in thinking (e.g., visual or auditory hallucinations, delusions, cognitive impairment, etc.). A mental health crisis can result from mental illness, an intellectual or developmental disability, a personal crisis, or the effects of drugs or alcohol.
- E. **Mental Illness:** Any condition characterized by impairment of a person's normal cognitive, emotional, or behavioral functioning and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.


## IV. PROCEDURES

### A. Mental Illness

When responding to a call for service or conducting an interview/interrogation, employees may encounter situations where they interact with a person suspected of suffering from a mental illness.

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1. Employees are not required to make a diagnosis of whether a person is mentally ill or what form of mental illness a person may have but will use reasonable judgment and utilize their training to assist in recognizing and evaluating a person who may be suffering from a mental illness.
  - a. Verbal Cues
    - (1). Illogical thoughts (sharing a combination of unrelated or abstract topics, expressing thoughts of greatness, indicating ideas of being harassed or threatened, exhibiting a preoccupation with death, germs, guilts, or other similar ideas).
    - (2). Unusual speech patterns (nonsensical speech or chatter, word repetition, pressured speech, extremely slow speaking).
    - (3). Verbal hostility or excitement (talking excitedly or loudly, being argumentative, belligerent, or unreasonably hostile, threatening harm to self or others).
  - b. Behavioral Cues
    - (1). Physical appearance (inappropriate clothing to the environment).
    - (2). Body movements (strange postures or mannerisms, lethargic and sluggish, pacing, repetitive/ritualistic movements).
    - (3). Seeing, smelling, or hearing things that cannot be confirmed.
    - (4). Confusion about or unawareness of surroundings.
    - (5). Lack of emotional response.
    - (6). Causing injury to self.
    - (7). Nonverbal expression of sadness or grief.
    - (8). Inappropriate emotional reactions (overreacting to situations in an overly angry or frightening way, reacting with the opposite of expected emotion).
  - c. Environmental Cues
    - (1). Strange decorations (aluminum foil, pentagrams, etc.).
    - (2). Hoarding of items (garbage, newspapers, etc.).
    - (3). Presence of feces or urine on floors or walls.

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2. The following guidelines should be utilized when interacting with a person who may be suffering from a mental illness.
  - a. Collect as much information on the person as possible from all sources before intervening.
  - b. Take your time and eliminate noise and distractions, recognizing that the person may be overwhelmed by external and internal stimuli.
  - c. Remain calm and avoid overreacting.
  - d. Talk simply and slowly.
  - e. Be helpful, patient, and accepting but firm and professional.
  - f. Understand that a rational discussion may not take place.
  - g. Indicate a willingness to understand.
  - h. Recognize that a person's delusions or hallucinations are very real for them.

**B. Excited Delirium**

1. Excited delirium is a potentially life-threatening condition most commonly seen in males with a history of serious mental illness and/or acute or chronic drug abuse, particularly stimulant drugs such as cocaine, crack cocaine, methamphetamines, amphetamines, or similar agents. Alcohol or substance withdrawal or head trauma may also contribute to excited delirium.
2. MEDIC and/or CFD will be requested immediately if excited delirium is suspected.
3. Persons experiencing excited delirium may be a risk to themselves, the officer, and bystanders. The person may exhibit a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent or bizarre behaviors, insensitivity to pain, hyperthermia, and increased strength.
4. It is important for officers to recognize when a person may be experiencing excited delirium because the person could potentially die without proper medical attention. The following signs may be exhibited:
  - a. A person's ability to focus, sustain, or shift attention is impaired, and they are easily distracted.
  - b. A person may be incoherent or ramble, and it may be difficult or impossible to engage with the person in conversation.
  - c. A person may exhibit signs of paranoia, fear, and excitability. The presence of police officers may further heighten this feeling.
  - d. A person may be disoriented regarding time and/or locations, suffer from misleading perceptions, and/or experience hallucinations or delusions.

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- e. A person may remove one or more clothing items due to elevated body temperature.
  - f. A person may possess unusual strength and endurance and appear impervious to pain.
  - g. A person's symptoms can progress into agitation, anger, and aggressiveness.
  - h. A person may have a tendency towards violence against people, as well as inanimate objects, particularly glass.
5. Once it is determined that a person may be experiencing excited delirium, the incident will be managed as a medical emergency, in addition to whatever law enforcement response may be required under the circumstances, including the use of reasonable force.

**C. Positional and Restraint Asphyxia**


- 1. Positional asphyxia occurs when the person's body position interferes with their ability to breathe. The inability to breathe adequately creates a lack of oxygen, which may result in unconsciousness or suffocation (asphyxiation). The inability to breathe correctly may result from the body's position interfering with the muscular or mechanical function of breathing, from the compromising or blocking of the airway, or from some combination of the following:
  - a. Hog-tied (handcuffed behind the back, feet bound and raised toward hands, and placed face down) is a body position that can contribute to positional asphyxia. Positional asphyxia may occur when the person is restrained in another position (e.g., handcuffing a person behind the back, which is the preferred method for safety reasons) and is placed face down.
  - b. Additional factors that may increase the risk of positional asphyxia include:
    - (1). Obesity
    - (2). Alcohol and substance use
    - (3). Enlarged heart
    - (4). Physical injury
- 2. Restraint Asphyxia is typically caused by a combination of exhaustion, exertion, fear, and restricted breathing due to restraint or the response to resistance.

**D. Role of a Law Enforcement Officer**

- 1. When an officer responds to an incident involving a person in a mental health crisis, the officer will, as soon as practical, request MEDIC and/or CFD (if not initially dispatched), designate a safe location for MEDIC and/or CFD to stage until the scene is secured, and notify their supervisor.

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2. Division supervisors will respond to the scene in instances of a person suspected of experiencing excited delirium, positional asphyxia, or restraint asphyxia.
3. Officers responding to a mental health crisis should request an on-duty Crisis Intervention Team (CIT) officer and/or the Community Policing Crisis Response Team (CPCRT) to respond to the scene. If necessary, the Mecklenburg County Mobile Crisis Team (MCT) can also be requested to respond. CIT officers, CPCRT, and MCT will serve as the gateway to community mental health resources. CPCRT and/or MCT will:
  - a. Assist in stabilizing the situation.
  - b. Complete a mental health assessment, if necessary.
  - c. Make referrals/linkages to the Alliance Health partnerships or other vital services as needed.
  - d. Conduct follow-up assessments.
4. If CPCRT and/or MCT are unavailable, officers will assess the situation and take appropriate action as needed.
5. If a person appears unarmed, does not pose an immediate threat to escape, or does not pose an immediate threat to the physical safety of themselves, officers, or other persons, the initial arriving officer will wait until backup arrives before attempting to approach the person. Officers will, if practicable, contain the person while maintaining a safe distance. The objective in this situation is to gain the person's voluntary cooperation. One (1) or more of the following may assist in achieving the person's cooperation:
  - a. Attempt to de-escalate the situation. Ideally, only one (1) officer should converse with the person. The officer should turn down their radio, project calmness and confidence, and speak in a conversational and non-confrontational manner. Whenever possible, the officer should determine if the person can answer simple questions, which can give the officer an idea of the level of coherence of the person.
  - b. Remember, a person's mind may be racing or delusional; officers should be patient and may need to repeat statements and questions several times.
  - c. If beneficial and safe to do so, an officer may enlist the assistance of a family member or another person who has a rapport with the person or a mental health professional who can safely participate in attempting to gain the person's cooperation.
6. If the person is armed, combative, or otherwise poses an immediate threat to the physical safety of themselves, officers, or other persons, officers shall employ the amount of force that is reasonable and necessary to protect themselves and others at the scene and to take the person into custody. To practical extents, efforts


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should be made to minimize the intensity and duration of the person’s resistance and to avoid engaging in a potentially prolonged struggle.

7. Officers will adhere to Directive 600-019 Response to Resistance and local medical protocols when attempting to stop a person from resisting arrest or harming themselves or others (e.g., use of physical restraints, OC, Taser, etc.).

Officers should use the following control techniques:

- a. Once physical restraints have been applied, if the person is behaving in a manner that could potentially cause self-harm or harm to officers, the person may be held in the prone position as it affords the officers on the scene the safest and most efficient means of controlling the person.
  - b. As soon as it is safe for the person and officers on the scene, the person should be rolled onto their side to reduce the likelihood of positional asphyxia or airway compromise. Officers should position themselves in a kneeling position beside the person to provide positional support.
  - c. Officers will closely and continuously monitor the person for signs of medical distress such as labored or irregular breathing, unresponsiveness, incoherence, or verbal indications. Officers will notify MEDIC and/or CFD of any observed changes in a person’s condition via the Communications Division. Officers should continue to attempt to communicate, calm the person, and obtain medically relevant information (e.g., drugs ingested, known medical conditions, etc.).
  - d. If the person becomes unresponsive and stops breathing, handcuffs should be removed, and the person should be placed on their back to begin Cardiopulmonary Resuscitation (CPR).
8. Officers will notify MEDIC and/or CFD via the Communications Division of any force applied to a person. Once MEDIC and/or CFD arrive on the scene, officers will provide a detailed description of the force used, the level/intensity of resistance by the person, and any relevant medical information.
  9. If an officer has reason to believe the person ingested contraband, the officer will:
    - a. Immediately contact MEDIC and/or CFD and have the person evaluated by emergency medical personnel.
    - b. Notify their immediate supervisor.
    - c. If the person is not under arrest, ensure that the arrest process continues and the person remains under arrest. The division commander or Operations Command will determine if there is a need to maintain a rotation to guard the person.
    - d. Advise Mecklenburg County Intake personnel anytime a person has been treated for ingesting contraband.

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10. If an arrest is appropriate, the arrest process will be completed upon the person's release from the medical facility.
11. If MEDIC transports the person to a medical facility, officers will maintain custody of the person.


**E. Role of the Communications Division**

1. Telecommunicators may recognize a potential case of excited delirium; in this case, they will communicate their observations to the responding officers, contact MEDIC and/or CFD, and request that a CIT officer respond to the incident if available.
2. Telecommunicators are responsible for informing responding officers that MEDIC and/or CFD is responding and their ability to stage.
3. Telecommunicators will immediately relay information provided by officers about a person in a mental health crisis to MEDIC and/or CFD to include, but not limited to, scene security, the person's condition, changes to the person's condition, if officers believe the person ingested contraband, and force applied to the person by officers.

**F. Role of MEDIC and/or CFD**

1. In accordance with MEDIC dispatch protocols, MEDIC and/or CFD will respond to the staging area of a mental health crisis and await notification that the scene is secure.
2. MEDIC and/or CFD should evaluate and administer appropriate medical care to the person.
3. If a person is determined to be at risk for positional asphyxia, restraint asphyxia, or excited delirium, MEDIC should transport the person to an emergency medical facility.
4. For a mental health crisis where a person is not at risk for positional asphyxia, restraint asphyxia, or excited delirium, MEDIC and/or CFD should evaluate the person to determine if there is a need for MEDIC to transport to an emergency medical facility. If emergency medical personnel determine a person does not need to be transported by MEDIC and advise an officer can transport the person, the transporting officer will properly document the emergency medical personnel's decision and monitor the person's breathing closely. When possible, the transporting officer should have a second officer accompany them to monitor the person. If a second officer is unavailable, the transporting officer should stop the vehicle periodically and confirm that the person is conscious, alert, and can breathe normally.



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G. Community Mental Health Resources

1. The following guidelines should be utilized when seeking assistance or accessing community mental health resources.
  - a. Evaluate prior contact with police to include:
    - (1). Type of problem
    - (2). Prior violence
    - (3). Method of resolution
  - b. Gather information regarding the situation from family members, neighbors, and/or complainant(s).
2. Community mental health resources include, but are not limited to:
  - a. Alliance Health
 


Alliance Health is the Managed Care Organization (MCO) for Mecklenburg County, which is the service delivery organization for mental health, substance use disorder, and developmental disability services.
  - b. Community Assistance: Response, Engage, Support Team (CARES)
 

CARES is a civilian-only response team consisting of two (2) masters-level clinicians who respond to or assist in responding to low-level, non-violent calls for service related to homelessness and mental health. CARES is currently only available in Central and Metro Division, Monday-Friday from 0700-1500 hours.
  - c. Community Policing Crisis Response Team (CPCRT)
 

CPCRT consists of crisis intervention team (CIT) trained officers paired with masters-level mental health clinicians who respond to or assist in responding to incidents involving a mental health crisis. See the Community Policing Crisis Response Team SOP.
  - d. Crisis Intervention Team (CIT)
 

CIT consists of officers who have received specialized training to de-escalate mental health crisis situations involving at-risk persons and divert persons into treatment services in partnership with community providers. See the Crisis Intervention Team (CIT) SOP.
  - e. Mecklenburg County Mobile Crisis Team (MCT):
 

MCT consists of masters-level clinicians, clinical social workers, and professional counselors contracted with The Sante' Group, who have extensive training in de-escalation and mental health crisis intervention and

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can assist CMPD employees in interacting with a person experiencing a mental health crisis. MCT is available 24/7/365.

H. Mental Health Training

1. Entry-Level Training

CMPD employees who may be expected to come into contact with or communicate with a person in a mental health crisis are required to obtain documented entry-level behavioral health training.


2. In-Service Training

- a. CMPD employees who may be expected to come into contact with or communicate with a person in a mental health crisis are required to obtain documented refresher training annually. Additional training may be conducted at the discretion of the Training Academy director.
- b. Officers are encouraged to volunteer to attend the forty (40) hour Crisis Intervention Team training.

V. REFERENCES


- 500-002 Confinement of Arrestees and Booking Procedures
- 500-008 Prisoner Transport
- 600-019 Response to Resistance
- 900-008 Cardiopulmonary Resuscitation (CPR)
- Crisis Intervention Team SOP
- Community Policing Crisis Response Team SOP
- BLET Lesson Plans
- MEDIC Dispatch Protocols
- FBI Responding to Persons with Mental Illness Indicators
- CALEA

The previous version of Directive 500-003 was titled Management of Subjects with Mental Illness/Extreme Distress and was published on 02/06/2020.


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## I. SEARCH DEFINITIONS


1. Buccal Swab: A swabbing of the cheek area for a person's DNA to compare to evidence collected from a crime scene or from a victim.
2. Compliant Warrant Service: An arrest and/or search warrant served with the citizen's voluntary permission.
3. Computer Forensic Specialist: A member of the department specially trained in the techniques of computer data recovery and seizure. It is the role of the computer forensic specialist to conduct evidentiary searches of electronic media and to report the findings to the employee assigned to investigate the involved case.
4. Computer System: Computer monitor, CPU, communication device, PDA, data storage device, or peripherals configured to work together as a unit or cabled together externally.
5. Consent Search: A clear and voluntary expression by a person to allow an officer to search their person or property of the consenting party or property over which the consenting party has apparent control. Consent may be requested when there is a non-arbitrary, articulable reason.
6. 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.
7. Deliberate Entry: A warrant service tactic in which officers enter and/or clear a structure at a measured pace with the goal of methodically clearing a structure for the purpose of effecting an arrest or conducting a search.
8. Dynamic Entry: An arrest and/or search warrant service tactic in which officers enter and clear a structure at a rapid pace in order to take advantage of the elements of surprise, speed, and shock of action.
9. Electronic Device: Smart phone, digital camera, CD ROM, CDR, floppy drive, tape drive, zip drive, jazz drive, magneto-optical drive, hard drive, and/or other mechanical, electrical, optical, or combination device used to store data that may or may not be currently connected to an operating system.
10. Electronic Media: Any material, written or photographic, that is actually stored on an electronic device.
11. Forcible Entry: Any non-consensual breach of a structure requiring the use of physical force and/or specialized training and equipment with the goal of creating an entry/exit point. Forcible entries may be utilized in case of exigency or in accordance with training as part of a warrant service tactic.

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12. Frisk: During a lawful detention and when the officer has reasonable suspicion to believe the person is armed and dangerous; the officer may frisk the person by patting down the person's outer clothing to determine whether the person has a weapon. During the pat-down, if an officer feels a weapon, the officer may retrieve that weapon. If during the frisk, an officer feels an item that the officer immediately knows is contraband (i.e., probable cause) then the officer may seize that item.
13. High Risk Warrant: An arrest or search warrant for which one or more of the following factors is reasonably likely to exist (note: the more factors that exist, the higher the risk).
  - a. The subject of the warrant has a history of violence and/or has several arrests for violent offenses or has violently resisted apprehension in the past.
  - b. The occupants of the structure or area to be searched are armed with dangerous weapon(s) and armed resistance is likely.
  - c. The safe execution of the warrant requires the use of forcible entry, specialized skills, tactics, and/or equipment.
14. Impounding Officer: The officer responsible for collecting and submitting evidence.
15. Inventory Search: An administrative action to protect and account for property located on a detained or arrested person. The inventory search is necessary to isolate dangerous items from police and jail facilities.
16. Manual Body Cavity Search: A digital touching or probing of the anal or vaginal cavity by another person.
17. Network: Any two or more computer systems connected together that can communicate with each other and share resources.
18. No-Knock Warrant: A search warrant authorizing officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering. Such warrants are issued where an announcement prior to entry would lead to the destruction of evidence or would compromise the safety of the officer(s) or another individual.
19. 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.
20. Non-Testimonial Orders (NTO) and applications: An order issued by a judge upon the request of the ADA with the officer as the affiant for the collection of identification procedures requiring the presence of the suspect.

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21. Operating System: Software used to allow the equipment in an electronic device to interact with any applications and the user. Examples include DOS, Windows 3.x, Windows 95/98, 2000, XP, Windows NT, Macintosh, Unix, Linux, OS/2, and Novell.
22. Private Location: The physical location where a person search takes place out of the public view.
23. Private Parts: The pelvic area which is below the beltline of a male or female and the breasts of a female.
24. Probable cause search of a person: Probable cause to search a person when an officer believes a person is in possession of contraband or an illegal item, the officer may search the person for that item and may contemporaneously arrest the person.
25. Protective Sweep: A limited search of a structure or vehicle when an officer has reasonable suspicion to believe that a person is dangerous, and a weapon could be nearby and be used against an officer.
26. Public Vehicular Area: Any area that is used by the public for vehicular traffic at any time, including hospitals, educational institutions, houses of worship or any facilities maintained and supported by the State of North Carolina or any of its subdivisions. Any commercial business, residential, or municipal establishment providing parking space whether the business or establishment is open or closed. Any road used by vehicular traffic within or leading to a gated or non-gated subdivision or community, whether or not the subdivision or community roads have been offered for dedication to the public or portion of private property used by vehicular traffic and designated by the private property owner as a public vehicular area.
27. Raid and Search Report: The electronic report required to be entered by the lead officer in an emergency search of a structure or in a search executed pursuant to a search warrant.
28. Raid and Search Supervisor IACMS Report: An electronic report required to be completed by a supervisor containing all written documents and relevant photographs related to an emergency search of a structure or a search executed pursuant to a search warrant.
29. Search: The organized, planned search of a person, vehicle, structure, or an area to locate and to secure evidence and/or apprehend suspects.
30. Search Attire: Officers must be wearing a bulletproof vest, police duty gear, handcuffs, flashlight, and a gun. If not in uniform the outer most garments must be immediately recognizable as being a sworn police officer.
31. Search Incident to Arrest: The right of an officer to search a person placed under arrest. Separate from the right to search the arrestee's person, officers may additionally search a limited area to prevent the arrestee's use of a weapon and/or the

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destruction of evidence. The scope of the search will depend on the location of the arrest.

32. Search Incident to the Arrest of a Person: When a person is arrested, an officer automatically has the right to conduct a search of arrestee's person and the area, within the arrestee's immediate control.
33. Search Warrant: A written order, signed by a magistrate or other judicial authority, directing a police officer to search a specific location for specified property or persons.
34. Strip Search: A search involving the removal of some or all of a person's clothing covering any private body parts, a search of the clothing and a squat and cough.
35. Supervisor: A person of the rank of sergeant or above.
36. Surround and Call Out: A warrant service tactic in which officers establish a perimeter around a structure and attempt communications with the occupants, with the goal of having the occupants safely exit for the purpose of an arrest or search of the structure.
37. Electronic Evidence Tool Kit: Used to document, remove, package, and transport electronic evidence and consists of:
  - a. Cameras;
  - b. Crime scene tape;
  - c. Stick-on labels;
  - d. Notepads, markers, evidence forms, and sketchpads;
  - e. Anti-static bags (original silver or chrome packages in which hard drives are shipped) used to store hard drives, floppy disks, zip disks, etc. in an effort to prevent electrostatic charges and magnetic fields. Appropriately sized paper bags may also be used if anti-static bags are unavailable.
38. Vehicle Exception: A warrantless search of a vehicle located in a public place or PVA based on probable cause.
39. Visual Body Cavity Search: A visual search which requires a person to expose his anal cavity or her anal and vaginal cavities for visual inspection.

## II. REFERENCES

500-004-A Conducting Person Searches  
500-004-B Conducting Searches of Structures  
500-004-C Conducting Vehicle Searches  
500-004-D Search Warrants

The previous version of Directive 500-004 Search Definitions was published on 09/21/2021.

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I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches of persons.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to conduct all searches and seizures in a lawful manner. The video and audio recording of all searches and seizures will be conducted in accordance with 400-006 Body Worn Cameras.

III. DEFINITIONS

Requirements for different types of person searches are set forth below using terms defined in 500-004 Search Definitions.

IV. WARRANTLESS SEARCHES

A. Officer Safety Considerations

1. Officers will wait for a backup officer prior to conducting any person searches unless there is an exigency that prevents the officer from waiting to search the person.
2. The backup officer will provide cover/contact for the searching officer until the search is complete and the person is secured.


B. Frisk / Pat-Down Searches

1. Refer to the definitions for conducting frisk searches.
2. Officers must be able to clearly articulate the reasons for their suspicion that the person is armed and dangerous. Examples of articulation include:
  - a. The nature of the crime;
  - b. Known history of the person;
  - c. Observation of the person's actions.

C. Search Incident to Arrest:

1. A search incident to arrest is justified by the need to prevent the arrested person from using weapons, destroying evidence or for the purposes of locating additional evidence. An officer automatically has the right to search incident to arrest and is legally justified no matter how minor the offense.
2. A search incident to arrest is limited to a search of the arrestee's person and the area within the arrestee's immediate control.


While containers found on an arrestee or within the arrestee's immediate control may be seized, they cannot be searched incident to arrest unless the

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arrestee is unsecured and within reaching distance of the container at the time of the search. As this is unlikely to occur when an arrestee is in handcuffs, in order to search such containers officers are advised to obtain consent, a search warrant, or to perform an inventory search pursuant to Directive 500-008. Additionally, officers may search such containers when an arrestee denies ownership of the container and has abandoned the property.

- D. Strip searches for contraband when an adult or juvenile is under arrest:
1. Strip searches require that probable cause exists to believe that contraband will be located in the person's private parts.
  2. The search shall not be conducted on the roadside.
  3. The search should be conducted by an officer or detective of the same sex.
  4. The search must be conducted in a private location, outside of the view of the public.
  5. The search must be conducted in a reasonable manner to ensure the safety of the individual. (No sharp instruments may be used to remove contraband.)
  6. A supervisor must be notified prior to conducting a strip search.
  7. The search must be documented in a KBCOPS Narrative Supplement.
- E. Body cavity searches when an adult or juvenile is under arrest:
1. A visual body cavity search is permitted if an officer has probable cause to believe contraband or weapons will be located in or around a body cavity. The same privacy protections should be observed as in a strip search.
  2. When a visual body cavity search reveals contraband, the suspect should be told to remove the item.
    - a. If the contraband is located in the body cavity the suspect will be informed that if he or she fails to remove the item, the officer/detective will apply for a search warrant.
    - b. The suspect will be transported to a hospital where the item will be retrieved by medical personnel.
    - c. A supervisor must be notified immediately prior to conducting any body cavity searches and the officer will document the body cavity search in a KBCOPS Narrative Supplement.
  3. A manual body cavity search requires a search warrant and must be conducted by qualified medical personnel.
  4. When a visual body cavity search reveals a weapon, the search is to be considered exigent and the weapon must be safely recovered and secured.



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## V. EXIGENT SEARCHES

### A. Strip search for a weapon:


1. Strip searches for weapons may be conducted if exigency exists to believe that a weapon will be located in the person's private area.
2. If a weapon is detected, immediate safety of the officer(s), suspect(s), and/or civilian(s) are at risk and the removal of the weapon is imperative to preserve safety and life. A strip search in public view in this circumstance, may take place and is considered reasonable and justified.
3. A supervisor will be notified as soon as possible after conducting an exigent strip search. Officers will document the search in a KBCOPS Narrative Supplement.

### B. Search for ingested contraband:


1. A search of a person's mouth is permissible when there is probable cause to believe that the person has placed an illegal substance in his or her mouth. Exigency is created because of the potential harm to the person and the destruction of evidence.
2. The officer's goal is to get the person to spit out the illegal substance. Officers should not use their hands or fingers to retrieve the item; instead rely on manipulation of pressure points such as the mandibular angle nerve, hypoglossal nerve and jugular notch nerve.
3. Officers are not permitted in any way to block the person's airway or restrict blood flow to the brain.
4. If a person has or is believed to have swallowed an illegal substance, officers will immediately call Medic and a CMPD supervisor.
5. Officers may choose to seek a search warrant to retrieve the ingested evidence.
6. All actions taken in response to possible ingested contraband will be documented in a KBCOPS Narrative Supplement.

## VI. CONSENSUAL SEARCHES

- A. **Consent Search:** A clear and voluntary expression by a person to allow an officer to search the person or property of the consenting party or property over which the consenting party has apparent control. Consent may be requested when there is a non-arbitrary articulable reason. The articulable reason should always be noted in a Field Interview or KBCOPS Narrative Supplement.
- B. If consent is revoked at any time during the search, the officer must cease the search unless probable cause has been developed to warrant continuation of the search.

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- C. For traffic related stops, all requests for consent searches, the approval or denial of the request, and the results of the search must be documented on the Stop Data Form.
- D. Officers equipped with BWC's will utilize the BWC to capture the request to search and citizen's response per Directive 400-006.
- E. Strip searches for contraband with consent:
  - 1. If a person is not under arrest and an officer obtains specific consent to search the person's private parts, he or she may do so using the same requirements as listed above and only in a private location.  
  
A private location for the purposes of the strip search is an area that the public will not and cannot have open access to at the time of the search. For example, a public restroom such as in a convenience store that can be secured during the search to protect the individual's privacy may be considered a private location.
  - 2. Medic will not be called for the sole purpose of conducting a strip search. If Medic is present at the time, the officer may request assistance to retrieve contraband if feasible.
  - 3. Consensual strip searches must be documented in a Field Interview, KBCOPS narrative supplement, or Stop Data Form.
- F. Collection of DNA Evidence via a buccal swab.
  - 1. If an officer wants to obtain a buccal swab from an adult suspect, the officer must obtain consent, obtain a search warrant, or obtain a Non-Testimonial Order (NTO).
    - a. For out-of-custody suspects, an officer must:
      - 1) Obtain consent;
      - 2) Obtain a search warrant; or
      - 3) Apply for an NTO in conjunction with the assigned prosecutor (see Section VIII).
    - b. For in-custody suspects, an officer must:
      - 1) Obtain consent; or
      - 2) Obtain a search warrant.
  - 2. An officer must obtain a buccal swab from an adult suspect upon arrest if a magistrate has found that there is probable cause to believe the suspect has committed one of the offenses listed in G.S. 15A-266.3A(f)&(g).

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If the suspect does not consent, force may not be used, and a search warrant must be obtained.

3. An officer may use reasonable force to execute a search warrant for a suspect's DNA via a buccal swab.
4. If an officer wants to obtain a buccal swab from an uncharged juvenile suspect or a charged juvenile suspect, the officer must obtain an NTO.


## VIII. SEARCHES CONDUCTED WITH WARRANTS

### Requirements for Search Warrants and a Non-Testimonial Application and Order (NTO)

- A. A search warrant must be obtained if the person is in custody and he or she has not provided consent.
- B. Officers must obtain a search warrant prior to requesting medical personnel to retrieve any illegal substances that have been hidden in a body cavity or ingested.
- C. Any search warrant served on a person to obtain items of evidentiary value (buccal, blood, photos, hair follicles, etc.) will be documented by a supervisor in the Internal Affairs Case Management System (IACMS) and require an investigation.
- D. The NTO may be used to obtain fingerprints, palm prints, footprints, measurements, urine specimens, saliva samples, hair samples, other reasonable physical examination, handwriting exemplars, voice samples, photographs and lineups or similar identification procedures requiring the presence of a suspect. If blood is needed, a search warrant is required.
- E. The NTO requires probable cause for a felony or Class A1 or Class 1 misdemeanor and there are reasonable grounds to believe the person committed the offense and that the results will be of material aid in determining if the person named in the affidavit committed the offense.
- F. The NTO is completed by an officer or detective and presented by an Assistant District Attorney. A Judge will approve and sign the NTO which should include the time and place for the appearance of the suspect. The NTO may not be served on a suspect while in custody.

## IX. REFERENCES

400-006 Body Worn Cameras  
600-009 Juvenile Procedures  
500-008 Prisoner Transport  
700-004 Release of Property  
G.S. 15A- 271, *et. seq.*  
N.C.G.S. 15A-221 -232  
Farb, Arrest, Search and Seizure, Fourth Edition, 2011  
Mecklenburg County Sheriff's Office Arrest Processing Policy: #1  
CALEA

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## I. PURPOSE

This policy establishes procedures for the Charlotte-Mecklenburg Police Department (CMPD) when conducting searches of structures.

## II. POLICY

CMPD will conduct all searches and seizures in a lawful manner. Lawful searches and seizures protect the constitutional rights of citizens and prevent the suppression of seized evidence. Video and audio recordings of searches and seizures will be conducted in accordance with Directive 400-006, Body Worn Cameras.

## III. DEFINITIONS


Requirements for different types of structure searches are set forth below using terms defined in Directive 500-004, Search Definitions. For the purpose of this directive, the term officer will apply to all sworn CMPD employees, regardless of rank.

## IV. PROCEDURES

### A. Warrantless Searches

#### 1. Consent Searches

- a. In accordance with [N.C.G.S. §15A-222](#), the consent to search must be voluntary and obtained from a person who, by ownership or otherwise, is reasonably apparently entitled to give or withhold consent to a search of premises.
  - (1). When a physically present co-occupant of a dwelling refuses to consent, it is a refusal even if other occupants consent to a search.
  - (2). Consent searches must be documented in a Field Interview (FI) Form or a KBCOPS narrative.
  - (3). Consent searches of a person's property based on a non-arbitrary articulable reason will adhere to Directive 600-017, Arbitrary Profiling.
  - (4). Recording of consent searches will adhere to Directive 400-006, Body Worn Camera (BWC).
- b. The scope of the search is governed by the terms of the consent. Officers should always consider requesting voluntary consent because the consent given may exceed the scope of the search authorized by law.
- c. Officers may not destroy property, such as doors, locks, etc., based solely on a general consent unless given specific permission by the consenter.
- d. The person who consents to the search may withdraw that consent at any time during the course of the search. Officers are not required to advise

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the person that they can withdraw consent or have a right to refuse consent.


- (1). If consent is withdrawn, the search will cease immediately unless probable cause to arrest or continue the search has been established prior to consent being withdrawn.
- (2). If probable cause to arrest has been established, the rules related to search incident to arrest should be followed.
- (3). If probable cause is established to continue searching a dwelling, a search warrant should be obtained unless there are exigent circumstances.

## 2. Search Incident to Arrest

- a. Officers must have probable cause to place a person under arrest, and officers must intend to arrest the individual.
- b. The scope of the search will depend on the location of the arrest. If an arrest is made of an occupant inside a building:
  - (1). Officers may search the arrestee's person to discover and remove weapons and to seize evidence to prevent its concealment or destruction.
  - (2). Officers may search the area within the immediate control of the person arrested, where the arrestee might gain possession of a weapon or destructible evidence.
  - (3). Officers will adhere to Directive 500-004-A, Conducting Person Searches for containers located on an arrestee or within the arrestee's immediate control.

## 3. Protective Sweep of Structures

- a. A protective sweep is a quick and limited search of a premise, incident to an arrest and conducted to protect the safety of officers or others. Officers must:
  - (1). Have a legitimate reason to be at the location.
  - (2). Have reasonable suspicion that the place to be searched harbors a person who is a danger to the officers there.
- b. When officers arrest a person in a home or other premises, they may as incident to that arrest automatically, that is, without needing probable cause or reasonable suspicion to do so, search closets and other spaces immediately adjoining the place of arrest from which an attack on them from another person could occur.

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- (1). This search is limited to looking for people who may pose a danger; its purpose is not to discover evidence.
- (2). While in a home to make an arrest or immediately after the arrest, officers may make a protective search for weapons if they have a reasonable belief that the search is necessary to protect themselves.

#### 4. Warrantless Emergency/Exigent Entry

There are limited circumstances when officers may enter a residence without an arrest or search warrant. If an officer is unsure if the exception is applicable, they should consider securing a search warrant. Note: Entering a residence in hot pursuit of a fleeing misdemeanor offender is not an exigent circumstance.


##### a. Entry to Arrest

Officers may enter a private premises without a warrant or consent to arrest someone in the premises only if:


- (1). Someone is likely to be killed or seriously injured unless immediate warrantless action is taken.
- (2). A serious and/or dangerous criminal offender is likely to escape apprehension and/or prosecution unless immediate warrantless action is taken, and:
  - (a). There is probable cause to arrest the person sought.
  - (b). There is probable cause to believe that the person to be arrested is physically present in the premises at the time of the entry.

##### b. Entry to Preserve Evidence

- (1). When determining if exigent circumstances existed when officers enter to prevent the destruction of evidence, the court considers the following factors:
  - (a). Information that the possessors of the contraband are aware of police presence.
  - (b). The ready destructibility of the contraband.
  - (c). The officer's reasonably objective belief that the contraband is about to be removed or destroyed.
- (2). The totality of the circumstances determines the lawfulness of the entry. The following factors apply:
  - (a). The location is the subject of an ongoing investigation, or

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- (b). Officers have prior knowledge/information about the location and the individuals that frequent it (i.e., calls for service, previous criminal activity, citizen complaints, etc.); and
  - (c). The possessors of the contraband are aware of police presence.
  - (d). Officers have probable cause to believe contraband or evidence is present and capable of imminent destruction.
  - (e). The smell of marijuana alone is not sufficient to justify an exigent entry of the residence.
- (3). If an exigent entry is authorized based on the factors above, officers may:
- (a). Cross the threshold; or
  - (b). Enter a residence or business; or
  - (c). Prevent an occupant from closing a door; and
  - (d). Enter the residence to secure individuals to protect against the imminent destruction of evidence.
  - (e). Use what they see in plain view as further evidence to establish probable cause to obtain a search warrant or consent.
- (4). Once the premises are secured, no further search can be conducted unless or until one (1) of the following are obtained:
- (a). A search warrant for the premises is on the scene.
  - (b). Consent to search has been obtained.
  - (c). New/additional exigent circumstances arise that create the need for an additional warrantless search.
- c. Entry of Crime Scene
- (1). An officer may enter a private premises crime scene without a warrant or consent to:
- (a). Locate and secure suspects, or
  - (b). Provide assistance to injured persons or others requiring emergency assistance.
- (2). Once the actions described above are completed, no further search will be conducted unless or until one (1) of the following are obtained:

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- (a). A search warrant for the premises is on the scene.
  - (b). Consent to search has been obtained.
  - (c). New/additional exigent circumstances arise, necessitating a further search.
- d. Entry for Urgent Necessity
  - (1). In accordance with [N.C.G.S. §15A-285](#), When an officer reasonably believes that doing so is urgently necessary to save a life, prevent serious bodily harm, or avert or control public catastrophe, the officer may take one or more of the following actions:
    - (a). Enter buildings, vehicles, and other premises.
    - (b). Limit or restrict the presence of persons in premises or area.
    - (c). Exercise control over the property of others.
  - (2). An action taken to enforce the law or to seize a person or evidence cannot be justified by authority of this section.
  - (3). An IACMS raid and search supervisor report must be completed following a search related to urgent necessity.
- e. Entry to Secure a Structure
 

An officer who enters an unoccupied structure or residence during an investigation of an alarm call or an unsecured structure will document the entry in a miscellaneous incident (MI) report and notify their supervisor. Officers can enter when they reasonably believe a crime, injury to a person, etc., exists.

5. Notification Procedures for Warrantless Non-Consensual Entries


- a. When feasible, officers will notify their supervisor of their intent to conduct a warrantless, non-consensual entry prior to entering the premises to conduct a search.
- b. If, due to exigent circumstances, the officer has no opportunity to contact a supervisor prior to such a search, the supervisor will be notified as soon as possible.
- c. The supervisor will respond to the scene, review the circumstances, and determine if the search should continue.
- d. A raid and search report and an IACMS raid and search supervisor report will be entered following the search (except in entry for urgent necessity or an alarm call as stated above), with special emphasis placed on the facts that precipitated the search and gave rise to exigent circumstances.



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B. Searching a Premises with an Arrest Warrant or Valid Commitment Order


1. Officers may make a non-consensual entry into a suspect's home or place where the suspect is residing to arrest only if an arrest warrant or valid commitment order for that person has been obtained, an original of the warrant or order is at the scene, officers reasonably believe that the place to be entered is the person's residence, there is probable cause to believe that the person is on the premises, and they give notice before entering of their authority and purpose unless exigent circumstances justify entry without an arrest warrant.
2. It is preferred that officers have a printout of the arrest warrant or commitment order from E-Warrants at the scene whenever practicable; however, the electronic version in E-Warrants on a patrol car laptop is sufficient since it is considered an original.
3. Officers may make a non-consensual entry into a third party's premises to arrest a person with an arrest warrant or valid commitment order only if a search warrant has been obtained for the premises, it is at the scene, and there is reasonable grounds to believe that the person is on the premises unless exigent circumstances justify an entry without a search warrant.
4. An officer may enter the premises when consent is obtained from a person who, by ownership or otherwise, is reasonably apparently entitled to give or withhold consent in accordance with [N.C.G.S. §15A-222](#).
  - a. A third party who shares an apartment with the respondent may give an officer permission to enter common areas of the apartment (i.e., kitchen or living room); however, a third party cannot consent to the officer entering areas of the apartment over which they do not possess common authority (i.e., the respondent's bedroom or private bath).
  - b. If the respondent is in the residence of a third party and the third party refuses to give consent to officers to enter and take custody of the respondent, the officer must weigh all the facts and circumstances to determine if the situation rises to the level of exigent entry and if an additional court order to gain entry should be sought.
5. Before entering, officers must knock and give appropriate notice of their identity and purpose to the person in apparent control of the premises to be entered. After announcing their identity and purpose, and if the officers believe that admittance is being denied or unreasonably delayed, the force necessary to effect the entry may be used.
6. Nothing in this subsection prohibits officers from entering a premises under the exigency exception to the search warrant requirement if officers observe an intervening exigent circumstance that would endanger the life or safety of any person.

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V. REFERENCES

400-001 Uniform and Grooming Standards  
 400-006 Body Worn Camera (BWC)  
 500-004 Search Definitions  
 500-004-A Conducting Person Searches  
 600-017 Arbitrary Profiling  
 Arizona v. Gant, 129 S. Ct. 1710 (2009)  
 Chimel v. California, 395 U.S. 752 (1969)  
 Maryland v. Buie, 494 U.S. 325 (1990)  
[N.C.G.S. §15A-101.1](#)  
[N.C.G.S. §15A-211](#)  
[N.C.G.S. §15A-220](#)  
[N.C.G.S. §15A-221](#)  
[N.C.G.S. §15A-222](#)  
[N.C.G.S. §15A-223](#)  
[N.C.G.S. §15A-231](#)  
[N.C.G.S. §15A-285](#)  
 CALEA

The previous version of Directive 500-004-B Conducting Searches of Structures was published on 09/21/2021.

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I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches of vehicles.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to conduct all searches and seizures in a lawful manner. Lawful searches and seizures protect the constitutional rights of our citizens and prevent the suppression of seized evidence. The video and audio recording of all searches and seizures will be conducted in accordance with 400-006 Body Worn Cameras.

III. DEFINITIONS

Requirements for different types of vehicle searches are set forth below using terms defined in Directive 500-004 Search Definitions.

IV. WARRANTLESS SEARCHES

A. Vehicle Exception

The vehicle exception provides that if an officer has probable cause to believe that a vehicle has evidence of a crime or contraband located in it, a search of that vehicle may be conducted without first obtaining a warrant if the vehicle is located in a public place (where the suspect has no expectation of privacy) or a public vehicular area.

Scope of search

- a. Every part of the vehicle where the object of the search could be located including the trunk can be searched.
- b. A search conducted pursuant to the vehicle exception may be conducted at the scene or after the vehicle has been impounded.


B. Consent Searches

1. Requirements

The consent to search must be voluntary and obtained from either:

- a. The registered owner of a vehicle to be searched or the person in apparent control of the vehicle, such as the driver, at the time the consent is given. If the registered owner is present, his or her consent must be obtained.
- b. Consent searches must be documented by completing the Stop Data Form.
- c. During a consent search officers who are issued a body worn camera (BWC) must comply with Directive 400-006.

2. Scope of the search


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- a. The scope of the search is governed by the terms of the consent.
  - b. Officers may not destroy property, such as portions of a vehicle, based solely on a general consent unless given specific permission by the registered owner of the vehicle.
3. Withdrawn consent
- The person who consents to the search may, at any time during the course of the search, withdraw that consent. However, it is not required that police officers advise the person that he or she can withdraw consent, or that he or she has a right to refuse consent. If consent is withdrawn the officer must stop the search unless probable cause exists to continue the search.
- B. Frisk of vehicles
1. Requirement
 

Officers are conducting a lawful detention of the vehicle; and officers have reasonable suspicion to believe a person has access to a weapon and is therefore dangerous.
  2. Scope of the search
 

Officers may frisk the interior passenger area of a vehicle and any containers that are accessible and capable of containing a weapon.
- C. Search incident to arrest
1. Requirement
 

The arrest of an occupant or recent occupant of the vehicle.
  2. Scope of search
    - a. Officers may search the arrestee's person.
    - b. When officers have reason to believe the vehicle contains evidence of the offense for which the person is being arrested, officers may search the entire interior of the vehicle where the evidence could be located including, the glove compartment or any other compartment whether locked or unlocked and all containers found within the interior of the vehicle. The trunk of a vehicle is not subject to search as incident to an arrest.
- D. Inventory Search
1. Any officer having a vehicle towed will conduct an inventory of the interior and trunk areas in order to record all property in the vehicle.
  2. Locked, sealed or closed containers such as suitcases, packages or boxes will be opened when the contents cannot be determined from an examination of the


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container's exterior. However, locked or sealed items will not be forcibly opened in order to inventory the contents if doing so will cause damage to the container. The vehicle's trunk and/or glove compartment will not be forcibly opened in order to inventory the contents of these areas.

3. Inventory searches will be documented on the Tow/Storage Report.

#### V. REFERENCES

600-013 Towing Vehicles  
400-006 Body Worn Camera (BWC)  
500-004 Search Definitions  
Arizona v. Gant, 129 S. Ct. 1710 (2009)  
N.C.G.S. 15A-221 -231  
State v. Mbacke 365 NC 403 (2012)  
CALEA

	<b>Charlotte-Mecklenburg Police Department</b>		<b>500-004-D</b>
	<b>Interactive Directives Guide</b>		<b>Search Warrants</b>
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I. PURPOSE

The purpose of this directive is to set forth the procedures for conducting searches with a search warrant.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) to conduct all searches and seizures in a lawful manner. Lawful searches and seizures protect the constitutional rights of our citizens and prevent the suppression of seized evidence.

III. DEFINITIONS

See Directive 500-004 Search Definitions.

IV. SEARCH WARRANT PROCEDURE

The basis for the issuance of a warrant is probable cause.


A. The sworn employee seeking the search warrant will complete a deconfliction check prior to seeking the warrant.

B. Affidavit for Search Warrant

1. A search warrant must be based upon a duly sworn to and subscribed to affidavit which sets forth facts to establish probable cause to believe that the property sought to be seized is upon the premises, person, or vehicle to be searched.
2. A search warrant must describe the place to be searched with sufficient particularity so that a reasonable person who is unfamiliar with the investigation could read the description and find the premises, person or vehicle to be searched.
3. A search warrant must particularly describe the property obtained to be seized.
4. A confidential source can provide sufficient probable cause upon which to base a sworn affidavit for a search warrant.
5. The signature of any North Carolina Superior Court Judge must be sought for a search warrant that will be served in another North Carolina county.

C. Execution of a Search Warrant


1. A search warrant and its attendant sworn affidavit must be reviewed and signed by a judicial official and must be executed and returned to the clerk/magistrate.
2. Prior to the execution of an out of agency search warrant, CMPD sworn employees shall review it for probable cause and check to see if it is signed by a North Carolina Superior Court Judge. Sworn employees should not execute an out of agency search warrant if a CMPD supervisor determines no probable cause exist.

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3. "Knock and Announce" required:
  - a. CMPD will not seek or serve 'no-knock' search warrants.
  - b. A sworn employee engaged in the execution of a search warrant must give notice to those within the premises of law enforcement presence by knocking and announcing his or her authority and the purpose of his or her presence before making entry.
  - c. If the sworn employee executing a search warrant believes that he or she is being denied entry after giving due notice of his or her authority and purpose, the sworn employee may use reasonable force to gain entry.
  - d. Nothing in this subsection prohibits sworn employees from entering under the exigency exception to the search warrant requirement if sworn employees observe an intervening exigent circumstance that would endanger the life or safety of any person.


D. Preparation of the Plan for Execution of the Search

1. Responsibilities of the division captain, lieutenant, or operations commander:
  - a. The division lieutenant, captain, or operations commander will review the search warrant application prior to presentation to the judicial official.
  - b. The division lieutenant, captain, or operations commander will designate the police supervisor to be present at the scene and in charge of the search.
  - c. The division lieutenant, captain, operations commander, or police supervisor may request assistance from the CMPD SWAT Team if he or she determines the warrant to be high risk.
2. In the event a division lieutenant, captain, or operations commander is not available, a Vice and Narcotics Unit supervisor or a Homicide Unit supervisor of the rank of sergeant or above may assume the responsibilities of the division lieutenant, captain, or operations commander.
3. When a search warrant is initiated by a sworn employee assigned to the Vice and Narcotics Unit, his or her supervisor of the rank of sergeant or above may assume the responsibilities of the division lieutenant, captain, or operations commander as outlined above.
4. The supervisor in charge of the search will notify:
  - a. The supervisor in the division where a search is being conducted;
  - b. The Vice and Narcotics Unit captain or supervisor (if crimes within the Vice and Narcotics Unit primary responsibilities may be involved);

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- c. If the Vice and Narcotics Unit captain or supervisor cannot be contacted, the supervisor in charge of the search will notify his or her division captain or the operations commander that contact was not made. The contact can be simultaneous with the search if needed.
5. At times when the operations commander is in charge of CMPD operations the supervisor directing the search will notify the operations commander of the intent to serve the warrant.
6. The supervisor directing the search will:
  - a. Review the affidavit and search warrant for accuracy and validity. (The reviewer should not sign, initial, or mark the affidavit or search warrant.)
  - b. Identify any existing hazards.
  - c. Determine the personnel needed, giving consideration to utilizing on-duty officers with special training.
    - 1) The supervisor may request the assistance of SWAT (See SWAT SOP #13 High Risk Search and Arrest Warrants).
    - 2) If it is determined to be a warrant service not needing the assistance of SWAT, the supervisor in charge and the sworn employees serving the warrant must have successfully completed CMPD In-Service Basic Warrant Service and execute the warrant service in accordance with the most recent course refresher (e.g., deliberate entry, surround and call out, or other trained/authorized tactics).
    3. Sworn employees not assigned to the SWAT team shall not utilize dynamic entry as a pre-planned warrant service tactic. Should the supervisor directing the search conclude a dynamic entry is justified, they will request the assistance of SWAT through their chain of command as detailed in SWAT SOP#13.
  - d. Determine the equipment needed (e.g., camera, extra handcuffs, and weapons).
  - e. Notify an on-duty supervisor of that agency when the warrant is to be executed outside of CMPD jurisdiction.
  - f. Ensure all sworn employees involved in the search have participated in the pre-search briefing. Instruct participating sworn employees of the plan for the search and of their job assignments; ensure that each individual understands his or her role and if necessary, reduce each assignment to writing. All sworn employees involved in the search must participate in the pre-search briefing.




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- g. Call additional personnel if exigent circumstances develop during the search that requires additional personnel.
- h. Be present at the scene of the search.
- i. Ensure that the first sworn employee to enter the premises is a uniformed officer.
- j. Ensure that all non-uniformed personnel are wearing proper CMPD search attire.
- k. Ensure that a sketch is made of the premises to be searched.
- l. Make every reasonable effort to ensure that the correct premises are being entered by verifying the address and by verifying the house or structure description.
- m. Ensure compliance by all personnel issued a BWC with Directive 400-006 Body Worn Camera during the search.

**E. Conducting the Search**

- 1. Entry into the premises:
  - a. If it is unclear whether anyone is present at the premises to be searched, notice must be given in a manner likely to be heard by anyone who is present.
  - b. The first person(s) to enter the premises must be in police uniform. Non-uniformed personnel will wear proper CMPD search attire.
  - c. A supervisor will be on scene at the time when a search warrant for a commercial or residential structure or a buccal swab for DNA search warrant is executed.
- 2. When entry is made, sworn employees will assist in securing the premises and its occupants, guarding exits, and providing communications support to the sworn employees conducting the search.
- 3. After the occupants are secure, the sworn employee in charge of the search or designee must read the warrant (excluding application) and give a copy of the warrant application and affidavit to the person in charge of the premises. If the premises are unoccupied, a copy of the warrant must be left at the premises in a conspicuous location and the warrant does not need to be read aloud to an empty structure.
- 4. Securing the occupants of the premises:
  - a. Prior to beginning the search, any person present can be patted down (frisk only) if the sworn employee reasonably suspects that the person is armed.

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b. Persons present at a search of a private premise may be detained by the search party. If the search fails to produce the items named in the warrant, and those items may be concealed upon a person, then those persons present may then be searched for the same type of items which, if found, may be seized and used as evidence. All controlled substances are considered the same type of property if any controlled substances are listed in the warrant. Any other type of property found during a search of persons under such circumstances may not be used for prosecution but may be seized if it is contraband or stolen property.

5. Photographs of the premises will be taken before and after the search.
6. The supervisor will designate the primary impounding officer, who is responsible for collecting and submitting evidence.
7. Evidence discovered in different locations on the premises will be placed in separate envelopes or containers by the sworn employee responsible for collecting evidence and marked to indicate where it was found and by whom.
8. Notes will be taken describing the location of evidence.
9. The sworn employee who obtains the search warrant will make every reasonable effort to determine the identity of the owner or occupant of record for the premises where the search was conducted.

F. **Raid and Search Report**

At the completion of the search, the supervisor in charge will initiate a Raid and Search Supervisor Report in IACMS prior to the supervisor completing his or her shift.


G. **Return of Search Warrant**

A search warrant must be executed within forty-eight (48) hours of issuance. After service, the sworn employee responsible for drawing the search warrant will return the warrant, with a written inventory of the seized items, to the Magistrate's Office without unreasonable delay. The sworn employee will obtain a signed copy of the returned warrant to put in his or her court file. The inventory must be signed and sworn to by the sworn employee who obtained the warrant.

H. **Receipt after Seizure of Property**

If property is seized during the course of a search, even if by consent, the sworn employee in charge will deliver a copy of the CMPD inventory, listing the property taken, to the party from whom the property was taken, or to the party in charge of the premises from which the property was taken. If no one is present to accept a copy of the form, the sworn employee will leave the copy in a conspicuous location in the premises or vehicle that was searched.

I. **Impounded Coin and Currency**


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Impounded coin and currency will be submitted on separate Property Report Forms, not combined with other property (wallets, checkbooks, etc.) and in compliance with CMPD Directive 700-008 Currency and Asset Forfeiture Procedures.

J. Federal Search Warrants

Task force officers (TFO's) or other CMPD sworn employee working in conjunction with federal law enforcement agencies will follow the listed guidelines when assisting with federal search warrants.

1. Must be supported by probable cause. May be issued for evidence of a crime, contraband, fruits of crime, or other items illegally possessed; property designed for, intended for use, or used in committing a crime; or a person to be arrested or person who is unlawfully restrained.
2. Federal search warrants must be executed within the specified time that cannot exceed fourteen (14) days from being issued.
3. Must be executed during daytime (between the hours of 0600 and 2200), unless expressly stated.
4. Must return the warrant to the magistrate judge designated in the warrant. Must be returned promptly with a copy of the inventory to the designated magistrate judge. The warrant may be returned by reliable electronic means.
5. Warrant seeking electronically stored information, unless expressly stated, allows copying of data which may be reviewed later in a manner consistent with the search warrant.
6. The period of tracking for tracking devices cannot exceed forty-five (45) days from the date the warrant was issued. The court may grant extensions.
  - a. Must be installed no later than ten (10) days from warrant being issued
  - b. Be installed within daytime hours unless expressly authorized.
  - c. After the use of the tracking device has ended, the warrant must be returned within ten (10) days.
  - d. Person or owner of the property that was tracked, must be notified within ten (10) days after the use has ended. This may be delayed by the judge in the warrant.
7. A sworn employee present during the execution of the warrant must prepare and verify an inventory of any property seized.
  - a. Must do so in the presence of another sworn employee and the person from whom, or from whose premises, the property was taken.
  - b. If either one is not present; the sworn employee must prepare and verify the inventory in the presence of at least one other credible person.


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8. Sworn employees executing the warrant must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken or leave a copy of the warrant and receipt at the place where the sworn employee took the property.

## V. REFERENCES

500-004 Search Definitions  
 500-004-A Conducting Person Searches  
 500-004-B Conducting Searches of Structures  
 500-004-C Conducting Vehicle Searches  
 400-001 Uniforms and Grooming Standards  
 400-006 Body Worn Cameras  
 700-001 Submitting Impounded Property to Property and Evidence  
 700-002 Evidence Management  
 700-008 Currency and Asset Forfeiture Procedures  
 800-005 Deconfliction Policy  
 SWAT SOP #13 High Risk Search and Arrest Warrants  
 N.C.G.S. 15A-221 -257  
 CALEA  
 Federal Rules of Criminal Procedure, Rule 41

The previous version of Directive 500-004-D was published on 09/30/2020.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>500-007</b>
	<b>Interactive Directives Guide</b>		<b>Use of Interview, Temporary Detention, and Testing Rooms</b>
			<b>Effective Date: 4/7/2022</b>

I. PURPOSE


The purpose of this directive is to establish guidelines for the use of interview, temporary detention, and testing rooms. These guidelines are designed to provide a safe and secure environment for employees, the general public, and detainees/arrestees.

II. POLICY

Officers are authorized to use interview temporary detention, and testing rooms only in accordance with this policy. Officers are responsible for the safety and security of individuals in the officer's custody and control and will ensure that the individual is under continual observation and monitoring. This may be accomplished in person or via live video provided personnel are close enough to intervene in the event of an emergency within the interview room and to allow for de-escalation in encounters involving a higher state of agitation. Officers will not leave an individual unobserved and unmonitored until custody of the individual is transferred to another law enforcement agency such as the Mecklenburg County Sheriff's Office, SBI, FBI, etc.

III. DEFINITIONS

- A. Arrestee: A person placed in custody or charged with a crime when there is probable cause to believe that the person has committed a crime.
- B. Custody and Control: Legal or physical control of a person in an area or facility or while in transit, legal, supervisory, or physical responsibility for a person.
- C. Detainee: A person in the custody of agency personnel and whose freedom of movement is at the will of Charlotte-Mecklenburg Police Department (CMPD) personnel.
- D. Detention Ring or Bar: A fixed object such as a metal ring or bar that is mounted to the wall or floor of an interview room that allows an officer to secure an arrestee to the fixed object by handcuffing or shackling the arrestee to the ring or bar.
- E. Interview Temporary Detention, or Testing Room: A room or area that officers are authorized to use for the purpose of booking, interviewing, detaining or testing an individual. Interview rooms are generally equipped with a table, chairs, an audio and video recording device and mounted ring and leg shackles.
- F. Lockbox: A fixed metal box with secure lock capability for officers to secure their weapon(s). The Police Headquarters lockboxes are located in the upper cabinet inside room 2144, which is the Video Burn Room. The lockboxes are accessed with a key. Criminal Investigations Bureau (CIB) officers and supervisors can assist with access to the room.
- G. Processing: Pre-booking activities involving detainees in custody, after which detainees may either be released from custody or be escorted to a holding facility such as the Mecklenburg County Intake Facility.

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- H. Temporary Detention: Temporary detention is measured in hours and does not involve housing or feeding detainees except in extenuating circumstances.
- I. Secured Area: For the purposes of this directive a secured area is any area within a CMPD Facility that does not provide open and unfettered access to the general public.

#### IV. PROCEDURE

##### A. Security Measures


All persons (visitors, witnesses and detainees/arrestees) escorted into any CMPD facility shall undergo security screening using a combination of metal detectors and package screening devices. Firearms, knives, scissors, sharp objects, glass items and personal protection devices are strictly prohibited.

1. All individuals will be physically searched prior to entry into secured CMPD areas to include interview, temporary detention, and testing rooms.
2. Prior to entry into secured areas in CMPD Headquarters all individuals will walk through the stationary magnetometer located at the main entrance or the prisoner entrance. CMPD personnel escorting individuals shall use the magnetometer as an additional layer of protection after physically searching all persons in CMPD custody or care.
3. Handheld magnetometers will also be available for use at CMPD Headquarters for use when the stationary magnetometer issues an alert and a narrower search is warranted.
4. CMPD Personnel escorting individuals into CMPD facilities without a stationary magnetometer will screen the individual with the handheld device after conducting a physical search.

##### B. Supervision of Individuals in Interview Rooms

Officers will ensure that the individual is under continual observation and monitoring. This may be accomplished in person or via live video provided personnel are close enough to intervene in the event of an emergency within the interview room or to allow for de-escalation in encounters involving a higher state of agitation. When monitoring via live video officers will conduct a face-to-face visual observation of secured detainees at a minimum of once every thirty minutes.

1. Officers will also ensure that males, females, and juveniles are kept in separate rooms.
2. Officers will provide the individual the opportunity to have access to water, restrooms, and other needs as necessary.
3. If the individual is intoxicated, under the influence of drugs or exhibiting behavior that indicates they are a danger to themselves; officers will ensure the individual


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is under continual observation and monitoring as described in this directive. Medical personnel will be requested as necessary in accordance with directive 500-003 Management of Subjects in Extreme Distress.

4. Anytime an individual is detained in a CMPD temporary detention room, officers will use the in-room audio and video recording system and KBCOPS to document:
    - a. The reason for the detention
    - b. Date of the detention
    - c. Start and end time of the detention
    - d. Face to face visual observation times
    - e. Any food, drinks, restroom breaks, etc., that were offered or provided during the detention.
- C. Safety Considerations for the Use of Interview Temporary Detention, and Testing Rooms
1. Fire Evacuation Plan
 

A fire evacuation plan will be posted near interview, temporary detention, and testing rooms. Officers are required to be familiar with the evacuation plan for that particular area and must also be familiar with the location and operation of fire suppression equipment such as fire extinguishers and fire alarms. In the event of a fire alarm or other emergency the officer in charge of the individual or interviewee is responsible for evacuating and resecuring the individual.
  2. Annual Inspection
 

Interview, detention and testing rooms will be annually inspected by the Professional Accountability Bureau.
  3. Weapon Control
    - a. Officers using interview, temporary detention, or testing rooms at Police Headquarters will secure their weapon(s) in locked desk drawers, gun safes, or provided lock boxes located in room 2144 (Video Burn Room) prior to interviewing suspects or detainees. The lock boxes are key controlled. CIB officers and supervisors may assist with access to the room and lock boxes. Personnel who store their weapon inside a lock box should ensure they return the key to the box after retrieving their weapon.
    - b. Officers using any interview, temporary detention, or testing rooms located at the Division Offices will secure their weapon(s) in locked desk drawers, gun safes or lock boxes prior to interviewing suspects or detainees.

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4. Arrestee Escape Prevention

Officers are authorized to secure the detainee/arrestee to a fixed object to prevent escape and limit the arrestee's movement only when there is no other suitable method of detention available while using interview, temporary detention, or testing rooms.

5. Emergency Communications

Any officers inside an interview, temporary detention, or testing room with an individual will maintain direct voice, radio, video, or cell phone contact with a monitoring officer in the event of an emergency. The officer's handheld radio emergency button may be used as a "panic alarm" while inside the interview room.

6. Access to Interview, Temporary Detention, or Testing Rooms

Only CMPD employees and other authorized law enforcement officers will have unrestricted access to interview, temporary detention, or testing rooms. Attorneys, family members or other individuals must have the authorization of the officer in charge of the investigation or the officer's supervisor prior to being granted access to the interview, temporary detention, or testing room.

7. Searches

As stated in Section IV.A, all individuals must be searched prior to entering any CMPD interview, temporary detention, or testing room. Officers must search the interview, temporary detention, or testing room before allowing the individual access and must search the interview, temporary detention, or testing room again following the removal of the individual.


8. Training of Personnel

Personnel charged with monitoring temporarily detained individuals in the facility are provided initial training on the use of the temporary detention room(s) or area(s) and retraining at least once every four years.

V. REFERENCES

- 500-003 Management of Subjects in Extreme Distress
- 600-024 Electronic Recording of Interviews/Interrogations
- Intoxilyzer SOP
- CALEA
- This policy was revised from its last effective date of 3/8/2021



	<b>Charlotte-Mecklenburg Police Department</b>		<b>500-008</b>
	<b>Interactive Directives Guide</b>	<b>Prisoner Transport</b>	
		<b>Effective Date: 6/15/2023</b>	<b>1 of 10</b>

I. PURPOSE

This policy establishes guidelines for the transportation of persons in police custody.


II. POLICY

The handling and transportation of persons in custody is one of the single most dangerous functions that a police officer performs. All prisoners transported will be physically restrained using any approved restraining device, such as handcuffs. All persons in police custody will be considered a potential danger to the transporting officer(s) and will be properly searched.

III. DEFINITIONS

The following definitions are for the limited purpose of this directive:

- A. Prisoner: A person who has been deprived of their liberty and freedom of movement; and kept under involuntary restraint, confinement, or custody, including all persons under arrest but not yet incarcerated and those incarcerated, including mentally ill persons being transported.
- B. Restraining Devices: Equipment used to restrain the movement of the prisoner, such as handcuffs, waist chains, rip hobble, leg irons, flex-cuffs, leg restraints, etc.
- C. Security Hazard: Any threat to the security of the prisoner, to the facility in which he or she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by the officer to provide proper protection for the security of the prisoner.
- D. Transporting Officer: A sworn law enforcement officer responsible for transporting a prisoner from one point to another.
- E. Transport Vehicle: The vehicle used for transporting a prisoner from one point to another. This term does not refer to commercial vehicles such as buses, trains, or airplanes that may be used for prisoner transport.
- F. Prisoner Transport Van (PTV): Vans outfitted, equipped, and staffed with trained personnel for the transport of multiple prisoners from the arrest location to the jail intake.
- G. Field Search: A non-intrusive search of a prisoner's clothing and person conducted incident to an arrest and for the purpose of finding either a weapon or contraband.
- H. Facility Search: A non-intrusive search of a prisoner's clothing and person conducted immediately upon entering any building for the purpose of finding a weapon or contraband.
- I. Inventory Search: An administrative action to protect and account for property located on a detained or arrested person. An inventory search is necessary to isolate dangerous items from police and jail facilities.

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- I. Transfer Search: A non-intrusive search of a prisoner's outer person and clothing completed before the prisoner is transferred to another officer and conducted for the purpose of finding a weapon or contraband.
- J. Strip Search: A search involving the removal of some or all of a person's clothing covering any private body areas.
- K. Visual Body Cavity Search: A visual search that requires a person to expose his anal cavity or her anal and vaginal cavities for visual inspection.
- L. Manual Body Cavity Search: A digital touching or probing of the anal or vaginal cavity by another person.
- M. Private Body Areas: The pelvic area below the beltline of a male or female and the breasts of a female.

#### IV. PROCEDURES FOR SEARCHING PRISONERS

##### A. Field and Transfer Searches


- 1. In all instances, officers will conduct a field search of a prisoner incident to an arrest. In addition, any officer who is accepting responsibility for a prisoner will conduct a transfer search of the prisoner.
- 2. Unless specific grounds for a strip search exist, the scope of a field and transfer search is limited to the prisoner's clothing and outer person and is conducted for the purpose of locating a weapon or contraband.

##### B. Facility Search

- 1. A facility search will be conducted immediately upon entering any building and prior to any interview, treatment, or other processing taking place.
- 2. Unless specific grounds for a strip search exist, the scope of a facility search is limited to the prisoner's clothing and outer person for the purpose of locating a weapon or contraband.

##### C. Strip Search of a Prisoner

- 1. Strip searches require that probable cause exists to believe that contraband will be located in the person's private body areas.
- 2. The search shall not be conducted on the roadside.
- 3. The search should be conducted by an officer of the same sex.
- 4. The search must be conducted in a private location.
- 5. The search must be conducted in a reasonable manner to ensure the safety of the individual. (No sharp instruments may be used to remove contraband.)
- 6. A supervisor must be notified prior to the conduct of a strip search.

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7. The search must be documented in a KBCOPS narrative supplement.

D. Body Cavity Searches of an arrested person:

1. A visual body cavity search is permitted if an officer has probable cause to believe contraband or weapons will be located in or around a body cavity. The same privacy protections should be observed as in a strip search.
2. When a visual body cavity search reveals contraband, the suspect should be told to remove the item.
  - a. If the contraband is located in the suspect's body cavity, the suspect will be informed that if they fail to remove the item, the officer will apply for a search warrant.
  - b. The suspect will be transported to a hospital where the item will be retrieved by medical personnel.
  - c. The officer's supervisor will be notified immediately prior to conducting any body cavity searches, and the officer will document the conduct of a body cavity search in a KBCOPS narrative supplement.
3. A manual body cavity search requires a search warrant and must be conducted by qualified medical personnel.
4. When a visual body cavity search reveals a weapon, the search is to be considered exigent, and the weapon must be safely recovered and secured.

E. Contraband Concealed and/or Ingested in the Mouth


1. A search of a person's mouth is permissible when there is probable cause to believe that the person has placed an illegal substance in their mouth. Exigency is created because of the potential harm to the person and the destruction of evidence.
2. The goal of the officer is to get the person to spit out the illegal substance. Officers should not use their hands or fingers to retrieve the item; instead rely on the manipulation of pressure points such as the mandibular angle nerve, hypoglossal nerve, and jugular notch nerve.
3. Officers are not permitted in any way to block the person's airway or restrict blood flow to the brain.
4. Officers will immediately call Medic and their supervisor if the person is believed to have swallowed an illegal substance. A person who has ingested illegal substances needs to be immediately evaluated by medical personnel before they are transported to jail.
5. Officers may choose to seek a search warrant to retrieve the ingested substances for evidentiary purposes.

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6. All actions taken in response to possible ingested contraband will be documented in a KBCOPS narrative supplement.

F. Arrestee Property Inventory

1. The purpose of the inventory of a person in police custody is to:
  - a. Promptly identify the property to establish accountability and avoid spurious claims to property.
  - b. Fulfill the property inventory requirement of Mecklenburg County Sheriff's Office Arrest Processing Policy: #1.
  - c. Assist in the prevention of theft of property.
  - d. Locate toxic, flammable, or explosive substances.
  - e. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel.
  - f. Reduce the danger to persons and property.
2. An officer will inventory the personal property of a person taken into police custody, and inventory will be conducted whenever:
  - a. The person is either placed in a secure holding facility or transported in the secure portion of a police vehicle.
  - b. Custody of the person is transferred to another law enforcement agency, correctional facility, or treatment facility.
  - c. Property is held for safekeeping at the CMPD Property and Evidence Management Division.
3. Inventories of the personal property in the possession of persons will be conducted according to the following procedures:
  - a. An inventory will occur prior to the transfer of custody to another officer, placing a person into the temporary holding facility or a police vehicle, whichever occurs first.
  - b. To complete the inventory of personal property in the possession of a person, the officer will remove all items of personal property from the clothing worn by the person.
  - c. Officers will inventory the contents of locked, sealed, or closed containers (i.e., suitcases, backpacks, packages, or boxes) in the possession of a person when the contents cannot be determined from an examination of the container's exterior. However, locked or sealed items will not be forcibly opened to inventory the contents if doing so will cause damage to

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the container. In addition, officers will inventory the contents of all open, unsealed, or unlocked containers in the possession of the person.

- d. All items of personal property will be secured in the temporary holding facility, intake center, or in a police vehicle. No personal property will be retained by any person in police custody.
- e. The list of property found during the inventory process will be noted by the officer in a KBCOPS narrative supplement.
- f. Release of personal property shall be pursuant to Directive 700-004 Release of Property.


## V. TRANSPORTING PRISONERS

### A. Search of Police Vehicles


Officers are to conduct a thorough search of the interior of their police vehicle at the beginning of each tour of duty, upon any change in vehicle assignment, and after any non-police personnel have been inside the vehicle.

### B. Use of Transport Vehicles

1. All prisoners transported must be physically restrained using approved restraining devices, such as handcuffs, waist chains, rip hobble, leg irons, flex-cuffs, leg restraints, etc., in accordance with the officer's training. Officers will use discretion and, when necessary, consult a supervisor when confronted with a prisoner who has an obvious or known physical condition that will prohibit the use of restraining devices.
2. The transportation of prisoners will primarily be conducted using vehicles equipped with a protective shield and modified to minimize opportunities for the prisoner to exit from the rear compartment of the vehicle without the aid of the transporting officer.
3. When transporting prisoners in vehicles equipped with protective shields, the following procedures will be observed:
  - a. Units consisting of one officer will transport no more than two (2) prisoners. All prisoners will be placed in the rear of the vehicle.
  - b. Units consisting of two officers may transport up to three (3) prisoners. All prisoners will be placed in the rear of the vehicle.
  - c. PTVs, which are staffed with two officers, may transport multiple prisoners in accordance with the Prisoner Transport Vehicle Standard Operating Procedure.
4. When transporting prisoners in vehicles without protective shields, the following procedures will be observed:

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- a. Prisoners that have been combative will only be transported in a vehicle equipped with a protective shield.
- b. Units consisting of only one officer operating a vehicle not equipped with a protective shield will only transport a prisoner with the concurrence of a supervisor or as outlined in a unit-specific SOP.
- c. Units consisting of more than one officer are to utilize the following procedures when operating a vehicle without a protective shield:
  - (1). A single prisoner's hands must be handcuffed in the back and must be seated in the rear passenger seat behind the front passenger seat with the seatbelt properly secured.
  - (2). The second officer will sit behind the driver's seat to the left of the prisoner and will monitor the prisoner's condition and activity.
  - (3). No more than one (1) prisoner will be transported in a vehicle that is not equipped with a protective shield.
5. When transportation of a large number of prisoners is required, as in mass arrest situations, alternative transport options will be used, such as modified vans. CMPD personnel may request the assistance of the CMPD Prisoner Transport Vans or the Mecklenburg County Sheriff's Office Prisoner Transport Vans.
6. Safety aspects of prisoner transport require that the detainee's right to communicate with attorneys and others will not normally be exercised during the period that the detainee is being transported.
7. The starting location and beginning vehicle odometer mileage must be stated over the radio to the Communications Division telecommunicator at the start of every prisoner transport involving the opposite sex, a juvenile, a disruptive or combative prisoner, or an involuntary commitment patient. The arriving location and vehicle odometer mileage must be given over the radio to the telecommunicator at the conclusion of every prisoner transport involving the opposite sex, juveniles, a disruptive or combative prisoner, or involuntary commitment patient. In each situation, the telecommunicator will verbally state the starting and ending times of the prisoner transport over the radio to accurately record the event.
8. Officers will adhere to Directive 400-006 Body Worn Cameras.
9. Officers may position the camera to record the actions of the prisoner in any situation that the officer deems necessary.
10. Officers may reposition the camera to observe the prisoner and record any verbal utterances.

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C. Observation of Prisoners


Transporting officers will ensure that the individual is under continual observation and monitoring, except during certain medical examinations that require privacy. Under no circumstance will a prisoner in custody be left unattended in a transport vehicle or any other non-secure area.

D. Diversions During Prisoner Transport

1. Transporting officers are not authorized to stop for or respond to the need for law enforcement services except in life-threatening situations. If this situation occurs, the transporting officer will ensure the safety and security of the prisoner and minimize risk to the officer and the public.
2. Officers are prohibited from engaging in any type of emergency response while transporting a prisoner unless an urgent or emergency situation arises that warrants the use of emergency equipment.
3. Transporting officers must always travel the most direct route to their final destination when transporting prisoners.
4. PTVs are permitted to travel to multiple locations to pick up prisoners prior to transport by the most direct route to the intake center. The maximum period of time a prisoner can be confined in the PTV will be 2 hours.

E. Special Transport Situations

1. If a prisoner becomes sick or is injured incident to arrest and needs medical treatment, the arresting officer must seek medical treatment for the prisoner at that time. Prisoners with life-threatening medical conditions or injuries must be transported to a medical facility by ambulance. If this situation occurs, an officer will be designated to accompany the prisoner during transport. The need for restraining devices will be determined upon consultation with the medical personnel providing immediate treatment to the prisoner.
2. Officers must inform the receiving agency personnel of any medical conditions or injuries the prisoner has that the officer has knowledge of.
3. Physically handicapped prisoners may be transported in the front of the police vehicle if the individual's condition prohibits the transport in the rear of the vehicle.
  - a. Officers should request the Communications Division to contact Charlotte Area Transit (CATS) for assistance in transporting handicapped persons whose condition prohibits transport in police vehicles. When feasible, these arrangements will be made prior to the arrest taking place.

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b. Officer will use discretion and sound judgment when determining whether restraining devices are necessary for physically handicapped prisoners.

4. Involuntary Commitment Order (IVC) Transports

In accordance with N.C.G.S § 122C-251, the following guidelines shall be adhered to when transporting a person to a mental health facility pursuant to an involuntary commitment order:


a. CMPD shall provide either a transporting or accompanying officer who is the same sex as the respondent unless the officer allows a family member of the respondent to accompany the respondent. The accompanying family member would be required to ride in the same vehicle with the officer and respondent. If an officer of the same sex as the respondent is not available and a family member is not available to ride with the transporting officer, then with supervisor approval, two (2) officers, utilizing their BWCs, may transport a respondent of the opposite sex. This option should only be used in limited circumstances where time, safety, or other factors limit the ability to wait for an officer who is the same sex as the respondent.

b. To the extent possible, officers shall advise respondents when taking them into custody that they are not under arrest and have not committed a crime but are being taken into custody and transported to receive treatment for their own safety and that of others.

F. Entering Police Headquarters with Prisoners

1. Officers transporting prisoners will normally enter CMPD Headquarters through the security door adjacent to the prisoner loading area located between the building and the parking deck.
2. Prisoners will be handcuffed during transport. Officers will have direct physical control of prisoners at all times unless the prisoner is secured in a police vehicle or interview room.
3. Immediately upon entering the building and prior to any interview, treatment, or other processing, the transporting officer will conduct a facility search on the prisoner for weapons and contraband.
4. When transporting prisoners to the interview rooms at CMPD Headquarters, officers will always use the service elevator to transport prisoners to the second floor unless the elevator is out of service.



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G. Entering Jail and Detention Facilities


1. Upon arrival at the Mecklenburg County Intake Center or other detention facility, the transporting officer will leave any restraining devices on the prisoner until safely inside a secure area of the facility.
2. Prior to entering a secure detention area, the transporting officer will secure their firearm in the provided lockbox or as otherwise required by the facility. Officers are prohibited from taking any firearm into the secure area of the Intake Center or detention facility.
3. After securing all firearms, the transporting officer will remain in the receiving area with the prisoner until the prisoner has been searched, examined for injuries, and accepted by the detention officer.
4. The transporting officer will deliver to the detention officer all necessary documentation pertaining to the prisoner, including any information about the prisoner's escape or suicide potential or other issues of a security nature.

