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.

I. PURPOSE

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

II. WE VALUE:

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

III. VISION

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

We will achieve our vision through:

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

IV. POSITIVE PROGRESS

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

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

I. PURPOSE

This manual consists of departmental directives, which are for the internal use of the Charlotte-Mecklenburg Police Department (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.

I. PURPOSE

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

II. POLICY

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.

III. DEFINITIONS

N/A

IV. PROCEDURE

A. Jurisdiction

1. 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.

2. The Chief of Police and all sworn officers have the authority to arrest anywhere in the State of North Carolina for a felony committed within CMPD's territorial jurisdiction as described in paragraph 1.

3. 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.

4. Officers in pursuit of a person 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 offender's arrest. 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.

5. CMPD employees who need to enter another jurisdiction will first inform their supervisor. CMPD employees will then notify the appropriate law enforcement agency of the jurisdiction they are entering.

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.

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 approved diversion 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 responsibilities.
2. This decision-making ability is accompanied by the delegated authority, and each employee is accountable for the use of this delegated authority.
3. The empowerment of employees will require supervisors to clearly communicate expectations to employees to transfer decision-making responsibility to the employee. Supervisors will remain accountable for the activities of employees under their immediate command.

E. Organizational Structure and Functions

The clear and well-defined organizational structure of CMPD clarifies authority and responsibility, improves flow of communication, enhances operational efficiency, supports service delivery, and enables accountability and transparency.

CMPD's chief of police is subject to the general supervision of the City of Charlotte city manager, and is held responsible for the discipline, good order and proper conduct of the department.

CMPD's organizational structure includes The Office of Chief, the Investigative Services Group, the Patrol Services Group, the Special Services Group and the Learning and Wellness Service Group. Each service group is led by a deputy chief of police.

The complete structure of the organization is available for review externally on CMPD's webpage and internally to all employees. It is reviewed and updated as needed.

F. 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 supervisor 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.

V. 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 16-26, 28
CMPD Jurisdiction Map
CMPD Regional Mutual Aid Agreements
SC Legislation: S.C. Code § 17-13-47 (2006)
CALEA

The previous version of this policy was published on 12/14/2021.

The public grants law enforcement in general, and the Charlotte-Mecklenburg Police Department (CMPD) in particular, considerable authority to act on its behalf to create an environment as free of crime, the fear of crime, drug abuse, violence, and disorder as possible. In Policing a Free Society, Herman Goldstein notes:

> 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 policy 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. As we noted in the preceding chapter, 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.[1]

The adversarial nature of policing is one of the key factors noted by Goldstein (1977) that complicates the control and review of law enforcement actions and behavior. Although in almost all encounters with the public, CMPD employees use this authority appropriately, there are instances when citizens have legitimate questions about how this authority has been used. Unfortunately, there are instances when this authority is abused. Therefore, a system of discipline must be established that contributes to minimizing abuse of authority and supports the professional reputation of the CMPD.

The most effective disciplinary system is one that combines reinforcement of the right set of employee values with consistently and fairly applied behavioral standards that are established in clear policies, procedures, and rules. Each CMPD employee must understand and be guided by the standards established in the CMPD's policies, rules, regulations, and procedures.

Employees of the CMPD 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 CMPD can expect to be treated fairly, honestly, and respectfully by their peers and other CMPD employees who hold positions of greater or lesser organizational authority.

It is recognized and understood that errors in judgment will occur while employees of the CMPD carry out their job duties. In fact, employees who never make any mistakes are less likely to identify ways to improve the performance of the CMPD. While each error in judgment offers an opportunity for the CMPD and the individual to learn, some errors will have greater consequences for the public, the CMPD, and the employee than others. The CMPD is obligated to make its expectations as clear

[1] Goldstein, H. (1977). *Policing a Free Society*. Cambridge, Mass.: Ballinger Publishing Company.

as possible to employees. The department has an equal obligation to make the consequences for failing to meet those expectations clear. While both obligations are difficult to meet, the latter is more complex. There are often contributing circumstances that need to be considered when determining the appropriate consequences for errors of judgment and/or poor decisions.

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, but it can be difficult to outline fair and consistent consequences in advance of abstract disciplinary matters. Experience tells us that when employees are directly involved in the disciplinary process – either as the subject of the process or as a reviewer in the process recommending or deciding the consequences – most want the circumstances that may have contributed to the violation considered. While this is a critical component of consistent and fair discipline application, some employees see fairness and consistency as the same consequences for the same behavior in every case. For the CMPD, **consistency** is defined as holding everyone equally accountable for meeting behavior expectations, and **fairness** as understanding the contributing circumstances in instances where behavior does not meet expectations and applying consequences in a way that reflects this understanding. To ensure that employees are treated consistently and fairly, 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.

Factors that are considered in the application of discipline are identified and discussed below. It is important to note that not all of these factors will apply in every case, some may not apply to a particular set of circumstances, and it may be necessary to isolate one factor and give it greater importance than another. The listed factors should generally be thought of as interactive and having equal weight unless there are circumstances associated with a specific incident that would give a factor greater or less weight. Factors that will be considered in disciplinary matters include:

Employee Motivation: The CMPD exists to serve the public. One factor in examining an employee's conduct will be whether the employee was operating in the public interest. An employee who violates a policy to accomplish a legitimate law enforcement purpose while demonstrating 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. It will be difficult from time to time for an employee to determine 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 not be acceptable for a sworn employee to knowingly violate a citizen's constitutional rights, these are examples of the very complex issues that sworn employees are asked to address. Sworn employees have sworn an oath and have a duty to uphold the U.S. Constitution. It is in the **greater public interest** to protect those constitutional guarantees while carrying out law enforcement responsibilities, even though it could be argued the public interest is better served if they were violated in these individual examples. However, if a sworn employee attempts to employ an innovative nontraditional solution for a persistent crime or public issue and unintentionally runs afoul of a minor procedure, the CMPD's desire to encourage creativity in our public safety efforts will carry significant weight in the application of resulting consequences.

The Degree of Harm: The degree of harm caused by an error is also an important aspect in determining 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 CMPD and the community. If, for example, an error causes significant damage to a vehicle, the repair costs can be a consideration when determining consequences. Harm can also be measured in terms of personal injury caused by the error. If, for example, an individual is physically harmed because of an unnecessary level of control, the degree of injury can be a consideration when determining the consequences. Another way in which harm can be measured is the impact of the error on the public's confidence in the CMPD. If, for example, an employee engages in criminal behavior like selling drugs or driving under the influence, and the consequences do not send a clear unmistakable message that this behavior will not be tolerated, the public's confidence in the CMPD can be negatively affected.

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 can be classified as either intentional or unintentional. An **unintentional** error is an action or decision that turns out to be wrong but, based on the information available at the time, seemed to be compliant with policy and the most appropriate course of action. For example, a supervisor permits the continuance of a vehicle pursuit because the vehicle and occupants meet the general description of armed robbery suspects. The pursuit ends in a serious accident, and it is determined that the driver was not connected to the armed robbery but was fleeing because his driver's license is expired. Under these circumstances, the supervisor's decision would be supported by policy based on the information available at the time that the decision was made. **Unintentional** errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm (e.g., backing a police cruiser into a pole, 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 conflict with laws, policies, procedures, or rules when the action was taken, or the decision was made. Generally, intentional errors will be treated more seriously and carry greater consequences. Within the framework of intentional errors, certain behaviors are entirely inconsistent with the responsibilities of CMPD employees, including lying, theft, abuse of citizens, and other equally serious breaches of the trust placed in members of the law enforcement profession. The nature of law enforcement responsibility requires that sworn employees be truthful. It is recognized, however, that it is sometimes difficult to determine whether an individual is being truthful. **The department will terminate an employee's employment when it is clear the employee is intentionally being untruthful. Every effort will also be made to separate individuals from the department found to have engaged in theft or serious abuse of citizens.**

Employee History: To the extent allowed by law and policy, an employee's history will be taken into consideration in determining the consequences of a failure to meet the department's expectations. An employee who continually makes errors can expect the consequences of this

behavior to become progressively more punitive. An employee who has a record of few or no errors can expect less stringent consequences. Also, an employee whose past reflects hard work and dedication to the community and department will be given every consideration in the determination of any disciplinary action.

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

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

I. PURPOSE

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

It is designed to provide 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.

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.

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

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.

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.

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

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:

(1) Has a gas tank that is at least ¾ 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.).

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

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.

I. PURPOSE

This policy establishes standards 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, both on and off duty, and to observe all applicable 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 the public must be preserved, and any investigation or hearing that may arise from a complaint will be conducted fairly and in a timely manner, with the 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 one of the following rulings: exonerated, not sustained, sustained, or unfounded.

B. **Chain of Command Review Board (COC):** A disciplinary review board comprised of a sworn 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 nine (9) 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.

E. **Coaching:** Informal communication between a supervisor and employee regarding employee development and/or performance. Communication may be documented in various formats (e.g., email, CMPD form, etc.).

F. **Corrective Action:** Formal punitive measures due to misconduct (e.g., suspension, demotion, pay reduction, termination).

G. **Counseling Action:** Non-punitive steps (e.g., retraining or performance plans) intended to improve job performance handled by the first-line supervisor or chain of command which serves as an official record

of concerns, deficiencies, and expectations. The counseling may be in verbal or in a written form (e.g. emails, PRD entry, etc.).

H. **Demotion:** A reduction in pay grade or rank, authorized by the Chief of Police. May be accompanied by suspension. Sworn employees covered by Civil Service are subject to the Civil Service procedures.

I. **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.

J. **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, post adjudication, when deciding CRB reviewable corrective action for sustained allegations and will provide information for the board to consider when evaluating the degree of harm caused by the sustained misconduct, specifically related to the complainant.

K. **Independent Case Review:** A review conducted by the Human Resources Division following submission of an IACMS case to determine if a Professional Staff Disciplinary Review Board is required.

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

M. **Internal Affairs Case Management System (IACMS):** A secure software application where investigations can only be accessed by the Internal Affairs Division, Human Resources Division (HRD), Police Attorney's Office (PAO), investigated/accused employee's chain of command, or anyone designated at the discretion of the Chief of Police.

N. **Mini ICOC Board:** An independent chain of command board that reviews investigations when there is less than a fair probability that a sworn 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 ICOC. The employee is not required to attend the hearing.

O. **Not Sustained:** The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

P. **Performance Improvement Plan:** A formal document used to help an employee improve in areas where their performance is not meeting expectations. It outlines specific goals, timelines, and support mechanisms to guide the employee toward success, including the consequences of what may happen if the employee does not meet the expectations outlined in the plan (example, further disciplinary action or recommendation for pre-termination).

Q. **Professional Staff:** Non-sworn personnel employed by the department who provides services essential to the agency's operations but are not certified law enforcement officers as defined in North Carolina Administrative Code 12 NCAC 09B.0101. Police recruits are classified as professional staff until they become sworn law enforcement officers.

R. **Professional Staff Disciplinary Review Board:** A disciplinary review board comprised of one (1) professional staff supervisor, one (1) professional staff peer, one (1) HRD representative, and chaired by the HRD manager. The Police Assistant Administrative Director (HRD) serves as the board chair for cases involving a division-level manager or higher.

S. **Resignation:** Voluntary departure initiated by the employee, either in writing or verbally.

T. **Resignation in Lieu of Termination:** Voluntary separation submitted after notice of termination is issued. Documented by the department director.

U. **Rule of Conduct:** Standards of behavior based on laws, policies, ethics, and department values.

V. **Suspension:** Temporary unpaid removal from duty.

W. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation made in the complaint.

X. **Sworn Employee:** Sworn personnel who provide law enforcement services as representatives of the Charlotte-Mecklenburg Police Department. Sworn employees are certified as law enforcement officers, as defined in North Carolina Administrative Code 12 NCAC 09B.0101, and are subject to the protections and procedures of the Civil Service Board following the completion of their probationary period.

Y. **Termination:** Discharge of employment with formal written notice, including the reason, effective date, and benefit impacts.

Z. **Training and Tactics Review Team (TTRT):** An internal review team selected by the Recruitment and Training Bureau major, comprised of personnel with advanced knowledge and expertise in a specific subject. A TTRT review occurs as outlined in the *TTRT SOP*.

AA. **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.

BB. **Written Reprimand:** Formal documentation of corrective action issued for sustained Rule of Conduct violations.

CC. **Written Warning:** Documentation (e.g., emails, PRD entry, etc.) of performance, behavior, or attendance issues, serving as an official record of concerns and expectations.

IV. PROCEDURE

A. Internal Affairs Case Management System (IACMS) investigations of employee actions or alleged misconduct require review and disposition by an employee's chain of command and review by the Internal Affairs Division and/or HRD. Upon completion, each member within the chain of command will utilize the IACMS transfer function to route the investigation to the next higher-level member of the chain of command.

B. Allegations of employee misconduct, dispositions, corrective action, and completed investigations will be recorded and stored in IACMS. Paper copies will be maintained in a secure storage area within the Internal Affairs Division and/or HRD and archived in accordance with *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 and/or HRD is responsible for notifying the employee in writing of this action and submitting a copy of the notification to the HRD (as applicable) and the employee's chain of command.

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

E. Performance Improvement Plan

1. Supervisors, in coordination with the Internal Affairs Division and/or HRD, must first attempt performance improvement through coaching and counseling, remedial training, and other tools before the implementation of a Performance Improvement Plan (PIP). Severe deficiencies may bypass the PIP based on the risk and circumstances.

2. Performance improvement plans are not intended to address policy or Rule of Conduct violations. However, failure to meet the standards set forth in the performance improvement plan or failure

to complete the performance improvement plan may result in a charge of unsatisfactory performance which is detailed in *CMPD Rules of Conduct-ROC 5*.

a. Professional staff employees placed on a PIP are not eligible for a Professional Staff Disciplinary Review Board.

b. The outcome of a PIP is solely based on the performance of the employee.

c. PIPs must be at a minimum of sixty (60) days.

d. Employee on a PIP will receive a marginal performance review rating by default for that period.

F. 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 make every effort to adhere to the below listed timeframes based on the nature of the incident being investigated; however, the Chief or designee reserves the right to adjust time frames to meet schedules and other business operational needs. 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 business days
b.	Employee injury	14 business days
c.	Animal euthanasia	14 business days
d.	Raid and search	14 business days
e.	Deployment of tire deflation device (TDD)	14 business days
f.	Response to resistance (non-deadly)	14 business days
g.	Non-force subject injury	14 business days
h.	Pursuit	24 business days
i.	All others	45 business days

3. Supervisors will ensure that employees, including those involved or witnesses, enter their statements in IACMS 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).

G. Receiving and Processing Allegations of Employee Misconduct

1. Complaints will be accepted from any source, including by person, mail, email, the 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 HRD so that 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 the HRD.

c. Complaints received electronically or by telephone message (e.g., voicemail) will require

a prompt supervisor response and documentation of the response. Supervisors may respond in the same manner as 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 and/or HRD may be contacted for consultation on any allegations of employee misconduct.

3. Allegations of employee misconduct and incidents serious enough to require immediate action, such as suspension from duty, must be referred promptly to the Internal Affairs Division or HRD and the employee's chain of command up to the rank of deputy chief for review and notification to the Chief of Police.

4. The Internal Affairs Division major and HRD director 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 business 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, the Internal Affairs Division major, or the HRD director. 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 investigated employee are kept updated, either verbally or in writing, with the timeline and the progress of the investigation.

a. The supervisor will record document the date and time of all contacts with investigated employee and the complaining party in the IACMS case file.

b. The supervisor of the investigated employee will ensure the investigated employee is notified and acknowledges the allegation through the IACMS case file.

c. The Internal Affairs Division and/or HRD will notify all external 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.

H. Employee Misconduct Investigative Procedures

1. Investigative Interview

a. Interviews will be conducted at a reasonable hour, determined by the urgency of the investigation and with respect to the employee's normal work schedule.

b. The employee being interviewed will be informed of the name and rank of all persons present.

c. The employee's supervisor will be notified when the employee is required to leave their assigned duties or area of assignment.

d. In an administrative investigation, the employee will not be allowed the presence and assistance of counsel. Sworn employees will be allowed to select a supervisor to discuss case details with and be present during administrative interviews, as a means of support, throughout the administrative investigation process.

(1) Any supervisor an employee selects for this purpose will not be an employee subject to investigation in the same incident.

(2) The supervisor selected must be on duty and available at the time of the initial interview. The supervisor will be only one rank above the employee being investigated.

(3) The sworn employee must sign a waiver to speak with the selected supervisor, and the supervisor must sign a confidentiality memorandum.

e. 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.

f. Interviews conducted by the IA Division and/or HRD will be audio recorded.

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

h. The employee being interviewed will not be subjected to offensive or abusive language or threatened with dismissal or other corrective action.

2. Employee Interview Participation

a. The employee must completely and truthfully answer all questions the investigating supervisor poses in an administrative investigation and will not intentionally omit material facts.

b. Before the interview, the employee must be informed that refusal to answer questions in an administrative investigation can become the basis for corrective action.

c. Before 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.

d. The investigating supervisor shall attach the advisement of administrative rights form or recorded acknowledgment to the IACMS case file.

3. Criminal Investigations

The Internal Affairs Division will not conduct criminal investigations and will refer them to the appropriate criminal investigative unit or agency. Employees subject to criminal investigations will be afforded all applicable constitutional rights and protections as outlined in *Directive 600-021 Criminal Investigations*.

4. Polygraph Examination

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

a. 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 the CMPD can use any

statement or evidence derived from the examination in both administrative and criminal actions.

b. 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.

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

5. Searches

a. 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.

b. 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.

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

7. The procedure outlined in this policy does not preclude a supervisor from holding a coaching and counseling session 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.

I. Adjudication of Allegations of Employee Misconduct

1. Each allegation of employee misconduct entered into IACMS must be adjudicated as exonerated, not sustained, sustained, or unfounded.

2. Dispositions resulting in active suspensions will not be deferred or suspended.

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

4. 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.

5. 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.

6. 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.

7. An employee's resignation will not prevent CMPD from rendering a decision concerning an internal investigation.

8. 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:

   a. Only internally generated complaints are eligible. External complaints (complaints generated by a member of the public) must follow the standard board process.

   b. The employee must admit to violating the Rule of Conduct under investigation to the investigating Internal Affairs Division sergeant.

   c. The employee will be given the option of having the case adjudicated by the service area major.

   d. 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.

   e. 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.

J. Corrective Action Guidelines for Sustained Allegations of Misconduct

1. 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*.

2. Training is a non-punitive component of the CMPD discipline philosophy. Satisfactory completion of directed training provides employees with educational and instructional tools to improve their productivity and effectiveness. 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.

3. Counseling is a non-punitive component of the CMPD discipline philosophy intended to correct minor acts of employee misconduct and/or performance deficiencies. Counseling enables supervisors to discuss improvement strategies with employees regarding work performance deficiencies and/or minor acts of misconduct.

4. 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 detailed description of the incident(s) of misconduct, including specific dates and times, locations, and the policies and/or procedures violated. The Written Reprimand Memo located on the CMPD Portal Page should be utilized.

5. 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.

6. Suspension without Pay

   a. Suspension hours imposed upon an employee as a result of a formal corrective action will be levied in eight (8) hour increments.

   b. 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 before case closure by the Internal Affairs Division.

   c. Employees suspended without pay for twenty-four (24) hours or less may forfeit accrued vacation leave for all or part of the suspension.

   d. 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.

   e. Employees may forfeit accrued vacation leave for all or part of a suspension only one time in any consecutive twelve (12) month period.

   f. 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.

7. Sworn employees are prohibited from working any CMPD secondary employment or engaging in any law enforcement-related secondary employment while on suspension from CMPD.

8. Professional staff employees are prohibited from working any CMPD secondary employment while on suspension from CMPD.

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

K. Appeals and Grievances

1. Employees shall refer to the City of Charlotte's Grievance Policy for full guidelines.

2. 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 that fall outside the purview of the Civil Service Board. Matters that are included under the City of Charlotte Grievance Policy include, but are not limited to:

   a. Supervisory actions or decisions, or denial of promotion to a vacant position, when the grievant believes the decisions were based on unlawful discrimination.

   b. Any corrective actions involving dismissal, suspension, involuntary demotions, or reduction in pay (for non-Civil Service Board purview matters).

   c. Complaints alleging violations of state and/or federal regulations such as the Fair Labor Standards Act (FLSA), the Family and Medical Leave Act (FMLA), and the Americans with Disability Act (ADA).

3. The Internal Affairs Division and/or Human Resources Division are responsible coordination, maintenance, and control of appeal and grievance records.

4. Impact Statement Process

The impact statement process will follow the parameters below:

a. The complainant will be allowed to provide a recorded or written impact statement before 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.

e. If the allegation(s) are sustained, the board will review the impact statement before considering corrective action.

L. Release of Employee Information in Administrative Disciplinary Action

Administrative corrective action identified with an individual employee may not be released to the public or other parties, except as provided in 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 outlined in N.C.G.S. § 160A-168(c)-(c1).

V. REFERENCES

Rules of Conduct
100-004 Discipline Philosophy
300-008 Personnel Records
300-010 Administrative Assignment and Leave
300-020 Critical Incident Response
600-002 Vehicle Damage and Review
600-017 Arbitrary Profiling
600-019 Response to Resistance
800-004 Records Retention and Disposition
Employee-Involved Critical Incidents SOP
Training and Tactics Review Team SOP
Written Reprimand Memo
Appeal to the Employee's Deputy Chief Form
N.C.G.S. § 160A-168
HR11 Employee Grievance Policy
HR 22 Pre-Termination Hearing Policy

HR35 Progressive Performance Management Policy
Code of Ordinance City of Charlotte: Part 1, Chapter 4, Article III, Sec. 4.61. - Civil service board; membership, powers and duties.
North Carolina Administrative Code 12 NCAC 09B.0101
CALEA

The previous version of this policy was published on September 14, 2023.

APPENDIX A

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

I. PURPOSE

This policy establishes standards 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, both on and off duty, and to observe all applicable 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 the public must be preserved, and any investigation or hearing that may arise from a complaint will be conducted fairly and in a timely manner, with the truth as its primary objective.

III. DEFINITIONS

See *Directive 200-001 Discipline, Internal Investigations, and Employee Rights*.

IV. PROCEDURE

A. Sworn employee Chain of Command review boards

1. ICOC boards must be convened for the following Internal Affairs Division-level administrative investigations:
    a. Arrest, search, and seizure
    b. Arbitrary profiling
    c. Unbecoming conduct
    d. Excessive response to resistance
    e. Response to resistance/discharge of a firearm at a person
    f. Harassment
    g. Neglect of Duty
2. 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) 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 review board.
3. Except, as noted in the section above, 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 receive a final disposition of 'not sustained,' 'exonerated,' or '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 or ICOC review board.

4. 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 *200-001 Discipline, Internal Investigations, and Employee Rights Appendix A*, to determine the final disposition.

5. 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 their 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.

6. All COC, ICOC, and mini-boards will be audio recorded when testimony is given and adjudications are issued.

7. Training and Tactics Review Team (TTRT)

    a. The Chief of Police or designee may recommend a TTRT in circumstances deemed appropriate at an ICOC review board.

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

        (1) Response to resistance and use of conducted electrical weapons (CEW)

        (2) Any investigation as determined by the Internal Affairs Division

        (3) Any investigation as determined by the Chief of Police

8. Review of Discharge of Firearms Investigations:

    a. The Internal Affairs Division will investigate allegations involving the discharge of firearms at a person, aggressive animals, and negligent discharges.

    b. All discharge of firearms cases involving persons and alleged negligent discharges will be reviewed by a standing shooting review board, which will consist of:

        (1) A deputy chief appointed by the Chief of Police

        (2) A Community Relations Committee representative

        (3) The Training Division major

        (4) The Criminal Intelligence Division captain

        (5) The Firearms Training Unit sergeant

    c. Each employee's discharge of a firearm will be adjudicated in one of the following ways:

        (1) Negligent discharge

        (2) Justified

        (3) Not justified

d. 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's discharge of a firearm not at a person can be chaired and adjudicated by the Training Division major.

9. Sworn employee peer member of the chain of command review board:

a. For any level, independent or division chain of command review board, the investigated sworn employee may elect to have a peer serve as a board member.

b. Peer selection process:

(1) The peer will be selected from a pool of eligible sworn employee's department-wide in the investigated employee's rank. If no pool of employees exists within the investigated employee's rank, the Internal Affairs Division major will select a peer from a similar class of employees.

(2) The peer may not be a probationary employee, be involved in the case to be heard, have corrective action pending, have corrective action taken against them within the previous twenty-four (24) months, be selected from the investigated employee's division, or be on suspension or other leave.

(3) The Internal Affairs Division provides two (2) peer employee names to the investigated employee, who selects one or rejects both.

(4) 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 investigated employee must select one (1) of the three (3) names or elect not to have a peer.

(5) The Internal Affairs Division major may replace any peer for just cause.

10. The presence and assistance of the sworn employee's counsel during a COC, ICOC, or mini-board review is not permitted.

B. Sworn employee Appeals and Grievances

1. 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.

a. 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.

b. 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.

c. Should the Civil Service Board hearing result in the termination of the employee, the employee will be provided with the following information:

(1) A written statement citing the reason for termination.

(2) The effective date of the termination.

(3) A referral to the Human Resources Division (HRD) for a statement of any fringe or retirement benefits earned.

2. 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.

3. Sworn Employee Deputy Chief Review Process

   a. In cases resulting in a suspension exceeding forty (40) hours, sworn employees may seek their deputy chief's review of the Internal Affairs Division investigative file and hearing audio file. Sworn 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 sworn employee wishes the deputy chief to consider during the review. Appealable matters include:

      (1) 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.

      (2) 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.

      (3) 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.

   b. If a specific reason articulating the basis 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. While the deputy chiefs strive to meet the five (5) business day review deadline, the Chief of Police or designee reserves the right to adjust time limits to meet schedules and other business operational needs of the organization. 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:

      (1) 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.

      (2) 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.

   c. Recommended disciplinary 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 HRD.

d. Employees who waive their option to have an ICOC or COC hearing are not eligible to request a deputy chief review.

e. Employees who have separated (resigned or retired) from the department before the initial board hearing or while pending the secondary hearing are not eligible for the secondary hearing process.

V. REFERENCES

Rules of Conduct
100-004 Discipline Philosophy
300-008 Personnel Records
300-010 Administrative Assignment and Leave
300-020 Critical Incident Response
600-002 Vehicle Damage and Review
600-017 Arbitrary Profiling
600-019 Response to Resistance
800-004 Records Retention and Disposition
Employee-Involved Critical Incidents SOP
Training and Tactics Review Team SOP
Written Reprimand Memo
Appeal to the Employee's Deputy Chief Form
N.C.G.S. § 160A-168
HR11 Employee Grievance Policy
HR 22 Pre-Termination Hearing Policy
HR35 Progressive Performance Management Policy
Code of Ordinance City of Charlotte: Part 1, Chapter 4, Article III, Sec. 4.61. - Civil service board; membership, powers and duties.
North Carolina Administrative Code 12 NCAC 09B.0101
CALEA

I. PURPOSE

This policy establishes standards 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, both on and off duty, and to observe all applicable 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 the public must be preserved, and any investigation or hearing that may arise from a complaint will be conducted fairly and in a timely manner, with the truth as its primary objective.

III. DEFINITIONS

See *Directive 200-001 Discipline, Internal Investigations, and Employee Rights*.

IV. PROCEDURE

A. Allegations of employee misconduct involving Professional Staff employees will be investigated by the Human Resources Division. Cases will be referred to the Investigation Service Group and/or Internal Affairs Division (IA) under the following circumstances:

1. When criminal conduct is suspected.
2. When the case involves or overlaps with the conduct of a sworn employee.
3. At the discretion of the Chief of Police.

B. Vehicle accidents will follow the guidance in *Directive 600-001 Departmental Vehicles*.

C. Professional staff employees assigned to the Training Division as police recruits are subject to all North Carolina Criminal Justice Education and Training Standards, the CMPD Hiring Committee procedures, and procedures outlined in the CMPD Police Training Academy Rules and Regulations.

D. Disciplinary Review Process

1. Referral of allegations of employee misconduct

   The referring supervisor must complete and submit allegations of employee misconduct through the Internal Affairs Case Management System (IACMS) to the HRD. The referring supervisor will refer to *Directive 200-001 Discipline, Internal Investigations, and Employee Rights Appendix A.*

2. Initial Review by the HRD

   a. The HRD manager will review the submitted case in IACMS and based on Appendix A in *Directive 200-001 Discipline, Internal Investigations, and Employee Rights,* make the determination to reassign the case to the immediate supervisor or assign it to the HRD for investigation

   b. If a Professional Staff Disciplinary Review Board is required, the assigned HRD representative will notify the employee within three (3) business days with instructions on the next steps.

3. Employee Decision on Review Process

After notification from HRD, the employee has five (5) business days to choose one of the following options:

a. Proceed with a Professional Staff Disciplinary Review Board; or

b. Request an Independent HRD Case Review in lieu of a Disciplinary Review Board, where corrective action will be determined based on the nature and frequency of the violation.

c. Once the employee makes a choice, it cannot be altered.

4. Scheduling of a Disciplinary Review Board

Once the investigation is completed by the HRD, and a Professional Staff Disciplinary Review Board is selected, it will be scheduled and held within fourteen (14) business days from the date of the employee's selection. While the HRD strives to meet the fourteen (14) day timeline, the Chief of Police or designee reserves the right to adjust time limits to meet schedules and other business operational needs of the organization.

5. Outcome Notification

After the Professional Staff Disciplinary Review Board is held, the board will adjudicate the case.

a. A written decision, including any corrective action, will be provided to the employee within twenty-four (24) hours of the hearing.

b. The adjudication must be approved by the Chief of Police or designee.

E. Professional Staff Disciplinary Review Board

1. For cases unrelated solely to job performance, the HRD will convene the professional staff Disciplinary Review Board. This board includes:

a. One (1) professional staff supervisor

b. One (1) peer- selected from an eligible pool of candidates selected by the HRD, chosen on a positional rotation. The peer may not have any sustained violations within the last forty-eight (48) months. The selection of the peer is not optional.

c. One (1) HRD representative (non-case related)

d. The HRD manager (board chair)-the HRD manager will have adjudication authority over the board.

Note: The Police Assistant Administrative Director will serve as the board chair if the alleged employee is a division-level manager or higher.

2. Professional Staff Disciplinary Review Boards are audio-recorded.

3. The board chair is responsible for maintaining order during review board proceedings and ensuring fairness and impartiality. The review board will evaluate the facts, determine whether a policy or rule of conduct violation occurred, and recommend an appropriate adjudication. The Human Resource Manager will determine the outcome and corrective action after taking into consideration the recommendations from the board members while being guided by the department's discipline philosophy The decision is subject to final approval by the Chief of Police or designee.

F. Appeal and Grievance Process

1. Suspension of forty (40) or less may only be appealed up to the department director level or designee.
2. Suspension of greater than forty (40) hours and demotion decisions may be appealed beyond the department director per the *City of Charlotte HR11 Employee Grievance Policy*.
3. Involuntary terminations may be appealed through the City of Charlotte's *HR11 Employee Grievance Policy.*

G. Confidentiality and Legal Compliance

1. All investigations and disciplinary actions will be conducted confidentially.
2. The HRD must ensure compliance with all applicable local, state, and federal laws.
3. Employees will be fully informed of their rights and responsibilities throughout the process.

V. REFERENCES

Rules of Conduct
100-004 Discipline Philosophy
300-008 Personnel Records
300-010 Administrative Assignment and Leave
300-020 Critical Incident Response
600-017 Arbitrary Profiling
600-019 Response to Resistance
800-004 Records Retention and Disposition
CMPD Police Training Academy Rules and Regulations Handbook
Employee-Involved Critical Incidents SOP
Training Division SOP
Training and Tactics Review Team SOP
Written Reprimand Memo
Appeal to the Employee's Deputy Chief Form
N.C.G.S. § 160A-168
HR11 Employee Grievance Policy
HR 22 Pre-Termination Hearing Policy
HR35 Progressive Performance Management Policy
Code of Ordinance City of Charlotte: Part 1, Chapter 4, Article III, Sec. 4.61. - Civil service board; membership, powers and duties.
CALEA

Add city appeal policy reference

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employees who transfer to new assignments or separate from the department.

II. POLICY

When employees transfer within or separate from the CMPD, they must transfer the responsibilities of their current position in an organized manner. Employees must have adequate time to complete the tasks associated with vacating their current position. Employees transferring within the department must aid in ensuring a smooth transition between assignments. The Chief of Police has the sole discretion on all changes in employee assignments. The CMPD desires to assign the best possible employee to 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 the current organizational unit. A transfer can occur to fill vacant positions or positions created by organizational expansion.

B. **Department-Wide Transfer:** A transfer open to any eligible and qualified employee within the CMPD to fill a vacancy. A deputy chief or designee will approve the vacancy and forward it to the CMPD Human Resources Division (CMPD HRD) for posting.

C. **Division/Bureau-Level Transfer:** A transfer open to any eligible and qualified employee within the division/bureau to fill a vacancy for a non-patrol function. Division-level transfers can be changed to department-wide transfers at the discretion of the division/bureau major. The major will approve the vacancy and forward it to the CMPD HRD for posting.