H. Security and Control of Prisoners at Medical Facilities

1. Some medical procedures require the removal of restraints and/or privacy with the prisoner. During procedures, the safety of the officer and the public will not be compromised. Officers becoming aware of security hazards created by medical treatment procedures are to consult with the attending physician and, if necessary, relay information to a field supervisor.
2. When a prisoner in custody is admitted to a hospital, the transporting officer will refer to the procedures (section III. J.2.) outlined in Directive 500-002 Confinement of Arrestees and Booking Procedures.


I. Escapes from custody during transport

1. In the event a prisoner escapes from custody, the transporting officer will:
  - a. Immediately notify the Communications Division, provide necessary details to re-capture the prisoner, and notify the officer's on-duty supervisor.
  - b. If equipment has been damaged or stolen, then appropriate reports will be recorded in KBCOPS.
  - c. If the prisoner is not recovered prior to the officer's completion of their shift, then the officer shall ensure warrants have been or will be issued for the prisoner.
2. The on-duty supervisor will evaluate the escape circumstances. If employee misconduct appears to be a factor in the escape, the supervisor will initiate a supervisor investigation in the IACMS.

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VI. REFERENCES

- 400-006 Body Worn Camera
- 500-002 Confinement of Arrestees and Booking Procedures
- 500-003 Management of Persons in Extreme Distress
- 500-004 Conducting Searches
- 500-004-A Conducting Person Searches
- 600-024 Electronic Recording of Interviews-Interrogations
- 700-004 Release of Property
- Prisoner Transport Van SOP
- Mecklenburg County Sheriff's Office Arrest Processing Policy: #1
- N.C.G.S § 122C-251
- CALEA

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I. PURPOSE


This directive establishes guidelines for the eyewitness identification of a suspect(s) to help solve a crime, convict the guilty, and exonerate the innocent in criminal proceedings.

II. POLICY

All Charlotte-Mecklenburg Police Department (CMPD) personnel shall follow this directive when conducting eyewitness identifications, even when the eyewitness is a CMPD employee. Sworn employees serving in the official capacity of a City of Charlotte representative are not required to participate in a show-up as an eyewitness. The employee's immediate supervisor should be consulted regarding the employee's role in an investigation as it relates to this directive.

III. DEFINITIONS

- A. **Eyewitness:** A person, including a law enforcement officer, whose identification by sight of another person may be relevant in a criminal proceeding.
- B. **Confidence Statement:** A clear statement from the eyewitness, taken at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the perpetrator.
- C. **Filler:** A person or photograph of a person who is not suspected of an offense and is included in the lineup.
- D. **Suspect/Perpetrator:** A person who is suspected of an offense. The terms suspect and perpetrator may be used interchangeably as it relates to this directive and N.C.G.S. §15A-284.50-53.
- E. **Lineup Administrator:** The assigned investigator who creates a lineup.
- F. **Independent Administrator:** A lineup administrator who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect.
- G. **Live Lineup:** A procedure in which a group of people is sequentially displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.
- H. **Photo Lineup:** A procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.
- I. **Sequential Lineup:** A live lineup or photo lineup that will include the suspect and five (5) fillers who are similar in appearance. Individuals or photos shall be presented to witnesses sequentially, with each individual or photo presented to the witness separately, in a previously determined order, and removed after it is viewed before the next individual or photo is presented.


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- J. Show-up: A procedure in which an eyewitness is presented with a single live suspect for the purpose of determining whether the eyewitness is able to identify the perpetrator of a crime.

#### IV. PROCEDURE FOR CONDUCTING EYEWITNESS IDENTIFICATION

##### A. Conducting a Sequential Photo Lineup

1. CMPD employees will only use the sequential photo lineup process in preparing and presenting a photo lineup to an eyewitness and will follow the guidelines listed below.
  - a. Photographs may be generated using the CMPD mug shot system. If photos from the mug shot system are not available or do not meet the guidelines set forth below, employees may rely on photographs from outside sources such as a yearbook, Department of Motor Vehicles (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. Fillers shall generally resemble the eyewitness's description of the perpetrator while ensuring that the suspect does not unduly stand out from the fillers. In addition,
    - 1) All fillers selected shall resemble, as much as practicable, the eyewitness description of the perpetrator's significant features, including unique or unusual features (i.e., facial hair, scars, tattoos, etc.).
    - 2) 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. There will not be anyone present (to include the investigating employee) during the lineup who knows the suspect's identity, except the eyewitness and counsel as required by law.
  - g. During the sequential photo lineup, all photos will be presented to the eyewitness one at a time, in a previously determined order. Each photo will be removed after it is viewed and before the next photo is presented.
  - h. Only one suspect will be included in a photo lineup.

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- i. If the eyewitness has previously viewed a photo lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup in which the current suspect participates shall be different from the fillers used in any prior lineups.
- j. If there are multiple eyewitnesses, the suspect shall be placed in a different position in the lineup or photo array for each eyewitness.

2. Separation of Witnesses

The lineup administrator shall separate all witnesses in order to discourage witnesses from conferring with one another before or during the procedure. Each eyewitness shall be given instructions regarding the identification procedure without other witnesses being present.


3. Instructions to Eyewitness

- a. The lineup administrator will read the instructions on the Sequential Photograph Lineup Instruction Sheet found on the CMPD Portal. The eyewitness shall acknowledge the receipt of the instructions in writing. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the acknowledgment and shall sign the acknowledgment.
- b. Nothing shall be said to the eyewitness regarding the suspect's position in the photo lineup or anything that might influence the eyewitness's identification.
- c. The eyewitness may look at the lineup for as long as he or she wishes; however, the lineup administrator may not provide any feedback regarding the photographs.
- d. The eyewitness may view the lineup again, but the photos should be shuffled again, and the witness must look at all the photographs.

4. Identification by Eyewitness and Confidence Statement

- a. The lineup administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given lineup is the perpetrator.
- b. If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning the person before the lineup administrator obtains the eyewitness's confidence statement about the selection.

5. Record of Procedure


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A written record of the eyewitness photo procedure will be kept and include at a minimum:


- a. The exact words used by the eyewitness in any identification.
- b. The confidence statement signed by the eyewitness and the lineup administrator. If the eyewitness refuses to sign the confidence statement, the lineup administrator shall note the refusal of the eyewitness to sign the results and shall also sign the notation.
- c. The names and identifying information of all persons present at the lineup.
- d. The date, time, and location of the lineup.
- e. How many photos were presented in the lineup.
- f. The sources of all photos presented.
- g. The photographs used in the photo lineup.

**B. Conducting a Live Lineup**

1. A live lineup may be used when an individual who is a suspect in multiple cases is in custody or in a case where numerous witnesses may be able to identify the suspect. If the suspect is not in custody, the suspect may be asked to voluntarily participate in a live lineup or may be required to participate through the use of a non-testimonial identification order. A live lineup will be conducted at the Mecklenburg County Jail Central Facility and will be coordinated with the Mecklenburg County Sheriff's Office to ensure that the suspect is not scheduled for a court appearance and will be available at the facility in a timely manner. A live lineup will be conducted under the guidance of a supervisor from the Criminal Investigations Bureau. CMPD employees conducting a live lineup will adhere to the following guidelines:
  - a. The live lineup shall be conducted by an independent administrator who shall remain sequestered from the eyewitnesses and while the fillers are being selected.
  - b. All eyewitnesses will be required to appear at the CMPD Headquarters Building at least one hour before the lineup to ensure their presence and to provide them with instructions regarding the lineup.
  - c. In a live lineup, all lineup participants must be out of view of the eyewitness prior to the lineup.
  - d. The District Attorney's Office will be notified of the lineup so that the appropriate assistant district attorney may attend.

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- e. In the event a critical stage of the prosecution has occurred (appearance before the magistrate or indictment) or a judicial proceeding has begun, the case detective will meet with the suspect's attorney prior to the lineup and obtain his or her consent to conduct the lineup. The attorney for the suspect will be allowed to be present during the lineup. If there is a question regarding whether the suspect has a right to counsel, CMPD employees should make sure that counsel is present or obtain a waiver to the right to counsel from the suspect.
- f. If the live lineup occurs after a critical stage of the prosecution or adversarial judicial proceedings have begun, the investigating employee will contact the suspect's attorney and ensure that counsel is present during the live lineup.
- g. The suspect and his attorney will be given the opportunity, under escort of detention personnel, to select nine (9) individuals from the inmate population to serve as fillers in the lineup. The investigating employee will select five (5) of those individuals as fillers.
- h. The investigating employee will ensure that each of the fillers is dressed similarly to the suspect and that the lineup participants represent a non-suggestive lineup.
- i. If only one witness is viewing the lineup, the suspect and his attorney will be allowed to place the participants in the order in which they wish them to appear in the lineup. If multiple eyewitnesses are involved, the lineup administrator will, to the extent possible, place the suspect in different positions in each lineup. The fillers will be placed randomly in each lineup.
- j. Each participant will be given a visible number that corresponds to the participants' placement in the lineup. Participants' numbers will be exchanged as the participants' positions in successive lineups change.
- k. A photograph of each lineup will be taken prior to its presentation, documenting the order in which the participants are presented, clothing, and general appearance.
- l. Only one suspect will be included in a live lineup.
- m. Nothing shall be said to the eyewitness regarding the suspect's position in the live lineup or anything that might influence the eyewitness's identification.
- n. The investigating employee will not have contact with the lineup administrator or the witnesses.

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- o. There shall not be anyone present during the live lineup or photographic identification procedures who knows the suspect's identity, except the eyewitness and counsel as required by law.
- p. Upon entering the viewing area, the eyewitness will be given the opportunity to view the participants, one at a time, from the front and from the side. If it is necessary for the participants to perform any physical actions (speak a phrase, walk, etc.), each participant must perform the same actions.
- q. After viewing all participants, the eyewitness will be asked if he or she recognizes anyone in the lineup. If the eyewitness recognizes anyone, the eyewitness will be asked to state the circumstances from which the eyewitness recognizes the participant. All participants will be brought into the viewing area, even if the eyewitness makes identification during the presentation.
- r. The suspect's attorney will not be allowed to question any eyewitness.
- s. If the eyewitness requests to see a specific participant after viewing the entire lineup, the lineup administrator will present the entire lineup to the eyewitness again, in the same order in which it was initially presented.

## 2. Separation of Witnesses


The lineup administrator shall separate all eyewitnesses in order to discourage witnesses from conferring with one another before and during the procedure. Each witness shall be given instructions regarding the identification procedures without the other witnesses present.

## 3. Instructions to Eyewitness

- a. Prior to viewing the lineup, the eyewitness will be instructed that they will be looking at a series of individuals, one at a time, through a two-way mirror and that the individuals will not be able to see or hear the witness. The lineup administrator will read the instructions on the CMPD Live Body Line Up Lineup Instruction Sheet found on the CMPD Portal. The eyewitness shall acknowledge the receipt of the instruction in writing. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the acknowledgment and shall sign the acknowledgment.
- b. After an eyewitness has viewed the lineup, the lineup administrator will instruct the witness not to discuss the lineup or its results with other eyewitnesses and will discourage the witness from discussing the case with the media.

## 4. Identification by Eyewitness and Confidence Statement.



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- a. The lineup administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given lineup is the perpetrator.
- b. If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning the person before the lineup administrator obtains the eyewitness's confidence statement about the selection

5. Record of Procedure


A video record of the live identification procedures shall be made. If the video record is not practical, the reasons shall be documented, and an audio record shall be made. If neither a video nor audio record is practical, the reasons shall be documented, and the lineup administrator shall make a written record of the lineup.

Whether video, audio, or in writing, the record shall include all of the following:

- a. All identification and nonidentification results obtained during the identification procedure, signed by the eyewitness, including the eyewitness's confidence statement. If the eyewitness refuses to sign, the lineup administrator shall note the refusal of the eyewitness to sign the results and shall also sign the notation.
- b. The name and contact information of all persons present at the lineup.
- c. The date, time, and location of the lineup.
- d. The words used by the eyewitness in any identification, including the words that describe the eyewitness's certainty of identification.
- e. How many individuals were presented in the lineup.
- f. The sources of all persons used.
- g. A photo or other visual recording of the lineup that includes all persons who participated in the lineup

C. Conducting a Show-up

1. A show-up may only be conducted when a suspect matching the description of the perpetrator is located in close proximity in time and place of the crime, or there is reasonable belief that the perpetrator has changed his or her appearance in close time to the crime, and only if there are circumstances that require the immediate display of a suspect to an eyewitness.
  - a. A show-up shall only be performed using a live suspect and shall not be conducted with a photograph.

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- b. If probable cause already exists, careful consideration must be given before a show-up is conducted.
- c. Prior to the show-up, the sworn employee(s) will obtain a detailed description of the suspect from the eyewitness.
- d. Whenever a show-up is conducted, the sworn employee(s) will transport the eyewitness to the suspect's location unless it is physically impossible to move the eyewitness (for example, if the eyewitness is physically incapacitated). If the suspect must be transported, the sworn employee(s) will attempt to obtain the suspect's consent prior to transporting the suspect. The transportation of the suspect may convert the detention into an arrest.
- e. If possible, Employees shall avoid conducting a show-up when the suspect is in a patrol car, handcuffed, or otherwise restrained unless safety concerns make this impractical.
- f. Employees shall not present the same suspect to the same eyewitness more than once.
- g. Employees shall photograph the suspect at the time and place of the show-up to preserve a record of the appearance of the suspect at the time of the show-up procedure.
- h. Employees shall photograph a juvenile suspect who is ten (10) years of age or older at the time and place of the show-up if the juvenile is reported to have committed a nondivertible offense or common law robbery.

2. Separation of Witnesses


The employee conducting the show-up shall separate all witnesses in order to discourage them from conferring with one another before or during the show-up. Each witness shall be given instructions regarding the identification procedure without other witnesses being present.

3. Instructions to Eyewitness

- a. The employee conducting the show-up will read the Show-Up Identification Instruction Sheet, found on the CMPD Portal, to the eyewitness. The eyewitness shall acknowledge the receipt of the instructions in writing. If the eyewitness refuses to sign, the employee conducting the show-up shall note the refusal of the eyewitness to sign the acknowledgment and shall sign the acknowledgment.
- b. Words and conduct that may suggest to the eyewitness that the individual participating in the show-up is or may be the suspect are prohibited.

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- c. The employee conducting the show-up will ensure that the eyewitness has ample opportunity to observe the suspect. However, the employee may not provide any feedback regarding the identification.
    - d. After an eyewitness has participated in the show-up procedure, the employee conducting the show-up will instruct the witness not to discuss the show-up or its results with other eyewitnesses and will discourage the eyewitness from discussing the case with the media.
- 4. Identification by Eyewitness and Confidence Statement
  - a. The employee conducting the show-up shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in the show-up is the perpetrator.
  - b. The confidence statements by the eyewitness should include information related to the eyewitness' vision (ability to see the suspect), the circumstances of the event they witnessed, and communication with other eyewitnesses if any.
  - c. The eyewitness shall not be provided any information concerning the person identified until the employee conducting the show-up obtains the confidence statement from the eyewitness.
- 5. Record of Procedure
  - a. Employees shall record all show-ups either with the BWC or DMVR, whichever is most prudent.
  - b. Whether video, audio, or in writing, a record of the show-up shall include all of the following:
    - (1) The eyewitness's description of the suspect.
    - (2) The exact words used by the eyewitness in any identification.
    - (3) A confidence statement including information related to the eyewitness's vision, the circumstances of the events witnessed, and any communications with other witnesses.
    - (4) If the eyewitness refuses to sign the confidence statement, the employee conducting the show-up shall note the refusal of the eyewitness to sign the results and shall also sign the notation.
    - (5) The names and identifying information of all persons present, including the suspect(s).
    - (6) The date, time and location of the show-up.


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- (7) If an identification is made, employees shall include the eyewitness's level of confidence and record any conduct, gestures, or other relevant observations that may indicate the level of confidence of the eyewitness.
- (8) A photograph of the suspect at the time and place of the show-up.

V. REFERENCES

NIJ Guidelines "Eyewitness Evidence – A Guide for Law Enforcement" October, 1999  
 NC Actual Innocence Commission Recommendations for Eyewitness Identification  
 North Carolina Department of Justice – "Recommendations for Eyewitness Identification"  
 North Carolina Department of Justice- "NC Eyewitness Identification Reform Act"  
 N.C.G.S. §15A-284.50-53  
 N.C.G.S. §15A-284.52 Amending Eyewitness ID/Show-up  
 CALEA

The previous version of Directive 500-009 Eyewitness Identification Procedure was published on 01/24/2018.

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	<b>Interactive Directives Guide</b>		<b>Requesting Protected Health Information</b>
			<b>Effective Date: 11/17/2022</b>

## I. PURPOSE

To establish guidelines for Charlotte-Mecklenburg Police Department (CMPD) sworn employees in requesting and obtaining protected health information (PHI) from a healthcare entity (HCE) that must comply with the privacy regulations of the Health Insurance Portability and Accountability Act (HIPAA).

## II. POLICY


The privacy regulations of HIPAA impose a legal obligation on an HCE to protect PHI from unauthorized disclosure. Because it may become necessary for sworn employees to obtain PHI in the course of a criminal investigation or for other legitimate law enforcement purpose, this necessity can come into conflict with the legal obligation of an HCE under HIPAA. CMPD endeavors to cooperate with HCEs to ensure that disclosures of PHI to sworn employees are in compliance with HIPAA regulations.

## III. DEFINITIONS


- A. Health Care Entity (HCE): A health plan, healthcare clearinghouse, or healthcare provider that must comply with HIPAA privacy regulations.
- B. Protected Health Information (PHI): Individually identifiable health information (including demographic information) and information that relates to the past, present, or future treatment and care of an individual.

## IV. PROCEDURE


- A. Sworn employees should provide verification of identity by displaying their official departmental identification to HCE personnel when requesting PHI.
- B. The following information applies to legally Mandated PHI disclosure:
  - 1. Even in the absence of a request by law enforcement, A HCE is required to report PHI to law enforcement, as soon as it becomes practicable, before, during, or after treating individuals for the following:
    - a. Bullet wounds, gunshot wounds, powder burns, or any other injury or wound actually or apparently caused by the discharge of a firearm.
    - b. Illness actually or apparently caused by poisoning.
    - c. Wounds or injury actually or apparently caused by a knife, sharp or pointed instrument where it reasonably appears that criminal conduct was involved.
    - d. Wounds, illness, or injury in which there is grave bodily harm where it reasonably appears that criminal conduct was involved.

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- e. Recurrent illness or serious physical injury to a child under the age of 18 where it reasonably appears such illness or injury is the result of non-accidental trauma.
  2. If mandatory disclosure is required, a HCE will disclose the following PHI (if known) of the individual being treated:
    - a. Name;
    - b. Age;
    - c. Sex;
    - d. Race;
    - e. Residence or present location;
    - f. Character and extent of the injury.
  3. If additional PHI is sought, sworn employees should pursue that information through the processes described in sections C, D, and E.
- C. Request for PHI
1. Identification or Location Information
    - a. An HCE may disclose the following information upon the request of a CMPD sworn employee seeking to identify or locate a suspect, fugitive, material witness, or missing person:
      - (1) Name;
      - (2) Address;
      - (3) Date and place of birth;
      - (4) Social Security Number;
      - (5) ABO blood group and Rh factor;
      - (6) Type of injury;
      - (7) Date and time of treatment;
      - (8) Date and time of death, if applicable;
      - (9) Description of distinguishing physical characteristics, including height, weight, gender, race, hair, eye color, facial hair, tattoos, or scars.
  2. Crime Victim PHI

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- a. If PHI is requested for the victim of a crime, a HCE may disclose the information if:
  - (1) The victim authorizes the disclosure, or
  - (2) The victim is unable to authorize the disclosure due to incapacitation or other emergency circumstances and:
    - (a) The sworn employee informs the HCE that the PHI is needed to determine whether someone other than the victim has violated the law and the information is not to be used against the victim.
    - (b) The sworn employee informs the HCE that immediate law enforcement action depends upon the disclosure and would be materially and adversely affected by waiting until the victim is able to authorize the disclosure.
    - (c) The disclosure is in the best interests of the victim as determined by the HCE.
  
3. Motor Vehicle Crash Investigation
  - a. If an individual is involved in a motor vehicle crash, a HCE providing medical treatment must disclose the following PHI upon the request of a sworn employee investigating the crash:
    - (1) Name,
    - (2) Current location,
    - (3) Whether the person appears to be impaired by alcohol, drugs, or other substance.
  - b. An HCE must allow a sworn employee investigating a motor vehicle crash access to visit and interview the individual upon request, except when the HCE requests temporary privacy for medical reasons.
  
4. Other Investigations
  - a. A completed [CMPD Request for Summary Health Information Form](#) should be submitted to the HCE in order to obtain PHI.
  - b. In order for the HCE to comply with HIPAA, the sworn employee must certify that:
    - (1) The PHI sought is relevant and material to a legitimate law enforcement inquiry.

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(2) The request must be specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is being sought.

(3) De-identified information could not reasonably be used.

c. If additional PHI is necessary for the investigation, the sworn employee should obtain a court order.

5. Disclosure of PHI based solely upon the request of a sworn employee (other than what is required to be disclosed by law) is entirely within the discretion of the HCE.

6. If a request for disclosure of PHI is denied a sworn employee should then obtain either an authorization for the release of health information or a court order.

D. Authorization for Release of Health Information

1. Sworn employees can obtain PHI by submitting a completed [CMPD Authorization for Release of Health Information Form](#) signed by the individual (or authorized representative) whose information is being requested to an HCE. (See attached CMPD Authorization for Release of Health Information Form and Information Sheet)

2. A HCE may require sworn employees to submit a completed and signed authorization form provided by the HCE. If so, sworn employees should utilize the form provided or obtain a court order.

E. Court Order

1. Officers may seek a court order requesting a HCE to disclose and provide PHI through the Police Attorney's Office.


2. When preparing a motion (with an accompanying affidavit) and order, prior to consultation with the Police Attorney's Office, sworn employees should verify that the motion and order contains the following:

a. Name(s), including aliases, of the individual(s) whose PHI is being requested. If PHI is being requested for an unidentified suspect, then information from which the HCE can reasonably ascertain the identity of the suspect should be provided.

b. A list of the specific PHI being requested e.g., "All medical records and details" or specific demographic information, such as name, address, and date of birth).

3. Only PHI that is listed in the final signed order will be released.




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4. Release of PHI related to DNA, DNA analysis, dental records, samples, or analysis of tissue or bodily fluids (other than blood or urine), will require a court order.
  5. Release of PHI related to mental health or substance abuse will require a court order.
- F. Investigations with Department of Social Services (DSS) – When conducting a criminal investigation pursuant to a request by DSS, a sworn employee need only present a letter from DSS confirming the investigation and the sworn employee’s authority to investigate when requesting PHI.
- G. Once a suspect has been charged with a crime, requests for PHI should be handled as directed by the District Attorney’s Office.

V. REFERENCES

- 45 C.F.R. § 160.103
- 45 C.F.R. § 164.500 *et seq.*
- N.C.G.S. § 7B-300 *et seq.*
- N.C.G.S. § 90-21.20 *et seq.*

The previous version of Directive 500-010 Requesting Protected Health Information was published on 10/23/2019.

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	<b>Interactive Directives Guide</b>	<b>Departmental Vehicles</b>	
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I. PURPOSE

This policy establishes guidelines for the official use and operation of Charlotte-Mecklenburg Police Department (CMPD) vehicles for both on-duty, secondary employment assignments and out-of-town requests.


II. DEFINITIONS

- A. Employee: Any sworn employee, civilian employee, or volunteer for the CMPD with a valid City of Charlotte driving permit.
- B. CMPD Vehicle: Any vehicle, marked or unmarked, that is owned or leased by the City of Charlotte and assigned to CMPD for official use.
- C. Call Back Vehicle: Any CMPD vehicle, marked or unmarked, that is assigned to an individual employee for official use on a twenty-four (24) hour per day basis.
- D. Vehicle Residency Incentive Program: Allows for marked call back vehicles to be issued to patrol officers and sergeants who live within the non-concurrent CMPD jurisdiction. Please refer to the Vehicle Residency Incentive Program SOP for full details of this program.
- E. Sensitive Equipment: All firearms, magazines, ammunition, conducted electrical weapons (CEW), portable radios, collapsible baton, OC spray, body worn cameras (BWC), badge, identification cards, access cards, keys, fuel cards and/or any other items as deemed by the CMPD chain of command.


III. CALL BACK VEHICLES

Call back vehicles are issued for the purposes of after-hours call back to a crime scene or critical incident requiring immediate response and to promote greater police presence and visibility throughout the CMPD policing jurisdiction through the expanded use of marked patrol vehicles.

- A. To facilitate immediate responses and access to necessary equipment after-hours, call back vehicles are authorized for non-work-related operations in Mecklenburg County and North Carolina counties contiguous with Mecklenburg County within the forty-five (45) mile radius residency requirement. Exceptions to the contiguous county restriction are at the discretion of an employee's deputy chief.
- B. Employees who reside in South Carolina within the forty-five (45) mile radius residency requirement may operate a departmental vehicle for take-home purposes for after-hours call back. However, operating the vehicle for non-work-related operations in South Carolina is prohibited. Employees operating a take-home vehicle who reside in South Carolina will travel directly to their residence and park the vehicle until such time as to return to duty.

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- C. Sworn employees operating take-home vehicles equipped with blue lights and siren who reside in South Carolina will not operate the blue lights and/or siren within South Carolina and will drive with due regard for all applicable traffic laws.
- D. Civilian passengers may accompany an employee as long as those passengers do not unreasonably inhibit the employee's ability to respond to a callback event.
- E. Sworn employees operating a call back vehicle in North Carolina will provide an initial response to any incident occurring in their proximity, whether they personally observe the incident, or it is communicated through a second party or radio transmission. However, at no time will employees jeopardize the safety of civilian passengers. If an employee is unable to respond to an incident because the response may jeopardize the safety of civilian passengers, the employee is required to take measures to assist, such as obtaining a suspect description and relaying that information to the Communications Division.
- F. Sworn employees operating a call back vehicle in South Carolina may take life-saving actions or any other appropriate actions in an incident occurring in their proximity but will act as a private citizen and in accordance with all applicable South Carolina state laws.
- G. Employees operating a call back vehicle must have appropriate attire and equipment immediately available to them for callback response or to enable them to fulfill an emergency public safety function. Minimally, this includes the service pistol, handcuffs, radio, flashlight, and an outer garment identifying the employee as a CMPD employee. Attire worn while operating a call back vehicle shall be sufficiently appropriate to reflect favorably upon CMPD.
- H. Employees authorized a call back vehicle equipped with a laptop computer and/or shotgun are responsible for securing and locking such items in their proper mounting locations. In vehicles without locking mounts or those parked for extended periods of time, equipment will be secured in the vehicle's trunk. Employees will not leave any firearms, portable radios, or other sensitive equipment unsecured in the passenger area of the vehicle. Employees carrying specialized equipment will refer to the specific unit SOP for securing and storing such equipment.
- I. Employees operating the call back vehicle for personal use will not visit any location that may reflect negatively on the department or result in public criticism. A call back vehicle may not be used for vacation purposes outside of CMPD jurisdiction.
- J. Employees on light duty (who are medically cleared to drive a vehicle) may be allowed to drive an unmarked call back vehicle. Employees in these circumstances will take no enforcement action when operating a call back vehicle.
- K. Employees participating in the City of Charlotte House Charlotte Program may be assigned a take-home car based upon availability and current distribution of take-home cars within the immediate neighborhood or area where the employee has purchased the home. Continued residency at the home is a requirement in order to

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remain eligible for a take-home car, and assignments of take-home cars may be adjusted as neighborhood status shifts.

- L. The CMPD Administrative Services Bureau major will conduct an annual review of all call back vehicles to ensure policy objectives are being met.

#### IV. TRANSPORTATION OF CITIZENS WHILE ON DUTY


- A. Transportation of any citizen must be supported by a legitimate duty-related purpose and shall not interfere with police operations.
- B. CMPD personnel will advise the Communications Division of the destination and beginning/ending mileage of the police vehicle when the transported person is of the opposite sex or a juvenile (except when escorting other non-agency partners and engaging in official business). To provide necessary confidentiality in criminal investigations, Vice and Narcotics is exempted from this provision.

#### V. DEPARTMENT COMMUNITY OBSERVER (RIDER) PROGRAM

The Community Observer (Rider) Program is designed to allow citizens to observe police operations from an internal perspective by riding with on-duty police officers. The procedure to participate is outlined in the Community Observer (Rider) Program SOP.

#### VI. VEHICLE INSPECTION

- A. Prior to taking possession of any assigned vehicle, employees will inspect the vehicle and complete the Automobile Assignment and Inspection List.
  - 1. Employees will notify their supervisor if any unreported or questionable damage is discovered on CMPD vehicles.
  - 2. The supervisor will investigate the source of any unreported damage, complete the required reports, and initiate the necessary corrective action.
  - 3. All Automobile Assignment and Inspection List forms for division assigned vehicles will be returned to the division or unit supervisor.
  - 4. Inspection of vehicles will include a check of equipment assigned to the vehicle, a check to verify that all fluid levels are adequate prior to continued use of the vehicle, and a search of the vehicle's passenger area and trunk to ensure no weapons or contraband have been left in the vehicle.
  - 5. All vehicles assigned to a patrol division are required to contain the listed items in Appendix A. The employee will notify the shift sergeant if these items are not present during the initial vehicle inspection.
  - 6. If no replacement item is immediately available, the employee may drive a different patrol vehicle. Any sergeant notified of the missing equipment will notify the patrol division's administrative sergeant of the need to replace the equipment.

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7. All equipment in a patrol vehicle that is required for the employee to properly perform job functions will be supplied and replenished by the CMPD. The department will replace the missing equipment prior to the employee beginning their tour of duty in that vehicle.

**B. Returning Vehicles**

1. Employees will ensure that each vehicle is clean, has the assigned fuel card, and all personal property is removed at the conclusion of their tour of duty. Supervisors will periodically check vehicles for interior and exterior cleanliness.

2. Vehicles will be returned with fuel tanks no less than three-fourths full. Fueling procedures will include checking the oil level, transmission fluid level, water level, tire pressure, and adding oil, water, and air as needed.

**VII. VEHICLE OPERATION**

A. Employees will not operate a CMPD vehicle while consuming alcohol or while alcohol remains in the person's body.

B. Employees will use the skills, principles, and concepts of the City of Charlotte Defensive Driving Course while operating CMPD vehicles.

C. Before operating a CMPD vehicle, employees will have a City of Charlotte Driving Permit and ensure that they are familiar with the vehicle's individual characteristics and features. Employees will make themselves aware of the different types of equipment found on various CMPD vehicles, such as anti-lock brakes, front-wheel drive, etc., and will direct any questions to a supervisor.


D. Employees are required to use the factory-installed occupant safety restraining devices anytime they are operating a CMPD vehicle.

E. Employees should turn off the ignition when it is not necessary to leave the engine running.

F. No employee will leave a CMPD vehicle unattended without securing it by removing the keys from the ignition, rolling up all windows, and locking all doors. Specialized units will adhere to their unit's standard operating procedure as it relates to securing vehicles. Canine units will follow the Canine Unit SOP regarding leaving their dogs unattended in their CMPD vehicles.

G. CMPD vehicles will be parked legally in designated spaces marked by the appropriate signs.


H. The CMPD Fleet Management Division manager will distribute a list of vehicles due for preventive maintenance to CMPD personnel on a daily basis. In order to ensure the safety of our employees, CMPD vehicles will be brought to the Fleet Management Division maintenance facility as soon as possible so the required preventive maintenance can be performed.

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- I. Shotguns, rifles, level 3 vests, laptops, portable speed measuring devices, and personal items must be removed from the vehicle and stored properly prior to leaving the vehicle at the Fleet Management maintenance facility (garage) or an outside vendor for repair or maintenance service.
  
- J. Fuelman Cards
  1. Vehicles will be fueled using only the fuel card assigned to that vehicle.
  2. If a fuel card is lost, the supervisor is to contact the CMPD Fleet Management Division manager to determine the last employee to use the card.
  3. If the card is not found, a lost equipment report will be completed, and a copy forwarded to the CMPD Fleet Management Division manager.
  4. Employees may be required to pay a replacement fee of \$5.00 to the Financial Management Division and deliver the receipt to the CMPD Fleet Management Division manager for a replacement card.
  5. In the interim, a card number will be given to use manually until the report findings are completed.
  
- K. CMPD Logistics Unit Vehicles
 

Multi-passenger vans and pick-up trucks are assigned to the CMPD Logistics Unit and are available for approved CMPD sponsored functions or official business. The following guidelines are in place to account for the use and operation of these vehicles and their passengers:

  1. In order to operate a CMPD Logistics Unit vehicle, an employee must have a City of Charlotte driving permit and successfully complete the City of Charlotte Defensive Driving Course.
  2. The employee must contact the CMPD Logistics Unit to request and reserve a vehicle.
  3. If vehicles are to be operated outside of Mecklenburg County, the employee will provide to the CMPD Logistics Unit supervisor a passenger manifest to include:
    - a. Driver/passenger names
    - b. Addresses
    - c. Telephone numbers
    - d. Emergency contact telephone numbers
    - e. Destination and route
    - f. Trip timeline

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The CMPD Logistics Unit supervisor will forward copies of this list to the Communications Division shift supervisor and the Operations Command.

4. All sections of this directive also apply to the operation and use of CMPD Logistics Unit vehicles.

### VIII. TOWING CMPD VEHICLES


- A. All disabled or wrecked CMPD vehicles will be towed by the Fleet Management Division maintenance facility (garage) or their designated wrecker service to the Fleet Management Division maintenance facility. Even if there does not appear to be any damage to the vehicle, the vehicle needs to be inspected for hidden damage before being operated on the roadway for safety.
- B. No Inventory Report or Tow-In Report is necessary when a CMPD vehicle is towed.
- C. When a police vehicle is towed, the employee, or their supervisor, is responsible for removing the shotgun, rifle, level 3 vest, laptop, speed measuring devices (if portable), and any other applicable sensitive equipment and storing them appropriately.

### IX. After-Market Equipment

- A. Bumper Stickers and Decals
  1. Placement of any bumper sticker or decal on a CMPD vehicle requires the approval of the Chief of Police or designee.
  2. Bumper stickers or decals must refer to programs that are supported department wide.
- B. Window Tint
  1. No window tint is allowed on any marked patrol vehicle without the approval of the Chief of Police or designee.
  2. Window tint for unmarked vehicles must be approved by the chain of command through the bureau major with final approval by the Administrative Services Bureau major. The cost for adding window tint to unmarked vehicles will be paid out of the budget where the vehicle is assigned.
- C. No other after-market equipment is allowed to be installed on any CMPD vehicle without prior approval from the Chief of Police or designee, to include license plate covers or frames.

### X. SECONDARY EMPLOYMENT USE OF CMPD VEHICLES

- A. Employees assigned a call back vehicle are permitted to use them for approved CMPD secondary employment functions.
- B. Employees seeking to utilize a division vehicle for approved CMPD secondary employment must have the authorization of the division commander or designee. The

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operational needs of a division cannot be compromised in support of any secondary employment activity or function.

## XI. OUT OF TOWN VEHICLES

Employees will utilize the following guidelines when they need a vehicle to go out of town on official business:


- A. Employees will use vehicles from their respective service area, division, or unit due to the limited number of out-of-town vehicles assigned to the City of Charlotte Motor Pool or CMPD Fleet Management Division.
- B. In the event a vehicle will not be available from the employee's assigned unit, the employee may reserve a vehicle through the City of Charlotte's Motor Pool:  
<https://cnet/Departments/epm/Fleet/motorpool/Pages/reservations.aspx>  
Employees utilizing the City of Charlotte Motor Pool vehicles will follow the City of Charlotte Motor Pool Policy.
- C. If no vehicles are available through the City of Charlotte's Motor Pool, then employees may contact the CMPD Fleet Management Division manager and reserve an out-of-town vehicle. The request document should contain the following information: the date of the request, the date the vehicle will be picked up, the date the vehicle will be returned, the reason why the employee will need the vehicle, and the destination where the employee will be taking the vehicle.
- D. Due to the limited number of out-of-town vehicles, requests will be filled on a first come basis. However, to ensure a vehicle is available for official use, an employee may reserve an out-of-town vehicle through the CMPD Fleet Management Division manager prior to the employee's departure date.
- E. Upon returning an out-of-town vehicle, employees will comply with Section VI. B. of this directive.

## XII. REFERENCES

Rule of Conduct #7  
 300-006 Light Duty Policy  
 300-007 Secondary Employment  
 600-002 Vehicle Accident and Damage Investigation  
 900-010 Shotgun Inventory and Control  
 Vehicle Residency Incentive Program SOP  
 Community Observer (Rider) Program SOP  
 NCGS § 20-138.2B  
 City of Charlotte Motor Pool Policy  
 CALEA


The previous version of Directive 600-001 Departmental Vehicles was published on 08/09/2018.



	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-001</b>
	<b>Interactive Directives Guide</b>	<b>Departmental Vehicles</b>	
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## Appendix A – Patrol Vehicle Equipment

1. Crime scene tape
2. Fire extinguisher (non-expired)
3. Flares
4. Fuelman card
5. Ripp hobble
6. Saline solution (non-expired)
7. Shotgun
8. Stop sticks
9. Traffic cones
10. Trauma plate carrier

	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-002</b>
	<b>Interactive Directives Guide</b>	<b>Vehicle Damage &amp; Review Procedure</b>	
		<b>Effective Date: 8/30/2023</b>	<b>1 of 6</b>

## I. PURPOSE

This policy establishes guidelines for the investigation and reporting of vehicle accidents/collisions involving Charlotte-Mecklenburg Police Department (CMPD) vehicles, non-collision damage to CMPD vehicles, and procedures for the internal CMPD review process of vehicle accidents.

## II. POLICY


All CMPD vehicle accidents/collisions will be investigated. Incidents will be documented in the Internal Affairs Case Management System (IACMS) within 24 hours. This does not apply to parked and unoccupied departmental vehicles and unlicensed mobile equipment such as ATVs, bicycles, rhinos, etc.

## III. DEFINITIONS

- A. Collision Report: Refers to the N.C. Crash Report Form DMV-349 or the equivalent form in another state.
- B. Damage: Any damage other than damage caused by a traffic collision resulting in destruction or loss of property value which is caused or incurred in whole or in part as a willful or negligent act.
- C. Law Enforcement Enhancement and Development (LEED) Training Form: Completed by the employee's chain of command or as the result of an administrative hearing which clearly identifies training deficiencies that need to be addressed by remedial training. This form is sent to the Training Academy training director for review and completion.
- D. Non-Preventable Crash: A crash in which the employee's operation of the vehicle was not a contributing factor to the collision.
- E. Non-Reportable Crash Form: Documents vehicle accidents with damage of less than \$1,000 and no injuries.
- F. Preventable Crash: A crash in which the employee's operation of the vehicle was a contributing factor to the collision.
- G. Vehicle Accident Reporting Form: A Risk Management form used city-wide to report vehicle accident information.

## IV. REPORTING PROCEDURE


- A. In the event of a vehicle collision involving a CMPD vehicle, an employee will:
  1. Immediately report the collision or damage to the Communications Division and request that a patrol supervisor respond to the scene.
  2. Manage the accident scene, including caring for injured persons, requesting medical aid, and restoring the normal traffic flow.

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3. If the vehicle collision occurs outside of Mecklenburg County, the employee must notify the appropriate law enforcement agency to take a report and notify the employee's on-duty or direct supervisor. The law enforcement agency for that jurisdiction will investigate the collision and complete the appropriate accident report. The employee will remain at the scene unless emergency medical transport is needed. If the employee requires emergency medical transport and is unable to contact the on-duty or direct supervisor, the employee (if capable) should request the investigating agency notify the CMPD Communications Division. The Communications Division will notify the employee's supervisor or Operations Command.

B. The supervisor responding to the collision scene will:

1. Ensure that the accident scene is properly managed, that any hazards or conditions that caused the collision are removed, and that all reports are completed correctly.
2. Any vehicle accident resulting in a fatality, serious or life-threatening injuries, total loss or significant vehicle body damage, or damage to property other than a vehicle that could exceed \$10,000 requires the supervisor to make the following notifications:
  - a. Division captain, civilian manager, or Operations Command.
  - b. Risk Management (704-336-3301 or after hours 704-634-2053).
3. Ensure the Accident Reconstruction Unit responds to the scene and completes the investigation for any vehicle accident resulting in a fatality or serious/ life-threatening injury. In addition, contact the on-call Internal Affairs Division captain and Operations Command
4. Determine if the employee is required to complete a drug and alcohol test as outlined in Directive 300-009, Employee Drug and Alcohol Testing, and ensure that the required testing is completed. Drug and alcohol testing may be required for employees operating a CMPD vehicle involved in a vehicle collision occurring in Mecklenburg County or its surrounding counties in North Carolina and South Carolina (see Appendix A).
5. Open a crash investigation in IACMS prior to the end of the shift and attach and/or complete the following:
  - a. Collision Report or the Non-Reportable Crash Form.
  - b. Supervisor's statement.
  - c. Ensure the employee's statement in IACMS is completed.
  - d. Ensure the Risk Management [Vehicle Accident Reporting Form](#) is complete. The Collision Report or Non-Reportable Crash Form should be

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sent to Risk Management Claims Department ([claims@charlottenc.gov](mailto:claims@charlottenc.gov)) within twenty-four (24) hours of the incident.


6. Supervisors are not required to complete a crash investigation in IACMS for a crash involving a parked and unoccupied CMPD vehicle. The Vehicle Accident Reporting Form will still be required.

C. Non-Collision Damage to Vehicles

1. Damage to a CMPD vehicle caused by criminal intent will be reported to the employee's supervisor, documented in a KBCOPS damage to property report, and the [Vehicle Accident Reporting Form](#) must be completed. The claim number provided by Risk Management should be documented in the KBCOPS report.
2. Damage to a CMPD vehicle caused by a natural occurrence (e.g., windstorm, hail, rain, etc.) or any other non-criminal event will be documented in an internal memo, to be forwarded to Risk Management, and the [Vehicle Accident Reporting Form](#) must be completed.
3. If an arrest is made in connection with the damage, the supervisor will contact Risk Management to determine an estimate of the cost to repair. This estimate will be included in the case preparation for the court to make a disposition on reimbursement.

V. REVIEW PROCEDURE

- A. The investigating supervisor will complete an investigation into the crash and take the following actions:
  1. Make a recommendation of preventable or non-preventable and if corrective action or training is needed.
  2. If the supervisor determines the crash to be preventable, the employee's previous preventable crashes shall be researched and included in the IACMS investigation.
  3. Transfer the supervisor's investigative report to the next level of command.
- B. The next command level will review the investigative report and take the following actions:
  1. Make a recommendation of preventable or non-preventable and if corrective action or training is appropriate.
  2. Forward the investigative report to the next level of command.
- C. Disposition and Corrective Actions
  1. The captain assigned to the employee's service area or bureau will make the final determination that the crash was preventable or non-preventable and if corrective action or training is needed.

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2. A suspension may only be issued for a crash investigation if it is determined that the employee violated a rule of conduct. The rule of conduct violation will be forwarded to the service area major and will adhere to Directive 200-001 Discipline, Internal Investigations, and Employees Rights.
3. The supervisor will notify the employee of the disposition of the investigation. The employee will acknowledge the disposition of the investigation with a written signature or electronic acknowledgment in the IACMS.
4. The employee's immediate supervisor will ensure that any corrective action or training is implemented and documented. A LEED form shall be completed and forwarded to the CMPD Academy training director if training is recommended.
5. Completed IACMS documentation associated with the investigation and disposition will be transferred to the Internal Affairs Division for review and storage.

D. Training

1. CMPD employees involved in a preventable crash in a City of Charlotte vehicle may be required to attend driver training.
 

The lead driver training instructor will determine the type of training to be delivered based on the following criteria:

  - a. The number of preventable crashes an employee has had.
  - b. The specific circumstances related to each crash.
  - c. The value or effectiveness of training based on the circumstances of the crash.
  - d. Recommendation to the employee's chain of command following the IACMS investigation.
2. The criteria and process for training will be as follows:
  - a. Supervisors will complete a Law Enforcement Enhancement and Development (LEED) Training Form if they believe additional training would be beneficial. The lead driving instructor will determine the training that will be the most beneficial and how long training will be required.
  - b. At the conclusion of all training sessions, the lead driver training instructor will return the LEED Training Form to the training director. The training director will review the completed form and return the form to the initiating supervisor or Internal Affairs Division. The initiating supervisor will ensure the form is submitted to the employee's chain of command and scanned into any associated IACMS case.

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- c. The driver training sessions can consist of classroom training, policy review, in-person meetings, and/or practical driving exercises related to the specific type of crash in which the employee was involved.

VI. REFERENCE

200-001 Discipline, Internal Investigations, and Employees Rights

300-009 Employee Drug and Alcohol Testing

600-001 Departmental Vehicles


[LEED Training Form](#)

[Vehicle Accident Reporting Form](#)

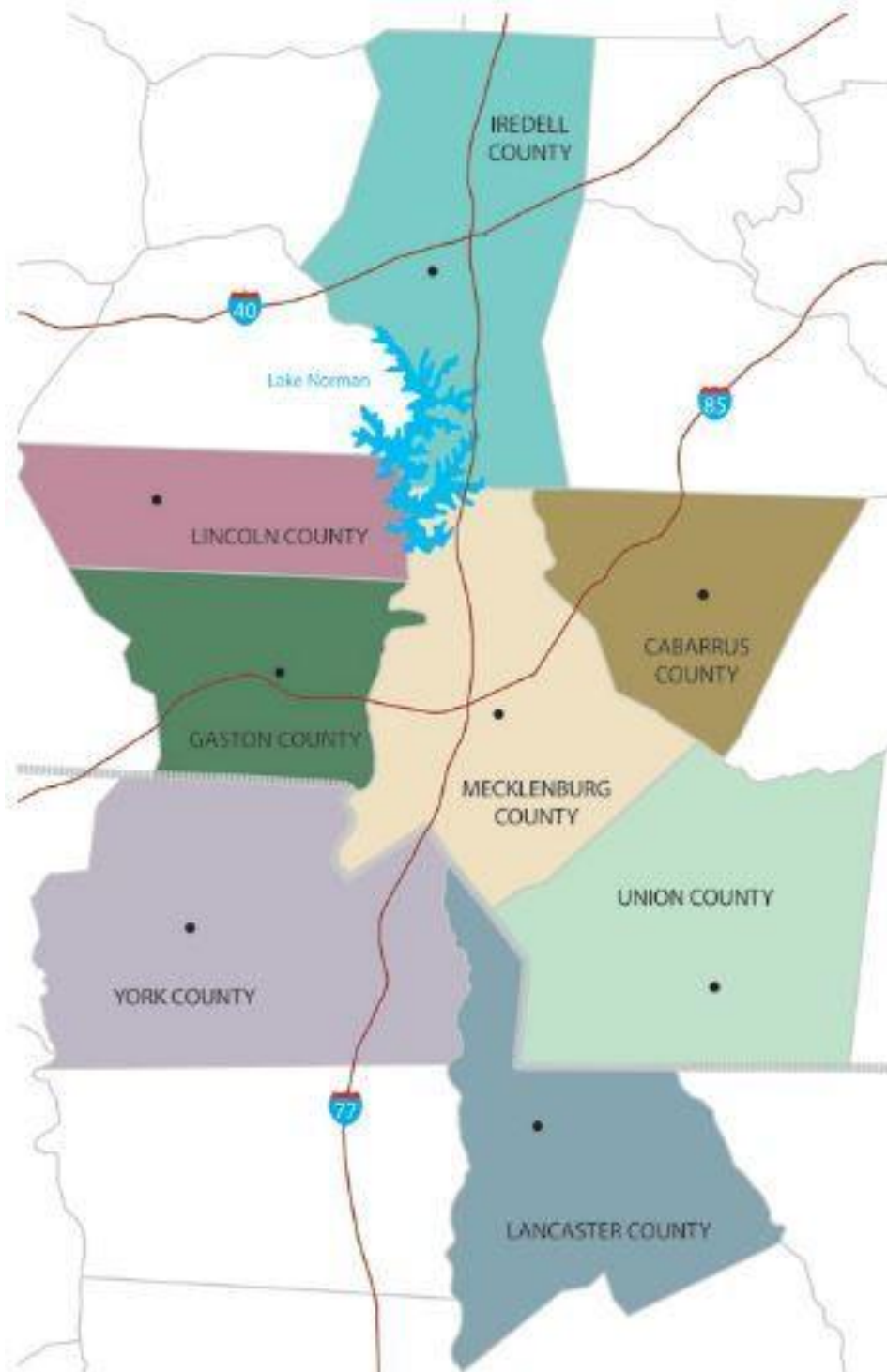
City Policy FIN 8


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The previous version of Directive 600-002 Vehicle Damage & Review Procedure was published on 06/08/2022.

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### Appendix A: Map of Surrounding Counties



	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-003</b>
	<b>Interactive Directives Guide</b>	<b>Seizure of Electronic Evidence</b>	
		<b>Effective Date: 11/30/2022</b>	<b>1 of 5</b>

## I. PURPOSE

This policy establishes guidelines for the seizure, collection, and preservation of electronic evidence by Charlotte-Mecklenburg Police Department employees. This includes computers, mobile devices, removable storage media, video surveillance footage, etc., which are encountered by CMPD employees in connection with investigations and/or searches.

## II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department (CMPD) that all employees who are engaged in the seizure of computers, mobile devices, removable storage media, or video surveillance footage for the evidence contained therein, shall seize those items by procedures designed to ensure the integrity of the seized items. These items will be impounded as evidence and examined according to the guidelines listed in this directive.

## III. DEFINITIONS


- A. Computer System: Computer monitor, central processing unit (CPU), communication device, mobile device, data storage device, or peripherals configured to work together as a unit or cabled together externally.
- B. Recording Device: Universal serial bus (USB) or flash drive, compact disk (CD), digital versatile disc (DVD), floppy drive, tape drive, hard drive, and/or other mechanical, electrical, optical, or combination device used to store data that is not currently connected to an operating system.
- C. Electronic Media: Any material, written or photographic, that is stored on a computer's recording device.
- D. Network: Any two (2) or more connected computer systems that can communicate and share resources.
- E. Operating System: Software used to allow the equipment in the computer to interact with the computer applications and users. Examples include Windows operating systems, Mac OS X, Unix, and Linux.
- F. Tool Kit: Used to document, remove, package, and transport electronic evidence and consists of cameras, crime scene tape, stick-on labels, notepads, markers, evidence forms, and sketchpads.

Note: Because electronic media is susceptible to electrostatic charges and magnetic fields, anti-static bags (original silver or chrome packages in which hard drives are shipped) should be used to store hard drives, floppy disks, zip drives, etc. In the event an anti-static bag cannot be located, an appropriately sized paper bag can be used.

## IV. PROCEDURE


- A. This policy shall apply only in those cases where data residing on computer systems, mobile devices, and removable storage media are being sought as evidence in an investigation. Computers, mobile devices, or removable storage media seized by CMPD




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employees as evidence, in cases such as burglary and retail theft, where the computer, mobile device, or related media is the actual item stolen or recovered, will be turned in to the Property and Evidence Management Division according to CMPD procedures.


- B. No employee, except one acting under the direction of a CMPD Cyber Crimes Unit employee, will attempt to examine any computer system, CPU, removable storage media, or similar device used to store electronic media for potential evidence contained therein.
- C. A basic examination of a mobile device may be conducted at the discretion of a sworn employee according to current legal guidelines with consideration given to cases where the property owner has given consent, exigent circumstances exist, or a valid search warrant has been obtained. Examples of this type of basic examination include retrieving phone numbers or reviewing recent call history or text messages related to an investigation. This type of examination should be conducted when investigative time constraints warrant doing so or when a full examination of the device is not needed. However, sworn employees should be aware that data may be lost or changed depending on the depth of their examination. The evidence located during the exam should be photographed and all actions noted and supplemented in a KBCOPS narrative supplement.
- D. Video surveillance footage may be retrieved and reviewed by any sworn employee during an investigation according to current legal guidelines. They may also request the assistance of individuals familiar with the surveillance system where the data is stored. If a sworn employee is unable to retrieve the surveillance footage, the CMPD Cyber Crimes Unit can be asked to assist with collecting the evidence.
- E. Any electronic evidence seized will be turned into the CMPD Property and Evidence Management Division or submitted directly to the CMPD Cyber Crimes Unit. Sworn employees will be required to submit a service request for evidence submitted to the CMPD Cyber Crimes Unit to be processed. The Service request for digital forensics will be completed in the Property and Laboratory Information Management System (PLIMS).
- F. When it is determined that a computer is to be seized and processed, employees must confer with their immediate supervisor. If an employee is unsure whether a seizure is appropriate, the immediate supervisor will make the final determination. Whenever electronic media is encountered and to be seized in compliance with a search warrant, owner consent, or probable cause, the employee making the seizure will take the following steps:
  1. If the computer is off, leave it off, and do not turn it on.
  2. If the computer is on, photograph the monitor to document what is displayed for evidentiary purposes.
  3. Photograph the computer or other electronic media in its original state before anything is touched.

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4. If the computer is on, unplug the power cord from the back of the computer, not the wall outlet. If the computer is connected to a modem, LAN, or router, disconnect it from the computer to prevent the computer from being accessed remotely and data changed or destroyed by a remote user.
  5. Document each step as it is taken, making detailed notes. One (1) employee should be responsible for the documentation and collection of the electronic media and actual computer. More than one employee can be involved in the search for evidence. However, each employee's name should be recorded and detailed notes of what they discovered and/or seized should be kept.
  6. Do not make any keystrokes or mouse clicks to the computer. If that occurs, document exactly what keystrokes or mouse clicks were made and the results of these actions.
  7. Once power has been disconnected from the computer, sticker labels should be applied to all connections and corresponding cables on the computer so that the computer can be reconnected to its original configuration for later analysis or court purposes.
  8. Do not transport electronic media near antennas or power supplies. Keep electronic media away from electromagnetic fields. Contact with these sources can cause the deletion of data.
  9. If electronic media seized is to be searched for potential evidentiary value, a Laboratory Examination Service Request in PLIMS must be completed by the investigating officer, and the evidence turned in at the Property and Evidence Management Division or submitted directly to the CMPD Cyber Crime Unit.
  10. The employee impounding the electronic media must provide the CMPD Cyber Crimes Unit with the background information of the case. This will include, but will not be limited to, the following:
    - a. Suspect name(s)
    - b. Special or street language used by the suspect(s)
    - c. Known code words
    - d. Passwords
    - e. Email addresses
    - f. Any other information that may be of use to the CMPD Cyber Crimes Unit detective or forensic analyst in the formulation of searches.
- G. When it is determined that a mobile device is to be seized and processed by the CMPD Cyber Crimes Unit in compliance with a search warrant or with the owner's consent, the sworn employee making the seizure will take the following steps:

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1. Mobile devices should be placed in airplane mode after being collected from a crime scene or the owner. This should be done before turning off the device and before submitting the phone to the CMPD Property and Evidence Management Division or Cyber Crimes Unit. Placing the device in airplane mode effectively secures the device by disabling the phone's ability to connect to a cellular tower. This should only be done if the individual seizing the device is familiar with the steps involved in placing that particular device in airplane mode. Prior to turning in an unfamiliar seized device, employees should power the device off or remove the battery.
  2. If a basic examination of the device is to be completed by a sworn employee, evidence located on the device should be photographed if possible and the sworn employee's actions during the examination should be noted in the KBCOPS narrative supplement.
  3. If the mobile device is found to be locked, the sworn employee should attempt to acquire the passcode from the owner. However, based on the type of case as well as the cooperation of the owner, the CMPD Cyber Crimes Unit realizes that this may not always be possible. Sworn employees should not attempt to "guess" the passcode, enter the wrong passcode multiple times or use unapproved methods to unlock the device. In cases where the owner of a device has given consent to search the device, the owner of the device should provide the sworn employee with the code to unlock the device before the examination.
- H. When it is determined that video surveillance footage is to be seized, the sworn employee making the seizure will take the following steps:
1. Sworn employees should determine if the system is on-site, if it is recording, and if the person on site has access to the system. If not, the sworn employee should attempt to contact the person in control of the surveillance system.
  2. The cameras needed as well as the date and time frame to be collected should be determined based on the needs of the investigation.
  3. The system's displayed date and time should be reviewed and documented in the sworn employee's notes. Any discrepancy between the system's displayed date and time and the actual date and time should also be noted.
  4. The assistance of the person in apparent control of the system or an individual familiar with the system may be requested.
  5. If the sworn employee is unsuccessful at collecting the video footage, assistance from the CMPD Cyber Crimes Unit may be requested.
  6. A copy of any surveillance footage collected as evidence will be turned into the Property and Evidence Management Division as evidence.


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- I. Due to the ever-changing nature of electronic devices, the above-listed procedures may be modified by the CMPD Cyber Crimes Unit if needed on a case-by-case basis. Some examples of these may include the examination of:
  1. Electronic devices that have encryption software installed (if known). If a device has an encrypted hard drive or encrypted files that are open when the device is seized, contact a member of the CMPD Cyber Crimes Unit before turning off the device.
  2. Networked computer systems belonging to businesses or corporations should not be seized by any individuals other than the CMPD Cyber Crimes Unit. This does not include simple home or office-based Wi-Fi networked computers. If any questions arise regarding a networked computer environment, contact the Cyber Crimes Unit.
  3. Any questions or concerns regarding the seizure process of electronic evidence should be directed to the CMPD Cyber Crimes Unit sergeant.

V. REFERENCES

700-001 Submitting Impounded Property  
 CALEA

The previous version of Directive 600-003 Seizure of Electronic Evidence was published on 07/29/2019.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-005</b>
	<b>Interactive Directives Guide</b>	<b>Domestic Violence</b>	
		<b>Effective Date: 10/30/2023</b>	<b>1 of 11</b>

## I. PURPOSE

This directive establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees when responding to and processing information regarding domestic violence in accordance with Chapter 50-B of the North Carolina General Statutes, as well as related criminal and civil statutes. For the purpose of this directive, the term officer will apply to all sworn CMPD employees.

## II. POLICY

CMPD will thoroughly investigate allegations of domestic violence, make appropriate referrals, and take appropriate action according to the totality of the information known. Coordinated community efforts for early intervention are encouraged to hold suspects accountable and provide victims with needed assistance. Due to the unique nature of domestic violence situations and statutory requirements, it is CMPD's policy that decisions regarding the dismissal of any charges will be made by the District Attorney's Office at the prosecution stage.


## III. DEFINITIONS

A. Domestic Violence (DV): Defined by [N.C.G.S. §50B-1\(a\)](#) as the commission of one (1) or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

1. Attempting to cause bodily injury, or intentionally causing bodily injury, or
2. Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in [N.C.G.S. §14-277.3A](#), that rises to such a level as to inflict substantial emotional distress, or
3. Committing any sexual offense defined in [N.C.G.S. §14-27.21 through N.C.G.S. §14-27.33](#).

B. Personal Relationship: Defined by [N.C.G.S. §50B-1\(b\)](#), a relationship wherein the parties involved:

1. Are current or former spouses (including same-sex).
2. Are persons who live together or have lived together (including same-sex).
3. Are related as parents and children, including others acting as a parent to a minor child (in loco parentis) or as grandparents and grandchildren.
4. Have a child in common.
5. Are current or former household members (including same-sex).
6. Are persons in a dating relationship or who have previously been in a dating relationship (including same-sex). A dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course

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of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

- C. Ex Parte Order: An emergency or temporary court order valid until a hearing may be held to temporarily protect an aggrieved party or a minor child from danger due to acts of domestic violence.
- D. §50B Order: A court order entered after notice and a hearing for a fixed period of time not to exceed one (1) year but may be renewed for an additional one (1) year period. Ex parte or §50B domestic violence protective orders may grant the complainant any of the listed forms of relief found in [N.C.G.S. §50B-3](#) when there are allegations of domestic violence. Officers should always refer to the actual document for the specific parameters and forms of relief applicable to each individual case.

#### IV. PROCEDURE

##### A. Initial Response

1. Any reports of domestic violence will be thoroughly investigated and documented. Officers should enforce the laws and provide assistance regardless of the victim's willingness to prosecute.
2. Domestic violence is a pattern of behavior used to establish power and control over another through fear and intimidation, often including the threat or use of violence. Due to these psychological factors, victims are sometimes reluctant to report, fully disclose their abuse, or follow through with prosecution. Therefore, detailed initial investigations are critical in domestic violence cases. Initial investigations should include the following:
  - a. Detailed written and/or recorded statements (when applicable) from parties involved and witnesses; proper documentation and preservation of evidence, including but not limited to photographs of injuries, photographs of the crimescene, collection of weapons used, capturing of electronic evidence such as text messages, etc.
  - b. Information on any children present during assaults. If there is cause to suspect that any children present may be abused, neglected, or dependent, officers have a statutory duty to notify the Mecklenburg County Department of Social Services (DSS).
  - c. Officers who identify children exposed to violence and other trauma shall refer the family to the Child Development-Community Policing (CDCP) clinical team.
  - d. Officers shall use the [Lethality Assessment Program \(LAP\) Screening Guide](#) to gather pertinent information that will assist in determining the potential lethality of the suspect's behavior.

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- e. If the victim answers qualifying questions from the LAP affirmatively, the officer should immediately call the twenty-four (24) hour hotline number listed on the LAP screening guide. If the victim answers these questions negatively, officers should make additional inquiries as directed by the LAP screening guide. The completed LAP screening guide will be scanned and attached to the KBCOPS report.
- f. To better assess the volatility on a call for service, officers shall conduct a thorough background search of all parties involved utilizing available databases to include, but not limited to, past reports in KBCOPS, CAD event search for prior calls for service, CJLEADS, NCIC/DCI, etc. Relevant findings of the search shall be documented in the offense report or MI.


3. Strangulation Response

In keeping with current recommended best practices and the known correlations that exist between the crime of strangulation and the high potential for future lethality, employees shall perform the following actions when initially responding to a call for service with a victim who has reported being strangled:

- a. MEDIC shall be requested immediately upon the determination that probable cause exists that a victim has been strangled.
- b. The [DV Strangulation Case Evaluation Form](#) shall be completed with victims who report being strangled.
- c. Crime Scene Investigations shall be requested to report to strangulation cases where victims have any visible signs of injury, except when a victim is treated at a hospital and officers have confirmed a SANE nurse is collecting evidence in the form of a strangulation kit.
- d. Victims of strangulation shall be advised of the potential lethality and future health risks of strangulation using the [Facts for Victims of Strangulation Brochure](#) or the [Strangulation Assessment Card](#).
- e. The on-call DVU detective or the DVU supervisor will respond to reported strangulations with a documented loss of consciousness, loss of bladder or bowel control, or with a victim who is transported for injuries directly related to strangulation.


- 4. Through careful interviews and investigations, officers must determine if any criminal violations have occurred. Information obtained from the scene, database checks on parties involved, and the LAP will be considered when determining a course of action. Injuries, weapons, and other pieces of evidence should not be considered by themselves, but the totality of the scene should be used to determine the predominant aggressor and the appropriate charge. Self-defense is not a crime.

B. Officer's Authority to Arrest


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1. Officers are granted the authority to arrest under [N.C.G.S. §15A-401](#).
  - a. For offenses committed out of the presence of an officer, the officer may arrest any person whom the officer has probable cause to believe:
    - (1). Has committed a felony, or
    - (2). Has committed a misdemeanor, and
      - (a). Will not be apprehended unless immediately arrested, or
      - (b). May cause physical injury to himself or others or damage to property unless immediately arrested, or
    - (3). Has committed a misdemeanor under [N.C.G.S. §14-72.1](#) (Concealment of merchandise in mercantile establishments), [N.C.G.S. §20-138.1](#) (Impaired driving), or [N.C.G.S. §20-138.2](#) (Impaired driving in a commercial vehicle), or
    - (4). Has committed a misdemeanor under [N.C.G.S. §14-33\(a\)](#) (Simple assault, simple assault & battery, simple affray), [N.C.G.S. §14-33\(c\)\(1\)](#) (Assault inflicting serious injury, assault with a deadly weapon), [N.C.G.S. §14-33\(c\)\(2\)](#) (Assault on a female), [N.C.G.S. §134.3](#) (Domestic criminal trespass), or [N.C.G.S. §14-34](#) (Assault by pointing gun) when the offense was committed by a person with whom the alleged victim has a personal relationship as defined in [N.C.G.S. §50B-1](#), or
    - (5). Has committed a misdemeanor under [N.C.G.S. §50B-4.1\(a\)](#) (Violation of valid protective order), or
    - (6). Has violated a pretrial release order entered under [N.C.G.S. §15A-534](#) or [N.C.G.S. §15A-534.1\(a\)\(2\)](#).
  - b. Mandatory Arrest Provision: A law enforcement officer shall arrest and take a person into custody, with or without a warrant, if the officer has probable cause to believe that the person knowingly violated a valid protective order (ex parte order or §50B order) that:
    - (1). Excludes the person from the residence or household occupied by the victim.
    - (2). Directs the person to refrain from threatening, abusing, or following the victim.
    - (3). Directs the person to refrain from harassing the other party by telephone, visiting the home or workplace, or other means.




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- (4). Directs the person to refrain from cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
    - (5). Directs the person to refrain from otherwise interfering with the other party.
  2. Through thorough investigations, officers should determine the predominant aggressor and arrest accordingly. Dual arrests are discouraged. If a predominant aggressor cannot be determined, a supervisor should be notified prior to making a dual arrest. If, after careful consideration of evidence and information at the officers' and supervisors' disposal, the situation requires a dual arrest, the supervisory notification and justification for a dual arrest shall be documented in the KBCOPS report.
  3. When the suspect is still on scene and the officer has determined probable cause to make a warrantless arrest, the suspect should be arrested on scene. Supervisory approval is required when probable cause exists, and the officers on scene believe that an immediate arrest is not appropriate. The circumstances which caused the officers to believe that an on-scene arrest is not appropriate shall be documented in the report. This documentation must be completed either during the initial response or before the end of the officer's tour of duty.
  4. When the suspect has left the scene, and the officer has determined probable cause to make a warrantless arrest, the officer shall either:
    - a. Transport or accompany the victim to the Magistrate's Office to request an arrest warrant or criminal summons. The officer shall remain with the victim until the case has been reviewed with the magistrate; or
    - b. Personally request a warrant or summons from the magistrate immediately when the victim is unable or unwilling to pursue charges.
  5. When the investigation does not provide enough evidence or information for the officer to determine probable cause to make a warrantless arrest, the officer shall either:
    - a. Offer to transport the victim to the Magistrate's Office to request an arrest warrant or criminal summons. The officer shall remain with the victim until the case has been reviewed with the magistrate; or
    - b. Provide the victim with the information necessary to apply for a warrant or a summons at a subsequent time.
- C. Domestic Violence Protective Orders (Ex parte order or §50B order)
  1. Before any enforcement action is taken based solely on a domestic violence protective order, an officer must confirm, through the appropriate authorities, that the following factors exist:

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- a. The order is valid and signed by a judicial official.
  - b. The order is currently active.
  - c. The order has been served on the defendant.
2. State-issued orders can be searched by name through the Department of Criminal Information (DCI). Nationwide searches can be accomplished through the National Criminal Information Center (NCIC).
  3. If a protective order has been found either in DCI or NCIC, officers should contact the Communications Division to determine the exact provisions of the order by contacting the issuing agency.
  4. Orders must be carefully reviewed to determine the provisions outlined in each order to determine if the order has been violated. Some orders allow the defendants to have contact with the plaintiffs.
  5. An officer must make a mandatory arrest of a suspect pursuant to Section IV.B.1.b., regardless of the present relationship or circumstances between the victim and the suspect. Even if the suspect has moved back into the residence named on the court order or the victim has invited the suspect to the residence, the officer must arrest once the active order is confirmed.
  6. Only a subsequent court order amending or dismissing the original court order can nullify the enforcement of that order.
  7. If there is no record of the order being served on the defendant and the order does appear to be valid, an officer should contact the issuing agency to have an authorized officer respond and serve the order.
    - a. Defendants can be detained for a reasonable amount of time if an officer is confirmed to be responding to serve the protective order. The Mecklenburg County Sheriff's Office should be contacted for orders issued in Mecklenburg County.
    - b. If an officer is not confirmed to be responding with the order to be served,
      - (1). Officers should notify the defendant of the order and its conditions, and
      - (2). Document the verbal notification to the defendant on any appropriate report taken.
  8. Domestic violence protective orders initiated outside of Mecklenburg County will be respected and enforced in the same manner as local orders. Plaintiffs are not required to register court orders from other jurisdictions but may do so by contacting the Mecklenburg County Sheriff's Office.

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9. If the suspect is not present when officers are at the scene, and officers have probable cause to believe the suspect knowingly violated any of the conditions of a valid protective order listed in Section IV.B.1.b., the officer shall immediately proceed to the Magistrate’s Office and attempt to obtain a warrant or a summons or transport/accompany the victim to the Magistrate’s Office.

D. Victim Assistance

1. Officers are required to respond to requests for assistance by victims of domestic violence pursuant to [N.C.G.S. §50B-5](#) as soon as practicable. [N.C.G.S. §50B-5](#) provides that officers may take whatever steps are reasonably necessary to protect the victim from harm, including:
  - a. When feasible, transport the victim to appropriate facilities such as hospitals, Magistrate’s Office, or public/private facilities for shelter.
  - b. Request medical response (MEDIC) for injured victims or those who request medical assistance.
  - c. Advise the victim of the availability of shelter, medical care, counseling, and other services.
  - d. Officers may accompany the victim to their residence within the jurisdiction so that the victim may remove food, clothing, medication, and other such personal property as is reasonably necessary to enable the victim and any other minor child in their care to remain elsewhere until further proceedings.
  - e. In providing emergency assistance, no officer may be held criminally or civilly liable on account of reasonable measures taken under [N.C.G.S. §50B-5\(a\)](#).
2. Victims of domestic violence shall be advised about the availability of a protective order and the procedure for filing a motion without a lawyer or as an indigent. If a victim cannot obtain transportation to file for a protective order, officers shall assist by providing transportation during the hours when protective order filings are accepted by the Mecklenburg County courts, the Magistrate’s Office, or the local domestic violence help agency (Safe Alliance-Victim Assistance).
3. Officers shall provide victims with the Domestic Violence Information Sheet per [N.C.G.S. §15A-831 \(a\)\(7\)](#). Victims’ safety plans are incorporated in the Domestic Violence Information Sheet.
4. Officers shall provide victims with a Domestic Violence Resource Information pamphlet or card (purple sheet/card).

V. Internal Domestic Violence

CMPD will not tolerate acts of domestic violence committed by its employees. Therefore, employees found to have committed domestic violence acts could face disciplinary action that

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may include a recommendation of termination. This section describes procedures for investigating acts of domestic violence committed by CMPD employees and implementing prevention strategies. This section is designed to provide a structured response to reported incidents of domestic violence involving employees and offer direction for conducting subsequent administrative and criminal investigations.

**A. Department Responsibilities**

1. CMPD shall conduct an administrative and/or criminal investigation of any domestic violence incident involving an employee.
2. CMPD shall inform employees of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
3. CMPD personnel shall keep information concerning a CMPD employee involved in a domestic violence investigation confidential.
4. Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. CMPD shall ensure compliance with federal law [(18 U.S.C.S922(g)(9)].


**B. Employee Responsibilities**

1. Employees will take personal responsibility in seeking confidential referrals and assistance to prevent a problem from escalating to the level of domestic violence or criminal conduct.
2. Employees with information about domestic violence involving themselves or another CMPD employee are required to report that information to a supervisor immediately.
3. Employees who learn they are the subject of any protective order proceeding shall immediately notify their supervisor and provide a copy of the order.

**C. Chain of Command Responsibilities**

1. The Communications Division will immediately notify the appropriate supervisor of any domestic violence call received that involves, or appears to involve, a police employee, regardless of the involved person's agency.
2. Supervisors informed about DV incidents involving CMPD employees will notify the employee's chain of command.
3. The employee's division commander/unit manager will promptly attempt to ascertain the validity of the information through a preliminary inquiry.
4. If it is determined that a DV incident may have occurred, the division commander/unit manager will notify the Domestic Violence Unit (DVU) supervisor and the Internal Affairs Division.

**D. Patrol Services Bureau Responsibilities**

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1. Patrol Services Officer

If officers are dispatched to a scene and determine that the situation involves a CMPD employee or another law enforcement agency employee, they will immediately notify their supervisor.


2. On-Scene Supervisor Response

- a. A supervisor will respond to the scene for employees involved in domestic violence incidents. Supervisors will notify their chain of command and the Domestic Violence Unit supervisor for a DVU detective to be assigned and possibly respond to the scene. If the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's agency is notified. All notifications and attempts to notify shall be fully documented.
- b. If, prior to the arrival of the DVU detective, circumstances exist that support a crime has been committed and the suspect has been identified, officers should follow appropriate procedures to determine if an immediate arrest is necessary. However, officers should not transport the suspect to the intake center until authorized to do so by the DVU supervisor.
- c. The on-scene supervisor shall assume command and ensure the crime scene is secured and evidence is collected. Photographic and/or video documentation of the parties involved and the scene shall be recorded.
- d. The supervisor shall inquire about the safety of children present at the time of the incident and all children in the household. The children will be interviewed separately from other parties as appropriate and necessary.
- e. In cases where probable cause exists, the on-scene supervisor will ensure an arrest is made.
- f. If a CMPD employee is the subject of an arrest, the supervisor shall notify the accused employee's chain of command and Operations Command as soon as possible.

E. Criminal Investigations Bureau Responsibilities

1. Domestic Violence Unit (DVU) Response


- a. The DVU will investigate criminal domestic violence cases involving CMPD employees or other law enforcement agencies.
- b. The DVU supervisor will assign a DVU detective to investigate the incident.
- c. The DVU detective will conduct a thorough criminal investigation.
- d. The DVU detective will ensure detailed written and/or recorded statements (when applicable) are obtained from victims, suspects, and key witnesses.

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- e. The DVU detective will ensure relevant evidence is collected and turned into the Property and Evidence Management Division (i.e., photographs of victims' injuries, weapons, torn clothing, etc.)
  - f. The DVU supervisor or another Special Victims Division supervisor will observe criminal interviews involving CMPD officers.
  - g. If probable cause exists, the DVU detective will present the case to the magistrate in an attempt to obtain a warrant or criminal summons for the appropriate charge(s).
  - h. The DVU detectives or victim advocates will assist the victim with obtaining a domestic violence restraining order, discuss safety planning, and provide domestic violence resource information.
- 2. Investigations, including misdemeanors, will be reviewed by the District Attorney's Office.
  - 3. Criminal investigations will be separate from administrative investigations.
  - 4. CMPD employees being investigated criminally have the same constitutional rights afforded to all citizens.
- F. Internal Affairs Division Responsibilities
- 1. CMPD employees being investigated administratively must comply with the requirements outlined in CMPD Directive 200-001 Discipline, Internal Investigations, and Employee Rights.
  - 2. Where sufficient information/evidence exists, CMPD shall take immediate administrative action against the accused employee, including removal of badge and service weapons, removal of ID and access cards, reassignment, sanctions, suspensions, and termination.
  - 3. When the investigation of an incident uncovers employees who had knowledge of violence on the part of another employee but failed to notify the department or engaged in actions intended to interfere with the investigation, CMPD shall investigate those employees and take disciplinary action and criminally charge as warranted.

## VI. REFERENCES

200-001 Discipline, Internal Investigations, and Employee Rights  
300-002 Court Attendance  
600-007 Victim and Witness Assistance  
900-013 District Attorney's Papering Process  
Domestic Violence Unit SOP  
[N.C.G.S. §14-27.21 through N.C.G.S. §14-27.33](#)  
[N.C.G.S. §14-33\(a\)](#)  
[N.C.G.S. §14-33\(c\)\(1\)](#)

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[N.C.G.S. §14-33\(c\)\(2\)](#)

[N.C.G.S. §14-34](#)

[N.C.G.S. §14-72.1](#)

[N.C.G.S. §14-277.3A](#)

[N.C.G.S. §15A-401](#)

[N.C.G.S. §15A-534](#)

[N.C.G.S. §15A-534.1\(a\)\(2\)](#)

[N.C.G.S. §15A-831 \(a\)\(7\)](#)

[N.C.G.S. §20-138.1](#)

[N.C.G.S. §20-138.2](#)

[N.C.G.S. §50B-1\(a\)](#)

[N.C.G.S. §50B-1\(b\)](#)

[N.C.G.S. §50B-3](#)

[N.C.G.S. §50B-4.1\(a\)](#)

[N.C.G.S. §50B-5](#)


[N.C.G.S. §134.3](#)

Preliminary Investigative Guide

Training Institute on Strangulation Prevention

CALEA

The previous version of Directive 600-005 Domestic Violence was published on 12/13/2022.

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## I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees responding to bomb threats, incidents involving suspected explosive devices, and post-blast scenes.

## II. POLICY

In the event of a bomb threat, the primary responsibility of (CMPD) is to ensure the safety of persons and the security of the affected area. Any movement or investigation of suspect devices should be left to the CMPD Bomb Squad Unit's certified hazardous devices technicians.


The decision to evacuate or search the location of a bomb threat or suspicious package will normally be left to the authority in charge of the property. CMPD employees will not actively participate in search operations unless required to do so.

## III. BOMB THREAT PROCEDURES


A. Sworn employees responding to a bomb threat will take the following steps:

1. Ensure the Charlotte Fire Department (CFD), or the appropriate Mecklenburg County fire department, and MEDIC personnel are dispatched to the scene to stand by at a safe location.
2. CMPD will have command of any bomb threat situation unless a detonation occurs. Responding CFD apparatus will typically stage at the closest fire hydrant and should coordinate with CMPD command face-to-face.
3. Ensure all communication regarding bomb threats or suspected hazardous devices are conducted by a landline telephone or 150 feet outside the threatened area for any wireless communications (i.e., cellphones or portable radios).
4. Establish an incident command post in a safe location outside the threatened area (no less than three hundred (300) feet and undercover).
5. Ensure that the authority in charge of the threatened location has activated the bomb threat plan and that the search of the location begins. Sworn employees will provide advice to the authority in charge of the property as needed regarding the ongoing search.
  - a. If a search has not been started, suggest that this be done immediately.
  - b. If a search has been started but not yet completed, provide advice as needed regarding the ongoing search.
  - c. Sworn employees should inform the authority in charge of the property that conducting a search is not the responsibility of CMPD but, sworn employees may, at their discretion, assist with the search of the property if requested by the authority in charge but will not do so without a representative of the property present during the search.



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- d. Should the authority in charge of the property elect not to conduct a search in response to a received bomb threat, the sworn employee in charge should document such in the appropriate incident report.
    - e. Any search operations to be conducted on structures should start with all common areas and the exterior of the structure, and then proceed toward the interior.
6. If circumstances warrant, the authority in charge of the property will be informed of the necessity of evacuating personnel from the property to a safe location.
  - a. Consider recommending sheltering in place, if practical. If an evacuation is not essential, persons on site should be sheltered in place, preferably in a common area, while the search is conducted.
  - b. If the decision is made to evacuate the property, all people inside or on the property will be instructed to take all personal items with them (i.e., car keys, purses, bags, etc.).
  - c. Evacuation is a voluntary act of the authority in charge of the property.
  - d. If the authority in charge elects to evacuate, officers should encourage the persons on site to evacuate through areas other than the primary means of ingress and egress (i.e., emergency exits, side doors, etc.).
7. CMPD Explosive Detection Canines (EDC) can be requested to assist with bomb searches under limited circumstances.
  - a. An EDC should never be requested to examine a suspicious or confirmed hazardous device.
  - b. EDCs can assist with bomb searches if the threat indicates a specific area within the structure where a potential device could be located.
  - c. EDCs can also assist with searching building exterior areas, common areas, sensitive locations, or other specific areas but should not be requested to search entire locations or large search areas.
  - d. Any questions regarding the decision to deploy an EDC should be directed to the Bomb Squad Commander or the Canine Sergeant.
8. Once an item believed to be a bomb has been found:
  - a. CMPD will assume control of the scene and initiate the Incident Command System (ICS).
  - b. Search operations will stop, the structure will be evacuated, and the authority in charge will coordinate with Operations Command on an appropriate location to direct evacuees and verify all persons on site are accounted for.
  - c. The Bomb Squad Unit will be notified immediately.


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- d. CMPD personnel will begin to establish an evacuation perimeter based on the size or type of the device. This should be accomplished in coordination with a Bomb Squad Unit supervisor.
  - 9. In situations where the threat is vehicle specific, officers will not search vehicles. The bomb squad will be called to the scene to handle vehicle specific threats.
  - 10. Bomb technicians will not be requested to respond to locations involved with a bomb threat where no suspicious package or hazardous device has been located, or to assist in searching the location. Bomb technicians will be requested to search locations only if there is a reasonable belief that the location has been or may be booby-trapped.
- B. Documentation of the incident will include the completion of a KBCOPS report, and a written statement will be taken from the person receiving the bomb threat. This written statement must include:
- 1. The method in which the threat was received, (i.e., telephone, verbally, or written),
  - 2. The exact wording of the threat received,
  - 3. Have there been any previous threats,
  - 4. The time the call was received,
  - 5. The phone number on which the call was received,
  - 6. Notation as to whether the person receiving the call dialed "\* 57" after hanging up with the bomb threat caller,
  - 7. The name and telephone number of the last (or any other) call received immediately before the bomb threat call,
  - 8. The name and telephone number of the first (or any other) call received immediately after the bomb threat call,

NOTE: \*57 is a feature provided as a means for customers to immediately initiate a trace for harassing or threatening calls (i.e., bomb threats).

#### IV. HAZARDOUS DEVICES PROCEDURES

- A. A hazardous device is any device, regardless of size, that could detonate or ignite, which includes military, commercial, or homemade devices designed for destruction (i.e., hand grenades, dynamite, blasting caps, military/commercial fusing systems or components, large quantities of fireworks or large commercial fireworks, suspected bombs, and improvised incendiary devices, etc.).
  - 1. Communications Division telecommunications who receive a call for service concerning hazardous devices will obtain as much information about the suspected hazardous device as possible. This includes the type of container or

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package, size, exact location, unusual characteristics (such as wires, ticking, odor, etc.), and information on any received threats.

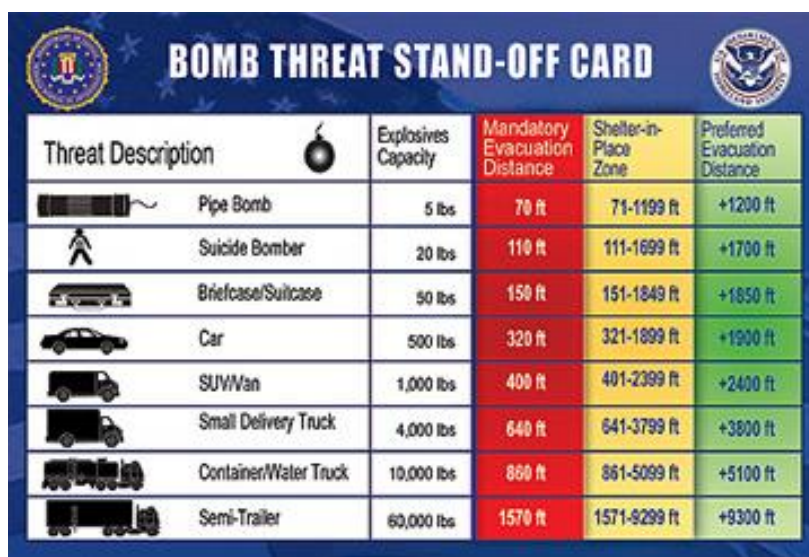
2. Appropriate division units will be dispatched to the scene along with the division supervisor. Sworn employees will assess the situation and gather further information about the suspected hazardous device from witnesses or complainants.
3. In cases of calls for service related to unattended packages or items, responding sworn employees should make every attempt to examine the area, determine if the area is sensitive or has received previous threats, and ascertain any additional information that could distinguish the item as suspicious versus unattended prior to taking any direct examinations of the item.









Explosives detection canines may be requested to examine unattended items only.

4. Bomb technicians will be requested to respond to the scene.
  - a. On-duty bomb technicians will be requested by the division supervisor. On-duty bomb technicians can be requested by Operations Command over main channels or directly via the Bomb 1 channel on the Special Operations talkgroup.
  - b. A bomb technician supervisor or bomb technician will attempt to contact the division supervisor to obtain the most up to date information regarding the incident.
  - c. Off-duty bomb technicians will respond when requested by a captain or by Operations Command.
  - c. The initial responding bomb technician will notify the Bomb Squad Unit commander or Bomb Squad Unit supervisor. A Bomb Squad Unit supervisor or the Special Operations Division Chain of Command will request additional bomb technicians as needed.
  - d. The Communications Division will maintain an active list of bomb technicians off-duty personnel to be immediately contacted.
5. Suspected hazardous devices must not be touched, moved, or physically inspected in any way by anyone other than FBI Hazardous Devices School certified bomb technicians.
6. CFD, or the appropriate Mecklenburg County fire department, and MEDIC will be dispatched to respond and stand by near the scene in case of a detonation.
7. Division personnel will evacuate and remove all unauthorized personnel to a minimum distance of three hundred (300) feet from the affected area.
  - a. When possible, the evacuation zone should be under cover or some other type of physical protection. The evacuation zone will be increased


depending on the size of the package, the availability of cover or physical protection, location, and other nearby hazards such as fuel or chemical storage tanks.

- b. Evacuated occupants should be directed uphill and upwind from the suspect device.
- c. In cases of suspected Remote Controlled Improvised Explosive Devices (RCIED) (i.e., those with antennas, remotes, cell phones, radios, etc.), all efforts should be taken to deny line of sight to the device by non-emergency personnel.
- d. Traffic should be diverted around the evacuation zone.



Threat Description	Explosives Capacity	Mandatory Evacuation Distance	Shelter-in-Place Zone	Preferred Evacuation Distance
 Pipe Bomb	5 lbs	70 ft	71-1199 ft	+1200 ft
 Suicide Bomber	20 lbs	110 ft	111-1699 ft	+1700 ft
 Briefcase/Suitcase	50 lbs	150 ft	151-1849 ft	+1850 ft
 Car	500 lbs	320 ft	321-1899 ft	+1900 ft
 SUV/Minivan	1,000 lbs	400 ft	401-2399 ft	+2400 ft
 Small Delivery Truck	4,000 lbs	640 ft	641-3799 ft	+3800 ft
 Container/Water Truck	10,000 lbs	860 ft	861-5099 ft	+5100 ft
 Semi-Trailer	60,000 lbs	1570 ft	1571-9299 ft	+9300 ft

- 8. Sworn employees will not cause or allow any radio transmission within one hundred fifty (150) feet of the suspicious item. This includes but is not limited to, portable radios, cellular telephones, mobile radio telephones, RADAR, and mobile computer or television transmissions. If possible, establish a landline telephone communication.
- B. Upon arrival, the bomb technician will comply with the incident command structure established on the scene and will be responsible for the elements of the event that involve rendering safe and/or disposing of the hazardous item. The bomb technician will assess the situation and advise the incident commander of any additional safety measures.
- C. Hazardous devices will not be brought into the CMPD Headquarters building or any CMPD facility.
- D. The bomb technician must complete a KBCOPS report and a PLIMS case on all recovered evidence. Hazardous or explosive items should not be submitted as evidence and should be photographed and then disposed of as soon as practical at the explosives bunker located at the CMPD Training Academy range or other appropriate disposal

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location. The report should indicate whether the device will be stored in the Bomb Squad Unit's explosives storage magazine as evidence or for destruction. All evidence collection should be done in coordination with the CMPD Arson Unit and the Fire Investigations Task Force or Mecklenburg County Fire Marshal's Office. Any seized or recovered ordnance should be stored within the explosives storage magazine and documented with a KBCOPS report and hard copy property sheet, which will be scanned into the report.

- E. An incident report will be completed by division personnel for all found and recovered hazardous devices, suspicious packages, or hoax device calls.
- F. For incidents involving the potential manufacture or storage of homemade explosives (HME), a bomb technician should be notified immediately. Officers shall make every effort to take note of all obvious precursor materials in plain view without moving or disturbing any potential live product. The location should be immediately evacuated and secured until the bomb squad responds. Under no circumstances should anyone other than a certified bomb technician attempt to move or handle any suspected HME or precursors.


V. POST-BLAST INCIDENTS

- A. For any post-blast incident, the role of patrol personnel will be to respond to the scene and begin establishing a secure incident perimeter. Sworn employees should be mindful to remain alert and to advise the Bomb Squad Unit of any potential secondary devices.
- B. Bomb technicians will respond to all post-blast scenes to search the area for secondary hazardous devices or unexploded ordnance before crime scene processing or other follow-up investigation begins.
- C. CFD or the appropriate Mecklenburg County fire department will have incident command of any post-blast scene until all rescue, firefighting, and any necessary decontamination efforts have been completed. The preservation of the crime scene or collection of evidence should not take precedence over the life safety of potential victims.
- D. Sworn employees will take all necessary steps to secure and evacuate post-blast scenes of all persons until a search has been completed by bomb technicians.
- E. For the purposes of this directive, any incident where fireworks (commercial, consumer, homemade, or improvised) have been used to cause damage to any real or personal property shall be treated as a post-blast incident, the bomb squad shall be notified, and respond to conduct a post-blast investigation. The bomb squad will also be notified in any incident involving personal injury as the result of fireworks handling except in cases where the event was caused by the obvious mishandling of legally obtained fireworks.
- F. The Fire Investigation Task Force will be notified on any post-blast scene for the collection of evidence and to determine the origin and cause of the device.

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		<b><i>Effective Date: 5/26/2023</i></b>	<b>7 of 7</b>

VI. REFERENCES

- CALEA
- Emergency Response Guide
- National Guidelines for Bomb Technicians

	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-007</b>
	<b>Interactive Directives Guide</b>	<b>Victim and Witness Assistance</b>	
		<b>Effective Date: 4/8/2021</b>	<b>1 of 5</b>

## I. PURPOSE

This directive establishes services to be rendered or offered to victims and witnesses who require such assistance.

## II. POLICY

A. All victims and witnesses will be treated by CMPD employees with compassion, fairness, dignity, and respect. Victims and witnesses will be informed of the types of assistance available from CMPD, other elements of the criminal justice system, and community service agencies. Surviving family members and loved ones of a victim will be considered victims as well.

B. CMPD employees will provide a fair and reasonable treatment to victims and witnesses of serious crimes pursuant to North Carolina law. This type of assistance may be required with incidents including a death of any nature, physical or sexual assaults, robberies, burglaries or any other incident where a victim or witness is traumatized and in need of services. The below links provide more statutory information:

1. Article 46 Crime Victims' Right Act, NCGS 15A-830 (Definitions):

<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-830>

2. 15A-831 (Responsibilities of law enforcement agency):

<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-831>

3. Article 45, Fair Treatment for Certain Victims and Witnesses, NCGS 15A-824 (Definitions):

<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-824>

4. NCGS 15A-825 (Treatment due victims and witnesses):

<http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=15A-825>

## III. PROCEDURE

A. Responsibilities During the Preliminary Investigation


1. Upon identifying a victim/witness covered by this directive, the officer conducting the preliminary investigation will provide the victim with the following:

a. Medical services, if needed.

b. A copy of the Victims Resource Card.


c. Any information needed to access the Victims Resources located on the CMPD website:

<http://charlottenc.gov/CMPD/Safety/Pages/Victim-Resources.aspx>


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- d. Information about the arrestee's opportunity for pretrial release:
    - <http://charmeckda.com>
  - e. Information that they may be entitled to victim compensation funds under chapter 15B of the General Statutes:
    - <https://www.ncdps.gov/DPS-Services/Victim-Services/Crime-Victim-Compensation>
  - f. The case/complaint number and the outline of the subsequent steps in processing the case, including what could be expected of the victim/witness.
  - g. The telephone number for the CMPD Non-Emergency Police Services Unit so that the victim/witness is able to communicate with an employee to request or provide additional information regarding the case status. If the case is reassigned to an investigative unit, the investigating officer will provide a contact number during the initial communication with the victim/witness.
  - h. Instructions to call 911 if threatened by the suspect or the suspect's companions or family.
2. Officers will respond to and process information regarding personal relationships in accordance with Chapter 50-B Domestic Violence and in compliance with 600-005 Domestic Violence.
  3. If the victim/witness is under the age of 18, the officer will make a referral to Child Development - Community Policing (CDCP) as outlined in the Child Development - Community Policing SOP.
  4. An officer will comply with their duty to contact the Department of Social Services, Adult Social Work Services/Adult Protective Services (APS) in matters relating to the abuse, neglect, dependency, or death due to maltreatment. In addition, an officer will contact Department of Social Services Youth and Family Services Division/ Child Protective Services as mandated by state law in cases of child abuse, neglect or dependency or death due to maltreatment.
  5. The initial reporting officer will document in the original report that the victim received the required information. The officer will also indicate if the victim wishes to receive further notices from CMPD. If the victim elects to receive further notices, he or she will then be responsible for notifying CMPD of any changes in the victim's name, address, telephone number, and email address.
  6. Supervisors will review all preliminary investigations to ensure officers are complying with victim/witness procedures.
- B. Responsibilities After the Initial Investigation




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1. After the arrest of a person or persons suspected to have committed a crime covered by state law, the following measures shall be taken:
  - a. An arrest made for an out of jurisdiction case will require the officer to inform the investigating agency of the arrest as soon as practicable but within forty-eight (48) hours of the arrest.
  - b. The officer making the arrest(s) as the investigating agency will document the arrest in a KBCOPS Incident Supplement using the original complaint number. This will be completed within forty-eight (48) hours of the arrest(s).
  - c. The officer assigned the case will make notification of the arrest to the victim within forty-eight (48) hours of the arrest(s).
  - d. The officer in charge of the case will paper the case in accordance with 900-013 District Attorney's Papering Process.
  
2. CMPD will provide appropriate assistance to any victim or witness who reports being threatened or intimidated by anyone due to his/her involvement in the case. The appropriate assistance will be determined based on the circumstances and will range from offering safety planning and strategies to arranging for protective custody, to seeking a warrant if it is determined that criminal activity occurred. If CMPD becomes aware of a valid threat to a victim/witness, CMPD will promptly make every effort to alert the victim/witness. If the victim/witness is in another jurisdiction, CMPD will contact the appropriate law enforcement agency to inform them of the situation and request that reasonable precautions be taken.
  
3. The officer assigned to the case will:
  - a. Ensure the needs of victims/witnesses are being met during the follow-up investigation of crimes covered under state law to include serious offenses involving trauma. Officers will follow the requirements of investigation according to each unit's SOP.
  - b. Explain the procedures to a victim and/or witness involved in the prosecution of the case and their role in the proceedings. If the victim/witness is a minor, these conversations should be made to the parent/guardian. The officer will also assist the victim/witness during court proceedings as the need arises.
  - c. Make every effort to schedule lineups, interviews, and other required follow-ups at the convenience of the victim/witness. If necessary, the officer will also provide transportation for the victim/witness.
  - d. Provide secure waiting areas during pre-arrest, arrest, and post-arrest procedures, and ensure that the victim/witness does not come in close

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proximity with suspects or associates unless necessary for the investigation.

- e. Facilitate victim/witness requests for the presence of a victim advocate during lineups or similar proceedings and assist the victim/witness in locating an advocate.
  - f. Instruct the victim/witness to call 911 and contact the officer assigned to the case if threatened or intimidated by the suspect, the suspect's associates, or suspect's family members.
  - g. Return confiscated property belonging to the victim/witness as promptly as possible when it is no longer needed as evidence.
  - h. Notify the victim when an arrest has been made. The officer will also provide the listed charges and defendant's current custody status, when known. Direct the victim to call the appropriate law enforcement agency detaining the defendant in order to check on the defendant's ongoing custody status.
  - i. Maintain victim/witness confidentiality to the fullest extent possible.
4. Supervisors will monitor case investigations to ensure victim/witness procedures are being completed.
- C. Notification of Next of Kin
- 1. When it becomes necessary to notify next-of-kin of deceased, seriously injured, or seriously ill persons, officers will do the following:
    - a. Whenever possible, allow hospital medical personnel to make the notification. If the hospital is unable to do so, the highest-ranking officer or designee will make the notification.
    - b. The same procedures will be used when an outside agency requests a notification be made.
  - 2. CMPD personnel notifying next-of-kin will do so in person or have the appropriate law enforcement agency make a notification in person, whenever practical. Telephone notification will only be done as a last resort.
- Officers will notify their direct supervisor prior to delivering a death notification(s) to ensure the notification does not supersede another unit's responsibility.
- D. Coordination of Victim/Witness Assistance
- 1. CMPD's victim/witness assistance efforts will be the shared responsibility of all members of CMPD.
  - 2. Referral information will be available twenty-four (24) hours a day from CMPD's website.

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3. Both sworn and non-sworn personnel will be trained on victim/witness rights, the responsibilities of law enforcement agencies, and the types of assistance available. This training will take place during recruit training, in-service training and new employee orientation.
4. CMPD will maintain liaisons with other criminal justice agencies, governmental and non-governmental agencies, and organizations dedicated to the needs and rights of victims/witnesses.

#### IV. REFERENCES

Article 45 Fair Treatment for Certain Victims and Witnesses

N.C.G.S. 15A-824 Definitions

N.C.G.S. 15A-825 Treatment due Victims and Witnesses

Article 46, Crime Victims' Right Act

N.C.G.S. 15A-830 Definitions

N.C.G.S. 15A-831 Responsibilities of Law Enforcement Agency

600-005 Domestic Violence


900-013 District Attorney's Papering Process

Child Development-Community Policing SOP

7B-301 Juvenile code: duty to report abuse, neglect, dependency, or death due to maltreatment

CALEA

This directive was last revised on 9/25/2017

	<b>POLICE</b>	<b>Charlotte-Mecklenburg Police Department</b>	<b>600-008</b>
	<b>Interactive Directives Guide</b>	<b>Alarm Policy</b>	
		<b>Effective Date: 11/17/2023</b>	<b>1 of 8</b>

## I. PURPOSE

This directive establishes guidelines and procedures for the Charlotte-Mecklenburg Police Department (CMPD) and alarm users within CMPD's jurisdiction regarding alarm permit registration, police response, false alarm assessments, and the false alarm appeal process.

## II. POLICY


False alarms cause significant strain on police resources and account for the majority of CMPD alarm activations. An alarm ordinance has been designed to reduce unnecessary calls for service, provide better use of limited police resources, and encourage alarm users and companies to help solve the problem of excessive false alarms.

## III. DEFINITIONS

- A. Alarm Company: An entity engaged in selling, leasing, installing, servicing, or monitoring alarm systems.
- B. Alarm Permit: A permit issued by CMPD that allows the operation of an alarm system within the city limits of Charlotte and unincorporated areas of Mecklenburg County.
- C. Alarm Signal: A detectable signal, either audible or visual, generated by an alarm system to which the police are expected to respond. Audible alarms (siren, etc.) must have a fifteen (15) minute shutoff installed.
- D. Alarm System: Any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which the police department is expected to respond, not including alarms installed in motor vehicles, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.
- E. Alarm User: Any person, corporation, partnership, proprietorship, governmental or educational entity, or other entity owning or leasing an alarm system on whose premises an alarm system is maintained for the protection of such premises.
- F. False Alarm: The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user/agent and signals activated to summon police personnel unless law enforcement response was canceled by the alarm user/agent before police personnel arrive at the alarm location.

An alarm is false upon inspection by CMPD when evidence indicates no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises, which would have activated a properly functioning alarm system.

- G. Keyholder: A person who has access and is responsible for responding to a premises in the event of an alarm activation.
- H. Panic Alarm: An electronic device designed to assist in alerting somebody in emergency situations where a threat to persons or property exists. A panic alarm is frequently but not always controlled by a concealed panic alarm button. These buttons can be connected to a monitoring center or locally via a silent alarm or an audible bell/siren. The alarm can be

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used to request emergency assistance from local security, police, or emergency services. Some systems can activate video and/or audio recordings to record or assess the event.

- I. Permit Year: A twelve (12) month period beginning on the day and month on which an alarm permit is issued.

#### IV. PROCEDURES

##### A. Alarm Permits


1. In accordance with the [City of Charlotte/Mecklenburg County False Alarm Ordinance](#) (Sec. 15-188), no person shall use an alarm system without first obtaining a permit for such alarm system. Each alarm permit shall be assigned a unique permit number.
2. An alarm permit can be registered online through CryWolf Services. Paper applications for alarm permit registration can be provided by any CMPD division office or the False Alarm Unit located at CMPD Headquarters and may be submitted by mail or fax.
3. Failure to register an alarm can subject the alarm user to a \$100.00 fine.
4. The alarm user should receive an alarm permit within ten (10) business days after submitting a completed application.
5. Alarm permits are required to be renewed annually.

##### B. Communications Division

1. Upon receiving a call reporting an alarm activation, telecommunicators determine if the call for service is requested by the alarm user, alarm company, or a third party and will follow established alarm dispatch protocols (Appendix A) and dispatch patrol officers accordingly.
2. If the alarm company properly cancels an alarm prior to the officer's arrival on the scene, the telecommunicators will immediately advise the responding officers to disregard the call for service, and the alarm will not be counted as a false alarm.
3. Upon the responding officer's request, telecommunicators will contact a keyholder and request that they respond to the location.

##### C. Patrol Response


1. Responding officers will inspect the premises and determine if a police response was necessary. If the premises cannot be checked (i.e., fences, dogs, etc.), responding officers will request that the telecommunicator notify a keyholder that will allow the premises to be properly checked. If a keyholder is unavailable to respond, the responding officer will document the alarm as false in CAD using the clearance code miscellaneous incident (MI).

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2. After determining the premises is secure and no break-in or attempted break-in has occurred, the responding officer will document the following information if known or relevant in a CAD MI:
  - a. Weather conditions
  - b. Old pry/tool marks or lack of the same
  - c. Pets loose inside the premises
  - d. Power outages
  - e. Loose fitting doors/windows
  - f. Unsecured doors/windows
  - g. Reason the entire premises could not be checked
  - h. User error (persons with no code or key to the alarm)
  - i. Description of reasons for determining the alarm to be false
  - j. Name of any person(s) on the premises
3. If an alarm is determined to be false, the responding officer will attach a false alarm notification sticker to a conspicuous location on the premises. The false alarm notification sticker advises the owner of the premises that the alarm was activated and the premises was checked.
4. Patrol supervisors are authorized to cancel police response to premises where multiple false alarm activations have occurred during a shift.
5. Officers responding to an alarm call for service will confirm the address of the alarm, make appropriate CAD updates, and clear the call for service utilizing the following alarm clearance codes:
  - a. CANCELRM: The call for service was canceled by the alarm monitoring center prior to patrol arrival.
  - b. CANSUPV: The call for service was canceled by a patrol supervisor with no patrol response.
  - c. MI: The alarm activation is false, and no additional violations exist.
  - d. OO/CASE: The alarm activation is not false, and a KBCOPS incident report will be completed.
  - e. UL: Unable to locate the address.

**D. False Alarm Assessment and Fines**

1. Registered alarm users are allowed two (2) false alarm responses at no charge within a permit year.

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- a. A power failure is not considered excused unless the power outage lasts longer than the alarm system's battery backup.
  - b. A false alarm does not include an alarm determined to have been caused or activated by unusually violent conditions of nature or extraordinary circumstances not reasonably subject to control by the alarm user.
  - c. A false alarm does not apply when the call for service is canceled by the alarm company prior to an officer's arrival on the scene.
2. In accordance with the City of Charlotte/Mecklenburg County False Alarm Ordinance [Code 1985, § 15-159](#), three (3) or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against the alarm user as follows:
    - a. False Alarms 1-2: No charge for registered alarms
    - b. False Alarms 3-5: \$50.00 per response
    - c. False Alarms 6-7: \$100.00 per response
    - d. False Alarms 8-9: \$250.00 per response
    - e. False Alarms 10+: \$500.00 per response
  3. Audible alarms sounding for more than fifteen (15) minutes can result in a fine of up to \$100.
  4. Registered alarm users will be notified and/or receive an invoice via mail or e-mail within one (1) to five (5) business days after receiving a false alarm.
  5. Alarm fines must be paid within thirty (30) calendar days from the invoice date. Alarm users who fail to pay alarm fines will be notified in writing that police will not respond to an alarm activation at their premises until all fines are paid. Note: Panic alarms, including CAD classifications of Panic, Hold-up, Duress, or Verified Video/Audio, are excluded from this policy and will be dispatched in accordance with the Communications Division's alarm dispatch protocols.
  6. Alarm fines may be paid online through CryWolf Services or mailed to Charlotte Alarm Management Services (PO BOX 602486 Charlotte, NC 28260-2486).
  7. Alarm users with an unregistered alarm system may attend an online alarm school through CryWolf Service. The end-of-course test must be completed within thirty (30) calendar days from the invoice date to waive the \$100.00 unregistered alarm fine.
    - a. Alarm users must successfully pass with a score of ninety percent (90%) or higher to waive the alarm fine.
    - b. If the alarm user does not successfully pass, the fine will not be waived.

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E. False Alarm Appeal Process


1. The alarm user may appeal an assessment of a false alarm fee in writing within thirty (30) calendar days after the date of notification of the assessment of civil penalties. Written notice of appeals may be made via mail, email, or fax.
2. Appeals are not generally granted as a result of, but not limited to, the following:
  - a. Faulty, defective, or malfunctioning equipment supplied by an alarm company.
  - b. Improper installation or maintenance by an alarm company.
  - c. Improper monitoring by an alarm company.
  - d. Alarm activations that occur while alarm company technicians are repairing or servicing the alarm system.
  - e. An occurrence where no evidence of criminal activity is present.
  - f. Mistakes made by private contractors, maids, cleaning crews, visitors, realtors, etc.
  - g. Items within the home or business that move, causing motion detectors to be activated.
  - h. Doors and/or windows that become loose and cause a break in the contacts that activate the alarm system.
  - i. Caretakers who watch homes or businesses when owners are away and who activate the alarm in error or are not familiar with required codes or passwords.
  - j. Pets, rodents, or wildlife movement in or near the home or business.
  - k. Alarms caused by apartment management employees.
3. The False Alarm Unit is responsible for reviewing appeals and shall have the discretion to dismiss or reduce civil penalties or reverse other enforcement decisions where warranted. The False Alarm Unit will render a decision in writing.

V. REFERENCES

[City of Charlotte/Mecklenburg County False Alarm Ordinance](#)  
[CryWolf Services](#)  
CALEA

The previous version of Directive 600-008 was titled False Alarms and published on 01/07/2020.



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## Appendix A

### Communications Division Alarm Dispatch Protocols

#### A. Audible Alarms Reported by a Third Party


1. Audible alarms reported by a third party may include vehicle alarms, residential properties, or commercial properties and do not require a permit number for a call for service to be entered into CAD.
2. A call for service will be entered using the appropriate event type for the exact location or closest location known by the third-party caller for where the alarm activation is believed to be coming from. Telecommunicators will update the location if provided by the responding officers.
3. Telecommunicators will enter any relevant information provided by the third party into the CAD remarks for responding officers.

#### B. Audible Alarms Reported by the Alarm User

1. Audible alarms reported by the alarm user may include residential or commercial properties and do not require a permit number for a call for service to be entered into CAD.
2. A call for service will be entered using the appropriate event type for the exact address.
3. If the alarm user reports that the alarm was activated and has confirmed a crime/suspicious incident has occurred (i.e., breaking and entering, robbery, suspicious person, etc.), the call for service will be entered using the appropriate event type for the crime/incident that has occurred.
4. Telecommunicators will enter any relevant information provided by the alarm user into the CAD remarks for responding officers.
5. The “hot call” feature may be used to increase the priority of the call for services if the telecommunicator deems it necessary based on the information provided by the alarm user.

#### C. Alarm Activations Reported by the Alarm Company


1. Alarm activations reported by the alarm company must have a valid permit number for a call for service to be entered into CAD unless the alarm activation is determined to be a:
  - a. Hold up alarm
  - b. Panic alarm
  - c. Duress alarm
  - d. Hostage alarm
  - e. Verified video or audio alarm

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2. Telecommunicators will check the permit number provided by the alarm company through CAD to determine if the alarm permit is still valid. If the alarm permit is not active or has been revoked, the telecommunicator will cancel the call for service and advise the alarm company police will not respond unless the alarm activation is a type of alarm listed above (C.1).
3. A call for service will be entered using the appropriate event type based on the information provided by the alarm company.
4. If the alarm company reports that the alarm was activated and has confirmed a crime/suspicious incident has occurred (i.e., breaking and entering, robbery, suspicious person, etc.), the call for service will be entered using the appropriate event type for the crime/incident that has occurred.
5. Telecommunicators will enter any relevant information provided by the alarm company into the CAD remarks for responding officers.
6. The “hot call” feature may be used to increase the priority of the call for services if the telecommunicator deems it necessary based on the information provided by the alarm company.
7. For the purpose of this appendix, the CMPD Communications Division also dispatches for Davidson Police Department and Huntersville Police Department.
  - a. Davidson Police Department will follow the same dispatch protocols as CMPD regarding alarm activations, calls for service, and police response.
  - b. Huntersville Police Department will respond to any alarm activation and will not require a permit number or valid permit for a law enforcement response.


**D. Alarm Cancellations**

1. Alarm companies must call the Communications Division to request to cancel an alarm. Calls for service may only be canceled if the request is made prior to the officer’s arrival on the scene.
2. Alarm users must contact their alarm company to request to cancel an alarm. If the alarm user does not have an alarm company and self-monitors alarm activation, the alarm may be canceled prior to the officer’s arrival, and the alarm user’s information must be documented in the call for service.
3. Charlotte Fire Department (CFD) may request to cancel an alarm if they have arrived on the scene prior to the officer’s arrival.
4. Contracted private police/security entities (i.e., Allied Universal, etc.) may request to cancel an alarm only on the premises they are contracted to provide security.

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E. Alarm Dispositions

1. Telecommunicators (call-takers) will not provide a disposition of an alarm activation to a third party, alarm user, or alarm company. Telecommunicators (dispatchers) may contact a keyholder at the request of the responding officer to respond to the property.
2. Alarm companies may get dispositions through the CMPD website or by contacting the False Alarm Unit.
3. Alarm users may contact their alarm company or request a copy of the CAD call through the CMPD Records Division.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-009</b>
	<b>Interactive Directives Guide</b>	<b>Juvenile Procedures</b>	
		<b>Effective Date: 5/27/2022</b>	<b>1 of 14</b>

## I. PURPOSE


This directive establishes guidelines for the investigation of incidents involving juvenile victims and suspects in compliance with North Carolina state law while utilizing available community-based resources.

## II. POLICY


The Charlotte-Mecklenburg Police Department (CMPD) will endeavor to protect children from abuse and neglect and protect the community from acts of juvenile delinquency. The CMPD will partner and coordinate with other community resource agencies that provide services to juveniles in the community. CMPD sworn employees will act accordingly and reasonably toward all juveniles based on their age.

## III. DEFINITIONS

- A. **Abused Juvenile:** A juvenile whose parent, guardian, custodian, or caretaker intentionally inflicts, or allows to be inflicted, serious non-accidental physical injury to the juvenile. Abuse includes creating a substantial risk of injury, using cruel or grossly inappropriate means of punishment, causing serious emotional damage, encouraging or approving of delinquent acts committed by the juvenile in their care, or allowing the juvenile to be exposed to sexual assault.
- B. **Child Sexual Assault:** Various crimes committed against juveniles, including but not limited to: Rape, Statutory Rape, Statutory Sex Offense, Indecent Liberties, Sexual Battery, Indecent Liberties Between Children, etc.
- C. **Delinquent Juvenile:**
  - 1. Any juvenile who, while less than sixteen (16) years of age but at least ten (10) years of age, commits a crime or infraction under State law or an ordinance of local government, including violations of the motor vehicle law under Chapter 20 of the General Statutes, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
  - 2. Any juvenile who, while less than eighteen (18) years of age but at least sixteen (16) years of age, commits a crime or an infraction under State law or 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 in G.S. 5A-31.
  - 3. Any juvenile who, while less than ten (10) years of age but at least eight (8) years of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State law.
  - 4. Any juvenile who, while less than ten (10) years of age but at least eight (8) years of age, commits a crime or infraction under State law or an ordinance of local government, including violation of the motor vehicle laws, and has been previously adjudicated as delinquent.

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- D. **Dependent Juvenile:** A juvenile in need of assistance or placement because the juvenile’s parent, guardian, or custodian is absent or unable to provide care or supervision.
- E. **Inventory Search:** An administrative action to protect and account for property located on a detained or arrested person. The inventory search is necessary to isolate dangerous items from police and jail facilities.
- F. **Juvenile:** A person at least the age of six (6) and under the age of eighteen (18), who is not married, emancipated, or a member of the armed forces of the United States.
- G. **Juvenile Court Counselor (JCC):** A Department of Juvenile Justice and Delinquency Prevention (DJJDP) employee responsible for intake services, probation, and post-supervision of juveniles.
- H. **Juvenile Petition:** Document filed by the Juvenile Court Counselor (JCC) in the office of the Clerk of Superior Court initiating a juvenile court proceeding. The sworn employee must submit a juvenile arrest worksheet when seeking a juvenile petition with the assistance of the JCC.
- I. **Minor:** A person who has not reached the age of eighteen (18) years old.
- J. **Neglected Juvenile:** A juvenile who does not receive proper care, supervision, or discipline from a parent, guardian, custodian, or caretaker; or has been abandoned; or is not provided necessary medical care; or is not provided necessary remedial care; or has been allowed to live in an injurious environment; or unlawfully placed for care or adoption.
- K. **Non-testimonial Identification Orders (NTO):** A court order authorizing the collection of non-testimonial evidence from a minor, unless the juvenile has been charged as an adult, to identify whether the juvenile is a suspect in a crime. Non-testimonial evidence includes photographs, fingerprints, biological samples, blood samples, handwriting samples, voice samples, or similar identifying information requiring the presence of the juvenile. State law prohibits the collection of any non-testimonial identification information from a juvenile without a court order signed by a judge. Consent to the procedure cannot be given by the juvenile or the parent or guardian of the juvenile.
- L. **Secure Custody Order (SCO):** Custody order that directs sworn employees or other authorized persons to assume custody of the juvenile and make due return on the order. A juvenile petition must accompany the SCO.
- M. **Undisciplined Juvenile:**
  - 1. A juvenile who, while less than sixteen (16) years of age but at least ten (10) 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 more than twenty-four (24) hours; or


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2. A juvenile who is sixteen (16) or seventeen (17 years) of age and 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 more than twenty-four (24) hours.
- N. Vulnerable Juvenile: Any juvenile who, while less than ten (10) years of age but at least six (6) years of age, commits a crime or infraction under state law or under an ordinance of local government, including violation of the motor vehicle laws, and is not delinquent juvenile.
- O. Youth and Family Services (YFS): a division of the Mecklenburg County Department of Social Services (DSS) that provides intake services and conducts child protective services investigations. This division receives and screens child protective service referrals and conducts investigations and family assessments in cases of abuse, neglect, or dependency.

#### IV. PROCEDURE


##### A. Initial response to child abuse or neglect:

1. All reports of child abuse or neglect will be thoroughly investigated and documented. Sworn employees will enforce the laws and will refer incidents of abuse and neglect to the Department of Social Services Youth and Family Services Division (YFS). Confidential law enforcement information can be shared between law enforcement agencies and YFS. A sworn employee may seek a court order to prevent the disclosure of the information if the employee believes that sharing said information will undermine an ongoing or future investigation or jeopardize the state's right to prosecute or any defendant's right to a fair trial.
2. In instances of neglect, sworn employees will work to place the juvenile with a responsible caregiver.
3. A person in charge of a child is not criminally liable for inflicting reasonable moderate punishment to correct a child's behavior. However, signs of possible abuse will be documented and reported to YFS.
4. Initial investigations of child physical abuse with minor injury shall include the following:
  - a. Written statements completed with all involved parties and witnesses; proper documentation and preservation of evidence, including photographs of injuries, collection of weapons used if any, seizing of electronic evidence, etc.
  - b. Child victims will be interviewed by sworn employees in misdemeanor cases of physical abuse, using non-confrontational, open-ended questions. Written statements should not be taken from young children,

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but they should be interviewed for fact-finding purposes. Written statements shall be taken from adults who are involved or who are witnesses.

- c. Sworn employees shall conduct a thorough background search of all parties involved using available databases to identify any history of abuse or neglect and record the findings in an incident report.
5. Sworn employees must determine through interviews and evidence if child abuse occurred and take enforcement action. Employees shall determine whether any physical abuse caused lasting injury and whether it exceeded reasonable moderate punishment as allowed by a caregiver to correct a child's behavior. Appropriate enforcement action will be taken by sworn employees due to the exigency of the situation.
  6. When the accused suspect of child abuse is not present on the scene, sworn employees will make reasonable and diligent efforts to contact and interview the accused about the incident. If probable cause is developed with or without the suspect being located or interviewed, sworn employees shall present the case to a magistrate before the end of the employee's shift.
- B. Initial response to child sexual assault:
1. All reports of child sexual assault will be thoroughly investigated, documented, and reported to YFS.
  2. When possible, the child should be separated from the accused suspect.
  3. Initial investigations of child sexual assault shall adhere to the following protocols as outlined in the Mecklenburg County Child Sexual Assault Guidelines:
    - a. Before confronting an accused suspect of a child sexual assault, sworn employees will consult with the Crimes Against Children Unit.
    - b. Sworn employees shall not interview or question child victims of sexual assault age fifteen (15) and under. Child victims of sexual assault will be interviewed by a forensic interviewer at Pat's Place Child Advocacy Center or by a Crimes Against Children Unit detective.
    - c. Sworn employees should make every effort to acquire information from the non-offending, supportive parent or adult caretaker reporting the incident. Detailed written statements will be taken from adults to whom the child initially disclosed the sexual assault.
    - d. Sworn employees will take steps to determine the timeframe of the most recent sexual assault. If occurring within the last 72 hours, a Crimes Against Children Unit detective shall be notified, and the child

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victim should be taken to the hospital for completion of a sexual assault kit.

- e. If sworn employees cannot determine the timeframe of the last sexual assault from the reporting adult, minimal fact-finding questions may be asked of the child victim. Minimal fact-finding interviews include open-ended questions asked in a non-confrontational, non-judgmental way without leading questions or suggestive prompts. Once this minimal information is acquired, sworn employees, and reporting adults will stop questioning the child victim.
- f. Sworn employees shall properly document their investigation and take necessary steps to preserve any evidence of the sexual assault, such as biological evidence on clothes, bedding, electronic evidence on phones or technological devices, etc. For guidance or assistance with this, sworn employees may contact a Crimes Against Children Unit detective.

**C. Taking a juvenile into temporary custody:**


Temporary custody means the taking of physical custody and providing personal care and supervision until a court order for secure or non-secure custody can be obtained. A juvenile may be taken into temporary custody without a court order in the following circumstances:

- 1. Probable cause would exist for the arrest of an adult in identical circumstances under [N.C.G.S. 15A-401\(b\)](#);
- 2. If reasonable grounds exist to believe the juvenile is undisciplined.
- 3. If there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by DJJDP or from an approved detention facility.
- 4. If there are reasonable grounds to believe the juvenile is abused, neglected, or dependent and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order.

**D. Duties after taking a juvenile into temporary custody without a court order:**

- 1. Sworn employees must check the juvenile’s in-state record to determine if the juvenile should be treated as an adult due to a prior conviction for a misdemeanor or felony in a district or superior court, including a conviction of driving while impaired.
  - a. Infractions and misdemeanor motor vehicle violations, other than impaired driving offenses, are not considered a “conviction” for this “once an adult always an adult” rule.




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- b. There is no juvenile court jurisdiction for those juveniles with a prior “adult” conviction and sworn employees should treat the juvenile as an adult.
  2. Sworn employees must notify the juvenile’s parent, guardian, or custodian that the juvenile has been taken into temporary custody and of their right to be present until a determination is made on secure or non-secure custody.
    - a. Sworn employees may release the juvenile to a parent, guardian, or custodian if they decide continued custody is unnecessary. If the juvenile is unlawfully absent from school, the employee may deliver the juvenile to the school where the juvenile is enrolled.
    - b. Sworn employees may complete a juvenile arrest worksheet, seek a petition, and request an SCO be issued.
    - c. A juvenile who is taken into temporary custody shall not be held for more than twelve (12) hours Monday through Friday or twenty-four (24) hours if any of the hours fall on Saturday, Sunday, or a legal holiday, unless a petition or motion for review has been filed by an intake counselor and an order for secure or non-secure custody has been entered.
  3. Sworn employees should select the most appropriate course of action for the situation and consider the needs of the juvenile and the protection of the public.

E. Juvenile Arrest Procedures


1. Making an on-scene arrest.
  - a. The sworn employee may decide to release the juvenile to a parent, guardian, custodian, or caretaker or to obtain an SCO. Factors include the severity of the crime, the juvenile’s behavior, and the history of the subject. If the employee chooses to send the juvenile through diversion in lieu of arrest, the employee will review the juvenile’s arrest histories from six (6) through seventeen (17) years of age. If the offender has a previous arrest history, the juvenile may not qualify for diversion.
  - b. The sworn employee will contact the CMPD Communications Division Department of Criminal Information (DCI) to determine if an SCO is on file and if the juvenile has a National Crime Information Center (NCIC) hit (i.e., missing person or wanted from another jurisdiction).
  - c. The sworn employee will complete a Knowledge-Based Co-Ordinated Problem Solver (KBCOPS) Report and the Juvenile Arrest Worksheet.

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- d. If circumstances do not necessitate obtaining an SCO, the sworn employee will collect all information needed for a juvenile arrest. The juvenile shall be released to a parent, guardian, custodian, or caretaker.
  - e. If an SCO is required, the sworn employees assigned to the case will follow the procedures outlined in IV.G. below.
2. Search incident to arrest.
    - a. A search incident to arrest is justified by the need to prevent the arrested person from using weapons or destroying evidence. A sworn employee automatically has the right to search incident to arrest and is legally justified no matter the offense.
    - b. A search incident to arrest is limited to a search of the arrestee's person and the area and objects within the arrestee's immediate control. However, if the item within the arrestee's immediate control is a container, see IV.F. below.
  3. Strip searches for contraband when a juvenile is under arrest require that probable cause exists to believe that contraband will be found in the person's private area. The search:
    - a. Shall not be conducted on the roadside,
    - b. Must be conducted by a person of the same sex,
    - c. Must be conducted in a private location,
    - d. Must be reasonably conducted to ensure the safety of the individual. No sharp instruments may be used to remove contraband,
    - e. Can only be conducted after a supervisor has been notified, and
    - f. Must be documented in a KBCOPS Narrative Supplement.
  4. Body cavity searches when a juvenile is under arrest.
    - a. A manual body cavity search requires a search warrant and must be conducted by qualified medical personnel.
    - b. A visual body cavity search is permitted if a sworn employee has probable cause to believe contraband or weapons will be found in or around a body cavity. The same privacy protections should be observed as in a strip search.
    - c. When a visual body cavity search reveals contraband, the arrestee should be told to remove the item.

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- 1) If the contraband is found in the body cavity the arrestee will be informed that if the item is not voluntarily removed, the sworn employee will apply for a search warrant.
  - 2) The suspect will be transported to a hospital where the item will be retrieved by medical personnel.
  - 3) A supervisor will be notified immediately before conducting any body cavity searches, and the sworn employee will document the body cavity search in a KBCOPS narrative supplement.
- d. When a visual body cavity search reveals a weapon, the search is to be considered exigent and the weapon must be safely recovered and secured.
5. Referral to a Juvenile Court Counselor (JCC)
- Sworn employees shall refer the following offenses to juvenile court through juvenile arrest reports:
- a. Delinquent acts that would be a felony if committed by an adult.
  - b. Delinquent acts involving weapons.
  - c. Serious gang-related delinquent acts.
  - d. Delinquent acts involving aggravated assaults.
  - e. Other referrals may be made based on the totality of the circumstances.
- F. Arrestee Property Inventory
- While containers found on an arrestee or within the arrestee's immediate control may be seized, they cannot be searched incident to arrest unless the arrestee is unsecured and within reaching distance of the container at the time of the search. As this is unlikely to occur when an arrestee is in handcuffs, to search such containers, sworn employees are advised to obtain consent, a search warrant, or to perform an inventory search as noted in Directive 500-008 Prisoner Transport. Additionally, sworn employees may search such containers when an arrestee denies ownership of the container and has abandoned the property.
- G. Secure Custody Orders (SCO)
1. Sworn employees may request an SCO for the following situations:
    - a. The juvenile is charged with a felony and has demonstrated being a danger to property or persons in the immediate future.
    - b. The juvenile has demonstrated being a danger to persons in the immediate future and is charged with:

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- 1) A misdemeanor where at least one element includes assault on a person; or
  - 2) A misdemeanor in which the juvenile used, threatened to use, or displayed a firearm or other deadly weapon.
  - c. The juvenile has demonstrated being a danger to persons in the immediate future and is charged with a violation of [N.C.G.S. 20-138.1](#) – DWI – or [N.C.G.S. 20-138.3](#) – driving after consuming alcohol or drugs while being under the age of twenty-one (21).
  - d. The juvenile has willfully failed to appear on a pending charge of delinquency or undisciplined or on charges of violation of probation or post-release supervision, providing the juvenile was properly notified.
  - e. A delinquency charge is pending and there is reason to believe the juvenile will not appear in court.
  - f. The juvenile is alleged to be undisciplined due to runaway behavior and is inappropriate for non-secure placement.
2. Sworn employees should also consider the following factors when requesting an SCO:
    - a. Nature of the alleged offense.
    - b. Age and circumstances of the defendant.
    - c. Defendant’s juvenile record.
    - d. Availability of community-based programs.
    - e. Needs and limitations of the juvenile.
    - f. Strengths and weaknesses of the juvenile’s support system.
    - g. Concerns of any victims or complainants.
  3. Obtaining an SCO during normal business hours.
    - a. Normal business hours are Monday through Friday, 8 am through 5 pm, excluding holidays.
    - b. After completing the KBCOPS report and Juvenile Arrest Worksheet, contact the DJJDP JCC and provide the counselor with the name of the juvenile and the charges.
    - c. The JCC will approve or deny requests for an SCO.
    - d. If the request is denied, complete the on-scene arrest process and release the juvenile to a parent, guardian, custodian, or caretaker.


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- e. If the request is approved, take the reports to the DJJDP office (700 E. 4<sup>th</sup> Street, Suite 400), where the JCC will complete the petition and the SCO.
  - 1) Accompany the JCC to the Juvenile Clerk of Court, where the clerk will sign the petition.
  - 2) The JCC will then present the petition and SCO to the Juvenile Court Judge.
  - 3) The Juvenile Court Judge will approve or deny the request for an SCO. If the request is denied, proceed with the steps outlined in IV.G.3.d above.
  - 4) Sworn employees obtaining an SCO shall submit the order with the DCI for filing immediately. All SCOs will remain in the database until they are served.
  - 5) Once in custody, the sworn employee will contact the JCC and then transport the juvenile to the designated detention center and submit all paperwork at the detention center.
  
4. Obtaining an SCO after normal business hours.
  - a. After completing the KBCOPS report and Juvenile Arrest Worksheet, contact the DJJDP JCC utilizing the after-hours telephone number to request a petition and provide the counselor with the name of the juvenile and the charges.
  - b. The JCC will approve or deny any requests for a petition.
  - c. If the request is denied, complete the on-scene arrest process and release the juvenile to a parent, guardian, custodian, or caretaker.
  - d. If approved, take the KBCOPS Report and Juvenile Arrest Worksheet to the magistrate. The magistrate will contact the JCC to verify the petition and SCO approval and then sign the petition.
  
5. Serving a Secure Custody Order (SCO).
  - a. The sworn employee shall confirm with the DCI operator that the SCO is valid. When possible, the employee should contact the JCC to confirm that the SCO is valid. In some cases, the SCO may have been stricken by a judge, and the information may not have been sent to DCI to remove the SCO from the database.
  - b. If the SCO is valid, the SCO may contain restrictions and DCI will provide sworn employees with information regarding the restrictions (i.e., take no action if the juvenile is in the custody of the guardian). These restrictions will assist the employee with deciding how to

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proceed. If the juvenile is not in violation of the SCO, release the juvenile and take no action.

- c. If the juvenile is in violation, the sworn employee will complete a Juvenile Arrest Worksheet.
  - d. After transporting the juvenile to CMPD Headquarters (CMPDHQ), obtain a copy of the SCO from DCI.
  - e. While at DCI, the sworn employee will complete the "Remove from NCIC Form" to clear the alert from NCIC.
  - f. Contact the DJJDP JCC and provide the name of the juvenile in custody.
  - g. Transport the juvenile to the designated detention center and submit the paperwork to the detention center.
- H. All juveniles while in police custody will be under continual observation and monitoring in a safe and secure environment. Subjects cannot be taken to the jail facility unless they are eighteen (18) years of age or older.
- I. Juveniles younger than sixteen (16) years of age cannot be issued written citations, regardless of the charge, and may only be charged in a juvenile petition.
- J. Juveniles sixteen (16) and seventeen (17) years of age can be issued a citation or arrested as an adult for motor vehicle violations or if they were previously convicted as outlined in Subsection IV.D.1 above.
- K. Parental notification requirements for minors charged as an adult.
1. Sworn employees who charge a minor with a criminal offense as an adult shall notify the minor's parent or guardian of the charge, as soon as practicable, in person or by telephone, and document in an incident report who was notified and their relationship to the minor.
  2. If the parent or guardian of the minor cannot be found, the sworn employee or the employee's immediate supervisor shall notify the minor's next-of-kin of the minor's arrest as soon as practicable.
  3. The Police Records Division, upon receipt of arrest records from the Mecklenburg County Sheriff's Office, will identify any minors arrested. The Police Records Division Manager will ensure that written notification is prepared and mailed to the minor's parent or guardian within twenty-four (24) hours of the minor's arrest.
  4. Parental notification is not required when one of the following conditions exists:
    - a. The minor is emancipated.

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- b. The minor is not taken into custody and has been charged with a non-moving motor vehicle violation or a moving violation for which three (3) or fewer points are assessed, except an offense involving impaired driving.
- c. The minor is charged with a motor vehicle offense that is not a moving violation.

**L. Transporting Juvenile Arrestees**


A juvenile will not be placed or transported in any police vehicle or other vehicle which, at the same time, contains an adult arrestee, unless the adult is involved in the same offense or transaction with the juvenile and the juvenile is sixteen (16) years of age or older.

**M. School Principal Notification Requirements by Law Enforcement**

If a sworn employee takes a student into custody by a Memorandum of Understanding (MOU), the Mecklenburg County Sheriff's Office will notify the Charlotte-Mecklenburg School (CMS) Administrative Office of the arrest of the student. CMS has agreed to act as an agent for the receipt of all notifications required to be made to any school principal, within and outside of the CMS System.

**N. Interrogation Procedures**

1. A juvenile under sixteen (16) years of age and in custody cannot be questioned without a parent, guardian, custodian, or attorney present and cannot waive that right. The juvenile must be given a Miranda warning before being questioned. Sworn employees will use the CMPD Juvenile Waiver of Rights Form.
2. If a juvenile is sixteen (16) or seventeen (17) years old, interrogation may occur without a parent, guardian, custodian, or attorney present, but a CMPD Juvenile Waiver of Rights Form must be completed, even if the juvenile is being charged as an adult.
3. Any sworn employees conducting any custodial interrogation at any place of detention of a subject less than eighteen (18) years of age shall make both video and audio recordings of the interrogation in its entirety. This includes misdemeanors and felonies.
4. Sworn employees conducting custodial interrogations shall provide the juvenile with a succinct overview of procedures that will be followed by CMPD and the DJJDP during the investigation and the subsequent prosecution phase of the case. (Examples of explanations include but are not limited to the presentation of the case to the district attorney's office for review, the procedure for placement in a detention facility if applicable, assignment of a JCC, and notification of parents by DJJDP to inform them of next steps, etc.)

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5. Generally, no more than two (2) sworn employees should be present during the interrogation of a juvenile.
  6. The time duration of continuous interrogations should be based on the seriousness of the crime, the juvenile's age and maturity level, and the juvenile's previous experience with law enforcement.
- O. Non-Testimonial Identification Order Procedures (Contact a CMPD Police Attorney for assistance).

Non-testimonial procedures such as buccal swabs, photographs, or fingerprints cannot be conducted on a juvenile (under eighteen (18) years of age) without an NTO unless the provisions of [N.C.G.S. 7B-2101](#) apply. Neither a juvenile, the juvenile's parent, or attorney may consent to the procedure. ([N.C.G.S. 7B-2103](#)).

#### Fingerprinting and Photographing Juveniles

1. A sworn employee may fingerprint and photograph a juvenile without an NTO if all the following are present:
  - a. The juvenile is ten (10) years of age or older,
  - b. The juvenile allegedly committed a non-divertible offense (murder in the 1<sup>st</sup> degree, rape in the 1<sup>st</sup> or 2<sup>nd</sup> degree, sex offense in the 1<sup>st</sup> or 2<sup>nd</sup> degree, Arson in the 1<sup>st</sup> degree, burglary, any violation of Article 5 Chapter 90 of the General Statutes that would constitute a felony if committed by an adult, a crime against nature, any felony which involves the willful infliction of serious bodily injury upon another or which was committed by use of deadly weapon),
  - c. A juvenile petition is prepared or is in process, and
  - d. The juvenile is in the custody of law enforcement or DJJDP.
2. Fingerprints and photographs may be used for any investigative or comparative purposes and are to be withheld from public inspection.


#### P. Confidentiality Issues

1. All records and files concerning a juvenile are to be kept separate from the records and files of adults and are to be withheld from public inspection.
2. Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of the juvenile is prohibited. The publication of pictures of runaways is permitted with the permission of the parent(s) or guardian(s).

#### Q. Inter/Intra – Agency Relations and Program Performance

1. The CMPD will share policies and procedures with other human service agencies that serve the juvenile justice community.



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2. The CMPD will solicit input from the juvenile justice community regarding issues relating to juveniles.

R. Annual Review of Enforcement and Prevention Programs

1. Division commanders responsible for juvenile or youth programs will conduct a documented annual review of all juvenile enforcement and prevention programs within their areas of responsibility for efficiency and effectiveness.

2. Division commanders will complete written evaluations of the programs that address the quantitative and qualitative elements of each. The evaluations will indicate whether the programs should function as is, be modified, or be discontinued.

V. REFERENCES

Preliminary Investigative Guide

North Carolina Crimes Book

N.C.G.S. 7B-101

N.C.G.S. 7B-301

N.C. G.S. 7B-302

N.C.G.S. 7B-2101

N.C.G.S. 7B-2103

N.C.G.S. 15A-401(b)

N.C.G.S. 20-138.1

N.C.G.S. 20-138.3

N.C.G.S. 48 A-2


200-006 Youth Diversion Program

500-004-A Conducting Person Searches

500-008 Prisoner Transport

Mecklenburg County Child Sexual Assault Guidelines

The previous version of Directive 600-009 Juvenile Procedures was published 07/13/2021.

<b>POLICE</b>	<b>Charlotte-Mecklenburg Police Department</b>	<b>600-010</b>
	<b>Interactive Directives Guide</b>	<b>CMPD Headquarters Parking Regulations</b>
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## I. PURPOSE

This policy establishes guidelines for parking City of Charlotte, CMPD, partner agency, and employee personal vehicles at Charlotte-Mecklenburg Police Department Headquarters (CMPDHQ), outlines the appropriate use of the CMPDHQ parking facilities, and ensures the availability of parking for authorized vehicles.

## II. POLICY


This policy covers the use of the following locations:

- the parking deck located behind and attached to CMPDHQ,
- the surface parking lot between CMPDHQ and the parking deck, and
- the loading dock adjacent to CMPDHQ.

These parking facilities are intended for use by employees who work from CMPDHQ or are engaged in City of Charlotte, Mecklenburg County, or CMPD business such as attending court, training, meetings, or for other administrative matters. This policy remains in effect twenty-four (24) hours per day, seven (7) days per week, and compliance with this policy is critical to ensure that there is always adequate parking available for all authorized vehicles. For this reason, vehicles in violation of the policy are subject to citation and towing. Employees may also have their parking privileges suspended when violations of this policy are repeated and/or flagrant.

## III. DEFINITIONS


- A. The Parking Deck: The parking structure located behind and connected to CMPDHQ, hereafter referred to as “the deck”.
1. Operational Side: Entrance closest to CMPDHQ
  2. Employee Side: Entrance closest to 5th Street
- B. Surface Lot: The parking lot located between CMPDHQ and the deck.
- C. Loading Dock: The secured parking area located on the Alexander Street side of CMPDHQ.
- D. Stored Vehicle: An employee-owned vehicle that is parked with the intention, either explicit or implied, of not being used on a routine and/or daily basis. Storage of personal vehicles in the deck is prohibited.
- E. Employee: An employee of the City of Charlotte, the CMPD, or a partner agency.
- F. Low Emission Vehicles (LEVs) and Electric Vehicles (EVs): Vehicles that emit relatively low levels of carbon emissions and have been analyzed for fuel economy and emissions by the United States Environmental Protection Agency (EPA) and the California Air Resources Board or have achieved a minimum green score of 45 on the American Council for an Energy-Efficient Economy (ACEEE).

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#### IV. PROCEDURE

##### A. Deck Access

1. All CMPD employees assigned to work from CMPDHQ, the Court Services Unit, the District Attorney's Office, and the Charlotte-Mecklenburg Government Center (CMGC), who park their personal vehicles, including motorcycles, or individually assigned department vehicles, must pay the weekly fee to park in the deck. Payment will be made by weekly payroll deduction.
2. Parking privileges are assigned to the specific employee paying for access. Where City of Charlotte departments have parking deck access for their department's vehicles, access is limited to those specific City of Charlotte vehicles. Employees will use their parking access card to gain entrance only for the vehicle they are driving. Employees may not transfer possession of their parking access card to any other person or use their card to allow another person access to the deck. Employees, upon terminating their employment with the CMPD, shall have their CMPD parking access rescinded. This includes employees who terminate their employment with the CMPD for employment in another City of Charlotte department.
3. CMPD employees who operate CMPD vehicles will be allowed to enter the operational side of the deck with their parking access card. No employee will park a personal vehicle on the operational side of the deck, except when attending court, papering cases, obtaining warrants, etc., and in such cases, personal vehicles must be parked in the designated court parking spaces. Designated command staff may park their personal vehicles in the command staff parking spaces on the operational side of the deck.
4. Law enforcement agencies working permanently with the CMPD may be issued parking access. Employees of such agencies will pay for deck parking at the same rates and be subject to the same terms as City of Charlotte employees.
5. The CMPD Human Resources Division (HRD) is responsible for managing technical issues associated with access cards, making changes in payroll deductions for parking access, and maintaining an up-to-date list of individuals with parking authorization.
6. The Administrative Services Bureau major is responsible for approving requests for parking access and denying or terminating parking access.
7. A replacement access card will not be issued to an employee unless the previously issued card or an identifiable part is turned in to HRD. CMPD employees who lose their access card will report it as lost equipment as outlined in CMPD Directive 400-003, Equipment. Other City of Charlotte employees will report lost cards to CMGC security immediately.

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8. The CMPD reserves the right to approve temporary parking deck access. The Administrative Services Bureau major may approve temporary parking deck access for non-paying individuals conducting department-related business as follows:
  - a. CMPD employees assigned to large-scale off-duty or special events
  - b. CMPD employees involved in emergency call-back situations
  - c. Individual visitors
  - d. Partner department or agency employees
  - e. Interns or cadets
  - f. Contractors
  - g. Volunteers

Note: Anyone utilizing the deck under these circumstances will adhere to the same policies as those paying to park in the deck.


9. To facilitate temporary parking deck access for special activities, an intercom system is connected to the CMPDHQ security desk. The employee assigned to the CMPDHQ security desk must be provided a list of all visitors or the name of the activity with an approximate number of attendees before that individual's or group's visit. Approved temporary parking access that extends beyond one (1) day will require the issuance of a temporary parking access card which will be coordinated through Facilities Planning.
10. Security cameras are installed at the entry points of the deck. Employees who do not have their access card and who cannot be visually identified by the CMPDHQ security desk employee must report in person to the CMPDHQ security desk in the lobby of CMPDHQ. Once parking privileges have been verified, the security employee will allow the employee access to the deck.

**B. The Parking Deck**

1. The deck is not used exclusively by the CMPD. Other City of Charlotte employees and partner agencies may choose to pay to park in the deck and are subject to the guidelines provided in this directive.
2. CMPD vehicles driven by more than one (1) employee will have dedicated parking assigned and must be parked in the designated parking space(s) of the deck. The CMPD Facilities Planning manager, along with HRD, is responsible for maintaining a current list of all space assignments. Requests for changes or new space assignments must be made through an employee's chain of command. The CMPD Facilities Planning manager must be notified of any approved change(s) and will assist in completing the approved change(s).

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3. On-duty employees operating CMPD vehicles may park in the spaces designated for “In-and-Out” parking on the operational side if the vehicle does not have an assigned space elsewhere in the deck. These spaces will be used for short visits to CMPDHQ. These spaces are not to be used by employees attending court or scheduled training in CMPDHQ.
4. Employees attending court, papering cases, obtaining warrants, etc. will park in the deck in designated parking spaces marked for court attendance. Employees are prohibited from parking marked and unmarked CMPD vehicles next to or near the courthouse including along 4<sup>th</sup> Street to attend court, paper cases, etc. Parking on Alexander Street is allowed for magistrate business only.
5. There are several spaces designated on the operational side of the deck for those on-duty employees driving CMPD vehicles who need to submit lost/found property or evidence to the Property and Evidence Management Division. These spaces are located to the right of the tunnel entrance.
6. Command staff assigned to CMPDHQ will pay to park in the deck and may park in those spaces reserved for command staff on the operational side of the deck.
7. Command staff who are from external facilities are not required to pay for deck parking, but to the extent possible, should park on the operational side of the deck in spaces reserved for command staff.
8. All other CMPD sworn and civilian employees assigned to other facilities are not required to pay for deck parking.
9. Individuals operating non-CMPD vehicles should park anywhere on the employee side of the deck when conducting CMPD business, except for in reserved parking spaces.
10. 15-passenger vans such as those assigned to the Police Activities League (PAL), Prisoner Transport, and SWAT, must be parked on the eighth floor of the deck.
11. All City of Charlotte (non-CMPD) vehicles parked in the deck will be parked on the employee side of the deck on the highest level available.
12. All drivers must adhere to the following when parking in the deck:
  - a. All vehicles are to be parked only in single, properly marked spaces. Motorcycles will be parked only in those spaces designated for motorcycle parking.
  - b. Designated spaces are set aside for compact vehicles. SUVs, trucks, and vans of any size are prohibited from parking in compact spaces.
  - c. No employee-owned vehicles may be stored in the deck.

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C. Surface Parking Lot



1. This lot will be available for visitors to CMPDHQ, the media, visitors requiring Americans with Disabilities Act (ADA) accommodations, visiting law enforcement, vendors and/or contractors, and sworn employees with persons in custody. All vehicles utilizing this lot must be properly parked within a single marked parking space.
2. Parking in this lot is limited to two (2) hours. Any visitor who needs to park longer will need to obtain one (1) of the following from the employee at the CMPDHQ security desk:
  - a. A parking permit to park in the visitor lot; or
  - b. Permission to park in the employee side of the deck.
3. Those spaces marked “Officer Transport Parking” are for sworn employees transporting persons in custody to CMPDHQ.
4. Visiting law enforcement agency employees will have spaces reserved and marked for their use on a first-come basis. CMPD employees are prohibited from parking in these spaces.
5. Other than the ADA spaces, those for sworn employees with persons in custody, and those for visiting law enforcement, no other spaces within this lot are specifically designated.
6. CMPD employees will not park their personal vehicles on the surface lot at any time.

D. Loading Dock

1. The loading dock is for shipping and receiving items to and/or from CMPDHQ. There will be no parking in this area.
2. The Crime Scene Search (CSS) Unit will use this area for various CSS operations.
3. Sworn employees bringing in persons in custody through the doorway near the loading dock will move their vehicle as soon as the person in custody is secure.

E. Low Emission Vehicle Parking

In keeping with the City of Charlotte’s commitment to sustainability, parking spaces for LEVs and EVs have been installed in the deck. There are currently five (5) designated LEV parking spaces on the fourth floor and two (2) designated EV parking spaces with charging stations on the second floor of the deck and they are reserved for qualifying permit holders. To ensure that these spaces are being used properly, the City of Charlotte has initiated a permitting process. To qualify, vehicles must meet the LEED

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definition of an LEV or EV, and the employee must already possess a CMPDHQ parking permit.

1. Employees with qualifying vehicles may complete the application located on the City of Charlotte Employee Intranet (CNET) at [Low Emissions Vehicle Parking Application](#).
2. Once approved, the employee will receive an LEV/EV Parking Permit tag and access to preferential parking spaces located within the deck.
3. When parked in a designated LEV/EV parking space, the permit must hang from the rearview mirror.
4. Unapproved and unpermitted vehicles shall not be parked in designated LEV/EV parking spaces.

#### V. ENFORCEMENT


- A. Vehicles found in violation of this policy are subject to citation and, in extreme cases, may be towed.
- B. Employees in violation of this policy may have parking access denied for a period of one (1) year. Employees whose access is suspended must wait until the full year has elapsed to reapply for access and may be placed on a waiting list subject to space availability. CMPD employees and partner agencies may reapply for parking access through the HRD. City of Charlotte employees may reapply for parking access through CMGC security.
- C. City of Charlotte and CMPD supervisors are responsible for ensuring compliance with parking regulations. Any employee may report a violation of this policy to the CMPDHQ security desk.
- D. The Facilities Planning manager may report violations to the violator's chain of command.

#### VI. REFERENCE

400-003 Equipment

United States Environmental Protection Agency Emissions Standards Reference Guide

The previous version of Directive 600-010 CMPD Parking Regulations was published on 07/29/2019.

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	<b>Interactive Directives Guide</b>		<b>Use of Police Radio</b>
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I. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) is licensed to broadcast official police communications to mobile units and will do so while complying with the rules and regulations established by the Federal Communications Commission (FCC) governing the use and transmissions over all radio frequencies.

II. PROCEDURE

- A. Police radio users are assigned a separate number or series of numbers to identify those individual users as a specific unit in all radio transmissions. This number or series of numbers is known as the radio user's "call sign."
- B. All radio traffic will be conducted using the following professional protocol:
1. An off-duty employee's call sign is the employee's CMPD issued code number with the prefix "P" and is commonly referred to as "P unit."
  2. All police radio users must use their designated call sign or "P unit" number when initiating or responding to all radio transmissions. CMPD Communications Division personnel (telecommunicators) will be identified as "Headquarters."
  3. Radio transmissions will be brief and impersonal. First names or nicknames of employees will not be used when engaged in radio transmissions on a primary dispatch talk group.
  4. Telecommunicators will initiate calls for service (CFS) to personnel using the designated call sign of the unit they are contacting.
    - a. Mobile patrol units (MPU) will repeat their designated call sign and provide their current location when acknowledging a CFS initiated by a telecommunicator. All other CMPD personnel will repeat their designated call sign to acknowledge the radio transmission.
    - b. When responding to radio transmissions from CMPD personnel, telecommunicators will acknowledge by repeating the unit's designated call sign and instructing the unit to continue with the radio transmission or standby.
  5. Appropriate acknowledgment will be made before proceeding with radio transmissions. In the event of an emergency situation, a telecommunicator may instruct personnel to standby. Personnel should make no further radio transmissions until advised to continue.
  6. The police radio and mobile computers shall be used for official police communication only. Personal messages or any type of unprofessional conversation will not be transmitted on the police radio or the mobile computer.
- C. To avoid confusion with the emergency 10-code "10-33", no employee will be assigned a call sign ending with the number "33".




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- D. Employees will use telephones or mobile computers for lengthy conversations or information requests when possible.
- E. Emergency radio transmissions have priority over all other radio transmissions.
- F. In non-emergency situations where reasonable access to a telephone exists, employees are encouraged to assist citizens by using telephones for calls or notifications rather than requesting contact be made by a Communications Division employee.

III. REFERENCES

400-003 Equipment  
 Communications Division FCC Regulations SOP (400-300)  
 CALEA

The previous version of Directive 600-012 Use of Police Radio was published on 08/09/2018.

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	<b>Interactive Directives Guide</b>	<b>Towing Vehicles</b>	
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I. PURPOSE

This directive establishes guidelines for the towing, inventorying, storing, and release of impounded vehicles by Charlotte-Mecklenburg Police Department (CMPD) employees.

II. POLICY

Charlotte-Mecklenburg Police Department (CMPD) employees must follow established guidelines to tow, inventory, store, and release all vehicles.

III. DEFINITIONS

None

IV. PROCEDURES


A. Determining When to Tow

CMPD sworn employees may authorize the towing of vehicles when one (1) or more of the following conditions exist.

1. When a crash occurs on a public roadway or public vehicular area that renders a vehicle disabled and the owner or operator is not available or, in the sworn employee's judgment, the owner or operator is not capable of making an informed decision regarding the disposition of the vehicle.
2. When a stolen vehicle is recovered, and the owner or a responsible party is not readily available to take possession of the vehicle.
3. When the operator of the vehicle has been arrested, and in the sworn employee's opinion, the judgment of the operator is impaired to the extent that the operator is unable to make an informed decision as to the disposition of the vehicle.
4. When a disabled vehicle is creating a hazard or obstructing traffic. When possible, sworn employees should attempt to contact the registered owner of the vehicle before towing.

B. If a sworn employee below the rank of sergeant believes it is necessary to tow a vehicle, in circumstances other than those in Section IV-A, the sworn employee will notify a supervisor and obtain approval to tow the vehicle.

C. If a vehicle is not creating a hazard or obstructing traffic, and the owner/operator of the vehicle is on the scene, the owner/operator should be allowed to decide if the vehicle is to be towed or left at the scene. This applies if the situation affords the owner/operator this discretion and if, in the sworn employee's opinion, the owner/operator's judgment is not so impaired as to render them incapable of making such a decision. Should a vehicle owner/operator request the services of a non-division wrecker, response time and existing conditions should be considered. If non-

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division wreckers can respond in as timely a fashion as the assigned division wrecker company, the owner/operator's request should be honored.

1. In all cases where a vehicle is towed at the request of the owner/operator, or left at the scene, the "Owner/Driver Request for Vehicle Disposition" section of the Tow/Storage Report must be completed and signed before the vehicle is towed. If the owner/operator refuses to sign the form or safety issues preclude this action, the sworn employee will have the vehicle towed.

EXCEPTION: If the driver is incapacitated as a result of a motor vehicle crash and requires immediate transport to a medical facility but is able to give verbal consent, the sworn employee can indicate that verbal consent was given on the disposition section of the Tow/Storage Report and document the circumstances of that consent.


2. If the owner/operator is under arrest and decides to relinquish control of the vehicle to another person, the sworn employee must confirm that the person taking control of the vehicle has a valid operator's license and is not under the influence of an impairing substance. Sworn Employees must also complete the "Owner/Driver Request for Vehicle Disposition" section of the Tow/Storage Report when control of the vehicle is relinquished to a third party.
3. Sworn Employees will submit the Tow/Storage Report to the Public Records Unit by the end of their tour of duty.

**D. Private Premises**

When an on-duty sworn employee receives a request from a citizen to remove a vehicle from private property, the sworn employee will refer to N.C.G.S. 20-219.2 and Charlotte City Codes 6-561 through 6-567 concerning the towing of vehicles parked, without authorization, on private property and further explain to the citizen that he or she may have the vehicle towed without the assistance of the police. Sworn employees who are on-duty or employed in a secondary law enforcement capacity will not request tows of unauthorized vehicles parked on private property.

**E. Division Wreckers**

1. When a sworn employee requires a wrecker to remove a motor vehicle (other than a city-owned vehicle), the sworn employee will request a division wrecker, unless the owner/operator requests a specific wrecker service.
2. Division wreckers will tow vehicles to their company lots for storage unless the vehicle owner or operator has made other arrangements with the division wrecker service.
3. Inventory procedures serve to protect an owner's property while it is in the custody of the police, to insure against claims of lost, stolen, or vandalized property, and to guard the police and public against danger. A sworn employee must complete the Vehicle Inventory section, of the Tow/Storage Report each

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time a vehicle is towed at the direction of the CMPD. Additionally, an employee must complete the Vehicle Inventory section on an owner requested tow if the owner is not present to secure the vehicle and any possessions therein.

- a. Any employee having a vehicle towed will conduct an inventory of the interior and trunk areas and record all property in the vehicle.