D. **Organizational Fit:** The compatibility and balance between a candidate's work-related skills and the CMPD's needs.

E. **Patrol Immersion Program:** A program that allows a sworn employee to swap divisions with another sworn employee for a month to learn a new geographical area and experience a new subsection of the community and its policing culture.

F. **Relevant Job Experience:** Describes the previous work, assignments, training, etc., of a candidate related to the requirements of the assignment being sought.

G. **Ride-Along:** For the purpose of this policy, a ride-along is a professional development opportunity available to CMPD employees to spend a short time (typically less than fourteen [14] days) working in another assignment.

H. **Specialized Assignment:** Sworn assignments that require specialized training and responsibilities beyond what is typically required to perform the duties of a patrol officer or a detective. This includes those functions for which pre- and post-assignment specialized training, licenses, and/or certifications are required. The following units are considered specialized assignments:

1. Aviation
2. Bomb Squad
3. Canine Unit (K9)
4. DWI Task Force
5. Lake Enforcement Unit

6. Major Crash Investigation Unit
7. Motorcycle Unit
8. School Resource Officer (SRO)
9. Special Weapons and Tactics (SWAT) Team
10. Violent Criminal Apprehension Team (VCAT)

Eligibility requirements and the process for selection are covered in the individual division and/or unit SOP.

Vacancies for specialized assignments will be advertised department-wide.

IV. PROCEDURE

A. Employee Transfer Requirements

1. Minimum Requirements for Transfers

Each CMPD division may establish additional and/or preferred eligibility requirements for transfer to both sworn officer and professional staff assignments. Such requirements must serve a business need and be listed in the vacancy announcement and the unit SOP. However, the following are the minimum standards that all employees must meet to be considered for transfer to any assignment:

a. Not be in a probationary status (e.g., promotion or performance probation).

b. Achieve, at a minimum, an "Achieved Expectations" on their most recent PRD.

c. No sustained violations under the following Rules of Conduct (ROC) adjudicated within two (2) years of the job posting date:

(1) Unsatisfactory Performance

(2) Response to Resistance/Use of Force (ROC 28A only)

(3) Truthfulness

(4) Harassment

(5) Insubordination

(6) Conformance to Laws that result in arrest or a warrant for arrest (e.g., driving while impaired [DWI], domestic violence, communicating threats, etc.)

d. Length of service requirements:

Division needs may necessitate additional length of service requirements as determined by the division major. Such requirements must serve a business need and be listed in the vacancy announcement. However, the following are the minimum length of service requirements for:

(1) Professional Staff transfers – Professional staff employees who have completed new-hire and promotion probation meet the minimum length of service requirements for transfer.

(2) Patrol officer transfers - Patrol assignments, including shift, division, and service area, are made at the discretion of the Patrol Services Group chain of command.

Division-level patrol transfers or reassignments may occur at any time to meet organizational needs or in response to a request for transfer submitted by a patrol officer.

(3) Non-patrol officer transfers (including specialized assignments)

(a) Officers with two (2) continuous years of sworn CMPD patrol service meet the minimum length of service requirements for non-patrol transfers.

(b) Lateral patrol officers with a minimum of two (2) years of sworn service in a patrol division are eligible for non-patrol transfers after completion of one (1) year of CMPD patrol service.

(c) Rehired patrol officers with a minimum of two (2) years of sworn service in a patrol division are eligible for non-patrol transfers one (1) year after returning to CMPD patrol service.

(4) Sergeant transfers – Sergeants meet the minimum eligibility requirements for transfer once they have completed promotion probation.

2. Transfer to Investigative Assignments

a. In addition to the eligibility requirements listed above, sworn employees must complete the following before being considered for a transfer to an investigative assignment in the Investigative Services Group or the Patrol Service Group.

(1) CMPD Basic Search Warrant Course 101,

(2) CMPD Investigations 103: Crime Scene Investigations, and

(3) CMPD Investigations 104: Interview and Interrogations.

Waivers for the above-required courses may be issued for substantially similar coursework 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 application packet for review during the selection process. Waivers are issued on a case-by-case basis.

b. Although not required, sworn employees are encouraged to schedule a ride-along with the specific investigative unit of interest before requesting a transfer.

3. Transfers to the Covert Operations Division

a. In addition to meeting the eligibility requirements for employee transfers to investigative assignments, sworn employees must complete the CMPD Vice/Narcotics 102 Imprest Fund-Confidential Informant training before being considered for a transfer to an assignment in the Special Investigations Bureau.

b. Although not required, sworn employees are encouraged to schedule a ride-along with the specific unit of interest in the Covert Operations Division before requesting a transfer.

B. Vacancy, Selection, and Transfer Process

Managers should seek to develop employees within their own division. Bureau/division majors will approve department-wide advertisements after verifying that division managers have reviewed existing division employee eligibility, knowledge, skills, and abilities.

1. Vacancy Process

   a. To fill a vacant position, the division manager will complete and submit the Authorization to Post and Fill Vacancy form, justifying the need to fill the position through their respective chain of command to their respective deputy chief. Upon approval, the deputy chief or designee will forward the form to the CMPD HRD for posting.

   b. The CMPD HRD will announce the vacancy to CMPD employees and post the vacancy for a minimum of 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.

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

2. Selection Process

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

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

   b. Division managers are responsible for making all employment changes within the division.

   c. Division managers will review candidates' last three (3) annual performance evaluations and Internal Affairs history for the past three (3) years.

   d. Division managers are required to interview candidates before making selections. To ensure that interviews are conducted consistently throughout the department, the following are required:

      (1) Standardized and/or scenario-based questions specific to the job skills necessary for the assignment previously approved by the bureau/division major and the CMPD HRD.

      (2) An interview panel that includes employees from multiple ranks and at least one (1) non-division employee to serve as an objective, independent party.

   e. 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.

3. Department-wide Transfer Process

   a. Final recommendations for filling any vacancy will be made at the discretion of the division manager.

   b. The division manager will complete and submit the Authorization Request to Hire Memorandum form to their respective deputy chief through their chain of command.

      (1) The division manager will list two (2) potential candidates for each vacant position. For example, two (2) names will be submitted for one (1) vacancy. If there are two (2) vacancies, three (3) names will be submitted.

      (2) For units with ongoing vacancies, an eligibility list may be created at the discretion of the bureau/division major. Once the initial vacancy is filled, the eligibility list may be valid for up to six (6) months.

   c. Once an applicant is approved, the deputy chief will forward the Authorization Request to Hire Memorandum form to the CMPD Human Resources manager and copy the responsible bureau/division major.

   d. The division manager is responsible for notifying the selected employee's current chain of command, including the deputy chief, before notifying the selected employee.

      (1) The division manager and the selected employee's current chain of command will agree on the appropriate effective date of the transfer.

      (2) All transfers should be scheduled to occur at least two (2) weeks from the selection date to give employees time to transition to the new assignment and be effective on a Saturday, as this is the first day of each pay period.

   e. The deputy chiefs of the affected service groups have the final authority to allocate employees to fill vacancies as needed.

   f. The selected employee's new chain of command will be responsible for notifying the selected employee.

   g. The division commander or manager will notify the candidates not selected for the position and allow them to receive feedback.

   h. Selected employees and their supervisors will complete the following tasks before the transfer date:

      (1) Employees will meet with their current supervisor to ensure pending court cases, cases under active investigation, and property dispositions are properly closed, disposed of, or transferred to another employee as appropriate.

      (2) Supervisors will ensure that all pertinent files, including performance appraisals, citation receipts, etc., are forwarded to the employee's new supervisor.

      (3) Supervisors will ensure that any outstanding PRDs for transferring employees are completed and submitted to the CMPD HRD. If a transferring employee has a PRD due within the following ninety (90) days, the new supervisor will send the PRD to the previous supervisor through the performance management system and obtain comments and a proposed rating from the previous supervisor.

(4) Employees will return any division or unit-issued equipment not needed in their new assignment to the division or unit.

(5) The current supervisor and new supervisor will collaborate to complete the HR Transfer of Personnel, Divisions, or Units Form.

i. The CMPD HRD will ensure all pertinent information is updated in the current personnel management system and notify the Business Services Division. The CMPD HRD will also include any employee separations or transfers in the weekly Personnel Order that is distributed to all employees.

j. The Financial Management Division will be responsible for accounting for all appropriated funds transfers as necessary.

k. The Business Services Division administrative officer will be responsible for updating any changes in the organizational chart.

l. Any employee selected for a department-wide or specialized assignment will be placed on probation for six (6) months from the date of transfer and may be removed for performance concerns, disciplinary reasons, or team cohesiveness concerns.

C. Command Reassignments

Command-level assignments are appointed by the service group deputy chief with overall discretion by the Chief of Police. If a command-level employee is reassigned, the service group deputy chief will document the reason for the reassignment as professional development, organizational fit, promotion, performance, or some combination in the performance management system. The deputy chief will make all necessary notifications regarding the reassignment, including the reason(s) for reassignment.

D. Patrol Immersion Program

1. All sworn employees seeking to participate in the patrol immersion program must obtain approval through their chain of command by completing and submitting a Patrol Immersion Request Form.

2. Once approval is obtained, the employee will schedule an immersion swap in the requested division.

3. Employees will assume the shift lineup position of the swapping employee for the month's rotation and return to their home division after the immersion rotation. If a swap is not arranged in the requested division, the employee may request a two (2) week immersion with the division commander's approval.

E. Ride-Along

Employees seeking to participate in a ride-along in a specialized unit for professional development must obtain approval from their current chain of command, through their major, and the chain of command through the major of the unit where they desire to participate in a ride-along.

Approval for any ride-along lasting longer than fourteen (14) days must be approved up to the rank of deputy chief over the area where the ride-along will occur.

F. Employee Separation

1. Employees separating from the department will be scheduled for first shift duty for the final two (2) 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.

2. During the final two (2) weeks of employment, separating employees will complete the following tasks:

   a. Participate in an exit interview to be scheduled, conducted, and evaluated by the CMPD HRD.

   b. Properly transfer responsibility for, or dispose of, all evidence, safe-keeping, and found property in the Property and Evidence Management Division.

   c. Collaborate with their division or unit supervisor to transfer pending court cases and cases under active investigation to other employees as appropriate.

   d. Per Directive 200-005 Returning of Issued Uniforms and Equipment, turn in all CMPD-issued equipment and uniforms to the Property and Evidence Management Division in coordination with their supervisor.

      The Property and Evidence Management Division will maintain the equipment and uniforms assigned to retiring employees until all pending processes are complete. Secondary employment hirebacks will be reissued the same equipment upon rehire.

   e. Complete all appropriate documentation required before separation from the department. This documentation will include the appropriate Property Return Statement (professional staff or sworn), Separation of Employee Supervisor Checklist, and any other forms required by the CMPD HRD.

   f. Employees must provide a 5-day working notice to be eligible for a vacation payout. Employees must be employed with the City of Charlotte for a minimum of seven (7) months to be eligible for the vacation payout.

3. Supervisors of separating employees will:

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

   b. Ensure that KBCOPS cases with an open-further investigation status are transferred to another officer for continued follow-up.

   c. Notify the CMPD District Attorney Liaison sergeant and the Court Liaison supervisor of the impending separation and determine the impact on current court cases.

   d. Ensure employees complete all appropriate documentation before separation from the department. This documentation will include the appropriate Property Return Statement (professional staff or sworn), Separation of Employee Supervisor Checklist, and any other forms required by the CMPD HRD.

V. REFERENCES

100-005 Patrol Services
200-003 Professional Development
200-005 Returning of Issued Uniforms and Equipment
300-011 Promotional Procedures
400-001 Uniforms and Grooming Standards

400-003 Equipment
Aviation SOP # 4 Personnel
Authorization Request to Hire Memorandum
Bomb Squad Unit SOP
Canine Unit SOP
Civilian Property Return Statement
DWI Task Force SOP
HR Transfer of Personnel, Divisions, or Units Form
Lake Enforcement Unit SOP
Major Crash Investigation Unit SOP
Motorcycle Unit SOP
Patrol Immersion Request Form
Separation of Employee Supervisor Checklist
SWAT SOP #3 SWAT Team Selection
Sworn Property Return Statement
Violent Criminal Apprehension Team SOP
CMPD Rules of Conduct (ROC)
CALEA

The previous version of Directive 200-002 Employee Transfers and Separation was published on 11/16/2023.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to employee professional development.

II. POLICY

The CMPD is committed to fostering a culture of continuous learning and supports employees in developing the knowledge and skills that enhance job performance, increase job satisfaction, promote employee retention, and prepare employees for future leadership opportunities. Employees are encouraged to take an active role in their professional development and pursue training and educational opportunities that align with their career goals.

III. DEFINITIONS

Public Safety Pay Plan (PSPP): The City of Charlotte's Public Safety Pay Plan covers all police classes below the rank of Police Lieutenant. There are two components to the Public Safety Pay Plan. The first is advancement through steps, and the second is structural market adjustments to the steps.

IV. PROCEDURE

A. Senior Police Officer (SPO) Incentive Program

Sworn employees at the rank of officer are eligible to participate in the SPO Incentive Program and receive a pay incentive once they have reached Step six (6) in the Public Safety Pay Plan (PSPP). Employees who are at Step six (6) and who satisfy the applicable requirements for SPO I will be eligible for advancement from Step six (6) to SPO I, subject to the applicable City of Charlotte compensation plan, budget authorization, and other requirements governing salary and step advancement. This does not include additional incentive pay such as education, a second language, or other pay incentives. Employees must complete the following requirements for each step of the SPO Incentive Program:

1. SPO I: Advancing from Step six (6) to SPO I

   To advance to SPO I, the sworn employee must:

   a. Be at the top step in the PSPP for at least one (1) full year.

   b. Successfully complete the CMPD Senior Police Officer Course.

   c. Complete one (1) of the following training tracks:

      (1) Two (2) Investigator Career Path Courses

      (2) Two (2) Supervisor Career Path Courses

      (3) General Instructor School

2. SPO II: Advancing from SPO I to SPO II

   Employees who are at SPO I and who satisfy the applicable requirements for SPO II will be eligible for advancement from SPO I to SPO II, subject to the applicable City of Charlotte compensation plan, budget authorization, and other requirements governing salary and step advancement.

   To advance to SPO II, the sworn employee must have:

   a. Held SPO I for at least one (1) full year.

   b. A valid Intermediate or Advanced Law Enforcement Certificate issued by the North Carolina Criminal Justice Education and Training Standards Commission (NCDOJ).

3. SPO III

To advance to SPO III, the sworn employee must have held SPO II for at least one (1) full year.

4. SPO IV

   To advance to SPO IV, the sworn employee must have held SPO III for at least one (1) full year.

5. Sequential Advancement

   Employees must progress through the SPO levels sequentially. An employee may not bypass an applicable SPO level based on completion of coursework, training, certifications, experience, or other requirements associated with a higher SPO level.

6. Step and Salary Advancement

   Satisfaction of the applicable SPO requirements establishes eligibility for consideration for the corresponding SPO advancement but does not, by itself, guarantee a salary increase, step advancement, or other compensation adjustment.

   Any salary or step advancement associated with the SPO structure is subject to applicable City of Charlotte budget authorization, the City of Charlotte approved compensation plan, payroll and personnel requirements, and any other applicable City of Charlotte policies or requirements in effect at the time of the advancement.

   Completion of the applicable SPO requirements does not create entitlement to compensation retroactive to the date the requirements were completed unless otherwise provided by applicable City of Charlotte policy or authorized by the City of Charlotte.

B. Sergeants' Leadership Development Course (SLDC)

Sworn employees at the rank of sergeant are eligible to attend the SLDC. Interested applicants must submit the SLDC Form when the Training Division announces course availability. Minimum eligibility requirements include:

1. Must not be on promotion probation as defined in *Directive 300-011 Promotional Procedures.*
2. Must not have a sustained *Rule of Conduct* violation adjudicated within the past year.
3. Must not be currently assigned a performance improvement plan (PIP).

C. CMPD Command College

Sworn employees at the rank of lieutenant (must be at this rank for a minimum of one [1] year) and the rank of captain and above are eligible to attend the CMPD Command College. Interested applicants must submit the following when the Training Division announces course availability:

1. A current resume
2. A letter of interest
3. A letter of recommendation from their chain of command through the rank of major

D. Senior Leadership Management Courses

1. The CMPD Human Resources Division (HRD) will identify leadership courses as directed by the Chief of Police or designee to support ongoing professional development.
2. Opportunities to attend various senior-level leadership programs, such as the Police Executive Research Forum (PERF)-Senior Management Institute for Police (SMIP) or the Federal Bureau of Investigation (FBI)-National Academy (NA), are available annually for command staff members.

3. Completion of the CMPD Command College is preferred before requesting selection to attend a senior leadership management course.

4. Applicants for senior management training will be evaluated based on rank, length of service, and the ability to fulfill a minimum post-training service commitment. Priority consideration will be given to applicants who meet the required criteria for each school.

5. As part of the selection process, the HRD will:

   a. Coordinate with PERF and the FBI to reserve PERF-SMIP and FBI-NA course seats annually.

   b. Send an announcement to all eligible command staff. Applicants must submit a letter of interest to the HRD.

   c. Compile the list of applicants and provide it to the Learning and Wellness Service Group deputy chief for review and selection by all deputy chiefs and the Chief of Police.

   d Notify selected applicants and serve as the liaison with training representatives from PERF-SMIP and FBI-NA.

E. Professional Staff Leadership Development Institute

1. Professional staff interested in pursuing leadership opportunities within the CMPD or those who currently serve in leadership roles and wish to enhance their skills in leadership, collaboration, communication, problem-solving, and service excellence may apply for the Professional Staff Leadership Development Institute.

2. Applicants must meet the following eligibility requirements at the time of application:

   a. Must obtain their supervisor's approval.

   b. Must not be on promotion probation as defined in *Directive 300-011 Promotional Procedures*.

   c. Must not have a sustained *Rule of Conduct* violation adjudicated within the past year.

   d. Must not be currently assigned a PIP.

   e. Must be able to able to attend at least ninety percent (90%) of class sessions. The class meets four (4) times per month for six (6) consecutive months.

V. REFERENCES

300-011 Promotional Procedures
300-018 Performance Review and Development
City of Charlotte Public Safety Pay Plan
Rules of Conduct
Sergeants' Leadership Development Course
Charlotte, North Carolina, Code of Ordinances Part 1 - Charter, Chapter 4. - Administration, Article III. - Civil Service
CALEA

The previous version of this policy was published on December 22, 2020.

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.

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.

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.

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.

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 are the property of CMPD and will be returned under 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: A form completed by a Property and Evidence Management Division representative indicating that all uniforms and equipment have been returned to the CMPD.

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 must return all issued uniforms and equipment, including cell phones, data files, and computer equipment, to 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

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

1. Upon learning of an employee's pending resignation or retirement from CMPD, the Human Resources Division (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 to 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

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. It will be retained electronically by the Property and Evidence Management Division.

   b. Separation from 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.

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. The Chief of Police or designee must approve any exceptions to this requirement.

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 forty-eight (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 cannot return the CMPD-issued uniforms and equipment, the employee's supervisor must arrange to retrieve the employee's uniforms and equipment and submit it to the Property and Evidence Management Division on behalf of the employee.

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 Division. 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 Division 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 must 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 any uniforms and equipment are re-issued. 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 re-issued.

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.

Employees on military leave for one (1) year or more will turn in all uniforms and equipment. Employees on military leave for less than one (1) year will turn in sensitive items.

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 over 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 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 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 directed by the Chief of Police or designee. This retrieval may include a supervisor personally escorting the employee to the location where the CMPD-issued uniforms and equipment are stored.

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 coordinate 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. Failure to Return CMPD Property

The Internal Affairs Bureau will take all necessary and appropriate action to collect all property of the CMPD that an employee, former employee, or volunteer fails to return as required. Failure to return any CMPD equipment as required may result in disciplinary action and/or criminal investigation.

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 11/30/2022.

I. PURPOSE

This policy establishes standards for the management of the Charlotte-Mecklenburg Police Department (CMPD) diversion program.

II. POLICY

The goal of diversion is to improve patterns of offender behavior by providing alternatives outside of the criminal justice system.

The Youth Diversion Program is administered by the City of Charlotte Office of Youth Opportunity. Sworn employees should clearly articulate in their confidential narratives any reason for not referring qualified participants to the diversion program.

III. DEFINITIONS

A. **Adult Offender:** For the purpose of this directive, an offender between eighteen (18) and twenty-four (24) years of age.

B. **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 status. All exceptions are at the discretion of the Mecklenburg County District Attorney's Office.

C. **Youth Offender:** For the purposes of this directive, an offender between ten (10) and seventeen (17) years of age.

IV. PROCEDURE

A. Screening

Before completing a juvenile or adult arrest, sworn employees will check the offender's juvenile and or adult arrest history. For offenses eligible for felony diversion, both juvenile and adult histories must be checked. If the offender has a previous arrest history, the juvenile may not qualify for diversion.

1. Youth Diversion Program Ineligibility:

   a. The offender has a prior arrest history. However, minor charges such as trespassing or possession of marijuana may not disqualify the youth.

   b. The case under review is a felony case. However, a felony case for a property crime and other listed offenses may be considered for approval by the Mecklenburg County District Attorney's Office.

   c. The offender resides outside of the Charlotte Metropolitan Area (Mecklenburg, Union, Stanley, Cabarrus, Rowan, Iredell, Catawba, Lincoln and Gaston counties).

   d. After consultation, the victim requests criminal prosecution.

   e. The offender refuses to participate in the diversion program.

2. Adult Diversion Program Ineligibility:

   a. The offender is over twenty-four (24) years of age.

   b. The offender has a prior juvenile or adult arrest record. A single arrest for a minor crime such as trespassing or possession of marijuana may not disqualify the offender.

c. The offender resides outside of the Charlotte Metropolitan Area (Mecklenburg, Union, Stanley, Cabarrus, Rowan, Iredell, Catawba, Lincoln and Gaston counties).

d. The offender refuses to participate in the diversion program.

e. A criminal background check reveals an arrest outside of Mecklenburg County that would disqualify the offender from participation.

f. The Mecklenburg County District Attorney's Office rejects the diversion.

B. Referrals

Sworn employees may refer lesser category offenses for first-time offenders to the diversion program. Target offenses include, but are not limited to, the following:

1. Youth Diversion Program

a. Public affray

b. Simple assault

c. Disorderly conduct

d. Communicating threats

e. Trespassing

f. Undisciplined juvenile

g. Truancy

h. Larceny (under $1000)

i. Damage to property (under $1000)

j. Curfew violation

k. Felony larceny of cell phone and other electronics if returned/recovered, 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.

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.

When referring a youth to the Youth Diversion Program, officers are expected to provide the parent or guardian with a QR referral card. The family then completes the referral form, which authorizes diversion staff to review case details through KBCOPS, or the reporting system used by the relevant Mecklenburg County law enforcement agency.

Referral Process

Offer, the officer explains the Youth Diversion Program as an alternative to arrest and presents the program as an available option.

Agreement, the officer confirms that all parties agree to participate in the Youth Diversion, including the youth, the family, and the victim when applicable.

QR Referral, the officer provides the family with the QR code and instructs them to complete the referral form within twenty-four (24) hours. Completing the form grants Diversion permission to review the case and begin the intake process.

Referral Link: bit.ly/cltdiversion

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 cases)

   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/entering (commercial property only, includes concession stands)

   h. Misdemeanor breaking/entering

   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 current offense is listed under the Youth Diversion Program and Adult Diversion Program subsections, a referral may be made. The sworn employee will complete the KBCOPS report and select 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”.

D. The Community Engagement Team will reassign each case based on offender participation. Declined case referrals or cases containing property requiring PLIMS disposition will be routed back to the referring officer/unit for follow-up and closure.

E. Youth Diversion

Program requirements are set by the City of Charlotte Office of Youth Opportunity following an assessment. Requests to modify program requirements must be reviewed by them. If the offender fails to complete the diversion program requirements within the designated timeframe, for assigned classes, the originating officer will be notified via email and must complete a supplement indicating the youth did not complete the program.

If a juvenile arrest is warranted, an email will be sent to the assigned sworn employee with notes. The assigned officer must determine whether to make the arrest and document the decision in the original KBCOPS report before closing the case.

F. Adult Diversion

1. The originating sworn employee must confirm positive identification and search the offender's criminal history, and other applicable databases to determine eligibility for diversion at the time of the potential arrest. If positive identification cannot be established, an arrest must be made.

2. The assigned sworn employee must paper the case with the District Attorney's office even if accepted in the diversion program.

3. The Community Engagement Team will review all referrals to the adult diversion program. If the case does not qualify, it will be routed back to the assigned officer for arrest, papering, and prosecution.

4. If the offender declines program requirements, the case will be routed back to the assigned officer for arrest, papering, and prosecution. If the case qualifies for diversion, the Community Engagement Team 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 watchlist for the program duration.

   If the offender is arrested for a new charge while in diversion, the District Attorney's Office will be notified.

G. Program Requirements

All adult diversion participants must complete twenty-five (25) to one hundred (100) hours of diversion classes within three (3), six (6), or twelve (12) months of the contract date. Failure to complete the required hours will result in the case being returned to the originating officer for arrest, papering, and prosecution.

Allotted time requirements are below:

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

H. Post-Arrest Adult Diversions

If a qualifying adult offender is identified after an arrest, CMPD will coordinate with the Mecklenburg County District Attorney's Office to screen the referrals. Post-arrest referrals may include arrests made by outside agencies at the request of the Mecklenburg County District Attorney's Office.

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

Failure to complete requirements or restitution will result in notification to the Mecklenburg County District Attorney's Office will be notified, and the prosecution of the case will resume.

I. Final Diversion Disposition

Once all required class hours and restitution are complete, the Community Engagement Team will update the original KBCOPS report and notify the Mecklenburg County District Attorney's Office of the final disposition.

V. REFERENCES

200-009 Youth Engagement Programs
600-009 Juvenile Procedure
900-013 District Attorney's Papering Process
CALEA

The previous version of this policy was published on 10/4/2022

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.

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.

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employee participation in youth engagement programs under the direction of the Community Services Bureau. It also outlines opportunities for youth and young adults who are at risk of, or involved in, delinquent or criminal activity.

II. POLICY

The Community Services Bureau's goal is to provide youth engagement programs that help reduce the number of youth and young adults referred to the criminal justice system, including reducing delinquent or criminal activity and criminal recidivism. Youth engagement programs administered by the Community Services Bureau include, but are not limited to, Cops CARE, Fifth Element, Police Activities League (PAL), Juvenile Diversion, Adult Diversion, REACH OUT, REACH Academy, and Right Moves for Youth (RMFY).

III. DEFINITIONS

N/A

IV. PROCEDURE

A. Diversion

1. Adult Diversion Program

The Adult Diversion Program provides pre-arrest diversion opportunities for young adults between the ages of eighteen (18) and twenty-four (24) who commit first-time, lower-level offenses. Participants accepted into the program will complete in between thirty (30) and one hundred (100) hours of interactive life skills workshops addressing topics such as decision-making, academics, job skills, career development, housing, and mental health. Employees shall refer to *Directive 200-006 Diversion Program* for additional information regarding the Adult Diversion Program.

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

REACH OUT is a collaborative effort of CMPD and the Mecklenburg County Sheriff's Office (MCSO) North Carolina Department of Adult Correction and North Carolina Department of Public Safety Juvenile Justice, Delinquency Prevention, and District Attorney's office. The program provides services and resources to positively impact the lives of selected youthful offenders. Sworn employees screen youthful offenders for participation in the program. Youth who are identified as potential REACH OUT candidates are contacted by the Community Engagement Team and introduced to the program and its benefits. Youth who agree to participate in the REACH OUT program will attend classes on specified days. Those who complete the program receive a certificate of completion and community service hours, if applicable.

REACH OUT components include:

a. Youthful Offender: Targets individuals aged sixteen (16) to twenty-four (24) year-old post-arrest and provides life skills programs, interview skills, job placement, and mentoring by law enforcement.

b. Teen Engagement and Mentorship (TEAM): Pairs trained CMPD sworn employees, with teens in the communities they serve. Sworn employees engage teens through voluntary contact at magnet locations for crime prevention.

B. Cops CARE

Cops CARE is a one (1)-hour gang prevention and citizen's rights education course based on the Citizens Accountability, Rights and Education (CARE) curriculum (blue cards) and a gang resistance workshop. The course educates participants on the realities of criminal behavior and introduces them to positive alternatives through local programs, services, and activities. This course is available upon request for youth and adults and will be scheduled and presented by a prevention specialist.

C. Fifth Element

The Fifth Element program supports youth in grades eight (8) and nine (9) providing a support system to become self-sufficient and productive members of society. Each participant will have access to a network of resources, including mentors, life and occupational skills training, career coaching, and cultural enrichment activities. The youth receive instruction in areas such as confidence building, effective communication, personal and professional etiquette, decision making, career paths, trade skills, conflict resolution, mental health resources, peer pressure, substance abuse, entrepreneurship, and résumé building and interview preparation. Positive interactions help youth develop meaningful relationships with police, peers, family, and the community.

The CMPD project team will offer approximately twenty-four (24) monthly sessions for each participant to engage with officers, exposure to cultural enrichment activities, and reinforce the life skills being taught within the program. Participants are automatically enrolled the following year until they are promoted out of the program (summer between grades nine (9) and ten (10)). They will be recommended to other appropriate programs/resources upon completion.

D. IMPACT (Introducing Meaningful Possibilities and Changing Trajectories)

IMPACT is an in-school mentoring program for middle and high school students across Charlotte-Mecklenburg Schools (CMS). The program provides a safe space for youth to discuss challenges aims to empower them to make good decisions, express emotions, address personal challenges, and explore career opportunities. A non-sworn staff member facilitates the program, accompanied by a CMPD officer who provides a law enforcement perspective.

IMPACT promotes self-expression, reduces impulsive behaviors and connects participants with meaningful opportunities. Participants are also exposed to vocational training that prepares them for sustainable employment upon graduation.

E. Police Activities League (PAL)

PAL is a 501(c)(3) organization with a volunteer board of directors. Its mission is to provide athletic, educational, and structured programmatic support to youth in underserved communities to strengthen decision-making skills and prepare them for successful futures. Activities are designed to enhance quality of life and encourage positive contributions to society.

F. Respect, Engage, Accountability, Character, and Honesty (REACH) Academy

The REACH Academy is a multi-week, gender-specific summer program designed to build positive relationships between participants and law enforcement. It promotes personal and social responsibility through leadership opportunities, educational seminars, field trips, and career and vocation development. Graduates may attend monthly booster sessions to reinforce skills and relationships established in the program.

G. Right Moves for Youth

Right Moves for Youth program is a 501(c)C-(3) organization with a volunteer board of directors and partnerships with law enforcement, CMS, and community volunteers. The program helps students maximize educational and personal opportunities to ensure graduation and long-term success. Participants are referred by school personnel, law enforcement, and self-referral.

Members meet weekly in group-mentoring sessions focused on education, social-emotional well-being, career development, and civic responsibility. Meetings occur in schools during school hours or virtually after school. Group sessions are led by program personnel with additional involvement from CMPD sworn employees, including school resource officers.

H. Sworn Employee Participation in Youth Engagement Programs

Voluntary participation by CMPD employees in CMPD-sponsored or supported youth programs is an important part of community collaboration, crime prevention, and improving the quality of life for youth. CMPD sworn employees may volunteer in the following ways:

1. Right Moves for Youth, PAL, and Fifth Element

   a. Non-probationary sworn employee may request participation in Right Moves for Youth and PAL with prior written approval from their chain of command.

   b. Approved sworn employees must coordinate assignments with the Community Services Division.

   c. Staffing needs may limit participation in a youth program meeting or event. Employees must notify their shift supervisor of all scheduled required activities.

   d. Sworn employees may participate on duty or receive up to four (4) hours of compensation for off-duty working with youth programs during a fourteen (14)-day cycle.

   e. Sworn employees are permitted to wear police uniforms or plain clothes during youth program activities. CMPD vehicles may be used to transport participants. Vans assigned to Right Moves for Youth may be reserved through the Community Engagement supervisor. Trips outside of Mecklenburg County require approval through the Community Services Bureau chain of command.

   f. Sworn employees must provide their supervisor with trip details, including and participant identities, before transporting program members.

   g. A sworn employee's deputy chief must approve exceptions to these guidelines.

2. REACH OUT program procedures include:

   a. Sworn employees screen youthful offenders to identify potential candidates.

   b. Sworn employees contact the candidates to introduce them to the program and its benefits and request their participation.

   c. Class schedules are determined by the program coordinator and held on specified days.

3. Participants who successfully complete the program are awarded a certificate of completion and community service hours, if needed.

4. Annual Review of Enforcement and Prevention Programs

a. Division commanders responsible for all juvenile/youth programs will conduct a documented annual review of all juvenile enforcement and prevention programs within their areas of responsibility to assess efficiency and effectiveness.

b. Division commanders shall complete written evaluations addressing quantitative and qualitative elements and recommending whether programs should continue as is, be modified, or be discontinued.

V. REFERENCES

200-006 Diversion Program
CALEA

The previous version of this policy was published on October 13, 2022.

I. PURPOSE

This directive establishes standards 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 standards and an 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. 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.

B. All CMPD directives and SOPs shall be written on the standard template maintained by the Strategic Policy Unit (SPU). All directives and SOPs shall reflect CMPD's values and philosophy of policing 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.

C. The SPU will facilitate and coordinate with CMPD employees to develop and revise all written directives, SOPs, and plans.

D. 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. **Directive:** A written document used to direct or affect the performance or conduct of CMPD employees.

B. **Plan:** A written formulated method of predetermining acts and purposes beforehand to ensure the safety of community members and CMPD employees.

C. **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 and final approval by the chief of police, assigned deputy chief, or designee.

D. **Signature Sheet:** Document designating official record of approval.

E. **Standard Operating Procedures (SOP):** A written document that provides instructions on how tasks, duties, or operations shall be performed.

F. **Subject Matter Expert (SME):** a person who has demonstrated extensive knowledge, skill, and experience in a specific subject, discipline, or process.

G. **Summary Sheet:** A document outlining a brief summary of changes in CMPD directives, SOPs, or plans.

IV. PROCEDURE

A. Written Directive System

1. The electronic written directive system serves as the official repository for all CMPD directives. This system is maintained 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. Historical directives, SOPs, plans, general orders, memorandums, signature sheets, drafts, and similar items are maintained by the SPU.

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

1. The SPU will facilitate and collaborate with all relevant internal stakeholders and SMEs to develop and revise all written directives, SOPs, and plans.

   a. Header: Shall contain the directive number, title, effective date, and revision or review date, when applicable.

   b. Purpose

   c. Policy

   d. Definitions, when applicable

   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, or other internal factors requiring an update.

   b. External events may include but are not limited to legal changes, national or local events of significance to policing. 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 four (4) 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 SMEs.

a. The SPU will collaborate with all relevant internal stakeholders and SMEs to develop and revise all written directives, SOPs, and plans. The SPU will facilitate meetings to assist with any necessary changes.

b. The SPU will seek input from stakeholders and SMEs, maintaining a record of those who provided input and assistance in the development of a directive, SOP, or plan.

c. The SMEs assigned to a directive requiring review will be contacted by the SPU to discuss the directive. The SPU will provide the SMEs with the most updated copy of the directive.

d. The SMEs assigned to a SOP requiring review will be contacted by the SPU to discuss the SOP. The SPU will provide the SMEs with the most updated copy of the SOP.

4. Prior to directives, SOPs, and plans being submitted to the chief of police or designee for approval, all policies 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).

   b. The PMG is chaired by the Professional Accountability Major.

      The following positions are permanent members of the PMG:
      Senior Police Attorney or designee
      Strategic Policy Unit members
      CMPD Training Director
      CALEA Accreditation Manager
      CMPD Human Resources Director or designee

   c. SMEs shall be requested to attend the PMG meeting to answer any content-related questions.

5. Following review by the PMG and professional accountability major, directives and SOPs will be delivered with a signature sheet to the 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. SOPs will be delivered with a signature sheet to the responsible deputy chief, or designee, for review and final approval.

6. Directives and SOPs that are proposed, new, or updated are 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 replace the directive or SOP. Once replaced, 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
CALEA SOP
CALEA

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

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

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)

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

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

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

CMPD Asset Required Tracking List
• Panasonic Computers (vehicles) • Dell Computers (office) • Cell Phones • Servers and associated hardware • Portable Radio • Vehicle Radio • Radio Accessories (example Bluetooth attachments) • Radio System Equipment • RTCC Cameras
• ATV / UTV • Field Services Trailers (Bike and Utility) • Forklift • Pistols • Weapon Mounted Light Systems • Shotguns • Rifles • 40mm launchers • Radar • LIDAR • Taser • BWC • Protective Vests • CEU Equipment (Helmets, Vests, protective gear, munitions) • SWAT Equipment (Protective gear, Vests, drones, cameras, munitions) • Bicycles • Dual Sport Motorcycles • Active Shooter Kits • LRAD • Drones and associated items (IPADS, batteries etc)
• Vehicles • Vehicle equipment (Modem, emergency equipment, protective shield) • Crime Lab Equipment • CSI Equipment (Cameras, scanners, testing equipment etc) • Specialized Investigative Equipment • Grant Purchased Items • Helicopter

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department's (CMPD's) employees' schedules and timekeeping responsibilities.

II. POLICY

The CMPD maintains standardized procedures for scheduling, timekeeping, and the accurate recording of work hours, leave, and overtime to ensure compliance with the Fair Labor Standards Act (FLSA) and City of Charlotte policies.

III. DEFINITIONS

A. **Compensable Time**: Time spent performing work activities for which an employee is entitled to compensation.

B. **Discretionary Overtime:** Voluntary assignments or positions beyond an employee's standard working hours that are not an extension of their primary duties and responsibilities and are paid through the CMPD and City of Charlotte payroll system (e.g., JAG, ETJ, Bank of America traffic assignments, and Spectrum Arena traffic assignments).

C. **Entry Code**: Codes in the time management system (TMS) that indicate the reason for adjusting an employee's schedule and record the use of benefit time or leave.

D. **Exempt Employee**: An employee designated by the City of Charlotte as exempt from the Fair Labor Standards Act (FLSA) overtime provisions.

E. **Non-Discretionary Overtime:** Assignments that are non-voluntary or assignments that are an extension of an employee's primary duties and responsibilities, that go beyond the standard working hours and are paid through the CMPD and City of Charlotte payroll system (e.g., late call that requires an officer to stay over, court, call back for a detective, SWAT callout for a SWAT team member).

F. **Non-Exempt Employee**: An employee subject to FLSA overtime provisions.

G. **Pay Period**: The City of Charlotte's seven (7) day payroll cycle for all employees.

H. **Time Management System (TMS)**: The electronic timekeeping system used for timekeeping, approving leave, and managing payroll.

I. **Time Sheet**: The digital timecard within the TMS that employees use to report hours worked.

J. **Unscheduled Work**: Work performed outside the scheduled hours of a non-exempt employee.

IV. PROCEDURE

A. Work Period

1. Professional Staff

a. Per FLSA regulations, the designated work period for professional staff is seven (7) consecutive days. The maximum allowable scheduled work hours within this work period are forty (40) hours.

b. Any hours worked beyond forty (40) hours in a seven (7) day work period will be treated as overtime and compensated following FLSA regulations.

2. Sworn Employees

a. Per FLSA regulations, the designated work period for sworn employees is fourteen (14) consecutive days. The maximum allowable scheduled work hours within this work period are eighty-six (86) hours.

b. Any hours worked beyond eighty-six (86) in a fourteen (14) work period will be treated as overtime and compensated following FLSA regulations.

B. Work Hours and Schedules

1. Employees are assigned a work schedule appropriate to their role and classification.

a. Regular Full-Time Employees

(1) 40 hours per week (Standard)

(2) 41 hours per week (10-hour shift with roll-call)

(3) 41.25 hours per week (8-hour shift with roll-call)

(4) 42.5 hours per week (School resource officers)

b. Part-Time Employees

(1) 20 hours per week (Half-time schedule)

(2) 30 hours per week (Three-quarter schedule)

c. Temporary Employees

Temporary employees' schedules and the duration of their assigned roles are specified by the Human Resources Division (HRD)

(1) 40 hours per week (full-time)

(2) 20-30 hours per week (part-time)

2. Unscheduled Work and Schedule Adjustments (Non-Exempt Only)

a. Unscheduled work performed by a non-exempt employee must receive prior approval from a supervisor. Exceptions include emergency police services, completing calls or investigations that extend beyond a scheduled shift, and mandatory court appearances.

b. Non-exempt employees must adhere to their established work schedules unless a supervisor approves a schedule adjustment.

(1) All schedule adjustments must be accurately documented in the TMS.

(2) Schedule adjustments are subject to minimum staffing requirements.

3. Permanent Schedule Adjustment

Supervisors must notify the HRD if an employee’s schedule is permanently changed in a manner that alters the total number of scheduled hours per week.

a. Only the HRD may make this change in the TMS.

b. Changes will occur only at the beginning of an employee’s pay cycle.

4. Scheduling Roles and Responsibilities

a. Supervisors

Supervisors are responsible for managing and documenting schedule adjustments during their shifts, including:

(1) Temporarily modifying employee schedules to meet operational needs or prevent unnecessary overtime.

(2) Reviewing and approving or denying same-day schedule adjustments, or those made after a shift has begun, in the TMS before the payroll deadline.

(3) Documenting any schedule changes related to callbacks before the payroll deadline.

(4) Ensuring training occurs during regular duty hours whenever possible and adjusting employee schedules when training must occur outside of those hours.

b. Schedule Administrators

Each division captain or professional staff managers must appoint a minimum of one (1) scheduling administrator for their division or unit. Divisions with rotating schedules must have a minimum of (2) scheduling administrators.

Scheduling administrators are responsible for creating and maintaining employee schedules within their assigned division, including:

(1) Building schedules for non-exempt employees in the TMS following department standards.

(2) Preparing schedules one year in advance and updating them quarterly to ensure accuracy and alignment with operational needs.

C. Overtime

1. Employees are responsible for monitoring hours worked and adjusting schedules, with supervisor approval, based on hours accrued and the needs of the department. Supervisors are responsible for continual review of overtime hours accrued and may base adjustments to employees' schedules on departmental needs during a pay period.

2. Overtime will be compensated at one and one-half times the employee's regular rate of pay. While an employee may report hours worked as overtime in TMS, the payment rate for hours worked is determined at the conclusion of the pay period. Accordingly, some or all of time reported as overtime hours initially may be converted to the employee's regular pay rate if at the end of the pay period the employee has not exceeded the maximum allowable work hours.

3. Benefit or leave hours do not count toward overtime thresholds and will be paid at the employee's regular rate of pay if they contribute to total hours exceeding the standard threshold.

4. All overtime hours, both discretionary and nondiscretionary, are subject to review.

5. Unauthorized overtime will be compensated as required by law but may result in disciplinary action.

6. Discretionary Overtime

a. All sworn employee discretionary overtime, over the approved twenty (20) hours in a fourteen (14) day work period, must be approved by the employee's bureau major.

b. Sworn employees are not permitted to work more than twenty (20) hours of discretionary overtime in a fourteen (14) day work period.

c. Professional Staff are not permitted to work more than ten (10) hours of discretionary overtime in a seven (7) day work period.

d. The discretionary overtime limit for special events may be waived by the Special Services Division Major or designee.

7. The CMPD HRD is responsible for monitoring employee work hours to ensure compliance with FLSA, including Section 7(k) exemptions.

8. Supervisors are responsible for managing overtime within their units, reviewing time entries, and ensuring discretionary overtime does not exceed established limits.

D. Benefit Time and Leave

1. Employees must notify their supervisor before using any benefit time.

a. Benefit time usage shall be requested as directed by the employee's chain of command, which may include entering a request through the TMS or another designated method.

b. Requests should be made as far in advance as reasonably possible.

c. All requests are subject to minimum staffing requirements.

d. If a request occurs the same day or after the shift begins (e.g., going home sick), the employee must notify a supervisor and submit the request before the end of their shift.

2. Bereavement Leave

Bereavement leave is paid time off to allow an employee to attend a funeral service or grieve the loss of a loved one.

a. Time Entry Code: **Absence-Bereavement**

b. Bereavement leave must be taken in one (1) hour increments.

c. Up to forty (40) hours of paid bereavement leave may be granted in any calendar year. Bereavement leave is non-cumulative.

d. If the need for bereavement leave exceeds forty (40) hours in a calendar year, the employee may, with the supervisor's approval, use leave without pay, compensatory time, or vacation leave.

3. Day Off

Days off are regularly scheduled days on which the employee is not required to work and are included in the employee's schedule.

No time entry is required in the TMS.

4. Excused Leave Without Pay

Excused leave without pay is unpaid leave approved in advance for personal reasons, during which the employee remains in active employment status.

a. Time Entry Code: **Absence-Leave Without Pay**

b. 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 exceeding 240 consecutive hours must be approved by the Chief of Police.

c. Unpaid leave of more than 240 consecutive hours must also be coordinated with the HRD to determine the appropriate pay status.

5. Family and Medical Leave (FMLA)

FMLA is job-protected leave provided under the Family and Medical Leave Act for qualifying medical, family, or military caregiving purposes.

a. Time Entry Code: Time entry is managed by the HRD.

b. To be considered eligible for FMLA, the employee must have:

(1) Worked for the City of Charlotte for at least twelve (12) months.

(2) Completed a minimum of 1,250 hours of service during the twelve (12) month period immediately preceding the leave.

c. Eligible employees are entitled to up to twelve (12) weeks of leave within a twelve (12) month period for specified family and medical reasons. The twelve (12) weeks may be taken intermittently over the year.

d. Under 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 the employee's spouse, son, daughter, or parent.

e. When the need for leave is foreseeable, the employee must request leave at least thirty (30) calendar days in advance. Employees approved for FMLA leave must confirm with the HRD their options regarding leave without pay and/or the use of accrued benefits before the leave begins.

f. Employees are responsible for contacting the City of Charlotte's designated vendor to verify their FMLA certification status.

6. Holiday Leave

Holiday leave is paid time off provided for designated City of Charlotte holidays for eligible employees.

a. Time Entry Code: **Holiday** (system generated)

b. Eligible employees will only be paid for a holiday if they have worked their scheduled workday immediately before and after the holiday, unless they are on approved paid leave.

c. Unused holiday leave does not accrue.

d. Non-exempt, professional staff are eligible to receive holiday pay and an employee who works on that holiday may, at the supervisor's discretion, receive compensatory time.

e. No prior period adjustments to holiday leave will be made after thirty (30) calendar days.

f. Sworn personnel and non-exempt non-sworn employees who are required to work twenty-four (24) shift schedules to support seven (7) days per week operations will not receive holiday pay. However, these employees accrue eleven (11) additional vacation days per calendar year.

g. No prior period adjustments to holiday leave will be made after thirty (30) calendar days.

7. Jury Duty

Jury Duty is granted to allow employees to fulfill mandatory jury service or to appear in court as a witness in the public interest.

a. Time Entry Code: **Absence-Jury Duty**

b. Absences required for jury duty will be excused and considered part of the employee's duty day.

c. Procedures for court leave for employees assigned to second or third shifts and/or weekend schedules will be determined by the employee's supervisor.

d. Employees who are required to appear in court as a witness in the public interest (serving in the capacity of a City of Charlotte representative) may count this time as part of their duty day if it conflicts with their normal work schedule, with the supervisor's approval.

e. Legal matters of a personal nature are not considered jury duty. Employees may request vacation leave or leave without pay, subject to the supervisor's approval, to attend to personal legal matters.

8. Military Leave

Military leave is provided to employees who are members of the uniformed services in accordance with applicable laws and CMPD policy.

a. Time Entry Code: **Absence-Military Support Leave**

b. Refer to *Directive 300-016 Military Leave Policy.*

9. Paid Parental Leave (PPL)

PPL refers to six (6) weeks of paid leave available to eligible employees to bond with their child due to birth, adoption, or foster placement within twelve (12) months of the event.

a. Time Entry Code: **Absence-FMLA Intermittent-Paid Parental Leave**

b. Employees must meet the eligibility requirements for FMLA to be eligible for PPL.

c. PPL must be taken in full-week increments. The employee may take PPL leave intermittently in:

(1) a one (1) week block,

(2) multiple blocks of weeks, or

(3) as six (6) consecutive weeks.

d. The HRD will enter and approve time for employees using PPL consecutively. If the employee uses PPL intermittently, they are responsible for entering their time into the TMS.

e. When the need for PPL is foreseeable, the employee must notify their supervisor and the HRD at least thirty (30) days before the start date.

10. School and Community Support (SCS) Leave

SCS leave refers to paid leave that allows employees to participate in school activities or volunteer with qualifying nonprofit or civic organizations, as outlined in the City of Charlotte *HR 27 School and Community Support Leave* Policy.

a. Time Entry Code: **Absence-Community Support Leave**

b. Employees are allotted up to eight (8) hours of SCS leave per calendar year, which is non-cumulative.

c. SCS leave may be used for participation in parent-teacher conferences, scholastic-related school support activities, guest lecturing, or tutorial programs (parent-child).

(1) School support activities are defined as assisting with school-related learning programs during designated school days.

(2) SCS leave does not cover activities such as attending graduations, after-school social events, or sporting events.

d. SCS leave may be used for participation in civic, educational, and not-for-profit volunteer activities. Volunteer activities must be sponsored by a recognized 501(c)(3) organization.

11. Suspension Without Pay

Suspension without pay refers to the time away from work due to an active disciplinary suspension.

a. Time Entry Code: Entry must be completed by the HRD.

b. Time must be documented as “suspension” in the TMS.

12. Training and Education Leave

Training and education leave involves time spent attending CMPD-approved training or educational programs, which are required or authorized by the CMPD, including those held outside of the City of Charlotte.

a. Time Entry Code: **Education**

b. All training and education time must be approved by the employee’s supervisor, except for online training, and documented in the TMS.

c. If the training or education time does not extend beyond the employee’s standard scheduled shift, the employee must return to work or use leave time for the remainder of the duty day.

d. Training sessions, workshops, and other required meetings are considered compensable time, regardless of when they occur. Voluntary participation in training or meetings outside regular work hours is not compensable. Employees will be paid only for actual travel time and instructional time associated with required training. Laws regarding payable time for exempt and non-exempt employees also apply to travel and instructional time. Study or preparation time does not count as work hours.

e. CMPD Training Academy Courses

a. Refer to the *Training Division SOP*

b. Withdrawing from Assigned Academy Training

(1) 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

(2) Employees needing to be excused from assigned training within the three-day timeframe must seek approval from 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.

(3) LEEDS training or other training not assigned in the LMS may only be cancelled or rescheduled by a supervisor.

(4) 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.

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

13. Unexcused Absence Without Leave (AWOL)

AWOL is an absence from duty without prior authorization or notification, considered unapproved and subject to disciplinary action.

a. Time Entry Code: Entry must be completed by the HRD

b. Unexcused absences must be reported as “AWOL – absence without leave” in the TMS.

c. Employees who are AWOL from work for two (2) consecutive days without notifying their supervisor will be considered to have “resigned without proper notice as the City requires a five-working-day notice for resignations. As a result, the employee and will not be entitled to payment for accumulated vacation leave.

14. Vacation Leave

Vacation leave is paid leave that is accrued and provided to employees for rest, recreation, or personal matters.

a. Time Entry Code: **Absence-Vacation**

b. Vacation leave may be taken as earned, subject to the supervisor’s approval.

c. When an entire day is taken as vacation, the hours must be used in an eight (8) or ten (10) hour block. Employees may not add fifteen (15) minute increments to compensate for lost roll call or School Resource Officer (SRO) travel pay.

d. No employee shall take more than 160 consecutive hours of vacation leave without the approval of their chain of command, including the Chief of Police.

e. Earned vacation leave cannot be used as a substitute for wellbeing leave unless all wellbeing leave has been exhausted.

f. Under normal circumstances, employees must use accrued vacation leave before requesting unpaid leave.

g. No prior period adjustments to vacation leave will be made after thirty (30) calendar days.

15. Wellbeing Leave

Wellbeing is paid leave that is accrued and used for the care of an employee's health or that of a family member.

a. Time Entry Code: **Absence-Sick/Wellbeing**

b. Refer to *Directive 300-004 Wellbeing Leave.*

16. Workers' Compensation Leave

Workers' compensation leave will adhere to procedures outlined in *the* City of Charlotte's *HR23 Employee Injury and Illness Reporting and Managed Return-to-Work* policy and N.C.G.S. § 97-2.

Refer to *Directive 300-005 Workers' Compensation*

E. Time Sheet Entry and Submission

1. Non-exempt employees must submit a complete and accurate timesheet each week by the established deadline. Timesheets must include all hours worked and any coded leave, such as sick, vacation, or holiday time.

2. Exempt employees are required to submit timesheets only when using personal leave, such as sick or vacation time. In certain situations, such as participation in special projects or grant-funded initiatives, exempt employees may also be required to track hours worked.

3. The appropriate time sheet entry code must be used in the TMS to reflect the employee's schedule or any change to their standard schedule, including benefit or leave time.

4. Work hours must be submitted in the following increments, unless otherwise detailed within this policy.

a. 15 minutes = 0.25

b. 30 minutes = 0.50

c. 45 minutes = 0.75

5. Any overtime recorded on a timesheet must include an accompanying explanation. This justification must match the dates and times listed on the timesheet and clearly state the reason for the overtime, such as a shift extension, late call, or court appearance.

6. Time Sheet Approval

a. Supervisors must review and verify the accuracy of each employee's time sheet and require employees to correct any errors before final approval.

b. Time sheets must be approved by the established due date and time.

c. If a timesheet is not approved by a supervisor by the deadline, it will be routed to CMPD HR for generic approval to ensure the employee receives compensation. The chain of command will be notified when a supervisor fails to approve a timesheet as required.

7. Prior Period Time Sheet Adjustment

   Prior period time sheet adjustments are timesheet correction requests for an employee.

   a. Adjustments must be submitted using the Prior Period Adjustment Form and sent directly to the HRD payroll team by the employee's supervisor.

   b. Forms must be submitted within one (1) month of the date requiring correction. This deadline does not apply to adjustments related to FMLA or approved leave.

   c. Adjustments may result in an increase or decrease in pay on the next paycheck.

F. Pay Period

1. CMPD employees are compensated based on the City of Charlotte's pay period, which runs from Saturday through Friday.

2. Paychecks and direct deposits are issued the following Friday.

3. Employees will be compensated for all regular hours worked and any applicable overtime following FLSA regulations.

G. Administrative Review

This policy will be reviewed annually to ensure alignment with federal labor laws, departmental operations, and the City of Charlotte's fiscal responsibilities. Revisions will be made as needed based on legal updates, budgetary considerations, or operational requirements.

V. REFERENCES

300-002 Court Subpoena Service and Attendance
300-004 Wellbeing Leave
300-005 Workers' Compensation
300-007 Secondary Employment
300-010 Administrative Assignment and Leave
300-016 Military Leave
HR23 Employee Injury and Illness Reporting and Managed Return-to-Work
HR 27 School and Community Support Leave
HR 31 Salaried (i.e., Exempt) Compensatory Time Management
Fair Labor Standards Act
N.C.G.S. § 97-2
CALEA

The previous version of this policy was published on June 21, 2023.

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employees regarding court attendance and the service of subpoenas.

II. POLICY

The CMPD Court Liaison Office will serve subpoenas for the North Carolina District Court, Civil Court, Juvenile Court, and the Grand Jury. The CMPD Court Services Unit will serve subpoenas for Superior Court and Juvenile Court. CMPD will record the status of each subpoena, employee attendance, absences, and employee compensation for court attendance. CMPD employees must attend court in adherence with served court subpoenas.

III. DEFINITIONS

A. **Acknowledgement:** A response to a subpoena issued via the Subpoena Central.

B. **Court Liaison Office:** The physical location of the Court Liaison Office is located inside the Mecklenburg County Courthouse. It is where subpoenaed CMPD personnel must check in and record their arrival and departure times whenever they are present for court proceedings related to a subpoena they received.

C. **Court Liaison Unit:** A team of CMPD professional staff employees, located in the Court Liaison Office at the Mecklenburg County Courthouse. They are responsible for serving District, Grand Jury, Juvenile, and Civil Court subpoenas, as well as subpoenas issued by attorneys outside the Mecklenburg County District Attorney's Office (e.g., defense attorneys).

D. **Court Services Unit:** A team of CMPD and Mecklenburg County Sheriff's Office (MCSO) employees, both sworn and professional staff, located at the Mecklenburg County District Attorney's Office. They are responsible for serving Superior and Juvenile Court subpoenas, as well as subpoenas for Pre-Trial Readiness Conference, Interstate Compacts, and other matters as needed by the Mecklenburg County District Attorney's Office.

E. **Officer of the Court:** The District Attorney (DA), an Assistant District Attorney (ADA), a Defense Attorney Judge, and a District and Superior Clerk of Court.

F. **Release from Subpoena:** Notification by an Officer of the Court that a person is no longer subject to the order specified in a given subpoena. This may be done by the Officer of the Court, directly, or by a member of the Court Liaison Unit or Court Services Unit, if authorized by an Officer of the Court.

G. **Subpoena Central:** The electronic system, located on the CMPD portal, by which subpoenas for Superior Court, Juvenile Court, and Pre-Trial Readiness Conferences are generated, served, acknowledged, and retained.

H. **Telephone Standby:** The status in which a subpoenaed witness remains accessible by telephone and available to respond to the Mecklenburg County Courthouse, if and when, they are needed to testify pursuant to a subpoena. While on telephone standby, subpoenaed employees must be able to respond in an expeditious timeframe and remain within a forty-five (45)-mile radius. Employees who cannot meet this requirement must coordinate in advance with the Court Services Unit or the ADA.

IV. PROCEDURES

A. Subpoena Service

1. State of North Carolina District Court Subpoena Service

a. Each division/unit will designate an employee to receive subpoenas from the Court Liaison Office, distribute subpoenas to supervisors, return signed subpoenas to the Court Liaison Office, and maintain a six (6) month subpoena history on a Subpoena Tracking Form.

b. The Court Liaison Office will separate subpoenas generated by investigators assigned to the District Attorney's Office, prosecutors, defense attorneys, and the State's criminal/infraction system by employee name, scan each subpoena, and electronically mail them to the designated employee for each division/unit.

c. The designated employees for each division/unit will distribute the subpoenas to the subpoenaed employees' supervisors.

d. The subpoenaed employees' supervisors will serve the employees with the subpoenas, the supervisors and served employees will sign the subpoenas, and the supervisors will return the signed subpoenas to the division/unit's designated employee on their next duty day.

e. The designated employee will log the receipt, distribution, and return of each subpoena and will return the signed subpoenas to the Court Liaison Office in a sealed envelope before the court date.

2. Superior Court and Juvenile Court Subpoena Service

a. Superior Court and Juvenile Court subpoenas will be generated and served via Subpoena Central, and notifications will be sent via electronic mail to CMPD employees being subpoenaed.

(1) Should only be opened using a computer connected to the CMPD local area network (LAN).

(2) The employee must immediately acknowledge receipt of the subpoena in Subpoena Central upon receipt of the notification, providing their current assignment, duty hours, days off, and documenting any schedule conflicts or other relevant information in the memo section.

(3) The District Attorney Liaison Unit detective assigned to the case will inform the assigned assistant district attorney of schedules and any conflicts listed on subpoena acknowledgments.

(4) The assigned assistant district attorney will determine whether the employee can be released from appearing in Superior or Juvenile Court.

b. Superior Court subpoenas are typically issued for one (1)-week trial terms, but trial terms and/or a specific trial may continue longer. Employees will remain on telephone standby and available to testify until the trial term ends, the trial for which they are subpoenaed concludes, or they are released from subpoena by the Court Services Unit detective or assigned assistant district attorney.

c. Juvenile Court subpoenas provide a specific date and time for employees to appear and testify. If a case begins late during the week (e.g., Friday morning), the employee will remain on standby until the following week.

3. Grand Jury Subpoena Service

   a. Each patrol division and specialized unit will have a designated grand jury officer who receives Grand Jury subpoenas each week. These subpoenas will be served via electronic mail with delivery confirmation.

   b. The designated grand jury officer is responsible for attending the Grand Jury unless a substitute officer has been selected to testify. In complex cases, the officer assigned to the case may choose to testify instead.

   c. If a substitute officer is selected, the officer only needs to notify the Grand Jury deputy and the Court Liaison's Office at the time they appear for Grand Jury. The Court Liaison's Office and grand jury team cannot modify the subpoena list, and the substitute officer's name will not be added to the bill of indictment list prior to presentation.

   d. The Court Liaison's Office will post the final Grand Jury Schedule, including "add-on" cases, on the CMPD Portal Page no later than the Friday morning before the Grand Jury.

4. Interstate Compact Subpoena Service

   a. All out-of-state (interstate compact) subpoenas must be notarized and delivered to the Court Services Unit.

   b. Interstate compact subpoenas will be served on employees by the Court Services Unit.

   c. If an employee receives a subpoena directly from an out-of-state jurisdiction to appear in court in that jurisdiction, they must notify the Court Services Unit.

   d. Individuals served with an interstate compact subpoena have the right to appear in a court within their jurisdiction if they contest appearing out-of-state. Employees intending to exercising this right must coordinate with the Court Services Unit in advance of the appearance date noted on the subpoena.

B. Court Attendance

1. 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 using the computer located in the Court Liaison Office.

2. 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 notify the Court Liaison Office of any necessary time adjustment.

3. Employees reporting for court will not log any other employee in or out of the computer to document their court appearance, under any circumstances.

4. Employees appearing in District, Superior, or Juvenile Court or before a Grand Jury will not log in more than thirty (30) minutes before the time specified on the subpoena.

5. Sworn employees will schedule any offense for which a citation is issued for Administrative Courtroom 1130 twenty-eight (28) calendar days from the citation's date of issue. When the proposed court date falls on a non-business day (e.g., a weekend day or a recognized state or national holiday), the court date will be set for the first business day after the twenty-eighth (28th) day from the citation's date of issue.

C. Anticipated Absences

1. Employees who are subpoenaed to court are required to attend. Employees may contact the Court Liaison supervisor to arrange communication with the assistant district attorney assigned to their case, but employees are prohibited from contacting the District Attorney's Office directly to be excused from any court appearance.

2. Employees must complete the Anticipated Absence Form, obtain their supervisor's signature, and submit the form to the Court Liaison Office by email at least six (6) weeks before the anticipated absence.

   a. Anticipated Absence Forms must note a projected date of return.

   b. Employees should attempt to avoid scheduling training and vacation leave on their assigned court dates.

   c. If there is a conflict with a court date due to training, employees must document the reason for the conflict and why the training cannot be rescheduled in the memo portion of the Anticipated Absence Form. Employees must obtain their captain's signature before forwarding the form to the Court Liaison Office.

   d. Employees on extended sick or military leave must submit the Anticipated Absence Form as soon as reasonably possible.

   e. Employees who submit an Anticipated Absence Form less than six (6) weeks before the absence must document in the memo portion of the form why a late notification is being submitted and have the form signed by their captain.

   f. A continuation cannot be guaranteed in cases where an Anticipated Absence Form is submitted less than six (6) weeks before the absence.

3. The Anticipated Absence Form will be forwarded to the Court Liaison supervisor for submission to and approval by the District Attorney's Office.

   a. The District Attorney's Office will determine whether the employee can be released and inform the Court Liaison Office of the decision.

   b. The Court Liaison Office will notify the employee of the decision by e-mail.

   c. A release from appearance will only excuse the employee from District Court. The District Attorney's Liaison Unit or assigned assistant district attorney must approve excusal from Superior or Juvenile Court.

D. Tardiness and Absenteeism

1. If an employee cannot attend a scheduled court appearance due to sudden illness or bereavement leave, the employee must notify a supervisor in their assigned area and the Court Liaison Office no less than thirty (30) minutes before the scheduled court appearance time. The

Court Liaison Office will assist the employee with obtaining a release from that scheduled court appearance.

2. If an employee is on duty and involved in a call for service that may result in the employee being late for a court appearance, the employee must notify a supervisor in their assigned area and the Court Liaison Office. The employee must report to court immediately after being cleared from the call for service.

3. If an employee receives a subpoena that incorrectly lists the employee's assigned district court date or has subpoenaed the wrong 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.

   a. Releases from court appearances will not be granted when an employee has listed an incorrect "arresting officer" status code on the arrest worksheet.

   b. When an error is substantiated, the Court Liaison Office will attempt to change the court date or have the employee excused from that appearance.

   c. The employee must honor the subpoena and appear in court as directed by the subpoena unless notified otherwise by the Court Liaison Office or the District Attorney's Office.

4. Employees should discuss any requests to be excused from a subpoena with their immediate supervisor and, with the supervisor's approval, submit a memo to the Court Liaison Office explaining the need to be excused.

   a. 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.

   b. The employee must honor the subpoena and appear in court unless notified otherwise by the Court Liaison Office or the District Attorney's Office.

E. Compensation for Court Appearance

1. A minimum of three (3) hours of pay will be paid to employees who are required to make an off-duty court appearance.

2. The three (3) hour minimum does not apply when a court appearance is directly before or after a scheduled tour of duty. When a court appearance is directly before or after a scheduled tour of duty, the employee will be compensated for the actual time spent in court. For example, an employee working 0700-1500 who attends court from 1330-1600 would be paid for one (1) hour in addition to the regular eight hours of pay.

3. If, during a court appearance, the court is in recess for an extended period and the employee is required to appear in the same court immediately after the recess, the employee will notify the Court Liaison Office. The Court Liaison Office will decide if the employee will be paid through lunch or receive an additional two (2)-hour minimum.

4. If a civilian employee is required to attend court while off-duty, the employee will be compensated according to the City of Charlotte’s Personnel Rules and Regulations.

5. Off-duty employees will be compensated for mandatory appearances at a Civil Service or other administrative hearing. An appearance is mandatory if an employee is subpoenaed or ordered to attend by a supervisor.

6. Employees appearing for Superior Court or Juvenile Court must have been contacted to testify to receive court pay.

7. Employees will submit any witness fees or mileage allowances received for court appearances related to the performance of their law enforcement duties to the CMPD Business Services Division.