EXCEPTION: No inventory is required for vehicles towed from tow-away zones during peak traffic hours. The vehicle must be locked.

- b. Locked, sealed, or closed containers such as suitcases, packages, or boxes will be opened when the contents cannot be determined from an examination of the container's exterior. However, locked or sealed items will not be forcibly opened to inventory the contents if doing so will cause damage to the container. The vehicle's trunk and/or glove compartment will not be forcibly opened to inventory the contents of these areas.

#### F. Tow/Storage Report


1. Anytime a sworn employee requests a wrecker, whether, at an owner or operator's request or at the discretion of the sworn employee, the Tow Storage Report must be completed. The white (top) copy should be submitted to the Public Records Unit and the remaining three (3) copies should be given to the wrecker driver.

EXCEPTION: If an owner/operator requests a specific wrecker company that is not a division wrecker company the sworn employee will submit all four (4) copies to the Public Records Unit.


2. Requesting Agency, Owner and/or Driver information, and Towing Information should be completed on every Tow Storage Report. If the tow is at the direction of CMPD, or the tow is per request of the owner, but the owner is not present to secure any property inside the vehicle, a vehicle inventory must also be completed. If the tow is at the owner's request, the Owner/Driver Request for Disposition section needs to be completed.

#### G. Seizing Vehicles

1. A sworn employee may seize a vehicle only in one of the following situations and with a supervisor's approval (if the sworn employee is below the rank of sergeant).
  - a. The vehicle is being held to be searched without a search warrant or pending the execution of a search warrant.
  - b. The vehicle is needed for evidence.
  - c. The vehicle has been seized for forfeiture or destruction as specifically provided by law. Listed below are examples of this type of impoundment.

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- 1) N.C.G.S. 90-112 - Concealment, conveyance, or transportation of a controlled substance in a motor vehicle.
  - 2) N.C.G.S. 20-141.3(g) - Prearranged speed competition in a motor vehicle.
  - 3) N.C.G.S. 18B-504 - Motor vehicles used to transport non-tax paid alcoholic beverages.
  - 4) N.C.G.S. 14-299 - Motor vehicles exhibited by gamblers in conducting unlawful games or lotteries.
  - 5) N.C.G.S. 14-86.1 - Motor vehicles used to transport stolen property (larceny when the value of goods is more than \$2000.00) or used in the commission of a robbery.
  - 6) N.C.G.S. 14-2.3 - Motor vehicles acquired through the commission of other felonies.
2. Sworn employees who seize a vehicle must enter the vehicle information in the Property & Laboratory Information Management System (PLIMS). The employee should document all available vehicle information (e.g., owner information, Vehicle Identification Number (VIN), registration number, make, and model). The sworn employee must enter the name of the wrecker company and the tow-in number in PLIMS. The vehicle should be transported to the Vehicle Evidence Lot (VEL).
  3. If the keys are seized with the vehicle, they will be placed in property control and documented in PLIMS.
  4. Sworn employees will follow tow companies to the VEL, scan their assigned access cards to gain access to the VEL, escort tow companies onto the lot, supervise the placement of vehicles, and escort tow companies off the lot.
- H. Release of Towed Vehicles from Wrecker Company Lots
1. Each division wrecker company is responsible for the storage and release of towed vehicles in their possession. The division wrecker companies should not release towed vehicles (and items that are in vehicles) except upon presentation of proof of ownership by the claimant.
  2. Division wrecker companies will not release any vehicle when the Tow/Storage Report indicates the vehicle is to be held until the release has been authorized by the sworn employee who ordered the tow. Once a release is authorized, the sworn employee should change the status to ready to release in PLIMS. A supervisor will authorize the release in PLIMS.
  3. Once authorized for release, a sworn employee will advise the owner of the towed vehicle to go directly to the wrecker company to obtain the vehicle. If a vehicle is seized as evidence, the sworn employee will inform the

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owner/operator that the owner will be contacted when the release of the vehicle has been authorized. A sworn employee seizing a vehicle will conduct a follow-up investigation concerning the status of the vehicle every fifteen days. When the District Attorney determines the vehicle is no longer needed as evidence, the vehicle can be released, and the sworn employee will change the status to ready to release in PLIMS. A supervisor will authorize the release in PLIMS and submit it to the Property and Evidence Management Division. The Property and Evidence Management Division will notify the vehicle owner and provide instructions for reclaiming the vehicle.

I. Release of Towed Vehicles from Vehicle Evidence Lot


When the vehicle release paperwork is completed, Property and Evidence Management will send a postcard notifying the owner to contact the Property and Evidence Management Division.

1. The owner will come to Property and Evidence Management to show a valid ID and sign the property sheet.
2. The owner will arrange for a tow company to tow the vehicle off the lot.
3. The owner will provide Property and Evidence Management with the tow company's information.
4. Property and Evidence Management will arrange a time and date for a Property and Evidence Management supervisor to meet the tow company at the VEL to accompany them as they retrieve the vehicle. Only the tow company is allowed on the VEL. (See G. 4.).
5. The Property and Evidence Management supervisor will ensure that the correct vehicle (along with any debris) is removed from the VEL.
6. The Property and Evidence Management supervisor will be responsible for closing the gate and resetting the alarm.


J. Abandoned Vehicles

1. A vehicle suspected of being abandoned will be towed by order of the sworn employee who discovers the vehicle if it is interfering with or obstructing traffic. The initiating sworn employee will enter "Traffic Hazard" and the related traffic violation on the Tow/Storage Report. Do not enter "Abandonment."
2. When a sworn employee observes an unattended vehicle inside the city limits of Charlotte that is suspected of being abandoned, but not interfering with or obstructing traffic, the sworn employee will enter the required information in the [City of Charlotte's Neighborhood Service Request portal](#).

K. Additional Towing Procedures and Responsibilities

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1. General Explanation - State law establishes procedures that a sworn employee 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 towing carried out under the direction of a sworn employee except under the following circumstances:
  - a. When seizing a vehicle for forfeiture or as evidence.
  - b. When the towing is requested or voluntarily consented to by the person in control of the vehicle (for example, in many wreck situations).
  
2. Duties of a Sworn Employee Ordering a Tow
  - a. The sworn employee will complete the Tow/Storage Report as thoroughly and completely as possible. Sworn employees must enter the color of the vehicle along with the make, VIN, and vehicle registration, including the state of registration. The information entered on the Tow/Storage Report will be utilized by Public Records Unit employees to complete the computer-generated Notice of Towing and Right to Hearing Form.
  - b. If the vehicle is registered in North Carolina, the sworn employee must, as soon as possible and always within two (2) hours of the towing, attempt to contact the registered owner by telephone. If the number is busy or there is no answer, a subsequent attempt must be made within twenty-four (24) hours. An immediate second call producing the same result (i.e., busy or no answer) will not satisfy this requirement. The Notice of Towing and Right to Hearing Form shall be mailed to the registered owner's last known address within twenty-four (24) hours of the tow.
  - c. If the vehicle is registered outside of North Carolina, a telephone notification as described above will be attempted as soon as possible, and always within seventy-two (72) hours of the towing. The Notice of Towing and Right to Hearing Form shall be mailed to the registered owner's last known address within seventy-two (72) hours of the tow.
  - d. If, after reasonable efforts (i.e., several calls), the sworn employee is still unable to speak to the registered owner, the sworn employee should, if possible, leave a clear message concerning the location and status of the towed vehicle.
  - e. If the sworn employee is successful in contacting the registered owner by telephone, the sworn employee shall give the owner the following information and, within reasonable limits, answer the owner's questions regarding the vehicle and the towing. If the employee is unsuccessful in contacting the owner, information (date, time, etc.) related to the

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attempts to call the registered owner will be documented in the "Owner/Driver" section of the Tow/Storage Report, along with:

- 1) A description of the vehicle.
  - 2) The place where the vehicle is stored.
  - 3) The violation with which the owner is charged if any.
  - 4) The procedure the owner must follow to have the vehicle returned.
  - 5) The procedure the owner must follow to request a probable cause hearing regarding the towing.
- f. A vehicle recovered as evidence because it was used during the commission of a crime, contains evidence of a crime, or is a recovered stolen vehicle is subject to disposition under directive 700-002 Evidence Management. The initial investigating sworn employee will summarize all sworn employee-related actions and any relevant information in KBCOPS.
3. Hearing to Contest Tow
- a. If the owner wishes to contest the towing, the owner has a right to a hearing before a magistrate in Mecklenburg County. If the owner wants to obtain possession of the vehicle before the hearing, the owner will be required to post a bond of double the amount of the towing and storage fees with the Clerk of Court.
  - b. To obtain a hearing an owner must present a written request for a hearing to the magistrate on duty at the warrant-issuing office located at the Mecklenburg County Courthouse, 800 E. Fourth Street, Charlotte, North Carolina. If the owner makes a written request for a hearing, the magistrate will set a hearing time within seventy-two (72) hours of the owner's request.
  - c. The magistrate will determine if the sworn employee had probable cause to tow the vehicle.
  - d. If the magistrate finds probable cause for the tow, the wrecker service will be entitled to hold the vehicle until the owner pays all applicable fees unless a pre-hearing bond was posted.
  - e. If the magistrate finds no probable cause for the towing, the vehicle will be returned to the owner with no costs incurred.
  - f. Either party has a right to appeal an adverse decision by the magistrate to the District Court Judge.



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- g. Sworn employees are to comply with the procedures established by the Chief District Court Judge regarding these hearings. Sworn Employees may be required to file affidavits with the magistrate's office or to appear personally to give oral testimony at hearings regarding the probable cause to tow the vehicle.

L. Crime Scene Search Tows

1. A sworn employee below the rank of sergeant must obtain authorization from a supervisor before towing a vehicle that was part of, or is evidence of, a major crime (e.g., homicide, rape, assault with a deadly weapon, bank robbery) for Crime Scene Search (CSS) processing. Notification of the tow must be sent to a CSS supervisor.
  - a. A division supervisor will determine, in consultation with the Criminal Investigative Division, if the vehicle needs to be photographed and sealed on scene by CSS prior to being towed.
  - b. A sworn employee will contact a zone wrecker to tow the vehicle.
  - c. A sworn employee will follow the wrecker and vehicle to the Charlotte-Mecklenburg Police Department Headquarters (CMPDHQ) where the vehicle will be temporarily stored in the secure CSS vehicle bay until processed.
  
2. In the event a homicide victim is located inside a vehicle, the vehicle will be towed to the CSS secure vehicle bay at CMPDHQ after the on-scene investigation is complete.
 

The homicide detective will obtain authorization from a homicide sergeant to have the vehicle towed.


  - a. CSS will photograph and seal the vehicle at the scene.
  - b. The homicide detective will contact a zone wrecker to tow the vehicle.
  - c. A sworn employee will follow the vehicle to the CSS vehicle bay where it will be temporarily stored within the secured bay.
  
3. Sworn employees will follow the procedures outlined below anytime a vehicle is temporarily stored in the CSS secure bay at CMPDHQ:
  - a. A sworn employee will complete the Tow/Storage Report for the wrecker company.
  - b. As soon as possible, once the vehicle is delivered by the wrecker, the sworn employee will enter the vehicle information into PLIMS.
  - c. The sworn employee's copy of the tow-in-form will be scanned into KBCOPS and attached to the related case.

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- d. The sworn employee assigned to the case must be present with CSS for the vehicle to be processed.
- e. When vehicle processing is complete the sworn employee will arrange for the same wrecker company that towed the vehicle to the CSS secure vehicle bay to tow the vehicle to the VEL.
- f. The sworn employee will follow the vehicle to the VEL. (See G.4.)
- g. When a vehicle is towed to the VEL. The towed vehicle must be transferred in PLIMS indicating the tow. The VEL is included in the drop-down box in PLIMS as a location.

V. REFERENCES

700-002 Evidence Management  
 N.C.G.S. 20-137.10  
 N.C.G.S. 20-219.2  
 N.C.G.S. 20-219.11  
 Charlotte City Code 14-63 & 14-64  
 Charlotte City Code 14-216 et seq.

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## I. PURPOSE

This policy establishes guidelines for each member of the Charlotte-Mecklenburg Police Department (CMPD) regarding the appropriate exercise of law enforcement authority at peaceful demonstrations. For purposes of this directive, the term officer will apply to all sworn CMPD employees.

## II. POLICY


The CMPD's purpose for being present on the scene of a lawful protest is to maintain peace and order. Officers shall enforce the criminal law where appropriate and not act or fail to act in any manner that favors the protesters or the business/organization that is the object of the protest. First Amendment Rights of the protestors are to be balanced with the rights of private property owners and the interests of the public in being able to access businesses, public roadways, and public sidewalks.

## III. DEFINITIONS

- A. Picket or picketing: To make a public display or demonstration of sentiment for or against a person or cause, including protesting, which may include the distribution of leaflets or handbills, the display of signs, and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.
- B. Sidewalk: The portion of the street which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of way.
- C. Street: The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb.

## IV. PROCEDURES

- A. Notification required: The organizer of a picket that the organizer knows, or should reasonably know, will be attended by a group of fifty (50) or more individuals shall give notice of intent to picket to the Chief of Police or designee at least forty-eight (48) hours before the beginning of the picket. [\(See CMPD Forms\)](#)
- B. Receipt of notification: Upon notice of intent to picket, the Chief of Police or designee shall immediately issue a receipt of notice. The organizer of the picket shall be responsible for maintaining the receipt and shall present it when so requested by a law enforcement officer or other city official. (See CMPD Forms)
- C. Public Assembly and Parade Permits (City Code Sections 19-311 – 19-312)  
Festivals, parades, and public assemblies on public streets are required to have a permit without regard to the number of individuals participating.
- D. Warrantless Arrests (N.C.G.S. 15A-401(b)).


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Warrantless arrests should only be made with probable cause:

1. For a felony or misdemeanor in an officer's presence,
2. For a felony that occurs outside the officer's presence or,
3. For a misdemeanor that occurs outside the officer's presence and a warrantless arrest is authorized by state law.

E. Enforcement of Relevant Statutes and City Ordinances

1. Picketing Ordinances (City Code Sections 19-301 – 19-303)
  - a. Picketing may be conducted on public sidewalks or other pedestrian areas, but not on that part of the roadway primarily used for vehicular traffic. Picketing shall not disrupt, block, obstruct, or interfere with pedestrian traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings where public sidewalks are.
  - b. Picketing may be conducted at the Old City Hall lawn, Charlotte Mecklenburg Government Center (CMGC) Plaza, Polk Park, Independence Square Park, Arequipa Park, or other City of Charlotte controlled parks unless a festival is occurring, or the property is reserved for private use.
  - c. Picketing is not permitted on median strips.
  - d. Focused or targeted residential picketing is prohibited.
  - e. There is no limit to the number of pickets on a particular block or the amount of space between pickets.
  - f. Banners are not limited in size but must allow safe and unobstructed passage of pedestrian and vehicular traffic.
  - g. The staff or pole on which a placard or banner is carried must be made of corrugated material, plastic, or wood, not metal or metal alloy. It cannot exceed forty (40) inches in length, nor can it be greater than  $\frac{3}{4}$  inch in diameter at any point. It must be blunt at both ends.
  - h. Violations of the ordinance may be enforced by issuing a civil fine (using the parking ticket booklet) to the violator. Although, officers may wish to warn picketers prior to issuing a ticket.
2. Obstructing Traffic
  - a. Protesters standing in the public roadway blocking traffic shall be given a lawful order to move out of the roadway under the officer's authority to direct or regulate traffic under N.C.G.S. 20-114.1(a) (Willful failure to

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obey law-enforcement or traffic-control officer). Arrests may be made under this statute if protesters refuse to move out of the roadway.

- b. Officers should advise persons on the scene not to walk in front of vehicles entering and exiting the parking lot of a business. The potential for confrontation between the various interests involved and the danger of a pedestrian being struck by a vehicle are additional law enforcement concerns.

### 3. Trespassing

Protesters standing on private property are to be verbally advised by a company representative that they are not allowed on private property. In addition, an officer shall provide a verbal warning to violators that they are going to be arrested for first-degree trespassing if they are unlawfully in a building or enclosed area and for second-degree trespassing if they are outside, but not on the sidewalk area or a public street.

### 4. Other Relevant Ordinances and State Statutes

- a. Noise Ordinance (City Code Sections 15-61 – 15-70)


A permit is required for amplified sound. Violations of the noise ordinance may occur if the protesters use megaphones or other sound amplification devices. Prior to issuing a citation for a violation under Section 15-64 (amplified sound), a measurement of the noise should be taken in accordance with the Noise Enforcement SOP.

- b. Weapons at Parades and Picket Lines (N.C.G.S. 14-277.2)

It is unlawful for any person participating in, affiliated with, or present as a spectator at any parade, picket line, or any demonstration upon a private healthcare facility or upon any public place owned or under the control of the State of North Carolina or any of its subdivisions to willfully or intentionally possess or have immediate access to any dangerous weapon. The provisions of the statute do not apply to a person with a carry concealed permit carrying a concealed handgun. The provisions of the statute do not apply to any person authorized by the State of North Carolina or federal law to carry dangerous weapons in the performance of duties, including any private security officers licensed to carry a firearm while on duty.

- c. Distribution of Handbills or Leaflets (City Code Section 15-1)

It is unlawful for any person to deposit in, paste on, or attach to any motor vehicle any handbills, advertisements, cards, circulars, leaflets, folders, banners, letters, or pamphlets on any motor vehicles without the consent of the owner.

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- d. Officers should not charge protestors with littering for placing copies of their literature, picket signs, or other materials on public or private property for the period of the demonstration. However, signs or other materials placed on private property by protestors may be taken and disposed of by the property owner or his or her designee. This does not constitute larceny or damage to property, and no such report should be taken.

## V. REFERENCES

Noise Enforcement SOP

Charlotte City Ordinance 19-301 through 19-303 Picketing

Charlotte City Ordinance 19-311 through 19-313 Public Assemblies and Parades

Charlotte City Ordinance 15-61 through 15-68 Noise

Charlotte City Ordinance 15-1 Distribution of Handbills

N.C.G.S. 14-225.1 Obstructing Justice

N.C.G.S. 14-277.2 Weapons at Parades

N.C.G.S. 14-277.4 Healthcare Facilities

N.C.G.S. 14-288.2 Riot

N.C.G.S. 14-288.4 Disorderly Conduct

N.C.G.S. 14-288.5 Failure to Disperse

N.C.G.S. 14-415.11 Permit to Carry Concealed Handgun

N.C.G.S. 15A-401 Arrest by Law Enforcement Officer

N.C.G.S. 20-114.1 Willful Failure to Obey Law-Enforcement or Traffic-Control Officer

## ARTICLE X. PICKETING\*

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**\*Editor's note:** Ord. No. 2621, § 1, adopted June 14, 2004, amended article X in its entirety to read as herein set out. Formerly, article X pertained to parades and derived from Ord. No. 2459, § 1, adopted December 8, 2003. For provisions pertaining to parades, the user's attention is directed to article XI.

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### Sec. 19-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Picket* or *picketing* means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

*Sidewalk* means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

*Street* means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms "highway" and "street" and their cognates are synonymous as used herein.

(Ord. No. 2621, § 1, 6-14-2004)

### Sec. 19-302. Notice of intent to picket.

(a) *Notification required.* The organizer of a picket that the organizer knows, or should reasonably know will be by a group of 50 or more individuals shall give notice of intent to picket to the chief of police or designee at least 48 hours before the beginning of the picket. The notice of intent to picket shall include the following information:

- (1) The name, address and contact telephone number for the organizer of the picket;
- (2) The name, address and contact telephone number of the person giving notice of intent to picket if different from the organizer;
- (3) The name of the organization or group sponsoring the picket;
- (4) The location where the picket is to take place;
- (5) The date and time the picket will begin and end; and
- (6) The anticipated number of participants, and the basis on which this estimate is made.

(b) *Receipt of notification.* Upon notice of intent to picket given in accordance with subsection (a), the chief of police or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other city official.

(c) It shall be unlawful for any person to violate any provision of this section.  
(Ord. No. 2621, § 1, 6-14-2004)

Sec. 19-303. **Picketing** regulations.

(a) **Picketing** may be conducted on public sidewalks, at the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, any other city-controlled park, or other city-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), **picketing** may not be conducted:

(1) At the Old City Hall lawn, the Charlotte-Mecklenburg Government Center plaza, Marshall Park, Polk Park, Independence Square Plaza, Arequipa Park, or other city-controlled park during a festival that has been permitted at that particular property or when that property has been otherwise reserved for private use;

(2) On a median strip; and

(3) At a location directed, focused, or targeted at a particular private residence.

(c) **Picketing** shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

(d) Written or printed placards or signs, flags, or banners carried by individuals engaged in **picketing** shall be of such a size and/or carried on the sidewalks or other city-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.

(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.

(f) Spectators of pickets shall not physically interfere with individuals engaged in **picketing**. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.

(g) Picketers and **picketing** shall be subject to all applicable local, state and federal laws including, but not limited to:

(1) The city's noise ordinance;

(2) The city's handbill ordinance;

(3) Section 14-225.1 (obstructing justice);

(4) Section 14-277.2 (weapons);


(5) Section 14-277.4 (health care facilities); and

(6) Section 14-288.4 (disorderly conduct).

(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.



(i) It shall be unlawful for any person to violate any provision of this section.  
(Ord. No. 2621, § 1, 6-14-2004)  
Secs. 19-304--19-310. Reserved.

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	<b>Interactive Directives Guide</b>	<b>First Amendment Activities</b>	
		<b>Effective Date: 4/16/2020</b>	<b>1 of 4</b>

I. PURPOSE


This directive provides rules to guide the Charlotte-Mecklenburg Police Department (CMPD) employees in performing their duties before, during and after a First Amendment Activity.

II. POLICY

It is the policy of CMPD, whenever an employee is performing his or her duties, they conform to the guarantees of the United States and North Carolina Constitutions. When conducting a work-related function in relation to a First Amendment Activity, that function must be confined to a Legitimate Law Enforcement Objective. CMPD recognizes that the First Amendment of the United States Constitution promotes, encourages and protects the right of free speech and the right of persons and groups to assemble peacefully. In addition, the Fourth Amendment protects individuals from unreasonable governmental intrusion into their person, houses, papers, and effects. Whether demonstrating, protesting, counter protesting, or simply showing support for a cause, individuals and groups have the Constitutional right to peacefully gather and express themselves without interference from law enforcement despite to the content of their message. At the same time, it is also the role of CMPD to maintain law and order during a First Amendment Activity and to investigate any potential for criminal behavior that might occur before, during or after such an activity.

III. DEFINITIONS

- A. First Amendment Activity: constitutionally protected speech or association, or conduct related to freedom of speech, the free exercise of religion, freedom of the press, the right to assemble, and the right to petition the government. A First Amendment Activity includes but is not limited to the preparation, planning and discourse conducted before, during and after a particular occurrence or continuous activity such as a demonstration or a protest.
- B. Infiltrate: a covert investigative technique whereby an officer affirmatively identifies himself/herself as a member of a group or organization and does not disclose his or her identity as a law enforcement officer.
- C. Informant: a person who is not a police officer, who provides information to law enforcement about individuals, groups of individuals or organizations which are generally not publicly available.
- D. Legitimate Law Enforcement Objective: a Legitimate Law Enforcement Objective consists of the following: the detection and investigation of criminal behavior; the apprehension and prosecution of criminals; the identification of potential acts of civil disobedience designed to unlawfully disrupt the legitimate and lawful activities conducted within the Charlotte-Mecklenburg area; and, the identification of governmental resources necessary to staff a First Amendment Activity sufficient to protect persons and property.

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- E. Public Source Information: any information that can be obtained or accessed by the general public such as public records, social media sites, web pages and observation of activity that is presented to and/or can be viewed by the general public.

#### IV. PROCEDURE


The procedures in this directive are intended to ensure that CMPD Officers protect the guarantees of the Constitution while performing their duties with certainty, confidence and effectiveness. These procedures are binding on all CMPD employees who are involved with the monitoring of a First Amendment Activity.

##### A. Procedures Applicable to all Employees

1. CMPD employees may respond to or monitor First Amendment Activity for the purpose of facilitating a Legitimate Law Enforcement Objective. Two examples of facilitating a Legitimate Law Enforcement Objective are:
  - a. Developing information that will assist with traffic and crowd control during this or other First Amendment Activities.
  - b. Receiving information from a reliable informant that a group of counter demonstrators plan to commit criminal acts for the purpose of disrupting another group's demonstration.
2. CMPD employees shall not investigate, prosecute, retaliate, prevent, or hinder any person from lawfully participating in First Amendment Activities.
3. CMPD employees shall not collect, document or retain information on persons associated with a First Amendment Activity based solely on that individual's:
  - a. Ethnicity, national origin, race; or
  - b. Religious, political or social beliefs or association; or
  - c. Sexual orientation; or
  - d. Support for unpopular causes protected by the First Amendment.
4. CMPD employees will not encourage, suggest or participate in any civil disturbance, civil disobedience or violation of any criminal law.
5. All questions will be limited to issues related to criminal conduct or to developing information related to a Legitimate Law Enforcement Objective.
6. Officers shall not take, confiscate or seize a participant or spectator's camera, cellular phone or other electronic recording device simply because they are recording police activity. A camera, cellular phone, or other electronic recording device may be seized incident to arrest, when officers have obtained a search warrant, or there is an exception to the warrant requirement.

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7. Officers shall not take, confiscate or seize a participant's or spectator's journal, written material, or other personal documents unless they have obtained a search warrant or there is an exception to the warrant requirement.
8. Any photographing or video recording of an event shall be conducted in a manner that minimizes interference with the First Amendment Activity and must be related to a Legitimate Law Enforcement Objective.
9. Nothing in this directive prevents an employee from recording or monitoring images by video/digital means or the taking of photographs for the purpose of facilitating a Legitimate Law Enforcement Objective. This could include, managing public resources, collecting evidence to be used in criminal investigation, or the collection of evidence to evaluate and defend civil claims or for other purposes in accordance with CMPD Directive 400-006 (Body Worn Cameras).
10. Nothing in this directive prevents an employee from performing the following actions, provided that they are undertaken to accomplish a Legitimate Law Enforcement Objective:
  - a. CMPD employees may gather, review, and disseminate public source information pertaining to planned or ongoing First Amendment Activities. This includes publically available information such as internet and social networking sites, and permit requests.
  - b. CMPD employees may overtly communicate with any person, including informants, involved in or with knowledge of a First Amendment Activity in order to ascertain general logistical information about the activity such as number of participants, start and end times, planned march routes, rally locations, etc.
  - c. CMPD employees may, with supervisor approval, attend public rallies, demonstrations, and marches in a plain clothes capacity without disclosing their identity, so long as their purpose is solely to monitor the event for logistical or criminal conduct issues. Employees acting in such a capacity will not direct or influence the event's participants and will not affirmatively represent themselves as members of a specific participating group or organization.
11. No employee shall conduct an infiltration of a First Amendment Activity unless specific approval has been obtained from the Chief of Police or designee. An approved undercover operation or infiltration will be conducted in accordance with the procedures outlined in this directive and the Criminal Intelligence SOP and Crime Analysis SOP.
12. All Intelligence Investigations related to First Amendment Activities must be coordinated, through and in conjunction with the Criminal Intelligence Unit and

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will be in accordance with this directive and the Criminal Intelligence SOP and Crime Analysis SOP.

V. REFERENCES

- 100-003 Jurisdiction and Authority
- 400-006 Body Worn Camera
- 600-014 Passive Protest and Peaceful Demonstrations
- 800-015 Criminal Intelligence
- CMPD Criminal Intelligence SOP
- CMPD Crime Analysis SOP
- 28 CFR Part 23
- NCGS 132-1.4
- CALEA

	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-017</b>
	<b>Interactive Directives Guide</b>		<b>Arbitrary Profiling</b>
	<b>Effective Date: 6/22/2022</b>		<b>1 of 4</b>

## I. PURPOSE

The Charlotte-Mecklenburg Police Department (CMPD) believes that the use of arbitrary profiling is inconsistent with effective policing. Effective policing requires CMPD employees and members of the community to work proactively together as partners to prevent crime and protect our community. The police-community partnership thrives through communication, trust, and fairness. The mere appearance of arbitrary profiling is harmful to the police-community partnership and is counter to effective policing.

In order to create and maintain a safe community, CMPD sworn employees are expected to stop citizens and enforce the law when they observe behavior indicative of criminal activity. This includes the use of physically descriptive characteristics in determining whether a person matches a specific description of a particular suspect.


CMPD is committed to treating all people, community members, and employees equally, fairly, and with respect. This policy is intended to serve four primary purposes:

- A. To provide sworn employees with clear guidance in the law and in their interventions into the activities of community members.
- B. To make it clear that CMPD is aware of and sensitive to the impact that police interventions have on the community.
- C. To reaffirm to the community that CMPD will not tolerate the use of arbitrary profiling in any form.
- D. To fairly and accurately establish a record of CMPD interventions into the activities of community members.

## II. POLICY

All people have a right to receive equal treatment, courtesy, and respect from members of CMPD. Employees will treat all persons with whom they have contact with equality and without regard to their race, gender, ethnicity, religion, age, citizenship, sexual orientation, or any stereotype. The use of stereotypes as a motivation for a police activity constitutes arbitrary profiling and is expressly prohibited.


- A. Employees will not use any stereotypes as:
  1. A factor in the selection of whom to stop and search.
  2. A motivation for the decision to initiate a police activity.
  3. A motivation to conduct a police activity differently than they normally would.
  4. An assumption regarding an individual's immigration status.
- B. Employees will:
  1. Enforce the criminal laws through all lawful means of investigation.

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2. Use physically descriptive characteristics, including race and gender, only in determining whether a person matches a specific description of a particular suspect.
- C. In compliance with N.C.G.S. §143B-903, the Stop Data Form must be completed for traffic-related stops. Sworn employees are required to complete the form for an encounter in which consent to search is requested, documenting either permission or denial of the request.
  - D. The CMPD will provide training regarding arbitrary profiling during recruit training and on an annual basis through in-service training.
  - E. The CMPD will conduct an annual administrative review of sworn employee practices, including citizen concerns. Upon completion of the annual review, CMPD will identify any areas that require updated or additional training.
  - F. The CMPD will provide law enforcement service and protection to all members of the Charlotte-Mecklenburg community.

### III. DEFINITIONS

- A. **Arbitrary Profiling:** Any police activity that is motivated by race, gender, ethnicity, religion, age, citizenship, sexual orientation, or any stereotype rather than the behavior of an individual or information that leads to a particular individual that is reasonably suspected to be, or to have been engaged in specific criminal activity.
- B. **Stereotype:** A conventional, oversimplified opinion, conception, or belief regarding a person, group, event, or issue that is thought to typify or conform to an unvarying pattern, lacking any individuality.
- C. **Police Activity:** Any and all actions taken by sworn employees toward an individual that are due to the employee's position as a police officer, including but not limited to the following: any act of investigation, a voluntary contact or a request for consent to search either a person or property, a detention of a person or vehicle including the issuance of a traffic citation or warning, or an arrest of a person or a seizure of property.
- D. **Articulate Reason:** A fact not based on a stereotype that is capable of being determined and recited.
- E. **Reasonable Suspicion:** Knowledge of articulable facts or circumstances that are objective and without resort to arbitrary profiling, sufficient to induce a reasonable person under the attendant circumstances to suspect that an individual has engaged, is engaging, or is about to engage in criminal activity.
- F. **Probable Cause:** Knowledge of articulable facts or circumstances that is objectively, and without resort to arbitrary profiling, sufficient to induce a reasonable person under

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the attendant circumstances to believe that an individual has committed or is committing a criminal offense or an infraction.

- G. Voluntary Contact: A consensual contact between a sworn employee and a citizen under circumstances such that a reasonable person would feel free to leave and/or terminate the encounter.

#### IV. PROCEDURE

##### A. Detentions

Sworn employees may detain someone if they have reasonable suspicion. Arbitrary profiling may not be used as a factor to establish reasonable suspicion and may not be the motivation for initiating a detention. A sworn employee may rely upon race or other descriptive characteristics to determine whether a person matches a specific description of a particular suspect.

##### B. Arrests

Sworn employees may arrest someone if they have probable cause. Arbitrary profiling may not be used as a factor to establish probable cause and may not be the motivation for initiating an arrest. Sworn employees may rely upon race or other descriptive characteristics to determine whether a person matches a specific description of a particular suspect.

##### C. Voluntary Contact


Sworn employees may initiate a voluntary contact with a person provided the motivation for the contact is not based on arbitrary profiling. In all such contacts, the person must be free to leave and/or terminate the encounter.

When conducting a voluntary contact, the sworn employee will adhere to the constitutional rights of those individuals contacted. A field interview report in KBCOPS will be completed to document the contact.

##### D. Consent to Search

1. Sworn employees may request consent to search an individual's person or property provided the motivation for the request is based on a non-arbitrary articulable reason. In all such circumstances, the consent must be voluntary.
2. Sworn employees will not request consent to search without first establishing an articulable reason for such request.
3. The articulable reason for the request for consent to search should always be noted in a Field Interview (FI) or KBCOPS narrative. A Stop Data Form must be completed any time consent to search is requested on traffic-related stops.



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V. DATA COLLECTION

A. Collecting Data

All CMPD sworn employees will complete and submit the electronic Stop Data Form whenever they initiate a traffic stop or when consent to search is requested. In the event of computer difficulties, a paper version of the Stop Data Form will be completed and entered into the electronic form when the computer difficulties have been corrected. The electronic Stop Data Form should be completed as soon as it is practical in all circumstances. It is the responsibility of all supervisors to ensure that the Stop Data Form is completed.

B. Checkpoints

DWI and license checkpoint detentions do not require any form to be completed unless the detention results in a written warning, citation, search, seizure, contraband being found, arrest, physical resistance, response to resistance, or injuries.

C. Collected Data

The data collected through the electronic Stop Data Form may be used in the CMPD early intervention system. The data may be used for the purpose of identifying training needs. The data collected may also be used to aid in the evaluation of possible violations of this policy by individual employees when the possible violations are brought to light independently of data collected through the electronic form.

D. Data Entry Errors

In the event that an error in the data entry process comes to the attention of an employee after an electronic Stop Data Form has been submitted to the database, the employee who entered the data will notify a direct supervisor, who will notify the supervising captain. The supervising captain, or designee, will verify the data in error and correct the information in the database with the assistance of Computer Technology Services (CTS).


VI. VIOLATION

Any violation of this policy will be addressed within the framework of the CMPD disciplinary philosophy.

VII. REFERENCE

CMPD Rules of Conduct  
 100-004 Discipline Philosophy  
 N.C.G.S. § 143B-902-905  
 CALEA

The previous version of Directive 600-017 Arbitrary Profiling was published on 01/24/2018.

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I. PURPOSE

The purpose of this policy is to provide officers of the Charlotte-Mecklenburg Police Department (CMPD) with guidelines for responding to resistance. For purposes of this directive, the term officer will apply to all sworn CMPD employees.

II. POLICY

The CMPD recognizes and respects the integrity and paramount value of human life. CMPD believes that human life is sacrosanct, and the goal of any encounter with the public is girded by the unwavering commitment to the preservation of life. Consistent with this belief is the department’s full commitment to a culture of guardianship while protecting the community.


Consistent with any free society, CMPD seeks to police in ways that enhance and facilitate policing by the consent of its citizens. When situations present themselves where policing by consent is not achieved, it is the department’s responsibility to use control methods only when it is reasonably necessary. In determining whether a control method is reasonably necessary, it must be taken into full consideration that officers may be forced to make split-second judgments in tense, uncertain, and rapidly evolving circumstances. It must also consider whether it was reasonable for the officer to attempt to control the situation when time and circumstance permit by using communication and other available resources to stabilize and/or de-escalate the situation.

A review of an officer’s application of control requires balancing the legitimate need for officers to apply control to safely and lawfully carry out their duties against the right of the person to be free from an excessive application(s) of control.

CMPD further recognizes that in some instances, a control method may be legally justified when the control method is administered, but an officer who intentionally and unnecessarily instigates a situation where the use of a control method becomes necessary may be in violation of training or other CMPD policies. For example, an officer who taunts, verbally baits, or initiates needless/unnecessary physical contact with a person and is forced to apply a control method immediately afterward will be in violation of this or other policies. Finally, passive physical resistance is not in and of itself synonymous with the risk of imminent harm or danger to oneself or others.

III. DEFINITIONS

- A. Active Aggression: At this level of resistance, the person poses a risk of immediate danger to the officer, another person, or themselves. This aggression may manifest itself through punching, kicking, striking, or any other action when apparent that the person has the immediate means to injure an officer, another person, or themselves.
- B. Control: The degree of force required by an officer to gain compliance of an unwilling person.
- C. Deadly Force: Any force likely to cause death or great bodily harm. Force that is not likely to cause death or great bodily harm but unexpectedly results in death or great bodily harm is not considered deadly force. The discharging of a firearm at a person is

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always considered deadly force except when an officer is discharging a less-lethal option approved pursuant to this policy.

- D. De-escalation: Tactics, techniques, actions, and verbal/non-verbal communication exercised by officers during a potential use of control encounter to reduce the imminence of a physical threat to officers or others. These tactics should be used when time, distance, communication, available resources, and circumstances permit.
- E. Defensive Resistance: Measures a person is actively taking to prevent being taken into custody. These actions may include but are not limited to twisting, pulling, holding onto fixed objects, running away, or preventing handcuffing.
- F. Great Bodily Harm: Bodily injury that creates a substantial risk of death. Note: the terms great bodily harm, serious bodily injury, and serious physical injury are often used interchangeably. There is no legal distinction between these terms
- G. Imminent: An event that is likely to occur at any moment.
- H. Less-Lethal Control: Any physical exertion or device used to restrain or control another that is not reasonably likely to cause death or great bodily harm.
- I. Less-Lethal Option: Any control employed using specialized equipment that is designed to incapacitate a person temporarily and is not reasonably likely to produce death or great bodily harm, including, but not limited to, oleoresin capsicum (OC spray), impact munitions, conducted electrical weapon (CEW), and bean bag rounds.
- J. Passive Resistance: Non-violent, noncompliance to lawful orders when a person does not pose a continuing threat to the safety of officers. This type of resistance creates little to no risk of immediate danger. Purely passive resistance may still support the use of some level of control of the person. (Source: *Graham v. Connor*).
- K. Reasonably Necessary: The reasonableness of a particular use of a control method must be evaluated from the objective perspective of a reasonable officer on the scene rather than with the advantage vision of hindsight. It also depends on the severity of the crime, whether the person poses an imminent threat to the officers or others, and whether the person is actively resisting arrest or attempting to evade arrest by flight. The inquiry asks whether the officer's actions were objectively reasonable considering the facts and circumstances confronting the person.


#### IV. PROCEDURES FOR THE USE OF LESS-LETHAL CONTROL

##### A. Use of Less-lethal Control During Arrest

1. An officer may use less-lethal force upon another person when and to the extent that the officer believes it reasonably necessary to:
  - a. Prevent the escape from custody or to effect an arrest of a person who the officer reasonably believes has committed an offense unless the officer knows that the arrest is unauthorized; or

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- b. Defend oneself or another person from what the officer reasonably believes to be the use or imminent use of physical force while affecting or attempting to affect an arrest or while preventing or attempting to prevent an escape from custody.
2. An officer who, without provocation, taunts, verbally baits, or initiates needless or unnecessary physical contact with a person and is compelled to use a control option immediately afterward may not rely on paragraph IV. A. 1. of this directive as justification for their acts in an administrative review of the use of control option.
  3. An officer will use control options only when reasonably necessary. In deciding to use a control option, officers must decide what degree of control is appropriate based on the facts and circumstances they are confronted with. To determine what degree of control is appropriate, the officer must reasonably believe that a lower degree of control is not sufficient and that a higher degree of control is not reasonably necessary. As some interactions with citizens requiring officers to use control may be tense, uncertain, and rapidly evolving, an officer may increase or decrease the degree of control utilized based on the circumstances confronting the officer, such as, but not limited to:
    - a. The officer's and/or person's physical size or strength.
    - b. The physical impairment of the officer and/or person, such as injury, incapacitation, or fatigue.
    - c. The availability of a weapon by the person.
    - d. The alcohol or drug use of the person.
    - e. The person's mental/developmental condition.
    - f. The number of officers and/or persons present.
    - g. Previous knowledge of the person.
    - h. Apparent skill level of the officer and/or person.
    - i. Whether the person poses an imminent threat to the public.
    - j. Whether the person poses an imminent threat to the officer.
    - k. Whether the person poses an imminent threat to themselves.
    - l. Whether the person is actively attempting to flee or escape lawful custody.
    - m. The length of time a person passively or actively resists an officer's legitimate efforts to control the person.
    - n. The time that the officer had to react to a real or imminent threat.

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- o. Potential escape of the person.
- p. Potential destruction of evidence.
- q. Environmental conditions.
- r. Other facts and circumstances confronting the officer that are unique to the incident.

**B. De-Escalation, Verbal Warning, Dialogue, and Commands**

- 1. Where time, distance, communication, and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations through verbal dialogue and other de-escalation techniques. The goal of de-escalation techniques is to slow down or stabilize the situation so that additional time and resources can be used to resolve the situation with a minimal amount of control when possible.
- 2. If reasonable, an officer will identify themselves as a police officer and issue a verbal warning before using any control methods. A verbal warning, dialogue, or commands are not required in a split-second situation or if the officer reasonably believes that it would jeopardize the safety of the officer or another person.


**C. Soft Empty Hand Control**

Soft empty hand control techniques are not impact-oriented and include:

- 1. Grabbing onto a person
- 2. Applying pressure points
- 3. Handcuffing a person to maintain control
- 4. Applying a joint lock to control a person's movement
- 5. Armbar takedown
- 6. Leg sweeps
- 7. Team takedowns

**D. Oleoresin Capsicum (OC Spray)**

- 1. OC spray may be used when the officer is confronted with defensive resistance and:
  - a. The use is a reasonably necessary step in control methods to effect the arrest, to secure an arrestee, or to provide for the safety of the officer or others; and
  - b. Physical restraint of a person is not reasonable to bring the person under control without the risk of injury to the person or the officer.

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2. OC spray shall be utilized at a range of three (3) to eight (8) feet and will be accompanied by loud verbal commands.
3. OC spray may be used to discourage an attack by an animal.
4. Officers are required to demonstrate proficiency in the deployment of OC spray in a training environment on a biennial basis.
5. OC spray or any other physical control methods will not be immediately deployed where a person or group of persons are participating in a passive, non-violent protest unless there is an imminent threat to the officer or another person's safety.

**E. Hard Empty Hand Control**


1. Hard empty hand control techniques are impact-oriented and include:
  - a. Knee strikes
  - b. Elbow strikes
  - c. Punches
  - d. Kicks
2. Control strikes are used to gain compliance from the person and include strikes to pressure points such as the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).
3. Defensive strikes are used to protect the officer from attack and may include strikes to other areas of the body, including the abdomen or head.

**F. Conducted Electrical Weapon**


Deploying a CEW is a serious control option. A CEW will be deployed only in response to a situation where a reasonable officer would perceive some imminent danger that could be mitigated by using a CEW. The primary purpose of the CEW is to save human lives and prevent injuries. The use of the CEW is considered a higher level of control, and its use is authorized as an alternative to employing deadly control in situations where time and circumstance permit.

The CEW should be used to gain control of imminently actively aggressive individuals or as a reasonable progression of control. The CEW shall not be used on a person who is merely passively resistant.

1. Procedures
  - a. Only officers who have successfully completed CMPD's TASER™ Operator training are authorized to carry and use a CEW.


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- b. All officers authorized to carry and use the CEW are required to demonstrate proficiency and complete recertification training on an annual basis.
  - c. When equipped with the CEW, officers will only wear the CEW holster on the non-gun side. Wearing the CEW on the gun side is strictly prohibited.
  - d. Uniform personnel who are issued a CEW are also required to carry all their issued equipment when on-duty or working a secondary employment assignment.
  - e. Officers will not make any adjustments to their CEW device settings.
  - f. Each officer is responsible for the condition of their CEW and will thoroughly inspect the device before taking it into the field. Officers will maintain and inspect their assigned CEW in accordance with Directive 600-019A, Management of Conducted Electrical Weapons.
2. Use of Conducted Electrical Weapons
- a. Examples of situations when the CEW may be used:
    - (1). When dealing with a person with a mental illness who is actively aggressive (refer to Directive 500-003, Management of Persons with Mental Illness/Extreme Distress).
    - (2). When confronted by persons armed with knives, bottles, or objects other than a firearm, and the person poses an imminent threat to officers or citizens.
    - (3). When attempting to control violent persons who may be under the influence of drugs and/or alcohol and are exhibiting aggressive behavior or persons whose aggressive behavior indicates that other methods of control may reasonably result in injury to the person or officers. Officers should be aware that there is a higher risk of sudden death in persons under the influence of drugs or exhibiting symptoms associated with excited delirium (Refer to Directive 500-003, Management of Persons with Mental Illness/Extreme Distress).
    - (4). When a person resists arrest, the person has the apparent ability to retrieve a weapon, and the officer reasonably believes the person has access to a weapon.
    - (5). When confronted with a person expressing the intent and who has the immediate and reasonable means to commit suicide.
  - b. When reasonable, officers will verbally warn the suspect before discharging the CEW. A warning Arc display may be used in conjunction with verbal warnings in an attempt to de-escalate the situation.


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- c. The initial use of the CEW will be for one (1) full five (5) second cycle, and then the officer will evaluate the need to apply a second five (5) second cycle. Each subsequent five (5) second cycle requires additional justification to deploy the CEW. Once the person has been exposed to three (3) cycles, the CEW may be deemed ineffective, and another control method should be considered.
  - d. The intentional use of two (2) or more CEWs simultaneously on the same person is strictly prohibited.
  - e. The CEW “drive stun” mode should be used primarily to supplement the probe mode to complete the conductive circuit. The “drive stun” requires the same level of justification as a probe deployment.
3. The CEW shall not be used:
- a. Against more than one (1) person unless exigent circumstances arise that deem this a necessity, such as the simultaneous imminent threat of multiple actively aggressive persons. For example, the CEW will not be used on a second person after the CEW has been deployed and the first person is complying with the probes still intact.
  - b. When the officer cannot, for safety or other reasons, approach the person within the effective range of the CEW.
  - c. In the proximity of flammable liquids, gases, or any other highly combustible materials that may be ignited by the device, including any individual who may have been exposed to combustible substances or liquids such as gasoline.
  - d. In situations where deadly force is the most reasonably necessary option unless another officer is in position to use deadly force against the person.
  - e. On handcuffed persons unless doing so is necessary to prevent the person from causing great bodily harm to themselves or others.
  - f. Solely to prevent the escape of a suspect of a non-violent offense who is otherwise not displaying active aggression towards the officer or others.
4. In less-lethal control situations, officers shall not use a CEW under the following situations:
- a. On persons who do not pose an imminent threat of physical harm to themselves, the public, or officers, unless as a progression of control to detain an individual who physically resists being handcuffed.
  - b. On a person who is mentally ill and has not committed a crime, and does not pose an imminent threat of physical harm to themselves, the public, or officers.



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- c. On a person in control of a vehicle (e.g., automobiles, trucks, motorcycles, ATVs, scooters) while that vehicle is moving or in gear unless no other option is available to prevent injury to the officer or others.
  - d. On a person who is complying with an officer's commands.
  - e. During a demonstration or other lawful protest where the person is only engaged in passive resistance.
  - f. When it is reasonable to believe that incapacitation of the person may result in great bodily harm or death (e.g., where the person's fall may result in death or great bodily harm).
5. In less-lethal control situations, officers will not intentionally target the head, neck, upper chest area, or genitalia of the person with a CEW.
  6. In less-lethal control situations, officers should be cognizant if the person is visibly pregnant, elderly, otherwise infirm, or of very young age and consider other less-lethal control options before deploying a CEW.
  7. In less-lethal control situations, officers should be cognizant of the risk of positional asphyxia and use restraint techniques that do not impair the breathing of an in-custody person after the application of the CEW.
  8. Medical Considerations: Personnel should be aware that there is a higher risk of sudden death in persons under the influence of drugs and/or exhibiting symptoms associated with excited delirium. In accordance with Directive 500-003, Management of Persons with Mental Illness/Extreme Distress, MEDIC will be requested as soon as practical once it has been concluded that the person may be at risk for positional/restraint asphyxia or excited delirium.
    - a. Whenever possible, when officers respond to calls for service in which they anticipate a CEW may be deployed against a person who may be at risk for positional asphyxia, restraint asphyxia, or excited delirium, the officer shall, as soon as practical, notify an on-duty supervisor and request MEDIC if they were not initially dispatched. The officer shall designate a nearby safe location for MEDIC personnel to stage until the scene is secure.
    - b. First responders and MEDIC shall be requested for anyone subjected to the electrical discharge, including drive stun exposures. Officers will closely monitor the person until the arrival of first responders and MEDIC.
    - c. MEDIC personnel will complete on-scene probe removal and a medical evaluation on all persons exposed to the CEW. MEDIC personnel will evaluate the person and determine whether the person will be transported to the hospital.

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- d. If MEDIC clears the person, the officer may then transport the person directly to the intake center. In cases where a person has been exposed to multiple CEW cycles exceeding 15 seconds, the officer will request that MEDIC transport the person to the hospital for further examination and clearance before being transported to the jail.
- e. Probes that penetrate the skin will only be removed by medical personnel. CEW probes will be treated as biohazard materials.
- f. The Internal Affairs Division will be responsible for the administrative investigation of CEW applications when:
  - (1). Application exceeds fifteen (15) seconds.
  - (2). CEW is applied outside of policy and/or training.
  - (3). The person is in an at-risk category (i.e., young children, elderly, pregnant).

**G. Less-lethal Options**

- 1. Officers with specialized training who are authorized and trained in the use of specialized equipment may use that issued equipment pursuant to a standard operating procedure approved by the Chief of Police or designee.
- 2. The use of less-lethal options is not considered deadly force.
- 3. Approved less-lethal equipment currently includes, but is not limited to:
  - a. Bean Bag rounds
  - b. Chemical irritants
  - c. Rubber pellets
  - d. Conducted Electrical Weapons (CEW)
  - e. Canine
  - f. 40mm Impact Munitions

**H. Impact Weapons**

- 1. Impact weapons may be used only when an officer is confronted with active aggression that is occurring or is imminent against themselves or another person.
- 2. The use by an officer of a flashlight, baton, or similar object used as a club to strike a blow to the muscle groups of a person's arms or legs will be considered the use of less-lethal control.

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3. A flashlight, baton, or similar object used as a club to strike a blow to a person's head/neck is prohibited except where deadly force is reasonably necessary.
  4. Officers are required to demonstrate proficiency in the use of impact weapons in a training environment on a biennial basis.
- I. 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. (i.e., chokeholds, sleeper holds, etc.)
  2. Any hold with or without a device that restricts blood flow to a person's brain. (i.e., chokeholds, sleeper holds, etc.)
  3. Any strike with an impact weapon or object to a person's head or neck.
  4. Any other tactic that is reasonably likely to result in death or great bodily harm unless deadly force was reasonably necessary.
- J. Officers will not taunt, verbally bait, or initiate needless/unnecessary physical contact with a person.

## V. PROCEDURES FOLLOWING THE USE OF LESS-LETHAL CONTROL

### A. Medical Treatment


An officer will summon appropriate medical aid when the person requests medical assistance or, in the officer's opinion, the person requires medical assistance. The officer will contact a supervisor if the officer is in doubt about the necessity of medical treatment. In the event a supervisor is contacted, the supervisor will observe the person prior to deciding on whether to obtain medical aid.

After requesting the appropriate medical aid, the officer will take appropriate measures to protect the integrity of the crime scene and render medical aid that the officer is trained and certified to provide. Those actions may include:


1. Secure the scene to protect the person from any further injury.
2. Apply any first aid they are trained and certified to apply.
3. Provide increased observation of the person to detect obvious changes in condition.

### B. Documentation


1. Officers who use a control method on a person will contact their supervisor immediately.
2. The officer's supervisor must be notified when a control method is used and must thoroughly investigate and determine when an IACMS supervisor's investigative report is required.

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3. If an IACMS supervisor's investigative report is required, the supervisor is responsible for investigating the incident and completing the report.
4. Upon completion of the investigation, the supervisor will utilize the transfer function in IACMS supervisor investigative report to route the investigation to the next higher level in the chain of command for review and disposition.
5. There are additional requirements for supervisor investigative reports involving CEW discharges. Supervisors shall:
  - a. Photograph the impact points before and after removal (if possible).
  - b. Photograph the discharged cartridge, showing the wires and both probes.
  - c. Include a TASER™ Data Download report covering the previous 24 hours.
  - d. Complete the CEW addendum in IACMS.
6. Off-duty officers involved in situations where control is used are subject to the same procedures as on-duty officers. When an off-duty officer is involved in a situation where control is used, the officer will notify a police supervisor immediately. If the job or location has an off-duty supervisor assigned, that supervisor will complete the investigation and forward it to the officer's chain of command. If no off-duty supervisor is assigned, an on-duty supervisor from the division where the job is located should be contacted. Additionally, on-duty supervisors shall assist off-duty supervisors with investigations as needed.
7. CMPD has attempted to identify all situations where an IACMS supervisor investigative report investigation should be completed. An investigation is required in a situation that clearly involves the use of a less-lethal or lethal control method except for de-escalation, verbal warning, dialogue, commands, or soft empty hands. The following are examples of situations where the completion of an IACMS investigation is required:
  - a. An officer exercising police authority uses a control method that causes any visible or apparent physical injury or results in the person stating that an injury was received.
  - b. An officer exercising police authority uses any object, including a baton, flashlight, hand, fist, or foot, to strike a blow to a person.
  - c. An officer exercising police authority uses a control method that in any way causes a person to suffer a blow to the head.
  - d. An officer uses OC spray on a person.
  - e. An officer uses a CEW on a person.
  - f. An officer uses a less-lethal option to affect the arrest or to control a person.


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- g. The Civil Emergency Unit (CEU) or other specialized unit uses the less-lethal option(s) to disperse rioters, mobs, crowds, or barricaded persons. In this situation, the commander of that unit will complete one supervisor's investigative report.
  - h. A police canine bite.
  - i. An officer exercises police authority on a person resulting in the person losing consciousness.
  - j. There is evidence that just prior to the application of a less-lethal control method, an officer taunted, verbally baited, or initiated needless/unnecessary physical contact with the person.
8. An IACMS investigation is also required when no apparent control method was used, but a person has sustained visible injuries or caused property damage while fleeing from police or in custody. These injuries are categorized as Non-Force Subject Injury (NFSI) investigations in the IACMS. Examples include:
- a. A person flees from arrest and injures themselves.
  - b. A person injures themselves in any manner while handcuffed or in police custody.
  - c. A person in a vehicle flees from police contact (not a pursuit) and is involved in a crash. (In these cases, supervisors should include AVL of police vehicles involved to demonstrate a pursuit did not take place).
- C. Witness of Use of a Control Method by an Employee
- Any employee, who witnesses or has knowledge of the use of a control method that is required to be reported, will notify a supervisor immediately and complete an Investigative Witness Statement.
- D. Notification
- 1. The investigating supervisor will notify the division commander and/or Operations Command as soon as possible whenever a CMPD employee has inflicted serious injuries on a person.
  - 2. If the control method used is such that the affected individual requires hospitalization, Operations Command or the division commander will notify the commander of the Internal Affairs Division immediately, regardless of the hour of the day.
- E. The existence of one (1) or more IACMS supervisor investigative reports documenting a use of a control method by an individual employee, by itself, cannot be the basis for discipline against that employee.

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VI. PROCEDURES FOR THE USE OF DEADLY FORCE

- A. An officer may use deadly force only as follows:
1. When it appears to be reasonably necessary to defend themselves or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force; or
  2. To effect an arrest or prevent the escape from custody of a person who, the officer reasonably believes, is attempting to escape by means of a deadly weapon; or
  3. To effect an arrest or prevent the escape from custody of a person who, by conduct or any other means, indicates that the person presents an imminent threat of death or great bodily harm to others unless apprehended without delay.
- B. Where time, distance, communication, and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations. Officers shall resort to the use of deadly force only if the officer reasonably believes that a lower degree of control is not sufficient, practical, or feasible when the officer reasonably believes that it is necessary to defend themselves or another person from the use or imminent use of deadly physical force.
- C. If reasonable, an officer will identify themselves as a police officer and issue a verbal warning before using deadly force. A verbal warning is not required in a split-second situation or if the officer reasonably believes that issuing the warning would place the safety of the officer or another person in jeopardy.
- D. An officer will not discharge a firearm under the following circumstances:
1. As a means of warning or frightening a person.
  2. In connection with an investigation or arrest for a misdemeanor offense, and there is no imminent threat of death or great bodily harm to the officer or another person.
  3. To stop or detain an individual based on reasonable suspicion that the individual is involved in criminal activity when there is no imminent threat of death or great bodily harm to the officer or another person.
  4. To protect or prevent damage to real or personal property.
  5. When based on the totality of the circumstances discharging a firearm would constitute a greater risk to innocent human life than the person's actions. For example, discharging a firearm into a crowd or shooting into a building or through a wall, where the person is not clearly identified, and it is unknown if other occupants are present.

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E. Vehicles

1. When confronted with an occupied and/or moving vehicle, officers will not position themselves in the vehicle's path, including the front and rear of the vehicle. Officers will take all reasonable steps to move out of the way of a vehicle's path and not block a vehicle's path using their body and/or firearm.
2. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. When possible, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.
3. An officer will not discharge a firearm at a moving vehicle for the sole purpose of disabling the vehicle except pursuant to the written protocol adopted by SWAT and approved by the Chief of Police or designee.
4. An officer may discharge a firearm at or from a moving vehicle if the officer reasonably believes that no other option is reasonably available if:
  - a. Deadly force is being used against the officer or another person by an occupant of the vehicle by use of a weapon other than the vehicle itself.
  - b. The vehicle is being used as a weapon against the officer or another person or group, such as in an act of terrorism.

Discharging a firearm is never authorized when it is reasonable to believe that the vehicle may contain an innocent passenger, or it is reasonably apparent that the vehicle may careen out of control and injure an innocent bystander.

F. Pointing a Firearm at an Individual

An officer may point a firearm at another person if the officer reasonably believes that deadly force may become necessary. An officer need not wait until the threat becomes imminent before pointing a firearm at a person. However, the officer must be able to articulate why it is believed that deadly force may become necessary. Nothing in this section is intended to take away from an officer the ability to defend themselves or another person from great bodily harm or death.


VII. PROCEDURES FOLLOWING THE USE OF DEADLY CONTROL

A. Medical Aid

Whenever deadly force is used against a person, and the person is injured or requests medical aid, the officer will immediately request medical assistance.

After requesting the appropriate medical aid, the officer will take appropriate measures to protect the integrity of the crime scene and render the medical aid the officer is trained and certified to provide. Those actions may include:

1. Secure the scene to protect the person from any further injury.

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2. Apply any first aid they are trained and certified to apply.
3. Provide increased observation of the person to detect obvious changes in condition.

**B. Duty to Intervene and Report Excessive Use of Force**

In adherence with [N.C.G.S. 15A-401](#), Officers who observe another officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized by subsection (d) of the general statute 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 seventy-two (72) hours thereafter, report what the officer reasonably believes to be an unauthorized use of force to a supervisor, even if the observing officer did not have a reasonable opportunity to intervene. If the supervisor of the observing officer was involved or present during what the observing officer reasonably believes to be unauthorized use of force, the observing officer shall make the report to the next ranking supervisor who was not involved in or present during the use of force.

**C. Officer Involved Situation Team (OIST)**

Any investigation conducted by the OIST is pursuant to the written protocol adopted by the Chief of Police or designee.

**D. Internal Affairs Division**

The Internal Affairs Division conducts an administrative investigation whenever an officer uses deadly force.

The Internal Affairs Division will provide an annual analysis report of CMPD use of force activities, policies, and practices.

**E. Human Resources Division**

The Human Resources Division will ensure that officers involved in an officer-involved critical incident are scheduled for a mandatory post-critical incident check-up with the CMPD behavioral health specialist, in accordance with Directive 300-020, Police Critical Incident Stress and the Employee Wellness Clinical Team SOP.


**F. Immediate Supervisor**

Whenever an officer uses deadly force, the officer's immediate supervisor will ensure that a support supervisor is dispatched to the scene. The support supervisor will comply with the responsibilities outlined in Directive 300-020, Police Critical Incident Stress.

**G. Support Supervisor**

The support supervisor will ensure compliance with Directive 300-020, Police Critical Incident Stress.



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I. Administrative Leave

1. Whenever the use of a control method by an officer results in the serious injury or death of a person, the officer will initially be removed from line duties pending the results of criminal or internal investigations.
2. The Chief of Police or designee may grant an officer three (3) days of administrative leave with pay or longer.
3. An officer placed on administrative leave will remain available for call back.
4. The work status of an officer on administrative leave will be reviewed by the officer's chain of command within ten (10) days following the incident.

J. Negligent Discharge of Firearm


1. Any officer who negligently discharges a firearm will immediately contact the officer's on-duty supervisor.
2. The supervisor will notify the responsible chain of command and the Internal Affairs Division and initiate an IACMS investigation.
3. All negligent discharges will be reviewed by a Shooting Review Board convened by the Internal Affairs Division.

K. Euthanasia of Animals/Wildlife

1. Officers are authorized, with the approval of the officer's on-duty supervisor, to euthanize a seriously injured animal if delay would cause needless suffering.
2. Prior to authorizing an officer to euthanize an animal, supervisors will determine if an Animal Care and Control officer is available nearby and defer to that unit if it can respond in a timely manner.
3. Supervisors will document the euthanasia of any animal in IACMS and route the investigation through the responsible chain of command.


VIII. REFERENCES

Rules of Conduct  
 200-001 Discipline, Internal Investigations, and Employee Rights  
 300-010 Administrative Leave Policy  
 300-020 Police Critical Incident Stress  
 400-002 Firearms  
 400-003 Equipment  
 400-006 Body Worn Camera  
 500-003 Management of Persons with Mental Illness/Extreme Distress  
 600-019A Management of Conducted Electrical Weapons  
 Employee Wellness Clinical Team SOP  
 Officer Involved Critical Incident SOP  
 Armstrong v. The Village of Pinehurst, 810 F. 3d. 892 (4<sup>th</sup> Cir. 2016)

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Graham v. Connor, 490 U.S. 386.  
 N.C.P.I. -Crim. 308.45: Self-Defense  
 State v. Norris, 303 N.C. 526.  
[N.C.G.S. 15A-401](#)  
 CALEA

The previous version of Directive 600-019 Response to Resistance was published on 06/07/2023.

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	<b>Interactive Directives Guide</b>	<b>Management of Conducted Electrical Weapons</b>	
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## I. PURPOSE

The purpose of this directive is to provide direction to Charlotte-Mecklenburg Police Department (CMPD) sworn employees regarding the maintenance and management of the department-issued Conducted Electrical Weapon (CEW).

## II. POLICY

The TASER™ is a complex electronic device that requires routine preventative maintenance to ensure proper functionality and accurate device data. This policy will provide guidance to CMPD employees regarding the management of devices and the preventative maintenance required to keep the devices in working order.


## III. PROCEDURES

### A. Equipment Management


1. TASER™ repair will only be handled by CMPD sworn employees who are technician certified by TASER™ International and approved by the CMPD Training Academy. Firing logs and maintenance records will be maintained in Evidence.com.
2. Corrective actions to include disciplinary actions will be initiated when an employee's use or managing of a TASER™ is found to be in violation of policy as outlined in Directive 600-019 Response to Resistance.

### B. Daily Spark Test and Preventative Maintenance

1. Employees issued a TASER™ device will perform a daily five (5) second spark test at the beginning of each shift. The TASER™ 7 spark test will be conducted in the following manner:
  - a. Conduct the spark test without unloading the TASER™ 7 CEW.
  - b. Point the CEW in a safe direction.
  - c. With the safety switch in the down (safe) position, press and release both Arc switches simultaneously, keeping fingers away from the front of the CEW. This action will place the CEW in Function Test mode. The Central Information Display (CID) will display the current firmware on the CEW and the battery percentage.
  - d. Place the safety switch in the up (armed) position. The colors on the CID will become inverted. Loaded cartridges and battery icons are black, and the background is yellow.
  - e. The spark test is done by pressing the Arc switch. Do not pull the trigger to conduct the spark test. Pulling the trigger will deploy a loaded cartridge.
  - f. Press and release either the right or left side Arc switch.

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- g. Observe and hear the outside edge of both cartridge bays arcing. The cycle should automatically stop at five (5) seconds.
    - h. After completing the spark test, the employee will check the CID to look for any fault icons. If a battery, cartridge, or weapon fault is detected during the spark test, an X will be displayed on the CID. Contact a division TASER™ technician or CMPD Logistics staff member for assistance with any faults.
    - i. To exit the Function Test mode, place the safety switch in the down (safe) position.
  2. Employees issued a TASER™ device will conduct a daily visual inspection of the device. Any damages or inoperable conditions will be reported to their supervisor.
  3. Preventative maintenance will be conducted quarterly by certified technicians.
  4. The trigger will be tested during the quarterly maintenance by certified technicians.
  5. Employees who are issued a TASER™ are expected to keep the device clean, removing dirt and debris that may accumulate on the TASER™ and in the holster.
  6. The correct cartridge load-out for the TASER™ 7 will be:
    - a. Close Quarters (CQ) cartridge (marked 12° with black front and cartridge body) in cartridge bay 1. The effective range of the CQ cartridge is 4-12’.
    - b. Stand Off (SO) cartridge (marked 3.5° with black front and gray cartridge body) in cartridge bay 2. The effective range for the SO cartridge is 11.5-22’.
  7. If a TASER™ is exposed to a significant amount of moisture (for example, directing traffic in heavy rain for an extended period of time), a division TASER™ technician should be notified to complete an inspection of the CEW. If a TASER™ has been completely submerged (for example, the CEW is underwater in a pool, creek, lake, etc.), leave the TASER™ in the holster, remove the battery as soon as possible and bring it to a division TASER™ technician. The CEW will be taken out of service and returned to TASER™ for a replacement.
- C. TASER™ technicians in each division will maintain a supply of batteries, cartridges, holsters, and spare TASER™ devices.
  1. Damaged cartridges can be exchanged within the division by a TASER™ technician.
  2. Discharged cartridges can only be exchanged for new cartridges by a supervisor.


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- a) If a cartridge was discharged as a result of a response to resistance, the supervisor will initiate a use of force investigative packet in the IACMS.
  - b) Supervisors will require a memorandum from any employee who has an accidental discharge of a TASER™ device. The supervisor will determine if any further investigation should be initiated. Accidentally discharged cartridges should be handled as described in Section C.1 - 2 above.
3. Batteries below 25% should be placed in the TASER™ 7 battery docking station to recharge. Employees should also dock the battery every 25-30 days and retrieve a fully charged battery from the docking station. Uploading the TASER™ firing log, downloading firmware updates, reconditioning, and fully recharging the battery takes approximately 5-8 hours. If a battery fault is detected in the dock or the TASER™ 7, a division TASER™ technician should be notified. Batteries will not be removed from the docking station until the LED status light located on the docking station is green.
  4. Only approved CMPD issued batteries will be used in the TASER™ device.
  5. If the device is malfunctioning, the employee will bring the TASER™ to a division TASER™ technician for evaluation or replacement.
  6. Broken or damaged holsters or belt clips will be repaired or replaced by a division TASER™ technician.
  7. In the event that a division TASER™ technician is not available, employees can seek assistance from the Logistical Operations Unit Monday – Friday 0700-1600.

#### IV. REFERENCES

200-001 Discipline, Internal Investigation, Employee Rights  
600-019 Response to Resistance  
400-003 Equipment  
CALEA

The previous version of Directive 600-019-A Management of Conducting Electrical Weapons was published on 04/02/2020.

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## I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) regarding criminal investigations and investigative tasks.

## II. POLICY

CMPD employees will thoroughly document and investigate all reports of criminal activity. The specific CMPD unit's standard operating procedure (SOP) will be referred to in situations not addressed in this policy.

## III. DEFINITIONS


- A. **Case File Management:** The retention and organization of all discoverable records related to a criminal investigation, including paper documents and electronic recordings.
- B. **Case Status:** The current stage of an investigation.
- C. **Clearance Status:** A data element required by the FBI National Incident-Based Reporting System (NIBRS) program that signifies the end result of an investigation. For the purposes of federal crime reporting, a case can only be cleared by "arrest" or "exceptional means"; otherwise, the case clearance status is "open" or, in rare circumstances, "unfounded."
- D. **Exculpatory Evidence:** Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employees. Impeachment material is included in the disclosure requirements for prosecutors; however not intended to be for typical investigations which may or may not be prosecuted.
- E. **Follow-up Investigation:** The additional investigation conducted after a preliminary investigation.
- F. **Preliminary Investigation:** The information collected upon the initial response to an incident.
- G. **Responding Officers:** Sworn employees who respond to a call for service are responsible for conducting a thorough preliminary investigation, managing the crime scene, and taking appropriate action until relieved by the appropriate personnel.
- H. **Primary Investigator:** The sworn employee assigned primary responsibility for a follow-up investigation.

## IV. PROCEDURES

### A. Division Captain and/or Lieutenant

A captain or lieutenant will manage each division responsible for any criminal investigation process. The captain or lieutenant's responsibilities include, but are not limited to:

1. Overall leadership of the division.
2. Encourage and lead problem-solving efforts.


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3. Review the allocation of division personnel to ensure the appropriate distribution of caseloads.

**B. Unit Supervisors**

Each investigative unit within a division responsible for criminal investigations (investigations and patrol services) will be managed by a supervisor who will provide direction to the personnel assigned to that unit. Supervisors will have shared authority when working together in the same investigative unit. A supervisor's responsibilities include, but are not limited to:

1. Provide leadership and direction and maintain discipline through counseling and coaching. In units with more than one supervisor, employees are accountable to one supervisor at a time.
2. Ensure compliance with state/federal law and CMPD directives and standard operating procedures.
3. Encourage problem-solving initiatives.
4. Assign cases in KBCOPS to primary investigators within the unit who will be responsible for the follow-up investigation. When the unit supervisor cannot complete case assignments, a peer supervisor, the unit's chain of command, or the specialized unit's investigative technician may be delegated to complete this task to ensure all cases are assigned in a timely manner.
5. Inspect interview rooms to ensure the proper functioning of audio and video recording equipment. Ensure training on using interview room equipment complies with Directive 500-007 Use of Interview, Temporary Detention, and Testing Rooms.
6. Conduct line inspections in adherence with Directive 800-011 Inspections and Audits.
7. Review papering packets for completeness in compliance with Directive 900-013 District Attorney's Papering Process.
8. Ensure primary investigators conduct thorough follow-up investigations in a timely manner, such as:
  - a. Attempts to contact a victim are made promptly and adhere to the specific unit's SOP.
  - b. Case documentation is updated as information develops.
  - c. Investigative efforts are prioritized and expended on cases according to solvability factors and ongoing danger to the community.
  - d. Efforts are made to serve outstanding warrants related to the case.
  - e. Cases are papered and presented to the District Attorney's Office.

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- f. Evidence disposition is properly maintained.
- g. Interviews with victims, witnesses, and suspects are complete, substantive, and completed using quality interview skills. The quality and thoroughness of follow-up investigations will be monitored to assess training needs and enhance work performance.
- 9. Manage special investigations as assigned by the division's chain of command.
- 10. Complete administrative duties such as callback schedules, time reporting, performance reviews, supervisor investigations (IACMS), evidence/property disposition management, vehicle assignments, court subpoena service, etc.
- 11. Participate in unit problem-solving initiatives, collaboration, and case reviews.
- 12. Review search warrants and court orders submitted by unit personnel.
- 13. Review and approve reports and/or documentation unit personnel submit.

**C. Responding Officers**

Responding officers will conduct a thorough preliminary investigation and perform the following duties in the manner and degree deemed appropriate.


- 1. Secure and manage the crime scene, evidence collection, additional resources, etc. and take appropriate action until relieved by the appropriate personnel.
- 2. Identify and interview victims and witnesses for basic information to document what happened and determine if a crime occurred.
- 3. Use the Preliminary Investigations Guide as a reference when conducting a preliminary investigation to ensure the necessary information is obtained.
- 4. Facilitate medical treatment for persons who are injured or complaining of injury and follow up with medical staff to determine the cause and extent of the injury.
- 5. Update the division supervisor on incidents of violence, injury, or that potentially impact community safety.
- 6. Complete and submit the KBCOPS report with required supplements and attachments before the shift ends. The N.C. Crimes book should be used to ensure the correct elements are present in both the public and confidential narratives.
- 7. Conduct thorough preliminary investigations in compliance with the procedures outlined in this directive.

**D. Preliminary Investigations**


Preliminary investigation procedures include:

- 1. Respond to the scene.



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2. Identify, locate, and secure the crime scene.
  - a. Locate and preserve evidence until relieved by the appropriate personnel.
  - b. Seek additional information.
  - c. Maintain a log of all personnel entering the crime scene.
  
3. Depending on the nature of the crime, responding officers will update their unit supervisor to determine what additional resources are needed and make appropriate notifications.
  
4. Identify victims and witnesses for basic information to document what happened and determine if a crime occurred.
  - a. Separate and interview victims and witnesses.
  - b. Document information the victims and witnesses state relevant to the incident.
  - c. Obtain written statements from victims, witnesses, and/or key persons during the investigation of a felony crime. Responding officers will notify their supervisor if a statement cannot be obtained.
  - d. Write statements as the person being interviewed describes their account of what happened relevant to the incident.
  - e. Scan and attach written statements and responding officer's notes to the KBCOPS reports and deliver original copies to the primary investigator to be maintained in the case file.
  
5. Identify the suspect:
  - a. If the suspect is at the scene and reasonable suspicion exists, detain the suspect, and proceed with the investigation.
  - b. An arrest may be made if probable cause is developed as the investigation proceeds. If no arrest is made and probable cause exists, notify the unit supervisor and document details in the KBCOPS report.
  - c. If probable cause diminishes after an arrest is made, un-arrest the person, notify the unit supervisor, and document details in the KBCOPS report.
  - d. If a suspect has fled, make reasonable attempts to locate the suspect using available resources such as the Canine Unit, Helicopter Unit, Real Time Crime Center (RTCC), etc.
  - e. Disseminate BOLOs and information to assist in locating the suspect.
  - f. If a possible suspect is located after fleeing the scene, conduct a show-up when feasible in adherence with Directive 500-009 Eyewitness Identification Procedure.

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- g. For any person detained related to the crime, complete a Field Interview (FI), and document the person’s identification in the KCBOPS narrative.
- 6. Responding officers are responsible for the completeness of the initial investigation until the case is assigned to a primary investigator. If a specific investigative unit is contacted about an incident, responding officers will defer to the direction given by the investigative unit. Notification to an investigative unit does not relieve a responding officer from the responsibility of thoroughly investigating the incident and/or taking enforcement action when appropriate.
- 7. Responding officers are responsible for completing the KBCOPS reports prior to the end of their shift. When a report is completed, all responding officers will complete a narrative and attach discoverable case information by the end of their shift unless otherwise approved by a supervisor.
  - a. The confidential narrative will be written in detail, including reporting and describing all observations, spontaneous statements, evidence collected, etc.
  - b. The accurate spelling of names and contact information for the parties involved will be obtained.
  - c. Supervisors will review reports and ensure rejections are corrected in a timely manner.
- E. Primary Investigator

All cases will be assigned for follow-up investigation regardless of solvability factors. The primary investigator’s responsibilities include, but are not limited to, the following:

- 1. Objectively and thoroughly investigate assigned cases and expeditiously bring them to an appropriate, reasonable, and justifiable closure.
- 2. Initiate contact with the victim and/or reporting person within one (1) working day from the date the case is assigned for violent crimes.
- 3. Initiate contact with the victim and/or reporting person within three (3) working days from the date the case is assigned for property crimes.
- 4. Document all contact attempts in the case activity log in KBCOPS. Once populated, this feature does not replace the required supplemental report.
- 5. Ensure case narratives, supplements, and documentation are submitted within the required timeframe. Victim contact attempts should be documented in the case activity log in KBCOPS. Initial follow-up supplements are required within fourteen (14) days of case assignment. Open/active cases should be updated within thirty (30) days of the last supplements.
- 6. Prepare and paper felony cases with the District Attorney’s Office in adherence with Directive 900-013 District Attorney’s Papering Process.