F. Official Appearance in Court

1. Employees on official CMPD business (e.g., court date, grand jury) displaying their CMPD badge and photo identification on their outermost garment will be allowed to enter through the screening checkpoint and remain armed.

2. Undercover or plainclothes officers not displaying their CMPD badge and photo identification will not be allowed to enter the court complex while armed.

G. Personal Court Appearances

1. Employees are prohibited from wearing CMPD uniforms or carrying firearms while appearing in court or entering the courthouse when engaged in personal business unrelated to their CMPD duties.

2. 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. Personal activities may include, but are not limited to:

   a. Appearing as a defendant in criminal actions.

   b. Appearing as a party or witness in civilian actions on matters unrelated to the employee's official capacity (e.g., personal lawsuits, restraining orders).

   c. 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.

   d. Appearing as a party in an action in Superior Court.

   e. Appearing for jury duty.

3. Any employee 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 must notify the District Attorney's Office before the court date.

V. REFERENCES

300-001 Scheduling and Timekeeping
Court Liaison SOP
DA-Superior Court Services Unit SOP
Personnel Rules and Regulations for the City of Charlotte
Anticipated Absence Form
CALEA

The previous version of Directive 300-002 Court Subpoena Service and Attendance, was published on 11/26/2024.

I. PURPOSE

This policy establishes standards for the appropriate use and recording of paid sick/wellbeing leave and ensure that the Charlotte-Mecklenburg Police Department (CMPD) complies with the federal Family Medical Leave Act (FMLA).

II. POLICY

The CMPD is committed to maintaining a healthy, safe, and productive workforce. Employees are expected to use sick/wellbeing leave responsibly and in accordance with established procedures to ensure accurate documentation, operational readiness, and compliance with applicable federal, state, and City of Charlotte regulations. CMPD will support employees requiring time away from duty due to illness, injury, or personal wellbeing needs, while also ensuring that all leave is requested, approved, and monitored in a consistent and equitable manner. Misuse of sick/wellbeing leave or failure to follow reporting requirements may result in corrective or disciplinary action.

III. DEFINITIONS

A. **Extended Sick/Wellbeing Leave**: An illness or injury requiring the use of more than thirty (30) consecutive calendar sick/wellbeing days.

B. **Family Medical Leave Act (FMLA)**: A federal law that entitles eligible employees of covered employers to take unpaid, job-protected leave for qualifying family and medical reasons and requires continuation of their group health benefits under the same terms and conditions as if the employee had not taken leave.

C. **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.

D. **Sensitive Items**: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, cell phones, computer, 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.

E. **Short Term Sick/Wellbeing Leave**: An illness or injury requiring the use of thirty (30) or less consecutive calendar sick/wellbeing days.

F. **Wellbeing Leave**: Physical or mental health care of an employee or family member.

G. **Workers' Compensation/Light Duty**: Employee, because of an on-the-job 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.

IV. PROCEDURE

A. Unforeseeable Illness or Injury

As practical, an employee requesting to use paid sick/wellbeing leave for an unforeseeable illness or injury is responsible for ensuring that the on-duty supervisor is informed at least two (2) 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/wellbeing leave from a supervisor, an employee is responsible for advising the supervisor of any schools, training, court, or other assignments the employee will miss. The supervisor will notify the appropriate persons of the employee's expected absence.

B. Foreseeable Illness or Injury

An employee requesting to use paid sick/wellbeing 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. 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/wellbeing days must obtain the supervisor's permission to use sick/wellbeing 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 the HRD if an employee anticipates being on sick/wellbeing 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 the HRD and his or her chain of command. Employees are not required to provide any medical updates or information to their supervisor or division.

3. Should an employee be placed on sick/wellbeing leave that qualifies for FMLA he or she must contact the HRD to facilitate the FMLA qualification process. The employee must meet the eligibility requirements outlined in the City of Charlotte's FMLA policy, submit requested certifications and adhere to the City of Charlotte's FMLA policy.

4. An employee who expects to be absent for more than thirty (30) consecutive calendar workdays or has been absent for thirty (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 HRD.

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

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. Excessive patterns of absenteeism may be subject to review by the HRD, Internal Affairs, and disciplinary action by the employee's Chain of Command.

E. No CMPD employee on sick or wellbeing leave may work secondary employment—whether police-related or non-police-related—on any day they are on workers' compensation leave or personal sick/wellbeing leave, except for attending doctor's appointments. After returning from such leave, an employee may resume secondary employment only after completing one full regular-duty shift. This requirement does not apply to employees returning from Paid Parental Leave.

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 HRD will review each case and make the appropriate determination based on the details and medical documentation provided.

2. An employee may submit documentation from a physician explaining the need for the absence to the HRD. This documentation will be retained in the employee's medical file. The HRD will forward information related to any restrictions to the employee's supervisor.

3. The HRD 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 HRD. The HRD 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.

H. Confidentiality

All employee sick/wellbeing information will remain confidential in the custody of the HRD and may only be disclosed as provided in N.C.G.S. §160A-168.

V. REFERENCE

300-001 Scheduling and Timekeeping
300-005 Workers' Compensation
300-006 Light Duty Assignment
300-007 Secondary Employment
300-008 Personnel Records
300-013 Return to Duty
400-001 Series Uniforms and Attire
400-003 Equipment
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

N.C.G.S. §160A-168 Privacy of employee personal records
Family and Medical Leave Act (FMLA)
CALEA

The previous version of 300-004 Sick/Wellbeing Leave Policy was published on 11/10/2021.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to workers' compensation.

II. POLICY

The CMPD, in compliance with the City of Charlotte's *HR23 Employee Injury and Illness Reporting and Managed Return-to-Work* policy, will ensure the timely reporting, appropriate medical care, and proper case management for employees who experience a job-related injury/illness or exposure incident. Employees must follow the procedures outlined in this directive to ensure accurate documentation, effective treatment, and compliance with workers' compensation requirements.

III. DEFINITIONS

A. **Designated Healthcare Provider**: The healthcare professional or organization contracted by the City of Charlotte's Risk Management Division, such as a physician, hospital, pharmacy, chiropractor, nurse, dentist, podiatrist, physical therapist, rehabilitation specialist, psychologist, and any other person providing medical care pursuant to Chapter 97 - Article 1: Workers' Compensation Act (N.C.G.S. § 97-2).

B. **Employee**: All CMPD employees, including both officers and professional staff.

C. **Exposure Incident**: Contact involving the eyes, mouth, other mucous membranes, non-intact skin, or through parenteral means with blood or other potentially infectious materials that occurs as a result of an employee's job duties.

D. **Job-Related Injury**: An injury by accident, arising out of and in the course of the employment. It shall not include a disease in any form, except where it results naturally and unavoidably from the accident (N.C.G.S. § 97-2). The PMA will evaluate reported job-related injuries to determine whether the description meets the definition of an "injury by accident" occurring within the course and scope of employment.

E. **Officer**: Any sworn employee, regardless of rank (unless rank is specified).

F. **PMA Companies (PMA)**: The City of Charlotte's third-party administrator for workers' compensation claims, responsible for claim evaluation, payment administration, and coordination of medical care.

G. **PMAcare24**: A 24/7 nurse triage and intake line managed by PMA.

H. **Professional Staff**: Any CMPD employee who is not a sworn law enforcement officer.

IV. PROCEDURE

A. Coverage and Eligibility

1. Jurisdictional Boundaries

On-duty officers who are injured outside their jurisdictional boundaries are not covered under workers' compensation, except in the following instances:

a. While pursuing a fleeing offender.

b. While transporting an arrestee.

c. While on duty and considered on educational leave, such as attending training.

d. While performing assigned duties.

2. Secondary Employment

   a. Employees working secondary employment for a private employer may be covered under either the private employer's workers' compensation policy or the City of Charlotte's workers' compensation policy for injuries sustained during their duties.

   b. Injury packets must be submitted to the City of Charlotte Risk Management Division and will be determined on a case-by-case basis.

3. Professional Staff

   a. Workers' compensation covers professional staff during assigned duty hours and outside of their regular duty hours if the CMPD requests them to return to duty or provide services for the benefit of the City of Charlotte.

   b. Professional staff may not place themselves on duty or assume duty-related responsibilities without prior authorization from the CMPD.

4. If an employee receives permanent medical restrictions from a PMA-authorized provider that require continued light-duty status, the Human Resources Division (HRD) will contact the employee to determine the appropriate next steps.

5. The City of Charlotte's contracted workers' compensation provider is responsible for notifying the employee regarding approving or denying their workers' compensation claim.

B. Injury Reporting

1. Employees must immediately report any on-the-job accident, injury, or exposure incident to their immediate supervisor, regardless of severity.

2. In the event of an emergency or life-threatening injury, the employee will be transported to the nearest emergency medical facility, and the supervisor will report the incident to the CMPD workers' compensation carrier, PMA, through the PMA Customer Service Center at 888-476-2669.

   a. If treatment is received in an emergency department, a follow-up visit with a designated healthcare provider is required the next calendar day or as soon as medically able.

   b. Employees requiring follow-up treatment must contact the PMAcare24 dedicated examiner team at 1-833-549-1332 to obtain authorization.

3. In non-emergency situations, the injured employee must contact PMA through the PMAcare24 line at 1-833-549-1332 and follow these procedures:

   a. The injured employee will provide demographic details, injury-related information, and relevant private health information to a registered nurse and a PMA representative.

   b. The nurse will offer a call disposition and present treatment options:

      (1) If necessary, the nurse will refer and direct the injured employee to a designated healthcare provider, in accordance with the City of Charlotte's *HR23 Employee Injury and Illness Reporting and Managed Return-to-Work* policy.

      (2) If a self-care recommendation is provided but the employee prefers to seek medical treatment, the nurse will refer the employee to a designated healthcare provider.

(a) There is no cost to the employee if care is obtained from a designated healthcare provider.

(b) If the employee chooses to go to the hospital, the employee must provide the hospital with the workers' compensation billing information and must also visit Concentra within twenty-four (24) hours.

4. Work Status Reports

Work status reports are medical documents issued by a licensed physician outlining an injured employee's work capacity, duty restrictions, or return-to-work status after a medical visit.

a. After each medical visit, employees must obtain a copy of their work status report from the designated healthcare provider.

b. Only a licensed physician may issue a work status report.

c. Work status reports from follow-up appointments must be submitted to the HRD after each visit.

5. If an employee receives permanent medical restrictions from a PMA-authorized provider that require continued light-duty status, the HRD will contact the employee to determine the appropriate next steps.

C. Benefits and Leave

1. Employees placed out of work by a designated healthcare provider must use well-being leave for the first seven (7) days of the injury. If their well-being leave is exhausted, they may use vacation leave.

2. After twenty-one (21) days of injury-related absence, employees will be reimbursed for any benefit time used during the initial seven (7) days.

3. Employees enrolled in the Shared Sick Leave Program during the current benefit year may apply for up to forty-five (45) days of shared sick leave, only after exhausting all personal well-being and vacation leave. Employees not enrolled in the program must take any remaining time off without pay once all accrued leave has been used.

4. Employees injured on the job are not eligible to apply for short-term disability benefits.

5. The HRD will ensure that all time is accurately entered and approved for employees who are out of work due to job-related injuries.

6. Merit Date

a. 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 the employee was absent from duty.

b. Merit or salary increases will be delayed, allowing sufficient time to evaluate the employee's performance or until the employee returns to their regular assigned duties. In either case, the employee shall not receive a merit or salary increase until the supervisor has had the opportunity to evaluate a full fifty-two (52) weeks of performance, whether those weeks occur consecutively or non-consecutively.

D. Claim Compensation

1. PMA will determine whether a claim is compensable. For accepted claims, workers' compensation payments begin on the eighth day and will equal two-thirds of the employee's gross wages. Employees may choose to supplement these payments using accrued benefit time.

2. Employees who do not supplement their two-thirds workers' compensation wage payments with benefit time will be billed monthly by the City of Charlotte for their share of benefit premiums.

E. Supervisor Responsibilities

1. When an employee is injured on the job, the supervisor must direct the employee to contact PMAcare24 and indicate whether post-accident drug and/or alcohol testing is required as outlined in *Directive 300-009 Employee Drug and Alcohol Testing*.

2. Supervisors must complete an Internal Affairs Case Management System (IACMS) packet to notify the HRD of any employee injury or exposure, regardless of severity.

3. A Vehicle Accident Reporting Form (VARF) must be completed if the injury is related to a vehicle accident.

4. Supervisors must contact the HRD to receive updates regarding the injured employee's work status.

F. Secondary Employment

1. Officers' police authority is suspended while on workers' compensation leave. While on leave, they are prohibited from working any CMPD secondary employment or engaging in any law enforcement-related secondary employment.

2. Professional staff are prohibited from working any CMPD secondary employment while on workers' compensation leave.

G. Uniforms and Equipment

Employees may be required to return CMPD-issued uniforms and equipment as outlined in *Directive 400-004 Returning Issued Uniforms and Equipment.*

H. Return to Duty

1. At the conclusion of a Workers' Compensation leave, the employee must either return to full duty or utilize other forms of leave.

2. Employees are not permitted to return to full duty until they receive written clearance from a designated medical provider, which notes that there are no restrictions regarding the employee's ability to perform their full range of duties.

3. Upon receiving clearance to return to duty, the employee must notify the HRD, provide a copy of the written clearance, and successfully complete all applicable return to duty requirements as outlined in *Directive 300-013 Return to Duty*. The HRD will notify the employee's chain of command and the Training Academy that the employee is returning to duty.

4. Supervisors will not allow the employee to return to full duty until the employee has followed all instructions and is cleared by the HRD.

5. Employees out of work due to an injury are prohibited from engaging in CMPD secondary employment until they have returned to full duty.

V. REFERENCES

300-007 Secondary Employment
300-009 Employee Drug and Alcohol Testing
300-013 Return to Duty
400-004 Returning Issued Uniforms and
Chapter 97 - Article 1: Workers' Compensation Act
City of Charlotte HR23
Vehicle Accident Reporting Form (VARF)

The previous version of this policy was published on November 18, 2021.

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employees placed on light duty status.

II. POLICY

Light duty assignment is a privilege extended to CMPD employees during periods of disability. The CMPD reserves the right to approve, modify, or terminate an employee's light duty request or status as necessary to address the best interests of both the CMPD and the employee.

III. DEFINITIONS

A. **Designated Healthcare Provider**: The healthcare professional or organization contracted by the City of Charlotte's Risk Management Division, such as a physician, hospital, pharmacy, chiropractor, nurse, dentist, podiatrist, physical therapist, rehabilitation specialist, psychologist, and any other person providing medical care pursuant to Chapter 97 - Article 1: Workers' Compensation Act (N.C.G.S. § 97-2).

B. **Light Duty**: A temporary assignment for an employee who, due to an injury or medical restriction, cannot perform one (1) or more essential job functions but is medically cleared to perform administrative tasks within the CMPD with no loss of salary.

IV. PROCEDURE

A. Light Duty Assignment

1. The CMPD Human Resources Division (HRD) coordinates light duty assignments. Supervisors who receive a light duty assignment request from an employee and/or the employee states they cannot perform their essential job functions must refer the employee to the CMPD HRD.

2. Employees will not be assigned a light duty assignment until the CMPD HRD has received appropriate medical documentation from a designated healthcare provider.

   a. For work-related injuries as outlined in *Directive 300-005 Worker's Compensation*, a licensed physician must provide a work status report verifying the employee is temporarily unable to perform essential functions of their primary job and their work capacity and restrictions. There is no set limit for the duration of recovery time for a work-related injury.

   b. For non-work-related injuries, the employee's medical documentation must include the specific restrictions defining the light-duty parameters and a follow-up and/or end date for the request.

      (1) The initial request for light duty should not extend beyond ninety (90) days (follow-up or end date).

      (2) There is a set duration of up to three hundred and sixty-five (365) calendar days for non-work-related light duty per injury.

   c. Each employee is evaluated on a case-by-case basis, based on the medical documentation, to determine the duration of a light-duty assignment. Accommodations are at the discretion of the Chief of Police or the CMPD HRD.

   d. Light-duty requests for work-related injuries have priority over requests involving a non-work-related injury.

   e. If the CMPD does not have an available light-duty assignment that meets the employee's medical restrictions at the time of the request, the employee is expected to remain out

of work and must use benefit time until an assignment is available or eligible to return to full duty.

f. Employees shall not engage in any activity beyond the physical limitations placed on the employee by the designated healthcare provider.

3. Light duty assignments are intended to be strictly administrative. Sworn employees are restricted from exercising law enforcement authority while placed on a light duty status.

4. Light duty assignments are based on the needs of the CMPD, not solely on the division where the employee is currently assigned. The CMPD HRD cannot guarantee a light duty assignment for a specific division, shift, or duty.

5. Light duty assignments for non-work-related injuries are only offered if a specific assignment is available that meets the employee's restrictions.

6. Employees placed in a light duty assignment must adhere to the civilian, business casual appearance outlined in *Directive 400-001 Uniform and Grooming Standards*.

7. Acceptance of non-workers' compensation light duty is voluntary on the part of the employee. Available benefit leave may be used if the employee desires, subject to the City of Charlotte and CMPD regulations.

B. Secondary Employment

1. Sworn employees' police authority is suspended while on light duty status. While on light duty, they are prohibited from working any CMPD secondary employment or engaging in any law enforcement-related secondary employment.

2. Non-sworn employees are prohibited from working any CMPD secondary employment while on light duty status.

C. Uniforms and Equipment

Employees may be required to return CMPD-issued uniforms and equipment as outlined in *Directive 400-004 Returning Issued Uniforms and Equipment.*

D. Returning to Duty

1. At the conclusion of a light duty assignment, the employee must either return to full duty or utilize other forms of leave.

2. Employees are not permitted to return to full duty until they receive written clearance, which notes that there are no restrictions regarding the employee's ability to perform their full range of duties from a designated medical provider.

3. Upon receiving clearance to return to duty, the employee must notify the CMPD HRD, provide a copy of the written clearance, and successfully complete all applicable return to duty requirements as outlined in *Directive 300-013 Return to Duty*. The HRD will notify the employee's chain of command and the Training Academy that the employee is returning to duty.

4. Supervisors will not allow the employee to return to full duty until the employee has followed all instructions and is cleared by the CMPD HRD.

V. REFERENCES

300-005 Workers' Compensation
300-007 Secondary Employment
300-013 Return to Duty

400-001 Uniform and Grooming Standards
400-004 Returning Issued Uniforms and Equipment
Fair Labor Standards Act
Pregnancy Discrimination Act
Americans with Disabilities Act
Family Medical Leave Act
City Policy HR 23
CALEA

The previous version of this policy was published on November 19, 2021.

I. PURPOSE

This policy establishes standards for sworn and professional staff 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 professional staff 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 professional staff 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 professional staff 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.

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 professional staff), 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. 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 professional staff 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 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. PROCEDURE

A. EMPLOYEE SECONDARY EMPLOYMENT PERMITS

1. 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.

2. 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 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.

3. 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.

B. PROHIBITED SECONDARY EMPLOYMENT

1. 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.

2. Employees are specifically prohibited from engaging in the following secondary employment:

   a. 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.

   b. 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.

c. 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.

d. 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 ng or commercial purposes.

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

f. Protection of management, employees, or property during a strike or labor dispute.

g. Employment solicited in direct competition with private security firms.

h. Employment for First Amendment activities, regular protest sites, or other forms of protests.

3. Sworn and professional staff employees are prohibited from engaging in any program and/or service provided through contract work or private business ownership that presents a conflict of interest with CMPD or any of its programs and services. Employees are subject to the City of Charlotte Conflict of Interest policy.

4. Soliciting any secondary employment from any person is prohibited. Requests for employment will be referred to the Secondary Employment Unit.

5. Professional staff employees are not permitted to use their position with CMPD to perform any secondary employment unless approved by the secondary employment commander.

C. RESTRICTED EMPLOYMENT

1. Courtesy Officer Positions

a. Sworn employees are permitted to hold apartment courtesy officer positions consistent with other CMPD regulations.

b. 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.

c. 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.

d. 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.

e. Sworn employees must notify the Secondary Employment Unit when the courtesy officer position ends and/or before moving to another courtesy officer position.

f. 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.

g. Sworn employees will adhere to the Body Worn Camera Program directive series.

2. Sworn employees are permitted to engage in traffic control and direction in the public streets subject to the restrictions outlined in Appendix A.

   a. Officers will not place their vehicle as the first vehicle that the motoring public encounters on highways throughout Mecklenburg County, to including I-77, I-85, I-277, I-485 and Highway 74 (Independence Boulevard) between I-277 and W.T. Harris Boulevard. Road construction companies will be required to provide an attenuator (crash) truck with lights and an arrow board as the first vehicle the motoring public encounters, to protect the officers and crews working in this work zone.

   b. Officers will utilize their "steady blue" light feature if available, while working within the work zone to help avoid the moth effect or target fixation, and will never face opposing traffic.

   c. If an officer arrives at a job and an attenuator truck is not available, the officer will immediately contact Operations Command and not work the job. The employer can still be billed for the 3-hour minimum even if the officer is not present. There will be no deviations from these vehicle placement requirements by an off-duty employer.

3. Sworn employees may be permitted to work the exterior of alcohol establishments subject to the restrictions outlined in Appendix B.

4. Sworn employees may be permitted to engage in neighborhood or apartment patrols subject to the restrictions outlined in Appendix C.

5. 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 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.

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

   b. When closing the job, command personnel must document the deputy chief's name and date of approval in the job notes.

6. Secondary employment that requires the use of specialized equipment received by a sworn or professional staff 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:

   a. Sworn and professional staff 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.

   b. Sworn and professional staff 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 professional staff 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.

c. Instructor materials must be resubmitted every two (2) years or upon request from the Training Academy commander or secondary employment commander.

7. Sworn and professional staff 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.

8. 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.

9. Personal protection or "bodyguard" secondary employment is only approved for active Dignitary Protection Unit (DPU) personnel.

a. Each new job must be approved by the DPU chain of command and the Chief of Police.

b. Each personal protection secondary employment job must be entered in Power Details.

c. Personal protection, secondary employment can be in uniform or plainclothes.

d. High profile venue non DPU can be personal protection if approved by the Chief of Police

D. SUPERVISION OF SECONDARY EMPLOYMENT

1. A sworn employee of any rank may work any approved secondary employment job

staffed by less than five (5) officers.

2. 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.

Supervisory Requirement Chart			
Number of Officers	**Supervisor**	**Second-Level Supervisor**	**Third-Level Supervisor**
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.		

a. 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.

b. 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.

c. No supervisor will be allowed to work a secondary employment job where an employee of a lower rank supervises them.

d. The Communications Division will be notified of the location and hours of each secondary employment job.

(1) At the beginning of a secondary employment job, sworn employees will advise over the radio to the telecommunicator of the patrol division where 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.

(2) Sworn employees will notify the telecommunicator at the conclusion of the job.

(3) 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.

3. 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.

4. 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.

5. 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.

E. COMPENSATION FOR LAW ENFORCEMENT SECONDARY EMPLOYMENT

1. 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.

2. 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. 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.

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

4. 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.

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

6. 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.

7. Employees should consult *Directive 300-005 Workers Compensation and Defense Against Claims and Judgments*, for workers' compensation issues.

8. 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.

9. 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.

10. Payments for secondary employment jobs will be processed through the secondary employment system, with the following exceptions:

    a. 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.

    b. 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).

11. Discretionary overtime as defined in *Directive 300-001 Scheduling and Timekeeping* is paid through CMPD and City of Charlotte payroll system.

12. 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.

F. JOB SITE COORDINATORS FOR LAW ENFORCEMENT SECONDARY EMPLOYMENT

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

    a. 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.

    b. Keep the roster of officers for the job updated in the system.

    c. Serve as a liaison between the officers and the employer.

    d. Update employer information in the system.

    e. Ensure staffing for the jobs/shifts with accurate job instructions in the secondary employment system.

    f. 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.

g. Ensure the employer completes CMPD's Secondary Employment Agreement and Application every two (2) years for every job coordinated.

h. Bill the employer through the secondary employment system for the CMPD administrative fee and employee payments within five (5) days of the payroll week ending. The coordinator should check the invoice for accuracy, correct the mistakes, change the due date to thirty (30) days from the date of submission, and ensure the invoice is at 100% before sending.

i. Any other reasonable duties assigned by the secondary employment sergeant.

2. 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.

3. 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.

4. 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 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.

5. 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.

6. 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).

7. The secondary employment sergeant must approve any deviation from the standard secondary employment rate.

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

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

10. 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.

11. Police hirebacks are not permitted to serve as job site coordinators or courtesy officers unless they receive written approval from the secondary employment commander.

12. Job site coordinators can be removed at the discretion of the secondary employment commander.

G. APPROVAL OF LAW ENFORCEMENT SECONDARY EMPLOYERS

1. No law enforcement secondary employment is permitted until the employer and the type of employment are approved.

2. 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.

3. 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 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.

4. In the absence of the secondary employment sergeant, approval for a short-term job may be given by Operations Command.

5. 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.

6. 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.

H. WORK HOURS AND RECORD-KEEPING

1. Law enforcement secondary employment jobs must be entered and assigned to a CMPD 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.

2. A CMPD 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 CMPD 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.

   a. A rolling twenty-four (24) hour period is twenty-four (24) consecutive hours, beginning at any time and ending twenty-four (24) hours later.

   b. A week begins at 0000 hours on Saturday and ends at 2359 hours on Friday.

c. During any rolling twenty-four (24) hour period, the CMPD employee must have a minimum of six (6) consecutive hours in which the employee is not working on duty or engaging in secondary employment.

d. Any exception to the hourly maximum requirements may be granted by the CMPD 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 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.

e. 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.

f. 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.

g. 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.

h. If twelve (12) hour shifts are activated, all secondary employment is suspended unless the Chief of Police or designee grants an exception.

3. 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:

a. The total hours and minutes actually worked.

b. If the employee received payment immediately upon completion of the shift at the job site (cash, check, or instant electronic payment).

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

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

e. 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.

f. 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.

4. Wellbeing Leave

a. 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.

b. 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.

c. 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.

5. Administrative Leave or Administrative Assignment

Employees are prohibited from engaging in law enforcement secondary employment while on administrative leave or administrative assignment as outlined in *Directive 300-010 Administrative Assignment and Leave*.

6. 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.

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

8. 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 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.

9. 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.

10. 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.

I. AVAILABILITY OF SECONDARY EMPLOYMENT JOBS

1. The secondary employment sergeant will ensure that all jobs are available equitably.

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

   b. Sworn employees will not sign up other sworn employees for job assignments, except job site coordinators signing up officers in their job pool.

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

2. 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.

3. A sworn employee scheduled to work a law enforcement secondary employment job must promptly confirm that job assignment with the employer when specified.

4. 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.

5. A sworn employee who accepts a law enforcement secondary employment job will report for duty at the time and place assigned with all necessary equipment required by CMPD guidelines for that particular job, including a marked vehicle if specified in the job instructions.

   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.

   a. 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.

b. Absences inside the cancellation period will only be excused for personal or family illness and emergencies.

c. 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.

d. 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.

J. CORRECTIVE ACTION

1. Employees found to be in violation of section H.2., 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.

2. 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.

3. 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.

4. 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.

V. REFERENCES

300-001 Scheduling, Timekeeping, and Attendance
300-004 Sick Leave Policy
300-005 Workers Compensation and Defense Against Claims and Judgments
300-010 Administrative Assignment and Leave
400-001 Uniforms and Grooming Standards
400-003 Equipment
400-006 Body Worn Camera

City of Charlotte's Conflict of Interest Policy

CALEA The previous version of *Directive 300-007 Secondary Employment* was published on 3/13/2024.

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.

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).

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.

I. PURPOSE

This policy sets standards for the Charlotte-Mecklenburg Police Department's (CMPD) management and retention of personnel records.

II. POLICY

The CMPD will accurately maintain and review personnel information and files in compliance with North Carolina personnel laws, including but not limited to, N.C.G.S. § 132-1.10, N.C.G.S. § 132-6, or N.C.G.S. § 160A-168.

III. DEFINITIONS

Human Resource Management System (HRMS): A software application used to store employee information and support various human resource functions, such as benefits, payroll, recruiting, scheduling, time, attendance, etc.

IV. PROCEDURE

A. Personnel Information

1. Personnel information includes information contained in an employee's personnel file about that employee (e.g., application, selection, performance, promotions, demotions, transfers, suspensions, leave, salary, termination, etc.).
2. Employees must enter any changes to their address, telephone number, email address, marital status, or emergency contact information using the HRMS's self-service tool. Following a change of address and/or telephone number, the employee must update the HRMS before the end of the next business day
3. Employees should notify the City of Charlotte Human Resources Department benefits coordinator of family or beneficiary status changes as soon as possible. The benefits coordinator will enter the changes in the City of Charlotte's HRMS, which will take effect the following business day.
4. The CMPD Personnel Management System includes the employee's personal information (e.g., name, date of birth, address, employment status, date of employment, etc.), assignment information, employee personal and business contact information, emergency contact information, and special skills (e.g., SWAT, Spanish, etc.).
5. Employees are prohibited from sharing another employee's personal contact information (e.g., personal phone number, home address, personal email addresses, etc.).
6. Business contact information (e.g., office/desk phone numbers, city-issued cell phone numbers, CMPD email address, etc.) may be provided as necessary for work-related purposes.

B. Personnel Files

1. An employee's personnel file consists of any personnel information, in any form, gathered by the City of Charlotte and/or the CMPD with respect to that employee. Personnel files may include:
   a. Non-Restricted Personnel File: Documents subject to public inspection per N.C.G.S. § 160A-168.
   b. Restricted Personnel File: Documents not subject to public inspection and have been deemed confidential per N.C.G.S. § 160A-168.
2. Information from the personnel file will only be disclosed in compliance with N.C.G.S. § 160A-168.
3. Review of Personnel Files

a. Employees may review their personnel file by scheduling an appointment with the CMPD Human Resources Division (HRD) during normal business hours, Monday through Friday, from 8:00 AM to 5:00 PM.

b. The following individuals are authorized to review an employee's personnel file:

(1) The employee's chain of command.

(2) The Police Attorney's Office (PAO) and the City Attorney's Office.

(3) The Internal Affairs Division (IA).

(4) The HRD and the City of Charlotte Human Resources Department.

c. The PAO may view and/or receive a copy of the employees' restricted and non-restricted personnel files. Additional authorized viewers may only see the non-restricted file.

d. An HRD employee must remain present while a personnel file is reviewed.

e. If the CMPD or an employee is subject to litigation, a copy of the personnel file, upon request, will be delivered to the PAO.

4. Changes in Personnel File Entries

a. All entries in an employee's personnel file are permanent and will remain part of their official employee record.

b. Personnel file contents may only be modified or removed as outlined in this policy and *Directive 800-001, Use of Public Records and Department Information*.

c. If an entry must be modified or removed, the following procedure will be followed:

(1) The HRD or IA must receive a written order from the Chief of Police or designee specifying the necessary modification or removal.

(2) The HRD or IA will document the change by creating a new entry. Previous entries will not be destroyed or defaced.

V. REFERENCES

800-001 Use of Public Records and Department Information
N.C.G.S. § 132-1.10
N.C.G.S. § 132-6
N.C.G.S. § 160A-168
CALEA

The previous version of this policy was published on 07/15/2020.

I. PURPOSE

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

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

A. **Critical Incidents**: Natural or human-caused events involving circumstances beyond the usual range of experiences that occur during everyday policing and within mainstream society. For the purpose of this policy, critical incidents will refer specifically to incidents involving a CMPD employee while that employee is acting within their official duties.

B. **National Institute of Drug Abuse (NIDA)**: The federal government research institute that is part of the National Institutes of Health (NIH). Its mission is to advance science on drug use and addiction, and to apply that knowledge to improve public health.

C. **Negative Result**: The outcome of a urinalysis drug test when a sample's concentration of a substance is below the National Institute of Drug Abuse (NIDA)-specified or industry-accepted cutoff levels.

D. **Refusal**: Any conduct that fails to initiate, complete, or cooperate with the testing process.

E. **Safety Sensitive Position**: A job where impairment, a lapse of attention, or an error in judgment could result in severe injury, death, or significant property/environmental damage. Employees in these roles are responsible for their own safety as well as the safety of coworkers and the public.

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.

1. The selected drug testing agency will follow the 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)

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

All CMPD employees shall:

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, secondary employment, training, court, and when on "on 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 N.C.G.S. 160A-168.

2. Pursuant to 12NCAC 09C .0310, CMPD will report to the North Carolina Criminal Justice Standards Division 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 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 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 lateral transfers and 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 (Professional Staff Positions)

1. Applicants seeking employment in professional staff 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 the Human Resources Division (HRD).

   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.

   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 HRD 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 this policy.

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.

    b. The employee's supervisor and/or other appropriate supervisor is required to drive the selected employee to the drug or alcohol testing agency as soon as possible during the employee's shift.

    c. If an employee is unable to be immediately transported for testing, the supervisor must contact the HRD 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 to the HRD 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 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 absences will be tested upon their return to work. Employees on extended sick leave, etc., who return to work within the same month they were selected, will be tested upon returning to work.

    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 HRD manager. All positive test results will only 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.

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; or

      (2) The City of Charlotte driver receives a moving traffic violation arising from the accident; or

      (3) Any involved vehicle requires towing from the scene; or

      (4) Any person involved requires medical treatment away from the scene of the accident; or

      (5) 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; or

      (2) Any line of duty discharge of a firearm by an officer (excluding the use of a shotgun for authorized animal euthanasia) ; or

      (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.

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. REFERENCES

CMPD Rules of Conduct
200-001 Discipline, Internal Investigations and Employee Rights
300-005 Workers' Compensation
300-021 Fitness for Duty
City of Charlotte HR4 Drug and Alcohol-Free Workplace Policy
N.C.G.S. 90-86 Controlled Substances Act
N.C.G.S. 160-A-168 Privacy of employee personnel records
12NCAC 09C .0310
12NCAC 10B .0410
Agricultural Improvement Act of 2018, Pub. L. 115-334, (Farm Bill)
DOT Office of Drug and Alcohol Policy and Compliance Notice
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 05/03/2023.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding administrative assignment and leave status.

II. POLICY

The CMPD may place employees on administrative assignment or leave to protect the employee and the department pending an administrative review. The Chief of Police or designee, in consultation with the Human Resources Division (HRD) and Internal Affairs Division (IA), has the authority to place or remove an employee from administrative status.

III. DEFINITIONS

A. **Administrative Assignment:** A temporary reassignment where an employee is given non-enforcement, administrative duties while their police authority is suspended.

B. **Administrative Leave:** A temporary removal from all job duties, either with or without pay, usually during an investigation or review.

IV. PROCEDURE

A. Administrative Assignment

Administrative assignment is the temporary reassignment of an employee to administrative duties with no loss of pay. During an administrative assignment, employees are not permitted to perform their usual work duties or exercise police authority.

1. The sworn employees' police authority will be suspended during administrative assignment. Sworn employees are prohibited from:
    a. Engaging in any CMPD law enforcement activity.
    b. Working CMPD secondary employment.
2. Non-sworn employees are prohibited from working any CMPD secondary employment.
3. Employees will be assigned administrative tasks that minimize public contact. Employees are expected to perform these assigned tasks and report to their assignments as directed by the CMPD.
4. Employees must comply with issued subpoenas and attend court as directed. The Court Liaison Unit supervisor and the District Attorney's (DA's) Office will determine court appearance requirements.

B. Administrative Leave

Administrative leave is the temporary removal of an employee from all job duties, either with or without pay, during an administrative review or investigation, or for any other reason as outlined in this policy.

1. Employee Notification
    a. Employees placed on or returning from administrative leave will be notified in writing by the Chief of Police or designee, the HRD, or IA.
    b. Copies of the written notification must be sent to the HRD and the employee's chain of command.

2. Sworn employees must acknowledge in writing that their police authority is suspended while on administrative leave, and they are prohibited from engaging in any law enforcement activities.

3. Non-sworn employees must acknowledge in writing that their police-related function is suspended and that they may only perform duties approved by the Chief of Police or designee, in consultation with the HRD and IA.

4. Employees who fail to meet the communication and/or availability requirements outlined in this policy will be considered to have resigned without proper notice.

5. Administrative Leave with Pay

    a. Employees placed on administrative leave with pay are relieved of their duties without loss of salary.

    b. Employees will be placed on administrative leave with pay as determined by the Chief of Police or designee, in consultation with IA, for the following circumstances:

        (1) The employee is directly involved in an employee-involved critical incident as outlined in *Directive 300-020 Critical Incident Response* and the *Employee-Involved Critical Incident SOP*. For critical incidents involving an in-custody death, a minimum of three (3) working days of leave is required.

        (2) An administrative investigation as determined by the HRD and/or IA.

        (3) Any other circumstance determined by the Chief of Police or designee.

    c. Employees involved in a psychologically traumatic incident, as outlined in *Directive 300-020 Critical Incident Response*, may receive up to three (3) days of leave approved by their division captain or manager. The Chief of Police or designee must approve any additional leave exceeding three (3) days.

    d. Employees are considered “on-call” and must be available by phone, Monday through Friday, 8:00 a.m. to 5:00 p.m., to communicate with the HRD, IA, and their respective chain of command to resolve any requests or inquiries.

        (1) The HRD will verify the employee’s contact information for all employees on leave for more than thirty (30) calendar days.

        (2) Each attempt to contact an employee during leave will be documented in the employee’s personnel file.

        (3) The HRD will notify the employee’s chain of command of any special needs or concerns related to the employee.

    e. Employees must comply with issued subpoenas and court appearances as directed. The Court Liaison Unit supervisor and the DA’s Office will determine court appearance requirements.

    f. The employee’s chain of command will maintain regular, supportive communication focused on the employee’s well-being. The employee may opt out of this communication at any time. If the employee opts out, the designated chain of command member must provide a written memo to the HRD, and all further contact must be made through the HRD.

g. The Employee Wellness Clinical Team will remain available to any employee placed on administrative leave with pay to provide therapeutic services, including behavioral health consultations, assessments, and referrals, as outlined in the *Employee Wellness Clinical Team SOP*.

6. Administrative Leave without Pay

a. Employees placed on administrative leave without pay are relieved of their duties and forfeit their salary during the leave period.

b. Employees will be placed on administrative leave without pay as determined by the Chief of Police or designee, in consultation with IA, for the following circumstances:

(1) The employee is arrested for a felony or criminally indicted.

(2) The employee is convicted of an offense precluding the future performance of police powers.

(3) Any other circumstance determined by the Chief of Police or designee.

c. IA must provide the employee with a written notice that includes the Rule(s) of Conduct allegedly violated and the communication and availability expectations required to resolve or adjudicate the matter. Employees will have the opportunity to respond to the allegations.

d. Employees are prohibited from contacting or discussing their case with any member of the CMPD, except for designated points of contact within the HRD and/or IA who are assigned to resolve or adjudicate matters related to their status. Contact with any other CMPD employees regarding the case is strictly prohibited.

e. Employees may continue voluntary benefits by paying their employee contribution. The HRD will provide the associated costs and payment methods.

7. Post-Critical Incident Visits

Employees placed on administrative leave by the CMPD or who had their request granted to be placed on administrative leave due to a critical incident or a psychologically traumatic critical incident must attend a post-critical incident visit, as outlined in Directive 300-020, *Critical Incident Response*.

a. The HRD is responsible for scheduling post-critical incident visits between the employee and the Employee Wellness Clinical Team.

b. Post-critical incident visits must be scheduled before the employee returns to duty in any capacity (e.g., full duty, administrative assignment, light duty, etc.).

8. Coaching

Employees who received forty (40) hours or more of administrative leave may be required to participate in six (6) months of coaching as outlined in the *Achieving an Interpersonal Mindset (AIM) Program SOP.*

C. Uniforms and Equipment

a. Employees may be required to return CMPD-issued uniforms and equipment as outlined in *Directive 200-005 Returning Issued Uniforms and Equipment.*

b. Before an employee is reissued any CMPD-issued uniforms and/or equipment, the HRD must notify the Property and Evidence Management (P&EM) Division in writing that the employee has been restored to full duty status.

D. Returning to Duty

Employees must successfully complete all applicable return-to-duty requirements as outlined in Directive 300-013, *Return to Duty*.

1. Employees may be placed in an administrative training status if they return from an administrative assignment or administrative leave and have required training to complete before they can resume their full duties.

2. IA must notify the HRD, the employee's chain of command, and the Training Division captain when an employee is eligible to return to duty.

3. The Training Division determines training requirements in consultation with the HRD and the Learning and Wellness Services Group.

V. REFERENCES

300-013 Return to Duty
300-020 Critical Incident Response
400-003 Equipment
400-004 Returning Issued Uniforms and Equipment
Achieving an Interpersonal Mindset (AIM) Program SOP
Employee Wellness Clinical Team SOP
Employee-Involved Critical Incidents SOP
Rules of Conduct

The previous version of this policy was published on May 29, 2023.

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

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

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.

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.

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.

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:

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.

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

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.

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.

I. PURPOSE

This policy establishes standards 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. POLICY

The Charlotte-Mecklenburg Police Department is committed to fostering a culture of excellence, professionalism, and service to the community. To support this commitment, the Departmental Awards policy establishes clear standards for recognizing employees, professional staff, volunteers, citizens, and partner organizations whose actions exemplify the highest ideals of courage, service, innovation, and dedication to public safety.

This directive outlines the categories of departmental awards, the criteria for each form of recognition, and the processes used to ensure a fair, consistent, and transparent evaluation of all nominations. Through formal recognition, CMPD affirms the value of exceptional performance, reinforces organizational expectations, and promotes behaviors that strengthen trust, collaboration, and accountability across the department and the community.

III. 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.

IV. PROCEDURE

A. 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 Professional Staff 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.

1. The Awards Committee is composed of a minimum of ten (10) members of the department, (except as stated in IV.A.5.). Four (4) of the positions on the Awards Committee are permanent and will consist of:
    a. Chairperson: A Major appointed by the Chief of Police,
    b. The Major of the Professional Accountability Bureau (PAB),
    c. A Public Affairs Office representative,
    d. The Human Resources Division (HRD) Manager or designee.
2. Six (6) of the positions are volunteer positions consisting of:
    a. A Major,
    b. A Captain,
    c. A Lieutenant,

d. A Sergeant,

e. An Officer,

f. A Professional Staff Manager.

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

3. Three positions are selected at the discretion of the Chairperson.

4. 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.

5. 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 PAB Major then the committee will only consist of nine (9) members.

   a. 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.

   b. The Chairperson or their designee will notify the nominator and the nominee's chain of command about any decision regarding a nomination and the reason for the decision.

   c. The Chairperson will present final award recommendations to the Chief of Police.

   d. The Property and Evidence Management Division will be responsible for maintaining all award pins and/or recognition bars.

   e. The Awards Committee will coordinate with the Chief of Police to determine the appearance of the award for each category.

   f. 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.

B. Eligibility for Awards

1. 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.

2. 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.

3. 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.

C. CMPD Award Categories

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

1. 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.

2. The Purple Heart is awarded to a CMPD officer who is seriously injured in the performance of their duties due to assaults or other circumstances requiring action by the officer.

    a. The Awards Committee will consider all circumstances in making a determination to approve the award.

    b. It may be awarded in conjunction with another award where the facts demonstrate the recipient is entitled to such an award.

    c. The injury must not be the result of, or concurrent with, any conduct of the recipient that is inconsistent with departmental policy and training.

    d. The award will not be awarded for accidental injuries.

3. 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.

    a. Behavior that is considered reckless or rash will not be considered for this award.

    b. 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.

    c. This award may be given in conjunction with the Gold Police Cross or Purple Heart.

4. 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.

5. 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.

    a. Behavior that is considered reckless or rash will not be considered for this award.

    b. 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.

6. The Lifesaving Award recognizes employees who are directly responsible for saving a human life.

    a. Documentation and other supportive evidence such as statements from physicians, witnesses, and/or supervisors must be included for the nomination to be considered.

    b. 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.

7. 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.

a. Behavior that is considered reckless or rash will not be considered for this award.

b. 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.

c. 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.

8. 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.

   a. 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.

   b. 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.

   c. 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.

   d. 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.

   e. 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.

9. The Sworn Employee of the Year Award is presented to a sworn member of CMPD who distinguishes themself through either an accumulation of exceptional contributions or a single incident, and whose actions clearly place the individual well above others of equal rank or grade. Areas of recognition include, but are not limited to: extraordinary valor, positive community impact, administrative accomplishments, crime prevention, training programs, traffic safety and innovation in policing. This award may be presented to an employee who has also won other awards. Executive staff members are not eligible for this award.

10. 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.

11. 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.

12. 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.

13. The Professional Staff Employee of the Year is presented to a professional staff member of CMPD who has distinguished themself through either an accumulation of exceptional contributions or a single incident. The actions of the employee clearly place them above others of equal status. Areas of recognition to be considered are noted in the preceding section (I). Professional staff members in executive-level positions are not eligible for this award.

14. 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 annual awards ceremony.

15. The School Resource Officer (SRO) of the Year Award is presented to the SRO who has demonstrated exceptional leadership qualities in reducing 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 the Year is selected by a committee independent of the Awards Committee; however the award will be presented at the CMPD annual awards ceremony.

16. 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.

17. The Judy Williams Lifetime Citizen Achievement 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.

18. 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.

19. 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.

20. The Professional Staff Service Award is presented to a professional staff 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. Professional staff employees selected for this award have contributed to the overall success of CMPD.

21. 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.

    a. The Gold pin is awarded to an employee scoring one-hundred (100) in each of the test categories.

    b. The Silver pin is awarded to an employee scoring an eighty (80) or above in each of the test categories.

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

D. Nomination for Awards

1. 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.

   Award nominations must include all relevant information for committee consideration to include, but is not limited to:

   a. Clear and concise narratives,

   b. KBCOPS report information,

   c. Body Worn Camera (BWC) footage (if applicable) to include complaint number and bookmark information for involved employees,

   d. Relevant statistics,

e. Witness statements,

f. Physician statements,

g. Supervisory statements,

h. Any other relevant supporting documentation.

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

2. 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.

a. 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.

b. The nomination form shall be vetted by the employee's chain of command (through the rank of captain) prior to form submittal.

c. 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.

d. Documentation of awards will be placed in the awardee's CMPD Personnel File.

E. 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.

V. REFERENCES

300-012-A Departmental Awards Request Form
300-019 Occupational Health Screening
400-001 Professional Appearance series
CALEA

The previous version of Directive 300-012 Departmental Awards was published on 3/10/2023.

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



Sworn Employee of the Year



Occupational Health Screening Fitness (gold)



Occupational Health Screening Fitness (silver)

I. PURPOSE

This policy establishes standards to assist and prepare Charlotte-Mecklenburg Police Department (CMPD) employees returning to duty after extended periods of leave, including military leave.

II. POLICY

The CMPD provides 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 Leave**: Any period of leave exceeding thirty (30) consecutive calendar days or two hundred forty (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.

B. **Extended Military Leave**: Any military leave for a period exceeding thirty (30) consecutive calendar days or two hundred forty (240) hours and up to five (5) years cumulatively.

C. **Human Resources Military Liaison (HRML)**: Person within the Human Resources Division (HRD) 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. PROCEDURES

A. Human Resources Procedures: For employees returning from extended leave the Human Resources Division (HRD) 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.
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 thirty (30) or more consecutive calendar days or two hundred forty (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 thirty (30) days or two hundred forty (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. Proficiency with the sworn employee's firearm will be determined by the Range Master.

C. The Human Resource Division (HRD) will add the employee to the shared Range calendar for a return to duty shoot. Day or night qualification will be scheduled by the Range or the employee and may be completed on the same day as the scheduled return to duty shoot.

D. Sworn employees returning from leave who failed to complete either daytime or nighttime qualifications will be allowed to substitute the completion of those qualifications with a proficiency

shoot in order to return to work. Any missed qualifications must 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 thirty (30) days or two hundred forty (240) hours. HRD will determine who qualifies for the exemption.

F. The HRD will provide the employee with information for various assistance programs available. 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. Office of Employee Wellness
8. Public Safety Occupational Health Clinic

G. Patrol Return / Reorientation Process

It shall be mandatory for any patrol officer who has been out of the patrol function for one hundred seventy-nine (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 one hundred seventy-nine (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 one hundred seventy-nine (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 the HRD. 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 (1) week and up to a maximum period of six (6) 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 (6)-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 (1) 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, except on military leave, who is out of work for longer than twelve (12) weeks, may have their 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 one hundred seventy-nine (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.

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 the HRD. 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 (1) week and up to six (6) 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 (1) 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 twelve (12) weeks consecutively may have their merit date adjusted to the respective weeks per current pay guidelines as approved by the Charlotte City Council.

V. REFERENCES

300-001 Scheduling and Timekeeping
300-004 Sick/Wellbeing Leave Policy
300-005 Workers' Compensation
300-007 Secondary Employment
300-008 Personnel Records
300-010 Administrative Assignment and Leave Policy
300-016 Military Leave Policy
CALEA

The previous version of Directive 300-013 Return to Duty was published on 12/14/2021.

I. PURPOSE

This policy establishes standards 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 employee efforts to further their educational goals.

III. DEFINITIONS

NA

IV. PROCEDURE

A. CMPD employees will adhere to the City of Charlotte Educational Assistance Policy.

B. Tuition Reimbursement Request

1. Employees must submit requests for courses for pre-approval in Workday. These tasks must be approved by their supervisor and the Human Resources Division (HRD) before enrolling in each new term.
2. Tuition reimbursement requests must be submitted in Workday and have prior signature approval from both the employee's supervisor and HRD to be processed for reimbursement.
    a. Requests must be submitted no later than sixty (60) days after the class's successful completion.
    b. Submissions received after the deadline will not be eligible for reimbursement.
3. Minimum Grade Requirements
    a. Undergraduate: "C" or higher.
    b. Graduate: "B" or higher.
4. An official grade report or certified transcript is required after the successful completion of each course. A certified transcript is required for reimbursement requests over $2,000.
5. Reimbursements will not exceed:
    a. Associate degree: Central Piedmont Community College (CPCC) fee rates.
    b. Bachelor's or Master's degree: UNC Charlotte fee rates.

C. Police Recruits Pay Incentive

1. Police recruits are eligible to receive the educational pay 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%).
2. Documentation of the degree must be submitted to the HRD. Recruits will not receive the incentive without proper documentation, which includes certified transcripts with grades indicating that an associate or bachelor's degree has been conferred. The employee will receive the increase in the subsequent pay period upon submission of the appropriate documentation to the HRD. There will be no retroactive pay.

3. 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).

D. Sworn Employee Pay Incentive

1. Sworn Employees below the rank of sergeant are eligible to receive an educational pay incentive of five percent (5%) for an associate degree or ten percent (10%) for a bachelor's degree. The total maximum educational incentive is ten percent (10%).

2. Employees must submit proper documentation (certified transcripts with grades indicating that a bachelor's or associate degree has been conferred) to the HRD. The effective date for the incentive pay will be the Saturday following the day the documentation was received.

3. 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).

4. The City of Charlotte and/or CMPD can withhold educational pay incentives and reimbursements at any time.

V. REFERENCES

300-001 Scheduling, Timekeeping, and Attendance
City of Charlotte Educational Assistance Policy
CALEA

The previous version of this policy was published on August 10, 2023.

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.

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

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

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.

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. 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.

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.

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.

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)

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)

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.

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	• P-Card • PO • Request for Check • Contract	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	• P-Card • PO • Request for Check • Contract	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	• PO • Request for Check • Contract	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	• PO • Request for Check • Contract	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	• PO • Request for Check • Contract	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	• PO • Request for Check • Contract	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	• PO • Request for Check • Contract	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	• PO • Request for Check • Contract	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

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

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

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

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 10th 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”.

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.

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. 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.

I. PURPOSE

This directive establishes standards for 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 U.S.C. § 218d).

III. DEFINITIONS

N/A

IV. PROCEDURE

A. Lactation Break Time

1. A rest period should be permitted each time the employee has the need to express breast milk (29 U.S.C. § 218d). In general, lactation breaks that cumulatively total thirty (30) minutes or less during any four (4) hour work period or a minor 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 U.S.C. § 218d). If a locker room is to be used, there must be an enclosed wall between a toilet stall and the 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 (42 U.S.C. § 2000gg).

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.

IV. REFERENCES

Providing Urgent Maternal Protections for Nursing Mothers Act, part of the Fair Labor Standards Act of 1938, 29 U.S.C. § 218d
Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg
N.C.G.S. § 14-190.9

The previous version of Directive 300-017 Lactation Accommodations was published on 10/04/2022.

Appendix A: Lactation Room Locator

Description	Physical Address	Generator	Distance from CMPD Headquarters
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
Police and Fire Training Academy	1770 Shopton Road Charlotte, NC 28217	Yes	7.9 miles

I. PURPOSE

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

II. POLICY

The City of Charlotte has adopted a pay-for-performance philosophy to reward employees based on 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 Workday as its electronic Performance Review and Development (PRD) and learning management system. Workday allows both the employee and supervisor to input goals and accomplishments.

G. Performance Ratings:

1. Salaried Civilians and Sworn Employees:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

2. Hourly Civilians:

a. Exceeds Expectations: This rating indicates that an employee's performance was strong, solid, and consistently met and often exceeded the job requirements during the review period.

b. Meets Expectations: This rating indicates that an employee's performance was solid and consistently met the job requirements during the review period.

c. Does Not Meet Expectations: This rating indicates that an employee's performance failed to meet job requirements and significant improvement is needed in some or most areas.

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

I. Supervisor: The employee, sworn or civilian, 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:

   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:

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.

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 the 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 allowing 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 valuable in ensuring that employees receive a meaningful and clear message about their performance and ensuring that job assignments and performance are aligned with the CMPD business plan.

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 Workday 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.

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.

   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 Workday.

      (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.

   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 Workday. 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 Workday 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

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 if 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 Introductory PRD form in Workday, supervisors will meet with employees to provide a copy of the evaluation and discuss the employee's performance.

(2) The purpose of the Introductory PRD 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 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 in Workday.

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 clearly indicating 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.

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 Workday 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.

4. The Deputy Chief of the appropriate service group or an appropriate designee will make 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
Workday (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 09/19/2022.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department's (CMPD) annual occupational health screening (OHS).

II. POLICY

CMPD requires specified employees to participate in the Public Safety Occupational Health Clinic (PSOHC) OHS annually. Screening components are based on the employee's assignment within the CMPD and their exposure to significant physical and/or mental stress.

III. DEFINITIONS

A. **Nurse Case Manager**: The public safety occupational health clinic (PSOHC) staff member who guides employees through the referral process for treatment or specialist diagnosis.

B. **Physician or Licensed Health Care Professional (PLHCP)**: Occupational Safety and Health Administration (OSHA) term for medical personnel approved to administer OSHA medical clearances.

C. **Public Safety Occupational Health Clinic (PSOHC)**: A clinic operated by an approved vendor to address specific occupational health needs and requirements for public safety employees. Services include, but are not limited to, medical screening, physical therapy, health and fitness consultations, and behavioral health counseling.

IV. PROCEDURE

A. Roles and Responsibilities

1. City of Charlotte Human Resources Department

   The City of Charlotte Human Resources Department oversees and enforces the contract with the PSOHC, serving as the liaison between the CMPD and the PSOHC.

2. CMPD HRD

   The HRD is responsible for maintaining employee OHS records (e.g., fit test results, mask types, clearance status report) and will oversee processes for employees who are not cleared for respirator use.

3. Training Academy

   The Training Academy is responsible for entering the OHS requirement for each employee into the learning management system (LMS) and ensuring compliance with scheduling, attendance, and completion requirements.

4. Logistics Unit

   The Logistics Unit sergeant/respiratory compliance supervisor provides replacement N95 masks and cartridges to the PSOHC. The PSOHC will refer employees to the Logistics Units if there are issues with respirator equipment.

B. Occupational Health Screening (OHS) Requirements

1. Employees must schedule, attend, and complete their annual OHS during their birth month.

2. Employees on light duty or FMLA are still required to attend the OHS, unless they obtain a temporary exemption, which may only be approved by the Human Resources Division (HRD).

3. Employees who complete the OHS outside of regular duty hours will receive three (3) hours of compensation.

4. Failure to schedule, attend, and complete the annual OHS within three (3) months after the employee's birth month may result in a Rule of Conduct violation.

C. OHS Assessments

1. The OHS is an annual series of mandated and voluntary medical and fitness examinations and assessments that vary based on the employee's assignment and individual needs. The OHS may include the following:

   a. **Audiology Screening**: A comprehensive hearing test for both ears. There is no standard enforced during this screening. However, if requested, the nurse case manager can refer the employee to an audiologist for further evaluation.

   b. **Behavioral Health Assessment**: A mental wellness questionnaire administered during the OHS. Follow-up is provided by a behavioral health specialist and/or the nurse case manager as indicated.

   c. **Chest X-Ray**: An X-ray administered and reviewed by a radiologist. Follow-up is provided as needed.

   d. **Lead and Zinc Screening**: A blood test that monitors potential exposure to hazardous levels of lead and zinc in the body.

   e. **Physical Fitness Assessment**: A health-related fitness test that may include specific exercises. Follow-up or fitness guidance is provided as needed by a health coach or exercise physiologist.

   f. **Respirator Medical Clearance Screening**: An evaluation by a PLHCP to determine if an assigned respirator is medically safe for the employee's use and which screenings are necessary to make this determination (e.g., OSHA questionnaire, spirometry, physician exam, chest x-ray, and stress test with EKG monitoring, etc.). For additional information, refer to the *Respiratory Protection Plan.*

   g. **Respirator Fit Test**: A fit test conducted as needed to ensure assigned respirators fit properly and are safe for use.

   h. **Sleep Disorder Screening**: A questionnaire that assesses potential sleep-related issues. Follow-up is provided by a behavioral health specialist and/or the nurse case manager as indicated.

   i. **Stress Test**: A submaximal treadmill test with a 12-lead electrocardiogram (EKG). A cardiologist reviews stress test results, and follow-up is provided as needed.

   j. **Vaccine Screening**: A medical evaluation that uses blood tests (titers) and registry checks to assess an individual's immunity to certain diseases, including Hepatitis A, Hepatitis B, Varicella, Tetanus, Tuberculosis (TB), and Hepatitis C. Participation in this screening is optional for employees.

   k. **Vision Screening**: A visual acuity assessment using a wall chart. There is no standard enforced during this screening. However, if requested, the nurse case manager can make a referral to an optometrist.

2. The following employees are required to complete the OHS annually, which may include the following screenings/assessments:

   a. Sworn Employees

      (1) Respirator medical clearance screening

      (2) Respirator fit test

      (3) Vaccine screening

      (4) Behavioral health assessment

      (5) Sleep disorder screening

      (6) Audiology screening

      (7) Vision screening

   b. Communications Division

      (1) Audiology screening

      (2) Vision screening

      (3) Sleep disorder screening

      (4) Behavioral health assessment

   c. Crime Scene Search Unit

      (1) Respirator medical clearance screening

      (2) Respirator fit test

      (3) Audiology screening

      (4) Vision screening

      (5) Vaccine screening

      (6) Sleep disorder screening

      (7) Behavioral health assessment

   d. Firearms Examiners and Firearms Training Unit

      Lead and zinc screening

3. For the following assessments, the cleared or not-cleared status of the assessment may be shared with the CMPD HRD and the City of Charlotte Human Resources Department:

   a. Respirator medical clearance screening

   b. Respirator fit test clearance

   c. Vaccine status (available upon request in the event of an occupational exposure)

D. Confidentiality

All employee occupational health screening information will remain confidential in the custody of the HRD and may only be disclosed as provided in N.C.G.S. §160A-168.

V. REFERENCES

Rules of Conduct
400-001 Series Uniforms and Attire
Exposure Control Plan
Respiratory Protection Plan
N.C.G.S. §160A-168 Privacy of employee personal records
American College of Occupational and Environmental Medicine (ACOEM) Guidance for the Medical Evaluation of Public Safety Employees
Law Enforcement Mental Health and Wellness Act of 2017
NENA-STA-007.3-2020 Hearing Standards for Public Safety Telecommunicators
OSHA 1910.134 Respiratory Protection
OSHA Regulations (Standards - 29 CFR)

The previous version of this policy was published on 01/27/2022.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department's (CMPD) response after a critical incident.

II. POLICY

The CMPD will thoroughly investigate critical incidents, recognizing that an employee may be experiencing stress related to the incident. The CMPD will provide programs and resources to help manage the effects of exposure to critical incidents. When responding to a critical incident, employees must adhere to all procedures outlined in the *Employee-Involved Critical Incidents (EICI) Standard Operating Procedure (SOP)*.

III. DEFINITIONS

A. **Critical Incidents**: Natural or human-caused events involving circumstances beyond the usual range of experiences that occur during everyday policing and within mainstream society. For the purpose of this policy, critical incidents will refer specifically to incidents involving a CMPD employee while that employee is acting within their official duties.

B. **Involved Employee**: An employee whose actions, omissions, or decisions directly contribute to or result in an EICI.

C. **Privileged Communication**: Any communication between client and counselor, given in confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in the furtherance of the rendition of professional services to the client.

IV. PROCEDURE

A. Employee-Involved Critical Incidents (EICI)

1. An EICI is an incident involving a CMPD employee resulting in death or serious injuries to a CMPD employee or a member of the public, or any incident involving a CMPD officer discharging a firearm at another person, regardless of injury. EICIs include:

   a. Officer-Involved Shooting (OIS)

      An OIS investigation occurs any time a sworn employee discharges a firearm at another person, regardless of injury or any situation involving a sworn employee who has been shot or shot at by another person. Investigations will be conducted by the CMPD Homicide Unit or the State Bureau of Investigation (SBI) after consultation with the District Attorney's (DA's) Office.

   b. EICI Investigation Involving a Motor Vehicle

      An EICI investigation involving a motor vehicle resulting in serious injury or death will be conducted by the Accident Reconstruction Unit (Major Crash Investigations).

   c. EICI Investigation Not Involving a Motor Vehicle or Firearm

      An EICI investigation not involving a motor vehicle or firearm is any EICI resulting in a life-threatening or fatal injury to an employee or a life-threatening or fatal injury to a civilian resulting from an employee's action, and the injury sustained is not caused by a firearm or vehicle. Investigations will be conducted by the CMPD Homicide Unit or the SBI after consultation with the DA's Office.

   d. In-Custody Death Investigation

      An in-custody death investigation is any death that occurs when a person is in the custody of a CMPD officer. The death may or may not involve an officer's response to resistance

but will not include when an officer discharges their firearm. Investigations will be conducted by the CMPD Homicide Unit or the SBI after consultation with the DA's Office.

e. Any other incident deemed by the Chief of Police or designee.

2. A separate, parallel Internal Affairs Division investigation will be conducted for all EICIs. All EICIs must be promptly referred to the Internal Affairs Division and the involved employee's chain of command up to the rank of deputy chief for review and notification to the Chief of Police.

3. Involved employees will be removed from the line of duty pending an administrative investigation as outlined in *Directive 300-010 Administrative Assignment and Leave*.

B. Psychologically Traumatic Critical Incidents

1. A psychologically traumatic critical incident is an incident that could lead to post-traumatic stress symptoms or interfere with the well-being of employees. These events can cause fear, hopelessness, horror, panic, anger, profound negative thinking, anxiety, dissociation, isolation, suicidal ideology, etc. Psychologically traumatic critical incidents may include, but are not limited to:

a. Serious injury or death (e.g., the serious injury or death of a CMPD employee, child, or person well known to the law enforcement community, the aftermath of death, witnessing a sudden or violent death, etc.).

b. Acts of violence (e.g., active shooters, terrorist attacks, sexual violence, graphic/gruesome scenes, prolonged incidents or hostage situations, etc.).

c. Accidents and natural disasters (e.g., plane crashes, nuclear accidents, hurricanes, floods, etc.).

d. Incidents that attract close public scrutiny through the media or the response to an incident that is likely to significantly influence the public's confidence in the CMPD and/or could shape the views of CMPD employees.

2. Involved employees may be removed from the line of duty pending an administrative investigation as outlined in *Directive 300-010 Administrative Assignment and Leave*.

C. Post Critical Incident

1. The division captain or manager will make reasonable attempts to keep the involved employees informed of the progress of the investigation(s) and any other pertinent information on a regular basis.

2. The Peer Support Program and the Chaplaincy Program are available to employees following a critical incident, as outlined in the *Peer Support Program SOP* and the *Chaplaincy Program SOP*.

3. Any employee affected by a critical incident may contact the Employee Wellness Clinical Team to speak with an employee wellness clinician.

4. Post-Critical Incident Visits

Following a critical incident, a post-critical incident visit between an employee and an employee wellness clinician may occur. These visits are designed to be therapeutic and to discuss resources available to employees. Employee wellness clinicians are not involved in forensic evaluations to clear, remove, or return an employee to work.

a. Employees directly involved in an EICI and placed on administrative leave as outlined in *Directive 300-010 Administrative Assignment and Leave,* must attend a post-critical

incident visit before returning to work in any capacity (e.g., full duty, administrative assignment, light duty, etc.).

b. Employees involved in a psychologically traumatic critical incident and are placed or have their request granted to be placed on administrative leave as outlined in *Directive 300-010 Administrative Assignment and Leave* due to the incident must attend a post-critical incident visit before returning to work in any capacity (e.g., full duty, administrative assignment, light duty, etc.).

c. Employees involved in any critical incident and not placed on administrative leave may voluntarily participate in a post-critical incident visit. Appointments may be scheduled through the Office of Employee Wellness as outlined in the *Employee Wellness Clinical Team SOP*.

d. The Employee Wellness Clinical Team will only report that an employee attended a required EICI post-critical incident visit to the Human Resources Division (HRD). No other information will be provided without the employee's consent. If the employee requests a follow-up appointment or voluntarily participates in a post-critical incident visit, follow-up information and/or attendance will not be shared with the HRD, and all subsequent visits will be kept confidential.

e. All records and content of interactions will be kept confidential.

f. The Employee Wellness Clinical Team will offer additional support to employees within sixteen (16) weeks of the incident and provide continued support, brief interventions, or other services as needed or requested.

g. The Employee Wellness Clinical Team may coordinate services with the Peer Support Program as needed or upon request.

5. Administrative investigations will be conducted as soon as practical. Investigators will be aware of the potential for critical incident stress and will allow breaks when necessary.