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7. Attend court as directed by subpoena and adhere to Directive 300-002 Court Attendance.
  8. Adhere to Directive 800-004 Records Retention and Disposition for case records and evidence. Electronic or digital evidence will be uploaded to Digital Evidence Management System (DEMS). Physical evidence will be submitted to PLIMS and, when applicable, submitted to the Crime Lab Division for analysis.
  9. Complete periodic reports and special assignments as directed by the unit supervisor or chain of command.
  10. Properly manage case files and discoverable records.
  11. Conduct follow-up investigations.
- F. Follow-up Investigations
1. Cases will be routed automatically to a specific unit in KBCOPS based on the incident classification. When appropriate, a supervisor can re-route a case to another investigative unit or patrol division. Additionally, the case may be co-assigned to a secondary unit when the investigation requires the resources and expertise of more than one unit. The case assignment is the responsibility of the division captain or designee.
  2. Cases will be assigned for follow-up investigation to a primary investigator.
  3. Follow-up investigations will include but are not limited to the following:
    - a. Thoroughly review case documents to determine further evidence to be gathered and persons to be interviewed.
    - b. Ensure evidence is submitted to the laboratory for analysis and review the analysis results.
    - c. Locate, identify, and interview all victims, witnesses, and suspects.
    - d. Attempt to determine suspect involvement in other crimes.
    - e. Pursue and investigate all reasonable and logical leads.
    - f. Conduct photo and/or body lineups in adherence with Directive 500-009 Eyewitness Identification Procedure.
    - g. Present case investigations to the district attorney in a complete, concise, logical order with any requested follow-up by the District Attorney's Office.
    - h. Apply and obtain necessary court orders and search warrants. Attempt to serve warrants secured during the investigation.
    - i. Work in partnership with patrol divisions, other law enforcement agencies, and the community.

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- j. Actively consult the Police Attorney's Office, the Mecklenburg County District Attorney's Office, and the North Carolina Attorney General's Office concerning legal issues and prosecution strategies.
- k. Notify the District Attorney's Office of cases involving habitual or serious offenders.
- l. Seek additional information from other officers and informants.
- m. Complete property dispositions.
- n. Obtain background information in criminal investigations. The background investigation process will only be completed as a function of a criminal investigation or to investigate information regarding criminal activity.
- o. Provide any exculpatory evidence to the Mecklenburg County District Attorney's Office in current and post-conviction investigations.
- p. Identify the nature of the investigation and sources of information. A Criminal Intelligence Unit detective or analyst may research these sources upon written request.

The following list includes potential sources for information:

- (1). Arrest history
- (2). AutoTrack reports (Faces of the Nation)
- (3). City/County tax files
- (4). Court or criminal files
- (5). DMV files and photos
- (6). Power records
- (7). Employment Security Commission
- (8). Field interview cards
- (9). GIS location analysis
- (10). Intelligence files (threats, gangs/target 100)
- (11). KBCOPS
- (12). Link analysis report
- (13). NCIC
- (14). Nickname file
- (15). Pawn records

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- (16). Photo lineup
- (17). ROCIC and SBI intelligence files
- (18). Social Security number information
- (19). Telephone records
- (20). Vice files
- (21). Charlotte Water Department files
- (22). E-Warrants
- (23). Linx
- (24). CJLEADS
- (25). Accurint/LexisNexis

- 4. Polygraphs may be used as an investigative tool and must adhere to the Polygraph Unit SOP.
- 5. Case Management
  - a. Information gathered during the background investigation will be kept in the case file and considered confidential. Information that falls under public records laws that can be released must be examined and adhere to Directive 800-001 Use of Public Records and Departmental Information.
  - b. Primary investigators will maintain their case files and organize cases by investigative status.
  - c. Discoverable information must be attached in KBCOPS.
  - d. Investigative files are primarily for the use of investigative personnel and will be secured when not in use.
  - e. The original documents that are part of an investigation classified as closed or inactive will adhere to Directive 800-004 Records Retention and Disposition, the individual unit's SOP, and in accordance with state law.

**G. Case Status and Clearance Status**

Case status and clearance status refer to two (2) different measures in CMPD's record management system and will be updated throughout the investigative process, which shows a comprehensive view of a unit's and/or division's workload, the current status of a case, and where the case is in the investigatory process.

- 1. The case status is an individual agency's determination of how it will continue the investigation of a case.

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Case statuses include:

- a. **Active Investigation:** The primary investigator is actively investigating a case, including witness interviews, evidence collection, report writing, or completion of reports, various leads, and follow-ups.
  - b. **Inactive/Leads Exhausted/No PC:** The primary investigator has not been able to develop enough probable cause after completing the investigation, exhausting all viable leads, has no expectation of further communication from outside sources, and has no evidence awaiting processing.
  - c. **Inactive/Evidence Processing:** The primary investigator is awaiting the results of evidence being processed by the Crime Lab Division. The primary investigator may be waiting for shell casing, fingerprints, DNA, or computer forensic test results but is not actively working on the case day-to-day until lab results come back, in which the case is changed to active investigation status.
  - d. **Inactive/Awaiting External Communication:** The primary investigator is waiting to receive contact from a person outside of CMPD to further the investigation, and there are no other active leads. (i.e., waiting for a victim/witness to return a call/correspondence, a store manager to deliver a video of an incident, or a district attorney to complete a review of a case).
  - e. **Warrant Issued:** The primary investigator has finished the investigation, secured a warrant or criminal summons, and is awaiting service.
  - f. **Pending Prosecution/DA Follow-Up:** The investigation is complete, and the suspect has been arrested and is awaiting prosecution. In preparation for court, the district attorney requests further workup from the primary investigator. This may also be used to reflect multiple suspects in an investigation.
  - g. **Pending Prosecution/No Further Work:** the investigation is complete, and the suspect has been arrested and is awaiting prosecution with no further work required for court.
  - h. **Closed:** An investigation has been completed, the suspect has been arrested, and the court has adjudicated the case.
2. The clearance status is based on national uniform crime guidelines for clearing offenses.

Clearance statuses include:

- a. **Cleared by Arrest**


The investigation must have resulted in the arrest of at least one (1) suspect charged with the offense, issued/served a criminal summons or citation, and turned over to the court for prosecution. Cleared by arrest includes:

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- (1). Cleared by arrest
- (2). Cleared by arrest by another agency
- b. Cleared by Exceptional Means

An incident may be cleared by exceptional means only if the primary investigator could legally make an arrest in the case but does not due to a reason outside of law enforcement's control that precludes arresting and prosecuting a person.

- (1). Cleared by exceptional means includes:
  - (a). Death of offender
  - (b). Cleared by other means
  - (c). Extradition declined
  - (d). Prosecution declined by DA
  - (e). Victim chose not to prosecute
- (2). For a case to be cleared by exceptional means, the officer must be able to answer "yes" to the following four (4) questions and clearly document these details in their KBCOPS report.
  - (a). Has the investigation definitely established the identity of the offender?
  - (b). Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
  - (c). Is the exact location of the offender known so that the person could be taken into custody now?
  - (d). Is there some reason outside law enforcement's control that precludes arresting, charging, and prosecuting the offender?
- (3). Reasons outside of law enforcement's control may include:
  - (a). Suicide of the offender (death of offender).
  - (b). Double murder (death of offender).
  - (c). Deathbed confession (death of offender).
  - (d). Offender killed by law enforcement or a citizen (death of offender).
  - (e). A warrant is outstanding, but before being arrested, the offender dies (death of offender).

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- (f). Confession by an offender already in law enforcement custody or serving a sentence (extradition declined or cleared by other means).
- (g). The offender is prosecuted by state or local authorities in another jurisdiction for a different offense or is prosecuted in another city or state by the federal government for an offense that may be the same (law enforcement makes an attempt to return the offender for prosecution, but the other jurisdiction will not allow the release) (extradition declined).
- (h). The victim refuses to cooperate in the prosecution. This action alone does not unfound/clear the offense. The answer must also be “yes” to questions 1-3 in the section above (Victim chose not to prosecute).
- (i). The offender is a juvenile between the ages of 10 and 17 and has successfully completed the Youth Division Program in adherence with Directive 200-006 Diversion Program. No juvenile arrest is completed, and no referral to juvenile court is made despite having enough evidence to charge the offender.
- (j). A case cannot be cleared as exceptional due to a magistrate finding of no probable cause or a district attorney refusing to prosecute due to a lack of evidence.

c. Unfounded

The unfounded clearance status is used if an investigation reveals a crime did not happen, or the elements of the crime are not met.

- (1). An incident may only be unfounded when the primary investigator concludes that no criminal offense occurred or there were duplicate reports in KBCOPS for the same criminal incident.
- (2). If an incident is unfounded, the primary investigator must complete a detailed narrative supplement explaining the evidence for the decision.
- (3). If the incident is a duplicate, the primary investigator will reference the appropriate complaint numbers in both the unfounded case and the report it is being consolidated into. All information, narratives, attachments, etc., will be added to the consolidated report.
- (4). It is not required to reclassify an incident to unfounded solely due to a witness/victim recanting. If the investigation bears evidence that a crime of some type may have occurred, then the case should not be unfounded.



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- (5). A case will be classified as unfounded if the investigation reveals the incident occurred outside of CMPD jurisdiction, and the case information should be forwarded to the appropriate jurisdiction.

H. Internal Investigations

The Criminal Investigations Bureau is responsible for investigating a criminal case where the suspect is a CMPD or City of Charlotte employee.

V. REFERENCES


200-006 Diversion Program  
300-002 Court Attendance  
400-006 Body Worn camera (BWC)  
500-004 Search Definitions  
500-004-D Search Warrants  
500-007 Use of Interview, Temporary Detention, and Testing Rooms  
500-009 Eyewitness Identification Procedure  
600-024 Electronic Recording of Interviews/Interrogations  
700-006 Laboratory Analysis of Evidence  
800-001 Use of Public Records and Departmental Information  
800-004 Records Retention and Disposition  
800-005 Deconfliction  
800-011 Inspections and Audits  
900-013 District Attorney's Papering Process  
Cold Case Unit SOP  
Crimes Against Children Unit SOP  
Cyber Crimes Unit SOP  
Domestic Violence Unit SOP  
Financial Crimes Unit SOP  
Homicide Unit SOP  
Missing Persons Unit SOP  
Polygraph Unit SOP  
Robbery Unit SOP  
Sexual Assault Unit SOP  
[KBCOPS Case Statuses](#)  
[Preliminary Investigations Guide](#)  
[UCR Guidelines](#)  
NIBRS  
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### Appendix A

The following list includes specific crimes and the appropriate investigative unit to notify.

<b>CRIME</b>	<b>SUB-CLASS</b>	<b>INVESTIGATIVE UNIT</b>
ABC Investigations		ABC Unit
Animal Cruelty		Animal Care and Control
Arson	Death	Arson Unit and Homicide Unit
Arson	All Other	Arson Unit
Assault with a deadly weapon	Life threatening-DV Related	Domestic Violence Unit
Bomb threat		Arson Unit
Checks/Credit Cards	Felony	Financial Crimes Unit
Child Abuse-Felony	Felony (serious injury)	Crimes Against Children Unit
Computer Crimes	Child Pornography	Cyber Crimes Unit
Computer Crimes	Forensic analysis	Cyber Crimes Unit
Counterfeiting	Checks, credit cards, currency	Financial Crimes Unit
Crash	Fatality including Hit and run	Major Crash Investigation Unit
Crash	City Vehicle (Serious Injury)	Major Crash Investigation Unit
Death Investigations	Sudden/Natural/Suicide	Homicide Unit
Domestic Violence	Employee Involved	Domestic Violence Unit
Domestic Violence-Intimate Partners	Felony-Serious Injury	Domestic Violence Unit
Drug/Narcotics Trafficking		Vice and Narcotics Unit
Embezzlement		Financial Crimes Unit
Enticement of Minor	Sexual Motive Implied (Victim 15 or younger)	Crimes Against Children Unit
Escape	Electronic Monitor Compromised	Electronic Monitoring Unit
Explosives		Bomb Squad Unit
Fire	Accidental fire with death	Arson Unit and Homicide Unit
Fire	Accidental fire with injuries	Arson Unit
Fire	Illegal burning	Arson Unit
Fraud	Felony	Financial Crimes Unit
Gambling		Vice and Narcotics Unit
Gang-related Offenses		Crime Gun Suppression Team
Human Trafficking	Human and Sexual Servitude	Human Trafficking Unit
Kidnapping		Homicide Unit
Kidnapping DV-Related		Domestic Violence Unit and Homicide Unit
Missing Person		Missing Persons Unit
Robbery	Series/Commercial/Shots Fired	Robbery Unit
Sexual Assault	Adult victim (16 or older)	Sexual Assault Unit
Sexual Assault	Child victim (15 or younger)	Crimes Against Children Unit
Sexual Offender Registration		Mecklenburg County Sheriff's Office
Stalking	Domestic related	Domestic Violence Unit

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## I. PURPOSE

The purpose of this policy is to provide sworn employees with guidelines on the safe operation of police vehicles during emergency and pursuit situations and the tactics available to safely stop or slow down a pursuit. The Charlotte-Mecklenburg Police Department (CMPD) recognizes that sworn employees have a duty to apprehend persons who violate the law and have a duty to always operate a police vehicle with due regard for the safety of the public.


The CMPD is committed to promoting public safety. Sworn employees engaged in emergency driving or vehicle pursuits must continually balance the need to respond in an emergency response or to pursue against all known risks posed to the general public, the sworn employee, and in some circumstances the suspect.

## II. POLICY


Sworn employees are authorized to engage in emergency driving or pursuits in accordance with the guidelines of this policy and all applicable training.

## III. DEFINITIONS


- A. Caravanning: Occurs when an uncommitted unit follows the route of the pursuit operating emergency equipment or outside of traffic laws in such a manner as to catch up with or maintain close proximity to the pursuit.
- B. Committed Units: Any patrol units actively engaged in the pursuit or that have been authorized by a supervisor to assist.
- C. Crime Dangerous to Life: An offense that resulted in death or serious bodily injury, or any act taken by the subject where the public or sworn employee is threatened with serious bodily injury or death (e.g., the subject has used or threatened to use a weapon). For the purposes of this policy, first degree burglary as defined by North Carolina General Statute is considered a crime dangerous to life.
- D. Driver Training Unit (DTU): A CMPD unit assigned at the CMPD Training Academy to conduct State of North Carolina and departmental law enforcement drivers training.
- E. Emergency Call: A request that calls for an emergency response from a sworn employee that consist of:
  - 1. Responding to Priority One (1) dispatched call for service.
  - 2. Responding to a self-assigned activity if the sworn employee can articulate a threat of serious bodily injury to another person.
  - 3. Responding to a self-assigned activity outside the sworn employee's talk group but only after obtaining specific approval from their supervisor.
- F. Emergency Equipment: this shall include flashing, blinking, or alternating blue/white lights and an operable siren and may also include an air horn designed to give an intermittent signal or flashing (wigwag) headlights.

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- G. Emergency Response/Driving: Operating a police vehicle whenever the sworn employee exceeds the speed limit or is requesting the right of way in response to either an emergency call for service or any situation where the sworn employee can articulate a threat of serious injury to another person. This includes circumstances when a sworn employee attempts to stop a vehicle and is required to exceed the speed limit or request the right of way.
- H. Intercepting the Pursuit: Positioning a sworn employee with a Tire Deflation Device (TDD) in a location to safely deploy the TDD before the pursuit arrives at their position.
- I. Marked Unit/Vehicle: Any vehicle operated by the CMPD that is marked with CMPD decals on its exterior and is equipped with an audible siren and a roof-mounted blue light. Sworn employees should always utilize flashing blue lights and sirens when operating outside traffic laws.
- J. Non-Emergency Call: All other sworn employee requests that are not emergency calls. Sworn employees are expected to drive in a safe and courteous manner, adhering to all traffic laws.
- K. Occupant Safety Systems: Factory-installed restraining devices that activate the airbags, safety electronic systems, and other key safety components in all CMPD vehicles.
- L. Parallel Pursuit: Occurs when an uncommitted unit operating emergency equipment or outside of traffic laws travels on a roadway different from the one on which the pursuit is occurring in such a manner as to maintain close proximity and similar direction to the active pursuit.
- M. Precision Immobilization Technique (PIT Maneuver): A tactic used to stop a fleeing vehicle by initiating contact between the suspect vehicle and a police vehicle.
- N. Primary Pursuing Unit: The police unit immediately behind the suspect vehicle that engages in a pursuit or any unit that assumes control of the pursuit.
- O. Public Harm: The degree of harm to the public posed by the actions of the suspect. It is comprised of the following elements: The harm inherent in the initial act or crime committed by the suspect and the harm faced by the public should the suspect be allowed to escape and remain at large.
- P. Pursuable Offense: The underlying conditions under which sworn employees are authorized to engage and continue in a pursuit. These circumstances are limited to the following:
  1. The sworn employee has reasonable suspicion that the driver or occupant has committed or is attempting to commit a crime dangerous to life.
  2. The sworn employee can articulate the exigent need to apprehend the suspect(s) because of potential harm to the public if they are not apprehended (public harm).

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- Q. Pursuit: When a sworn employee operates a law enforcement vehicle outside of traffic laws, in an attempt to follow, stop, apprehend, or maintain visual contact on a vehicle, which either has fled or engaged in an evasive action.
- R. Pursuit Risk: The degree of risk to the public posed by the pursuit itself.
- S. Rolling Roadblock: A tactic used by sworn employees in which either of the pursuing vehicles pulls in front of a fleeing vehicle that is traveling over five (5) mph and reduces speed in an effort to slow or stop the fleeing vehicle.
- T. Safe distance: As directed by the skills, principles, and concepts of the Training Academy's defensive driving training, the proper distance between vehicles traveling in the same direction of a roadway that will ensure proper braking and reaction time in the event that the lead vehicle stops, slows, or turns.
- U. Secondary Pursuing Unit: Any units authorized under this directive or at the direction of a supervisor to engage in the pursuit. These units will serve as support to the primary unit in the apprehension of the suspect or provide other assistance as needed. In the event the primary unit becomes disabled, a secondary unit may assume control of the pursuit.
- V. Stationary Roadblock: Any method, restriction, or obstruction utilized for the purpose of preventing free passage of a pursued motor vehicle to cause the apprehension of a suspect in that motor vehicle.
- W. Supervisor: The supervisor (sergeant or higher) who manages the pursuit. A pursuit is the responsibility of the field supervisor (sergeant) of the patrol division in which it began, regardless of which patrol division the involved sworn employee(s) is assigned. If the sergeant is engaged in the pursuit or is otherwise not available, another sergeant will assume responsibility for the pursuit.
- X. Terminate: The language used by a supervisor (sergeant's rank or higher) or sworn employees engaged in the pursuit to clearly direct the pursuit to cease immediately. The use of this language directs all employees involved in a pursuit to immediately comply by slowing down to the posted speed limit, or stopping completely, and turning off all emergency equipment.
- Y. TDD (Tire Deflation Devices): Approved tools used to disable a vehicle by causing the controlled release of air from the tire(s) of the target vehicle, thus permitting the driver to remain in control of the vehicle and bring it safely to a stop. The TDD is provided for use by sworn employees trained in the use of the device(s) and pursuant to departmental training in the use of the device(s).
  - 1. Pursuit Interception Device or Stop Stick™: a nine-foot folding TDD designed to reduce the operating speed of target vehicles not heeding emergency equipment by causing the controlled release of air from the tire(s) of the target vehicle, thus permitting the driver to remain in control of the vehicle and bring it safely to a stop.


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2. Stationary TDD: a three-foot single TDD designed for use on a stationary target vehicle by causing the controlled release of air from the tire(s) if the target vehicle moves, therefore considered a pursuit prevention technique.
- Z. Uncommitted Units: Any patrol units not actively engaged in the pursuit or authorized by a supervisor to assist.
- AA. Unmarked vehicles: Any vehicle operated by CMPD that is not marked externally but is equipped with sirens and internal front and rear blue lights.
- BB. Vehicle Apprehension: A pre-planned tactic where sworn employees who have successfully completed the vehicle apprehensions training from the CMPD Training Academy position vehicles in the path of a stationary-occupied vehicle for an arrest team to take the suspect(s) in the vehicle into custody.


#### IV. PROCEDURES FOR EMERGENCY AND PURSUIT DRIVING

Whenever a sworn employee is driving a police vehicle, the sworn employee will always drive with due regard for the safety of the public.

- A. Sworn employees will always have their body worn camera (if equipped) on and activated when engaged in emergency driving, a pursuit, or assisting with or responding to a vehicle pursuit. Sworn employees body worn camera should also remain on and activated when the decision is made to follow a vehicle after the pursuit has terminated. Sworn employees are required to use the factory-installed occupant safety restraining devices anytime they are operating a CMPD vehicle.
- B. Procedures for Emergency Driving
  1. Sworn employees not responding to a call for service will comply with the posted speed limit and all traffic laws. A sworn employee may initiate and continue to engage in emergency driving in the following circumstances:
    - a. In response to a Priority One (1) dispatched call for service.
    - b. In response to a self-assigned activity if the sworn employee can articulate a threat of serious bodily injury to another person.
    - c. In response to a self-assigned activity outside the sworn employee's talk group but only after obtaining specific approval from their supervisor.
  2. The responding sworn employee shall remember that the objective of emergency driving is to get to the location of occurrence as soon as possible safely and without danger to the sworn employee or others. Therefore, regardless of the situation presented to the sworn employee, the decision to operate the police vehicle in emergency response rests solely with that sworn employee. This decision shall be based upon the need for emergency driving balanced with the conditions present that may inhibit the sworn employee's ability to drive emergency response reasonably and safely.

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3. The supervisor will monitor the talk group during the emergency call for service. When at least three (3) units have arrived on the scene, and the emergency call is still in effect, the supervisor will evaluate, and request the Communications Division to close the talkgroup if necessary. Only the supervisor or an on-scene unit will make the determination when it is safe to open the talk group.
4. A sworn employee, while engaged in emergency driving, will do so with due regard to the safety of others. When a sworn employee exceeds the speed limit, the speed limit exemption granted by N.C.G.S. 20-145 shall not protect the sworn employee driving the police vehicle from the consequence of a reckless disregard of the safety of others. The speed of a sworn employee engaging in emergency driving must therefore be reasonable and prudent and take into consideration the following factors:
  - a. The need for the emergency response versus the risk to the public and sworn employees.
  - b. Seriousness of the call for service (severity of the offense or violation) and the sworn employee's knowledge of previous incidents.
  - c. The posted speed limit for the road(s) being traveled upon.
  - d. Pedestrian and vehicular traffic.
  - e. Proximity of the sworn employee to the actual location of the emergency call for service.
  - f. Time of day, road conditions, and environmental concerns, such as weather and visibility.
  - g. Type and condition of police vehicles involved.
  - h. Familiarity with geography.
5. A sworn employee must operate their emergency equipment, and siren when engaged in emergency driving.
6. Typing of computer messages and the use of a cell phone are prohibited during emergency driving.
7. A sworn employee must be able to articulate why emergency driving was necessary at any time. When a sworn employee exceeds the posted speed limit by twenty (20) mph during emergency driving, they must be able to articulate why such a speed is reasonable, prudent, and necessary in responding to the type of occurrence involved, given the factors present.
8. Sworn employees responding to calls for service will operate their patrol vehicles with due regard to the safety of others. When requesting the right of way in the roadway and at intersections, the sworn employees will have their emergency equipment (lights and siren) activated.

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9. Upon approaching a controlled intersection, even in the instance where sworn employees have a green light for their direction of travel or are confronted with traffic congestion, sworn employees will reduce the speed of the police vehicle. Police vehicles using emergency equipment will not proceed through an intersection until all traffic has yielded the right of way to the police vehicle.
10. Vehicles not equipped with both blue lights and siren will not be operated as emergency vehicles. Operators of vehicles not equipped with both blue lights and siren must always obey all traffic laws.
11. Sworn employees will always operate emergency equipment, under the following circumstances:
  - a. Anytime an emergency response requires the sworn employee to travel into opposing traffic. Sworn employees required to travel into opposing traffic will do so only for brief circumstances and in a safe and prudent manner with due regard for the safety of the public.
  - b. When attempting to catch up to another vehicle that would require the sworn employee to exceed the posted speed limit or to drive in a manner not normally permitted by law.
  - c. While attempting a u-turn in traffic for the purpose of attempting to catch up to another vehicle or to respond to any emergency call for service.
12. Upon arrival at the scene of a call, the responding sworn employee will rapidly evaluate the situation and determine whether additional units are needed, whether other units responding can cancel their emergency response or cancel their response to the call for service.

C. Procedures for Pursuits – Primary Unit

1. Pursuits are authorized only for pursuable offenses.
2. Sworn employees must always weigh the need to apprehend the suspect(s) against the danger created by the pursuit (pursuit risk). The danger created by the flight of the suspect cannot by itself constitute justification for the pursuit.
3. Only sworn employees are permitted to engage in a pursuit.
4. A sworn employee will not engage in a pursuit while transporting a prisoner or any civilian, including civilian CMPD personnel.
5. Sworn employees involved in a pursuit will operate their emergency equipment. Also, sworn employees will have their body worn camera on and activated in accordance with CMPD policy.

This includes activating BWC when a sworn employee displays a form of law enforcement authority and continues to follow behind a suspect vehicle.




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6. The responsibility for the decision to engage in a pursuit, rests with the individual sworn employee. Before engaging in and during a pursuit, a sworn employee will consider the following factors:
  - a. The seriousness of the crime committed by the suspect.
  - b. The danger presented to the sworn employees and citizens.
  - c. The location of the pursuit (residential neighborhood, school zones, open highway, etc.).
  - d. Pedestrian traffic in the area.
  - e. The type of terrain.
  - f. Traffic conditions.
  - g. The posted speed limit.
  - h. The weather conditions.
  - i. The ability to keep a sworn employee's vehicle under control.
  - j. The speed of a sworn employee's vehicle and that of the suspect.
  - k. Whether the condition of the law enforcement vehicle has changed during the pursuit (i.e., the police vehicle is no longer functioning in a manner allowing for safe operation).
  - l. Whether the suspect can be apprehended at a later time with little risk of more violence or danger to the public.
  
7. The sworn employee engaging in a pursuit must notify the telecommunicator immediately that a pursuit is underway. The sworn employee must provide the telecommunicator with the following information so that the sworn employee's supervisor will have the necessary information to evaluate the need to engage in, or terminate, the pursuit:
  - a. Call sign.
  - b. Specific reason or suspected offense for the pursuit.
  - c. Location, the direction of travel, speed, weather, and traffic conditions.
  - d. Suspect vehicle information.
  - e. Number of occupants in the vehicle and if weapons are involved.
  - f. Identity of the suspect(s) and a description, if known.

**D. Secondary Units**

A secondary unit is authorized to actively engage in a pursuit after notifying the

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telecommunicator that he or she will be engaging in the pursuit as a secondary unit.


1. At the direction of the primary unit, the secondary unit will assume responsibility for radio communications.
2. At no time will police vehicles pass each other while engaged in a pursuit unless circumstances require the vehicles to change positions, and it can be done safely. The changing of positions must be clearly communicated between the involved sworn employees, and each must acknowledge their intended actions.
3. The secondary unit will maintain a safe distance behind the primary unit but remain close enough to render backup assistance when required.
4. If the primary unit becomes disabled, the secondary unit will become the primary unit. The next authorized unit to join the pursuit will be designated as the secondary unit.

**E. Uncommitted Patrol Units**

Uncommitted patrol units may not engage in any pursuit that already has a primary and secondary unit unless authorized by the supervisor to become a committed unit in the pursuit. Uncommitted units that are near the pursuit may make an emergency response toward the pursuit until advised that a secondary unit is engaged in the pursuit. Once the secondary unit is in place, sworn employees must discontinue any emergency response unless approved by their supervisor.

**F. Any body worn camera activated during the response will remain activated for the duration of the pursuit. Once an uncommitted unit becomes the secondary unit, all other responding units must discontinue their emergency response and turn off all emergency equipment. The secondary unit must advise Communications Division and their supervisor when this occurs.**

1. Uncommitted patrol units in the area may move toward the vicinity of the pursuit while obeying all traffic laws and not using emergency equipment. Uncommitted units will not leave their assigned patrol division without the supervisor's authorization. The Events 4 channel will be patched to the primary talk group to facilitate assistance from other CMPD units and outside agencies.
2. At no time will uncommitted units engage in caravanning.
3. All other uncommitted units will remain aware of the direction and progress of the pursuit but will not actively participate.
4. Uncommitted units will make every effort to avoid crossing the path of an oncoming pursuit.
5. Canine officers may be authorized by a pursuit supervisor to utilize emergency driving to maintain relatively close proximity to the pursuit. Canine officers should not attempt to become active participants in the pursuit. However, canine officers should remain close to the pursuit to be able to assist with the deployment of


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canine resources to effect an arrest.

G. Tire Deflation Devices and Pursuit Interception

Sworn employees may utilize department-issued Tire Deflation Devices (TDD) to prevent a pursuit or intercept a pursuit by slowing or stopping the pursuit.

1. With the permission of the supervisor in charge of the pursuit or higher-ranking command staff personnel, sworn employees are authorized to intercept the pursuit by positioning a sworn employee with a TDD in a location to safely deploy the TDD before the pursuit arrives at the sworn employee's position. Sworn employees are authorized to use all emergency equipment to respond to that location while adhering to all emergency response policies. Sworn employees will not attempt to outrun a pursuit or pass a vehicle being pursued.
2. Supervisors will monitor and assist responding units in coordinating the deployment of the TDD.
3. A TDD must be deployed from locations that permit sworn employees to clearly observe the vehicles involved in the pursuit and other traffic as it approaches. In addition, it must be deployed from a location that allows sworn employees to maintain protective cover from moving vehicles. Sworn employees must use extreme caution to avoid crossing the path of an ongoing pursuit.
4. Only sworn employees who have received the required training may deploy a TDD. Training will be provided by a designated trainer and will include a review of the TDD training video and practice in the proper deployment of TDD's.
5. Before deploying a TDD, sworn employees will consider the following factors:
  - a. The proximity and vulnerability of the public.
  - b. The position and location of the property.
  - c. The proximity and vulnerability of sworn employees and police vehicles.
6. TDD's shall not be deployed:
  - a. Within approximately three hundred (300) feet prior to a major intersection.
  - b. On motorcycles or vehicles with two or three wheels, including all-terrain vehicles.
  - c. On streets with heavy traffic, congestion, or construction.
  - d. On or unreasonably close to a curve or slope in the roadway.
  - e. On wet or slick surfaces, gravel, or loose pavement.

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f. On bridges or overpasses.

7. When sworn employees deploy a TDD, sworn employees must notify the Communications Division and their supervisor that the TDD has been deployed and the location. The Communications Division will immediately advise units involved in the pursuit where the TDD is located.
8. If the suspect continues to flee after deployment of the TDD, sworn employees may proceed with the pursuit pursuant to the guidelines set forth in this directive.
9. Sworn employees are NOT authorized to deploy TDD's at License or DWI Checkpoints unless the violation is a pursuable offense.


#### H. Procedures for Preventing Pursuits

1. As part of the CMPD's efforts to promote public safety in all aspects of law enforcement, sworn employees should prevent a pursuit if possible. Sworn employees anticipating a suspect will flee upon activation of emergency equipment are encouraged to utilize techniques and strategies to prevent a pursuit.
2. Sworn employees may use the following techniques and strategies to prevent a pursuit from occurring:
  - a. Tire Deflation Device (TDD): If a sworn employee has an articulable reason to believe that a stationary suspect vehicle will flee and has prior authorization from a sergeant or higher, then that sworn employee may utilize the TDD in accordance with training on a suspect vehicle that the sworn employee reasonably believes was involved in a pursuable offense. The TDD will be deployed as follows:

- 1) In between the front and rear tires of the stationary target vehicle allowing two (2) feet of travel distance in either direction or
- 2) Approximately two (2) feet ahead of the front tire or
- 3) Approximately two (2) feet behind the rear tire.
- 4) Sworn employees may deploy multiple stationary TDD's when sworn employees have reason to believe the target vehicle may flee by going forward or in reverse.

Note: A Stop Stick™ may also be used on stationary vehicles when stationary TDD's are not available.

- 5) If the suspect flees after deployment of the TDD, then sworn employees will attempt to stop the vehicle using emergency equipment. If the vehicle refuses to stop, sworn employees may engage in a pursuit pursuant to the guidelines set forth in this directive.

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- b. Undercover Vehicles: To follow the vehicle, following all traffic laws until the suspect stops and can be approached on foot.
  - c. Aviation Assets: To track and follow a suspect vehicle to its destination.
  - d. Covert Vehicle Apprehension: Police vehicles surround a suspect vehicle while an arrest team performs the extraction of the wanted individual from the suspect vehicle.
3. Sworn employees may not use the following techniques to prevent a pursuit from occurring:
- a. Stationary Roadblock
  - b. PIT Maneuver
  - c. Rolling Roadblock

I. Unmarked vehicles


- 1. Unmarked vehicles equipped with sirens and internal front and rear blue lights are authorized to initiate and engage in a pursuit with supervisory approval for a pursuable offense until a marked unit arrives to take the primary position. Unmarked vehicles will not engage in a pursuit unless there are no marked units available.
- 2. An unmarked unit is not required to disengage or yield to marked units until the total number of units authorized by the pursuit supervisor has been met (e.g., four (4) units authorized, the unmarked unit can stay engaged until there are four (4) marked units in the pursuit).
- 3. A supervisor may authorize unmarked vehicles to remain engaged in a pursuit when there are no marked units available; otherwise, the unit must terminate the pursuit. Unmarked units may attempt to follow and observe the suspect vehicle while obeying all traffic laws and turning off their emergency equipment.

J. Motorcycles

Motorcycles are authorized to initiate a pursuit; however, they cannot engage in an ongoing pursuit. If a motorcycle initiates a pursuit, the motorcycle will only pursue until a marked car arrives to take the primary position or the prevailing conditions dictate otherwise. The motorcycle cannot remain as the secondary unit unless the primary pursuing unit is another motorcycle. When a marked car is engaged in the pursuit, the motorcycle will disengage unless otherwise instructed by the supervisor. Dual Sport motorcycles are not authorized to engage in pursuits.

K. Helicopter Units

Once the helicopter has visual contact with the pursuit, the helicopter may assume the responsibility as the primary unit. With the assistance of the helicopter, the original

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primary and secondary, or additional (as determined by the pursuit supervisor), ground units will continue their response toward the location of the suspect vehicle, and the supervisor will continue to evaluate the situation and determine the hazards related to the pursuit. The secondary unit will still provide speed, traffic, and weather conditions regardless if the helicopter is overhead. This allows for the supervisor to continually evaluate the continuation of the pursuit by knowing the accurate speeds of the units involved and the physiological/psychological effects of the driver of the primary vehicle.

1. The helicopter unit may assume primary radio responsibilities once visual contact is made with the suspect vehicle and must constantly give updates on the pursuit conditions and location of the suspect vehicle to ground units.
2. If the helicopter unit has engaged in a pursuit that proceeds into South Carolina, it is authorized to remain engaged.

L. Supervisor Responsibilities

Upon notification, the supervisor of the division that initiated the pursuit will notify the Communications Division and sworn employees over the air that they are taking command, has responsibility for the pursuit and will ensure compliance with all policies.

1. In allowing a pursuit to continue, the supervisor will carefully consider:
  - a. The seriousness of the crime committed by the suspect.
  - b. The danger presented to sworn employees and citizens.
  - c. The location of the pursuit.
  - d. The population of the area.
  - e. The type of terrain.
  - f. Traffic conditions.
  - g. The posted speed limits.
  - h. The weather conditions.
  - i. The ability of the pursuing sworn employee(s) to keep the patrol vehicle under control.
  - j. The speed of the pursuing sworn employee(s)' patrol vehicle and that of the suspect.
2. When an on-duty supervisor encounters radio traffic related to the possible initiation of a pursuit such as, but not limited to, a vehicle not stopping, the supervisor will immediately inquire further about the sworn employee's direct actions to determine if the policy is being followed.
3. The supervisor will allow the pursuit to continue only after the risks created by

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the pursuit have been carefully weighed against the need to continue the pursuit.

4. A pursuit will normally involve two (2) vehicles, the primary unit and one secondary unit. The supervisor may authorize additional units as deemed necessary after evaluating:
  - a. The nature of the offense.
  - b. The number of suspects and possible weapons involved.
  - c. Whether the participating units have more than one (1) sworn employee.
  - d. Whether clear and articulated facts would warrant additional units, including the involved units requesting additional sworn employees.
5. Supervisors from the division where the pursuit was initiated may operate emergency equipment to stay in proximity of a pursuit that travels into multiple divisions.


**M. Division Lieutenant/Division Captain/ Operations Command Responsibilities**

Upon notification, the division lieutenant, division captain, or operations commander will evaluate the pursuit to determine whether to terminate the pursuit, if appropriate. Clear verbal communication must take place when supervisory command over the pursuit is transferred from one supervisor to another, regardless of the rank structure involved.

**N. Communications Responsibilities**

Communications Division personnel will follow all internal standard operating procedures governing pursuits, including:

1. The dispatcher will immediately close the primary talk group to all routine transmissions not related to the pursuit. Only emergency radio transmissions and transmissions directly related to the pursuit will be allowed.
2. The dispatcher will ensure that the division and Communications Division supervisors are notified of the pursuit.
3. The dispatcher will patch the division talkgroup that the event originates from with Events 4.
4. The dispatcher will notify the Communications Division supervisor of the channel patching.
5. The Communications Division supervisor will have all other dispatchers issue an alert tone, announce that Events 4 has been activated, and the originating division of the event. This will ensure that the entire department is aware of the potential that the pursuit might impact their division. The Communications Division supervisor will also alert the support units (VCAT, TRAP, Vice/Narcotics, Air ops/K9) of the activation of Events 4.

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6. The Communications Division supervisor will work in tandem with the supervisor in charge of the pursuit to ensure that all policies and procedures are followed. Although the duties of the Communications Division supervisor may vary depending on the length of the pursuit and the seriousness of the crime involved, the primary duties are as follows:
  - a. Monitor the traffic concerning the pursuit.
  - b. Ensure that the correct channels are patched in (specifically Events 4).
  - c. Send out notifications as necessary.
  - d. Assist the dispatcher, as needed, with requesting any necessary support units or notifying surrounding jurisdictions or agencies of the pursuit.
7. All assisting units, no matter the talk group they are assigned, can switch to Events 4 to monitor the event. (SHP, CFD, MCSO, MEDIC, and all other law enforcement agencies in Mecklenburg County have Events 4 on their radio template).
8. The dispatcher will ensure notification to other agencies of the status and location of the pursuit when a pursuit appears to be headed into another jurisdiction. This includes notifications to the appropriate South Carolina agencies for pursuits headed toward South Carolina.
9. At the completion of the pursuit, the incident commander will determine if the division's talkgroup where the pursuit ends will be patched into Events 4 also. All traffic will still be broadcast over Events 4, and any other sworn employees involved will switch to Events 4 to monitor or assist. The Communications Division supervisor will determine which dispatcher will take the lead on the channel.
10. Once the event is terminated and the scene is secure, an announcement will be made notifying everyone that Events 4 is no longer in use.
11. The dispatcher will immediately notify any outside agency that was informed of the pursuit when a pursuit is terminated by the CMPD.

O. Terminating Pursuits

The primary unit may maintain pursuit if it is reasonable and prudent to do so. However, a decision to terminate a pursuit may be the most appropriate course of action. Sworn employees must continually question whether the seriousness of the crime justifies the continuation of the pursuit.

1. Any doubt concerning the reasonableness of a pursuit should be resolved in favor of the safety of sworn employees and the public. A pursuit will be terminated:
  - a. If, in the opinion of the pursuing sworn employee or the supervisor, there



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is an unreasonable danger to the sworn employee(s) or the public, which is created by the pursuit.


- b. If the prevailing traffic, roadway, and environmental conditions create an unreasonable danger if the pursuit is continued.
  - c. If the pursued vehicle's location is no longer known, or it becomes futile to continue the pursuit because the suspect vehicle is traveling a substantial or increasing distance ahead of the pursuing police vehicle.
  - d. When notified to do so by the supervisor or Communications Division personnel acting on the authority of the supervisor.
  - e. When communication with the dispatcher or the sworn employee's supervisor is lost or unreadable. In any event, the sworn employee will reestablish communication as soon as possible.
2. Sworn employees and supervisors will consider terminating the pursuit when the identity of the operator of the pursued vehicle is known, and the violator is not presenting an immediate danger to other persons.
  3. Sworn employees must immediately notify Communications Division personnel when a pursuit has been terminated. Sworn employees must give the last known direction of travel of the suspect vehicle and all known descriptions.
  4. The termination of a pursuit does not prohibit a sworn employee from continuing to follow a vehicle while complying with all traffic laws.
  5. Sworn employees will not pursue a fleeing vehicle that is traveling into opposing traffic (e.g., a suspect traveling north in the south travel lane of the interstate). Sworn employees may utilize oncoming lanes of travel in brief circumstances where there is no opposing traffic. For example, a sworn employee passes a vehicle on a two-lane road with no opposing traffic nearby.
  6. Sworn employees will use discretion and sound judgment to determine whether to continue the pursuit. If the pursuit is not terminated, sworn employees will travel in the correct travel lanes and continue to operate emergency equipment.

**P. Re-Engagement**

If a sworn employee engages in a pursuit of a fleeing vehicle that has been previously pursued by the police and has been lost, it will be considered a new pursuit and treated accordingly by immediately making the proper notifications.

**V. INTER-JURISDICTIONAL PURSUITS**

In any inter-jurisdictional pursuit, all CMPD policies are in effect. Violations of departmental policies by sworn employees of CMPD or any other law enforcement agency involved in a CMPD pursuit will result in termination of the pursuit.

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A. Counties within North Carolina


1. When sworn employee safety dictates, the supervisor will instruct Communications Division personnel to request assistance from the North Carolina State Highway Patrol or other appropriate jurisdictions. SHP can be notified of a fleeing vehicle, but under no circumstances will SHP be called to initiate a pursuit on CMPD's behalf for an offense that would not otherwise be permitted by this directive.
2. CMPD will maintain control of all CMPD pursuits. If other agencies become involved in the pursuit, CMPD sworn employees will weigh the risks in determining whether they should terminate their own involvement in the pursuit.
3. Sworn employees will not become involved in another agency's pursuit unless specifically authorized by a supervisor. Authorization to engage in another agency's pursuit also extends to the use of TDDs, but only with due consideration of the ability to communicate with the other agencies and weighing the inherent risks.

B. Pursuits into South Carolina

1. Since a reciprocal agreement with South Carolina exists, sworn employees may pursue across the state line when engaged in an immediate, continuous vehicle pursuit for crimes dangerous to life and in accordance with this directive.
  - a. The sworn employee shall operate emergency equipment inside South Carolina when engaged in a justifiable pursuit.
  - b. If CMPD is notified that a suspect has been apprehended in South Carolina by South Carolina authorities, CMPD sworn employees may proceed into South Carolina to assist in the investigation and identification of the suspect.
2. CMPD will maintain control of all CMPD pursuits. If South Carolina law enforcement agencies become involved in the pursuit, CMPD sworn employees will weigh the risks in determining whether they should terminate their own involvement in the pursuit.
3. Under no circumstance will a sworn employee return an arrestee to North Carolina unless the suspect has first waived extradition before a South Carolina Magistrate authorized by law to accept waivers of extradition.

VI. INVESTIGATION OF PURSUITS

- A. Whenever a sworn employee is involved in a pursuit, it is the responsibility of the unit supervisor in charge of the pursuit to initiate a pursuit investigation in IACMS. The unit supervisor will then complete the full investigation and subsequently forward the completed investigation through the chain of command to the service area major. If a two-sworn unit, both sworn employees should be listed as employees investigated.


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- B. The pursuit investigation will be reviewed by the entire chain of command above the rank of sergeant. A determination will be made at each level on whether all CMPD guidelines were met. Each level in the chain of command will make a recommendation regarding each sworn employee involved in the pursuit.
- C. Whenever a pursuit results in a serious injury requiring hospitalization or death, the responsible chain of command, Internal Affairs Bureau, Police Attorney's Office, CMPD's Safety and Training Coordinator, Accident Reconstruction Unit, and City of Charlotte Risk Management will be immediately notified.
- D. Internal Affairs or the appropriate chain of command may make a recommendation to the chief of police to convene a Chain of Command Review Board to examine the pursuit case.
- E. The Internal Affairs Bureau will undertake an annual review of all previous year's pursuits and publish the results of that review in a report to the Chief of Police. This report will also be made available to the public. Annually, the Professional Accountability Bureau will conduct an analysis of agency pursuit activities for the purpose of identifying trends or patterns, training needs, and/or equipment needs.
- F. Annually, a documented review of Directive 600-022 Emergency Response and Pursuit Vehicle Operations will be conducted.

VII. REFERENCES

- 400-006 Body Worn Cameras
- 600-019 Response to Resistance
- SC Legislation: S.C. Code § 17-13-47 (2006)
- Tire Deflation Device SOP
- N.C.G.S. 20-156
- N.C.G.S. 20-145
- NC Attorney General Model Policy
- CALEA

The previous version of Directive 600-022 Emergency Response and Pursuit Vehicle Operations was published on 4/20/2022.

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I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) notification procedures when a foreign national is arrested or detained for an extended period. It also establishes CMPD procedures for managing special enforcement situations involving persons with limited or full immunity from law enforcement activities and notification procedures for incidents involving active-duty armed forces personnel. For the purpose of this directive, the term officer will apply to all sworn CMPD employees.

II. POLICY


Officers have an obligation to advise foreign nationals that they have a right to request that the CMPD notify their consul of their arrest or detention. In certain circumstances, the CMPD has an obligation to notify the foreign national’s consul regardless of the foreign national’s wishes.

Officers will adhere to and respect diplomatic immunity principles when encountering individuals who are entitled to claim limited or full immunity. While officers must recognize the immunity of the individual, officers will not ignore or condone violations of the law or the commission of crimes by those with diplomatic immunity.

Officers will notify a supervisor whenever they arrest local, state, or federal government officials and consult with their direct supervisor and/or the Police Attorney’s Office as soon as reasonably possible if they are unsure of their obligations pursuant to this directive.

III. DEFINITIONS

- A. Consul, Consular Official, or Consular Officer: A citizen or lawful permanent resident of a foreign country, who is employed by that foreign government, resides in the United States, and is authorized to assist the foreign government’s citizens in the United States on behalf of that government.
- B. Diplomat: An officer of a foreign government that is assigned to an embassy in Washington, DC; also known as Diplomatic Officers, they enjoy the highest degree of privileges and immunity.
- C. Diplomatic Immunity: A principle of international law in which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for their official and, to a large extent, their personal activities.
- D. Foreign National: Any person in the United States who is not a United States citizen.
- E. Dual National: A person who is a citizen of two (2) or more countries. A person who is a citizen of the United States and another country will be treated exclusively as a U.S. citizen when in the United States. A person who is a citizen of two (2) or more countries other than the United States will be treated in accordance with the rules applicable to each or all of those countries.

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- F. Legislator: A member of the United States Congress (e.g., the Senate or House of Representatives) and members of the North Carolina General Assembly (e.g., the Senate and the House of Representatives).
- G. Armed Forces Personnel: Active duty, reserve, and guard force members of the six (6) U.S. service branches – the Army, Marine Corps, Navy, Air Force, Space Force, and Coast Guard.

IV. DIPLOMATIC IMMUNITY

- A. Diplomatic Immunity does not exempt diplomatic and consular officers from the obligation of conforming to national and local laws and regulations.
- B. Whatever the offense or circumstances of contact, law enforcement officers must keep in mind that such persons are official representatives of foreign governments who are to be afforded the maximum degree of respect possible under the circumstances.
- C. Officers are authorized to issue citations for violations of motor vehicle laws, but arrests will not be made.
  - 1. When citations are issued, officers must notify the CMPD Records Management Division and provide a copy of the citation and other documentation regarding the incident so that they can forward it to the U.S. Department of State as soon as possible.
  - 2. In serious cases (e.g., DWI, personal injury crashes, etc.), telephonic notification to the U.S. Department of State must be made.
  - 3. If the officer determines the individual is too impaired to drive safely, the officer must not allow the individual to continue to drive. Officers are authorized, with the individual's permission, to take the individual to the police station or another location where the individual may recover sufficiently to drive. Officers are authorized to call or allow the individual to call a friend, relative, taxi, or ride-share to transport the individual.
- D. The property of a person possessing full immunity, including the individual's vehicle, cannot be searched or seized. Such vehicles cannot be impounded or booted but will be moved the distance necessary to remove them from obstructing traffic or endangering public safety.
- E. For other criminal violations, including felonies, the U.S. Department of State will request a waiver of immunity if the local prosecutor indicates they will prosecute if the waiver is granted. If the country of the person with immunity does not waive immunity, the individual with immunity will be required to depart the United States.


V. CONSULAR NOTIFICATION

- A. Consular notification applies to any person who is not a United States citizen. This


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includes permanent resident aliens and non-citizens who may or may not be in the country legally. Any person may decline the offer of consul notification; however, the notification must be made if the individual is from one of the “mandatory notification” countries listed on the [Consular Notification and Access Reference Card](#).

- B. Whenever foreign nationals are arrested or detained for more than one (1) hour, arresting or detaining officers will advise them of their right to have their country’s consul notified of their situation.
- C. The notification process will begin when the foreign national is detained or when the arrested foreign national is booked into the detention facility. The arresting officer is responsible for implementing the notification process.
- D. Officers will determine if the person under arrest or in custody is a foreign national by asking the individual if they are a citizen of the United States; asking the individual where they were born; and/or by examining documents such as passports and alien registration documents.
- E. Officers will determine whether the foreign national’s country is a “mandatory notification” country. If it is not on the mandatory notification list, then the foreign national is from an “upon request” country.
  - 1. The following procedures will apply to those foreign nationals from “mandatory notification countries”:
    - a. Even if the foreign national does not want their consul notified, officers will contact the nearest consulate of the foreign national’s country via fax or e-mail as soon as reasonably possible, but no later than before the end of the arresting officer’s shift to make the notification.
    - b. Telephone notification can be used if fax or e-mail is not available. Document the date and time of the notification and the name and location of the consular officer notified. If possible, make an audio recording of the telephone call and retain it in the incident report.
    - c. Never tell the consular officer that a foreign national has requested asylum.
    - d. Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his or her government may exist in some mandatory notification cases. In such cases, disclosure should be consistent with privacy considerations and the applicable international agreements. If the consular officer insists on information the foreign national does not want to be disclosed, notify an on-duty supervisor and refer to the [Consular Notification and Access Manual](#) and the [Training and Outreach page](#) for procedures to follow.

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- e. Inform the foreign national that the consul has been notified. Sample statements in several languages can be accessed on the [Consular Notification and Access](#) website.
  - f. Make a note of the completed notification in the incident report and retain the sent e-mail or fax and fax confirmation sheet.
  - g. This consular notification process will be repeated if the foreign national is charged with new offenses that are significantly more serious than the original charges.
2. The following procedures will apply to those foreign nationals from “upon request” countries:
- a. Inform foreign nationals that they may have their consul notified of their arrest or detention. Sample statements in several languages can be accessed on the [Consular Notification and Access](#) website.
  - b. Make a note of the foreign national’s decision regarding notification in the incident report.
  - c. If the foreign national requests notification, notify the nearest consul of the foreign national’s country via fax or e-mail as soon as reasonably possible but no later than 72 hours after arrest.
  - d. Telephone notification can be used if fax or e-mail is not available. Document the name and location of the consular official notified and the date and time of the notification. If possible, make an audio recording of the telephone call and retain it in the incident report.
  - e. Contact information for consuls can be accessed on the [Consular Notification and Access](#) website.
  - f. Officers will not make the consular notification if the individual refuses notification and the person is not from one of the “mandatory notification” countries.
  - g. Never tell the consular officer that a foreign national has requested asylum.
  - h. In cases where a foreign national has requested that their consul be notified, disclosure should be consistent with privacy considerations. If the consular officer insists on information the foreign national does not want to be disclosed, notify an on-duty supervisor and refer to the [Consular Notification and Access Manual](#) and the [Training and Outreach page](#) for procedures to follow.
  - i. Make a note of the completed notification in the incident report and retain the sent e-mail or fax and fax confirmation sheet.

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 <small>CHARLOTTE-MECKLENBURG</small>	<b>Interactive Directives Guide</b>	<b>Diplomatic Immunity and Consular and  Military Notification Procedure</b>  <i>Effective Date: 4/16/2024</i>
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j. If consular notification was previously completed, the consular should be notified of any new charges that are for offenses that are more severe than the original charges. If a foreign national is charged with additional offenses that are more severe than the original charges after declining consular notification, the foreign national should be given another opportunity to have the consular notified.

F. Investigating officers will make a consular notification when investigating the death of any foreign national. Document this notification in the incident report and retain a copy of the sent e-mail or fax and fax confirmation sheet in the incident report.

G. Officers will consult with their chain of command regarding making consular notifications when a foreign national is seriously ill or injured while in CMPD custody.

**VI. CONGRESSIONAL AND STATE LEGISLATORS**

A. Members of the United States Congress will, in all cases, except treason, felony, and breach of the peace, be immune from arrest during their attendance at the session of their respective House, in going to and returning from their respective House, and for any speech or debate in either House. This applies to members of the United States Congress in transit within the CMPD jurisdiction.

B. Members of the State Legislature, in some cases, have the same immunity granted to Congress and will remain immune from arrest while attending, going to, or returning from a session of their respective Houses. This applies to members of the State Legislature in transit within the CMPD jurisdiction.

C. There are no North Carolina laws that exempt any state or local officials, either appointed or elected, from federal, state, and local laws. The physical arrest of or issuance of a warning or traffic citation to such individuals is authorized whenever lawful except as noted in section VI.B. above.

**VII. MILITARY PERSONNEL**


A. Military personnel whose permanent residence or permanent duty station is located outside of North Carolina will be treated as non-residents of North Carolina. All others will be treated as residents.

B. There are no laws that exempt active-duty military personnel from federal, state, and local laws.

C. When military personnel are arrested and released on a summons or a predetermined bail for violating motor vehicle law, it is left to each military person's discretion whether to advise their chain of command of their arrest and any pending court appearances.

D. When military personnel are arrested for an offense for which they are required to post bail or await a bail hearing, arresting officers are responsible for notifying the military personnel's chain of command of their incarceration status.




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1. Arrested military personnel are required to provide their unit of assignment and the name and contact information of their first sergeant or command chief.
2. If the military person is uncooperative or unable (e.g., due to injury) to provide said information, the arresting officer will contact the nearest Military Police Corps (U.S. Army), U.S. Air Force Security Forces (U.S. Air Force and U.S. Space Force), Master-at-Arms (U.S. Navy), or Provost Marshal's Office (U.S. Marines) and request assistance notifying the appropriate chain of command. The arresting officer should follow up to verify the appropriate notification was made and documented.

#### VIII. REFERENCES

21 U.S.T. 77, T.I.A.S. No. 6820 – [Vienna Convention on Consular Relations](#), Articles 36 and 37, April 24, 1963,  
United States Department of State, Office of the Legal Adviser and Bureau of Consular Affairs – [Consular Notification and Access Manual](#), Revised September 2018  
United States Department of State, Bureau of Consular Affairs – [Consular Notification and Access Reference Card](#), Revised September 2018  
United States Department of State, Office of Foreign Missions – [Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities](#), Revised August 2018  
Traffic Enforcement SOP  
CALEA

The previous version of Directive 600-023 Diplomatic Immunity, Consular, and Military Notification Procedure was published on 10/13/2020.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>600-024</b>
	<b>Interactive Directives Guide</b>	<b>Electronic Recording of Interviews/Interrogations</b>	
		<b>Effective Date: 6/7/2023</b>	<b>1 of 4</b>

I. PURPOSE


This policy establishes guidelines for the electronic recording of interrogations and interviews by Charlotte-Mecklenburg Police Department (CMPD) employees.

II. POLICY

- A. This policy sets forth the requirements for the electronic recording of custodial interrogations and interviews with persons suspected of committing designated felonies as identified in North Carolina General Statutes (N.C.G.S.) §15A-211 at designated locations as defined in this policy.
- B. All custodial interrogations of juveniles in all criminal investigations must comply with CMPD Directive, 600-009 Juvenile Procedures and be electronically recorded at any place of detention compliant with N.C.G.S. §15A-211.
- C. Beyond the statutory requirements, it is CMPD policy that custodial or non-custodial interviews and/or interrogations of persons identified as suspects or potential suspects in felony criminal investigations will be electronically recorded when conducted in a CMPD facility.
- D. Criminal interviews and interrogations that do not fall within the categories listed above will be electronically recorded at the discretion of the sworn employee.

III. DEFINITIONS

- A. Interview or Interrogation: Communication between a sworn employee and another person that requires skills that will allow the sworn employee to attempt to objectively obtain accurate and truthful information from the other person.
- B. Suspect Interview or Interrogation: A custodial or non-custodial interview or interrogation conducted by a sworn employee investigating an alleged crime with a person who is, based on the evidence developed to date, thought to be involved in the crime. Any conversation between a sworn employee and a person suspected of committing a crime is considered a suspect interview or interrogation, including dialogue during the rapport-building phase, discussion while obtaining the Miranda waiver, and any conversation that is video or audio recorded.
- C. Electronic Recording: An audio or video recording that is an authentic, accurate, unaltered record. Video and audio shall be simultaneously recorded whenever reasonably feasible.
- D. “In its entirety”: An uninterrupted record that begins with and includes persons in custody being advised of their constitutional rights by a sworn employee and ends when the interview or interrogation has been completed. If the record is a visual recording, the camera recording the custodial interrogation must be placed so that the camera films both the interrogator or interviewer and the person in custody for the entirety of the interview or interrogation. Recordings should not be interrupted during brief periods of recess, whether granted at the request of the person in


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custody or the sworn employee. The record will reflect the starting time of the recess and the resumption of the interrogation or interview.


- E. Privileged Conversation: Any private conversation between a person suspected of committing a crime and a lawyer, a member of the clergy, or a spouse.
- F. Place of detention: A jail, police or sheriff's station, correctional or detention facility, holding facility for persons in custody, or another facility where persons are held in custody in connection with criminal charges, including a medical facility.

#### IV. PROCEDURE

- A. Any custodial interrogation of any person at any place of detention related to the following crimes must be electronically recorded in its entirety compliant with N.C.G.S. § 15A-211:
  1. First-Degree Murder (N.C.G.S. § 14-17)
  2. First-Degree Rape (N.C.G.S. § 14-27.2)
  3. First-Degree Sexual Offense (N.C.G.S. § 14-27.4)
  4. Second-Degree Murder (N.C.G.S. § 14-17)
  5. Second-Degree Rape (N.C.G.S. § 14-27.3)
  6. Second-Degree Sexual Offense (N.C.G.S. § 14-27.5)
  7. Assault with Deadly Weapon with Intent to Kill Inflicting Serious Injury (N.C.G.S. § 14-32 (a))
- B. Parties of a privileged conversation must be moved to an unrecorded room before the conversation begins.
- C. At the discretion of a supervisor, interrogations and interviews for other crimes may be electronically recorded.
- D. If the person suspected of committing a crime refuses to have the interview or interrogation electronically recorded, the sworn employee should record and thoroughly document the refusal.
- E. In the event of equipment failure, the sworn employee should thoroughly document what occurred and any efforts made to secure replacement equipment or to relocate the interview.
- F. This policy is not intended to preclude sworn employees in the field from capturing information from persons who make spontaneous utterances or provide information regarding designated felonies.
- G. An audio and/or video-recorded interview of a victim or a witness may be conducted at the discretion of the investigating sworn employee.

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- H. Interview room video and audio equipment is always recording and cannot be deactivated by the sworn employee. After the retention period is exceeded, the recording is deleted from the server and no longer available unless it has been archived within the recording system.
- I. If necessary, the sworn employee may establish a dialogue with the person suspected of committing a crime using language that the person is comfortable with and accustomed to, including derogatory or profane language. However, using such language should not be the primary or only approach taken by the sworn employee during the interview. In any case, the sworn employee should be prepared to articulate in court proceedings the reason the strategy was employed.
- J. The sworn employee may engage in deceptive methods and/or make false statements to the person suspected of committing a crime; however, such methods or statements shall not be employed to the extent that, based on the totality of the circumstances, they are calculated to procure an untrue confession or otherwise render the person's statement involuntary. The sworn employee is prohibited from engaging in any of the following conduct to obtain a statement from persons suspected of committing a crime:
  1. physical abuse,
  2. deprivation of physical needs,
  3. promises of reduced charges or sentences,
  4. promises to testify to the person's cooperation, and
  5. threats of physical harm or harsh treatment if the person fails to cooperate.
- K. Upon the conclusion of the interview or interrogation of any party to a criminal investigation, the lead sworn employee shall archive the recording to preserve the interview.
- L. Per open discovery requirements, the investigating sworn employee will provide copies of all recorded interviews to the District Attorney's Office.
- M. Electronic recordings of custodial interrogations of defendants convicted of any offense listed in N.C.G.S. §15A-211 shall not be destroyed without the approval of the District Attorney's Office until one year after the completion of all state and federal conviction appeals, including the exhaustion of appeals of motions for appropriate relief or habeas corpus proceedings.
- N. Sworn employees will retain electronic evidence collected compliant with state law and CMPD Directive 800-001, Use of Public Records and Department Information.
- O. Any routine maintenance or required troubleshooting of audio or video equipment will be immediately reported to a supervisor and the City of Charlotte Innovation & Technology (I&T) Department Help Desk.

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V. REFERENCES

- N.C.G.S. § 15A-211
- N.C.G.S. § 15A-903
- 600-009 Juvenile Procedures
- 800-001 Use of Public Records and Department Information
- 900-013 District Attorney’s Papering Process
- CALEA

The previous version of Directive 600-024 Electronic Recording of Interviews/Interrogations was published on 01/07/2020.

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	<b>Interactive Directives Guide</b>	<b>Incident Command System</b>	
	<b>Effective Date: 9/14/2022</b>		<b>1 of 7</b>

## I. PURPOSE

To establish guidelines for the Charlotte-Mecklenburg Police Department (CMPD) concerning the utilization of the Incident Command System (ICS) and the National Incident Management System (NIMS).

## II. POLICY


CMPD will operate under the Incident Command System to coordinate the efforts of multiple departmental divisions or outside agencies as they work toward the common goal of stabilizing an incident. Many incidents, whether major (such as hazardous material spills or civil disorders), minor incidents (such as vehicle crashes and utility outages), or disasters (such as tornadoes, hurricanes, or earthquakes), require a response from several different resources. Regardless of the size of the incident or the number of agencies involved in the response, all incidents require a coordinated effort to ensure an effective response and the efficient and safe use of resources.

CMPD will operate under the ICS in the following circumstances:

- A. Emergency situations where the CMPD Emergency Mobilization Plan is utilized.
- B. Situations where a CMPD response is required under the CMPD Emergency Mobilization Plan.
- C. Situations involving personnel from multiple divisions and units where the event is expected to last longer than twenty-four (24) hours.
- D. Situations requiring coordination with outside agencies.
- E. Situations that require activation of the CMPD Command Center.
- F. Other situations where the ICS would prove beneficial.


## III. DEFINITIONS

- A. Incident Command System (ICS): The model tool for command, control, and coordination of a response to a specific incident. It provides a means to coordinate the response efforts toward mitigation of an incident.
- B. National Incident Management System (NIMS): Provides a consistent nationwide approach for federal, state, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. NIMS was created by the authority of the President in Homeland Security Presidential Directive (HSPD-5), Management of Domestic Incidents.
- C. Unified Command (UC): An important element in multijurisdictional or multiagency incident management. It provides guidelines to enable agencies with different legal,

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geographic, and functional responsibilities to coordinate, plan, and interact effectively.

- D. Incident Action Plan (IAP): The overall incident objectives and strategies established by the incident commander or the unified command. The IAP also addresses tactical objectives and support activities for one operational period, generally twelve (12) to twenty-four (24) hours. The IAP is developed utilizing ICS forms.
- E. ICS Structure: The ICS organization is comprised of six major functional areas:
1. Command
    - a. Command is responsible for all incident or event activity. Although other functions may be left unfilled in the command area, there will always be an incident commander. The command staff positions under the incident commander are:
      - (1) Public Affairs representative
      - (2) Safety officer
      - (3) Liaison officer
    - b. At a minimum, the incident commander will address the following, if necessary:
      - (1) Activate the Incident Command System;
      - (2) Establish a command post;
      - (3) Initiate the notification and mobilization of additional agency personnel;
      - (4) Obtain additional support from outside agencies;
      - (5) Establish staging and triage areas;
      - (6) Provide information for public media relations;
      - (7) Maintain the safety of all affected personnel; and
      - (8) Be responsible for preparing a documented after action report. (Not available as an ICS form.)
  2. Operations
    - a. The operations section is responsible for directing the tactical actions to meet incident objectives.

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- (1) Divisions and groups are established within the operations section when the number of resources exceeds the operations section chief's manageable span of control.
    - (2) Divisions demarcate physical or geographical areas of operation within the incident area.
    - (3) Groups demarcate functional areas of operation for the incident such as rescue, law enforcement, or fire.
  - b. At a minimum, the operations function will address the following, if necessary:
    - (1) Establish perimeters;
    - (2) Conduct evacuations;
    - (3) Maintain command post and scene security;
    - (4) Provide for detainee transportation, processing, and confinement;
    - (5) Direct and control traffic;
    - (6) Conduct post-incident investigations.
3. Planning
  - a. The planning section is responsible for collecting, evaluating, and disseminating tactical information pertaining to the incident. This section maintains information and intelligence on the current and forecasted situation, as well as the status of resources assigned to the incident.
  - b. At a minimum, the planning section will address the following, if necessary:
    - (1) Prepare a documented Incident Action Plan;
    - (2) Gather and disseminate information and intelligence;
    - (3) Plan post-incident demobilization.
4. Logistics
  - a. The logistics section meets all support needs for the incident, including ordering resources.
  - b. At a minimum, the logistics function will address the following, if necessary:
    - (1) Communications;



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- (2) Transportation;
- (3) Medical support;
- (4) Necessary supplies;
- (5) Any specialized or technical teams' equipment needs;
- (6) Logistics may also provide facilities, equipment maintenance and fueling, and food service for incident personnel.

5. Finance/Administration

- a. The finance/administration section is responsible for keeping track of incident-related costs.
- b. At a minimum, the finance/administration function will address the following, if necessary:
  - (1) Recording personnel time;
  - (2) Procuring additional resources;
  - (3) Recording expenses;
  - (4) Documenting injuries and liability issues.

6. Intelligence

- a. Traditionally, information and intelligence functions are located in the planning section. However, in exceptional situations, the incident commander may need to assign the information and intelligence functions to other parts of the ICS organization. This placement may change as the information and intelligence needs to change.
- b. The information and intelligence function may be organized in one of the following ways:
  - (1) Within the command staff, this option may be the most appropriate in smaller incidents with little need for tactical or classified intelligence.
  - (2) As a unit within the planning section, this is the traditional placement of intelligence and would be most appropriate when the need for information is quickly available and does not involve classified information.
  - (3) As a branch within the operations section, this option may be the most appropriate in incidents with a high need for tactical or classified intelligence.

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- (4) As a separate general staff section, this option may be most appropriate when an incident is heavily influenced by intelligence factors or when there is a need to manage and/or analyze a large volume of classified or highly sensitive intelligence or information such as in a terrorist incident.

#### IV. PROCEDURE

##### A. Establishing Command

The first arriving sworn employee at the scene of a major incident will establish “command” and designate themselves as “command” over the radio. That sworn employee will maintain this designation until command is either transferred or terminated.


##### B. Initial Report

The sworn employee will then transmit, via radio, a brief initial report of the conditions, including the following information:

1. A description of the situation
  2. Obvious incident conditions
  3. Confirmation of command establishment with the appropriate radio designation
  4. Location of command.
  5. A report of any actions being taken by the on scene unit(s).
- C. The incident commander may fill command and general staff positions when necessary and delegate responsibilities so that the span of control is not overextended.

Those positions may include:

1. Command Staff
  - a. Police Attorney Office
  - b. Public Affairs Division
  - c. Liaison officer
2. General Staff
  - a. Operations
  - b. Planning

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- c. Logistics
- d. Finance/Administration


D. Command Transfer Guidelines

The command can be transferred to improve the quality of the response.

1. Transfers of command should occur on a face-to-face basis. However, some conditions may necessitate command transfer via radio.
2. A transfer briefing will occur between the command officer and the relieving command officer. The information to be exchanged will include:
  - a. Incident conditions;
  - b. Updates to the Incident Action Plan;
  - c. Safety considerations;
  - d. Assignments of responding units;
  - e. The need for additional resources.
3. Transfer of command will be at the discretion of the ranking sworn employee. Since the overall incident responsibilities rest with the ranking sworn employee on the scene whether command is assumed or not, they may assume command to ensure clarity of orders.
4. Individuals relieved of command responsibilities may be used by the incident commander to support the overall IAP.

E. When the IAP is utilized by the ICS, all necessary ICS forms will be formulated.

1. For simple incidents of short duration, the IAP will be developed by the incident commander and communicated to subordinates in a verbal briefing.
  - a. On smaller incidents that do not require a written action plan, the sequence of steps for a briefing by the incident commander to the general staff includes:
    - (1) Incident objective(s)
    - (2) Strategy (one or more)
    - (3) Tactics
    - (4) Assignments


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- b. The ICS Form 201 provides the incident commander with a useful framework for preparing a briefing when no written action plan is prepared.
  - 2. The decision to prepare a written IAP will be made by the incident commander. A written IAP documenting the planning decisions should be prepared whenever:
    - a. Two or more jurisdictions are involved
    - b. The incident continues into another operational period
    - c. Several organizational elements have been activated
  - 3. Essential Elements in the Incident Action Plan are:
    - a. Statement of Objectives: Statement of what is expected to be achieved. Objectives must be measurable. (ICS Form 202)
    - b. Organization: Describes what elements of the ICS organization will be in place for the next operational period. (ICS Form 203)
    - c. Tactics and Assignments: Describes tactics and control operations, and what resources will be assigned. Resource assignments are often done by division or group. (ICS Form 204)
    - d. Supporting Material: Examples include a map of the incident, Communications Plan, Medical Plan, Traffic Plan, weather data, special precautions, and safety messages.
  - 4. The ICS forms are available under forms on the CMPD Portal Page.
- F. An After Action Report will be completed upon demobilization of the incident command structure. The complete IAP and the After Action Report will be forwarded to the Strategic Policy Unit for storage.
- G. CMPD will participate in annual training on responses based on the CMPD Emergency Mobilization Plan. This training will be documented and can involve outside agencies in actual or tabletop exercises.

## V. REFERENCES

HSPD-5 Management of Domestic Incidents  
CMPD Emergency Mobilization Plan  
CALEA

The previous version of Directive 600-025 Incident Command System was published on 8/9/2018.

	<b>Charlotte-Mecklenburg Police Department</b>	<b>600-026</b>
	<b>Interactive Directives Guide</b>	<b>Interpreting for the Deaf and Hard of Hearing</b>
		<b>Effective Date: 1/16/2023</b>
		<b>1 of 3</b>

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) to ensure consistently high levels of service are provided to all persons who are deaf or hard of hearing. CMPD will comply with the rights and obligations prescribed by North Carolina General Statutes and the Americans with Disabilities Act (ADA) to communicate effectively with persons who are deaf or hard of hearing.

II. POLICY


CMPD will endeavor to provide persons who are deaf or hard of hearing with a level of service equivalent to that provided to others. CMPD will strive to ensure that all employees communicate effectively with persons who are deaf or have a hearing disability. Any auxiliary aid or service needed for effective communication by a person who is deaf or hard of hearing will be provided without charge by CMPD.

III. DEFINITIONS

- A. Deaf Person: A person whose hearing impairment is so significant that the person is impaired in processing linguistic information through hearing, with or without amplification.
- B. Qualified Interpreter: An interpreter certified and licensed as qualified under standards and procedures promulgated by the Human Resources Division and in accordance with N.C.G.S. 90D.
- C. Hard of Hearing: A person who has mild to moderate hearing loss who may communicate with sign language, spoken language, or a combination of both.

IV. PROCEDURE

- A. Deaf persons under arrest
  - 1. While at the scene, sworn employees will make appropriate accommodations to communicate efficiently with deaf or hard of hearing persons. Accommodations may include gestures or visual aids to supplement oral communication, such as a notepad and pen or pencil to exchange written notes, an assistive listening system or device to amplify sound, or a qualified interpreter.
  - 2. Sworn employees who determine that the arrestee is deaf will notify the Communications Division to request a qualified interpreter. The type of aid or service requested by the person with the hearing disability must be given primary consideration.
  - 3. Qualified interpreters must be used to interview deaf or hard of hearing suspects or arrestees and in any other actions where criminal proceedings are likely to follow. Family and friends of the suspect or arrestee shall not interpret for the arrestee.

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4. If a qualified interpreter is utilized during an arrest, the interpreter will remain with the arrestee throughout the entire arrest process, including appearing before the magistrate.

B. Contact with deaf or hard of hearing persons not under arrest

1. CMPD employees will not interpret for a deaf person who is a party to or a witness in any civil or criminal proceeding in any superior or district court or proceedings before the magistrate.
2. CMPD employees will not interpret for a deaf person who is a party to or a witness in any administrative proceeding before any department, board, commission, agency, or licensing authority of the state or any county or city of the state.
3. Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, suspect, or arrestee, is essential to ascertain what occurred, the urgency of the matter, and the type of situation. Efforts should be made to accommodate the deaf or hard of hearing person's request for a qualified interpreter.
4. Qualified interpreters will be used in communicating with complainants or witnesses when court proceedings are likely to occur.
5. In general interactions, the appropriate accommodation for a deaf or hard of hearing person will vary with the length and complexity of the communication involved. In certain circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication with people who are deaf or hard of hearing.


C. Communications Division

Upon receiving a request for a sign language or oral interpreter for a victim, suspect, or arrestee, the Communications Division will make contact with the approved City of Charlotte/CMPD vendor to request a qualified interpreter.

V. REFERENCES

- 300-015 CMPD Procurement Process
- N.C.G.S. 8B
- N.C.G.S. 90D
- Americans with Disability Act, Title II
- U.S. Department of Justice, Civil Rights Division, Model Policy
- CALEA


The previous version of Directive 600-026 Interpreting for the Deaf and Hard of Hearing was published on 11/19/2019.

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## Appendix A

### Practical Suggestions for Communicating Effectively with Persons who are Deaf or Hard of Hearing

1. Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
2. Face the person and do not turn away while speaking.
3. Converse in a well-lit area whenever possible.
4. Do not cover your mouth or chew gum.
5. If a person is wearing a hearing aid, do not assume the person can hear you.
6. Minimize background noise and other distractions whenever possible.
7. When communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
8. Use visual aids, such as pointing to printed information on a citation or other document.
9. Remember that only about one-third of spoken words can be understood by speech reading.
10. When communicating by writing notes, be mindful that some persons who use sign language may lack good English reading and writing skills. Preserve all notes.
11. If a person with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed. Preserve all notes.
12. If a sign language interpreter is requested, ask which language the person uses. American Sign Language (ASL) and Signed English are the most common. Remember that signing involves rapid gestures of a person's arms and hands, which may impact a person's ability to respond to certain commands.
13. When interviewing a witness and/or suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter should be contacted to ensure effective communication.
14. When using an interpreter, look at and speak directly to the deaf person, not the interpreter.
15. Talk at your normal rate or slightly slower if you normally speak very fast.
16. Only one person should speak at a time.
17. Use short sentences and simple words.
18. Do not use family members or children as interpreters.

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	<b>Interactive Directives Guide</b>		<b>Submitting Impounded Property</b>
	<b>Effective Date: 11/21/2022</b>		<b>1 of 9</b>

I. PURPOSE

This directive establishes guidelines for impounding confiscated property is impounded in the Property and Evidence Management Division of the Charlotte-Mecklenburg Police Department (CMPD). This directive will benefit and protect CMPD personnel by guiding them in the proper procedures for submitting impounded property.


II. POLICY

To establish procedures for the handling and disposition of physical property that will come into the possession of CMPD.

III. DEFINITIONS


- A. Booking Employee: The employee responsible for the data entry and documentation of collected property, as well as the physical act of turning over the property to the CMPD Property and Evidence Management Division.
- B. Chain of Custody: The chronological documentation showing the seizure, custody, control, transfer, analysis, and disposition of physical or electronic evidence.
- C. Collecting Employee: The employee responsible for the physical collection and packaging of property.
- D. Evidence: Any item seized as part of a criminal investigation.
- E. Found Property: Non-evidentiary property coming into the custody of a law enforcement agency that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.
- F. Sworn Employee: The employee assigned to the case in KBCOPS who is responsible for the disposition of the property.
- G. PLIMS: The Property and Laboratory Information Management System (PLIMS) is the electronic system used by CMPD for documenting all property. It is used to track the chain of custody from intake, laboratory examination, and disposition of all property in CMPD custody.
- H. Property for Safekeeping: Non-evidentiary property placed into the temporary custody of CMPD for the purpose of safeguarding for the rightful owner. Property, where the rightful owner is known at the time the property is impounded, will be categorized as “safekeeping” in the PLIMS.
- I. Property: Items that are not legally owned by CMPD, that are seized, collected, turned over, or held within the custody of CMPD for the purpose of safe keeping, investigation, forfeiture, or identification.
- J. Service Requests: A function of PLIMS where the investigator assigned to the case submits lab requests for items that need to be analyzed.




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#### IV. PROCEDURE


- A. All property impounded by employees of CMPD will be entered into PLIMS and have a related KBCOPS report. This includes all three (3) types of property: evidence, found, and safekeeping. PLIMS will not allow the creation of a property case until there is at least a KBCOPS report in working status. The status of safekeeping items shall be set to Ready to Return to Owner with the owner associated with the property when those items are entered into PLIMS.
- B. PLIMS is a web-based program that is accessible to CMPD employees who have access to CMPD's Intranet. Each employee is granted access to the system through their individual account. Logging into the system will consist of a username and password. No CMPD employee shall sign on or operate PLIMS under another employee's username and password.
- C. Submitting employees using PLIMS shall supply all known information for any blank field and shall provide complete and accurate information, including but not limited to full street addresses, names, arrest numbers, descriptions, identifying markings, quantities, and associated case numbers. CMPD sworn employees will not use the outside agency function of PLIMS to turn in property.
- D. Only one barcode label and item number shall be affixed to each package. The barcode label must be affixed to the area designated on the envelope. For all other types of packaging, the employee will place the label in an area that will be easy to view and not obstruct the area where repackaging may occur. The barcode label should never be used to seal a package. All evidence will be packaged in the manner described in the Evidence Packaging Manual located on the CMPD Portal Page.
- E. Upon completion of entry into PLIMS, all property (evidence, found, and safekeeping) will be submitted to the evidence lockers or CMPD Headquarters. Items too large to be submitted to the evidence lockers will be submitted to the basement window of the CMPD Property and Evidence Management Division during operating hours and to the evidence cage after hours. Under no circumstances will an employee keep the impounded property in their possession beyond the end of their tour of duty during which it is impounded.
- F. Bio-hazardous waste, specimens of blood, potentially infectious body fluids, or contaminated sharps to be turned in as found property or evidence should be placed immediately in puncture and/or leak resistant containers and properly labeled in accordance with the CMPD Exposure Control Plan and the CMPD Evidence Packaging Manual. These containers will be submitted to the evidence lockers located at the nearest division office. These items will be disposed of properly or entered into evidence once they have been transferred from the division unit lockers to the CMPD Headquarters by CMPD Property and Evidence Management Division employees.
- G. It is the booking employee's responsibility to ensure the packaging is appropriately sealed.

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- H. Where possible, items will be processed for evidence in the field prior to being submitted to the CMPD Property and Evidence Management Division (e.g., fingerprints on a television, etc.). When practical, an employee should take a photograph of this type of evidence and return it to the victim. The complaint number, address, date, employee name, and code number should appear on a piece of paper in the first photograph for proper documentation. The employee will obtain the victim's signature on the property sheet indicating that the property was returned to the owner. Items returned to owners in the field will be uploaded into the Digital Evidence Management System (DEMS) because the property will not be entered into PLIMS. The signed property sheet should be scanned into KBCOPS and the original retained by the employee.
- I. Employees will seal all envelopes, boxes, or bags containing evidence, found, or safekeeping property with tape provided by the CMPD Property and Evidence Management Division.
1. Small evidence items (e.g., "crack rock") need to have an internal package to prevent alteration and/or loss.
  2. The tape must make a complete seal of the corners of the container to prevent the loss of small items.
  3. Employees will write their initials, code number, and date over the tape so that the writing extends beyond the edge of the tape and onto the container.
- J. Opening and Re-Sealing Evidence Packaging
1. Original seals will not be broken or altered.
  2. When a package is opened, it will be done in an area that is not sealed.
  3. If a package has been opened and re-sealed to the point that it cannot be re-sealed in a new area, the evidence will be packaged in new packaging. The original packaging will be placed inside the new packaging.
- K. Bulky items will be labeled with tags as evidence, found, or safekeeping.
- L. Sexual assault, strangulation and blood specimen (e.g., DWI) kits will be submitted to the CMPD Property and Evidence Management Division without further packaging. Sexual assault and strangulation kits can be submitted to the evidence lockers. DWI kits must be submitted to the evidence refrigerator or the property window located at CMPD headquarters.
1. Tape provided by the CMPD Property and Evidence Management Division will be placed over the existing seal on the kit.
  2. Employees will initial the area of the kit that was sealed with their initials extending beyond the tape and onto the kit.

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- M. Items with sharp points, edges, or that are otherwise a safety hazard will be packaged according to the packaging manual located on the CMPD Portal Page. All syringes will be packaged in plastic tubes (sharps containers). The CMPD Property and Evidence Management Division will provide these tubes and Bio-Hazard tags to place on the tubes.
1. The tubes will be placed in envelopes and sealed.
  2. Sharp items that are too large for the plastic tubes will be packaged in a cardboard box provided by the CMPD Property and Evidence Management Division employees. Property and Evidence Management personnel can assist and advise on acceptable packaging methods.
- N. Submitting Firearms
1. All seized handguns and long guns will be unloaded and submitted to the property window or the evidence lockers located at CMPD headquarters using the “cardboard box” packaging procedures.
  2. “Steel lined” gun boxes will be used to transport loaded firearms when necessary to support the investigation or maintain the condition of the firearm without unloading the ammunition. Sworn employees must consult with a Crime Scene Search (CSS) supervisor prior to submitting a loaded firearm. “Steel lined” gun boxes are available by contacting a CSS supervisor.
  3. Except as noted above, sworn employees will ensure that all firearms are unloaded prior to submitting them to the CMPD Property and Evidence Management Division.
  4. Ammunition and magazines packaged with a firearm shall be listed as a separate item in PLIMS and must have a separate item number. These items must be placed in a container in PLIMS along with the firearm.
  5. Sworn employees will not remove live ammunition from magazines.
- O. Submitting drugs
1. Due to the dynamic nature of illegal drugs, employees will follow the current packaging standards as published in the CMPD Evidence Packaging Manual located on the CMPD Portal Page:  
[Evidence Packaging Manual](#)
  2. Do not package multiple drug types in a single envelope. They must be packaged and labeled separately.
  3. If multiple drug items of the same type (e.g., ten (10) “crack rocks”) are determined to be one item, they must be packed together as one (1) item.

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4. If drugs are being submitted as separate items, they must be packaged and labeled separately.
  5. All packages containing drugs must include a specific weight in grams or ounces the drug or the number of dosage units (e.g., ten (10) pills, tablets, "rocks," etc.) in the package. Drugs will be weighed prior to being placed in any CMPD evidence packaging.
  6. The responsibility for accurately weighing and/or counting all drugs submitted to the CMPD Property and Evidence Management Division rests solely with the booking employee.
  7. Significant discrepancies in the amount of controlled substances (drugs) seized and the amount reported in PLIMS may result in a criminal and/or internal investigation.
  8. If the seizure includes taxable quantities of controlled substances, the collecting or booking employee shall properly complete as many BD-4 forms (Report of Arrest and/or Seizure Involving Non-tax paid (Unstamped) Controlled Substances) as required (i.e., multiple drugs require multiple forms; multiple co-defendants require multiple forms, etc.), and submit them via e-mail to the Asset Forfeiture Unit within forty-eight (48) hours of the seizure [e-mail address "\_CMPD ASSET FORFEITURE in the Outlook global address list] "Taxable Quantities" of controlled substances are:
    - a. Marijuana – more than 42.5 grams.
    - b. Controlled substance sold by weight – Seven (7) or more grams.
    - c. Controlled substance sold by "dosage unit" – Ten (10) or more dosage units.
  9. The electronic Form BD-4 (Drug Tax Form) is located on the CMPD Portal Page under CMPD forms.
  10. Drugs will not be accepted in luggage, duffel bags, bags with zippers, etc. The drugs must be removed and placed in evidence envelopes, bags, or boxes.
- P. Employees will not inscribe their initials or make any other marks on any type of found or safekeeping evidence (e.g., firearms, silverware, etc.).
- Q. For items other than contraband and evidence, the employee will complete the return to owner disposition process in PLIMS authorizing the release and/or disposition of the property in question. If there are conflicting claims of ownership, the property will be released only upon court order.
- R. Sworn employees who respond to the scene of a natural death, accidental death, murder, suicide, fatal automobile accident, or any personal injury incident in which the victim has been transported from the scene are responsible for securing and collecting

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the victim's personal property of value that is not considered evidence. Personal property of this type will be handled as follows:

1. Property may be left in the custody of an adult relative (spouse, parent, sibling, son, or daughter) present at the scene.
  2. A sworn employee investigating a death at a private residence will secure personal property inside the residence and lock the door if there is no adult relative of the deceased present.
  3. A sworn employee investigating a death at a public or semi-public location (e.g., motel, boarding house, shopping mall, or traffic accident) will secure valuable personal property by entering the item in PLIMS and submitting it to the evidence lockers located at the nearest division office if there is no adult relative present.
- S. Employees (other than the sworn employee in charge of the case) turning in evidence must complete a narrative supplement report in KBCOPS.
- T. Employees are responsible for collecting evidence from hospitals.
1. Employees who receive a call to respond to a hospital should determine upon arrival if any evidence needs to be secured. The employee will complete a property sheet, scan it, and attach it to the case in PLIMS. Employees will keep the original property sheet for their records. The employee will properly document the collection of this evidence in PLIMS.
  2. If the property or evidence requires drying, the employee should contact the CSS supervisor for assistance with the proper drying and packaging procedures.
- U. Sworn employees collecting or seizing evidence, such as stolen merchandise, in which the lawful owner can be readily identified, should photograph that evidence with a CMPD camera (no personal cell phones or cameras will be used) and release it to the owner if the sworn employee is in contact with the owner or the owner is on scene. These items do not need to be entered into PLIMS. The complaint number, address, date, sworn employee name, and code number should appear on a piece of paper in the first photograph for proper documentation. If photographing and releasing the evidence is questionable, the sworn employee should contact a supervisor or an immediate supervisor.

Photographs must include unique identifying features such as store tags, serial numbers, identifying scratches, etc.


Note: This does not apply to illegal drugs or evidence subject to laboratory examination.

1. In addition to taking photographs of the stolen property seized, sworn employees must have the victim sign for the release of any property returned to

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them, and the property release must specifically describe all the property returned.


2. A notation that the property was returned should be made on a property sheet and retained by the sworn employee in charge of the case. The photos will be uploaded into the Digital Evidence Management System (DEMS).
  3. The disposition of evidentiary photographs will be handled in the same manner as other types of evidence.
  4. If the stolen property has conflicting claims of ownership, the sworn employee should make every reasonable effort to resolve the dispute. If a resolution cannot be reached, the property will be seized and will be released only upon a court order. This process does not apply when the property was forcefully taken from the victim resulting in charges involving violence.
- V. All photographs will be uploaded into DEMS, photographs and other electronic media are not to be added as an attachment in KBCOPS. Videotapes and electronic media not including crime scene digital images stored in DEMS that contain evidence, such as a diskette, compact disc (CD), or digital video disc (DVD), will be turned into the CMPD Property and Evidence Management Division for storage. The media will be placed in a small evidence envelope, sealed, and marked appropriately. The disposition of evidentiary electronic media will be handled in the same manner as for other types of evidence.
- W. Employees will not submit any item which is highly flammable, extremely toxic, explosive, or items which contain highly flammable, extremely toxic, or explosive substances (e.g., gasoline, chemicals, etc.) except:
1. Ammunition submitted as evidence found, safekeeping, or evidence from fire scenes will be accepted by the CMPD Property and Evidence Management Division if submitted in approved storage containers.
  2. Items that contain gasoline, such as lawnmowers, lawn equipment, etc., or flammable materials will not be submitted at the window of the CMPD Property and Evidence Management Division. During operating hours, a Property and Evidence Management Technician will accompany the employee to the parking area to check in these items. After operating hours, these items must be submitted to the evidence cage. Employees should use their judgment in deciding to transport these items if they are leaking or if placing them in a vehicle would cause them to leak.
- X. Perishables, such as food items, shall be photographed and processed on scene when applicable. Documentation shall be made in the KBCOPS report explaining why the item was not collected.

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1. Prior to any perishable evidence being submitted into the custody of the CMPD Property and Evidence Management Division, the investigative unit supervisor must contact the Property and Evidence Management Lieutenant.
  2. Coordination must be made within twenty-four (24) hours to have the perishable item processed or sent to the appropriate laboratory for processing.
  3. Edible drug evidence only designated for refrigeration/freezing:
    - a. Edible drugs will be weighed and photographed.
    - b. A large quantity of edible drugs will be packaged as two (2) separate items with separate weights for each:
      - 1) Item #1 will be a small sample of the drug put into a 6 x 9 or 10 x 13 envelope. This item will be submitted with a lab analysis request.
      - 2) Item #2 will contain the remainder of the edible drugs. This item will be immediately set for disposal and sent to a supervisor for approval.
- Y. All shoplifting evidence will be photographed with a CMPD camera (no personal cell phones or other cameras will be used) and returned to the retailer. The photographic evidence will then be uploaded into DEMS. The CMPD Property and Evidence Management Division will not accept shoplifting evidence without prior approval of the lieutenant assigned to the Property and Evidence Management Division. Photographs must include unique identifying features such as store tags, serial numbers, identifying scratches, etc.
- Z. Outside agencies submitting property to the CMPD Property and Evidence Management Division will complete a paper property sheet. This sheet will be turned into the on-duty Property and Evidence Management technician, who will enter the items into the PLIMS and scan the property sheet into the system. No KBCOPS report is required for outside agencies. There is a separate function within PLIMS to accommodate the impounding of items from agencies other than CMPD.


## V. REFERENCES

700-002 Evidence Management  
700-003 Found Property  
700-004 Release of Property  
700-005 Disposition and Release of Evidence in Non-Productive Cases  
700-006 Laboratory Analysis of Evidence  
CMPD Exposure Control Plan  
CMPD Property Packaging Manual  
CALEA

<b>POLICE</b>	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-001</b>
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The previous version of Directive 700-001 Submitting Impounded Property was published on 7/12/2019.



	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-002</b>
	<b>Interactive Directives Guide</b>		<b>Evidence Management</b>
	<b>Effective Date: 8/30/2023</b>		<b>1 of 3</b>

## I. PURPOSE


This policy establishes guidelines for the management of evidence once it has been submitted to the Charlotte-Mecklenburg Police Department (CMPD) Property and Evidence Management Division.

## II. POLICY

Only authorized personnel will have access to the Property and Evidence Management Division's evidence and property storage areas and rooms.


## III. PROCEDURE

- A. The responsibility of the impounding employee for the handling and disposition of evidence ceases at the time it is properly documented on a KBCOPS supplement report and the evidence is submitted to the Property and Evidence Management Division. The disposition of the evidence becomes the responsibility of the assigned sworn employee.
- B. The assigned sworn employee in PLIMS is synced with the assigned sworn employee in KBCOPS. If the assigned sworn employee in KBCOPS is changed, the sworn employee will change in the related PLIMS case, and the new sworn employee will be responsible for the disposition of the property related to that case.
- C. If someone other than the assigned sworn employee adds an item to a PLIMS case, the assigned sworn employee will receive an email notification that an item has been added to their case.
- D. The assigned sworn employee will receive an email notification when the disposition of an item requires a retention review.
- E. After reviewing the available evidence, the assigned sworn employee will have the discretion to do one of the following:
  1. Release or dispose of the evidence.
  2. Complete a Crime Laboratory Evidence Analysis Request Form to forward the evidence to the Crime Lab Division for analysis.
  3. Hold the evidence pending further developments in the case.
- F. Evidence may be released or disposed of only by the assigned sworn employee. Evidence in felony cases that have been papered will be disposed of as directed by the Prosecution Disposition Form, which the District Attorney's Office forwards to the assigned sworn employee or the Property and Evidence Management Division once the case is completed.
  1. Release of evidence is accomplished by completing an appropriate status change for the item in PLIMS.
  2. A court order authorizing the destruction of evidence used in the prosecution of a court case may be obtained by the assigned sworn employee so that the

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evidence can be destroyed. The assigned sworn employee will attach a copy of the court order to the PLIMS case prior to submitting the “ready to dispose” status change request to their supervisor.

3. Non-contraband property with evidentiary value (i.e., property seized as evidence but never introduced in court): Once it has been determined by the assigned sworn employee that no prosecution will or should ensue, the property will be released to the rightful possessor. If the entitled person does not claim the property, it will be disposed of properly.
  4. When the status change is initiated by a Prosecution Disposition Form, the assigned sworn employee or a Property and Evidence Management Division employee making the status change request will attach the Prosecution Disposition Form to the appropriate PLIMS case.
- G. In coordination with the Police Attorney’s Office and pursuant to N.C.G.S § 90-112, CMPD is permitted to use seized or forfeited controlled substances, weapons, or explosives for investigative or training purposes.
  - H. All items entered in PLIMS will be given an initial disposition status. This is based on the type of crime and type of item. Once that initial disposition time has expired, the investigator assigned to the case will receive an e-mail notification that a review needs to be done on that item. If the property is to be returned to the owner, it must be of sufficient value so that the owner will want to reclaim it. Contraband may not be returned to the original owner.
  - I. Whenever an item of property is subject to conflicting claims of ownership, the property may not be released in the absence of a court order.
  - J. Fingerprints turned in to the Property and Evidence Management Division will be released to the Crime Lab Division. A property technician will transfer custody of the prints to a representative of the crime lab. Fingerprint evidence will not be subject to disposition and will be kept indefinitely.
  - K. Firearms and fired/discharged ammunition evidence will be turned into the Property and Evidence Management Division in adherence with Directive 700-00, Submitting Impounded Property. The sworn employee in charge of the case will submit a service request in PLIMS. The request will be submitted to the Crime Lab Division for review. Applicable firearms and ammunition evidence (discharged cartridge cases and fired bullets) are required for entry into the Integrated Ballistic Identification System (IBIS).
  - L. Sexual assault evidence kits impounded as part of a sexual assault investigation will be retained and submitted for laboratory analysis. The sworn employee in charge of the case will submit a service request in PLIMS for the evidence to be analyzed by the Crime Lab Division. Note: This does not apply to anonymous sexual assault kits, as they are impounded as found property, not evidence.

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Sexual assault evidence kits attached to a criminal investigation will be retained indefinitely due to their evidentiary value and may not be destroyed, even after the case is closed.

- M. Case file items may be checked out to the case file. Items checked out to the case file will show as disposed from PLIMS. The name, assignment, and signature of the sworn employee taking custody of the items will be recorded in PLIMS.
- N. Transferring Evidence from Storage to Court


When it is expected that evidence taken from the Property and Evidence Management Division will be held by the court, the following procedure will be followed:

1. After the sworn employee obtains custody of evidence from the Property and Evidence Management Division, the property technician transferring the item will print the Property and Evidence Out to Court Form. This document will be given to the sworn employee transporting the evidence and the document to court.
2. If the items are held in evidence, the sworn employee will have the presiding judge, the clerk of court, or the district attorney sign the Property and Evidence Out to Court Form indicating which items are being held.
3. The sworn employee will return the signed Property and Evidence Out to Court Form to the Property and Evidence Management Division.
4. The property technician receiving the document will place it in the supervisor's mailbox. The supervisor will then process the document and attach it in PLIMS.

#### IV. REFERENCE

700-001 Submitting Impounded Property  
700-006 Laboratory Analysis of Evidence  
[N.C.G.S § 90-112](#)  
CALEA

The previous version of Directive 700-002 Evidence Management was published on 11/01/2022.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-003</b>
	<b>Interactive Directives Guide</b>	<b>Found Property</b>	
	<b>Effective Date: 4/6/2021</b>		<b>1 of 2</b>

I. PURPOSE

The purpose of this directive is to establish a procedure for how found property is submitted to the Property and Evidence Management Division of the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY


To establish procedures for the handling and disposition of found property in the possession of CMPD.

III. DEFINITIONS

- A. Found Property: Non-evidentiary property in the custody of CMPD that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.
- B. Property for Safekeeping: Non-evidentiary property placed into temporary custody of CMPD for the purpose of safeguarding for a rightful owner. Property for which the rightful owner is known at the time the property is impounded will be categorized as “Safekeeping” in the PLIMS.
- C. PLIMS: The Property & Laboratory Information Management System (PLIMS) is the electronic system used by CMPD for documenting all property. It will track the Chain of Custody from intake, laboratory examination and disposition of all property in CMPD custody.

IV. PROCEDURE


- A. When submitting an item to the Property and Evidence Management Division as found property, it will be entered into PLIMS. An employee will determine if an item has potential value for the average person. Items which are worthless, or which appear to have been discarded should not be impounded.
- B. Illegal drugs found by an employee will be submitted to the Property and Evidence Management Division and should be destroyed as soon as possible, unless it has evidentiary value.
- C. Found property will be returned to the owner if the owner is known and can be located, with the exception of illegal drugs or contraband.
- D. Found property that remains unclaimed for a period of sixty (60) days will be disposed of pursuant to G.S. § 15-14.1. Found firearms that remain unclaimed for a period of one hundred eighty (180) days will be disposed of pursuant to G.S. § 15-11.2.
- E. All found or otherwise recovered unregistered motorcycles, ATVs, and mopeds will be turned in to the Property and Evidence Management Division if the officer is unable to determine ownership at the time of recovery. The officer will request Communications

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to dispatch a zone wrecker, which the officer will accompany to the Vehicle Evidence Lot to store and secure the vehicle.

V. REFERENCE

- 700-001 Submitting Impounded Property
- 700-004 Release of Property
- N.C.G.S. 15-14.1
- S.L. 2002-92
- N.C.G.S. 15-11.2
- This policy was last effective on 6/26/2019

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-004</b>
	<b>Interactive Directives Guide</b>	<b>Release of Property</b>	
	<b>Effective Date: 9/27/2023</b>		<b>1 of 2</b>

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) regarding releasing impounded property to the proper owner.

II. POLICY


CMPD will release impounded property when it is no longer required to be held to the rightful entity pursuant to established procedures and legal requirements.

III. DEFINITIONS

- A. Impounding Officer: The sworn employee responsible for collecting and submitting evidence.
- B. Investigating Officer: The sworn employee assigned to the case in KBCOPS and responsible for the property's disposition.
- C. Property & Laboratory Information Management System (PLIMS): The electronic system used by CMPD for documenting all property, including tracking the chain of custody from Intake, laboratory examination, and the disposition of all property in CMPD custody.

IV. PROCEDURE

- A. For evidence to be released, the Property and Evidence Management Division must have authorization for property release, a status change in PLIMS approved by a supervisor, or an associating document signed by a district attorney or judge. The release of found and/or safekeeping property requires a status change of ready to release to the owner in PLIMS and does not require a supervisor's approval.
- B. The sworn employee's supervisor is responsible for reassigning property impounded by/or assigned to a sworn employee who has separated from CMPD.
- C. When possible, the impounding officer should give the person to whom the property is to be released the complaint number of the case under which the property is filed.
- D. For found property or evidence, the investigating officer or impounding officer is responsible for making a reasonable attempt to determine the owner's name and complete address (i.e., checking serial numbers in NCIC, talking to witnesses, etc.), entering the information in PLIMS, determining the correct owner/person who should receive found property or evidence, and entering final dispositions into PLIMS.
- E. Firearms and fired evidence should not be released or destroyed until all analyses and investigations are complete or it becomes legally necessary.
- F. The Property and Evidence Management Division will ensure that the final disposition for found, recovered, and evidentiary property entered in PLIMS by the investigating officer is accomplished within six (6) months after legal requirements have been satisfied.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-004</b>
	<b>Interactive Directives Guide</b>		<b>Release of Property</b>
		<b>Effective Date: 9/27/2023</b>	<b>2 of 2</b>

V. REFERENCE


700-001 Submitting Impounded Property

700-002 Evidence Management

700-003 Found Property

700-005 Disposition and Release of Evidence in Non-Productive Cases

The previous version of Directive 700-004 Release of Property was published on 10/23/2020.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-005</b>
	<b>Interactive Directives Guide</b>		<b>Disposition and Release of Evidence in Non-Productive Cases</b>
	<b>Effective Date: 9/27/2023</b>		<b>1 of 2</b>

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) regarding dispositions and release of evidence in non-productive cases.

II. POLICY

CMPD will complete the proper disposition of items in felony and misdemeanor cases that are of no value to the investigation and the disposition of items where a suspect has not been timely identified in misdemeanor cases.


III. DEFINITIONS

- A. Investigating Officer: The sworn employee assigned to the case in KBCOPS and responsible for the disposition of the property.
- B. Property & Laboratory Information Management System (PLIMS): The electronic system used by CMPD for documenting all property, including tracking the chain of custody from Intake, laboratory examination, and the disposition of all property in CMPD custody.

IV. PROCEDURE

- A. Evidence should be disposed of when it becomes apparent that the evidence held has no value and will not contribute to the investigation using the following criteria:
  - 1. The evidence in question could not specifically identify a suspect.
  - 2. No suspect has been developed, and there is no likelihood that one will be developed.
  - 3. No circumstances exist which would justify retaining the evidence.
  - 4. The investigating officer or their supervisor concurs with the decision to dispose of evidence.
  - 5. Once it is determined that the property is of no value to the case, the property in question will be released to the rightful possessor, excluding contraband or illegal items that must be destroyed. If the property is not claimed by the person entitled, the items will either be disposed of or advertised and sold at an auction.
- B. Misdemeanor evidence collected in cases where no suspect is known can be disposed of after three (3) years.
- C. Misdemeanor evidence (excluding misdemeanor evidence from DWIs, domestic violence, misdemeanor death by vehicle, and sexual assaults) in cases dismissed with leave can be disposed of after five (5) years.
- D. Several qualifications for the release of evidence are applicable at all times:




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	<b>Interactive Directives Guide</b>	<b>Disposition and Release of Evidence in Non-Productive Cases</b>	
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1. Exceptions can be made in any case when reason exists for keeping evidence longer than the prescribed time.
  2. Fingerprint evidence will not be subject to disposition and will be kept indefinitely.
- E. The Property and Evidence Management Division will ensure that the final disposition for found, recovered, and evidentiary property entered in PLIMS by the investigating officer is accomplished within six (6) months after legal requirements have been satisfied.

V. REFERENCES

700-002 Evidence Management  
700-004 Release of Property  
700-006 Laboratory Analysis of Evidence  
March 30, 2017, Memorandum from District Attorney Andrew Murray titled "RE: Handling of Misdemeanor Evidence."

The previous version of Directive 700-005 Disposition and Release of Evidence in Non-Productive Cases, was published on 08/16/2023.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-006</b>
	<b>Interactive Directives Guide</b>	<b>Laboratory Analysis of Evidence</b>	
		<b>Effective Date: 11/1/2022</b>	<b>1 of 5</b>

## I. PURPOSE

This directive establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees requesting forensic analyses of physical evidence from the Crime Lab Division in order to provide evidence integrity, continuity, and documented chain of custody.


## II. DEFINITIONS

- A. AFIS – NGI: The Automated Fingerprint Identification System (NC) and the (NGI) Next Generation Identification (FBI) are systems that provide automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses. These systems allow the CMPD Crime Lab Division to quickly search for potential contributors of latent fingerprint impressions.
- B. Buccal swab: Known cheek scraping collected from an individual relevant to the case submitted as either a suspect standard or for elimination purposes.
- C. Combined DNA Index System (CODIS): The FBI managed database of DNA profiles, including casework and convicted offender samples.
- D. Elimination Standard: Known DNA sample from an individual other than the suspect that could potentially be linked to a crime scene or evidence item.
- E. Integrated Ballistic Identification System (IBIS): IBIS is the equipment that is used to acquire digital images of discharged cartridge casing for correlation in the NIBIN.
- F. Investigating Officer: The sworn employee assigned to the case in KBCOPS who is responsible for the disposition of the property.
- G. National Integrated Ballistic Information Network (NIBIN): NIBIN is the database of digital images maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).
- H. Property and Laboratory Information Management System (PLIMS): PLIMS is the electronic system used by the Charlotte-Mecklenburg Police Department for documenting all property. It will track the chain of custody from intake, laboratory examination, and disposition of all property in CMPD custody.
- I. Touch DNA (or contact DNA): Evidence that has no identifiable body fluid and could contain DNA only as a result of touching an item with the skin.

## III. PROCEDURE

For the purpose of this directive, the “investigating officer” will be defined as the person assigned as the primary investigator as indicated in the KBCOPS case assignment history.

- A. The investigating officer may request laboratory analysis by properly completing the service request function in the PLIMS application.
- B. All evidence shall remain in the Property and Evidence Management Division until requested by Crime Lab Division personnel.
- C. Sexual Assault Cases

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1. The first submission in sexual assault cases will be limited to the sexual assault evidence kit and any associated known standards, if applicable.
2. If the kit produces a DNA profile foreign to the victim, no additional items will be accepted for DNA testing unless case circumstances (such as multiple suspects or the DNA detected is attributable to a consensual partner) dictate the need for additional processing.
3. If the kit is negative, additional items such as clothing or bedding may be submitted in a separate request.
4. Depending on case circumstances, additional evidence items may be submitted as part of the initial request after consultation with the CMPD biology section staff.

D. Touch DNA (or Contact DNA)

1. Touch DNA evidence will be processed only in violent crime cases. Exceptions may be made with prior approval for cases of significant interest to the department and cases that are part of a series or suspected of being related (same suspect(s), MO, date/time, location, or other factors). Evidence other than touch items will be considered for testing prior to accepting touch DNA samples if available.
2. Touch evidence in violent crimes will be considered after consultation with the investigating officer.
3. Elimination standards from all victims and individuals with access to the area where the touch DNA sample was taken must be submitted prior to touch evidence being tested for DNA.
4. Swabs from public areas or areas where all known individuals with access to that area cannot be eliminated will not be tested for touch DNA due to the high likelihood of mixtures with limited or no identification value.

E. DNA Testing in Firearms Related Cases

1. Requests for DNA testing in non-violent firearms related cases will be reviewed by the CMPD Firearms Enforcement Unit. Requests in cases where possession of the firearm is in question will be placed in a hold status until the CMPD Crime Lab Division is notified by the supervisor of the CMPD Firearms Enforcement Unit to proceed with DNA testing. The CMPD Firearms Enforcement Unit will evaluate factors such as the involvement of prolific offenders, criminal history, and the likelihood of prosecution when determining which cases will go forward with DNA testing.
2. The gun and magazine are the only items that will be processed in possession cases. Ammunition will not be tested for DNA in non-violent crimes since possession of live ammunition alone will not result in criminal charges.
3. Items taken from an individual will not be processed when possession of the item is not in question or possession can be established by other means such as an eyewitness account or video.

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F. Fired Evidence

1. Fired evidence will not be processed for DNA, except in homicides when there is no other evidence to identify a suspect or link an individual to the scene or when the circumstances of a homicide case dictate.
2. A meeting with a CMPD biology section supervisor is required to review the evidence prior to accepting a request to test DNA on discharge cartridge cases. Coordination with the CMPD Firearms Section may be required.


G. Combined DNA Index System (CODIS) Submissions

1. Unknown DNA profiles developed as a result of DNA testing must meet the following criteria in order to be entered into CODIS:
  - a. The profile must originate from and/or be associated with a crime scene;
  - b. There must be a direct link between the evidence being tested and a suspect.
2. The following are not eligible for CODIS entry:
  - a. Victim profiles;
  - b. Profiles from individuals expected to be linked to a scene or item (i.e., homeowners, family members, items removed from a person);
  - c. Items retrieved from a person or a person's property when the intent is to link that person to the item;
  - d. Possession of firearm by felon cases. DNA profiles from possession cases can be compared to known standards but cannot be submitted to CODIS.
3. The submitting officer must provide sufficient information regarding the origin of the evidence items for the lab to make a determination regarding CODIS eligibility using the criteria above.
4. CODIS eligibility of potential DNA samples will be considered when evaluating whether or not a request will be accepted for DNA testing, especially in cases where no suspect has been identified or when DNA testing (and the resulting CODIS entry) is intended to provide an investigative lead.
5. If a CODIS match is made, the CMPD Crime Lab Division will request a known standard from that individual for comparison to the evidentiary DNA profiles. This allows the Crime Lab Division to directly compare the individual's known profile to the profile from the evidence item. The CMPD Crime Lab Division does not have access or chain of custody rights to any DNA profiles that were generated by the North Carolina State Crime Lab.

H. Latent fingerprints shall be submitted daily by the Property and Evidence Management Division. Latent fingerprints of value shall be maintained or archived by the Latent Prints Section.

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1. Latent prints received are evaluated as to their quality upon receipt. All AFIS quality latent prints are searched in the State AFIS as they are received. If a suspect is identified, the submitting officer will receive an identification report via email link, usually within several days after the prints are received. Notifications of AFIS entries with negative results will have an AFIS Entry Search Record form attached to the Case file in PLIMS. A service request is not required to evaluate and enter AFIS quality prints. In general, NGI searches will be limited to violent crimes.
  2. Officers may submit a direct comparison request to compare latent prints of value to a known suspect if the suspect has a PID or State ID number. Those individuals without numbers cannot be compared unless they are brought in and submit elimination prints or known standards are obtained by the investigating officer.
  3. Physical evidence may be submitted for latent print processing. Drug evidence processing requests must come from the District Attorney's Office or directly from the Narcotics Unit.
- I. Tests from applicable firearms and applicable discharged cartridge cases will be entered in the Integrated Ballistic Identification System (IBIS)/National Integrated Ballistic Information Network (NIBIN). A service request is not required for IBIS/NIBIN entry (exceptions noted below).
1. IBIS/NIBIN entry will be automatic for semiautomatic firearms chambered for 380 Auto, 9mm Luger, .40 S&W, and .45 Auto calibers. Semiautomatic pistols chambered for other calibers not previously noted, semiautomatic rifles chambered for 7.62x39mm Russ and 223 Rem calibers, and 12 Gauge shotguns can also be submitted for IBIS/NIBIN entry but will require a service request.
  2. Officers must submit a service request for firearms that are evidence in homicide, sexual assaults, robbery, ADW with injury, OIS cases, or when a direct comparison to fired evidence is needed.
  3. Discharged cartridge casings of applicable calibers submitted as evidence in shooting incidents (e.g., SIOD, DTP, ADW) will automatically be screened by the Firearms Section. Suitable representative samples will be submitted for IBIS/NIBIN inclusion. Cases in which the same caliber firearm is included will be the exception and will require a service request for analysis.
  4. Notifications of IBIS/NIBIN entries will be attached to the case information tab in PLIMS.
  5. The investigating officer will receive a report via email link of any association made due to IBIS/NIBIN searches.
- J. The investigating officer must provide as much information as possible about the relationship of the evidence to the facts of the case and what needs to be established through evidence analysis. This information is entered into PLIMS in the request field of the service request function.


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- K. Crime Lab Division analyst may contact the investigating officer to obtain clarification or additional information regarding evidence analysis.
- L. Case priority, analytical procedures, processing sequence, techniques, and methodology, shall be determined by a Crime Lab Division analyst or supervisor. See the Crime Lab Priority SOP for requests to expedite testing.
- M. The chain of custody of evidence is tracked through the PLIMS application.
- N. The investigating officer shall immediately notify the Crime Lab Division, followed by a written supplement or e-mail, if for any reason a requested laboratory analysis becomes unnecessary or if there are changes in the case, which should modify, terminate or expedite laboratory work already in progress.

IV. REFERENCES

- 700-001 Submitting Impounded Property
- 700-002 Evidence Management
- 700-003 Found Property
- 700-004 Release of Property
- 700-005 Disposition and Release of Evidence in Non-Productive Cases
- Crime Lab Priority SOP
- The DNA Identification Act of 1994 (34 U.S.C. §12592)
- National DNA Index System (NDIS) Operational Procedures
- FBI's Quality Assurance Standards for DNA Testing Laboratories

The previous version of Directive 700-006 Laboratory Analysis of Evidence was published on 8/2/2019.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-007</b>
	<b>Interactive Directives Guide</b>	<b>Property Seized from Pawn Shops</b>	
		<b>Effective Date: 11/21/2022</b>	<b>1 of 3</b>

I. PURPOSE

To establish Charlotte-Mecklenburg Police Department (CMPD) guidelines for the lawful seizure and disposition of property confiscated as evidence from a pawn shop.


II. POLICY

Property (i.e., voluntarily or involuntarily impounded or seized) from a pawn shop will be seized only when there is probable cause to believe it is evidence of a crime. All property seized from a pawn shop will be submitted to the Property and Evidence Management Division for storage according to the terms and provisions of this directive and in Directives 700-001, Submitting Impounded Property, and 700-002, Evidence Management.

III. PROCEDURE

A. Seizure of Pawn Shop Evidence

1. Sworn employees considering impounding evidence from a pawn shop must have probable cause to believe the property is evidence of a crime, as indicated by one of the following:
  - a. A positive identification of the property by the victim of a reported crime; or
  - b. Identifying information connecting the property in the pawn shop to a particular crime, such as a serial number or other identifying marks; or
  - c. Information connecting a particular suspect pawning the property to a particular crime.
2. The investigating sworn employee with probable cause to seize an item from a pawn shop as evidence of a crime will direct the victim or reporting person not to be present at the pawn shop when evidence is impounded. A victim or reporting person will be advised that property seized from a pawn shop is held by the department as evidence in a criminal case and will be released pursuant to the terms and conditions of this directive.
3. Under certain limited circumstances an investigating sworn employee may utilize a "Hold" procedure. The "Hold" procedure is a voluntary agreement between the department and the pawn shop to hold an item for thirty (30) days at the pawn shop prior to selling it. At the end of the thirty (30) days, the item(s) will be released. The following examples are provided as appropriate circumstances for utilizing the voluntary "Hold" procedure:
  - a. The sworn employee has probable cause to seize the property, but the size or weight of the property presents a problem for the department in transporting and storing the property in the Property and Evidence Management Division; or
  - b. The sworn employee does not have probable cause to seize the property at this time but has at least reasonable suspicion to suspect the

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property may be evidence of a crime and that probable cause may develop with an additional thirty (30) days to investigate the case.

4. The investigating sworn employee will ask for the consent of the pawn shop to voluntarily release the property. If the pawn shop voluntarily consents to release the property, a Property Report Form, Consent to Search Form, and an Inventory of Seized Property Form will be completed, and copies of each form provided to the pawn shop representative.
5. If the pawn shop does not voluntarily consent to release the property, the sworn employee will secure a search warrant prior to seizing the property. The search warrant will be executed, and the property impounded as evidence by the officer assigned to the case. A copy of the search warrant, the Property Report Form, and an Inventory of Seized Property Form will be completed, and copies provided to the pawn shop representative.
6. The Pawn Shop Unit will assist investigating officers with impounding property from a pawn shop when requested.
7. During an investigation involving evidence of a pawn transaction, the investigating sworn employee must submit the pawn ticket for fingerprint comparison.
8. If a case is presented for prosecution, the investigating sworn employee will obtain and present a written statement from the pawn shop employee who accepted the property for sale and a copy of the pawn ticket. The written statement must provide the District Attorney with available identifying information about the person who pawned the item. The statement may include a request for restitution from the pawn shop.

#### B. Disposition and Release of Pawn Shop Evidence

1. All property impounded from a pawn shop will be entered into Property and Laboratory Information Management System (PLIMS). Once the property is entered into the system, the system will automatically generate a status for the item.
2. Once it is determined that an item is no longer needed as evidence in a criminal case, the investigating sworn employee will complete a status change in PLIMS of "Ready to Release to Owner" and associate the owner. The property will be released to the owner unless the investigating sworn employee determines there is evidence of fraud on the part of the owner reporting the crime, there is a court order directing the disposition of the property to another person, or the victim refuses to prosecute the suspect. Property seized from a pawn shop will be held by the department for 90 days from the date of the pawn unless there is a court order specifying an earlier date to release the property. Property seized from a pawn shop as evidence of a crime will be released as follows:
  - a. Property seized from a pawn shop and held as evidence in a felony prosecution.



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When a felony case is presented for felony screening, the sworn employee presenting the case shall request the Assistant District Attorney papering the case to authorize the release of the evidence per departmental policy on the District Attorney Property Disposition Form (A-73-PD). Before completing a status change of ready to release to an owner in (PLIMS), the sworn employee papering the case will photograph the property and maintain copies of the photographs as evidence per directive 700-001; or

- b. Property seized from a pawn shop and held as evidence in a misdemeanor prosecution.

If a warrant is signed for the prosecution of a misdemeanor crime, the sworn employee in charge of the case will request the District Attorney's Office to authorize the release of the property per departmental policy pending the final disposition of the case. Prior to completing a status change of ready to release to an owner in PLIMS, photographs will be taken and maintained as evidence per directive 700-001.

- c. Property seized from a pawn shop and held as evidence for a time period of 90 days in PLIMS will be released if no suspect has been identified to prosecute for a crime involving the property.
- d. After 90 days, if a sworn employee assigned to investigate a crime involving property seized from a pawn shop has not identified a suspect to charge with the crime, the sworn employee will request a status change in PLIMS of ready to release to an owner and send it to an immediate supervisor for approval.

C. Enforcement of the Pawn Shop fingerprint ordinance.

- 1. Violations of the ordinance are to be referred to the Pawn Shop Unit for investigation.
- 2. The Pawn Shop Unit will document alleged violations of the Pawn Shop fingerprint ordinance in KBCOPS.

D. Retention schedule for pawn tickets

Pawn tickets will be retained by the Pawn Shop Unit for one year.


III. REFERENCES

700-001 Submitting Impounded Property

700-002 Evidence Management

Charlotte, North Carolina Code of Ordinances Chapter 15, Article I, Section 15-25 - Fingerprinting required in all pawn transactions

The previous version of Directive 700-007 Property Seized from Pawn Shops was published on 11/16/2018

	<b>Charlotte-Mecklenburg Police Department</b>		<b>700-008</b>
	<b>Interactive Directives Guide</b>		<b>Currency/Asset Forfeiture</b>
			<b>Effective Date: 10/31/2022</b>

I. PURPOSE


This policy establishes guidelines on how seized currency is impounded into the Property and Evidence Management Division of the Charlotte-Mecklenburg Police Department (CMPD) and establishes the steps necessary for the evidence to be considered for forfeiture by state or federal agencies.

II. POLICY

Sworn employees with CMPD are authorized to seize currency and other items of value as evidence of a crime. After the evidence has been impounded, the Asset Forfeiture Unit will review the case and determine if the items of value are eligible for forfeiture by various federal agencies or seizure by the North Carolina Department of Revenue for payment of unauthorized substance tax assessments.

III. DEFINITIONS

- A. Property: Items that are not legally owned by CMPD, which are seized, collected, turned over, or held in CMPD custody for the purpose of safekeeping, investigation, forfeiture, or identification.
- B. Chain of Custody: The chronological documentation, showing the seizure, custody, control, transfer, analysis, and disposition of physical or electronic evidence.
- C. Found Property: Non-evidentiary property in the custody of a law enforcement agency that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.
- D. Property & Laboratory Information Management System (PLIMS): The electronic system used by CMPD for documenting all property. PLIMS will track the chain of custody from intake, laboratory examination, and disposition of all property in CMPD custody.
- E. Property for Safekeeping: Non-evidentiary property placed into temporary CMPD custody for the purpose of safeguarding for a rightful owner. Property, where the rightful owner is known at the time the property is impounded, will be categorized as "Safekeeping" in PLIMS.
- F. Evidence: Any item seized as part of a criminal investigation.
- G. Collecting Officer: The sworn employee responsible for the physical collection and packaging of property.
- H. Booking Officer: The sworn employee responsible for the data entry and documentation of the collected property, as well as the physical act of turning over the property to the Property and Evidence Management Division.
- I. Investigating Officer: The sworn employee assigned to the case in KBCOPS. This sworn employee is responsible for the disposition of the property.

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- J. Service Requests: A function of PLIMS where the investigator assigned to the case submits lab requests for items that need to be analyzed.
- K. End of Tour of Duty: The end of the booking sworn employee's shift on the day the evidence is seized.
- L. Unauthorized Substance Tax: An excise tax on controlled substances (marijuana, cocaine, etc.), illicit spirituous liquor ("moonshine"), mash, and illicit mixed beverages. The tax is due by any individual who possesses an unauthorized substance upon which the tax has not been paid, as evidenced by a stamp.


#### IV. PROCEDURE

##### A. Currency Amounts


1. Less than one thousand dollars (\$1000) impounded or seized under any circumstances by employees:
  - a. Will be entered into PLIMS and secured in the evidence lockers located at the nearest division office or the Property and Evidence Management Division for storage no later than the end of the tour of duty during which it is impounded.
  - b. Require that the currency be recounted and verified by a second sworn employee or supervisor. The verifying sworn employee or supervisor will be prompted to enter their code number and password in PLIMS.
2. One thousand dollars (\$1,000.00) or greater impounded or seized under any circumstances by employees:
  - a. Will be entered into PLIMS and secured in the Property and Evidence Management Division window or the safe located in the evidence locker area at CMPD Headquarters.
  - b. Require that the currency be recounted and verified by a supervisor or unit commander. The verifying supervisor will be prompted to enter their code number and password in PLIMS.

##### B. Under no circumstances will an employee store impounded property in a location other than the evidence lockers or Property and Evidence Management Division.

1. Cash, currency, and other negotiable instruments will be impounded as "Evidence," "Found," or "Safe Keeping".
2. Cash, currency, and other negotiable instruments shall never be impounded for "Asset Forfeiture" or for payment of the North Carolina Unauthorized Substances Tax ("drug tax") law.

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- a. State law provides that only an agent of the North Carolina Department of Revenue or a Sheriff may collect Unauthorized Substance Tax assessments.
- b. CMPD sworn employees are not authorized to seize money from individuals for payment of any outstanding unauthorized substances (drug) tax assessments.
3. The responsibility for accurately counting all currency and coinage entered into PLIMS rests solely with the booking officer and the verifying sworn employee.
4. A currency or coin counter may be utilized to verify the booking officer's count; however, a currency or coin counter shall not be relied upon in place of a hand count.
5. It is required that the counting of all cash (currency and coins) be witnessed by a second sworn employee.
6. Prior to being submitted to the evidence lockers or Property and Evidence Management Division, all:
  - a. Currency
    - 1) Will be separated and grouped together by denomination (i.e. \$1, \$5, \$10, \$20, \$50, and \$100 bills).
    - 2) Will be laid flat and not be folded in any manner.
    - 3) Will be oriented with the facial portraits facing in the same direction.
  - b. Coins (large quantities of mixed denomination)
    - 1) Will be separated by denomination (1¢, 5¢, 10¢, 25¢, 50¢, and \$1 coins).
    - 2) Each denomination of coin will be placed in separate small envelopes (by denomination) within the main evidence envelope.
  - c. The amount of each denomination will be documented in PLIMS, and the total calculated by the sworn employee will be entered.
7. The booking officer will complete all calculations and indicate the total of the cash impounded in the field labeled "Current Value" in PLIMS.
8. Discrepancies in the amount of cash seized and the amount of cash reported in PLIMS, may result in a criminal and/or internal investigation.
9. Foreign currency and coins seized as evidence, found, or safekeeping should be reported as above.

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10. Food stamps, travelers' cheques, and similar items that are not easily negotiated should be handled as any other paper evidence.
  11. Collector's currency and coins, such as proof sets or gold coins that are packaged for display, will be reported in PLIMS as a separate item from other seized cash.
- C. If the currency is seized from more than one individual in the same case, the currency from each individual should be packaged separately and listed as a separate item number in PLIMS. The person from whom the currency was impounded from, the amount impounded from each individual, and the location of the impound should also be documented in KBCOPS.
- D. The Federal Narcotics Task Force supervisor shall be notified when cash, with a drug nexus exceeding \$15,000.00 is seized.
- E. For cases involving seized drugs, if the seizure includes taxable quantities of controlled substances, the booking officer shall properly complete as many BD-4 forms ("Report of Arrest and/or Seizure Involving Non-tax paid (Unstamped) Controlled Substances") as required (i.e., multiple drugs require multiple forms; multiple co-defendants require multiple forms), and submit them electronically via e-mail to the Asset Forfeiture Unit within 48 hours of the seizure at [Assetforfeiture@cmpd.org](mailto:Assetforfeiture@cmpd.org). "Taxable Quantities" of controlled substances are:
1. Marijuana – more than 42.5 grams.
  2. Controlled substance sold by weight – 7 or more grams.
  3. Controlled substance sold by "dosage unit" – 10 or more dosage units.
- F. The electronic Form BD-4 (Drug Tax Form) may be located on CMPD's portal main page under CMPD forms.

## V. REFERENCES

700-002 Evidence Management


700-003 Found Property

700-004 Release of Property

700-005 Disposition and Release of Evidence in Non-Productive Cases

700-006 Laboratory Analysis of Evidence

The previous version of Directive 700-008 Currency/Asset Forfeiture was published on 11/16/2018.

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I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees regarding the use, access, and release of records and other information in the possession of the CMPD and to distinguish public records from confidential information.


II. POLICY

North Carolina law provides that records of criminal investigations and criminal intelligence information are confidential. Certain information is public record with respect to criminal investigations and personnel and is required to be released in accordance with North Carolina law.

All records and information created or collected during the scope of an employee's job duties are the property of the CMPD and are subject to the policies and applicable laws regarding access, release, retention, and destruction as outlined in Directive 800-004, Records Retention and Disposition and as listed below. Employees who edit, alter, erase, duplicate, copy, record, or otherwise create personal copies of CMPD records and information for an unintended purpose and/or without a justified law enforcement purpose will be subject to appropriate disciplinary action.

III. DEFINITIONS

- A. **Public Records:** All documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, elected or appointed public officer or official (State of North Carolina or local government), institution, board, commission, bureau, council, department, authority, or any other unit of government of North Carolina or of any county, unit, special district, or other political subdivision of government.
- B. **CMPD Information:** Any information accessed or maintained by CMPD including personnel information and information generated by other certified law enforcement agencies/government agencies and information available for use by CMPD employees.
- C. **Records of Criminal Investigations:** Records or any information that pertains to a person or group of people that is compiled by public law enforcement agencies for the purpose of attempting to prevent or solve violations of the law, including information or electronic evidence derived from victims or witnesses, laboratory tests, surveillance, detective work, confidential informants, photographs and measurements. Records also include any documents, worksheets, reports, or analyses prepared or conducted by the North Carolina State Laboratory at the request of any public law enforcement agency in connection with a criminal investigation.
- D. **Custodial Agency Recordings:** Any visual, audio, or visual and audio recording captured on a body worn camera (BWC), digital mobile video recording (DMCR),


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traffic/real-time crime center camera (RTCC), or any other video or audio recording device operated by or on behalf of the Charlotte-Mecklenburg Police Department or other law enforcement agency, while carrying out law enforcement duties. This term does not include video or audio recordings created for the purpose of documenting internal investigation interviews, witness interviews, or suspect interrogations. Non-custodial recordings include visual, audio, or visual and audio recordings that are part of internal investigations or are owned by a third party and have been made available to CMPD for crime prevention, crime investigation, or other official law enforcement-related duties.

- E. Records of Criminal Intelligence Information: Records or information that pertain to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent or monitor possible violations of the law.
- F. Personnel Records: An employee’s personnel file consists of any information, in any form, gathered by the City of Charlotte with respect to that employee and may include but is not limited to an employee’s application, selection or non-selection, performance, promotions, demotions, transfers, suspension, and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. The term “employee” includes former employees of the City of Charlotte. This includes disciplinary files (including Response to Resistance materials) maintained in the CMPD Internal Affairs Bureau, Human Resources, or the employee’s assigned division.
- G. 911 Database: Automatic Number Identification (ANI) and Automatic Location Identification (ALI) information that consists of the name, address, and telephone numbers of telephone subscribers, or the email addresses of subscribers to an electronic emergency notification or reverse 911 system, that is contained in a city or county 911 database. An electronic emergency notification, or reverse 911 system, is confidential and is not a public record.

#### IV. PROCEDURE

- A. CMPD employees must observe security measures to maintain the privilege of using available information sources.
- B. The disclosure of criminal record or history information shall be only to members of authorized criminal justice agencies who have an official need for such information and in compliance with the restrictions set forth by the Division of Criminal Information (DCI). Violation of National Crime Information Computer (NCIC) or Division of Criminal Information (DCI) security measures could result in the termination of the CMPD’s participation in Federal and State networks and denial of access to those networks.
- C. Custodial agency recordings and recordings obtained for criminal investigation purposes through partnerships with third parties – e.g., the City of Charlotte Department of Transportation, Charlotte Area Transit System, Charlotte-Mecklenburg Schools, Charlotte Housing Authority, Ring Law Enforcement Portal, SafeBizCharlotte, etc. - are not public records as defined by G.S. 132-1 and G.S. 132-1.4 and are not personnel records as defined in Article 7 of Chapter 126 of the General Statutes, G.S. 160A-168,

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and G.S. 153A-98. These recordings shall be released or disclosed only as provided by Chapter 132 of the General Statutes, GS 132-1.4, and GS 132-1.4A.

## V. ACCESS TO CMPD INFORMATION

Employees may access CMPD information, including police, public personnel information, NCIC, DCI, records made available to the CMPD through partnerships with public or private entities, and any other county or city database only for the intended purpose, on a justified law enforcement basis. Access and subsequent release of such information must be in accordance with all laws and CMPD policies and procedures.


This does not restrict any employee from obtaining information that would be available to any member of the public. However, when acting in a non-law enforcement capacity, the employee must access such information in the same manner and follow the same procedure as a member of the public.

## VI. USE OF INFORMATION


### A. Use and Release of CMPD Information

1. In compliance with, G.S. 132-1.10, personal "identifying information" shall be confidential and not available to the public.
  - a. Identifying information includes an individual's name, address, telephone number, driver's license number, social security number, medical or disability information, biometric data, or any other information that identifies an individual.
  - b. Identifying information shall not include electronic identification numbers, electronic mail names or addresses, internet account numbers, internet identification names, parent's legal surname before marriage, or driver's license numbers appearing on law enforcement records.
2. Employees will not request or run a Computerized Criminal History (CCH) without a justified law enforcement need. Legitimate purposes would be the investigation of an active case or conducting a background investigation for law enforcement employment. Employees will not disseminate CCH to non-criminal justice persons, or criminal justice personnel without an official need.
3. Employees will not request and/or run a Driver's History or DMV inquiry without a justified law enforcement need, nor should employees disseminate Driver's History information unless authorized by CMPD policy or by law.
4. No employee shall collect a Social Security Number (SSN) from an individual unless authorized by law to do so or unless the collection of the SSN is otherwise imperative for the performance of required duties and responsibilities. A collected SSN must be relevant to the purpose for which collected and shall not be collected until and unless the need for the SSN has been clearly documented.



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- a. SSN and other personal identifying information must be segregated on a separate page from the rest of the record.
  - b. When collecting a SSN, employees must provide the person with a statement of the purpose(s) for which the SSN is being collected and used.
  - c. Employees shall not communicate or otherwise make available to the general public a person's SSN or other identifying information unless in accordance with a law enforcement record.
5. Employees will not release local arrest, offense, or warrant information pertaining to a criminal investigation except as a result of a justified law enforcement need, in accordance with proper procedures, or as otherwise required by law as set forth in G.S. 132-1.4 (c).
  6. Employees will not allow citizens to view criminal investigative or criminal intelligence information on any CMPD computer screen or other electronic devices. This information is for law enforcement purposes and is not a public record as set forth in G.S. 132-1.4.
  7. Employees will not make copies of any records, including recordings, for their personal use, will not disseminate records of criminal investigations, including electronic evidence derived from victims, witnesses, or obtained by the CMPD from third-parties, and will not allow others to view, duplicate, record, or otherwise gain access to such records for any reason other than legitimate law enforcement purposes without the approval of a deputy chief. This information is for law enforcement purposes and is not a public record.
  8. Employees working secondary employment should use information systems for law enforcement use on a justified basis only. Employees may provide information considered public record to secondary employers when the information is obtained while off duty and through public access. To secure information considered a matter of public information for secondary employers, sworn employees must complete appropriate forms and follow the same procedures applicable to members of the public.
  9. Employees are not to discuss case details with other employees who do not have a legitimate need for such information.
  10. In instances where CMPD has access to databases, records, recordings, and other information retained by other departments, employees will not provide access to or disseminate this information to others. This information does not belong to CMPD. No access or dissemination should be made of this information unless release is required by law or the information is public record and there is a legitimate law enforcement need.


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11. Employees will not release or disseminate the following to anyone outside of the CMPD: information regarding personnel matters, discipline, administrative changes, or CMPD plans or policies.
  - a. The types of information listed above may be disseminated internally by email (including attachments), video, training, hard copy, and other forms of communication. Regardless of the internal dissemination method, the information therein is for official use only.
  - b. The types of information listed above may not be further disseminated outside of the CMPD unless done so by the CMPD Public Affairs Division in compliance with public records laws and/or city and CMPD policies and procedures regarding the release of information.


**B. Information That May Be Released**

1. Requests for unpublished crime statistics will be referred to the Public Affairs Division. The Public Affairs Division will evaluate the request, respond pursuant to this directive, and consult with the Police Attorney's Office as needed.
2. The Chief of Police or designee will be notified immediately upon requests for the release of sensitive information, such as officer-involved shooting information or in-custody death information.
3. Survey requests from sources/agencies outside CMPD will be referred to the Research & Planning Division for evaluation and response pursuant to this Directive.
4. Requests for information contained in criminal investigation files, including traffic fatalities or any felony offense, should be routed through the Police Attorney's Office. The Police Attorney's Office will determine what, if any, information can be released and under what circumstances.
5. Custodial agency recordings, including those obtained by the CMPD from third-parties, shall only be released as ordered by the court, as required by Chapter 132 of the General Statutes, GS 132-1.4 and GS 132-1.4A, and are subject to availability based on the minimum retention periods outlined by the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, Government Records Section in the Program Records Schedule for Local Government Agencies.
  - a. The Police Attorney's Office shall notify the Public Affairs Director or designee upon receipt of the petition, upon a ruling by the court, and upon receipt of a court order.


The Public Affairs Division will coordinate with the Police Attorney's Office regarding the date and time of release, as ordered by the court.

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- b. The Public Affairs Division will inform the City of Charlotte Communications and Marketing Department of the upcoming release. Communications and Marketing will inform the appropriate city staff members and elected officials.
- 6. In compliance with G.S. 20-166 and the Federal Driver's Privacy Protection Act, DMV-349 Accident Reports can be requested at a division office or the records desk utilizing the CMPD Crash Report Request Form. Requestors must present a government-issued photo ID. Requestors who are requesting the DMV-349 due to non-vehicular property damage will also need to identify a listed exception in order to receive the requested record. All forms submitted at a division office must be forwarded to the Records Management Division.
- C. Information that is considered a Public Record
  - 1. The following types of Public Records can be accessed through CMPD's website. Employees should assist citizens with accessing this information when requested or refer them to [www.CMPD.org](http://www.CMPD.org) to obtain the information themselves:
    - a. Directives
    - b. Original Public Incident Reports
  - 2. Requests for information regarding found or unclaimed property that is scheduled to be sold at public auction will be referred to the CMPD Property & Evidence Management Division.
  - 3. CMPD is required by law to provide all CMPD records considered public records to citizens upon request. However, CMPD may charge a fee for requests that require extensive use of information technology resources or an inordinate amount of media, time, and/or employee resources to collect and disseminate as set forth in G.S. 132-6.2.
  - 4. Public record requests should be submitted through the [City of Charlotte's Public Records Request Form](#), which can be accessed from the homepage of [charlottenc.gov](http://charlottenc.gov). Requests for CMPD records will be routed to the Public Affairs Division. The Public Affairs Division will coordinate with the Police Attorney's Office to estimate the amount of time and CMPD resources required to fulfill the request. The Police Attorney's Office will work with the employee(s), subject matter experts, and/or division(s) who are in possession of and are ultimately responsible for dissemination of the following public records:
    - a. Emails and correspondence that pertain to the transaction of public business.
    - b. The time, date, location, and nature of a violation or apparent violation of the law reported to CMPD.

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- c. The name, sex, age, address, employment, and alleged violation of the law of a person arrested, charged, or indicted.
  - d. The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons, or a pursuit, and a description of any items seized in connection with the arrest.
  - e. The contents of "911" and other emergency telephone calls received by or on behalf of CMPD, except for such contents that reveal the natural voice, name, address, telephone number, or other information that may identify the caller, victim, or witness.
  - f. The contents of communications between or among employees of CMPD that are broadcast over the public airways.
    - (1) Once 911 calls or radio traffic are approved for release, the Public Affairs Division will inform the City of Charlotte Communications and Marketing Department, so the appropriate city staff members and elected officials may be notified.
    - (2) The Public Affairs Division will coordinate the release of the approved recordings.
  - g. The name, sex, age, and address of a complaining witness. CMPD shall temporarily withhold the name or address of a complaining witness if release of the information is reasonably likely to pose a threat to the health or safety of the witness or materially compromise a continuing or future criminal investigation or criminal intelligence operation. These situations include, but are not limited to the following:
    - (1) A complaining witness in reported crimes of rape and sex offenses, crimes of domestic violence, and for any crime when the complaining witness communicates the desire to have his or her name and address remain confidential. If the complaining witness is a juvenile victim, release of identifying information can be made only subject to the restrictions of this directive and State law.
    - (2) CMPD may seek a court order through the Police Attorney's Office to prevent disclosure of the information in circumstances where the release of information, described in the above section VI.B.1-6, would jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future criminal investigation.
5. Employee personnel records
- a. G.S. 160A-168 designates the following present or former employee information as public record:

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- (1) Name;
  - (2) Age;
  - (3) Date of original employment or appointment to the service;
  - (4) The terms of any contract by which the employee is employed, whether written or oral, past and current, to the extent that the City of Charlotte has the written contract or a record of the oral contract in its possession;
  - (5) Current position;
  - (6) Title;
  - (7) Current salary, the term “salary” includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid by the City of Charlotte;
  - (8) Date and amount of each increase or decrease in salary with the City of Charlotte;
  - (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the City of Charlotte;
  - (10) Date and general description of the reasons for each promotion with the City of Charlotte; and,
  - (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the City of Charlotte. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the City of Charlotte setting forth the specific acts or omissions that are the basis of the dismissal.
  - (12) The office to which the employee is currently assigned.
- b. All information contained in a City of Charlotte employee’s personnel file, other than the information designated as public by G.S. 160A-168, is confidential and shall be open to inspection only in the following instances:
- (1) The employee or authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
  - (2) A licensed physician designated in writing by the employee may examine the employee’s medical record.

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- (3) A City of Charlotte employee having direct supervisory authority over the employee may examine all material in the employee's personnel file.
  - (4) The City of Charlotte City Attorney's Office and the CMPD Attorney's Office may examine all material in the employee's personnel file.
  - (5) By order of a court of competent jurisdiction, specified persons may examine such portion of an employee's personnel file as designated by the court.
  - (6) An official of a government agency may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged to assist in a criminal prosecution of the employee or to assist an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file to assist in a criminal investigation.
  - (7) Employees may sign a written release to be placed with their file that permits the custodian of the file to provide specified information to certain specified persons.
  - (8) For a complete list, refer to G.S. 160A-168 (c)
6. Release of any other personnel information must comply with N.C.G.S. 160A-168. Written correspondence provided to complainants in an administrative investigation will be coordinated through the Internal Affairs Bureau and the Police Attorney's Office. When appropriate, the Public Affairs Division will be notified to inform the City of Charlotte Communications and Marketing Department staff and elected officials.
  7. Allowing others to have access to a personnel file or removing, copying, or examining confidential personnel files constitutes a Class 3 misdemeanor. Any person seeking personnel information concerning an employee or former employee will be referred to the Human Resources Manager or designee. The Human Resources Manager or designee will notify the Police Attorney's Office, the Public Affairs Division, and the Internal Affairs Division.


## VII. REFERENCES

600-024 Electronic Recording of Interviews-Interrogations  
800-002 Media Relations  
800-003 DCI Messages  
800-004 Records Retention and Disposition  
18 U.S.C. 2721, *et seq.*

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Public Affairs Unit SOP  
 N.C.G.S. 7B-2901, 7B-3001, 7B-3100  
 N.C.G.S. 14-113.20  
 N.C.G.S. 126 Article 7  
 N.C.G.S. 132-1.4  
 N.C.G.S. 132-1.4 (c)  
 N.C.G.S. 132-1.4A  
 N.C.G.S. 132-1.5  
 N.C.G.S. 132-1.10(b)(5)  
 N.C.G.S. 132-6.2  
 N.C.G.S. 160A-168

The previous version of Directive 800-001 Use of Public Records and Department Information was published on 03/30/2022

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I. PURPOSE

This directive is to provide Charlotte-Mecklenburg Police Department (CMPD) employees with guidelines concerning the release of information to the media across a variety of situations and circumstances, including criminal investigations, crime scenes, departmental policies, and personnel matters. It also guides employees working with the media towards timely and accurate communication.

II. POLICY


The CMPD recognizes that a spirit of cooperation and openness is an essential component in fostering the trust and support of the community it serves. It is generally appropriate to release information unless it would be detrimental to the investigation or prosecution of a crime or is confidential (according to personnel and public records laws). Department employees (who are the appropriate spokespersons on a particular concern) are expected to respond accurately and promptly to media requests for information and shall not represent opinion as fact. Except for routine requests for information, department employees will notify the Public Affairs Director of any media requests they receive.

Any concerns regarding the parameters of this directive encountered by either police personnel or media representatives should be reported in writing to the Public Affairs Director.

III. DEFINITIONS

- A. On-Scene Interview: Short, usually on-camera, interviews conducted by the ranking officer (or designee) at the scene of a crime or other significant incident/event.
- B. Public Records Requests: A request for any documents, emails, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. See Directive 800-001, Use of Public Records and Department Information.
- C. Community/Media Event: Any event organized or sponsored by the CMPD that is designed to attract substantial community and/or media interest; any event organized or sponsored by an outside organization that is designed to attract large crowds (e.g., Speed Street, July Fourth fireworks, etc.).
- D. Public Affairs Director: The Public Affairs Director is a civilian employee assigned to the Public Affairs Division (PAD) who manages the department's internal and external communications programs, website, social media, and media relations.
- E. Public Information Specialists: Civilian employees assigned to the PAD who serve as primary contacts for the media, answer media inquiries, field requests for information, coordinate the release of information both via press releases, interviews, and social media.




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- F. Investigating Officer: For the purpose of this directive, the sworn employee(s) responsible for the investigation of an incident or event.
- G. On-Scene Commander: For the purpose of this directive, an on-scene commander will be a person of the highest rank in charge of a scene or situation.

#### IV. PROCEDURE

- A. The PAD will promote effective relations between the news media and the CMPD by:
  1. Assisting the media covering news stories at the scene of police operations;
  2. Responding to scenes of major crimes, officer-involved shootings, protracted SWAT operations, high-profile incidents, and other scenes upon request of the on-scene commander or when sworn personnel are unable to respond to media requests;
  3. Preparing and distributing news releases;
  4. Arranging for, scripting, and assisting at news conferences;
  5. Coordinating and authorizing the release of information;
  6. Coordinating the release of information with other public service agencies;
  7. Working with the CMPD divisions, units, and bureaus in identifying and developing newsworthy stories;
  8. Fulfilling and managing public information requests;
  9. Notifying the city manager, mayor, and city council of significant concerns and neighborhood, community, and media events.
- B. Public information specialists are not the only CMPD source of information. However, public information specialists will serve as the primary contact for the media. In addition to other responsibilities, these employees will:
  1. Field media requests for information;
  2. Be available for on-call responses to work with media;
  3. Coordinate the release of information about reported crimes and the CMPD's operational activities 24 hours a day, 7 days a week.
  4. Work with divisions, units, and bureaus to disseminate news and information.
- C. The investigating officer in charge of an incident or event, in consultation with the chain of command, will release accurate information as soon as feasible, regardless of media deadlines. The officer may request assistance from the PAD.
- D. The communications supervisor, operations commander, division commander, or on-scene commander will notify the PAD of events and concerns as outlined below. The


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PAD will coordinate the release of information and may respond to the scene under the following circumstances:

1. Major crimes or events of significant interest;
  2. Homicides;
  3. Serious injury to an officer or employee;
  4. Serious or extensive damage to property within Mecklenburg County;
  5. Any explosion or bomb threat requiring Bomb Squad response;
  6. Incidents involving large groups of people (e.g., stadium, coliseum, park or tavern disturbances, etc.);
  7. Officer-involved shootings (except animal euthanasia);
  8. Incidents causing, or likely to cause, unusual public concern or news media coverage (ex., terrorism-related incidents);
  9. When the Command Center and/or Emergency Operations Center are activated.
- E. The on-scene commander (or designee) in consultation with the PAD will determine whether on-scene interviews are appropriate. Only factual public information related to the incident will be released.

In incidents where other local, state, or federal law enforcement agencies are involved, all information to be released will be coordinated with those agencies.

- F. As situations permit, the employee most familiar with the incident will release the requested information. If such persons are not available, questions should be directed to the employee of the next highest rank in that division or the PAD.
- G. Operations Command may request assistance from the on-duty public information specialist to manage media at a scene. Operations Command will ensure the PAD is notified of major events including officer-involved shootings, large-scale, or other high-profile incidents that generate significant news attention. Until the public information specialist or Public Affairs Director arrives, Operations Command may designate a sworn employee on the scene to direct media personnel to a safe location and assist with the provision of basic information.
- H. Records Division personnel will supply press briefings with current reports each weekday morning except on holidays.
- I. The Chief of Police (or designee) is responsible for the release of information concerning departmental personnel matters, and information regarding departmental plans, policies, or administrative changes.
1. The information described above may be released internally by email, video, training, hard copy, attachment, or any other format and is for official use only.

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2. This information may not be further disseminated or released unless expressly approved by the author or the Public Affairs Office in compliance with all applicable public records laws, City of Charlotte, and the CMPD's policies and procedures related to the release of information.

J. Media Procedures at Crime and/or Incident Scenes

1. Media representatives will not cross police lines unless the on-scene commander (or designee) has given prior approval and media personnel have a proper escort.
2. Media representatives are authorized to come within reasonable proximity of crime scenes or other major events if their presence does not interfere with any police or rescue operation or function.
3. Members of the media may take pictures if they have a lawful right to be at the location. Police personnel will not prohibit photographers and videographers from fulfilling their tasks, provided the photographers are situated outside the secured area as delineated by a detective or supervisor until processing of the crime scene is completed.
4. If the broadcast of video or still life photography of an active scene by the media has the potential to put CMPD employees or citizens at risk, the CMPD will request that the publishing of such imagery be delayed.
5. Photographing individuals in custody inside the Charlotte-Mecklenburg Police Department Headquarters (CMPDHQ) or other CMPD facilities by the media is prohibited. Photographing individuals in custody outside of CMPD facilities is permitted. However, prisoners will not be posed for photographs.

K. Procedures for Initiating Media Coverage or Responding to Media Inquiries and Requests

1. Consult with the PAD before initiating media coverage.
2. Media representatives requesting a feature story interview or ride-along (excluding on-the-scene situations) with on-duty members of the CMPD should first contact the PAD. CMPD employees who receive direct requests for ride-alongs or interviews will contact, or refer the requestor to, the PAD.
3. Once a request for a media ride-along is approved by the PAD and service area or unit commander, the requestor must complete and sign the Request for Ride-along form. Unless otherwise approved by the Public Affairs Director, all media ride-alongs are limited to two (2) hours.
4. Media requests to accompany officers on ride-alongs during "at-risk" situations must be approved by the Deputy Chief of the affected division. An "at-risk" situation is defined as but is not limited to, planned incidents where there is a possibility that civilians face a higher-than-normal risk of injury or harm. This also

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includes any event where controlling a situation could require more than the standard police response to resistance, such as a drug raid or tactical response intended to take suspect(s) by surprise. Media representatives will not accompany officers into a residence or onto private premises during the service of a search warrant and/or arrest warrant.

5. All requests for public records should be directed to the Public Affairs Division. Public Affairs employees will work with other divisions, including the Police Attorney's Office, to coordinate responses to such requests. See 800-001.

#### V. REFERENCES

800-001 Use of Public Records and Departmental Information


800-003 DCI Access and Messages

Public Affairs Division SOP

City Policy ADM 5 Media Relations Policy/Protocol

CALEA

The previous version of Directive 800-002 Media Relations was published on 11/19/2019

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## I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees regarding the use of Division of Criminal Information (DCI) terminals and DCI certifications.

## II. POLICY


The Division of Criminal Information Network (DCIN) will only be used by certified DCIN users for criminal justice and law enforcement purposes. Any information generated over the DCIN will be made in the performance of an employee's official duties as they relate to the administration of criminal justice.

## III. DEFINITIONS

- A. Criminal Information and Identification Section (CIIS): The section of DCI that manages all CJIS programs within North Carolina, including DCIN.
- B. Criminal Justice Information Services (CJIS): The Federal Bureau of Investigation (FBI) division responsible for the collection, warehousing, and dissemination of relevant criminal justice information.
- C. Division of Criminal Information (DCI): The agency established by the Attorney General of North Carolina in accordance with [N.C.G.S § 143B-902](#).
- D. Division of Criminal Information Network (DCIN): The computer network used to collect, maintain, correlate, and disseminate information collected by CIIS.
- E. DCI Technician: Employees assigned to the DCI Division within the CMPD Communication Division responsible for proper and accurate entry and retrieval of information processed through DCI/NCIC.
- F. DCIN User: Employees who are certified through the DCIN certification process.
- G. National Crime Information Center (NCIC): System maintained by the FBI that stores criminal justice information which can be queried by federal, state, and local law enforcement agencies.
- H. Terminal Agency Coordinator (TAC): The point of contact for matters relating to DCIN or CJIS information access who administers systems programs within CMPD and oversees compliance with CJIS and CIIS system policies.


## IV. PROCEDURES

- A. DCI certification is administered by the State Bureau of Investigation (SBI). Certifications include the following modules:
  - 1. Module 1: DCIN/NCIC General Inquiries
  - 2. Module 2: Criminal History
  - 3. Module 3: Transaction


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4. Module 7: Disposition of Firearms

- B. Sworn employees with the rank of sergeant and below are required to maintain DCI certification in module 1 regardless of their current assignment. Sworn employees with the rank of lieutenant or above may maintain their DCI certification voluntarily.
- C. Non-sworn employees assigned to the Communications Division, Records Division, and Non-Emergency Police Services (NEPS) are required to maintain DCI certification in module 1 if they work in a position that requires access to the DCI Network.
- D. Employees may be required to be certified in modules 2, 3, or 7, depending on their assigned position, which the CMPD terminal agency coordinator (TAC) will determine.
- E. The Recruiting Division will fingerprint employees who require DCI certification and send the fingerprints to the SBI, which will conduct a background investigation and return the results to the Human Resources Division within thirty (30) days. The Human Resources Division is responsible for contacting the SBI if the results are not received within the allotted time frame and will maintain the SBI Background Investigation Form containing the employee's fingerprint cards and letter of fulfillment in the employee's personnel file, which will be available for audit by the SBI.
- F. Employees with unescorted access to any CMPD facility are required to receive security awareness training before authorizing access to any CJIS system, information, or performing assigned duties and must receive additional training annually provided through the approved learning management system.
- G. Law enforcement information sent or received through any DCI terminal is confidential, and access to such information will not be granted to members of the public.
- H. Communications Division
  - 1. The DCI Division terminals are the only designated twenty-four (24) hour DCI terminals in CMPD Headquarters. DCI messages received at any other terminal not specifically intended for that terminal should be forwarded to a DCI Division terminal for proper dissemination.
  - 2. The 911 hang-up/call-back position within the Communications Division is responsible for receiving DCI messages intended to be immediately broadcast to patrol divisions.
  - 3. If a telecommunicator or DCI technician receives a request for service through a DCI terminal, the request will be properly handled, and a call for service should be entered in CAD when necessary.
  - 4. Telecommunicator and DCI technicians must have sufficient information to enter a call for service, including the name, address, and telephone number of the party to be contacted, the purpose for the call for service, the content of the message to be delivered, and the contact information from the requesting agency or person.