D. Critical Incident Stress Management

Critical incident stress management is a system that educates, prevents, and mitigates the effects of exposure to highly stressful critical incidents.

1. Critical Incident Stress (CIS)

a. CIS is the stress response triggered by a critical incident or action that precipitates intense emotions and overwhelms a person's normal ability to cope, either immediately following the incident or in the future.

b. Supervisors and command staff will treat employees in a manner that acknowledges CIS. Each person may express CIS differently and, therefore, will display different reactions. Signs and symptoms of critical incident stress may include, but are not limited to:

(1) Physical: Fatigue, chills, unusual thirst, chest pains, headaches, dizziness.

(2) Cognitive: Uncertainty, confusion, nightmares, poor attention, poor decision-making ability, poor concentration/memory, poor problem-solving ability.

(3) Emotional: Grief, fear, guilt, intense anger, apprehension and depression, irritability, chronic anxiety.

(4) Behavioral: Inability to rest, withdrawal, antisocial behaviors, increased alcohol consumption, change in communications, loss/increase in appetite.

2. Critical Incident Stress Debriefing (CISD)
   a. CISDs are formal discussions scheduled by the Office of Employee Wellness following a critical incident, designed to provide stress reduction and education in stress management.
   b. Employees involved in the critical incident are encouraged to participate in a CISD, including non-sworn employees (e.g., Communications Division, Crime Scene Investigations, etc.).
   c. CISDs are not an operational critique or part of the investigation process.
   d. Confidential information critical to an investigation will not be shared during a CISD.
   e. CISDs are conducted in a group environment, not one-on-one communication between a client and counselor. Due to this environment, information that employees share during a CISD is not considered privileged information. Employees should be mindful of the topics discussed and are encouraged to keep the information shared during the CISD confidential.
3. Employees are encouraged to provide support to the involved employees.
4. The CMPD strongly encourages the families of the involved employee(s) to utilize the available counseling and support services through the City of Charlotte Employee Assistance Program (EAP).

E. Confidentiality

1. Records of criminal investigations conducted by public law enforcement agencies compiled by public law enforcement agencies are not public records as defined by N.C.G.S. § 132-1.4.
2. Notwithstanding the provisions of N.C.G.S. § 132-6 or any other general law or local act concerning access to public records, employees' personnel files may be disclosed only as provided by N.C.G.S. § 160A-168.

V. REFERENCES

300-010 Administrative Assignment and Leave
Chaplaincy Program
Employee-Involved Critical Incidents SOP
Employee Wellness Clinical Team SOP
Peer Support Program SOP
Paws for Duty Program SOP
Therapy Dog Program
City of Charlotte Employee Assistance Program (EAP)
N.C.G.S. § 132-1.4.
N.C.G.S. § 132-6
N.C.G.S. § 160A-168
CALEA

The previous version of Directive 300-020 Critical Incident Response was published on 07/21/2025.

I. PURPOSE

This policy establishes standards for requesting and conducting fitness for duty evaluations of Charlotte-Mecklenburg Police Department (CMPD) employees. All employees are expected to be physically, emotionally, and mentally fit for duty. Fitness for duty evaluations are necessary to ensure the safety and welfare of the community and CMPD employees. These evaluations allow the department to make well-informed objective decisions that balance employee well-being with operational safety.

II. POLICY

CMPD provides an objective mechanism for the assessment of the physical ability of employees to effectively perform essential job functions. Employees will undergo a fitness for duty evaluation if they exhibit observable behavior suggesting 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.

III. DEFINITIONS

N/A

IV. PROCEDURE

A. Employee Responsibilities

1. It is the responsibility of each department employee to be sufficiently physically, emotionally, and mentally fit to perform the essential duties of their job description safely and effectively.
    a. During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
    b. Employees who feel unable to perform their duties shall promptly notify a supervisor.
    c. Employees taking medication or undergoing medical treatment that may impact their ability to perform the essential functions of their job shall notify a supervisor prior to working.
2. If an employee believes that another employee is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

B. Supervisor Responsibilities

1. Supervisors must remain alert to any indication that an employee may be unable to safely perform their duties due to an underlying physical or psychological impairment/condition. Such indications may include:
    a. A physical or physiological issue (e.g., musculoskeletal or neurological) that could impair the employee's ability to complete administrative tasks, decision making, take-calls, respond quickly in emergencies, pursue subjects, or protect themselves or others, that may raise safety concerns for the employee, their team, and the public.
    b. Difficulty standing, walking, maintaining balance, noticeably slowed or unsteady movements, visible physical distress during routine tasks, disorientation, inability to operate equipment or necessary tools, unresponsiveness, delayed response time, visible physical symptoms such as shaking, staggering, sudden weakness, slurred or unclear speech, or the inability to follow simple directions.
    c. Suicidal statements or behaviors, or personal expressions of mental instability.

d. An abrupt change in behavior; irrational statements or behaviors, including those related to delusions or hallucinations.

e. Inappropriate use of alcohol, medications or other drugs, including displaying symptoms of illegal drug use.

f. A pattern of impatience or impulsiveness, especially with a loss of temper; 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 reasonably cause a supervisor to suspect that a fitness for duty evaluation may be necessary.

2. A supervisor observing an employee, or receiving a report of an employee who is perceived to be unable to perform their duties safely or effectively shall promptly document all objective information and/ or observations in a detailed written statement.

3. The supervisor should attempt to meet with the employee to inquire about the conduct or behavior. When appropriate, supervisors may refer the employee to the Employee Assistance Program (EAP), UNUM (City of Charlotte's Leave Management Vendor) or other internal employee wellness resources.

4. Supervisors shall document their observations and discussions from the meeting and notify the Division Commander and the HRD.

5. Supervisors shall maintain the confidentiality of any information consistent with this policy.

6. A single factor or combination of factors may not be sufficient to order an evaluation; however, the presence of such factors must not be ignored and may lead to ordering an evaluation.

C. Duty Status

1. In conjunction with the employee's chain of command and the HRD, a preliminary determination regarding the employee's duty status should be made.

a. If a determination is made that the employee can safely and effectively perform the essential functions of their job with or without accommodation, the employee should be returned to duty and arrangements made for appropriate follow-up as needed.

b. If a preliminary determination indicates that an employee's conduct or behavior reflects an inability to perform the essential functions of their job, with or without accommodation, safely and effectively, the immediate supervisor or the Division Commander shall immediately relieve the employee of duty pending further evaluation.

c. Any CMPD-issued weapons and safety sensitive items may be seized by the employee's supervisor.

d. The Chief of Police or designee shall be promptly notified if any employee is relieved of duty.

2. Any employee relieved of duty shall consult with the HRD and comply with the applicable personnel rules and guidelines regarding leave or related provisions.

Any employee suffering from a condition which results in a temporary relief from duty will be placed on an Administrative Leave with Pay status pending a determination to obtain medical treatment or a reasonable rest period.

D. Fitness- for-Duty Evaluations

1. The department may require an employee to undergo a fitness-for-duty medical examination, consistent with the essential functions of the job, when circumstances reasonably indicate that the employee may be unable to perform those functions effectively or may pose a safety risk to themself or others.

2. The Chief of Police or designee, in consultation with the HRD, will determine whether a fitness-for-duty evaluation is warranted after a comprehensive review of the supporting documentation. If an examination is warranted, a communication order will be issued by the HRD and the evaluation will be scheduled at the earliest opportunity with the appropriate medical provider.

   A written order from the HRD, indicating the date, time and place for the examination shall be provided to the employee.

3. The scope of the examination shall be confined to the physical and/or psychological condition that prompted the need for the examination.

4. In order to facilitate the examination of any employee, the department will provide all appropriate documents and available information to assist in the evaluation and/or treatment to the treatment provider.

5. The examining health care provider will provide the department with a report indicating whether the employee is able to perform the essential functions of the job in a safe, productive, and effective manner, any recommendations that may enable the employee to perform their job, and any conditions for return to work.

6. Any employee ordered to receive a fitness-for-duty medical examination shall comply with the terms of the order and cooperate fully with the examining health care provider regarding any clinical interview, administered test, or other procedures as directed. Any failure to comply with such an order or any failure to cooperate with the examining health care provider, may be deemed insubordination and may be subject to discipline up to and including termination.

7. Pending the results of the examination, the employee may be placed on Administrative Assignment or Administrative Leave in accordance with applicable personnel rules and guidelines.

8. If an employee has been deemed fit-for-duty by the examining health care provider, the HRD will notify the employee of the results and when to resume their duties. If the health care provider finds the employee cannot perform the essential functions of their job with or without accommodation, the department and the HRD will engage in an interactive process with the employee, in compliance with applicable laws to determine if and/or when the employee may return to work.

9. Depending on the results of the evaluation and the recommendation of the evaluator, the the HRD 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. Employees may seek treatment during an approved leave of absence facilitated by UNUM or seek treatment while working in an Administrative Assignment capacity. Employees may utilize their own medical provider and/or the medical resources offered by CMPD and the City of Charlotte.

d. At the discretion of the HRD, the employee will be scheduled for a re-evaluation of the psychological or physical fitness-for-duty assessment, not to exceed ninety (90) days from the original evaluation. The option for an extension is at the discretion of the HRD. Following the second evaluation, a meeting will be conducted with the HRD to discuss final recommendations, determinations, and outcomes related to the employee's status to include returning to a full duty status, separation, or full, early, or medical retirement, or change in position.

e. Initiate an interactive process of job accommodation under the direction of the HRD, if applicable.

E. Confidentiality

All employee fitness-for-duty information will remain confidential in the custody of the HRD and may only be disclosed as permitted under N.C.G.S. §160A-168.

V. REFERENCES

300-006 Limited Duty Policy
300-009 Employee Drug and Alcohol Testing
300-010 Administrative Assignment and Leave Policy
300-013 Return to Duty
N.C.G.S. §160A-168
CALEA

The previous version of Directive 300-021 Fitness for Duty was published on 11/17/2022.

I. PURPOSE

This policy establishes standards 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 Division or Community Services Division. Examples of such events and activities may include but are not limited to sports events or challenges, charitable fundraisers, and community engagement activities. 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. **Charitable Event**: An activity or fundraiser held for the primary purpose of soliciting contributions for a designated charitable cause.

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. **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.

D. **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.

E. **Support Staff**: On-duty CMPD employees who are assigned to a specific event for the purpose of providing operational support.

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 (i.e., vehicles, fitness equipment, utility vehicles), financial support, on-duty man hours.
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.
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.
    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 *CMPD 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 (HRD).

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 (IACMS). Workers' compensation claims and use of benefit time related to the injury will be managed by the HRD as standard with any on-duty injury. For additional information, refer to Directive *300-005 Workers' Compensation*.

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 sponsorship, donations, goods, or services

1. Employees will not use their position to solicit any sponsorships and/or 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 sponsorships, from an outside person or entity, to support a CMPD-sponsored event must adhere to the guidelines referenced in the Citywide Sponsorship Policy.

3. Employees are prohibited from seeking donations while in uniform, or otherwise representing themselves as CMPD employees, for any non-CMPD sponsored events.

4. Employees desiring to seek donations for CMPD-sponsored events from any entity will submit a written request through the employee's chain of command up to deputy chief. The request will include the entity's name, type of donation, and the amount requested.

5. Employees may solicit and accept donations from donors only if those donations clearly represent bona fide charitable donations rather than implicit and explicit payments to obtain or maintain a vendor relationship with the CMPD. All forms of quid pro quo arrangements are prohibited, and CMPD employees must never suggest or allow donors to believe that donations to the CMPD will affect any current or potential future business relationship with the CMPD.

6. Employees shall avoid soliciting any businesses during a period when a contract bidding or negotiation is in progress, or other conflict of interest may exist.

7. Donations solicited for a particular event and activity shall only be used for that event and activity.

8. The Chief of Police or their designee may consider, accept, or reject donations of less than $50,000 in value for a single donation event. Donations valued equal to or greater than $50,000

for a single donation event must be submitted to the City Manager for consideration prior to acceptance or rejection. Donations valued equal to or greater than $500,000 for a single donation event must be submitted to the City Council for consideration prior to acceptance or rejection.

9. Formal acknowledgment that a donation has been accepted or rejected must be provided to the donor in a form approved by the Chief of Police. Exceptions may be made to this section when a donation is anonymous.

10. Any donation received must be submitted to the CMPD Financial Management Division in a timely manner, for proper handling and reporting.

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 and shall submit a CMPD Sponsored Events and Activities Summary.

3. For additional information, refer to *Directive 800-008 Branding, Logo Usage, and Authorized CMPD Identifiers*.

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
300-004 Sick/Wellbeing Leave Policy
300-005 Workers' Compensation
800-008 Branding, Logo Usage, and Authorized CMPD Identifiers
Citywide Sponsorship Policy
Rules of Conduct
501(c)3 Organizations
CALEA

The previous version of Directive 300-022 CMPD Sponsored Events and Activities was published on 05/03/2023.

I. PURPOSE

This directive establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the roles and responsibilities of the Hiring Committee. CMPD seeks to recruit and hire highly qualified applicants that reflect the community we serve.

II. POLICY

It is the policy of the Charlotte-Mecklenburg Police Department Hiring Committee to ensure that hiring and separation decisions for police recruits are fair and equitable. Decisions on recruit hiring and recruit separation will be made by the Committee. Hiring and retention decisions directly affect public trust, organizational effectiveness, and officer readiness. Accordingly, these decisions shall be based upon objective criteria, applicable law, and collective review.

This Committee body will ensure recruit hiring, recruit retention, and recruit separation are in the best interest of all involved stakeholders and fall within CMPD Standards, North Carolina Law and Federal Law.

The Hiring Committee is responsible for making employment decisions for all applicants for sworn police officer positions at CMPD and for recruit retention up to Academy graduation. The Committee operates as a legally defensible body for the entire Agency to promote accountability and consistency by ensuring decisions are made collectively.

III. DEFINITIONS

A. **Applicant**: Someone who has completed an F-3 State Form and is presently in the hiring process.

B. **Civil Service Board**: An independent body created by state law that oversees hiring, promotions, demotions, employee hearings, and required investigations within the Fire and Police Departments.

C. **Decision to Hire**: The Hiring Committee has approved moving forward with a recommendation to hire.

D. **Disqualification**: The determination that an applicant is removed from the hiring process.

E. **Hiring Committee**: A collective CMPD decision-making body responsible for reviewing applicant background files and recruit performance records to make fair, consistent, and legally compliant decisions regarding hiring, disqualification, retention, and separation.

F. **North Carolina Department of Justice Personal History Statement (F-3 State Form):** A personal history questionnaire used by the North Carolina Criminal Justice Education and Training Standards Commission to determine whether an applicant meets minimum standards for law enforcement or criminal justice certification.

G. **Police Recruit Recycle**: A CMPD employee in recruit status but not currently enrolled in a BLET class pending re-enrollment.

H. **Quorum**: The minimum number of members required for the Committee to make decisions.

I. **Recruitment Division**: The division responsible for background investigations and hiring/disqualification recommendations.

J. **Recruit:** A candidate for employment who has completed the application process, has been hired, and is seated in a CMPD Training Academy class.

K. **Report Card**: A summary of a recruit's performance in the Academy.

L. **Retention Decision**: The Committee's decision to retain or separate the recruit.

M. **Training Division**: The division responsible for maintaining training records and making retention/separation recommendations.

IV. PROCEDURE

A. The Recruitment Division will conduct background investigations for all applicants who have completed the required F3 State Form.

1. At any time during the hiring process, a recommendation for disqualification for cause can be made and the hiring process must be terminated until the application is presented to the Hiring Committee for a final decision.
2. The Recruitment Division will make a recommendation for hire or disqualification to the Hiring Committee on all applicants.
3. The Hiring Committee will review file information presented by the Recruitment Division on all applicants for final decision.

B. The Training Division will maintain training records to include attendance, test scores, motor skills ability, and willingness to follow orders given by a supervisor and other information as needed. This information will be documented on a Report Card and supplemental documentation, as needed.

1. The Training Division will make recommendations for retention or separation for all recruits in recycle status, regardless of reason.
2. The Training Division will consult with Human Resources whenever a recruit's conduct warrants immediate separation. This decision will not involve the hiring committee.

C. The roles and voting procedures of the Hiring Committee Members upon review of the applicant file or recruit report card:

1. Recruitment and Training Bureau Major
2. Recruitment Division Captain (or designee – Recruitment Lieutenant)
3. Training Division Captain
4. BLET Training Director
5. Human Resources Director (or designee)
6. Police Attorney (or designee) – Non-voting, advisory member

D. A quorum of three (3) voting members is required to hold a vote on any candidate, with each member holding one equal vote. Vote count will always reach an odd number. Each voting member shall independently evaluate the information presented and cast one vote.

V. REFERENCES

Civil Service Board - City of Charlotte

https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/

CALEA

I. PURPOSE

This directive establishes departmental procedures to be followed in the event of an employee's line of duty serious injury or death.

II. POLICY

Coordination of the Department's response to the serious injury or death of an employee is critical to the employee involved, the investigation, other employees involved, the Department and the community. The Department's response to, and care for, the employee's family is an important responsibility. This procedure is not intended to address or affect any survivor benefits or the investigation that may apply due to an employee's serious injury or death.

In the event of an employee's non-line of duty death, CMPD will make available the appropriate command staff personnel to assist the family of the deceased.

III. DEFINITIONS

The Chief of Police may institute any part of this procedure for cases of a sworn or civilian employee's serious injury or death not covered by these definitions.

A. Line of Duty Serious Injury: An injury that results from performing a law enforcement action, either on-duty or off-duty, that renders debilitating medical injuries for the employee that reduces his/her effectiveness either temporarily or permanently. Such injuries can even lead to death.

B. Line of Duty Death: A death that was unlawful or accidental and occurred while an employee was performing police duties, either on-duty or off-duty.

IV. PROCEDURE

Due to the complexity of a Line of Duty Serious Injury or a Line of Duty Death, all department personnel involved in managing the situation will adhere to Area Command protocol. The Chief of Police will designate an Incident Commander for the incident who may make the following section and liaison assignments:

A. Incident Commander (IC): The Incident Commander will be a Deputy Chief. The IC will have overall command of all functions and details related to planning and implementing police services. The IC is responsible for ensuring that a thorough after-action report is completed within 45 days of the conclusion of this event.

1. The Command Center Operations Manager, the Funeral Operations Manager, and Public Affairs Director will report directly to the IC. The IC will have final approval for all plans involving services, motorcade routes, and employee travel relating to this event.

2. Command Center Support: The Command Center will be staffed and operational from the beginning of business hours, normally 0800 until all operations regarding the day's events are completed. The Command Center

will serve as the collection and dissemination point of all requests and information concerning any visitation, funeral, motorcade, and memorial service. In the event any service is located outside of the Charlotte region, the IC or their designee will arrange for a modified Command Center within the local jurisdiction.

B. Command Center Operations Manager (CCOM): The Command Center Operations Manager will be a Major and report directly to the IC. The CCOM will be responsible for tracking the work of the Funeral Operations Manager and Public Affairs Director. The CCOM will also coordinate the staffing needs for an affected division to ensure officers or employees are available to cover normal operations for a time period determined by the IC.

1. Planning Section: The Planning Section will be commanded by a Captain and support the Incident Commander and is responsible for short and long-term planning, including, but not limited to:

   a. Develop short-term operational plans for the first twelve hours including relief for employees assigned to the various scenes.

   b. Develop long-term operational plans for the next seventy-two hours.

   c. Work with the Family Liaison to develop the visitation and funeral plans.

   d. Work with the Family Liaison to develop an assistance plan for the family following the funeral and burial.

   e. Coordinate and develop a plan with the appropriate police agency if the deceased employee is buried outside of the Charlotte region.

   f. Develop and maintain a roster of all police agencies attending the funeral, including the name of the Chief, address of the agency, number of employees attending, and the number of police vehicles that will be involved in the funeral procession.

2. Family Liaison: The Family Liaison coordinates with the Planning Section Commander. The Family Liaison may be the Division Commander of the employee involved. The Family Liaison will:

   a. Ensure that, whenever possible, the needs of the family come before the needs of the Department.

   b. Coordinate with the employee’s family and keep them informed of new information about the investigation.

   c. Notify appropriate agencies that may be available to provide emotional support or assistance to the family.

d. Develop a relationship with the family to maintain close contact with the Department and to meet the family's needs for as long as they need support.

e. In the event of an employee's death:

(1) Assist the family with funeral arrangements and advise them of any services the Department can offer including, but not limited to, Honor Guard, assistance to family members who may be arriving from outside of Charlotte-Mecklenburg with transportation, lodging, or meals if they choose a police funeral, and others outlined in this directive and addendums. The Family Liaison will work with the Planning Section to ensure the family's requests are met.

(2) Inform the Incident Commander of the family's wishes in regard to funeral proceedings.

3. Funeral Home/Faith Liaison: Appointed by the Family Liaison and will:

a. Serve as the liaison between the Funeral Home/Faith institution and the Family Liaison.

b. Assist in the development of site security, parking plans, and traffic control for the Funeral Home/Faith institution.

4. Benefits Coordinator: A Human Resources employee appointed by the Family Liaison and will:

a. Work to gather all information regarding benefits available to the employee or the surviving family and assist in completing necessary paperwork.

b. Contact the appropriate agencies immediately to ensure that the process for obtaining benefits is initiated.

c. Follow up with the family to ensure all benefits are received.

5. CMPD Headquarters Liaison: The CMPD Headquarters Liaison is appointed by the Planning Section Commander and is responsible for maintaining control of the headquarters building as it relates to the incident and will:

a. Establish a location where employees may gather to wait for information concerning the incident and the employee's condition.

b. Designate a media staging area where a Public Affairs Officer will serve as a liaison with the media.

c. Establish security and traffic control in the area immediately around the CMPD headquarters.

6. Notification Liaison: Reports to the Planning Section Commander and will:

   a. Ensure the employee's family is notified in a timely manner. The Chief of Police or designee should make the notification. The notification should be made in person. A Chaplain should accompany the person making the notification.

   b. Notify the appropriate agency for a personal notification if the deceased employee's family lives a considerable distance outside of the Charlotte-Mecklenburg area.

   c. Arrange transportation to the medical facility for the employee's family. Before leaving for the hospital, the Notification Liaison should notify the Hospital Liaison that the family is enroute.

   d. Arrange for child/family care and initial security for the residence. 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:

a. Provide assistance to family members who may be arriving from outside Charlotte-Mecklenburg with transportation, lodging, or meals.

b. Provide support for the various scenes involved, including hospital, family residence, place of worship, funeral home, funeral procession, and cemetery.

c. Provide assistance to CMPD personnel who must travel to another location for funeral services. (i.e. Honor Guard and Command Staff)

d. If needed, appoint additional personnel to assist with travel, transportation, lodging, and meals.

C. Funeral Operations Manager (FOM): The Funeral Operations Manager will be a Major and report to the IC. The FOM will coordinate all operations relating to the visitation, funeral/memorial service, motorcade, and internment. The FOM will designate command level officers, captain or civilian manager, to serve as Visitation Commander, Funeral Location Commander, Motorcade Commander, and Cemetery Site Commander. Each designated commander will be responsible for all details relating to that assignment and will report to the FOM.

1. Visitation Commander (VC): Captain or Civilian Manager who will be responsible for coordinating site parking, location set up, and all details as they relate to the service being held on site.

2. Funeral Location Commander (FLC): Captain or Civilian Manager who will be responsible for coordinating site parking, procession staging, location set up, and all details as they relate to the service being held on site.

   For funeral services that take place outside of our jurisdiction the FLC will coordinate site details and make contact with local police agencies to ensure the site operations are coordinated.

   A Sergeant will assist the FLC with parking and procession staging. This sergeant will ensure that all vehicles in the burial procession are in the proper place as designated by the FOM.

3. Honor Guard Commander: The Honor Guard Commander will report to the FOM and coordinate all service honors as outlined within the unit's SOP. The Honor Guard will coordinate with the faith institution, memorial service and burial location Commanders**.**

4. Cemetery Site Commander (CSC): Captain or Civilian Manager who will be responsible for coordinating site parking, location set up, and all details as they relate to the service being held on site.

5. Motorcade Commander (MC): Captain who will coordinate all processions and vehicular movements of family and deceased employee(s) as determined by the Funeral Operations Manager. This responsibility can be divided into smaller

commands depending on the number of locations and deceased employee movements.

Burial services outside of our jurisdiction will be assigned a MC who will coordinate our participation with the appropriate agency.

D. Public Affairs Director (PAD): The Public Affairs Director will report to the IC. The PAD will coordinate all media requests, press conferences, interviews, event coverage, and designate a VIP Liaison. The PAD will work with the Funeral Location Commander and Cemetery Site Commander to coordinate coverage and broadcast of services. They will be responsible for meeting with media outlets prior to these services and establishing ground rules of coverage to comply with department and family wishes.

1. The Public Affairs Director will also:

   a. Work closely with the Family Liaison to ensure the needs of the family are fulfilled as much as possible.

   b. Provide appropriate information surrounding the serious injury or death to Department employees and the media.

   c. Coordinate news media briefings throughout the incident and coordinate the activities of the Public Affairs Officers assigned to the various scenes. If a family member wishes to grant an interview, the Public Affairs Director will arrange the interview and assist the family member as needed.

   d. Ensure that proper notification (DCI Message) is sent to all law enforcement agencies with the following information:

      (1) Name and rank of the employee,

      (2) Date and time of the incident,

      (3) Circumstances surrounding the event,

      (4) In the event of an employee's death:

         (a) Funeral arrangements.

         (b) Family wishes in regard to expression of sympathy (donation, fund, memorial, etc.)

         (c) Contact person and telephone number for visiting departments to indicate desire to attend and to obtain further information.

2. Public Affairs Officer (PAO): PAO will assist the PAD as directed. In addition, a PAO will be on site at all scheduled services to assist the Funeral Location Commander or Cemetery Commander 3 hours prior to the service to address

all media issues. The PAO will report to the PAD in coordination with the Funeral Location Commander.

3. VIP Liaison: Captain designated by the PAD in consultation with the IC and will serve as the department point of contact for visiting police dignitaries, local politicians, and any other person designated as such by the IC. VIP Liaison will be on site of all services at least 2 hours prior to the event to coordinate special requests or needs. This captain will work closely with the Public Affairs Director and other location commanders to ensure the needs of our guests are addressed.

   The VIP Liaison will also be responsible for working with the FLC and Honor Guard Commander on seating arrangements for employees and guests who attend visitation or funeral services. The VIP Liaison will work with ushers to ensure that any reserved seating is designated and that persons are placed in the appropriate area.

V. REFERENCES

300-020 Police Critical Incident Stress
300-025 Peer Support Program
600-025 Incident Command

Addendum #1

SERVICE CORPORATION OF AMERICA

Dignity Memorial Public Servants Program: http://www.dignitymemorial.com

Recognizing the courage and selflessness of those who serve the public, Dignity Memorial network providers created the Public Servants Program for emergency service personnel. This program offers dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers and firefighters who fall in the line of duty.

For more than ten years, the program has helped families deal with the emotional and financial burden associated with the sudden loss of a loved one. In addition to providing burial services, the program offers extended counseling services to family members who experience this unsettling change in their lives, as well as the opportunity to create an Internet tribute to memorialize their fallen hero.

The funeral and cremation benefits include:

Funeral:
- Faith institution, graveside or memorial service
- 1 day of Visitation
- Professional service fees to include embalming (if requested or required)
- Customary transportation fees, such as removal from place of death (50-mile radius), transportation to the cemetery, limousine, funeral coach and flower car on day of service
- Funeral option: 20-gauge protective steel or hardwood casket, minimum lined concrete vault at burial site and a 24X14 personalized bronze marker with vase mounted onto granite base Register book, acknowledgement cards, and memorial folders

Cremation:
- Casket rental or cremation container
- Sheet bronze urn / capsule
- Personalized cast bronze memorial plaque.
- Cemetery, niche or garden space in a Dignity Memorial affiliated cemetery (where available)
- Interment or crematory fees

Family Support Benefits:
- 24-hour Compassion Helpline to assist those coping with loss
- The Aftercare Planner, a comprehensive guide to help settle an estate
- An everlasting memorial permanent internet memorial
- One-year membership in a legal services plan

Addendum #2:

VISITATION, FUNERAL OR MEMORIAL SERVICE, AND BURIAL

The Funeral Operations Manager, faith liaison and Honor Guard Commander are responsible for the honors and police part of the service. The Funeral Operations Manager will coordinate with the family liaison, funeral director, faith leader, or police chaplain to coordinate the remaining part of the service. The below guideline is an example which may be helpful in planning, but the service should be based on the wishes of the family of the deceased.

VISITATION SERVICE:

- 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

BURIAL SERVICE:

- Honor Guard arrives at burial site ahead of funeral procession and assembles
- Bagpipe/Drum Corps arrives at burial site ahead of funeral procession
- Hearse/Family and Main procession arrives at burial site
- Honor Guard arranges officers
- Bagpipes play from a distance
- Honor Guard/Color Guard renders salute as casket is carried into place
- Faith Service begins
- Interment
- Faith Message
- Honor Guard folds U.S. flag (identify recipient prior to service)
- Honor Guard presents flag to Honor Guard Commander
- Honor Guard Commander presents flag to Chief of Police
- Chief of Police presents flag to next of kin
- 21 Gun Salute (if requested)
- CMPD Helicopter flyover (if requested and available)
- Funeral Operations Manager will call helicopter at the first volley of 21 Gun Salute. Timing should allow approximately 30 seconds form the third volley to the arrival of the helicopter at the burial site. This short silence gives attendees the ability to hear the helicopter inbound.

Addendum #3

MEDIA PROTOCOLS

The Public Affairs Director or designee will coordinate with the media to ensure an unobtrusive opportunity to view the funeral / memorial service and burial from a designated staging location. These guidelines should be developed along with the families, while balancing the public interest to honor the employees and keeping the services respectful.

Media personnel could be asked to leave any service by the Public Affairs Director or Funeral Location Commander should any deviations from these guidelines occur.

Visitation:

- NO cameras (video or still) will be allowed inside the service venue.
- Reporters who wish to enter the service venue can do so as a visitor, wait in line, pay their respects and leave.
- Predetermined staging area for media personnel will be in an accessible, but not intrusive location. Boundaries will be established that allow cameras to capture images.

Funeral:

- Local television network will provide video pool feed via satellite to all outlets.
- Media will not be allowed access to the inside of the service venue for early morning stand-up.
- The PAD will select a pool photographer for still shots inside the service venue. The photographer will be in a location selected by the PAD in conjunction with the Funeral Location Commander. The FLC should be mindful of undercover officers attending and the necessity to protect their identity.
- Flash photography will not be allowed inside.
- Two full copies of the video of the service will be provided to CMPD (clean and with graphics for presentation to the families and for use in future memorial tributes to the employees (with credit given to the participating news agencies).
- A full set of all photos taken by the pool photographer that are published in the paper and 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:

- Media vehicles will not be allowed to participate in the official motorcade.

Burial:

- Any media vehicle (live truck) must be in place at the cemetery 2 hours prior to funeral service or access will not be allowed.
- No wireless mikes will be allowed at burial site.
- Area will be identified by Burial Site Commander for news crews to capture images with minimal intrusions to service.
- Media helicopters will not be allowed to hover or make continual passes over the cemetery during burial services.
- All still and video photographers will sign an agreement with CMPD not to publish any photos of plainclothes officers or civilian employees without prior review and approval of the Public Affairs Director or designee.
- Two full copies of the video of the service will be provided to CMPD (clean and with graphics) for presentation to the families and for use in future memorial tributes to the employees (with credit given to the participating news agencies).
- A full set of all photos taken by the pool photographer that are published in the print media and on-line will be provided to CMPD for presentation to the families and for use in future memorial tributes to the employees (with credit given).

Addendum #4

MOTORCADE PROCESSION

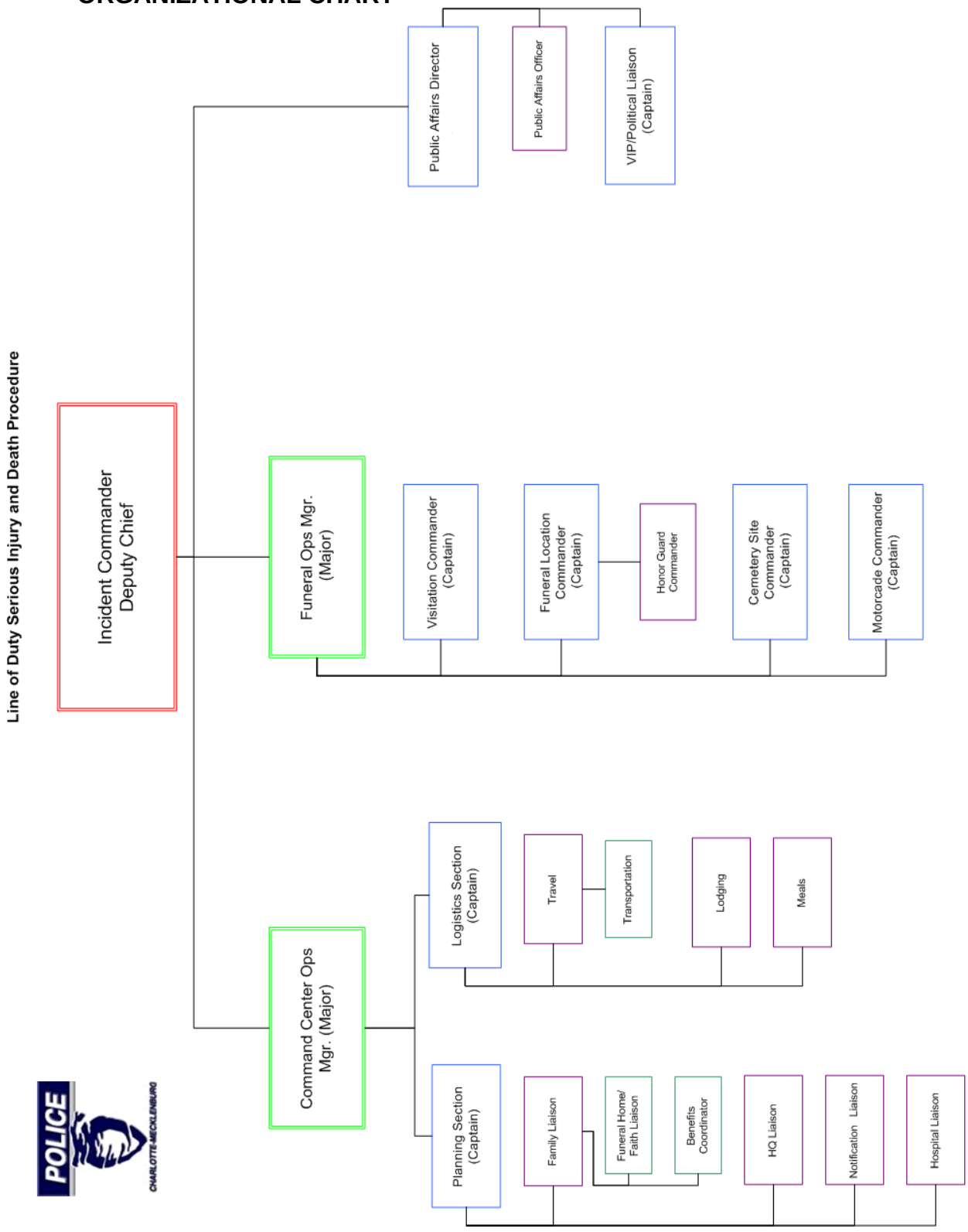
Motorcade Commander is responsible for the procession and will plan the route from the service location to the cemetery by assigning officers to specific traffic control points. The Mecklenburg County Sheriff's Office and other local agencies should be utilized, if available, to allow CMPD personnel to attend the funeral.

Procession may include:

- Motorcade Commander
- Funeral Director
- Funeral Hearse
- Family Limousine(s)
- Faith Leader
- Immediate Family
- Chief of Police
- Deputy Chiefs of Police
- Extended Family (cousins, aunts, uncles, etc…)
- Buses containing the fallen employee's division/unit
- Plain clothes MEDIC personnel *(if requested)*
- Cemetery Lead Vehicle - Lead other vehicles to parking locations in cemetery
- Funeral Operations Manager
- MEDIC Van
- All other police and private vehicles will self assemble behind the lead procession.
- Political dignitaries will be placed behind Funeral Operations Manager. All issues regarding this will be the responsibility of the Funeral Location Commander.
- Media vehicles are not allowed in the official motorcade.

Addendum #5

ORGANIZATIONAL CHART



I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to the professional appearance of all employees.

II. POLICY

All uniforms and equipment are the property of CMPD, subject to return upon request. Employees and volunteers are prohibited from converting any CMPD-owned property for personal gain. While in uniform, in plain clothes, or on duty, CMPD employees shall maintain a professional appearance. Only uniform items and equipment specifically authorized in this policy may be worn; any items not included in the policy are strictly prohibited. All uniform and grooming guidelines must meet the Occupational Safety and Health Administration (OSHA) Respiratory Protection Standard and CMPD Respiratory Protection Plan.

III. DEFINITIONS

Employees: For the purpose of this directive, employees are identified in the following groups:

A. **Officer**: A sworn police officer of any rank.

B. **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.

C. **Professional Staff 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).

D. **Plain-Clothed Employee**: Professional staff not provided with a uniform.

IV. PROCEDURE

A. Hairstyles

1. All employees are required to wear clean, combed, and neatly trimmed or arranged hair. Unkempt hair, regardless of length, is not permissible for any on-duty employee.
2. Hair must be of natural color, and styles shall be in keeping with the professional image of CMPD.
3. Hairstyles must not prevent the proper wear and seal of required safety equipment, including respiratory devices. The hairstyle shall allow quick placement of and ensure proper seal of emergency headgear, such as a helmet and gas mask.
4. All guidelines regarding hair grooming will apply to wigs and extensions for all officers.
5. In all cases, the bulk, length, or style of the hair will not interfere with the normal wear of the uniform hat.
6. Employees wearing the approved CMPD style baseball cap may pull their hair through the rear closure. Hair must be worn in a tightly wrapped braid or ponytail secured to the head above the bottom edge of the uniform shirt collar.
7. All male uniformed officers will conform to the following appearance standards unless otherwise specified.
    a. Hair that falls below the bottom edge of the shirt collar must be secured in a bun or ponytail. When in normal posture, hair should not extend past the shirt collar. Hair must not be visible on the forehead when wearing the uniform hat.

b. Hairstyles shall not feature spikes, shaved patterns, lines, symbols, names cut into the hair, or any other styles that distract from the officer's professional appearance.

Braids, twists, cultivated locs (individual sections of hair intertwined from root to tip, creating a uniform ringlet or cord-like appearance), or cornrows are permitted if styled conservatively, symmetrically, and close to the scalp.

c. When wearing multiple braids, twists, or cultivated locs, each must have a uniform dimension and be tightly interwoven.

d. Officers with multiple braids, twists, or cultivated locs encompassing the entire head can be worn loose but no longer than the highest point of the top of the ear. If longer, the hair must be pulled straight back into a bun or ponytail, provided all other grooming guidelines are met.

e. Officers are not permitted to wear hair ornaments except for items needed to hold hair in place. Such items will be plain, a color that blends with the hair, and modestly worn.

f. At any time, and in a non-discriminatory manner, if an employee's hairstyle interferes with their duties or the professional appearance of the organization, the employee will be required to make appropriate modifications to address the issue.

8. All female uniformed officers will conform to the following standards of appearance.

a. Hairstyles for a uniformed female officer must not extend below the bottom edge of a uniform shirt collar while assuming a normal posture. Longer hair shall be worn up or in a tightly wrapped braid or ponytail secured to the head above the bottom edge of the uniform shirt collar.

b. Hair accessories must be functional, not ornamental, and are restricted to the following:

(1) Hair accessories should be black, dark blue, brown, or closely match the natural hair color to ensure they are inconspicuous.

(2) At any time, and in a non-discriminatory manner, if an employee's hairstyle interferes with their duties or the professional appearance of the organization, the employee will be required to make appropriate modifications to address the issue.

B. Facial Hair

1. 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 assignments where a beard would be inappropriate or impede the operation of the assignment 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.

2. 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.

3. Professional staff 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.

4. In compliance with OSHA standards and the *Respiratory Protection Plan*, sworn employees and professional staff who are required to properly operate and wear a respiratory device as an essential function of their position will be required to arrive 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.

5. Sworn employees and professional staff 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.

6. Mustaches are permitted. Mustaches 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.

7. All employees shall maintain a professional appearance regardless of the actual length of their facial hair.

8. The wearing of facial hair shall remain at the discretion of the Chief of Police or designee.

9. 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 Human Resources Division (HRD).

10. Facial Hair Medical Exemption

    The department recognizes that employees may have a medical need to have facial hair that 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, that is reviewed and approved by the HRD.

    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 HRD.

    c. Medical accommodations will expire six (6) months from the date of approval. Should the employee still require a medical accommodation past the initial six (6) months, the employee must reapply for an exemption.

C. Piercings and Dermal Accessories

1. 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. Professional staff 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 professional staff ununiformed 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.

2. 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.

D. Tattoos, Brands, and Scarification

1. 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 scarifications are subject to the standards and review process set forth in this directive.

2. Employees are permitted to have visible tattoos, brands, or scarification provided they do not violate the following conditions:

a. Visible tattoos, brands, or scarification on the head, face, and scalp are prohibited.

b. 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 where a wedding ring is typically worn. Any tattoo displayed on the hands and fingers must not violate any other section of this directive.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. Employees who disagree with their chains 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.

3. 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 to any organization or group that advocates such intolerance or discrimination, are strictly prohibited.

   b. Tattoos, brands, or scarification that detract from the professional appearance of the employee or violate 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.

E. Training Academy Appearance

   1. Employees attending departmental training are considered to be on-duty and will wear uniforms or clothing consistent with the image of the law enforcement profession. Employees should refer to *the 400-001 Directive Series* for guidance.

   2. Prohibited clothing includes, but is not limited to shorts, tank-tops, cut-off shirts, sweatpants, flip-flops, and shower shoes.

   3. Employees may wear clothing that is necessary for the training they are attending. Specific clothing requirements will be listed in course descriptions or otherwise specified by the instructor prior to training.

   4. Employees who are inappropriately dressed for training will be dismissed from class and their supervisors notified. Range staff have authority to dismiss any employees who are inappropriately dressed or are not prepared with necessary equipment during range activities. Employees should refer to *Firearms Directive 400-002.* The Lieutenant of the Training Division has final discretion in determining what constitutes inappropriate dress.

F. Professional Appearance Committee

   1. The Professional Appearance Committee will convene on an as-needed basis to review the content of tattoos, brands, or scarification for adherence to this policy.

   2. The Professional Appearance Committee will be comprised of 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.

3. The chairperson, in consultation with the committee, will make the decision as to the appropriateness or inappropriateness of a tattoo, brand, or scarification, or whether the tattoo, brand, or scarification is restricted. The Chief of Police may override this decision.

4. 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.

G. Enforcement

1. 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.

2. 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.

3. Questions about uniform dress or grooming standards will be answered by the employee's chain of command.

V. REFERENCES

200-005 Returning of Issued Uniforms and Equipment
300-006 Light Duty Policy
400-001 Directive Series
400-002 Firearms
400-003 Equipment
Charlotte-Mecklenburg Police Training Academy Rules and Regulations
Respiratory Protection Plan
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 Federal Regulations Respiratory Protection Plan
CALEA

The previous version of this policy was published on February 19, 2026.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to uniforms and attire of sworn employees.

II. POLICY

All uniforms and equipment are the property of CMPD, subject to return upon request. Employees and volunteers are prohibited from converting any CMPD-owned property for personal gain. While in uniform, in plain clothes, or on duty, CMPD employees shall maintain a professional appearance. All uniform and grooming standard guidelines must meet the Occupational Safety and Health Administration (OSHA) Respiratory Protection Standard and CMPD Respiratory Protection Plan.

III. DEFINITIONS

A. **Clothing Allowance**: A designated stipend provided by the Department for authorized sworn employees whose assignments require regular wear of business or non-uniform professional attire.

B. **Employees**: For the purpose of this directive, employees are identified in the following groups:

1. **Officer**: A sworn police officer of any rank.
2. **Plain-Clothed Officer**: A sworn police officer of any rank assigned to a plain-clothes position or wearing plain clothes in an on-duty capacity. Sworn employees assigned to the Covert Operations Division are not included.

C. **Property Equipment Store**: The storage area in the basement of CMPD Headquarters, where new and lightly used uniforms and equipment can be obtained without the use of the employee's uniform allotment.

D. **Sensitive Items**: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible batons, OC spray, badges, ID and access cards, take-home cars, keys, fuel cards, CMPD-issued cell phones, or any other items identified by the CMPD Chain of Command.

E. **Uniforms:**

1. **Class A Uniform:** The Class A uniform consists of blue uniform pants and a 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 blue uniform pants and a short-sleeve uniform shirt, or a long-sleeve uniform shirt with an approved plain black mock turtleneck or one with "CMPD" embroidered on it. The long and short-sleeve patrol alternate duty uniform (often referred to as 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 with the image of the law enforcement profession. The CMPD-approved polo and utility pants may be used for callback or the needs of specific units.
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., SWAT, Training Academy.

F. **Uniform Allotment:** Departmental funds provided to sworn uniformed employees and uniformed professional staff to be used to purchase uniforms and equipment in the Uniform Purchase System.

G. **Uniform Committee:** The committee of designated CMPD employees comprised of both sworn and professional staff employees of all ranks, appointed by the Chief of Police or designee, to research and

discuss equipment and uniform items submitted for review by employees on approved Uniform and Equipment Request and Review Forms.

H. **Uniform Purchase System:** Approved system utilized by employees to purchase agency uniforms and equipment.

IV. PROCEDURE

A. Uniform Appearance

1. Maintenance of uniforms is the responsibility of the person to whom they are issued. Uniforms will be maintained and neat in appearance at all times.
2. 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 improperly fitting clothing is not permissible.
3. All employees, when not in uniform, will wear their department-issued photo identification card in obvious view when inside any CMPD facility.
4. Only departmental-approved black shoes or boots will be worn. Worn-out or unkempt shoes will not be permitted.
5. Black or navy socks must be worn with designated shoes.
6. When the uniform coat is worn, the embroidered badge serves as the outermost badge.
7. 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.
8. The 5.11 style Alternate Duty Uniform (both long and short-sleeve) is considered a Class B Uniform.
    a. A mock turtleneck is optional attire with the Class B Alternate Duty uniform.
    b. Screen printing or embroidery of badges and/or nameplates is prohibited on the Class B Alternate Duty Uniform.
    c. Non-probationary officers may obtain CMPD-approved web gear for use with the Class B Alternate Duty Uniform through the Uniform Purchase System by using their uniform allotment for the initial purchase and any subsequent replacement due to damage or wear and tear.
9. The nameplate will be worn on the uniform shirt.
    a. An appropriate alternative to the nameplate, such as the flex plate available through Property and Evidence Management, may be used only on Class C uniforms not suitable for wearing a nameplate.
    b. Officers may purchase the "serving since" plate to be worn as part of the nameplate.
10. When required, officers will wear the issued uniform dress hat while attending formal ceremonies, such as funerals and parades, while on or off-duty when the Class A uniform is worn.
11. Officers may obtain, at their own expense and use on duty, approved sweaters/jackets, mock turtlenecks, and winter hats as outlined in *Directive 400-003 Equipment*.
12. CMPD-approved baseball-style caps may only be worn with Class B or Class C uniforms.
    a. Officers may only wear the approved baseball-style cap with the CMPD logo.

b. The baseball-style cap must always be worn with the visor facing forward.

c. The baseball-style cap is not allowed to be altered in any way. This includes but is not limited to adding patches, pins, or other accessories to the cap.

d. If the baseball-style cap is worn-out or tattered, it must be replaced and will not be allowed to be worn until a new cap is received.

e. Baseball-style caps will be worn on officers' heads only. Officers will not hang baseball caps on any part of the uniform or equipment.

f. Baseball-style caps will not be worn to court.

13. The following units have an approved unit specific baseball cap. These are part of a Class C and specialized uniform:

a. Aviation

b. Accident Reconstruction

c. K-9/Vice K-9

d. Lake Patrol (North and Steele Creek Divisions)

e. SWAT

f. Training-Drivers Training Unit

g. Training–Range

h. Motorcycle Unit

14. 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.

15. 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.

a. Up to four (4) issued commendation bars may be worn with the appropriate bar holder centered above the nameplate on the uniform shirt.

b. A single tie bar or tie pin, in keeping with the professional image of CMPD, may be worn.

16. Officers have the option to wear either the Class A, Class B, or Class C uniform throughout the year unless otherwise specified by this directive. 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.

17. Officers assigned to light-duty temporary assignments will wear business casual dress in accordance with the plain-clothed assignment section of this directive.

B. Ballistic Vests

1. Ballistic 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. Ballistic vests will be issued to select professional staff as needed.

a. Ballistic vests will comply with protective and related requirements prescribed by current standards of the National Institute of Justice.

b. Ballistic vests will be replaced at no cost to the employee when there is non-negligent damage and normal wear and tear.

c. Ballistic vests are required to be worn by all uniformed officers and supervisors assigned to the Patrol Services Group.

d. Ballistic vests are required to be worn by all sworn employees when engaged in pre-planned high-risk activities, which include warrant service, searches, and other activities deemed to be high-risk by the supervisor in charge of the activities.

e. The wearing of a ballistic vest is mandatory for all sworn employees working in uniform in any secondary employment capacity, regardless of their rank or normal assignment.

f. Supervisors will conduct inspections of all employees required to wear ballistic vests as described above. These inspections will occur daily as part of the regular inspection of assigned equipment.

g. Officers assigned to the Investigative Services Group, the Special Services Group, the Administrative Services Group, and the Learning and Wellness Service Group are strongly encouraged to wear a ballistic vest during their tour of duty. However, those officers who choose not to wear their ballistic vest must have it readily available at all times during their tour of duty.

h. Employees are responsible for the care and maintenance of their assigned ballistic vests.

(1) Employees are responsible for inspecting their protective vests for signs of damage or other conditions that warrant replacement.

(2) Employees are responsible for the proper storage and cleaning of their ballistic vests in accordance with the manufacturer's instructions.

(3) Employees are prohibited from altering or damaging their issued vests in any manner. Any intentional damage may result in an employee being responsible for the cost of replacement.

(4) Employees have fourteen (14) days to send their ballistic vest back to Galls for alterations if it does not fit.

2. Medical Exemptions

a. Any employee seeking a medical accommodation to the mandatory 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 proper medical documentation must be provided to the Human Resources Division (HRD) for review and processing.

b. The HRD may require additional documentation or a second evaluation by an approved medical provider assigned to CMPD, and the employee may be placed on administrative duty.

C. Outer-Vest Carrier

1. Sworn employees at the rank of officer and sergeant who have successfully completed the Patrol Training Officer Program are permitted to wear the CMPD-approved outer-vest carrier with either the Class A or Class B uniform.

a. Outer vest carriers are not permitted to be worn for special events requiring a Class A uniform, including but not limited funerals, memorial services, presidential details, and similar assignments.

b. Sworn employees who have been granted an ADA exemption for an outer-vest carrier are still required to comply with all special event protocols that require a Class A Uniform.

2. Sworn employees at the rank of lieutenant or higher must receive an ADA exemption from the HRD to wear the outer-vest carrier.

3. Sworn employees must submit a Seamless Doc requesting the issuance of an outer-vest vest carrier.

4. Before wearing the outer-vest, vest carrier, employees must complete the required training and transition coursework specified in the approved learning management system (LMS).

5. The Class A or Class B uniform shirt, or the outer-vest carrier undervest shirt and jackets (available for allotment purchase through the Uniform Purchase System), is permitted to be worn under the outer-vest carrier.

6. Sworn employees are prohibited from wearing their service weapon, magazines, OC, and/or conducted electrical weapon (CEW) on their outer-vest carrier. These items must remain on their duty belt.

7. Only the following items are permitted to be worn on the outer-vest carrier and must be carried in a CMPD-approved and issued holster:

a. Body-Worn Camera (BWC)

b. A CMPD-issued nameplate (screen printed/embroidered is not permitted)

c. Chest badge (screen printed/embroidered is not permitted)

d. One (1) handcuff pouch

e. Radio

f. Flashlight

g. Collapsible baton

h. All other items are prohibited from being worn externally on the outer-vest carrier, including, but not limited to, knives, keys, carabiners, tourniquets, cell phones, additional patches, multipurpose tools, and medical kits.

D. Plain-Clothed Assignments

1. Sworn officers assigned to plain-clothed duty may wear professional business attire.

a. Appropriate dress for men is business suits, or sports coats, dress shirts, and slacks.

b. Appropriate dress for women is business suits, blazers, or jackets, slacks, dresses, or skirts, dress shirts, or sweaters.

c. All employees assigned to plain-clothed positions will adhere to this directive when attending court.

2. Officers in plain clothes must wear dress shoes that do not impair their ability to carry out the normal duties of their job.

a. Male officers in plain clothes may wear any type of business dress shoes except sandals, open-toe shoes, or any shoes with a heel exceeding three (3) inches in height.

b. Female officers in plain clothes may wear any type of business dress shoes except sandals, open-toe shoes, or any shoes with a heel exceeding three (3) inches in height.

3. Callback Uniform Option

Sworn personnel at the rank of officer, serving in detective or investigative roles within the Patrol Services Group, and sworn personnel at the rank of officer or sergeant in the Criminal Investigations Bureau may wear the CMPD-approved Class C ("callback") uniform as their uniform of the day. The callback uniform may be worn as an alternative to business attire, consistent with assignment needs and supervisory direction. The callback uniform is not approved for wear while subpoenaed to district, superior, or federal court.

4. The Chief of Police or designee may alter the personal appearance and dress requirements of plain-clothed officers as necessary.

5. Employees assigned to plain-clothed duties at 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 operation or other police emergency.

E. Clothing Allowance Eligibility and Use

1. Eligibility

The clothing allowance is authorized for the following sworn employees whose assignments require regular wear of business or non-uniform professional attire:

a. Command-level sworn staff (majors, captains, and lieutenants) assigned to the Investigative Services Group.

b. Sworn employees assigned to the Internal Affairs Division.

c. Sworn employees assigned to the Dignitary Protection Unit.

2. Authorized Use of Allowance

Sworn employees who receive a clothing allowance shall use the allowance solely for the purchase and upkeep of business or non-uniform professional attire necessary to meet CMPD standards of appearance.

3. Business Attire Requirements

Sworn employees eligible for the clothing allowance remain responsible for presenting a professional appearance and complying with business-attire requirements when attending court, official meetings, or as otherwise directed by their chain of command.

F. Uniform Exceptions

1. 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.

2. 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.

3. Officers operating exposed vehicles (e.g., bicycles), may wear sunglass straps to prevent loss or damage while in motion.

4. 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 the HRD.

5. During special campaigns such as United Way and/or Blood Donor programs, the emblem or symbol of participation may be worn during the campaign.

6. Police recruits are governed by the CMPD Training Academy rules and regulations regarding personal appearance as described in the Charlotte-Mecklenburg Police Training Academy Rules and Regulations.

G. Prohibited Activity While in Uniform

1. Uniformed employees will refrain from activities that are not in keeping with CMPD's professional image or that may be misinterpreted by the public.

2. Employees are prohibited from wearing CMPD uniforms while appearing as plaintiffs or defendants in any court proceedings unrelated to law enforcement activity unless authorized by the Chief of Police.

H. Enforcement

1. Supervisors and managers are fully responsible and accountable for ensuring employees are appropriately groomed and dressed in accordance with 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.

2. 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.

3. Questions about uniform dress or grooming standards will be answered by the employee's chain of command.

I. Responsibility for Uniforms and Equipment

1. The Property and Evidence Management Division is responsible for the proper storage and issuing of all employee uniforms.

2. 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 damaged article of clothing must submit a request for approval through the CMPD Uniform Purchase System.

3. Worn-out uniform items can be replaced with an allotment purchase. Employees may also visit the Property Equipment Store for replacement items.

4. Allotments may be suspended during the fiscal year based on current budget conditions. During that time, employees may obtain replacements on an emergency needs basis through an agency purchase and/or obtain items in stock at the Property Equipment Store.

5. Employee allotments may only be used to purchase items for themselves. Employees are prohibited from using their allotment to purchase items for anyone else.

6. Within three (3) months of notifying the agency of the intent to retire, the Property and Evidence Management Division will zero out the employee allotment. Only emergency agency purchases will be allowed, and they must be reviewed and approved by the employee's captain and the Property and Evidence Management Division chain of command.
7. Employees are prohibited from selling or gifting items purchased utilizing CMPD allotment or agency purchases.
8. If uniforms need to be taken out of service due to contamination or if the duty uniform is needed as evidence in an investigation, emergency clothing is available to employees through the Property and Evidence Management Division. The emergency issue of clothing is only to be used to assist the employee with to travel home.
9. Uniforms damaged or destroyed through negligence or abuse must be repaired or replaced at the responsible employee's expense.
10. Employees will be responsible for uniform alterations made thirty (30) days or more after the date of issue.
11. Employees will have fourteen (14) days from the time of issuance to return uniforms, boots, or accessories that are in new condition to the uniform shop. The items must be in new condition with tags.

J. Returning Uniforms and Equipment

Uniforms and equipment will be returned in accordance with *Directive 200-005, Returning of Issued Uniforms and Equipment*.

K. Uniform and Equipment Committee

1. 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 regarding to the request. The deputy chief should forward the denied request and documentation to the Property and Evidence Management Division captain. 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.
2. The Uniform and Equipment Committee will be composed of personnel assigned to the following positions:
    a. One Administrative Major – Chairperson
    b. One Patrol Services Group Captain
    c. One Investigative Services Group Captain
    d. Property and Evidence Management Captain
    e. Training Director
    f. Financial Management Representative
    g. Policies and Directives Officer
    h. One Communications Representative

i. One Patrol Services Group Sergeant

j. One Investigative Services Group Sergeant

k. One Investigative Services Group Detective

l. Four Patrol Services Group Officers (Patrol Northeast, Patrol Northwest, Patrol Southeast, Patrol Southwest)

m. Safety Coordinator

V. REFERENCES

200-005 Returning of Issued Uniforms and Equipment
300-006 Light Duty Assignment
400-003 Equipment
Charlotte-Mecklenburg Police Training Academy Rules and Regulations
Respiratory Protection Plan
Code of Federal Regulations (CFR) Title 29-Labor, Chapter XVII-Occupational Safety and Health Administration
National Institute of Justice
(OSHA) Section §1910.134 Respiratory Protection
OSHA Standard, Title 29, Code of Federal Regulations Respiratory Protection Plan
CALEA

The previous version of this policy was published on February 13, 2025.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to uniforms and attire of Professional Staff.

II. POLICY

All uniforms and equipment are the property of CMPD, subject to return upon request. Employees and volunteers are prohibited from converting any CMPD-owned property for personal gain. While in uniform, in plain clothes, or on duty, CMPD employees shall maintain a professional appearance. All uniform and grooming standard guidelines must meet 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. **Professional Staff 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).
2. **Plain-Clothed Employee**: Professional staff not provided with a uniform.

B. **Sensitive Items**: All firearms, magazines, ammunition, Conducted Electrical Weapons (CEW), portable radios, collapsible batons, OC spray, badges, ID and access cards, take-home cars, keys, fuel cards, CMPD-issued cell phones, or any other items identified by the CMPD Chain of Command.

C. **Property Equipment Store**: The storage area in the basement of CMPD Headquarters, where new and lightly used uniforms and equipment can be obtained without the use of the employee's uniform allotment.

IV. PROCEDURE

A. Uniforms

1. 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.
2. 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 improperly fitting clothing is not permissible.
3. All employees, when not in uniform, will always wear their department-issued photo identification card in obvious view when inside any CMPD facility.
4. Only departmental-approved black shoes or boots will be worn. Worn-out or unkempt shoes will not be permitted.
5. Black or navy socks must be worn with designated shoes.

B. Uniform Exceptions

1. 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.
2. 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.

3. During special campaigns such as United Way and/or Blood Donor programs, the emblem or symbol of participation may be worn during the campaign.

C. 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 plaintiffs or defendants in any court proceedings unrelated to law enforcement activity unless authorized by the Chief of Police.

D. Ballistic Vests

1. Ballistic vests will be issued to select uniformed professional staff divisions within the CMPD that have direct contact with the public and are in the community in marked vehicles answering calls for service. The ballistic vests will be issued by the CMPD at no cost to the employee and replaced every five (5) years

   a. Ballistic vests will comply with protective and related requirements prescribed by current standards of the National Institute of Justice.

   b. Ballistic vests will be replaced at no cost to the employee when there is non-negligent damage and normal wear and tear.

   c. Ballistic vest wear requirements for professional staff employees will comply with their individual division SOP.

   d. Wearing of ballistic vest by uniformed professional staff while working secondary employment is optional.

   e. Supervisors will conduct inspections of all employees required to wear ballistic vests as described above. These inspections will occur daily as part of the regular inspection of assigned equipment.

   f. Employees are responsible for the care and maintenance of their assigned ballistic vests.

      (1) Employees are responsible for inspecting their protective vests for signs of damage or other conditions that warrant replacement.

      (2) Employees are responsible for the proper storage and cleaning of their ballistic vests in accordance with the manufacturer's instructions.

      (3) Employees are prohibited from altering or damaging their issued vests in any manner. Any intentional damage may result in an employee being responsible for the cost of replacement.

      (4) Employees have fourteen (14) days to send their ballistic vest back to Galls for alterations if it does not fit.

2. Medical Exemptions

   a. Any employee seeking a medical accommodation to the mandatory 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 proper medical documentation must be provided to the Human Resources Division (HRD) for review and processing.

b. The HRD may require additional documentation or a second evaluation by an exclusive medical provider assigned to CMPD, and the employee may be placed on administrative duty

E. Plain-Clothed Professional Staff

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 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, casual sandals, slippers, and flip-flops are not acceptable.

e. Hats – hats of any kind may not be worn on duty.

Exceptions: The following units are approved for baseball caps. These are part of a Class C and specialized uniform:

(1) Citizens on Patrol/Lakes COPS

(2) Crime Scene Investigations

(3) Civilian Crash Investigators

E. Enforcement

1. 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.

2. 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.

3. Questions about uniform dress or grooming standards will be answered by the employee's chain of command.

F. Responsibility for Uniforms and Equipment

1. The Property and Evidence Management Division is responsible for the proper storage and issuing of all employee uniforms.

2. 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 damaged article of clothing must submit a request for approval through the CMPD Uniform Purchase System.
3. Worn-out uniform items can be replaced with an allotment purchase. Employees may also visit the Property Equipment Store for replacement items.
4. Allotments may be suspended during the fiscal year based on current budget conditions. During that time, employees may obtain replacements on an emergency needs basis through an agency purchase and/or obtain items in stock at the Property Equipment Store. Allotments will be suspended for departing and retiring employees.
5. Employee allotments may only be used to purchase items for themselves. Employees are prohibited from using their allotment to purchase items for anyone else.
6. Within three (3) months of notifying the agency of the intent to retire, the Property and Evidence Management Division will zero out the employee allotment. Only emergency agency purchases will be allowed, and they must be reviewed and approved by the employee's captain and the Property and Evidence Management Division chain of command.
7. Employees are prohibited from selling or gifting items purchased utilizing CMPD allotment or agency purchases.
8. If uniforms need to be taken out of service due to contamination or if the duty uniform is needed as evidence in an investigation, emergency clothing is available to employees through the Property and Evidence Management Division. The emergency issue of clothing is only to be used to assist the employee with to travel home.
9. Uniforms damaged or destroyed through negligence or abuse must be repaired or replaced at the responsible employee's expense.
10. Employees will be responsible for uniform alterations made thirty (30) days or more after the date of issue.
11. Employees will have fourteen (14) days from the time of issuance to return uniforms, boots, or accessories to the uniform shop. The items must be in new condition with tags.

G. Returning Uniforms and Equipment

Uniforms and equipment will be returned in accordance with *Directive 200-005 Returning of Issued Uniforms and Equipment*.

V. REFERENCES

300-006 Light Duty Policy
400-003 Equipment
200-005 Returning of Issued Uniforms and Equipment
National Institute of Justice
Charlotte-Mecklenburg Police Training Academy Rules and Regulations
Respiratory Protection Plan
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 Federal Regulations Respiratory Protection Plan
CALEA

The previous version of this policy was published on February 13, 2025.

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employees issued a CMPD firearm.

II. POLICY

The CMPD is committed to ensuring that officers demonstrate and maintain proficiency in the safe and effective use of firearms. This directive establishes training, qualification, and conduct standards for both on-duty and off-duty firearm use to enhance public and officer safety, reduce liability, and ensure compliance with applicable laws and departmental policies. It also provides guidance for officers who choose to carry concealed firearms while off duty, in accordance with state and federal law. CMPD personnel must demonstrate and maintain proficiency with a firearm as a condition of authorization to carry any CMPD-issued firearm.

III. DEFINITIONS

A. **Backup Weapon:** A personally owned handgun carried by an officer that has been approved by the CMPD Range Master and successfully qualified with for on-duty use and secondary law enforcement employment. It may be carried as a supplemental weapon. A backup weapon must be a caliber between .380 and .45 and must be reasonably concealable.

B. **Firearm:** A handgun, shotgun, or rifle that expels a projectile through the action of an explosion.

C. **Handgun**: A firearm commonly referred to as a pistol or a revolver.

D. **Hireback**: A retiree who has met all rehire eligibility requirements, has applied and been approved for re-employment as a CMPD employee, and has completed the rehire procedure.

E. **Off-Duty Weapon:** A personally owned handgun carried by an officer that has been approved by the CMPD Range Master and successfully qualified with for concealed off-duty carry in a non-law enforcement capacity under the Law Enforcement Officers Safety Act of 2004 (LEOSA). An off-duty weapon must be a caliber between .380 and .45.

F. **Officer**: Any sworn employee, regardless of rank (unless rank is specified).

G. **Patrol Rifle:** A .223 caliber/5.56mm ammunition rifle, issued to a certified patrol rifle officer (PRO).

H. **Professional Staff**: Any CMPD employee who is not a sworn law enforcement officer.

I. **Service Weapon:** The CMPD-issued handgun, designated as the primary firearm for officers in all but specialized circumstances.