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5. A Communications Division supervisor should be contacted for questions concerning whether a DCI request requires immediate attention.
6. DCI technicians will immediately send the request for service to the respective dispatch terminal if a DCI message requires an immediate police response, and the telecommunicator will enter a call for service.
  - a. An officer will be dispatched to deliver the message to the intended recipient.
  - b. Upon completion of the call for service, the assigned officer will complete a miscellaneous incident (MI) report through the CAD system.
  - c. The officer will notify the telecommunicator and/or the Communication Division supervisor of their actions.
  - d. When requested, the telecommunicator or the Communications Division supervisor will advise the DCI technician of the disposition of the call for service and any additional information if the original request for service was received through the Communications DCI terminal.
7. Hit Confirmation Request
  - a. In accordance with [14B NCAC 18B .0204](#), any agency entering record information into the NCIC restricted and unrestricted files shall provide hit confirmation twenty-four (24) hours a day. Hit confirmation of NCIC record means that an agency receiving a positive NCIC response from an inquiry must communicate with the official record holder to confirm the following before taking a person or property into custody:
    - (1). The person or property inquired upon is the same as the person or property identified in the record;
    - (2). The warrant, missing person, theft report, or protection order is still outstanding; or
    - (3). A decision regarding the extradition of a wanted person has been made; the return of a missing person to the appropriate authorities is still desired; the return of stolen property to its rightful owner is still desired; or the terms, condition, or service of a protection order still exist.
  - b. The official record holder must respond after receiving a hit confirmation request with the desired information or a notice of the amount of time necessary to confirm or reflect the record.
    - (1). Urgent: The originating agency has ten (10) minutes to respond to a hit confirmation request. If the originating agency fails to respond, subsequent hit confirmation requests will be sent in ten (10) minute intervals. The priority level urgent is typically used when the hit is the only basis for detaining a suspect.

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(2). Routine: The originating agency has one (1) hour to respond to a hit confirmation request. If the originating agency fails to respond, subsequent hit confirmation requests will be sent in one (1) hour intervals. The priority level routine is typically used when the person or property is being held on local charges.

c. All hit confirmation requests must be sent to the DCI Division's DCI terminals for confirmation regardless of the originating agency, including hits entered by CMPD.

I. Stolen Vehicles

Officers will notify the DCI Division via phone (704-336-2340 or 704-336-2348) that a vehicle needs to be entered immediately into NCIC if stolen during an armed robbery or the vehicle has been identified as being used in the commission of a felony.

1. It is the responsibility of the officer taking the initial report to advise the DCI Division of the information on the vehicle in these incidents as soon as possible upon receiving the tag, vehicle identification number (VIN), and/or the registered owner's name, and the description of the vehicle; usually within thirty (30) minutes of arriving on scene.
2. If the tag and VIN are unknown, the registered owner's name should be transmitted so that the telecommunicator may query DMV information for the vehicles registered to the individual and match the description given.


J. KBCOPS Report Procedures

1. KBCOPS reports containing stolen items with a serial number or VIN listed in the property section and a dollar amount listed under stolen are sent electronically to the DCI KBCOPS queue (56-Communications) for entry into NCIC when the report is submitted for approval.
2. Reports that need to be removed from NCIC require an incident supplement to be created for that report requesting the property to be removed from NCIC, and the recovered property section should be completed with the serial number/VIN and dollar amounts completed. Narrative supplement reports do not get routed to "56-Communications".

K. NCIC Validations

1. Reports entered into NCIC must be validated by the officer assigned to the case. Validations are emailed to officers ninety (90) days after the incident and again one (1) year after the first validation. Some records are required to be kept indefinitely and validated until they are recovered (e.g., guns, missing persons, and violent persons).
2. The assigned officer will complete a validation by creating a narrative supplement report in KBCOPS.



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- a. The narrative supplement should indicate that the victim was contacted and, in the opinion of the assigned officer, the record needs to remain in or be removed from NCIC. Contact may be made via letter, telephone, or in person.
- b. The first line of the narrative supplement should include “This supplement is submitted for NCIC validation.”
- c. The narrative supplement should be submitted to 56-Communications DCI/HotDesk for approval.

L. Missing Persons

1. Missing persons, regardless of age or circumstances, must be entered into NCIC within two (2) hours from when the reporting officer obtains the basic information necessary for entry, not when the report is submitted for approval. Basic information necessary for NCIC entry includes:
  - a. Name
  - b. Race
  - c. Gender
  - d. Date of birth or age if DOB is unknown
  - e. The location, date, and time the person was last seen
  - f. Every effort should be made to determine if the person is armed
2. Officers must notify the DCI Division by phone for any missing persons who qualify as an Amber Alert or Missing Endangered Alert after obtaining the basic information necessary for NCIC entry.
3. All other information is secondary and not initially necessary for NCIC entry (e.g., clothing description, scars, marks, tattoos, mode of travel, direction of travel, possible reasons for being missing, etc.).
4. A photograph should be obtained and scanned into the KBCOPS report prior to submission for approval. Photographs subsequently obtained may also be brought to DCI to facilitate scanning the photo into NCIC.
5. DCI technicians may enter communicable diseases and/or health conditions into the miscellaneous field of an NCIC missing person entry.

M. FBI Terrorist Watch List Hit

1. Officers are required to notify the FBI Terrorist Screening Center when a Terrorist Watch List hit is received through NCIC.
2. If a delayed hit occurs, officers are requested to contact the FBI at 1-866-872-9001 and report as much information as possible to the answering agent.

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N. Federal Probation and Parole Hits

Officers are required to contact the assigned federal probation and parole officer listed in the hit within twenty-four (24) hours of receiving the hit and provide the context of the interaction with as much detail as possible.

O. Emergency Messages

1. Delivering emergency messages is a legitimate law enforcement function. Requests for the delivery of emergency messages may be received from the public, law enforcement agencies, hospitals, etc. CMPD will honor requests of the following nature:

- a. Situations that pose a threat to the safety of the message recipient or others (e.g., requests to check the welfare).
- b. Notification of serious illness, injury, or death.

2. Reasonable attempts will be made to deliver such messages to the intended recipient.

P. Fugitive Warrant Service

1. A DCI hit must specifically state whether the inquiring agency will extradite on a fugitive warrant.

2. The Violent Criminal Apprehension Team (VCAT) should be contacted before attempting to serve the warrant when the offender is wanted for a violent felony. If patrol cannot locate the fugitive, or a problem prohibits patrol from making the arrest, then VCAT should be notified for proper follow-up.

a. Officers making a fugitive arrest will submit a copy of the DCI hit before their tour of duty ends. DCI technicians will email the hit to [vcat@cmpd.org](mailto:vcat@cmpd.org).


b. The Mecklenburg County Sheriff's Office (MCSO) is responsible for facilitating the extradition process in fugitive court.

3. DCI messages that are fugitive-related but do not require an immediate response will be forwarded to the VCAT Unit for appropriate investigation.

a. The VCAT Unit will maintain a file on any DCI message received for follow-up investigation.

b. The VCAT Unit is responsible for notifying any unit within the CMPD that may have an interest in the person.

4. The VCAT Unit is designated as the contact for law enforcement agencies requesting CMPD service regarding fugitive matters. The requesting agency will be given the VCAT Unit sergeant's name, telephone number, and information regarding when to reach the VCAT Unit sergeant for additional assistance.

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Q. Criminal History Request

1. Criminal history requests may only be requested for official law enforcement purposes.
2. Officers may request a criminal history from the DCI Division twenty-four (24) hours a day.
  - a. Officers must have a person in custody, and the person must be in possession of a gun to request a criminal history over the phone.
  - b. Officers requesting a criminal history in person must complete the [Criminal History Information Request Form](#). A DCI technician will complete the request and provide the officer with a copy of the criminal history.
3. Criminal history requests are required to be signed by the requesting officer. If the DCI Division receives a request over the phone or the officer does not need a physical copy of the criminal history, the officer is still responsible for signing the criminal history paperwork and providing it to the DCI Division.
4. Criminal histories completed by the DCI Division must be collected within thirty (30) days of the request. Criminal histories will not be emailed or faxed to a division office; however, one officer from a division is permitted to collect the paperwork for the entire division.
5. Any DCI user certified in DCI Module 2 who utilizes NCIC to run a criminal history is required to keep the signed Criminal History Information Request Form for one (1) year from the date of the completed request.

V. REFERENCES

Missing Persons Unit SOP  
Violent Criminal Apprehension Team (VCAT) SOP  
[Criminal Justice Information Services \(CJIS\) Security Policy](#)  
[Health Insurance Portability and Accountability Act \(HIPAA\) Privacy Rule](#)  
[Division of Criminal Information Title 14B Chapter 18](#)  
[N.C.G.S § 143B-902](#)  
CALEA

The previous version of Directive 800-003 DCI Access and Messages was published on 04/16/2020.

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## I. PURPOSE

The purpose of this policy is to establish clear written protocols for the retention and disposal of records created or received during the transaction of Charlotte-Mecklenburg Police Department (CMPD) business.

## II. POLICY

The Charlotte-Mecklenburg Police Department (CMPD) must retain and dispose of its records as required by the General Records Schedules for Local Government Agencies and the Program Records Schedule for Local Government Agencies published by the North Carolina Department of Natural and Cultural Resources (NC DNCR), Division of Archives and Records, Government Records Section. Records exist in many forms, including email, text messages, and attachments. All records, including email, are to be managed by their content.

## III. DEFINITIONS

- A. Electronic Mail (email): The electronic transmission of memos, images, notes, links, and attachments between computers.
- B. Record: All documents, papers, letters, maps, books, photographs, film, audio recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received, in compliance with law or ordinance in connection with the transaction of CMPD business as defined in North Carolina General Statutes § 132-1(a).
- C. Users: All CMPD employees, volunteers, hirebacks, interns, visitors, contractors, and employees of other government agencies who have email accounts on the CMPD's email system.
- D. Enterprise Vault: An electronic storage location where City of Charlotte email messages that remain in user inboxes, sent folders, and subfolders for thirty (30) days or longer are automatically copied, archived, and retained indefinitely.

## IV. PROCEDURE


### A. Retention of Records

1. Records must be retained for at least the minimum length of time required by the applicable schedule for local government agencies. The schedules categorize records into twenty-one (21) standards. Each standard contains a record series list that describes the records that may be created by local government agencies and the minimum retention period for such records. Retention requirements for CMPD related records are found in the following nine (9) standards:

Standard 1: Administrative and Management Records

Standard 2: Budget, Fiscal, and Payroll Records

Standard 4: Human Resources Records

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- Standard 5: Information Technology Records
- Standard 6: Legal Records
- Standard 7: Public Relations Records
- Standard 11: Animal Service Records
- Standard 13: Emergency Medical Services and Fire Department Records
- Standard 20: Law Enforcement Records

2. Retention of records found in these nine (9) standards must be completed according to the steps below:


- a. Retain CMPD records as noted in the applicable schedule for local government agencies. Retention standards are periodically updated and should be verified via the State Archives of North Carolina website: <https://archives.ncdcr.gov/government/local>. The most recent versions, as of this directive's most recent update, are available as follows:
  - (1) General Records Schedule for Local Government Agencies <https://archives.ncdcr.gov/media/1066/open>
  - (2) Program Records Schedule for Local Government Agencies <https://archives.ncdcr.gov/media/1067/open>
- b. Contact the Financial Management Division manager with questions about fiscal and budget records.
- c. Division commanders will notify their chain of command and the Police Attorney's Office if it becomes likely that any CMPD records will be involved in any litigation or formal investigation.
- d. If additional guidance is needed, contact the CMPD Records Management Division manager or the Police Attorney's Office.

**B. Disposal of Records**

- 1. Records listed on one of the schedules for local government agencies may be destroyed after the specified retention period ends.
- 2. The employee in possession of records that may need to be destroyed must contact the CMPD Records Management Division manager to confirm record destruction eligibility. When eligible for destruction:
  - a. Paper records must be shredded on-site by employees or by a firm contracted to provide secure shredding services to the CMPD. The Records Management Division manager will coordinate record destruction.

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- b. Digital records must be destroyed in such a fashion to render them unrecoverable. The Records Management Division manager will coordinate the destruction of any media containing record information that cannot be erased or overwritten.
  3. Original paper records that have been duplicated by electronic means may be destroyed before the retention period specified in the schedule without further approval from the Records Management Division manager if all the following apply:
    - a. The electronic copy of the information containing the original record is maintained for the time specified in the applicable schedule for local government agencies.
    - b. The original paper record has not been scheduled for permanent preservation.
    - c. Approval is obtained from the North Carolina Department of Natural and Cultural Resources (NC DNCR), Division of Archives and Records, Government Records Section.
    - d. The Police Attorney's Office agrees to the destruction of the original paper records.
    - e. The destruction is recorded in a permanent record.
  4. Records not authorized for destruction or other disposition may be disposed of by turning them over to the CMPD Records Management Division manager, who will either:
    - a. Request approval to destroy the records by submitting the State Archives of North Carolina "Request for Disposal of Unscheduled Records" form to the NC DNCR Division of Archives and Records, Government Records Section; or
    - b. Submit a written request to the NC DNCR Division of Archives and Records, Government Records Section asking that they assume custody of the records.
- C. Retention and Disposal of Email
  1. Records communicated through the email system are public records under the North Carolina Public Records Act and must be made accessible unless their content is exempt from inspection by statute or other regulation. As such, email messages must be easily identifiable, protected, and retained in compliance with the relevant record series as listed on the applicable schedule for local government agencies.
  2. Individual users are responsible for retaining email for the required retention period and should not rely on the Enterprise Vault for records management.

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3. Users may have the ability to retrieve deleted items for a short time in the instance of accidental deletion to recover emails that contain record information.
4. Emails that contain information not noted on the General or Program Records Schedules for Local Government Agencies that do not have administrative, fiscal, legal, or historical value are considered transitory records and are deemed not to have any documentary or evidential value. Such emails may be deleted as soon as they have served their purpose. Examples of such records include meeting notices or requests for meetings, confirmations of appointments, travel reservations, personal messages, junk mail, or transmittals of documents without comments.

V. REFERENCES

City Policy ADM 20 Public Records Policy

General Records Schedule: Local Government Agencies

Program Records Schedule: Local Government Agencies


North Carolina Department of Natural and Cultural Resources, Division of Archives and Records

North Carolina General Statutes § 132-1, *et seq.*

North Carolina General Statutes § 132-1(a)

CALEA

The previous version of Directive 800-004 Records Retention and Disposition was published on 10/23/2020.

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	<b>Interactive Directives Guide</b>		<b>Deconfliction Policy</b>
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I. PURPOSE

To establish guidelines for the immediate safety of law enforcement personnel and the community, provide coordination to ensure the integrity of investigations, and prevent duplication of investigative efforts.


II. POLICY

Employees will search KBCOPS to ensure that their investigation does not conflict with another investigation. Employees will use the “watch list” function in KBCOPS to enter their ongoing investigations so that other employees can search that information and trigger a notification of potential conflicting investigations.

III. DEFINITIONS

- A. Deconfliction: Avoidance of conflicting situations (e.g., preventing situations in which a sworn employee unknowingly interacts with an undercover operation; overlaps with an ongoing investigation; or has information valuable to an investigation that otherwise would not be revealed, etc).
- B. Deconfliction Officer: Any employee who is conducting an ongoing investigation that could be impacted by a conflicting qualifying event by another employee pertaining to a particular person, location, or vehicle.
- C. Deconfliction Entry: An entry, by the deconfliction officer, into the KBCOPS reporting system that allows for searches matching data relative to a particular person, location, or vehicle.
- D. Qualifying Event: A non-emergency planned interaction or scheduled contact, which includes but is not limited to the following:
  - 1. Service of search warrants;
  - 2. Service of arrest warrants;
  - 3. Buy-busts;
  - 4. Buy walks;
  - 5. Knock and talks;
  - 6. Controlled buys;
  - 7. Prostitution stings;
  - 8. Informant or face to face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband;
  - 9. Predetermined surveillance;



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10. Covert activity by officers or by informants acting under the direction of sworn employees, that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress;
  11. Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.
- E. Search Officer: Any employee conducting a KBCOPS deconfliction search pertaining to a particular person, location, or vehicle.
  - F. Deconfliction Notification: If the search reveals a potential conflict with an ongoing investigation, KBCOPS will notify the deconfliction officer via e-mail. Other notification requirements may need to be addressed.
  - G. Authorized Users and Administrators: Any authorized sworn or civilian user of KBCOPS.

#### IV. PROCEDURE


##### A. Deconfliction Officer

Deconfliction entries are the responsibility of the deconfliction officer:

1. The deconfliction officer will enter persons, locations, and/or vehicles that may come into conflict with other sensitive investigations as a “watch list” entry in KBCOPS and identify it as a “deconfliction”.
  - a. Enter the effective dates, notes, and search officer notification action as “proceed” or “do not proceed” until contact is made with the deconfliction officer or the deconfliction officer’s supervisor.
  - b. A “do not proceed” entry must be approved by the deconfliction officer’s supervisor.
  - c. Enter persons, locations, and vehicles.
  - d. Enter additional notification recipients.
2. The deconfliction officer shall notify their immediate supervisor in cases where an exception to entering deconfliction data is sought.

##### B. Search Officer

1. The search officer must conduct a deconfliction search in KBCOPS or another deconfliction system available in their current assignment both in the initial phase of an investigation and again no more than two (2) hours prior to a qualifying event. Using the required criteria described below, the search officer will determine if the planned interaction conflicts with an existing investigation.
  - a. Person: Requires both first and last name, including all known aliases containing first and last names.


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- b. Location: Requires the block number, street direction, street name, and city.
    - c. Vehicle: Requires either VIN or Registration Plate; or a combination of make, model, and year.
  - 2. Normal KBCOPS searches may result in a potential conflict. If this occurs, the searching employee is still required to follow the deconfliction notice.
  - 3. Deconfliction Notice to Search Officer
    - a. If a deconfliction notice is displayed, the search officer must contact the deconfliction officer indicated as soon as practical before the planned interaction. If contact cannot be made, the officer must make direct contact with the deconfliction officer's supervisor(s).
    - b. If the deconfliction notice states "do not proceed" or in any way prohibits the officer from continuing the planned interaction, then contact must be made with the deconfliction officer or someone in the deconfliction officer's chain of command.

V. REFERENCES

CALEA

The previous version of Directive 800-005 Deconfliction Policy was published on 3/21/2016.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>800-006</b>
	<b>Interactive Directives Guide</b>	<b>Vice, Drug, and Organized Crime Complaints</b>	
		<b>Effective Date: 10/23/2020</b>	<b>1 of 2</b>

I. PURPOSE

This policy establishes guidelines for receiving, processing, investigating, routing and storing vice, drug, and organized crime complaints received by the Charlotte-Mecklenburg Police Department.

II. POLICY

CMPD will accept vice, drug and organized crime complaints from all sources and will document and follow-up on all complaints that provide the necessary and valid information.

III. DEFINITIONS

- A. Vice Complaint - Any complaint associated with prostitution, illegal use or sale of alcoholic beverages, illegal gambling and distribution or sale of pornographic and obscene material.
- B. Drug Complaint - Any complaint associated with the illegal use, manufacturing, distribution or sale of controlled substances.
- C. Organized Crime Complaint - Any complaint associated with the unlawful activities of organized groups or associations engaged in extortion, theft, fencing, loan sharking, labor racketeering, or other offense for profit. These organizations may also be engaged in such activity as supplying illegal goods and services, prostitution, drugs, alcohol violations, weapons violations, or other unlawful conduct which may include intimidation or corruption.

IV. PROCEDURE

A. Receiving Complaints

CMPD will accept vice, drug and organized crime complaints from all sources, including personal contact with a department employee, outside agencies, telephone calls, electronic mail, or from use of the postal service.


B. Processing Complaints

Received complaints will be documented on the "Vice Complaint" form. This form is located on the CMPD portal. The completed form will be forwarded to the Vice and Narcotics Division.

C. Investigating Complaints

The Vice and Narcotics Division supervisor or his/her designee will review the complaint and then assign a Vice Officer to the investigation, forward to another investigative unit within Special Investigations Bureau (SIB) or forward the complaint to the appropriate patrol division.

- 1. An initial investigation of the complaint will be conducted to substantiate any allegations. If the complaint is substantiated it will be documented, and the investigation will continue.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>800-006</b>
	<b>Interactive Directives Guide</b>	<b>Vice, Drug, and Organized Crime Complaints</b>	
		<b>Effective Date: 10/23/2020</b>	<b>2 of 2</b>

2. The assigned officer will be responsible for notifying all relevant stakeholders associated with the complaint to include other divisions and units within the CMPD.
3. The officer will investigate the complaint and document all actions and findings.
  - a. Supervisor's Responsibilities:
    - 1) Receive the complaint and document.
    - 2) Assess the complaint and assign it to an officer.
    - 3) Set a date for initial follow-ups.
    - 4) Conduct follow-up reviews and monitor progress of investigation.
    - 5) Approve investigative techniques.
    - 6) Authorize closure of the complaint.
  - b. Investigator's Responsibilities:
    - 1) Receive the complaint.
    - 2) Conduct an analysis.
    - 3) Identify and notify all stakeholders.
    - 4) Complete the investigation.
    - 5) Document all activity.
    - 6) Submit a report for review by a supervisor.
    - 7) Make a recommendation for closure to the supervisor.
    - 8) Provide an initial follow-up investigation within 10 days.


D. The Officer assigned to the investigation shall enter relevant case data; i.e., persons, locations and/or vehicles that he/she deem may come into conflict with other sensitive investigations as a Watch List entry in KBCOPS and identify that it is a deconfliction in accordance with department policy.

E. Routing and Storing Complaints

All initial complaints will be routed to the Vice and Narcotics Division. The completed investigation will be stored and retained in the Vice and Narcotics Division.

V. REFERENCES

[800-005 Deconfliction Policy](#)  
CALEA

	<b>Charlotte-Mecklenburg Police Department</b>		<b>800-007</b>
	<i>Interactive Directives Guide</i>	<b>Communications and Reports</b>	
	<i>Effective Date: 8/4/2022</i>		<b>1 of 5</b>

I. PURPOSE

This directive establishes the timely and accurate flow of information internally to Charlotte-Mecklenburg Police Department (CMPD) employees and externally with the community.

II. POLICY

The CMPD encourages and supports the exchange of information for the purpose of coordinating activities, increasing departmental awareness of deficiencies, and formulating solutions. This information sharing includes both written and oral communication with community members and business partners.

III. DEFINITIONS

- A. Administrative Reports: Provide management information and facilitate effective communication and documented analysis of activities within CMPD divisions.
- B. Staff Meetings: Facilitate the exchange of information between the various CMPD divisions and units. Staff meetings are generally attended by command staff members or designees.
- C. Community Meetings: Any public gathering between community members and CMPD representatives. Community meetings include Neighborhood Watch, faith-based organizations, business partner meetings, and other community gatherings. Community meetings are used to provide information on current crime trends, policing efforts within the community, education on problem-solving initiatives, and organizational meetings. These meetings provide an opportunity to share information between CMPD and the community.
- D. Significant Event Log: CMPD Operations Command generates a daily comprehensive log of all major calls for service that occur. This log is available to designated CMPD personnel and is located on the CMPD Portal Page.


IV. PROCEDURE

A. Staff Meetings

1. Weekly Command Staff Meeting

The CMPD Profile Report is a statistical report prepared by the Crime Analysis Division and reviewed during command staff meetings. This report compares statistics of the current seven days to the previous year's seven days, current month to the previous year's month, current year to the previous year, and current year to the previous five (5) year average.

Command staff meetings may include a review of significant crime events, attainment of division goals, projected workload, upcoming major events, and presentation of staff recognitions.

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2. Chief's Daily Briefing Meetings

Each morning (Monday through Friday), critical issues are discussed with the Chief of Police with the goal of identifying new challenges and addressing matters in the most proactive and productive manner possible. These briefings include significant crime events and internal personnel information affecting the organization.

B. CMPD Policy Management Group (PMG)

The PMG will meet once a month to review new and revised CMPD directives and high liability SOPs, as determined by the Strategic Policy Unit lieutenant and Police Attorney's Office.

C. Uniform and Equipment Committee


The Uniform and Equipment Committee will meet once a month or as needed to discuss proposed uniform and equipment changes.

D. Division and Unit Meetings


Division and unit meetings are held as needed for the purpose of sharing pertinent information to ensure employees have the appropriate information needed to perform their duties.

E. Administrative Reports

1. CMPD maintains a system of administrative reporting to provide information on the activities of the agency and provide effective communication to the CMPD chain of command and interested parties outside CMPD.
2. The frequency and content of the reports will be determined by the designated chain of command.
3. The CALEA Unit maintains a list of required administrative reports that include the following: (See CALEA Unit SOP)
  - a. A statement as to the person(s) or position(s) responsible for the formulation of the report(s);
  - b. A statement of the purpose of the report(s);
  - c. A statement of the frequency of the report(s);
  - d. A statement of the distribution of the report(s).
4. Crime analysis reports will include the following items depending on the purpose of the report:
  - a. The frequency by type of crime;
  - b. Geographic factors;

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- c. Temporal factors;
  - d. Victim and target descriptors;
  - e. Suspect descriptors;
  - f. Suspect vehicle descriptors;
  - g. Modus operandi factors;
  - h. Physical evidence information;
  - i. Problem-oriented or community policing strategies (if any).
5. The procedures followed in any crime analysis and the publication of the reports associated with the analysis will include, at a minimum:
- a. Identification of any source documents from which data is obtained;
  - b. Procedures used in any analysis;
  - c. Documentation of the time and location(s) of the analyzed crime;
  - d. Distribution of the related report;
  - e. Feedback received from the analysis.
6. CMPD will formulate and annually update departmental and division goals and objectives. Goals and objectives will be utilized as the basis for the CMPD Strategic Operating Plan. The Strategic Operating Plan and progress made towards obtaining goals will be updated on a regular basis and posted on the CMPD Portal Page.
7. The CMPD Annual Report provides information on the various accomplishments of the department, crime statistical review, recognition of employee awards, employees on active military duty, and retirees.
8. Workload Assessment
- a. The CMPD Research and Strategic Planning Division, Crime Analysis Division, or approved contracted agency, will complete a documented workload assessment of all organizational components at minimum once every four (4) years. The methodology used in formulating the assessment for each component will be stated in the assessment. At the conclusion of the assessment, the results and recommendations will be presented to the Chief of Police or designee to be used for decision-making related to the distribution or allocation of personnel.
  - b. As part of the workload assessment, a job description review will be conducted for each position at minimum once every four (4) years.
- F. The internal communications coordinator is responsible for ensuring accurate and

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timely flow of information within CMPD to include:

1. Preparing updates to the CMPD website.
2. Distributing e-mail alerts to ensure CMPD employees are notified of significant events prior to media broadcast.
3. Preparing monthly employee newsletter.
4. Coordinating, planning, and assisting in other events such as employee recognition awards, civic events where CMPD is highlighted, and fundraising for City of Charlotte-approved charities.

G. Communications

1. Electronic systems

Electronic systems such as email, text, and social media are available to disseminate information to CMPD employees and community members.

2. Community meetings

Community meetings are an integral part of communication between the CMPD and community members. CMPD's community collaboration initiatives are based on communication and support the free flow of information between the various communities and CMPD.

a. The response area officers and community coordinators will coordinate the flow of information to and from community members adhering to Directive 100-005 Patrol Services.

b. The Neighborhood Watch Coordinator will assist the response area officers in organizing crime prevention groups in residential and business areas adhering to procedures outlined in the Field Services Group SOP.

3. CMPD Portal Page

Offers a group of services to CMPD employees and serves as a central location for information dissemination throughout the department.


4. Significant Event Log

The Significant Event Log provides a timely snapshot of significant events occurring in the City of Charlotte and the areas of Mecklenburg County that are within CMPD jurisdiction. Information reported in the Significant Event Log is based on preliminary field reports.

5. Media Briefings and Press Releases

The Public Affairs Division (PAD) prepares and distributes press releases to the media and conducts media briefings on cases drawing significant media



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attention. Media briefings and press releases allow CMPD to distribute factual information in a timely manner to CMPD personnel and community members.

6. CharMeck Alerts System

The CharMeck Alerts system may be used to notify citizens within a designated geographic region of relevant information that requires their attention. These may include both emergency notifications and non-emergency messages.

7. Electronic Communication Response

Employees will review and appropriately respond to all internal electronic communications directed to them within a reasonable time period. Electronic communication includes, but is not limited to, emails, calendar requests, text messages, and telephone calls/voicemails.

V. REFERENCES

- 100-005 Patrol Services
- CharMeck Alerts System SOP
- CALEA Unit SOP
- Field Services Group SOP
- Public Affairs Division SOP
- Crime Analysis Division SOP
- Research and Strategic Planning Division SOP
- CALEA

The previous version of Directive 800-007 Communications and Reports was published on 07/12/2019.

**Charlotte-Mecklenburg Police Department**  
Department Administrative Reports

<b>Name of Report</b>	<b>Who is Responsible</b>	<b>Purpose of Report</b>	<b>Frequency of Report</b>	<b>How Report is Distributed</b>
1. Periodic Major Crime Summaries	Primary Detectives assigned to investigate the crime	Short synopsis for chain of command and Executive Staff information	Varies depending on the occurrence of major crimes	Email
2. Threat to Officer summaries	CIU Detectives	To alert officers to potential threats.	Varies, probably averages about once a week.	Email to sworn officers.
3. Unit/Division newsletters	Supervisors for each unit/division	To inform all employees about issues, problems and successes unit/div.	Varies by unit, some are monthly, others are less frequent.	Via email, usually to CMPD everyone.
4. Problem Solving presentations	Detective or Sgt responsible for making problem-solving presentations to the Chief.	Summary or synopsis of unit problem solving efforts.	Monthly unit presentation to the Chief	Power Point and handout paper copy from Power Point presentation
5. Probationary Detective Book	Senior Training Detective	Synopsis of the on the job training each probationary detective receives upon his/her assignment to unit	One completed for each new officer assigned to investigations – Approx. 15 per year.	Summarized in booklet form up the chain of command.
6. Weekend Activity Briefing	Service Area Major	Summarizes noteworthy events that occurred over the previous weekend.	Weekly	Orally each Monday morning briefing to the Chief and Executive Staff.
7. Mid-year budget report	Service Area Major	Mid-year status and anticipated expenses for remainder of fiscal year.	Annually at mid year	Electronically to Fiscal Affairs.
8. Annual Budget Requests	Service Area Major	Anticipated expenditures for next fiscal year. Two-year budget cycle, although updated yearly.	Every two years, although updated yearly.	Electronically to Fiscal Affairs.
9. Juvenile Victim unit Monthly Report	JVU Sgt	Report of case assignment and clearance	Monthly	To FSD Div Capt via email
10. Juvenile Offender unit Monthly Report	JOU Sgt	Report of case assignment and clearance	Monthly	To FSD Div Capt via email
11. DV unit Monthly Report	DV Sgt	Report of case assignment and clearance	Monthly	To FSD Div Capt via email

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Department Administrative Reports

12. Youth Protection Ordinance Report	FSD Inv Tech	Various stats on YPO enforcement	Monthly	To CMPD Command Staff via email
13. Outstanding Custody Order Report	JOU Detective	Listing of outstanding Custody Orders	Weekly	To CMPD Sworn via email
14. Division Commander Daily Report	Division Sergeant	Document significant events from each day	Daily	To the Captain and Major by e-mail.
15. Durable Hotspot Report	Division Captain	To report on status of identified durable hotspot in each division	Semi-annually	Presentation to the Patrol Command Staff.
16. Monthly Homicide Report	Homicide Supervisor	Number of cases for month	monthly	Deputy Chief & Major via e-mail
17. Monthly Missing Persons Report	Missing Persons Supervisor	Number of cases for month	monthly	Deputy Chief & Major via e-mail
18. Annual Homicide Report	Homicide Supervisor	Trends, victims, suspects, weapons, relationships	Annual	Deputy Chief & Major via e-mail
19. Procurement Card Reconciliation	Procurement Card registered user	Record of charges to the Procurement Card	Monthly	Interoffice Mail to finance
20. Civil Emergency Unit Annual Report	CEU Administrative Supervisor	Unit Activities	Annually	Email to Chain of Command of Unit
21. Vice and Narcotics Monthly Report	Vice Supervisor	Report status of yearly Business Objectives	Monthly	Email to Chain of Command
22. SWAT Critical Incident	SWAT Administrative Supervisor	Document SWAT activations	For each SWAT Activation	SWAT Chain of Command
23. SWAT Training memo	SWAT Administrative Supervisor	Training Notification	Monthly	SWAT Officers and Command Staff via e-mail
24. SWAT Yearly Report	SWAT Administrative supervisor	Year-end activities report	Yearly	SWAT officers and Command Staff via e-mail
25. Monthly Lineup System	Division Administrative Sgt.	Reflect staffing	Monthly	R:\Drive in Division folder
26. KBCOPS Case Management	Division Administrative Sergeant responsible for Case Assignment.	Case assignments	Daily	Email of officers assigned cases for follow-up

**Charlotte-Mecklenburg Police Department**  
Department Administrative Reports

27. Animal Control Monthly Report	Division Commander	Activities for month	Once a month	Email to Chain of Command
28. Patrol Division Staffing	Division Captain	Current information on Field Patrol Staffing	Monthly	Email to Patrol Command
29. Mid Year Objectives Report	Assistant to the Chief	Update on objectives progress	Annually	Via Email to City Manager and Chief of Police
30. Final Objectives Report	Assistant to the Chief	Final report on fiscal year objectives	Annually	Via Email to City Manager and Chief of Police
31. K-9 Monthly Report	K-9 Supervisor	Document the monthly activities of the unit	Monthly	Email to K-9 Chain of Command
32. K-9 Annual Report	K-9 Supervisor	Report on yearly activities of the unit. E.g. citations, apprehensions, and searches	Annually	K-9 Chain of Command
33. K-9 Tracking Report	Individual K-9 officers	Document individual incidents where a dog is deployed	Daily, per incident	Not generally distributed outside unit. Used to evaluate dog.
34. Crisis Negotiator After-Action Report	Lead negotiator at the scene	Document the activities of the Crisis Negotiator at an incident	Per incident	Via email to the negotiators that were at the scene and to the SWAT Command Staff
35. Passenger Vehicle for Hire Annual Report	Passenger Vehicle Unit Supervisor	Document significant projects and vital statistics for the unit.	Annually	PVH Chain of Command
36. Helicopter Call Log	Pilots	Document daily calls for service and other activities of unit	Daily	No distribution. Held in database.
37. Aviation Unit Annual Report	Aviation Unit Supervisor	Annual review of activities within the aviation unit.	Annually	Aviation unit chain of command.
38. CALEA Status Report	Accreditation Manager	To keep Chief up to date on Progress	As needed	Directly to Chief
39. Personnel Summary	Personnel Manager	Personnel allocations vs. actuals	Monthly	Email to Command Staff

**Charlotte-Mecklenburg Police Department**  
Department Administrative Reports


40. Funds Availability Report	Finance Unit manager	Financial Performance Compared to budget	Weekly/Monthly	Electronically to Command Staff
41. Allotment Report	Financial Unit Supervisor	Shows detail of each transaction on Funds Availability Reports	Monthly	Hard Copy to Command Staff
42. Watch Commander's Daily Log	The 3 <sup>rd</sup> Shift Watch Commander	To advise the department about what transpired during the previous night and early morning hours.	Daily, except on the weekend when the report is generated for the Monday Morning	Email to Command Staff
43. Media Release	The responsible division or current Watch Commander when incident occurs.	To inform the media of new incidents	When incident occurs	Email or on the media line.
44. Reserve Unit time report	Reserve Unit commander	Total of hours worked	Monthly	Chain of Command
45. Taser List	Division Administrative Supervisor	Track taser use and damage	Monthly	Print out
46. Radar log	Division Administrative supervisor	Up keep on all radar units	Bi-monthly	Print out
47. B.A.T. Team	BAT team Supervisor	Burglary tracking info	Weekly	Electronically
48. Domestic Violence	DV Supervisor	Inform patrol of DV hot spots	As needed	Electronically
49. Event Calendar	Division Problem Solving Supervisor	Community and Business Events	Monthly	Chief's Office
50. Youth Protection Ordinance Report	FSD Inv. Tech	Monthly statistical update on curfew violations	Monthly	Email to command staff
51. Annual Recruitment Report	Recruitment Captain and/or Sergeant	Division's Annual Report	Annually	Sent to D/C of Administration
52. Mailed Applications Report	Recruitment Sergeant	Report the number of applications mailed each month.	Monthly	Sent to Administrative Services
53. Daily Shift Report	Division Shift Sergeant	Report on daily shift problem solving efforts	Daily	Email to Division Captain

**Charlotte-Mecklenburg Police Department**  
Department Administrative Reports

54. HITS Monthly Report	Motor Division Commander	Summary of work done by the HITS unit	Monthly	Major and Deputy Chief of Support Services
55. Monthly Gang Report	Gang Unit Supervisor	Unit's Activity	Monthly	E-mail/saved to K-Drive
56. Monthly Criminal Intelligence Unit Report	CIU unit Supervisor	Unit's Activity	Monthly	Email and saved to K-Drive
57. Hate Crimes Reporting	CIU Supervisor	Report Hate crimes to the FBI and SBI	Twice a year	By mail through RPA
58. Intelligence Bulletin	CIU Supervisor	Intelligence Information for CMPD employees	As needed	Email to CMPD everyone
59. Crime Stoppers report	Crime Stoppers officer	Crime Stopper activity to the Crime Stoppers Board	Monthly	Hard copies provided to Crime Stopper Board Members
60. Violent Crimes Task Force Activity	VCTF Supervisor	Unit's Activity	Weekly	Email to Chain of Command
61. Property Dispositions	Property Control Supervisor	Review held evidence	Every other month	Property verification sheets via inter-office mail
62. Fleet Preventive Maintenance	Fleet Supervisor	Vehicle Maintenance	Daily	Email to CMPD everyone
63. Internal Affairs Monthly Case Update	IA Unit Major	Inform the Chief	Monthly	In Person
64. Communications Log	Shift Supervisors	To record all 911 and radio traffic incidents of merit that occurred during the shift.	Daily per shift	Maintained in computer file and printed and maintained in log book by AO1
65. Monthly Communications management report	AO1	To report total 911 call volume	Monthly	On the public folder list and copies kept by AO1
66. Mobile Video Recorder Tape Recycle Report	Division Administrative Supervisor	Recycle MVR Tapes	Monthly	Hard copy filed in Division and copy to MVR coordinator
67. Radar Trailer usage Report	Division Administrative Supervisor	Document radar trailer usage	Monthly	Hard copy filed in Division and copy to Traffic Unit Supervisor

**Charlotte-Mecklenburg Police Department**  
Department Administrative Reports

68. Parade Permit	Special Events Captain	Evaluation	Sporadic	Hand Deliver to affected unit
69. Festival Permit Applications	Special Events Captain	Evaluation	Sporadic	Hand Deliver to affected unit
70. Annual Training Division Report	Training Unit Commander	Annual Training Report	Annual	Electronic/Hard Copy to Executive Staff
71. City Training Report	Training Unit Commander	Advise City of Training	Annual and As needed	Electronic copy to City Managers office
72. Performance Development and Review	Employee's Supervisor	Evaluation of Employees' Performance and Salary Increases (When Available)	Annual	Hard Copy through Chain of Command to Personnel
73. CMPD Technology Forum Agenda and Minutes	Technology Forum coordinator	To Inform CMPD Staff and document new/ revised Technology/Applications	Bi-Monthly	Hard and Electronic Copies
74. Software Changes	Computer Technology Staff	Document Changes	As Needed	Electronic Tracking Software
75. Software Audits	Technology Supervisor	Ensure Compliance with Licensing Agreements	Annual	Electronic Copies
76. Technology Strategic Planning	Technology Commander	Plan to Guide CMPD Technology Progression	Bi-Annually	Hard Copies
77. NEPS Outsourcing Status Report	Technology Commander	Ensure Better Service to the Community	When Requested	Hard and Electronic Copies
78. CTS After Duty and Emergency Contact Lists	Computer Technology Services Supervisor	Provide Command and Chiefs Contact Information for Emergencies or System Outages	Semi-Annually and When Requested	Electronic Copies
79.				

	<b>Charlotte-Mecklenburg Police Department</b>		<b>800-010</b>
	<b>Interactive Directives Guide</b>	<b>Early Intervention System</b>	
		<b>Effective Date: 6/5/2023</b>	<b>1 of 11</b>

I. PURPOSE


This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employee use of the Early Intervention System (EIS). The EIS seeks to identify sworn employees who may need assistance before policy violations arise. The primary goal of the EIS is to intervene before issues arise, address concerning patterns of behavior, enhance communication between supervisors and employees, and encourage supervisor coaching and mentoring of employees while supporting employees in a non-punitive manner. The aim of EIS is to identify and modify potentially problematic behavior before it results in actions that are contrary to the mission and fundamental values of the CMPD.

The EIS employs research-based information techniques to better identify employees who may need assistance to improve their interactions or behaviors. CMPD recognizes that stressors, trauma, and the cumulative effects of modern policing may have negative effects on behavior. The EIS is intended to help identify areas of concern, and potential issues, and design customized strategies to assist sworn employees in a positive manner.

II. POLICY

- A. The Charlotte-Mecklenburg Police Department’s (CMPD) Early Intervention System (EIS) shall provide predictive analytics for all sworn employees, by providing supervisors with the ability to provide appropriate non-disciplinary assistance as needed. Early Intervention System alerts are not intended to be punitive or synonymous with negative discipline.
- B. Using the EIS developed by Benchmark Analytics based on national research, CMPD will identify those sworn employees with the greatest need for intervention. Supervisors with employee input will implement a non-disciplinary intervention to assist them with professional development and ensure that they are providing the highest level of service to the public. The EIS algorithm will evaluate several years of CMPD data and based on multiple indicator categories, calculate overall activity, behaviors, and trends relative to the nature of the assignment, geography, and peer group.
- C. EIS alert records are considered a confidential part of an employee’s personnel record under NCGS 160A-168 and must be protected in compliance with the restricted personnel file guidance provided in Directive 300-008, Personnel Records.
  - 1. Access to the EIS Dashboard containing risk data and employee information will be limited to the EIS administrators, key Public Safety Technology Solutions (PSTS) employees, and those who have a documented business need to access it at the discretion of the Chief of Police or Chief of Police’s appointed designee.
  - 2. When an alert is issued, only an employee’s chain of command and the persons listed above will have access to the employee’s risk data and supporting information.




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3. EIS Records are considered a personnel record, per Directive 300-008 Personnel Records, the following may view EIS alert history specific to an employee's restricted personnel file:
    - a. Employee's Chain of Command
    - b. Police Attorney
    - c. Human Resources Division Designated Employees
    - d. EIS Administrators
  4. All EIS records will be maintained in accordance with Directive 800-004 Records Retention and Disposition.
  5. An employee's EIS record will not be used for transfer and/or promotional processes.
- D. EIS alerts shall be reviewed by the designated supervisor upon receipt. Supervisors will receive an overdue push notification if an alert has not been reviewed in the EIS within five (5) working days.
  - E. For alerts related to the use of benefit time, supervisors shall first contact the CMPD Human Resources Division (HRD) for assistance. A supervisor-initiated course of action plan concerning the use of benefit time shall not be created without first gaining approval from the HRD and the EIS administrators.
  - F. The HRD shall be contacted for concerns related to a performance improvement plan (performance probation) or overall job aptitude.

### III. DEFINITIONS

- A. **Actionable Risk:** An employee is highly likely to experience an adverse situation from the current date and requires intervention to assist them with professional development and ensure that they are providing the highest level of service to the public.
- B. **Activity Type:** The specific law enforcement action or behavior (i.e., arrests, use of force incidents, etc.) being evaluated.
- C. **Adverse Interaction:** A potential violation of law or policy that may occur in the future if proper interventions or assistance are not offered to the employee.
- D. **Advisable Risk:** An employee's activity patterns are trending towards experiencing an adverse situation and may need intervention to assist them with professional development and ensure that they are providing the highest level of service to the public.
- E. **Alert:** A notification, initiated by the EIS administrator, to the employee's chain of command. EIS alerts are not to be used as substitutes for formal yearly or quarterly performance appraisals.

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- F. Behavior: An employee’s conduct or the demonstration of particular skill sets such as communication, safety, tactics, etc. Individual behaviors are not an evaluation of overall job aptitude.
- G. Chain of Command: An employee’s immediate and next two higher-ranking CMPD supervisors.
- H. Course of Action: A non-punitive intervention strategy to help an employee improve behavior and/or performance. A supervisor may recommend one or multiple courses of action that span a range of categories including no action, one-on-one support or coaching, training, and/or other strategies. The targeted areas of improvement based on the selected courses of action include:
  - 1. Time management
  - 2. Civilian engagement
  - 3. Teamwork
  - 4. Agency policy knowledge
  - 5. Interpersonal skills - (interacting with others effectively)
  - 6. Communication
  - 7. Conflict resolution
  - 8. Writing
  - 9. Open-mindedness
  - 10. Critical thinking
  - 11. Problem-solving
  - 12. Flexibility
  - 13. Organization
  - 14. Job knowledge
  - 15. Job skills
  - 16. Leadership
  - 17. Respectfulness
  - 18. Listening
  - 19. Patience
  - 20. Proactiveness

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21. Perseverance

22. Overall wellness

- I. Early Intervention System (EIS): The EIS is an assessment tool that incorporates numerous sources of information to help generate a full depiction of sworn employee activity to aid the CMPD in identifying any needed early interventions. It is a research-based information tool that can be used to prioritize outreach to sworn employees who may need additional leadership support.
- J. EIS Administrators: The Quality Assurance Division captain and Strategic Policy Division lieutenant that manages the operation and maintenance of the EIS.
- K. Intervention: Non-disciplinary leadership engagement with employees with the purpose of impacting behavior that based on EIS indicators deviates from the statistical norm and may lead to undesirable outcomes for the employee and the CMPD.
- L. Peer Group: Sworn employees of similar rank, unit assignment, geography, and years of service. Peer group results identify activity patterns relative to the norm and are broken down into the following category levels – Very Low, Low, Expected, High, and Very High.
  1. Very Low: The sworn employee’s rate of occurrence for the activity type is two standard deviation units below the expected rate of occurrence. This means that about 95% of employees within the peer group have greater rates of occurrence in this activity type than this sworn employee. This sworn employee is in the bottom 5% of the activity type within the peer group.
  2. Low: The sworn employee’s rate of occurrence for the activity type is one standard deviation below the expected rate of occurrence. This means that about 68% of employees within the peer group have greater rates of occurrence in this activity type than this sworn employee. This sworn employee is in the bottom 32% of the activity type within the peer group.
  3. Expected: The sworn employee’s rate of occurrence for the activity type is within range of the rate of occurrence seen in the employee’s peer group in a given time interval (the default time interval is one year).
  4. High: The sworn employee’s rate of occurrence for the activity type is one standard deviation above the expected rate of occurrence. This means that about 68% of employees within the peer group have lower rates of occurrence in this activity type than this sworn employee. This sworn employee is in the top 32% of the activity type within the peer group.
  5. Very High: The sworn employee’s rate of occurrence for the activity type is two standard deviation units above the expected rate of occurrence. This means that about 95% of employees within the peer group have lower rates of occurrence in


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this activity type than this sworn employee. This sworn employee is in the top 5% of the activity type within the peer group.


- M. Post-Intervention Assessment/Follow-up: A process to determine if a course of action changed the employee’s behavior(s) that prompted the initial intervention.
- N. Risk Factor Profile: Highlights the combination of factors that caused the EIS to identify a sworn employee as being at risk.
- O. Risk Levels: An indicator that highlights the probability of a sworn employee experiencing an adverse situation (i.e., suspension, complaint investigation, etc.) in a time interval from the current date. Risk levels include:
  - 1. Minimal Risk: A sworn employee is unlikely to experience an adverse situation in a time interval from the current date.
  - 2. Advisable Risk: A sworn employee’s activity patterns are trending towards experiencing an adverse situation and may need intervention to assist them with professional development and ensure that they are providing the highest level of service to the public.
  - 3. Actionable Risk: A sworn employee is highly likely to experience an adverse situation in a time interval from the current date and requires intervention to assist them with professional development and ensure that they are providing the highest level of service to the public.
- P. Risk Score: The Benchmark Analytics risk score predicts future risk by identifying activity patterns in sworn employee data (i.e., arrest activity, use-of-force events, traffic stops, etc.) that have been shown historically to result in adverse situations for sworn employees or the public. Additionally, the risk scores consider the employee’s nature of assignment, geography, and years of service.
- Q. Supplemental Course of Action Form: A form used to document meetings and add additional information about the course of action that is in process.

#### IV. PROCEDURE


- A. The EIS program will run automatically. Upon logging on to the EIS dashboard, the EIS administrators and designated sworn employees will be provided with the most current information on all sworn employees based on an individual’s likelihood of experiencing an adverse event in the next year. The EIS administrator, the employee’s supervisor, and the employee’s second-level supervisor will thoroughly review the alerts. The EIS administrator will monitor to ensure the employees’ supervisors are reviewing the alert and submitting a course of action form.
- B. The following alert types can be generated in the EIS:
  - 1. Advisable Alert

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2. Actionable Alert
  3. Supervisor Initiated Alert
- C. When an alert is generated, it is assigned to the sworn employee's second-level supervisor, usually a lieutenant, as listed on the CMPD organizational chart.
1. The sworn employee's chain of command will have access to the sworn employee's alerts from the EIS dashboard.
  2. The assigned supervisor will have three (3) working days to draft an initial course of action.
  3. If the assigned supervisor is unable to complete the initial course of action in five (5) working days, another supervisor from that unit or division shall be assigned the alert by the EIS administrator.
  4. The course of action plan drafted by the initiating supervisor (e.g., the division lieutenant) will be routed to the next level of supervision for approval within three (3) working days of receiving the alert. The next level of supervision cannot alter the course of action plan but must approve the course of action plan, reject the course of action plan, or request additional information.
  5. If the next level of supervision rejects the course of action plan or requests additional follow-up, the initiating supervisor will respond within three (3) working days. An email will remind the supervisor, their supervisor, and the EIS administrator if this timeframe is exceeded.
  6. Within three (3) working days of receiving the approved course of action plan from the division captain, the lieutenant and sergeant will schedule a course of action in person meeting with the sworn employee to discuss patterns/concerns and listen to input from the employee regarding their course of action plan, if applicable.
  7. Alerts will expire three months from the initial date of the alert. If the sworn employee remains at risk of an adverse event, the system will generate another alert for the sworn employee.
  8. Supervisors can search EIS histories for sworn employees under their command and provide sworn employees with a summary of their EIS alert history upon request.
- D. Courses of Action
- Courses of action can include directed counseling, training, or other assistance that the designated employee should participate in to address the behavior of concern. Several course of action options are available for a supervisor to select to assist an employee. Examples include, but are not limited to:


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1. Counseling: The supervisor may review and discuss with the sworn employee, for the purposes of clarification and understanding, any applicable policy considerations, behavior expectations, safety requirements, or tactical solutions.
  2. Remedial Training: A supervisor may direct an employee to successfully complete an approved course of instruction or one-on-one training that will serve to address the behavior associated with an alert.
  3. Employee Assistance Program (EAP): A supervisor may refer an employee to EAP. These referrals are not mandatory.
  4. Community Wellness Division: A supervisor may contact the Community Wellness Division lieutenant and/or the CMPD behavioral health specialist to discuss possible education and referral options.
  5. Peer Counseling Referral: A supervisor may make a voluntary referral to the Peer Support Program.
- E. Supervisor-Initiated Course of Action: Supervisors may independently initiate a course of action plan in the EIS for sworn employees under their command. If a change in an employee's behavior is observed, the supervisor does not have to wait for the EIS to identify and alert. Once the supervisor initiates the course of action plan, the process will be managed following the same steps listed in section IV. C. 1-8.
- F. EIS administrators are not precluded from issuing a course of action plan for employees that were not identified by the EIS system.
- G. Roles and Responsibilities of Department Employees:
1. Majors shall:
    - a. Ensure EIS procedure compliance by sworn employees under their assigned command.
    - b. Monitor the EIS dashboard for alerts regarding sworn employees under their assigned command.
  2. Captains shall:
    - a. Ensure EIS procedure compliance by sworn employees under their assigned command.
    - b. Monitor the EIS dashboard for alerts regarding sworn employees under their assigned command.
    - c. Provide feedback and support to the lieutenants and sergeants under their assigned command.
    - d. Receive and review the completed alerted sworn employee's course of action plan from the lieutenant within three (3) working days from receiving

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the course of action plan and either approve or request additional information from the sworn employee's lieutenant. If the course of action plan is approved, it is forwarded to the sworn employee's lieutenant for initiation of the course of action meeting. If additional information is requested, the course of action plan is forwarded to the sworn employee's lieutenant to address the information requested.

- e. Suggest training, education, coaching, and/or confidential counseling as appropriate.
  - f. Identify and schedule any needed follow-up.
  - g. Review the sworn employee's expired course of action plan.
  - h. Continue to assess sworn employees' performance under their assigned command.
3. Lieutenants shall:
- a. Monitor the EIS dashboard for any patterns of concerning sworn employee behavior.
  - b. Review received alerts and supporting documents via the EIS dashboard. Complete a course of action plan for the sworn employee within five (5) working days of receiving the alert. Seek additional information from the sworn employee's sergeant.
  - c. Submit the EIS alert and course of action plan to the division's captain for approval.
  - d. Within three (3) working days of receiving the approved course of action plan, schedule a course of action in-person meeting with the sworn employee's sergeant and sworn employee to discuss patterns/concerns and listen to input from the employee regarding their course of action plan, if applicable. The course of action meeting is documented on the supplemental course of action form by the lieutenant.
  - e. Coordinate and implement any appropriate and available training, education, coaching, and/or confidential counseling as outlined in the employee course of action plan.
  - f. Identify and schedule any needed follow-up.
  - g. By the end of the three (3) months, the lieutenant will attach the appropriate documentation of counseling or other intervention completed as part of the course of action summary.
  - h. Continue to assess sworn employees' performance under their assigned command.


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4. Sergeants shall
  - a. Monitor the EIS dashboard for any patterns of concerning employee behavior and if deemed necessary, create a supervisor-initiated alert/course of action plan. Contact their supervisor and the EIS administrators in reference to the supervisor-initiated alert/course of action plan.
  - b. Review any alert sent, and supporting documentation, and if requested, assist the lieutenant with completing a course of action plan for that employee within five (5) working days.
  - c. Within three (3) working days of receiving the approved course of action plan, assist the lieutenant with scheduling a course of action in-person meeting with the sworn employee to discuss patterns/concerns. Meet with the sworn employee with the lieutenant and listen to input from the employee regarding their course of action plan, if applicable.
  - d. Coordinate and implement any appropriate and available training, education, coaching, and/or confidential counseling as outlined in the employee course of action plan.
  - e. Identify and schedule any needed follow-up.
  - f. Continue to assess sworn employees' performance under their assigned command.

#### H. System Management


1. The EIS is managed by the Quality Assurance Division captain and the Strategic Policy Division lieutenant in conjunction with the Public Safety Technology manager. The EIS administrator and the Public Safety Technology manager will conduct ongoing evaluations of the EIS and will make recommendations to the Chief of Police regarding any modifications or enhancements.
2. EIS Administrators shall:
  - a. Monitor and maintains the EIS dashboard.
  - b. Review alerts for accuracy and ensure alerts are reviewed by assigned supervisors within three (3) working days.
  - c. Review all course of action plans submitted by supervisors.
  - d. Email an escalation notification to the employee's chain of command if a course of action plan is not completed within three (3) working days.
  - e. Provide support to an employee's chain of command upon request, including-providing additional information or reports that could assist the



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chain of command in determining the best course of action for the affected employee.

- f. Review all expired alerts and notate reviews on the supplemental course of action form.
  - g. Ensure that any required updates or changes to the EIS or the EIS directive are completed.
  - h. Complete an annual written evaluation report of the EIS for the Chief of Police that includes summary data and information about the EIS, including the number and types of courses of action, summary analysis, and recommendations. The EIS administrators will conduct quarterly update briefings for the Chief of Police and/or designee.
3. Technical administrators shall:
- a. Collaborate with Benchmark Analytics in discussions of ongoing model and system management and assessment.
  - b. Manage technical support requests from internal CMPD stakeholders.
  - c. Manage data issues and/or concerns.
  - d. Manage any changes required to data extraction queries.
  - e. Manage any changes to CMPD user roles and permissions.
- I. Effective Techniques for Supervisors and Course of Action Plan Meeting Tips include:
1. At the beginning of the meeting, take a moment for rapport building to set a positive tone and demonstrate genuine interest in the employee's success.
  2. Highlight the positive work of the employee, but clearly state any deficiencies along with examples of incongruent performance and/or concerning behavior.
  3. Be transparent concerning all information within the EIS. Allow sworn employees to review the EIS data and records associated with the alert during the course of action meeting.
  4. Remain calm, objective, and professional.
  5. Maintain a positive, respectful, and helpful demeanor.
  6. Ask open-ended questions that cannot be answered with a simple "yes" or "no".
  7. Foster a discussion around each area where improvement is desired or needed.
  8. Listen to any explanations or statements of the employee relative to the issues under discussion and review.


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9. Display empathy.
10. Advise the employee of the available resources to assist in the situation (e.g., EAP/counseling, peer support, training, etc.)
11. Identify any contributing factors outside of the employee's control.
12. Work toward a collaborative and agreed-upon solution.
13. Establish the areas of improvement being targeted based on the selected course of action plan.
14. When conducting a course of action plan meeting with an employee who has fallen into the actionable risk level, set clearly defined goals and objectives for improved performance.
15. Provide guidance to prevent the recurrence of concerning behaviors and to avoid performance issues.
16. Take notes and summarize the discussions.
17. Keep the employee focused on the issues being reviewed and discussed.
18. Express confidence that the employee will improve.
19. Remain positive and optimistic.

#### V. REFERENCES

N.C.G.S. 160A-168  
 CALEA  
 300-008 Personnel Records  
 300-020 Police Critical Incident Stress  
 300-023 Employee Assistance Program  
 300-025 Peer Support  
 800-001 Use of Public Records and Department Information  
 800-004 Records Retention and Disposition

The previous version of Directive 800-010 Early Intervention System was published on 04/16/2020

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## I. PURPOSE

The purpose of an inspection or audit is to examine and evaluate the functions and activities of the Charlotte-Mecklenburg Police Department (CMPD) and its ability to accomplish organizational objectives in accordance with existing written directives and acceptable practices. An inspection or audit is a tool for continuous improvement, not a punitive measure.

## II. POLICY

A. Internal inspections and audits are conducted at the direction of the Chief of Police, or designee, for the following purposes:

1. To ascertain if policies, procedures, goals, and objectives are clearly defined to be properly interpreted and implemented accordingly.
2. To determine if personnel, equipment, materials, and resources are being used properly for achieving CMPD goals and objectives.
3. To ensure operational conditions foster an atmosphere of safety and cooperation within CMPD and other stakeholders.
4. To provide information concerning the quality of service delivered and the effectiveness of the service.
5. To identify opportunities for improvement in personnel integrity, training, morale, supervision, or policy.
6. To ensure that CMPD remains in compliance with regulations, requirements, and best practices.


B. External inspections and audits are periodically completed by various outside agencies, customers, or City of Charlotte personnel to ensure compliance with regulations, requirements, and best practices.

## III. DEFINITIONS

A. **Staff Inspection:** An in-depth review of all areas of the CMPD to assure administrative procedures are being adhered to. Staff inspections promote an objective review of CMPD administrative and operational activities, facilities, property, equipment, and personnel outside the normal supervisory and/or line inspections.

B. **Staff Inspection Team:** A group of CMPD employees without supervisory responsibility within the areas they are inspecting assigned to conduct a staff inspection. The staff inspection team is comprised of as many CMPD employees as necessary to accomplish the inspection.

C. **Line Inspections:** An ongoing activity that ensures employees are in compliance with CMPD directives, standard operating procedures, requirements governing appearance, and the use and maintenance of equipment.

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- D. Audits: A statistically valid sampling of items that show compliance with CMPD directives and standard operating procedures. Audits will typically be used in areas that lend themselves to quantified numerical analysis, such as evidence storage and financial matters.
- E. Deficiency: An all-inclusive term used in reference to process or procedural deficiencies, defective items, malfunction, nonconformance, etc.
- F. Audit Tracking Database (ATD): The audit tracking database is a multipurpose application used to store and track internal and external inspections and audits and, if required, document, store, and track deficiencies.

#### IV. PROCEDURE

##### A. Staff Inspections

The Professional Accountability Bureau will coordinate the staff inspections process. All CMPD employees shall cooperate and assist with the staff inspection team assigned to conduct a staff inspection.


##### 1. Staff Inspection Team

- a. The staff inspection team will operate under the direct authority of the Chief of Police or designee.
- b. The staff inspection team will be comprised of at least one supervisor assigned to the Professional Accountability Bureau.
- c. The staff inspection team lead will be responsible for writing detailed reports and providing supporting documentation for their findings.
- d. The staff inspection team shall have access to all CMPD personnel, records, facilities, and equipment for the purposes of a staff inspection.
- e. The staff inspection team will not have access to any Internal Affairs Division investigations, personnel files, and/or any other confidential file or record.

##### 2. Frequency of Inspections

The Professional Accountability Bureau will develop a schedule to ensure all inspections are completed on time.

- a. An inspection will be conducted within all organizational components at minimum every four (4) years, complying with the standards set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA).
- b. Some units will have annual or semi-annual inspections as required by CALEA, such as the Property and Evidence Management Division and any cash funds maintained by individual units.

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### 3. Inspection Notification

- a. The staff inspection team lead will provide notification of the pending staff inspection to the bureau, division, or unit being inspected thirty (30) days in advance. This notification will identify the tentative timeframe, the scope of the staff inspection, and requests for any additional items in which the bureau, division, or unit being inspected requires further review.
- b. At minimum, two (2) weeks prior to the staff inspection, the staff inspection team lead will provide notification to the responsible personnel of the bureau, division, or unit to be inspected. This notification will identify the time frame and scope of the inspection and any items, files, documentation, or personnel deemed necessary to assist with the staff inspection.

### 4. Methodology

The staff inspection process will typically involve direct observation, use of internal and external reference materials, and personnel interviews. This does not, however, preclude the use of other methods, contingent upon the nature of the inspection.

The Professional Accountability Bureau will maintain a template for the documentation of the inspection as well as a guide to ensure the necessary inspection concerns are not overlooked.


#### a. Personnel Inspections

- (1) In order to ensure the objectivity of the staff inspection process, a representative sample of the personnel assigned to, or associated with, a bureau, division, or unit undergoing inspection will be inspected when practical.
- (2) Individual electronic survey forms will be made available to each person assigned to the bureau, division, or unit being inspected and will be compiled for inclusion in the final report.

#### b. Supervisory Interviews

A sample of supervisors assigned to, or associated with, the bureau, division, or unit undergoing inspection will be interviewed. The discussion should be constructive, non-judgmental, and serve to benefit the staff inspection team's understanding of the bureau, division, or unit's functionality, management, and operational readiness.

- (1) Supervisory interviews should be conducted after the completion of all employee interviews to allow for any potential areas of

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concern within the bureau, division, or unit to be raised to the command staff.

- (2) Allegations of improper conduct on the part of the bureau, division, or unit's personnel should be addressed to that employee's chain of command. The staff inspection team is not to initiate Internal Affairs investigations.

c. **Equipment Inspection**

A sample of the equipment assigned to the bureau, division, or unit will be inspected for operability and maintenance. The staff inspection team will make recommendations to the inspected bureau, division, or unit as to whether additional equipment is needed.

d. **Facility Inspection**

The workspace assigned to the bureau, division, or unit should be inspected for adequacy, functionality, and safety. The facility inspection may be coordinated with the CMPD Facilities manager and/or the City of Charlotte General Services Division.

5. **Reports and Follow-Up**

- a. The staff inspection team lead, with assistance from the inspection team members, will be responsible for generating the executive summary to include recommendations and deficiencies, if any.

- b. The executive summary, a compilation of employee surveys, and any supporting documentation will be provided to the inspected bureau, division, or unit's executive and command staff members.


c. **Management Response**

- (1) The inspected bureau, division, or unit shall prepare a response to each of the identified recommendations and deficiencies within ten (10) business days of receipt of the executive summary.

- (2) All deficiencies require a response. A response could include:

- (a) Planned actions to correct the deficiency;
- (b) Actions that were taken to correct the deficiency;
- (c) No action to be taken. This response would require an explanation.

- d. The staff inspection team's executive summary, the bureau, division, or unit's response, and the employee survey results will be forwarded to the responsible deputy chief and Chief of Police for review.

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- e. The Professional Accountability Bureau shall be responsible for the storage and purging of all inspection and audit reports in accordance with Directive 800-004 Public Records Retention and Disposition.

**B. Line Inspections**

1. All CMPD employees are subject to informal daily inspections to ensure employees are in compliance with CMPD directives and rules of conduct, personal appearance, and proper use and maintenance of equipment. It is the responsibility of the inspecting supervisor to ensure deficiencies are corrected. Informal inspections do not require documentation unless deemed necessary by the inspecting supervisor.
2. All sworn employees (including hirebacks) below the rank of sergeant are to be formally inspected at minimum once per calendar year. Annual line inspections will be thoroughly documented in the Audit Tracking Database (ATD) located on the CMPD Portal. Sergeants or the appropriate supervisor based on the bureau, division, or unit structure are expected to take immediate corrective action to remedy any deficiencies.

**C. External Inspections or Audits**

1. External inspections or audits are conducted based on the needs and requirements of the requesting agency.
2. The preparation for each external inspection or audit shall be at the discretion of the bureau, division, or unit that will be inspected or audited.
3. The Professional Accountability Bureau is responsible for ensuring that all external inspections and audits are entered correctly into the ATD.
4. Reports and Follow-Up
  - a. The inspected or audited bureau, division, or unit should initiate an external inspection or audit form in the ATD during one of the following times:
    - (1) Prior to the start of an external inspection or audit, usually upon receipt of the notification;
    - (2) During or shortly after the external inspection or audit;
    - (3) Receipt of the inspection or audit report.
  - b. Once the bureau, division, or unit receives the external inspection or audit report from the outside agency, they shall enter the information into the ATD as well as notify executive command staff within five (5) days of receipt of the report to prevent missing the response due date of any noted deficiencies.

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- c. Deficiencies and opportunities for improvement that require a response shall also be individually entered on a deficiency report in the ATD. Deficiency reports shall be initiated within five (5) days of the receipt of the inspection or audit report to prevent missing the response due date.
- d. If an external inspection or audit requires a follow-up, then a supplemental form in the ATD shall be completed.

**D. Internal Audits**

- 1. Internal audits are performed commensurate with the importance of the activity by the Professional Accountability Bureau and at the discretion of the bureau, division, or unit requesting the internal audit.
- 2. Internal audits may be announced or unannounced at the discretion of the executive command staff requesting the performance of the internal audit. At minimum, two (2) weeks prior to the internal audit, the audit team lead will provide notification to the responsible personnel of the bureau, division, or unit being audited. This notification will identify the time frame and scope of the audit.

**3. Methodology**


The following methodologies may be used during the performance of an internal audit:

- a. Review and examination of work areas and operational procedures to determine compliance with CMPD directives and standard operating procedures.
- b. Verification of personnel training and qualification records where special skills are required.

**4. Reports and Follow-Up**

- a. The team lead, with the assistance of the team members (if any), is responsible for issuing the executive summary within thirty (30) days after the conclusion of the audit.
- b. The executive summary shall include a description of the scope of the audit, a summary of the results, and a brief description of any deficiency. It may also include the strengths and weaknesses of the bureau, division, or unit as well as opportunities for improvement.
- c. All identified deficiencies shall be individually documented on a Deficiency Report in the ATD. Opportunities for improvements may be documented on a Deficiency Report.
- d. For all deficiencies that are classified as “major” or “severe,” the Professional Accountability Bureau shall schedule a follow-up



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assessment thirty (30) days after the completion of the final corrective action to ensure the effectiveness of the corrective action.

- e. The responsible party for each identified deficiency shall prepare a response noting any positive measures taken to correct the deficiency within sixty (60) days. Responses shall be routed via each responsible party's chain of command and forwarded to the Professional Accountability Bureau.

V. REFERENCES

- 100-004 Discipline Philosophy
- 100-005 Patrol Services
- 800-004 Public Records Retention and Disposition
- N.C.G.S. 160A-168
- CALEA Unit SOP
- CALEA

The previous version of Directive 800-011 Inspections and Audits was published on 04/22/2019.

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I. PURPOSE


The purpose of this directive is to provide regulations for the control, use and management of Confidential Informants (CI) utilized by all sworn members of the Charlotte-Mecklenburg Police Department. The management and documentation of all CMPD CI's is the responsibility of the Vice and Narcotics Unit.

II. POLICY

In many instances, a successful investigation cannot be conducted without the use of confidential and reliable informants. A CI has a relationship with the CMPD and not an individual officer. When an officer is used as the contact person with a CI, the officer shall be acting in his/her official capacity. Adherence by the officer to directives and procedures is required at all times when dealing with confidential and reliable informants. It shall be the policy of the CMPD and its' employees to maintain strict confidentiality concerning the identity and efforts of its CI's.

III. DEFINITIONS

- A. Confidential Source: Any person who provides information about criminal activity on a one time or infrequent basis that may result in an investigation. The information alone may not be considered to be reliable for court purposes. A confidential source is not considered to be an informant and does not need to be registered as one. Examples: a 911 call, information from a concerned citizen.
- B. Confidential Informant (CI): A confidential source that, on an ongoing basis, provides information concerning criminal activity which leads to a police action such as an arrest, seizure, or follow up investigation. The confidential informant may provide this information in exchange for monetary or other lawful consideration. The information a CI provides is vetted and the reliability of information provided in the past determines his/her reliability for the purposes of court. Examples: person working towards substantial assistance in a criminal case, a person providing reliable information leading to probable cause to search a person, vehicle, or residence.
- C. CI Packet and Information File: Documentation completed about a person in order to determine an individual's suitability for becoming a CI. This confidential information file will be maintained by the Vice and Narcotics Unit in a secure area and will include accurate and inaccurate information the CI has provided police. It will also designate whether the CI is active, inactive or terminated.
- D. Master File: The Vice and Narcotics Unit will maintain a master CI file. This file will be located in a secure area and their access will be limited to the Major of the Special Investigations Bureau, Vice and Narcotics Captain, and the Vice and Narcotics Sergeants. If a member of Executive Staff requests to review a CI file for official business purposes, he/she will be permitted to review those files which are directly related to his/her inquiry and will be accompanied by the Vice and Narcotics Captain or SIB Major.

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- E. Code of Conduct: a list of understandings, behaviors, and actions acknowledged by Confidential Informants, by means of their signature, certifying their agreement to cooperate with and assist the CMPD.


#### IV. PROCEDURE

##### A. Establishment of the CI File System:

1. Vice and Narcotics sergeants will be responsible for developing and maintaining CI files.
2. An individual file will be developed and maintained for each CI used by any CMPD officer.
3. Each file shall contain the following information:
  - a. Cover sheet (Name, Address, Date of Birth, Race, and Sex)
  - b. Current Picture
  - c. Fingerprint
  - d. Handwriting sample
  - e. Criminal History
  - f. Summaries of information provided by the CI and the results
  - g. CMPD "Code of Conduct" form
  - h. File number
  - i. Assumed Name
  - j. Signature of approval from a division supervisor who has attended CI training or a Vice and Narcotics supervisor

##### B. Guidelines for CI Use

1. Any prospective CI must complete a CMPD CI Packet prior to utilization by any officer.
2. Upon completion of the CI Packet, the initiating officer(s) and the CI shall meet with a Vice & Narcotics Unit Supervisor or a designated sergeant that has attended the Informant Registration class prior to utilizing the CI. At this time a determination will be made by the vice supervisor or designated sergeant as to the usability of a CI.
3. In the event of exigent circumstances, a prospective CI may be used without first completing the CI Packet. However, this may be done only with the approval of a Vice and Narcotics Supervisor or Division sergeant responsible for drug investigations. If approval is granted the officer must complete the CI


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Information Packet within 48 hours of the information being provided and acted upon.

4. Officers will not utilize a CI when it is known that the informant is wanted by any law enforcement agency. This does not nullify any information the informant may provide however, an officer will not direct a CI to make a drug buy or let the informant out of his or her sight to verify that information. Once this information is obtained, the officer will ensure the CI is arrested and turned over to the appropriate law enforcement agency. If the CI is wanted by a jurisdiction that is refusing to extradite, officers will need the approval of a Vice and Narcotics supervisor prior to using the informant.
5. If a CI is on probation or parole, the officer is required to check with the appropriate probation or parole officer to ensure that the use of this person does not interfere with any conditions of his or her parole or probation. The officer will obtain, in writing, the approval of the parole or probation office to use the CI and this documentation will be placed in the CI File Packet.

C. CI File Audit

1. Officers should ensure all biographical information is accurate and up to date. If not, a new biographical data form should be completed and provided to a Vice and Narcotics Supervisor. Officers should monitor any informant actions that are contrary to the informant Code of Conduct and notify a Vice and Narcotics supervisor to update the Confidential Informant's file.
  - a. Any issues concerning a CI will be discussed between the officer and Vice and Narcotics supervisor to determine if future use of this CI is warranted. This will not preclude any issues that are addressed throughout the year if needed.
  - b. CI activity during the past year will be reviewed to determine if he/she should remain as an active or inactive informant.
  - c. Update the Imprest Fund database with relevant information pertaining to the CI.
2. Inactive / Terminated Confidential Informants:
  - a. If a CI has not provided reliable and/or accurate information within the past year, the CI may be moved to the Inactive CI file. This does not mean the CI cannot be used in the future, but if he or she is, the officer must submit a new CI Information Packet and follow the steps to ensure the information is reliable.
  - b. All inactive CI files will be placed in the appropriate secure file cabinet. These files will not be discarded or thrown away, but may be stored at an agency approved secure offsite location.

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- c. A CI that does not follow the direction of his or her overseeing officer, commits a violent offense, is arrested for a drug charge or involved in conduct that is in conflict with the *CI Code of Conduct* may be terminated at the discretion of the overseeing officer's Chain of Command in consultation with the Vice and Narcotics Captain. In cases where there is a difference of opinion about the continued use of a CI, the final decision will be made by the Special Investigations Bureau (SIB) Major. Regardless of the outcome, the officer in charge of that CI will document the details and issues in memo form and forward it to a Vice and Narcotics supervisor for submission into the CI Information File.


#### V. REFERENCES

[800-013 Substantial Assistance](#)

[Vice & Narcotics Imprest Fund S.O.P.](#)

[Confidential Informant Information and Confidential Source Code of Conduct Form](#)

*"Guide for Developing & Controlling Criminal Informants"*, Michael Grimes, Law Tech Publishing

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I. PURPOSE

The purpose of this directive is to outline the process for Charlotte-Mecklenburg Police Department (CMPD) personnel utilizing criminal defendants for substantial assistance.

II. POLICY

In many instances, a successful investigation cannot be conducted without the use of Confidential Informants (CI's) providing information to police. While the use of CI's and their information is an effective tool in investigations, one can reasonably expect this information is provided with an expectation for a reduction or dismissal of criminal charges. To ensure compliance with N.C. General Statute and guidelines related to substantial assistance, officers should be mindful of the following procedures when working with persons wanting to provide drug information.


III. DEFINITIONS

- A. Officer in Charge (OIC): The officer who is the lead investigator in the case.
- B. FCT: Felony Crimes Team, Mecklenburg County District Attorney's Office.
- C. FCT Supervisor: The supervisor of the Mecklenburg County District Attorney's Office Drug Prosecution Team.
- D. Substantial Assistance: The cooperation of a drug trafficking defendant that results in the arrest, identification, or conviction of others involved in criminal behavior. The defendant's cooperation is usually provided with the expectation that it might lessen the punishment. N.C.G.S. 90-95(h)(5) allows a person to provide substantial assistance in drug trafficking cases only.
- E. Drug Trafficking: The manufacturing, selling, or delivering, or possessing with the intent to manufacture, sell or deliver a controlled substance. Also, the creating, selling or delivering, or possessing with the intent to sell or deliver a counterfeit controlled substance.
- F. On Scene Substantial Assistance: Cases in which officers, upon approval from their supervisor agree to allow a drug trafficker to provide substantial assistance prior to formal charging.
- G. Post Arrest Substantial Assistance: Cases in which officers, their supervisor, and the Mecklenburg County D.A. FCT Supervisor agree to allow a drug trafficker to provide substantial assistance after being formally charged.


IV. PROCEDURE

- A. Guidelines for Post-Arrest Substantial Assistance:

A drug trafficker wanting to provide substantial assistance must be thoroughly screened. The OIC should:

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1. Obtain a written confession from the defendant for the charge(s) for which he/she has been arrested.
2. Obtain all Information needed to complete the CMPD Criminal Informant (CI) packet as outlined in the Criminal Informant Directive. Defendants with a history of committing violent crimes or multiple drug charges will be considered on a case by case basis.
3. If the OIC believes that a defendant may be a habitual felon, the officer should reach out to the FCT supervisor or the HFT (Habitual Felon Team) supervisor to verify that. If it is determined that the defendant is currently indicted for habitual felon, that defendant is probably not appropriate to provide substantial assistance. However, if the OIC still believes this defendant can provide substantial assistance, the OIC must receive authorization from the HFT supervisor first.
4. The OIC should determine if the defendant is wanting to provide substantial assistance is currently on probation. If the defendant is on probation, the OIC shall contact the defendant's probation officer and determine if it would be appropriate for the defendant to provide substantial assistance. In some cases, the terms of probation would need to be modified if the defendant provides substantial assistance.
5. Obtain their supervisor's authorization to use a person for substantial assistance prior to submitting a CI packet to the Vice and Narcotics Division. (See Directive 800-012 Confidential Informant.)
6. Not make any promises or inferences about case adjudication or sentencing. Those decisions are solely at the discretion of the D.A. and presiding judge.
7. Verify the defendant is not a suspect in other felony investigations by checking CMPD and court databases.
8. In consultation with the D.A. FCT supervisor, the OIC will contact the defendant's attorney, if applicable, and arranges a meeting between the OIC, defendant, and the defendant's attorney. The defendant should be debriefed during this meeting about the cooperation and information he/she can provide. In the event a meeting cannot be set, the officer should request a proffer from the defendant's attorney about the defendant's capabilities to provide assistance. During these debriefings, if a defendant provides information about other criminal activity the officer must make immediate notification to an appropriate supervisor (Homicide, Robbery, Auto Theft, etc.)
9. Ensure the defendant has voluntarily waived his/her 5<sup>th</sup> Amendment right, in writing. If the defendant has been formally charged before a magistrate, the defendant must also waive his/her 6<sup>th</sup> Amendment right to counsel regardless of whether an attorney is present.

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10. The OIC should consult with his/her supervisor and/or the FCT supervisor to determine when substantial assistance has been completed and as to the disposition of the property from the original offense.
11. Substantial assistance, in consultation with the FCT supervisor should, at minimum, be initiated within ten to fourteen days. If that time period has passed and the defendant has been either out of contact or has not provided any assistance, the OIC should either obtain warrants for the original offense or take other action as directed by his/her supervisor.

**B. Guidelines for On-Scene Substantial Assistance**


During a drug investigation a person's ability to provide substantial information about a source or location can be time sensitive. Therefore, an officer may wish to use a person prior to, and in some cases in lieu of, being charged with a criminal offense. It is important that no promises or guarantees are made to defendants prior to the approval of the FCT. So that we are prudent in our application of this discretion and in communicating with the FCT, on-scene substantial assistance can be considered once:

1. The officer has discussed the case with an immediate supervisor.
2. The defendant has voluntarily waived 5<sup>th</sup> Amendment rights, in writing.
3. The person provides a written confession to the crime for which they may be charged.
4. A positive identification has been made.
5. The necessary information has been obtained to register the person as a CI.
6. If the person provides immediate on-scene substantial assistance, that person must be registered as an informant before being used again.
7. The officer will notify the FCT Supervisor or designee within one (1) working day for all trafficking cases. This communication can be done via phone call or email. All contacts should be documented in the case file notes with the person contacted, date, time and summary of the conversation.

**C. Information for Substantial Assistance Follow Up**

1. Papering: At papering, the OIC should alert the ADA that the defendant is providing substantial assistance and has discussed the matter with the FCT Supervisor. Regardless of whether the defendant has provided substantial assistance, the papering ADA retains full discretion as to whether to accept the case for prosecution.
2. Guilty Plea: Defendants who plead guilty will likely have their sentencing delayed by the judge. The sentencing usually is scheduled during a substantial assistance hearing, 30 to 60 days after the defendant's guilty plea. Officers



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may be required to attend the substantial assistance sentencing hearing when subpoenaed by the defense attorney. Be mindful that the D. A's Office cannot excuse the OIC from a defense subpoena.

3. Information Provided to the FCT Supervisor:


- a. The OIC will provide the FCT Supervisor a detailed written report within 60 days post arrest on the defendant summarizing the substantial assistance provided. This summary will include the:
  - 1) Complaint numbers,
  - 2) Dates;
  - 3) Seizure amounts;
  - 4) Weights of seizures;
  - 5) Names of the persons in which the defendant provided assistance.
- b. The OIC should include whether the defendant provided the maximum amount of assistance he or she could, if the defendant is still involved in the drug trade, and how significant a source/dealer the defendant is in Mecklenburg County.
- c. This document should be provided by email or in a hard copy format so that the FCT supervisor will have a written record for court purposes.
- d. If the defendant is continuing to work after this time the OIC will continue to provide an update every 30 days.

4. Non-Trafficking Drug Cases:

Defendants with non-trafficking cases do not qualify for substantial assistance under N.C.G.S. 90-95(h)(5). Further, the Structured Sentencing Act does not allow for meaningful deviation in the DA's recommendation for non-trafficking offenses (Class G, H, and I felonies). However, consideration may be given on a case-by-case basis.

5. FCT Supervisor:

- a. Will present information for substantial assistance on behalf of the State to the presiding judge during the defendant's sentencing hearing.
- b. While officers are responsible for leading investigations in which persons are providing substantial assistance, they should be mindful of the following:
  - (1) Officers should NEVER discuss sentencing the State may recommend for a defendant. If asked by a defense attorney,

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officers should reply that sentencing recommendations are made by the FCT.

- (2) Officers should never discuss the possibility of a continuance of any court date with the defendant. If the defendant inquires about a continuance, he/she should be directed to discuss the matter with his/her attorney.
- (3) Once all evidence is heard, the FCT will make a sentencing recommendation to the Court.
- (4) Officers must be mindful that final sentencing is entirely at the discretion of the judge. The judge may accept or reject the State's sentencing recommendation.


#### V. REFERENCES

800-012 Confidential Informant Guidelines

N.C.G.S. 90-95 (h)(5)

Mecklenburg County District Attorney's Office, Felony Crime Team

This directive was previously updated on 7/11/2017

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	<b>Interactive Directives Guide</b>		<b>Social Media Policy</b>
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I. PURPOSE

To provide guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees concerning the use of social media sites to maintain efficiency and prevent disruption within the workplace.

II. POLICY


CMPD recognizes the use of web-based social networking sites is a popular activity that can enhance communication, collaboration, and information exchange. Social media activity and speech as citizens relating to matters of public concern are First Amendment Forms of Speech and will receive First Amendment Protection. Employees using their own personal social media accounts may comment on matters of general or public concern so long as the comments do not disrupt the workforce, interfere with working relationships, interrupt efficient workflow, or undermine public confidence in the employee.

III. DEFINITIONS


- A. Social Media: Forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).
- B. Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”
- C. Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
- D. Post: Speech or content an individual publishes on social media, whether on a personal site or one maintained by another person or public form.
- E. Profile: Information a user provides about himself or herself on a social networking site.
- F. Matters of Public Concern: Speech involving a public issue that is important to the general public and invokes a substantial amount of independent and continuing public attention as opposed to a purely personal grievance.

IV. PROCEDURE


- A. Employees utilizing social media in the performance of duty, representing or speaking on behalf of CMPD will adhere to the following guidelines:
  - 1. Using the Social Media Submission Form, employees must obtain permission from the Office of Public Affairs prior to representing CMPD via a social media/networking site in the performance of an authorized duty. ([Social Media Submission Form](#))
  - 2. The Office of Public Affairs will be responsible for regularly monitoring all approved sites in order to ensure appropriate usage and representation of the department.

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3. Where possible, each approved social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.
4. Where possible, the approved social media page(s) should link to the department's official website.
5. Employees will not disclose any information that is confidential or proprietary to the City of Charlotte, CMPD, or any third party who has disclosed information to CMPD.
6. Employees will act in accordance with all other city and departmental policies and directives. *(See City Policy, ADM 15)*
7. Employees, representing CMPD or speaking on behalf of CMPD, will act in a manner consistent with CMPD'S public image by upholding the value of respect for individuals and avoiding the use of CMPD resources in a derogatory or unprofessional manner.
8. Employees will not allow the use or maintenance of approved websites to interfere with their job duties and responsibilities.
9. Using any electronic device, department issued or personal, to post, upload or download any sensitive department or job-related information to any social media outlet is prohibited, unless the site and content are approved through the Office of Public Affairs. Examples include, but are not limited to, releasing or using:
  - a. Confidential, sensitive, or copyrighted information (such as CMPD patch, badge, and logo) to which employees have access only due to their employment with the city.
  - b. Data from any criminal or administrative investigation including statements, memos, photographs, video or audio recordings.
  - c. Photographs of suspects, arrestees or evidence of any kind.
  - d. Personal statements about any on- or off- duty incident or issue including a response to resistance incident, criminal or administrative investigation.
  - e. Comments related to pending prosecutions.
  - f. Any law enforcement training whether written, lecture, practical, or on-line.
  - g. Any law enforcement operations, whether planned, on-going, or post-operational.
  - h. Demonstrations, tutorials, or commentary on police equipment issued, operated, or utilized by CMPD.

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10. Employees should be aware that they may be subject to civil litigation for:
  - a. Publishing or posting false information that harms the reputation of another person, group or organization (defamation);
  - b. Publishing or posting private facts and personal information about someone without the person's permission that has not been previously revealed to the public, is not of legitimate public concern, and/or would be offensive to a reasonable person;
  - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
  
- B. Employees utilizing personal social media sites, or commenting or posting on any social media platform, will adhere to the following guidelines:
  1. Employees are required to exercise sound judgment and discretion when contributing to social media sites and ensure a distinct separation between personal and organizational views. When personal use of social media sites is related to a matter of public concern, it must be conducted in such a manner that a reader would not think the employee is speaking for or on behalf of CMPD or the City of Charlotte.
  2. Any speech or content posted on social media sites by employees which may compromise the department's integrity, reflect negatively on the employee, or undermine public trust is prohibited.
  3. Any employee who displays content on social media which affiliates himself or herself as an employee of the agency must ensure all speech or content is in keeping with all CMPD directives and standard operating procedures. The speech or content need not be displayed in the same posting which identifies the individual as an employee.
  4. Postings containing CMPD uniforms, badges, patches, logos, vehicles, etc. in conjunction with any speech or content deemed biased, aggressive, violent, inflammatory, provocative, or otherwise reflects negatively on the employee or the agency is expressly prohibited.
  5. Postings containing any content or information obtained as a result of official police business, such as pictures or video taken (from any electronic device) on a call for service, a traffic stop, CEU operations, etc., is expressly prohibited.
  
- C. Employees should be aware of the potential adverse consequences of any speech or content they choose to display on social media. Inappropriate social media content may negatively impact an employee's candidacy for future positions, impede the


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employee's ability to testify in court, Civil Service, or administrative proceedings, and/or result in disciplinary action, including suspension and/or termination.

- D. Employees are responsible for immediately notifying their Chain of Command when they become aware of or have knowledge of a posting on any website or web page that violates the provisions of this policy; or any situation where sensitive information, pictures or data representing CMPD is posted to an unapproved site.

V. REFERENCES

- Rules of Conduct
- 100-004 Discipline Philosophy
- 400-004 Use of Technology
- 800-001 Release of Public Records and Information
- 800-002 Media Relations
- City Policy ADM 15
- Liverman v. City of Petersburg, 844 F.3d 400 (4<sup>th</sup> Circuit 2016)
- CALEA

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## I. PURPOSE


The purpose of this directive is to identify the methods and procedures for which criminal intelligence may be obtained by the Charlotte-Mecklenburg Police Department (CMPD), the purpose for which it may be used, who may access the information, and methods for identifying the reliability of the information. In addition, the directive identifies the security and maintenance requirements for housing intelligence files and procedures for the dissemination of information contained in the files. It is the purpose of the CMPD criminal intelligence function to gather information from sources in a manner which is consistent with all applicable state and federal laws in support of law enforcement efforts to provide tactical or strategic intelligence information on the existence, identities, capabilities, and intentions of criminal suspects and enterprises, as well as to further crime prevention and law enforcement objectives which are identified by the CMPD.

## II. POLICY

- A. The collection, retention, dissemination, and disposition of criminal intelligence are essential functions of law enforcement. It is the policy of CMPD to collect intelligence information that is directed toward specific individuals or organizations when there is reasonable suspicion that these individuals or organizations may be planning for or engaging in criminal activity or for a legitimate law enforcement objective. This intelligence information will be collected with due respect for the rights of those involved and will be disseminated only as authorized. When collected, intelligence information is used to prevent or reduce crime, pursue and apprehend offenders, and obtain evidence necessary for conviction.
- B. Although criminal intelligence functions may be assigned to specific personnel within the department, CMPD employees are responsible for reporting information that may assist in identifying criminal conspirators and perpetrators. All CMPD employees shall adhere to the guidelines established in this directive and the 28 Code of Federal Regulations (CFR) Part 23 (as applicable) to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence.

## III. DEFINITIONS

- A. 28 CFR Part 23: A federal regulation for law enforcement agencies to implement standards for operating federally funded multi-jurisdictional criminal intelligence systems. It applies to systems operating through federal funding under the Omnibus Crime Control and Safe Streets Act of 1968.
- B. Criminal Intelligence: Information that has been collected, analyzed, and disseminated based on activities and associations of individuals, groups, businesses, and organizations that are identified as being involved or potentially involved in criminal behavior or activities.
- C. Need-to-know: Defined as the necessity to obtain or receive criminal intelligence information in the performance of official responsibilities as a law enforcement or criminal justice authority.

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- D. Participating Agency: An agency or local, county, state, federal, or other governmental agency that exercises law enforcement or criminal investigation authority and is authorized to submit and receive criminal intelligence information through an inter-jurisdictional intelligence system. A participating agency may be a member or nonmember of an inter-jurisdictional intelligence system.
- E. Reasonable Suspicion: Established when information exists which provides sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. Reasonable suspicion is the minimum threshold necessary for submission of a criminal intelligence record to a criminal intelligence database.
- F. Right-to-know: Defined as the legal authority to obtain or receive criminal intelligence information pursuant to court order, statute, or decisional law.
- G. Strategic Intelligence: Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies for both short and long-term departmental goals.
- H. Tactical Intelligence: Information regarding a specific criminal event that can be used immediately by officers to further a criminal investigation, plan tactical operations, and aid in ensuring officer safety.
- I. Third Agency Rule: The concept of intelligence sharing that means any recipient of intelligence from an originating agency is prohibited from sharing that information with another agency. This affords some degree of accountability yet may be waived by the originating agency when appropriate.
- J. Legitimate Law Enforcement Objective: a legitimate law enforcement objective consists of the following: the detection and investigation of criminal behavior; the apprehension and prosecution of criminals; the identification of potential acts of civil disobedience designed to unlawfully disrupt the legitimate and lawful activities conducted within the Charlotte-Mecklenburg area; and, the identification of governmental resources necessary to staff a First Amendment Activity sufficient to protect persons and property.

#### IV. PROCEDURE


##### A. Responsibilities

The criminal intelligence function is primarily carried out by the Criminal Intelligence Division; however, it is the responsibility of CMPD employees to report any activity which may be of a criminal intelligence nature. Such information should be routed in a KBCOPS supplement report or email to the appropriate investigative bureau, division, or unit.

##### B. Collection of Criminal Intelligence

1. The collection of criminal intelligence shall be for the purpose of suppressing criminal activity or for a legitimate law enforcement need.



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2. The collection of intelligence information based solely on the political, religious, or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization, is strictly prohibited unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

C. Submission of Criminal Intelligence

Information submitted for inclusion in any strategic intelligence files shall clearly identify the focus of the investigation; as well as all relevant identifying information that is available to the submitter (i.e., name, date of birth (DOB), addresses, phone numbers, driver's license numbers/social security numbers, aliases, associates, vehicles, etc.)


D. Evaluation of Criminal Intelligence

All criminal intelligence data entered into any intelligence system will be immediately placed in a holding bin and reviewed by the Criminal Intelligence Division supervisor for evaluation. The supervisor or commanding officer shall determine that the criminal intelligence data conforms to departmental policies and procedures. Criminal intelligence data will be classified under three retention categories:


1. Permanent – Applies to intelligence information that has been validated. An intelligence submission with a “Permanent” status will become available for purge five (5) years from the date of the most recent submission.
2. Temporary – Applies to criminal information when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon unknown sources or where the content validity of the information is not able to be verified, but the information appears to be significant. “Temporary” intelligence files shall be retained for no longer than one (1) year.
3. Interim – Applies to newly submitted (“raw”) intelligence information while the intelligence submission is under preliminary investigation by an authorized unit/division. An interim working file will be opened for up to thirty (30) days to confirm content validity and source reliability or to unfound the information. Intelligence information in an “Interim” status will not be released to outside agencies and will become available for purge thirty (30) days from the submission date. One thirty-day extension may be granted by a Criminal Intelligence supervisor if extenuating circumstances exist.

E. Dissemination of Criminal Intelligence

1. Requests for information from criminal intelligence files shall be directed to the commander of the appropriate investigative bureau, division, or unit. The request shall contain the name of the person requesting the information, the date, time, and purpose of the request. In addition, the request should include specific identifying information on the subject for whom the information is being requested.

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- a. The Chief of Police, a Deputy Chief, the Criminal Intelligence Division Commander, or designee may distribute information contained in intelligence files to CMPD employees or other law enforcement agencies. Information disseminated from intelligence files shall be labeled as such.
  - b. CMPD employees are prohibited from forwarding or re-disseminating information from CMPD intelligence files to persons outside of the CMPD without the express permission of the Chief of Police, a Deputy Chief, the Criminal Intelligence Division Commander, or designee.
  - c. CMPD employees are prohibited, by the Third Agency Rule, from forwarding or re-disseminating information from intelligence files originating from another agency without the express permission of the Chief of Police, Deputy Chief, the Criminal Intelligence Division Commander, or designee.
2. When information from criminal intelligence files is disseminated, the commander of the appropriate investigative bureau, division or unit shall record the following information within the file:
  - a. The date of dissemination of the information;
  - b. The name of the individual requesting the information;
  - c. The name of the agency/organization requesting the information;
  - d. The reason for the release of information (need to know/right to know);
  - e. The information provided to the requester;
  - f. The name of the person disseminating the information;
  - g. The submission of intelligence information to regional or national criminal intelligence databases shall be in conformance with 28 CFR Part 23.
3. Information furnished, by personnel assigned to a criminal intelligence function, to CMPD employees is for department use only. Dissemination of this information outside the department without approval by the Chief of Police, a /Deputy Chief, the Criminal Intelligence Division Commander, or designee, is prohibited.
4. G.S. 132-1.4 defines records of criminal intelligence information as “records or information that pertain to a person or group of persons that is compiled by a public law enforcement agency in an effort to anticipate, prevent, or monitor possible violations of the law.” Records of criminal intelligence information collected by the CMPD are not public record. When criminal intelligence information is deleted from a document, recording, or other record, the CMPD will clearly indicate that such deletion has been made.
5. Criminal intelligence information that is part of a criminal investigative file may be discoverable. Disclosure of criminal intelligence information that has been provided to a prosecuting attorney will be governed by G.S. 132-1.4 and Chapter 15A of the General Statutes. When it is appropriate, the CMPD will request that

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the prosecuting attorney obtain a protective order for the criminal intelligence information pursuant to G.S. 15A-908.

F. Terrorism-Related Intelligence


1. The CMPD shall maintain a liaison with other organizations for the exchange of information related to terrorism. This liaison may be in the form of direct contact with specific departments and/or through such organizations as FBI Charlotte Joint Terrorism Task Force (JTTF), Homeland Security Agencies, Law Enforcement Online (LEO), Regional Organized Crime Intelligence Center (ROCIC), and the North Carolina Fusion Center (ISAAC). The Investigative Services Group Deputy Chief, or designee, shall be responsible for the dissemination of terrorist-related information within the CMPD and shall approve the re-dissemination of terrorist-related information to other organizations. When appropriate, such information shall be in the form of a written report accompanied by supporting documentation.
2. Information developed by the assigned JTTF personnel through their work with the JTTF will be maintained in accordance with FBI regulations. The personnel assigned to the JTTF requires a security clearance. Security clearances are required for all CMPD personnel who are briefed or otherwise receive information from the JTTF or other governmental agencies.
3. The Chief of Police, or designee, shall determine which CMPD personnel require security clearances and the level of clearance needed. Security clearances will be issued on a need-to-know basis only. The decision regarding the granting of security clearances rests solely with the issuing federal agency.

G. Purging Procedures

Review and purging of intelligence information should be an ongoing process. The maximum retention period for intelligence information is five (5) years. If the information has not been updated and/or validated within five (5) years, the information shall be purged from any intelligence files. If intelligence information has been updated within the past five (5) years, the file may be retained for a period of five (5) years from the date of the latest update. Information purged from intelligence files shall be thoroughly deleted from any electronic storage devices, and/or hard copies shall be shredded or otherwise made unusable. A record of the purge may be maintained containing the date and reason of the purge, as well as the name of the person completing the purge. Criminal intelligence information that is of little or no value will be purged and destroyed after review and approval by the appropriate level supervisor.

H. Training

It is the responsibility of all unit supervisors to ensure that assigned personnel have the necessary and required training appropriate to the level of criminal intelligence that might be gathered, viewed, analyzed, and/or disseminated within that unit. All personnel will be familiar with all rules regarding the security for and disclosure of sensitive intelligence-related information. The N.C. BLET curriculum provides this training for

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sworn personnel during the training academy. Personnel assigned to criminal intelligence-related functions will receive advanced training on all systems utilized by the unit and on specific rules and laws governing the use of intelligence information by law enforcement.

I. Review of Procedures and Processes

Supervisors of units within the CMPD that have a criminal intelligence function will conduct a documented annual review of their criminal intelligence functions, procedures, and processes. Supervisors will prepare a written report and will include any recommendations for changes in procedures or processes. This written report will be submitted to the Investigative Services Group Deputy Chief.

V. REFERENCES

- 600-015 First Amendment Activities
  - Criminal Investigations SOP
  - Criminal Intelligence Unit SOP
  - Crime Analysis Division SOP
  - City of Charlotte Municipal Records Retention Schedule
  - 28 CFR Part 23
  - Omnibus Crime Control and Safe Streets Act of 1968
  - N.C.G.S. 15A-908
  - N.C.G.S. 132-1.4 (b)(2)
  - CALEA
- The previous version of Directive 800-015 Criminal Intelligence was published 08/29/2019

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-001</b>
	<b>Interactive Directives Guide</b>	<b>Special Weapons and Tactics (SWAT) Team</b>	
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## I. PURPOSE

This policy establishes guidelines and procedures for Charlotte-Mecklenburg Police Department (CMPD) employees for the utilization of the CMPD Special Weapons and Tactics (SWAT) Team.

## II. POLICY

The mission of the CMPD SWAT Team is to preserve life in high-risk situations through the use of specialized training, equipment, and tactics in a professional manner that inspires the community's confidence.


SWAT Team Core Values:

- A. SWAT Team operations will be conducted with the highest regard for the preservation of life.
- B. The SWAT Team is committed to the safe resolution of all high-risk situations and will approach each situation in a professional and controlled manner, with an emphasis on a negotiated resolution.
- C. The SWAT Team will use specialized training and equipment to accomplish its mission and develop the specialized skills of each SWAT team member.
- D. The SWAT Team is committed to a controlled, rapid response to high-risk situations to gain control and minimize the risk of death or injury to any person.
- E. SWAT Team members will approach their duties with a high level of confidence, motivation, flexibility, and patience.
- F. SWAT Team members will acknowledge their dependence upon one another and work as a team in an atmosphere of trust, confidence, and open communication.

## III. PROCEDURE

### A. Call-Out Procedures

1. The ranking supervisor on the scene of any incident, or an on-duty SWAT Team member, may request the assistance of the SWAT Team.
  - a. SWAT Team requests will be made through the incident location's chain of command to the SWAT Team major, captain, or tactical command operations sergeant during normal business hours.
  - b. After-hour SWAT Team requests will be made directly to Operations Command. Operations Command is responsible for contacting the appropriate SWAT Team command staff member who will make the decision on the deployment of the SWAT Team.
  - c. Communications Division will send an incident notification to all affected parties when the SWAT Team deploys.

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- d. Patrol division supervisors are responsible for making additional notifications to their division major and deputy chief when the SWAT Team has deployed in their area.
2. Divisions requesting SWAT Team assistance with a search/arrest warrant service will submit a request using the SWAT Request and Threat Assessment Form located on the CMPD Portal Page. Requests must be approved through the service area or section major and the SWAT Team's chain of command. Requests should be submitted with as much lead time as possible to allow the SWAT Team sufficient time to complete an overall risk/threat assessment, determine appropriate resources, and conduct operational planning.

SWAT Request and Threat Assessment Form

B. SWAT Team Operations

Although not all-inclusive, the following situations may necessitate the deployment of the SWAT Team:


1. Hostage Situation: Situations where a person is holding another person against his or her will by bodily force or the threat of bodily injury or death.
2. Barricaded Person: A person known or believed to be armed who is wanted on criminal charges or for mental commitment proceedings and has assumed a position that provides a significant tactical advantage over the police officers attempting to take the person into custody.
3. Suicidal Person: A person known or believed to be armed who appears to be an imminent threat to himself/herself or others and has assumed a position that provides a significant tactical advantage over the police officers attempting to take the person into custody.
4. Search Warrants/Arrest Warrants: When armed resistance is likely during the warrant service or when the warrant service requires specialized tactics and equipment that is not available to non-SWAT Team members.
5. Surveillance/Stakeouts: When the crime is a felony or a crime of violence and information exists that the person(s) may be armed and the use of specialized tactics or equipment is required.
6. Woodland Search: When an armed person, who is wanted on criminal charges or for mental commitment proceedings, has taken refuge in a wooded or rural area and has been contained by police officers.
7. Civil Disorder/High-Risk Demonstration: A civil disorder where the skills or equipment of the SWAT Team can assist in maintaining peace and order and achieving department objectives or a high-risk demonstration or parade where violence is possible.

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8. Dignitary Protection: When a visiting dignitary may require specialized security while in CMPD jurisdiction.
9. Assistance to Other Law Enforcement Agencies: When any of the situations mentioned above exist, and another law enforcement agency requests assistance in accordance with state law or when a federal or state agency requests assistance within CMPD jurisdiction. The Chief of Police or designee will approve any request for assistance outside the territorial jurisdiction of CMPD. The SWAT Team major is responsible for ensuring that any required memorandum of understanding (MOU) is valid prior to any agreement to assist.

C. Deployment Logistics

1. Once it is determined that the SWAT Team will be deployed, a SWAT Team command staff member will contact the Communications Division supervisor and request a notification be sent to all SWAT Team members. Notifications will include specific information the SWAT Team command staff member provides to the Communications Division supervisor.
2. Once on the scene, the highest-ranking SWAT Team member will serve as the tactical supervisor until relieved by a higher-ranking SWAT Team member.
  - a. If immediate action is required, the on-scene tactical supervisor or SWAT officer will initiate the appropriate response.
  - b. If immediate action is not required, the SWAT Team supervisor will stabilize the situation pending the arrival of the SWAT captain or major.
3. Operations Command will act as the incident commander until relieved by a member of the appropriate patrol division command. The Incident Command System (ICS) will be initiated by Operations Command or the patrol commander and applied accordingly based on the scope of the incident.
4. Tactical decisions are the primary responsibility of the highest-ranking SWAT Team member on the scene and should be made jointly with the incident commander when circumstances permit.
5. Crisis negotiators will be contacted when the SWAT Team is deployed for hostage situations, suicidal persons, or barricaded persons. Negotiators may be contacted in other situations deemed appropriate by the incident or SWAT commander. Negotiators will not deploy without tactical support.
6. Tactical medics will be notified in every situation that the SWAT Team is deployed and will respond according to their agency's SOP.
7. SWAT team members who are not required to report immediately must be prepared to respond to the scene and relieve other SWAT team members as needed.

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8. When deploying new SWAT Team members, supervisors will consider whether the SWAT Team member has received the required training and displayed proficiency in a particular skill or piece of equipment prior to assigning a position during an operation. Supervisors will not assign a SWAT Team member to a task for which they have not been trained or demonstrated proficiency. If this occurs, the SWAT Team member is responsible for informing the supervisor that they have not been trained for the assigned task.

D. Radio Protocol

As soon as practical and when feasible, all radio communications pertaining to a SWAT deployment will be designated a specific SWAT talk-group (SWAT 1). The Communications Division will monitor this talk-group and record all radio traffic.

E. Support Services

1. During the initial deployment phase, notification of relevant support services may include but are not limited to CFD, police canine, helicopter, investigations, Crime Scene Search, and MEDIC.
2. During a tactical team deployment, the communication with other departments and/or agencies will be handled by the Communications Division or directly by the on-scene tactical command operations sergeant via cellular telephone or radio. Radio communications should be handled on a frequency other than the one selected as the primary talk group for tactical operations.


F. Establishment of Scene Perimeters

During incidents not pre-planned by the SWAT Team, responding patrol units will be responsible for the initial containment of the structure or incident location. Upon the arrival of SWAT, patrol officers will be relieved of their duties relevant to the actual containment of the incident scene or structure as quickly as is reasonably possible. Patrol officers will remain responsible for securing the inner and outer perimeters of the scene, including traffic and pedestrian control. Decisions pertaining to the inner and outer perimeters of an incident location will be made by the on-scene patrol commander or Operations Command in consultation with the SWAT Team chain of command.

G. Evacuation of Bystanders and Injured Persons

The evacuation of bystanders, residents adjacent to an incident location, and injured persons is an ongoing process and will be based upon such criteria as the general nature of the incident, the type of weapons involved, the population density surrounding the incident location, any indication of a chemical or biological agent, prior actions on the part of the suspect(s) that would necessitate the movement of people from the area and the nature and extent of injuries involved.



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1. Prior to the arrival of the SWAT Team, the on-scene patrol commander is responsible for evacuating bystanders and injured persons, except for persons who cannot be evacuated without compromising officer safety.
2. Persons who cannot be evacuated without compromising officer safety should be advised to remain in place until the SWAT Team arrives with the necessary equipment to move the person safely.
3. A person should only be moved if it can be accomplished without risking the safety of any responding officers; however, responding officers should quickly evacuate persons whose safety is at risk if not relocated.
4. If evacuations are conducted, the patrol supervisor will document all locations and persons evacuated and provide the information in written form to the SWAT command when the transition occurs.


H. Review and Operation Debrief

1. As soon as practical following the termination of a SWAT-involved operation, an incident debriefing and critique will be held. If necessary, all elements involved in the incident should be present, including, but not limited to, participating SWAT Team members, CMPD command staff, Communications Division personnel, support services, patrol, and investigations.
2. In addition to the review, a SWAT Team supervisor who was involved in the operation will be designated to complete a written Critical Incident Report (CIR). The CIR will include the details leading up to the incident, SWAT Team deployment, operational commands, actions while on the scene, and a copy of all relevant offense reports and related materials. The CIR and all SWAT officers' supplements/statements will be attached to all case files.
3. A SWAT Team supervisor will coordinate with patrol the completion of all necessary administrative paperwork related to the direct actions of SWAT Team members, such as raid and search reports and response to resistance documentation. Paperwork relevant to other employees on the scene will be handled by the appropriate division chain of command.

IV. REFERENCES

Directive 100-003 Limits of Authority  
Charlotte-Mecklenburg County Integrated Response Plan for All Hazards, Annex "M"  
(version 9/25/03)  
SWAT SOP #1 - #17  
CALEA

The previous version of Directive 900-001 Special Weapons and Tactics (SWAT) Team was published on 03/15/2020.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-003</b>
	<b>Interactive Directives Guide</b>		<b>Subpoena Service and Absentee Reporting</b>
	<b>Effective Date: 4/8/2021</b>		<b>1 of 1</b>

I. PURPOSE

This directive establishes a consistent format for reporting court absences and tardiness. A tracking system for logging Court Subpoenas into the division/section will ensure that all personnel are notified of their attendance obligations.


II. PROCEDURES

A. Subpoena Service

1. The Court Liaison Office and Investigators assigned to the District Attorney's Office will generate a separate subpoena for each officer to increase accountability.
2. The Court Liaison Office will separate the subpoenas by divisions/sections and will retain the matching subpoena.
3. The Court Liaison Office will distribute court subpoenas by sending them in a sealed envelope that will be placed in division/section mail slots in CMPD's Records Section. Additionally, the Court Liaison Office will distribute prosecution subpoenas generated by the state's criminal/ infraction system for district court directly by scanning the documents and electronically mailing them to the designated employee of each division/unit for service.
4. Each division/section will designate an employee who will be responsible for receiving the subpoenas and maintaining the Subpoena Tracking Form. The Subpoena Tracking Form will be maintained by the division/section for six (6) months.
5. Subpoenas will be logged in at the division/section level, and the subpoena will be distributed by the designated employee to the supervisors in the division/section. Supervisors are responsible for serving employees with the subpoena and returning the subpoena to the designated employee prior to the court date. The designated employee will log the subpoena as served and return all subpoenas to the Court Liaison Office in a sealed envelope prior to the court date.
6. The Court Liaison Office will document unjustified absences and tardiness in the IACMS daily and forward them to the appropriate division for investigation.
7. Officers are prohibited from speaking directly to an Assistant District Attorney to be excused from any court appearance.

III. REFERENCES

300-002 Court Appearance  
 Directive was last revised on 5/30/2017

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-005</b>
	<b>Interactive Directives Guide</b>	<b>Naloxone Nasal Spray</b>	
		<b>Effective Date: 4/7/2021</b>	<b>1 of 4</b>

## I. PURPOSE

To establish guidelines and procedures governing the utilization of a naloxone nasal spray device administered by employees to affected persons or K-9 units of the Charlotte-Mecklenburg Police Department who may be experiencing an opioid overdose caused by opioid exposure.

## II. POLICY

It is the policy of the CMPD to take steps to preserve the life of another person or CMPD K-9 unit after a suspected overdose as the result of a potential exposure to opioids.

## III. DEFINITIONS


- A. Naloxone: A prescription medicine that blocks the effects of opioids and reverses an overdose.
- B. Naloxone Coordinator: The Naloxone Coordinator is appointed by the Chief of Police. He/she is responsible for maintaining departmental inventory of the product. The Naloxone Coordinator will coordinate with the Training Division to ensure employees are trained prior to being issued the product.
- C. Opioid: Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone, hydrocodone, codeine, morphine, and many others. These drugs are chemically related and interact with opioid receptors on nerve cells in the body and brain, and are used primarily in pain mitigation.

## IV. PROCEDURE

### A. Naloxone Coordinator

The Naloxone Coordinator shall be responsible for the following:

1. Consulting with the Mecklenburg County EMS (MEDIC) Medical Director to oversee all clinical aspects of on the job opioid overdose prevention measures.
2. Ensuring that all authorized employees are adequately trained in the use of naloxone nasal spray in accordance with the Mecklenburg County (MEDIC) EMS Medical Director.
3. Maintaining naloxone program records, usage records, and inventories of naloxone nasal spray devices.
4. Ensuring proper and efficient deployment of naloxone nasal spray devices for use.
5. Ensuring naloxone nasal spray devices are current and not past their expiration dates.

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6. Coordinating with the Asset Management Sergeant in the Property and Evidence Management Division to replace naloxone nasal spray devices that are damaged, unusable, expired, or used.
7. Serving as a liaison with MEDIC as needed.
8. Ensuring that the naloxone nasal spray devices are stored safely and consistent with manufacturer's guidelines.

**B. Training Protocol**

Prior to being issued naloxone, employees must complete the "Naloxone Carry and Use Training" through the CMPD Learning Management System. The training includes information about how to recognize an opioid overdose, how to administer the issued naloxone product, and what follow up actions are required after use.

**C. Opioid Overdose Indicators**


Authorized employees shall be cognizant of indicators of an opioid overdose which may include the following:

1. Blood-shot eyes;
2. Pinpoint pupils (even in a darkened room/area);
3. Depressed or slow respiratory rate;
4. Difficulty breathing (labored breathing, shallow breathing);
5. Blue skin, lips, or fingernails;
6. Decreased pulse rate;
7. Low blood pressure;
8. Unresponsiveness;
9. Seizures;
10. Possible presence of narcotics or drug paraphernalia.


**D. Authorized Employees**

Only authorized employees trained in the use of the naloxone nasal spray device are authorized to administer naloxone nasal spray. Employees shall follow the protocols outlined in their naloxone nasal spray training before administering naloxone:

1. All authorized employees will be issued naloxone nasal spray after the successful completion of approved training.
2. All authorized employees will have the naloxone nasal spray available for use when on duty or when engaged in secondary employment.

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3. Authorized employees shall utilize the naloxone nasal spray device only on affected persons or CMPD K-9 units believed to be suffering from an opioid overdose caused by a potential opioid exposure.
4. Authorized employees who have identified the indicators listed above being exhibited in a person or CMPD K-9 unit and have reason to believe that the affected person or CMPD K-9 unit is suffering from an opioid overdose as a result of being exposed to opioids in the performance of their duties shall proceed as follows:
  - a) Notify Communications that the person is in a potential overdose state and request MEDIC.
  - b) Perform first responder treatment consistent with training.
  - c) Remove the nasal naloxone nasal spray device from its outer protective packaging.
  - d) Insert tip of the device into either nostril of the person or CMPD K-9 unit and press the plunger firmly. Additional doses should be administered, in accordance with training, if needed before medical first responders arrive.
  - e) When the authorized employee notices the affected person is returning to consciousness, the authorized employee will notify the affected person that naloxone nasal spray was administered and that he/she might feel pain/withdrawal symptoms which are normal.
  - f) Ensure the affected person or K-9 unit receives emergency medical attention.
  - g) If the affected person is an employee, a supervisor shall complete an Officer Injury Report for exposure in the IACMS.
  - h) If the affected person is not an employee, a Mecklenburg County LEO Naloxone Administration Data Collection Form will be completed and given to MEDIC on the scene.
  - i) When an authorized employee uses the naloxone nasal spray on a non-employee, the employee will document the usage in a Miscellaneous non-criminal Overdose report in KBCOPS.
  - j) After administering the naloxone nasal spray, employees will decontaminate their hands with soap and water due to the possibility of fentanyl being present. In the absence of soap and water, employees will use alcohol-free hand wipes/hand wash.
5. Naloxone nasal spray devices will be kept out of the reach of children if stored at the employee's home when off duty.

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6. Authorized employees will inspect the naloxone nasal spray device prior to the beginning of the shift.
7. Supervisors will inspect naloxone nasal spray devices on a monthly basis to ensure they are not expired and do not appear damaged. Supervisors will ensure naloxone nasal spray devices are replaced as necessary.
8. Authorized employees who identify missing, damaged, or expired naloxone nasal spray devices will notify their immediate supervisor. Supervisors will contact the Asset Management Sergeant in the Property Evidence and Management Division during normal business hours for replacement.

V. REFERENCES

N.C.G.S. 90-12.7

Exposure Control Plan

This directive was last revised on 12/20/2017

Complete data collection form and provide to responding EMS personnel

## Mecklenburg County LEO Naloxone (Narcan®) Administration Data Collection Form

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

Time: \_\_\_\_:\_\_\_\_

LEO Department: \_\_\_\_\_

Location: \_\_\_\_\_

Patient Name: \_\_\_\_\_

Patient Age: \_\_\_\_\_

Patient Sex:  Male  Female

Patient signs/symptoms:  Respiratory depression  
 Altered mental status/unconscious


Number of naloxone doses administered:  1  2

Time of naloxone administration: \_\_\_\_:\_\_\_\_ \_\_\_\_:\_\_\_\_

Patient response:  Improved  
 No change  
 Worsened

Patient complications:  None  
 Vomiting  
 Combativeness

Complete data collection form and provide to responding EMS personnel

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-007</b>
	<b>Interactive Directives Guide</b>		<b>Interpreting and Translating Services</b>
	<b>Effective Date: 7/29/2022</b>		<b>1 of 5</b>

I. PURPOSE

This directive establishes guidelines consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 for Charlotte-Mecklenburg Police Department (CMPD) employees when providing services or interacting with individuals with Limited English Proficiency (LEP). Additionally, this directive establishes procedures for the use of interpreters and translators and the Secondary Language Incentive Program.


II. POLICY

CMPD will take reasonable steps to provide timely, meaningful access for Limited English Proficient (LEP) individuals to the services and benefits it provides. CMPD employees will provide language assistance services to LEP individuals when an LEP individual requests language assistance services. Employees will inform the public that language assistance services are available to LEP individuals.

III. DEFINITIONS

- A. Primary Language: An individual's native tongue or the language in which an individual most effectively communicates.
- B. Limited English Proficiency (LEP): Designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations where language is considerably more technical.
- C. Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. Bilingual: The ability to use two languages proficiently. For CMPD employees, this refers to an employee who has successfully completed the CMPD foreign language testing procedure administered by the CMPD Human Resources Division.
- F. Oral Proficiency Interview (OPI): A live, twenty (20) to thirty (30) minute telephone assessment between a certified language instructor or tester and the candidate or employee.
- G. Vital Document: Any document that is used for official law enforcement purposes by CMPD.
- H. Non-Vital Document: Any informational and/or educational document used by CMPD.



	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-007</b>
	<b>Interactive Directives Guide</b>	<b>Interpreting and Translating Services</b>	
		<b>Effective Date: 7/29/2022</b>	<b>2 of 5</b>

- I. Certified Bilingual Interpreter: A CMPD employee who is certified proficient to interpret for others in certain situations, Volunteers in Police Service (VIPS) who are certified proficient to interpret for the CMPD in certain situations, and all contracted interpreters, including the Language Line.

#### IV. PROCEDURE

##### A. Public Notification

Signage will be posted at each CMPD building entry point or lobby in the most commonly spoken languages, according to the area's demographics, stating that interpreters are available to LEP individuals. The CMPD will also maintain translated vital and non-vital documents for LEP individuals. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to the LEP individuals in their primary language by either a bilingual CMPD employee or an interpreter.

##### B. Secondary Language Incentive Program

The Secondary Language Incentive Program is not a City of Charlotte benefit but a voluntary CMPD incentive program offering bilingual employees incentive pay for interpreting and translating services once the employee is certified as a bilingual interpreter. This program may be modified by the Chief of Police or designee at any time with or without notice to meet the needs of the City of Charlotte and the community.

1. To become a certified bilingual interpreter, a CMPD employee or approved bilingual volunteer must be tested by a certified language testing center selected by the CMPD Human Resources Division. The Oral Proficiency Interview (OPI) and the scoring are based on the American Council of Teaching of Foreign Language (ACTFL) scale, with a minimum passing score of "advanced low" or higher.
2. The Secondary Language Incentive Program is available to all non-exempt CMPD employees who meet the above criteria in the following languages: Spanish, Yoruba, Vietnamese, Chinese-Taiwan, Chinese-PRC, Arabic, Gujarati, Hindi, Portuguese, Somali, Hausa, Japanese, Korean, Ukrainian, and Russian.
  - a. Languages are selected based on the business need, supported data from the most recent US Census, and to remain compliant with federal non-discrimination language requirements.
  - b. Employees are not eligible to receive additional compensation if the employee speaks additional foreign languages.
  - c. The Chief of Police or designee may waive the non-exempt criteria due to CMPD or community needs.


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3. Testing will be hosted by the CMPD Human Resources Division annually. Employees who wish to participate may sign up for the test during the sign-up period, which will be announced annually by the Human Resources Division.  
  
Employees who are on leave with pay or leave without pay during the selected testing period are ineligible to participate in the testing
4. Employees are responsible for the initial testing fee and are eligible for reimbursement pending a successful passing test score.
  - a. The testing fee must be paid directly to the selected vendor at a minimum of fifteen (15) days in advance of the testing date.
  - b. The employee must provide a written cancellation notice to the selected vendor and the Human Resources Division a minimum of forty-eight (48) hours prior to the scheduled OPI test date. Failure to provide such notice will result in non-refundable testing fees.
5. If an employee cancels or does not pass the OPI test or if a certified bilingual interpreter does not pass their OPI recertification, the employee will not be eligible for the pay incentive. The employee will be required to wait one (1) full year to retest during the selected testing period.
6. Certified bilingual interpreters are required to recertify every three (3) years to remain eligible for the Secondary Language Incentive Program.
7. Certified bilingual interpreters who refuse to translate or provide poor translation services may be removed from the program. There is no appeal process when an employee is removed from the program.
8. Certified bilingual interpreters may voluntarily withdraw from the program by submitting a written request to the Human Resources Division.

**C. Interpreting and Translation Services**

When considering the need for interpreting services, employees will assess the seriousness of the matter, including the nature of any potential criminal charges, and try to ascertain an individual's primary language to determine available resources to facilitate effective communication. The following options will be considered (in order) when deciding on the appropriate course of action.

1. When feasible, employees will use translated documents such as citation information, accident exchange slips, seized evidence forms, etc., to convey information.
2. If translated materials do not resolve the situation, employees will request the Communications Division contact an on-duty certified bilingual CMPD employee or approved certified bilingual volunteer to assist.

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3. If a certified bilingual CMPD employee or approved certified bilingual volunteer is not available, with supervisory approval, employees will use the language line of the contracted interpreter service. The Communications Division will contact the service and have the interpreter call the employee.

Note: A bilingual CMPD employee who is not a certified bilingual interpreter may interpret on a voluntary basis only if the language is the employee's primary language. If the language is not the employee's primary language, the language line of the contracted interpreter service must be used.

4. If telephone interpreting is not practical, with supervisory approval, the Communications Division will contact the appropriate interpreting service to respond to the scene to assist with interpreting.
5. Employees are required to use certified bilingual CMPD employees or approved certified bilingual volunteers for the translation and transcription of all audio recordings as well as written materials. Any exception where there is a need for the use of a contracted interpreting service requires the prior approval of the employee's supervisor.
6. Employees will document all necessary information to identify the interpreter used and specific services provided for court purposes.
7. Each certified bilingual interpreter is expected to maintain a Secondary Language Incentive Activity Log (Appendix A) on the foreign language interpreter or translator services provided. Activity logs are subject to periodic audits by the chain of command or CMPD Human Resources Division.

D. LEP Coordinator


The LEP coordinator will be the CMPD Human Resources Division administrative services manager or designee and will be responsible for coordinating and implementing all aspects of CMPD services to LEP individuals. The Research and Strategic Planning Division (R&SP) will serve as the liaison between the Department of Justice (DOJ) and the LEP coordinator.

V. REFERENCES

- 600-026 Interpreting for the Deaf and Hard of Hearing Language Assistance Plan
- Title VI Civil Rights Act 1964
- Omnibus Crime Control and Safe Streets Act 1968
- Research and Strategic Planning SOP

The previous version of Directive 900-007 Interpreting and Translating Services was last published on 04/08/2021.



	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-008</b>
	<b>Interactive Directives Guide</b>	<b>Cardiopulmonary Resuscitation (CPR)</b>	
		<b>Effective Date: 9/9/2022</b>	<b>1 of 2</b>

## I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employee administration of cardiopulmonary resuscitation (CPR) and the storage of the automated external defibrillator (AED).

## II. PROCEDURE

A. All sworn employees who are on-duty or working secondary employment are expected to provide cardiopulmonary resuscitation (CPR) and/or use the automated external defibrillator (AED) if available, in accordance with the current American Heart Association guidelines to any person in need.


1. Sworn employees must be currently trained in the use of CPR and the AED.
2. Sworn employees will consider scene safety before rendering aid to any person.
3. Sworn employees will practice body substance isolation and use a barrier device along with other appropriate personal protective equipment (PPE) to provide CPR. Sworn employees are permitted to provide CPR on an infant, as defined by the American Heart Association (from birth to one (1) year old), without a barrier device, but should use PPE.
4. Sworn employees will make reasonable efforts to protect the integrity of any crime scene that may exist.

### B. Reporting

1. When a sworn employee provides CPR, it will be documented in the related KBCOPS confidential narrative supplement.
2. If there is no related KBCOPS report, sworn employees will document providing CPR in the computer-aided dispatch (CAD) comment section of the call for service.

### C. Equipment and Maintenance

1. All sworn employees will be issued a CPR mask after the successful completion of an approved CPR course.
2. Sworn employees will have their issued CPR mask and PPE available for use when on duty or when engaged in secondary employment.
3. Supervisors will inspect CPR masks on an annual basis to ensure they are in original condition and will have them replaced when necessary.
4. The issued mask is a single-use device and will not be used to provide CPR to more than one (1) person. Masks will be replaced by the Property and Evidence Management Division on an as-needed basis.


	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-008</b>
	<b>Interactive Directives Guide</b>	<b>Cardiopulmonary Resuscitation (CPR)</b>	
		<b>Effective Date: 9/9/2022</b>	<b>2 of 2</b>

5. CPR masks and PPE will be disposed of following their use as stated in the CMPD Exposure Control Plan.
  6. There will be an AED located in accessible areas in the following CMPD locations:
    - a. CMPD Headquarters (CMPDHQ) Building
      - (1) Basement inside the fitness room
      - (2) First floor across from the Property and Evidence Management Division window
      - (3) Second floor across from the Violent Crimes Division
      - (4) Third floor across from the employee break room
      - (5) Fourth floor hallway in the Crime Lab Division
    - b. Police and Fire Training Academy
      - (1) First and second floors of the CMPD Training Academy main building
      - (2) CMPD firing range house
      - (3) Mobile unit kept for use with recruits.
    - c. All fourteen (14) Patrol Services divisions
  7. Sworn employees assigned to the CMPDHQ Fire and Safety Team will be responsible for performing and documenting a monthly inspection that includes checking the expiration dates on the defibrillator pads and batteries on all AEDs in the building.
  8. The division commander or designee will be responsible for performing and documenting a monthly inspection that includes checking the expiration dates on the defibrillator pads and batteries on AEDs in their respective facilities once a month.
- D. Sworn employees should refer to the CMPD Exposure Control Plan for additional information about safe work practices, personal protective equipment, decontamination, and exposure procedures.

### III. REFERENCE

CMPD Exposure Control Plan

The previous version of Directive 900-008 Cardiopulmonary Resuscitation (CPR) was published on 10/23/2019.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-010</b>
	<b>Interactive Directives Guide</b>		<b>Shotgun Inventory</b>
	<b>Effective Date: 11/16/2022</b>		<b>1 of 2</b>

#### I. PURPOSE

This policy establishes guidelines and procedures for the Charlotte-Mecklenburg Police Department (CMPD) regarding the issuance, inventory control, and maintenance of shotguns.

#### II. POLICY

- A. Each patrol division will maintain a specially designated safe to secure all shotguns.
- B. A shotgun will be removed from the safe when a marked police vehicle is placed in service.
- C. Any time a police vehicle is not in service, the shotgun will be removed and placed in the designated shotgun safe.
- D. At no time will a shotgun be left in a police vehicle that is not in service on a shift.


#### III. PROCEDURE

- A. Each patrol division will determine the number of shotguns needed for the division by determining the largest number of line officers, on-duty, on any given date. An additional four (4) shotguns will be included for patrol supervisors.
- B. The serial number or division assigned number of each shotgun must be entered into the vehicle logbook or the electronic vehicle log system at the beginning of each shift.
- C. Patrol officers must determine if the vehicle they are operating will be used on the next shift. If the vehicle will not be used, that patrol officer is responsible for removing the shotgun and securing it in the designated shotgun safe at the end of his or her shift.
- D. The shotgun must be removed and placed in the designated shotgun safe prior to a vehicle being left for maintenance, repair, etc., at a location such as the garage, radio shop, etc. The shotgun does not have to be removed if the officer waits on-site for the maintenance to be completed.

#### IV. INVENTORY CONTROL

Each division will appoint a shotgun control officer and inform the range master as to who has been appointed that role for their division. The shotgun control officer will maintain a written inventory of all shotguns assigned to the patrol division.

- A. The shotgun control officer will ensure that shotguns are kept clean and in good working condition.
- B. The shotgun control officer will coordinate with the range staff for the cleaning and test firing of division shotguns annually.
- C. The shotgun control officer will coordinate taking inventory of all the division shotguns on a quarterly basis.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-010</b>
	<b>Interactive Directives Guide</b>		<b>Shotgun Inventory</b>
	<b>Effective Date: 11/16/2022</b>		<b>2 of 2</b>


- D. The shotgun control officer must immediately notify his or her chain of command of any shotgun missing from the inventory.
- E. In the event a shotgun is determined to be missing, the shotgun control officer must contact his or her sergeant to determine if a lost or stolen equipment investigation should be initiated.
- F. Officers who perceive a deficiency with a shotgun should report it to the shotgun inventory officer or a supervisor immediately so that it can be pulled from service until it can be inspected and/or repaired.
- G. The shotgun control officer will maintain a count of the shotgun ammunition issued for each shotgun and any additional shotgun ammunition issued to the division.
- H. The shotgun control officer will ensure that the shotgun ammunition is rotated through the range biennially.

V. REFERENCES

400-002 Firearms  
600-001 Departmental Vehicles  
CALEA

The previous version of Directive 900-010 Shotgun Inventory was published on 07/29/2019.



	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-012</b>
	<b>Interactive Directives Guide</b>	<b>Clandestine Drug Laboratories</b>	
	<b>Effective Date: 7/15/2020</b>		<b>1 of 3</b>

## I. PURPOSE

To establish guidelines to enhance the safety and awareness level of officers who respond to clandestine laboratories and to establish a protocol to be followed if a clandestine drug laboratory is encountered.

## II. DISCUSSION

A clandestine drug laboratory is a very dangerous and volatile environment that can pose substantial health risks and can even cause death. Volatile organic compounds, explosives, metals, solvents, and salts are commonly found in such a laboratory. The manufacturing of controlled substances in a clandestine drug laboratory creates the potential for explosions, chemical fires, and the release of toxic gases.

## III. DEFINITIONS


- A. Clandestine drug laboratory (clan lab): A laboratory used for the primary purpose of illegally manufacturing controlled substances. A clandestine drug lab is typically small in size and utilizes common household appliances, glassware, and readily available chemicals. Such a lab may be found in a variety of locations, such as homes, apartments, hotels, kitchens, bathrooms, garages and other outbuildings, mini-warehouses, and recreational vehicles. In addition, such a lab may contain sophisticated surveillance equipment and/or “booby traps” to prevent law enforcement from gaining access to the lab and to facilitate the destruction of evidence.
- B. Clandestine Enforcement Response Team (CERT): A team consisting of personnel from the State Bureau of Investigation (SBI), Drug Enforcement Administration (DEA), and CMPD that have successfully completed the DEA Clandestine Laboratory Safety Certification School and are, therefore, certified to enter, process and clean-up a clandestine drug laboratory site.
- C. HazMat Response Team: A team of experts or specialists in the area of hazardous waste disposal and/or industrial hygiene whose function is to remove/dispose of hazardous waste associated with a clandestine drug laboratory.

## IV. PROCEDURES

### A. Clandestine Drug Laboratory

An officer who discovers a clandestine drug lab is designated as the first on scene officer. A clandestine drug lab should be treated as a hazardous environment immediately upon discovery and the scene should be secured. It is the responsibility of the first on scene officer to protect themselves and others who may be in danger. The first on scene officer will observe and adhere to the following procedures:


1. Immediately notify the shift supervisor.
2. Never attempt to enter a known clandestine drug lab. If an officer becomes aware that he/she has entered a lab, he/she should evacuate all persons from

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-012</b>
	<b>Interactive Directives Guide</b>	<b>Clandestine Drug Laboratories</b>	
		<b>Effective Date: 7/15/2020</b>	<b>2 of 3</b>

the lab, with or without their consent, for their safety and for investigative purposes.

3. Avoid turning on or off any light switches, electrical appliances or other electrical devices and avoid touching or smelling any lab equipment or chemicals.
4. Evacuate everyone from the vicinity of the lab site, in an upwind direction (i.e., neighboring houses, adjacent apartments, or motel/hotel rooms).
5. Administer first aid as needed.
6. Notify the Communications Division to contact the Charlotte Fire Department (CFD) HazMat Response Team so that they can respond and test the quality and safety of the outside air around the lab site, in order to determine a safe distance and area for evacuation.
7. Secure the area as a crime scene at the distance the CFD HazMat Response Team determines to be safe and prohibit others from entering that area.
8. Minimize exposure to themselves and others.
9. Prohibit smoking around or near the lab site.
10. Notify the Communications Division to contact the Clandestine Enforcement Response Team (CERT) Supervisor.
  - a. The Communications Division will maintain a current list of CMPD members of the team and supervisor.
  - b. On-duty CMPD officers and if necessary, off-duty officers, will be requested to respond by the CERT Supervisor, or Operations Command.
  - c. CERT Supervisor will be responsible for notifying other agencies that may be needed to process the lab.
  - d. Follow the Charlotte-Mecklenburg Police Department (CMPD) Exposure Control Plan if an exposure has occurred.
11. Upon arrival at the lab site, CERT will assume control of the scene and will maintain control until the site is processed and rendered safe. All personnel, other than CERT members, will be prohibited from entering the lab site.
12. CERT and/or the HazMat Response Team will dispose of all hazardous materials and/or chemicals removed from the lab site. Hazardous materials and/or chemicals will not be brought to CMPD Headquarters or a division office for storage.

**B. Vehicle Stops**

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-012</b>
	<b>Interactive Directives Guide</b>	<b>Clandestine Drug Laboratories</b>	
		<b>Effective Date: 7/15/2020</b>	<b>3 of 3</b>

A vehicle stop may develop into a clandestine drug lab situation during the stop or search of the vehicle. An officer who suspects that he/she has encountered a clandestine drug lab or hazardous chemicals should proceed as follows:

1. Immediately remove the occupants of the vehicle and secure them in an upwind direction. The officer should avoid securing occupants inside the patrol vehicle.
2. The officer should then follow the procedures set forth in section IV.A.
3. No attempt should be made to move the vehicle containing the suspected lab.
4. Follow the CMPD Exposure Control Plan if an exposure has occurred.

C. Reporting Procedures

1. The first on scene officer will brief the responding supervisor and the responding members of CERT upon their arrival.
2. The first on scene officer will document the preliminary investigation on an Incident Report in the Records Management System by selecting the offense category, Drug/Clandestine Drug Lab Investigation.


D. Supervisor's Role

Upon receiving notification that a clandestine drug lab has been discovered, the supervisor will:

1. Immediately respond to the scene.
2. Ensure that the scene has been properly evacuated and secured.
3. Verify through the Communications Division that members of CERT have been notified and are responding.
4. Complete a Supervisor's Investigative Report to document any exposures that officer(s) may have received from chemicals or chemical fumes produced at the lab.

V. REFERENCES

CALEA  
 CMPD Exposure Control Plan  
 N.C.G.S 15A-285.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-013</b>
	<b>Interactive Directives Guide</b>	<b>District Attorney's Papering Process</b>	
		<b>Effective Date 6/22/2022</b>	<b>1 of 3</b>

## I. PURPOSE

To establish Charlotte-Mecklenburg Police Department (CMPD) guidelines concerning the preparation and presentation of felony cases to the District Attorney's Office for prosecutorial consideration in conjunction with the open discovery statutes.

## II. POLICY

It is the policy of CMPD that all felony cases, in which an arrest has been made, shall be presented to the District Attorney's Office for review. Sworn employees shall preserve and make available to the District Attorney's office on a timely basis all material and information acquired during felony investigations including the law enforcement file. All officers shall fulfill their continuing affirmative duty to make this information available to the District Attorney's office throughout the investigation and prosecution of the case.


## III. DEFINITIONS

- A. Law Enforcement File: Includes defendants' statements, codefendants' statements, witnesses' statements, investigating sworn employees' notes, results of tests and examinations, or any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant. Oral statements must be in written or recorded form.
- B. Case Papering: The process of presenting a copy of the complete law enforcement case file to the District Attorney's Office for review. The purpose of the review is to determine if the case merits prosecution.
- C. Papering Packet: The collection of documents that represent the findings of an investigation or facts and evidence of an arrest, including the complete law enforcement file and any other matter or evidence obtained during the investigation of the offenses alleged to have been committed by the defendant.
- D. Officer in Charge (OIC): The OIC is identified as the assigned sworn employee in the KBCOPS report. The OIC is responsible for ensuring the papering packet is presented to the District Attorney's Office for review.
- E. Ex Parte Motion and Order: A motion filed by the District Attorney seeking an order from the court that investigative material not to be released to the defendant. The basis for the District Attorney's motion includes, but is not limited to, the existence of a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment.

## IV. PROCEDURE

### A. Preservation of Information


1. Sworn employees shall save and maintain all information relating to a felony case, including, but not limited to, handwritten notes, emails, and correspondence.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-013</b>
	<b>Interactive Directives Guide</b>	<b>District Attorney's Papering Process</b>	
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2. Sworn employees are specifically prohibited from destroying any notes regarding a felony offense or case.
3. The OIC of the case shall gather, preserve, and make available a copy of all information associated with the felony case. This includes, but is not limited to, electronically recorded or written statements, notes, diagrams from sworn employees, CSS technicians, victims, witnesses, 911 recordings, photographs, lab results, calls for service, Miscellaneous Incident (MI) reports, All Points Bulletin (APB) information, e-mails, Digital Mobile Video Recording (DMVR), Body Worn Camera (BWC), etc.
4. Sworn employees shall provide the OIC all original copies of any handwritten notes as soon as possible and shall maintain a copy of said notes.

**B. Presentation of Papering Packets**

1. In cases where sworn employees are working together on a case, all parties must communicate with each other to determine who will present each particular case to the District Attorney's Office.
2. Papering packets will be presented to the District Attorney's Office within fourteen (14) calendar days of the date of arrest. Failure to paper the case within fourteen (14) calendar days may jeopardize the case and/or result in a dismissal. The District Attorney Liaison Sergeant will contact the OIC's chain of command when the case is not papered in a timely manner.
3. Papering packets will be presented by drop off in the Papering Suite at the District Attorney's Office, Monday through Friday, 0900-1700. Packets should be enclosed in a letter sized envelope, when possible, with the following information printed on the outside:
  - a. Complaint number and type of case.
  - b. OIC name, assignment, email, direct supervisor name, and email.
  - c. Defendant name.
4. Requests for further or additional follow-up work by the District Attorney's Office will be completed no later than fourteen (14) calendar days from the date the case was papered. The reviewing supervisor will ensure all further work-up is submitted within fourteen (14) calendar days. Exceptions to this policy are lab reports and transcripts that will be forwarded as soon as completed.
5. Sworn employees completing further or additional follow-up work on a case will route the additional paperwork back to the reviewing Assistant District Attorney.
6. Cases lacking essential documentation may be rejected by the District Attorney's Office until proper documentation is obtained.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-013</b>
	<b>Interactive Directives Guide</b>	<b>District Attorney's Papering Process</b>	
		<b>Effective Date 6/22/2022</b>	<b>3 of 3</b>

7. Exceptions to time restrictions in presenting completed papering packets to the District Attorney's Office are only authorized by prosecution unit supervisors or the District Attorney Liaison Sergeant if sufficient facts merit delays.
8. Sworn employees have the option of scheduling appointments with the proper prosecution unit of the District Attorney's Office when multiple or complex cases are going to be presented for review.

C. **Appealing Rejected Papering Packets**

1. The sworn employee will take the case to the supervisor who reviewed the case and explain why the Assistant District Attorney rejected the case for prosecution.
2. If the supervisor disagrees with the Assistant District Attorney's decision, the supervisor may contact the District Attorney Liaison Sergeant to coordinate a meeting between the District Attorney Unit supervisor, the sworn employee's sergeant, and the sworn employee in charge of the case.


D. **School Employee Case Papering**

Sworn employees must obtain written approval from the District Attorney's Office before seeking a warrant or criminal summons from the magistrate for offenses against school employees, as defined in N.C.G.S. 14-33(c)(6) while discharging their duties. This requirement does not apply to traffic offenses, offenses that occur in the sworn employee's presence or to offenses involving actions by school employees outside the performance of their duties. (N.C.G.S. 15A-301)

V. **REFERENCES**

- G.S. 15A-501
- G.S. 15A- 902 *et seq.*
- N.C.G.S. 15A-301
- N.C.G.S. 14-33(c)(6)

The previous version of Directive 900-013 District Attorney's Papering Process was published on 12/4/2017.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-014</b>
	<b>Interactive Directives Guide</b>	<b>Development of Departmental Forms</b>	
		<b>Effective Date: 4/18/2022</b>	<b>1 of 1</b>

I. PURPOSE

This policy establishes guidelines for creating and approving standardized forms for use by the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY

All forms must be written using the standard format available from the Research and Strategic Planning Division (R&SP). All forms must reflect CMPD's values and philosophy of policing and must be promptly updated whenever a policy, program, and/or procedure change occurs that makes the current form obsolete. No forms will be used in an official capacity within CMPD that are not approved by the R&SP Division.


III. PROCEDURE

- A. When an individual or group of CMPD employees identifies a need to create, update, delete, or convert a standardized departmental form they will present the idea to their division or unit manager.
- B. If there is concurrence as to the need by the division or unit manager, the form request will be submitted to the R&SP Division. The submitting employee is responsible for assisting with the collection of information for the creation of the new form or editing of an existing form that impacts their respective division/unit according to the approved format.
- C. Once all required information is collected, the final version of the form will be completed by the R&SP Division.
- D. Upon approval by the appropriate Deputy Chief of Police or designee, the R&SP Division will note the approval date on the form and place the form on the CMPD Portal under the heading of "CMPD Forms." All previous versions of the form will then become obsolete, deleted from the CMPD Portal, and will not be used.
- E. The R&SP Division, in coordination with the affected division/unit, will review the content and/or need for a particular form at least every three (3) years. The R&SP Division will determine the criteria and approve or deny any deletion or edits to electronic forms or discontinuation of current forms.
- F. The R&SP Division will note in the "Announcements" section of the CMPD Portal that there is a new or revised form posted, whenever a new form is prepared, or a form is updated.

IV. REFERENCES

CALEA

The previous version of Directive 900-014 Development of Departmental Forms was published on 2/23/2018.

	<b>Charlotte-Mecklenburg Police Department</b>		<b>900-019</b>
	<b>Interactive Directives Guide</b>		<b>Grant Administration</b>
	<b>Effective Date: 10/31/2022</b>		<b>1 of 6</b>

I. PURPOSE

This directive establishes the administrative process for all Charlotte-Mecklenburg Police Department (CMPD) grants. Proper grant administration is vital to ensuring CMPD personnel are following all necessary procedures to attain funds within existing budget guidelines and in accordance with the City of Charlotte’s Grant Administration Policy, and that each grant-funded project is achieving stated goals and objectives. With this process, grants can be properly managed through each phase of the grant cycle, from grant application to active award, to closeout.


II. POLICY

Applications are prepared and submitted to federal and state agencies, foundations, and private businesses for the purpose of securing grant funding to either enhance existing services and programs or to implement new services and programs, bringing benefit to the CMPD and the citizens it serves. This policy streamlines CMPD’s internal process and conforms to the grant application process of the City of Charlotte’s Grant Administration Policy by ensuring that the Research and Strategic Planning Division (R&SP) and Financial Management Division remain aware and involved in all grant-related activity conducted by CMPD.

III. DEFINITIONS

- A. Grant Administration Policy: A City of Charlotte policy that establishes a uniform method for preparing and submitting federal, state, foundation, and/or private business grant applications.
- B. Grant Application Notification Form: Provides information to be submitted to the City of Charlotte Strategy and Budget Department regarding any matching funds requirements, recurring costs, new positions, and compliance with the City of Charlotte technology review process.
- C. Grant Solicitation: The document released by the grantors outlining the grant application and funding capabilities.
- D. Special Revenue Team: Financial Management Division team members who provide post-award services associated with the budgetary and fiscal management of grants, including providing periodic grant fund expenditure status updates.
- E. Grantee: The agency that is receiving funding through an awarded grant.
- F. Grantor: The agency or foundation that releases the grant solicitation and provides the award.
- G. Matching funds: Funds that the grantee must provide as a contribution to the overall grant funding.
- H. Cash Match: Additional funds provided and paid for by the grantee from non-grantor funds in support of the grant proposal.



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- I. In-kind Contributions: Non-monetary contributions that are made to the project through means of office space, organizational personnel, etc.
- J. Primary Point of Contact: R&SP team member who plans, directs, coordinates, and manages the various grant functions coordinating with federal, state, and foundation grant officials regarding administrative and programmatic issues.
- K. Project Manager: Person who is applying for the grant and responsible for the overall programmatic implementation, fulfillment of grantor progress reports, and fiscal direction and management of the grant-funded project.
- L. Status Report: Requirement for the grantee to report periodic project and budget developments through the grant period to the grantor.
- M. Recurring Cost: Costs the organization must incur after the grant period is complete (e.g., recurring payroll, equipment maintenance and/or replacement costs).
- N. Grant Modification: A change made to an existing grant where a budget change impacting more than 10% of the affected budget category within the grant budget or a significant change to the scope of the grant is made. This may include changes required by special conditions imposed by the funding entity. Modifications do not include administrative functions or other routine functions typically handled by R&SP or the Financial Management Division while managing the grant.
- O. Grant Closeout: A process by which a grant project is formally closed within the grantor's grant management system and City of Charlotte systems. The grant closeout package must be completed in the federal grant management system for each grant by the R&SP primary point of contact designated for that award.

#### IV. GRANT APPLICATION PHASE

##### A. Review of Potential Grant


1. Upon identification of a potential grant opportunity, R&SP, as the primary point of contact, shall schedule a meeting of the identified project manager, project manager's chain of command through the rank of major, Financial Management Division financial manager, R&SP manager, and other relevant staff.
2. Grant opportunities will be reviewed based on satisfying the criteria described below in Section B, Notification of Grant Application, to the benefit of the CMPD.
3. If there is agreement that the grant opportunity is of benefit to the CMPD, a Grant Application Notification Form shall be prepared. If it is determined that the grant opportunity does not benefit the CMPD, no further action is required.

##### B. Notification of Grant Applications

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1. Upon receiving approval that the grant opportunity is of benefit to the CMPD, R&SP, with assistance from the project manager, will prepare a Grant Application Notification Form.
2. The Grant Application Notification Form will include the following:
  - a. The name of the grant and its purpose;
  - b. Funds available from the grantor;
  - c. Total amount being requested;
  - d. Grant submission deadline;
  - e. Matching cost (if required) and sources of the matching funds;
  - f. New positions;
  - g. Additional technology;
  - h. The CMPD strategic goal(s) the grant will help achieve;
  - i. The outcomes the grant will provide to achieving the goal(s);
  - j. Continuation of grant funded positions and all recurring costs;
  - k. A description of the grant opportunity;
  - l. Justification for the need for funding.
3. The completed Grant Application Notification Form must be submitted by R&SP, with assistance from the project manager to the project manager's chain of command and Business Services Group, for review and approval prior to being presented to the project manager's deputy chief and the Chief of Police.

The workflow for review and approval of a Grant Application Notification Form shall occur in this order: Financial Management Division grants and special funds supervisor, project manager's captain, project manager's major, Financial Management Division financial manager, Business Services Group manager, project manager's deputy chief, Chief of Police.
4. If the chain of command approves the Grant Application Notification Form, a deputy chief shall recommend to the Chief of Police that a grant application be prepared.
5. The Chief of Police may accept or reject a deputy chief's recommendation for the preparation of a grant application.
6. If the Chief of Police approves the recommendation of a grant application, the primary point of contact will forward a copy of the approved Grant Application Notification Form to the CMPD's liaison with the City of Charlotte Office of Strategy and Budget for final review and approval.


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C. Grant Application

1. The R&SP primary point of contact will submit a draft copy of the grant application budget detail and budget narrative to the Financial Management Division's financial manager and special revenue team at a minimum of three (3) business days prior to the grant's submission date.
  - a. If there is a match requirement, the Financial Management Division financial manager will confirm the budget category from which the funds will be drawn and confirm funding has been approved.
  - b. If there are recurring costs associated with the grant, the project manager must provide funding source information to the Financial Management Division financial manager.
2. The R&SP primary point of contact will submit a final copy of the grant application to the Financial Management Division special revenue team within 48 hours following its submission to the grant agency.

V. ACTIVE GRANT AWARD MANAGEMENT PHASE

- A. Once R&SP receives an official notification of award, the designated primary point of contact will notify the project manager's chain of command and take the appropriate steps to formally accept the funding.
- B. Kick-Off Meetings
  1. Once the award has been formally accepted and grant funds have been cleared for spending, R&SP and the Financial Management Division will host a kick-off meeting with the project manager and key project team members to explain the parameters of the grant and answer any questions.
  2. R&SP and the Financial Management Division will review the grant budget, project goals and objectives, reporting schedule, and pertinent rules and policies that pertain to the grant award with the project team.
- C. All grant spending, including travel and training, hiring of grant personnel, and equipment or supply purchases, will occur following the guidelines established in the Grant Post Award and Fund Administration SOP.
- D. The project manager will be responsible for submitting to R&SP and the Financial Management Division required information to complete programmatic and financial progress reports detailing grant-funded work that has been completed during the period of performance in a timely manner and in accordance with the reporting schedule established by the grantor.
- E. R&SP and the Financial Management Division will periodically meet with the project manager and project team members throughout the grant's period of performance to ensure that grant spending and project activity are on track and troubleshoot any issues.

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F. Communication with the Grantor


1. R&SP and the Financial Management Division, as the primary points of contact for programmatic and financial grant matters, shall be the only CMPD entities communicating directly with a grantor.
2. The project manager and staff shall not contact the grantor directly without first consulting with R&SP and the Financial Management Division for guidance.
3. If the project manager is determined to be the most appropriate entity to make contact with the grantor, the project manager must copy R&SP and the Financial Management Division on all correspondence to ensure awareness of all grant activity.

G. Grant Modifications

1. Upon the identification of a potential modification of a current grant, the primary point of contact shall email the identified project manager, project manager's chain of command through the rank of deputy chief, Financial Management Division financial manager, R&SP manager, Business Services Group manager, and all other relevant staff as needed.
2. The modification will be reviewed by the affected personnel. Approval will be obtained via email unless the affected chain of command requests a meeting regarding the modification.
3. Upon receiving approval from the Business Services Group manager and project manager's deputy chief, the primary point of contact will submit the changes to the appropriate systems and agencies as required for that grant.
4. Upon acceptance of the modification by the funding agency, the primary point of contact will notify the affected chain of command that the modification was accepted. The timeframe for acceptance varies for each funding agency.

VI. GRANT CLOSEOUT PHASE

- A. All encumbered balances must be fully invoiced or liquidated within ninety (90) days of the grant end date.
- B. All capitalized assets must be verified. Supporting information will be properly and accurately stored in the City of Charlotte's financial system. The asset record verification process must be completed prior to the submission of the final Federal Financial Report (FFR) and progress report of the grant.
- C. The final progress report is due 30 days after the grant end date. The wording required for the final report will be a coordinated effort between the CMPD project manager responsible for ensuring grant objectives have been met, R&SP team members and the Financial Management Division team members.

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- D. Grant documents must be retained by the City of Charlotte for a minimum of three (3) years from the official grant closeout date in the federal grant management system.

VII. REFERENCES

City of Charlotte Grant Administration Policy  
Grant Application Notification Form  
Grant Post Award and Fund Administration SOP

The previous version of Directive 900-019 Grant Notification Process was published on 05/31/2018. Directive 900-019 has been renamed Grant Administration.