J. **Shotgun:** A 12-gauge Remington 870 with a modified barrel that may be carried by officers who have successfully qualified with the firearm.

K. **Weapon-Mounted Light:** An approved light affixed to a firearm, used only in situations where the officer would be legally justified in drawing and pointing a weapon, regardless of the presence of the light.

IV. PROCEDURE

A. General Firearm Rules

1. Officers shall not carry any firearm while in uniform, when on duty or engaged in secondary employment unless authorized by the Range Master and only if the officer has successfully qualified with that firearm.

2. Officers shall adhere to all body-worn camera (BWC) standards outlined in the *BWC Directive Series (400-006 through 400-006-E*).

3. Officers must carry all handguns, including service weapons, backup weapons, and off-duty firearms, in holsters approved by the Range Master.

4. Firearms must be cleaned after any discharge, including after every practice or qualification session, before the officer returns to duty.

5. Modifications

   a. Modifications, alterations to factory specifications, or the addition of any accessories to CMPD-issued firearms and equipment are strictly prohibited. No changes may be made under any circumstances unless expressly approved by the Range Master.

   b. Officers who modify, alter, or add accessories to a backup or off-duty firearm are required to notify the Range Master and must qualify with the modified weapon prior to carrying or using the weapon in any official capacity.

6. Firearm Malfunctions and Destruction

   a. CMPD-issued firearms that appear to be malfunctioning must be turned over to the Firearms Training Unit (FTU). Only the FTU staff can authorize the issuance of a new firearm. Once issued, the officer must qualify with the new firearm prior to carrying or using the weapon in any official capacity.

   b. Only the Range Master or the Chief of Police may authorize the destruction of a CMPD-issued firearm.

B. Prohibited Activities

1. Professional staff, including those with a valid concealed handgun permit, are prohibited from possessing any firearm or other dangerous weapon on all CMPD-owned or controlled properties.

2. Officers shall not consume or have any amount of alcohol, illegal controlled substances, or other impairing substances in their system while carrying:

   a. A CMPD-issued firearm.

   b. A backup weapon when on duty or engaged in secondary employment.

   c. Any firearm carried in a concealed manner outside of property owned by the officer.

3. Officers subject to a domestic violence restraining order (e.g., N.C.G.S § 50B or similar domestic violence court order) are subject to the following restrictions:

   a. Off-duty officers are prohibited from possessing any firearm if a court order prohibits firearm possession.

   b. If the court order allows firearm possession for official use, the officer:

      (1) Must fully comply with all conditions outlined in the court order.

      (2) May only carry department-issued firearms while on duty.

      (3) Is prohibited from carrying any backup weapons while on duty.

   c. Officers under such court orders may not engage in any law enforcement-related secondary employment.

4. Off-duty officers are prohibited from possessing firearms inside any building owned or leased by the federal government if doing so would violate 18 U.S.C. § 930.

5. Officers are prohibited from carrying any firearm while on duty or on CMPD property if they are under suspension, on restricted duty, or on light duty due to an inability to perform the essential functions of their position.

C. Firearms

1. Service Weapon

a. Officers must not remove their service weapon from its holster when on duty or engaged in secondary employment, except during supervised firearms training, equipment inspections, or when otherwise legally justified.

b. Officers must always carry their issued service weapon when on duty or engaged in secondary employment. A sworn supervisor may exempt an officer from this requirement if there is a valid law enforcement purpose.

c. Officers at the rank of sergeant and below must carry two (2) fully loaded spare magazines on their person while in uniform. The service weapon must be fully loaded with a magazine and one (1) round in the chamber. All ammunition must be issued by the CMPD and carried in accordance with CMPD procedures.

d. Officers at the rank of lieutenant and above, as well as those wearing the Class C uniform or assigned to authorized plainclothes duties, may carry a single spare magazine in place of two (2) spare magazines.

2. Backup Weapon

a. Officers are authorized to carry a single backup weapon while in uniform when on duty or engaged in secondary employment. When carried in uniform, the backup weapon must remain fully concealed.

b. Officers may carry only CMPD-authorized backup weapons in holsters that have been approved for use by the FTU.

c. A backup weapon may be carried in addition to an officer's service weapon, but it shall not be carried as a substitute for it.

3. Off-Duty Weapon

a. Officers shall not carry off-duty weapons while in uniform when on duty or engaged in secondary employment, unless specifically authorized to do so by the Range Master and they have successfully qualified with the weapon.

b. Officers shall not carry an off-duty weapon concealed under LEOSA unless the Range Master has approved the weapon and they have successfully qualified with the weapon annually.

(1) The off-duty weapon must be carried in a CMPD-approved holster.

(2) Only ammunition approved by the FTU may be carried in an off-duty weapon.

4. The Range Master will take into consideration the following criteria for the backup and off-duty pistols, holsters, and ammunition:

a. Backup and off-duty pistols

(1) Length

(2) Weight

(3) Ability to be safely carried in a concealable manner.

b. Holsters

(1) A list of approved holsters is maintained on the Portal.

(2) All ankle holsters are prohibited.

c. Ammunition

Caliber range must be .38 to .45 caliber

d. All backup and off-duty pistols shall be inspected for reliability, functionality, and trigger pull (lbs.), with final review by FTU staff. FTU staff are certified factory armorers and authorized by the Range Master to make this final inspection. The Range Master reserves the right to remove any weapon from approval of discretion.

5. Rifle

Employees must adhere to all standards for rifles as outlined in *Directive 400-002-A Patrol Rifles*.

6. Shotgun

Employees must adhere to all standards for shotguns as outlined in *Directive 400-002-B Shotguns*.

D. Ammunition

Officers shall carry only ammunition issued by the FTU in any CMPD-issued firearm or in any backup weapon carried while in uniform, when on duty or engaged in secondary employment.

1. Officers shall carry only the authorized amount of ammunition necessary to fully load their service weapon and the number of authorized magazines they are permitted to carry.

2. Service weapon ammunition must be carried only in the service weapon and in authorized magazines.

3. Officers who require replacement ammunition for their service weapon must notify their immediate supervisor.

a. The supervisor may obtain replacement ammunition from the Range Master.

b. In coordination with the Range Master, the supervisor will determine whether the loss of ammunition resulted from the officer's negligence. Any negligent loss of duty ammunition may be investigated.

4. Ammunition for patrol rifles and shotguns will be maintained as outlined in *Directive 400-002-A Patrol Rifles* and *Directive 400-002-B Shotguns*.

5. SWAT members must be qualified to use any additional specialized ammunition.

E. Weapon-Mounted Light

a. The weapon-mounted light is an enhancement to the firearm, not a general-use flashlight, and shall not be used for routine searching.

b. Officers must be legally justified in drawing and pointing their firearm before using the weapon-mounted light to illuminate a person, object, or area. Improper use of the

weapon-mounted light in situations that do not justify drawing a firearm may result in an internal investigation.

c. Officers at the rank of captain and below who are issued a weapon-mounted light must carry their service weapon with the light attached at all times while in uniform, when on duty or engaged in secondary employment. Those assigned to investigative units must attach the weapon-mounted light to their service weapon only when in uniform, when on duty or engaged in secondary employment.

d. The weapon-mounted light must always be activated using the support-hand thumb. The trigger finger must remain outside the trigger guard and along the frame of the firearm until the officer is prepared to fire.

e. Officers who are issued a weapon-mounted light:

(1) Are required to keep a spare set of batteries readily accessible to ensure the light remains operational.

(2) Are required to use their weapon-mounted light during annual night qualification on the approved qualification course.

(3) Must ensure their firearm is completely unloaded before mounting or removing the light for cleaning, changing the batteries, or maintenance purposes.

F. Firearm Storage

1. CMPD-issued firearms must be stored safely and securely.

a. The CMPD will provide gunlocks to officers for use with all issued service weapons.

b. Officers must take all reasonable precautions to prevent unauthorized access to any CMPD-issued firearm at all times and adhere to the storage of firearms to protect minors as outlined in N.C.G.S. § 14-315.1.

2. CMPD-issued firearms must not be stored in vehicles unless reasonably necessary.

a. If temporary vehicle storage is necessary, the firearm must be secured in the locked trunk of the vehicle, provided the vehicle is equipped with a trunk.

b. Any unattended vehicle containing a CMPD-issued firearm must remain locked at all times.

3. Patrol rifles and shotguns must be stored as outlined in *Directive 400-002-A Patrol Rifles* and *Directive 400-002-B Shotguns*.

G. Firearms Training and Qualifications

1. Officers authorized to carry firearms must complete mandatory annual training that covers firearm safety, basic marksmanship, the use of a weapon-mounted light, applicable laws, and CMPD policy. At the discretion of the Training Academy director, this training may be conducted in conjunction with the FTU, qualification sessions, or other in-service training.

2. Officers are required to successfully complete annual day and night qualifications with their service weapon on both the State of North Carolina qualification courses and the approved combat courses.

a. Officers issued a weapon-mounted light are required to use it during night qualification and the combat course of fire.

b. Officers not issued a weapon-mounted light are required to use their handheld flashlight during night qualification and the combat course of fire.

c. Officers who wish to carry a backup or off-duty weapon must also successfully qualify with those weapons during both daytime and nighttime qualifications each year.

3. Lateral officers must complete the current tactical training series, weapon-mounted light training, and combat training and qualification requirements.

4. Training sessions will be scheduled during on-duty periods whenever possible.

   a. Officers will be compensated for all regular, mandatory training sessions, regardless of whether they occur during on-duty or off-duty hours.

   b. Participation in non-mandatory training shall be at the officer's own time and expense.

5. Qualifications must be conducted using the same ammunition issued for duty use or a ballistic equivalent approved by the State of North Carolina, and with the holster and magazine carrier used during the officer's normal duty assignment.

6. Officers must bring all issued service magazines to all training and qualification sessions. Service ammunition will be expended and replaced as directed by the FTU.

7. Officers assigned to Patrol Services must wear their duty uniform with all issued equipment, including a flashlight. Officers assigned as detectives can wear their callback uniform, including a magazine pouch with spare magazine, handcuffs and a flashlight.

8. The determinations of the Range Master or their designee are final regarding all matters related to safety, equipment, and uniform of the day. Any weapon, holster, ammunition, or related equipment deemed unsafe for qualification or duty use will be prohibited from the range and documented in writing.

9. FTU staff may refuse a CMPD officer if the officer is not in the proper uniform and carrying the appropriate equipment.

10. As part of the annual firearms qualification, officers shall participate in a policy review and discussion. This review shall cover the legal authority to use force under North Carolina statutory and case law and *Directive 600-019 Response to Resistance*.

11. Firearms qualifications must be conducted at the Training Academy using courses of fire and training methods prescribed by the CMPD and approved by the North Carolina Criminal Justice Education and Training Standards Commission.

12. A certified firearms instructor must conduct all qualification sessions.

13. The minimum qualifying score for all firearms is based on the state's minimum requirement, except for backup and off-duty weapons, which require a minimum qualifying score of 80%.

14. Qualification for backup and off-duty weapons will be offered annually. The qualification course must mirror the service weapon qualification course as closely as practicable.

15. Except in cases of equipment malfunction, officers are limited to three (3) qualification attempts per weapon on any single shooting day.

16. Officers who wish to qualify with a backup and off-duty weapon may do so outside of work hours, provided they comply with the following requirements:

    a. The firearm and ammunition must be approved by the Range Master or their designee before qualification.

    b. Backup and off-duty weapons must be registered with the Range Master. At the time of qualification, the firearm's serial number, make, model, caliber, and the type of ammunition approved for regular use must be documented.

    c. Authorization to carry a backup weapon as supplemental equipment must be renewed annually. The authorization remains valid through the last day of the twelfth month following its issuance.

H. Procedures for Qualification

Officers must successfully qualify with their service weapon within each calendar year to maintain compliance with the North Carolina Criminal Justice Education and Training Standards Commission. Failure to qualify within the calendar year will subject the officer to the provisions outlined in 12 NCAC 09E.0106.

1. Firearms Qualification

When attending daytime, daytime combat, nighttime, nighttime combat or shotgun qualification, officers must complete the following steps prior to participating in the course of fire:

    a. Adhere to all the safety rules and regulations that are posted at the range.

    b. All CMPD members must wear eye and ear protection during firearm qualifications.

    c. Complete the appropriate range roster indicating or confirming weapon serial number, correct employee number and signature to record attendance.

    d. Post the required target.

    e. Load the appropriate number of magazines with required ammunition. The State of North Carolina allows ballistic equivalent ammunition for qualification.

    f. Complete the NC State F-9a form as required. This form will be signed on a yearly basis after all firearms qualification and online firearms training have been completed.

2. Firearms Qualification Failure

If an officer fails to qualify with their service weapon during an assigned qualification session, they must immediately surrender the weapon to the Range Master unless the failure is determined to have resulted from an equipment malfunction. The Range Master must notify the appropriate division supervisors of any performance deficiencies identified in officers under their supervision. Until the officer successfully qualifies:

    a. They are prohibited from taking any law enforcement action, including exercising the power of arrest;

    b. Will not be permitted to return to duty while qualification attempts are pending;

    c. Will not be allowed to leave the range facility in uniform or operate a marked police vehicle;

    d. Will have all secondary employment permits suspended.

3. Failure of Structured Remedial Training

   If an officer fails to qualify following three (3) single training day attempts, the officer will be placed on administrative assignment until successful qualification is achieved under the supervision of a Human Resources representative. The Human Resources Division (HRD) representative will coordinate the officer's temporary assignment during this period and will issue notifications when the officer is placed on leave and when cleared to return to duty following successful qualification.

   a. FTU staff will develop a training plan designed to assist the officer in achieving qualification. All training efforts and progress will be fully documented.

   b. If the officer does not qualify after completing the FTU's training plan, the Range Master in consultation with the officer's chain of command and HRD, will begin a performance improvement plan.

   c. If the officer does not qualify after completing the FTU's training plan, the officer may be required to participate in the BLET firearms training program

   d. If the officer is unable to pass the BLET firearms training program, the supporting documentation will be added to the IACMS investigation and referred to the HRD and Internal Affairs

I. Firearms Training Records

1. Training and qualification records are maintained by the FTU for three (3) years. After three (3) years, the records are transferred to storage.

2. The Training Academy director must submit a list of officers who failed to qualify with their service weapon to the Chief of Police or designee during the previous calendar year.

   a. This list is also submitted to the North Carolina Criminal Justice Education and Training Standards Commission by January 15 of the following year.

   b. The North Carolina Criminal Justice Education and Training Standards Commission may issue a notice of suspension of certification to the listed officer and their respective employing agencies.

3. At the end of each calendar year, after the officer completes day and night qualifications, day and night combat qualifications, and reviews legal updates and response to resistance policy, the F-9a forms are filed electronically and stored for a period of three (3) years. The FTU will print the forms, and they will be signed when the officer returns to qualify the following year. After three (3) years, the records are transferred to storage.

4. Any officer, with a valid medical, military or State approved reason, that has not qualified for the year may be excused by the State of North Carolina Training and Standards Division.

   a. An electronic mail (email), submitted no later than January 15 of the new calendar year, will be sent by the in-service training coordinator to the Standards Commission requesting the excusal.

   b. When an officer returns to duty, the officer must completely qualify in deficient areas.

c. Once the firearms qualification is completed, an email and copy of the F-9a will be forwarded to the North Carolina Training and Standards Division indicating the officer is qualified and in compliance with 12 NCAC 09E .0106(a).

5. Officers placed on limited duty due to an injury, sickness or Officer Involved Shooting (OIS) Investigation must report to the firing range for proficiency testing prior to returning to full duty if they have been out for thirty (30) consecutive days or more. Absences and/or light duty of fewer than thirty (30) days or two hundred forty (240) hours may require the employee to demonstrate firearms proficiency if the reason for the leave, such as an injury, has the potential to negatively affect the employee's physical performance. Firearms proficiency with the sworn employee's firearm will be determined by the Range Master, refer to *Directive 300-013 Return to Duty*.

   a. The course of fire is at the discretion of the Range Master.

   b. The proficiency testing session will be documented on the proficiency testing form and forwarded to the appropriate service area/division and to the appropriate designee in the HRD. A HRD memo stating the officer has completed all firearms training may also be required before the officer will be released to full duty.

   c. Once the proficiency testing is complete, the FTU staff will ensure the officer is current on firearms training and qualification.

6. Without an approved waiver from the NC Training and Standards Commission, any officer who fails to complete Day Qualification or Night Qualification in the calendar year may receive disciplinary action up to termination.

J. Police Recruits

1. Police recruits are required to successfully qualify with their handgun in accordance with the Basic Law Enforcement Training (BLET) standards.

2. Failure to qualify or successfully complete the firearms training requirements in accordance with BLET standards will result in dismissal from the BLET program.

3. Police recruits are not required to qualify with a shotgun during BLET. However, they may choose to qualify with a shotgun at their discretion.

K. Backup Weapon or Off-Duty Weapon

Officers who fail to qualify with a backup weapon or off-duty weapon are prohibited from carrying that weapon while in uniform, when on duty or engaged in secondary employment, or concealed under LEOSA. The weapon may only be carried again after the officer returns to the Training Academy and successfully requalifies with it.

L. Law Enforcement Air Travel with Accessible Firearms

Federal law permits local sworn law enforcement officers to carry firearms on commercial airlines only under limited circumstances and strictly in connection with a legitimate law enforcement need, such as the escort of a prisoner, that requires the firearm to be accessible during the flight. Officers with a duty-related need to carry an accessible firearm during air travel must:

1. Obtain authorization from their chain of command with a signed authorization from the Chief of Police.

2. Consult the current Transportation Security Administration (TSA) Code of Federal Regulations (CFR) for applicable rules and regulations regarding armed travel.

3. Obtain certification of completion for the "LEO Flying Armed" course, which is available on the LMS.

4. Obtain TSA authorization through the Communications Division's DCI Unit.

5. Follow all procedures established in the current TSA CFR, including required notifications to the Federal Air Marshal Service, the Airport Police Commander, and the TSA regarding the presence of an armed CMPD officer on board.

M. Off-Duty Concealed Carrying of Firearms

1. The North Carolina law prohibiting the carrying of concealed weapons includes an exemption for sworn law enforcement officers while they are off duty. This exemption is valid only when all of the following conditions are met:

   a. The individual is a sworn law enforcement officer;

   b. The officer is physically present in the state of North Carolina;

   c. The officer is off duty; and

   d. The officer does not consume alcohol or an unlawful controlled substance, or while alcohol or an unlawful controlled substance remains in the officer's body.

2. In addition to the above conditions, officers carrying a concealed weapon under the North Carolina law enforcement exemption must also comply with the following CMPD requirements:

   a. The officer must carry a valid CMPD-issued photo identification card.

   b. The officer may only carry their CMPD-issued service weapon or an approved backup weapon or off-duty weapon that has been authorized by the Range Master and the officer has successfully qualified with that weapon.

3. North Carolina Concealed Carry Permit

   a. North Carolina law authorizes qualifying citizens to obtain a Concealed Carry Handgun (CCH) permit, which allows them to carry concealed handguns within the state, subject to specific restrictions. These permits are recognized through reciprocity by numerous other states. The North Carolina Department of Justice maintains an up-to-date list of reciprocating states at www.ncdoj.com.

   b. CMPD employees are permitted to obtain and use a North Carolina CCH permit.

      (1) Officers and those who have retired within the past year are exempt from completing the standard concealed carry training course to obtain a permit.

      (2) Employees interested in applying for a CCH permit should contact the sheriff's office in their county of residence.

4. The Law Enforcement Officers Safety Act of 2004 (LEOSA)

   LEOSA is a federal law that permits qualified active and retired law enforcement officers to carry concealed firearms under specific conditions.

   a. It is the policy of the CMPD to comply fully with LEOSA.

   b. LEOSA does not grant the following authorities or privileges:

(1) It does not grant law enforcement officers police authority outside their home jurisdiction.

(2) It does not authorize off-duty law enforcement officers to carry firearms, whether concealed or otherwise, on federal, state, or local government property.

(3) It does not authorize off-duty law enforcement officers to carry firearms, whether concealed or otherwise, on private property.

(4) It does not impose any obligation on off-duty law enforcement officers to perform law enforcement duties or assist other agencies while carrying a concealed firearm.

(5) It does not exempt current or retired officers from any state or local laws regarding the purchase, ownership, or registration of firearms.

c. Off-Duty Carry under LEOSA

(1) Off-duty officers who are outside their territorial jurisdiction do not possess law enforcement authority. Any actions taken under such circumstances are considered private acts and are not sanctioned by the CMPD or the City of Charlotte, and therefore, legal defense will not be provided for those actions.

(2) While officers are expected to be knowledgeable about the criminal laws within their jurisdiction, laws in other jurisdictions may differ significantly. Officers are advised to exercise caution and act with due regard for local laws when outside of CMPD's jurisdiction.

d. Any current officer carrying a concealed firearm while off-duty under the authority of LEOSA must comply with all LEOSA requirements and the provisions of this directive. To lawfully carry a concealed firearm under LEOSA, the officer must meet all of the following qualifications:

(1) Possess statutory powers of arrest and be authorized by the CMPD to carry a firearm as part of their official duties.

(2) Have successfully completed the CMPD-designated firearms qualification course for the concealed firearm within the past twelve (12) months.

(3) Not consume, be under the influence of, or have any alcohol or other impairing substances in their system.

(4) Not be prohibited by federal or state law from possessing a firearm.

(5) Not be subject to any CMPD disciplinary action that prohibits them from carrying a firearm.

e. Required Identification

(1) Any off-duty officer carrying a concealed firearm under LEOSA must have their valid, CMPD-issued photo identification card in their immediate possession at all times.

(2) An officer who is not authorized to carry a firearm due to a specialized duty assignment or disciplinary action must surrender their CMPD-issued identification card to their immediate supervisor or to IA upon request.

f. No current officer carrying a concealed firearm under LEOSA shall:

(1) Use any ammunition in their service weapon that the CMPD has not issued.

(2) Use any ammunition in a backup weapon or off-duty weapon that the FTU has not approved.

N. Gifting Service Weapons to Eligible Retirees

1. Officers who retire from the CMPD may be eligible to receive their service weapon as a gift upon retirement, provided they are retiring under one (1) of the following conditions:

a. Retire with twenty (20) or more years of credible service with the CMPD.

b. Retire with thirty (30) or more years of credible service, either solely with the CMPD or in combination with another North Carolina law enforcement agency or pre-approved military service purchase time.

c. Retire at age fifty-five (55) with five (5) or more years of credible service with the CMPD.

d. Retire due to a medical disability, with approval from the Chief of Police or designee. In such cases, the officer's total years of service, disciplinary history, and the cause of the disability will be considered in the decision.

2. Officers who wish to receive their service weapon as a gift must submit the Retiree Service Weapon Request Form to the HRD retirement specialist either at the time of applying for retirement or no more than one (1) month before the anticipated retirement date, whichever is sooner.

3. Requests from officers who are retiring while alleged rules-of-conduct violations are still under administrative investigation must be approved by the Chief of Police or designee.

4. The gifting of a service weapon to a retiree is at the sole discretion of the Chief of Police. The Chief of Police reserves the right to deny any request based on pending, recent, or cumulative disciplinary action, or for any other just cause.

5. Officers who separate from the CMPD under any circumstances other than retirement are not eligible to receive a firearm as a gift.

6. Officers who return as a Hireback, will use the same pistol they retired with. If the Officer did not retire with a pistol, a new service pistol will be issued for the time they are a Hireback. Officers that are returning as a Hireback will refer to the *Hireback SOP*.

V. REFERENCES

400-002-A Patrol Rifles
400-002-B Shotguns
400-003 Equipment
400-006-B BWC Operations
400-006-C BWC Recordings and Management
600-019 Response to Resistance
Firearms Training Unit SOP
Hireback SOP
12 NCAC 09E .0106
N.C.G.S. § 14-315.1
N.C.G.S. § 50B

18 U.S.C. § 930
The Law Enforcement Officers Safety Act of 2004
CALEA

The previous version of this policy was published on September 18, 2025.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD)-issued patrol rifles.

II. POLICY

Patrol rifles are tactical firearms issued as secondary weapons only to officers who have successfully completed all required training and certification to become a patrol rifle officer (PRO). Each assigned PRO is solely responsible for the care, security, and proper use of their issued patrol rifle.

III. DEFINITIONS

A. **Firearm:** A handgun, shotgun, or rifle that expels a projectile through the action of an explosion.

B. **Officer**: Any sworn employee, regardless of rank (unless rank is specified).

C. **Patrol Rifle:** A .223 caliber/5.56mm ammunition rifle, issued to a certified PRO.

IV. PROCEDURE

A. Patrol Rifle Program

The Patrol Rifle Program provides the CMPD with a tactical advantage when confronting threats that exceed the capabilities of standard-issue service weapons, such as those involving suspects wearing body armor or operating from extended distances. It also enhances public and officer safety by providing a controlled and effective response to high-risk incidents.

1. The Patrol Rifle Program regulates the use, deployment, training, and maintenance of patrol rifles, ensuring PROs meet consistent qualification standards.

2. Selection Process

   a. Non-probationary officers seeking to participate in the Patrol Rifle Program must submit an email of interest to their division captain.

   b. Division captains will:

      (1) Submit the candidate list to the range master for approval.

      (2) Coordinate the selection process and PRO training with the Firearms Training Unit (FTU).

      (3) Ensure adequate coverage of PROs across all patrol shifts.

3. Candidates must successfully complete the Patrol Rifle Program training course, which includes but is not limited to:

   a. Demonstrating safe and effective weapons use in a variety of live fire range drills.

   b. Recognizing the different types of malfunctions and demonstrating how to clear them and return the rifle to a firing condition.

   c. Successfully qualifying on an approved tactical carbine course of fire.

   d. Successfully completing the Patrol Rifle Qualification Course.

   e. Completing any additional training as determined by the range master.

4. Patrol Rifle Officers (PRO)

a. After successful completion of the Patrol Rifle Program, the officer will be designated as a PRO and issued an assigned patrol rifle.

b. The PRO is responsible for their assigned patrol rifle and all aspects of its care, security, and proper use, including, but not limited to:

(1) Completing basic patrol rifle maintenance (e.g., field stripping, cleaning, and lubrication).

(2) Conducting function checks and inspections at the start and end of each shift.

(3) Ensuring lights, optics, and ancillary equipment are properly functioning, and spare batteries are maintained on the rifle.

(4) Reporting any malfunctions, damage, or loss to the FTU.

(5) Operating, deploying, and discharging the rifle only as permitted by CMPD policy, training, and legal standards.

(6) Maintaining full accountability of all issued ammunition.

(7) Storing the patrol rifle as required by CMPD policy.

(8) Following all firearms safety rules, including proper muzzle discipline, trigger discipline, and awareness of backdrop and surroundings.

5. Annual Qualification

PROs are required to successfully complete annual day and night qualifications with their assigned patrol rifle.

6. Program Removal

a. A PRO may be removed from the Patrol Rifle Program if they:

(1) Fail to qualify annually.

(2) Receive a firearm safety violation. This violation will result in a minimum of a six (6) month removal from the program. After six (6) months without further issues, the PRO may request reinstatement in writing through their chain of command to the range master.

(3) Are disciplined for non-safety-related conduct, and at the commander's discretion.

b. A PRO may voluntarily resign by submitting an email to their division captain. The division major must notify the Field Services Group executive officer.

c. Upon removal or resignation, the PRO must immediately surrender their assigned patrol rifle and related equipment to the FTU or to their division supervisor, who will return the rifle to the FTU.

7. A PRO who transfers to a specialized unit may retain patrol rifle qualification (subject to qualification requirements). However, they are only permitted to keep their assigned patrol rifle if the specialized unit requires rifle certification.

8. FTU Range Master

The range master is responsible for the following:

a. Coordinating the issuance and recovery of patrol rifles.

b. Documenting each rifle's serial number and the officer assigned to the rifle in Collective Data.

c. Overseeing maintenance beyond operator-level cleaning and ensuring all such work is completed by a CMPD-certified rifle armorer.

d. Maintaining replacement parts for the patrol rifle.

e. Developing a certified qualification course and ensuring annual training requirements are met.

f. Maintaining PRO training and qualification records.

B. Patrol Rifle Deployment

1. PROs must designate themselves in the computer-aided dispatch (CAD) system as a PRO at the start of their shift.

2. PROs must wear a CMPD-issued uniform or clearly marked police clothing visible to the public and responding officers.

3. Deployment of a Patrol Rifle

a. PROs may deploy a patrol rifle based on the following considerations or at the direction of a supervisor:

(1) The person poses an immediate threat of bodily harm or death to officers or others.

(2) The person is known or suspected to be armed with a firearm and/or presents an immediate threat to others (e.g., a person with a gun who has issued threats, an active shooter, a suspect in a woodland search, or an armed person approaching a school).

(3) The person is located beyond the effective range of standard service pistols or shotguns.

(4) The person is known or suspected to be wearing body armor.

(5) The surrounding environment (backdrop) must be evaluated to ensure safe engagement.

(6) A perimeter containment strategy is necessary.

(7) A felony traffic stop involving known or suspected armed persons.

(8) A ballistic advantage is required to safely resolve the incident.

b. Patrol rifles may be openly carried at the direction of a supervisor during approved special events or secondary employment assignments.

c. At a supervisor’s discretion, patrol rifles may also be used to assist in clearing large structures.

4. Discharging a Patrol Rifle

Discharging a patrol rifle must adhere to *Directive 600-019 Response to Resistance*. Patrol rifles shall only be discharged:

a. When legally justified during an active deployment, or

b. During approved training at the CMPD Firearms Range.

5. Prohibited Uses of a Patrol Rifle

Patrol rifles shall not be used:

a. As a primary entry weapon for clearing residential structures or serving warrants (unless as part of a preplanned containment strategy).

b. As part of routine patrol duties (e.g., traffic stops except during a felony traffic stop involving known or suspected armed persons, traffic checkpoints, vehicle clearing, etc.).

c. To euthanize animals, unless directed by a supervisor.

6. As soon as practical after deploying a patrol rifle:

a. The PRO must notify their supervisor and the Communications Division.

(1) The supervisor will respond to the scene and coordinate tactical considerations.

(2) The Communications Division will notify Operations Command, manage radio traffic, and share perimeter details.

b. When feasible, the PRO or supervisor should provide:

(1) The PRO's location and identity.

(2) Containment and crossfire risks.

(3) A request for a secondary officer for cover and radio support.

C. Post-Deployment

1. Once the need for deployment has ended, the patrol rifle shall be unloaded in a safe location and properly secured in the PRO's departmental vehicle.

2. The PRO must ensure that the incident is documented in CAD either by the Communications Division at the time of deployment or the PRO before clearing the call for service.

3. All body-worn camera (BWC) recordings must be categorized as outlined in *Directive 400-006-B BWC Operation*.

D. Patrol Rifle Modifications

Modifications to any patrol rifle are prohibited unless approved by the FTU in writing and completed at the direction of the range master.

E. Cleaning and Maintenance

It is the responsibility of the PRO to complete basic patrol rifle maintenance, including field stripping, cleaning, and lubrication of the weapon in accordance with the Patrol Rifle Program training course.

1. Patrol rifles must be cleaned and maintained following any training conducted at the CMPD Firearms Range or as needed based on operational use.

2. If additional cleaning is required outside of scheduled training, the division supervisor must coordinate with the range master as soon as possible.

3. Any rifle that is not in proper operating condition shall be removed from service and taken to the FTU on the same day, or the next business day if after hours.

F. Ammunition

PROs are responsible for maintaining all issued ammunition for their assigned patrol rifle.

1. Only ammunition issued and approved by the range master is authorized for use with a patrol rifle.
2. Ammunition will be issued to the PRO at the time the patrol rifle is assigned.
3. The PRO must keep an inventory of all ammunition.

G. Storage

1. PROs are not permitted to take home their assigned patrol rifle under any circumstances.
2. Patrol rifles must be stored at the PRO's division office.
    a. The division administrative sergeant is responsible for overseeing the proper storage of patrol rifles and ensuring a designated storage area is located within the division.
    b. The division administrative sergeant must conduct a monthly inventory audit of all patrol rifles being stored in the division.
    c. Only the assigned PRO and their division chain of command shall have access to the PRO's patrol rifle.
3. Officers assigned to specialized units will adhere to storage guidelines as outlined in their respective unit's SOP.
4. While on duty, patrol rifles must be stored in a rendered safe condition using one of the following methods:
    a. Inside the issued hard gun case, secured in the locked trunk of the assigned departmental vehicle; or
    b. In the universal vehicle mount (bolt forward, chamber empty, weapon on safe, with a loaded magazine inserted).

V. REFERENCES

100-005 Patrol Services
400-002 Firearms
400-006-B BWC Operation
600-019 Response to Resistance
Firearms Training Unit SOP
SWAT #6 SWAT Team Weapons and Ammunition SOP
Violent Criminal Apprehension Team (VCAT) SOP
CMPD Patrol Rifle Program Lesson Plan
Patrol Rifle Qualification Course
CALEA

The previous version of this policy was published on February 25, 2020.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD)-issued shotguns.

II. POLICY

The CMPD authorizes the use of CMPD-issued shotguns as secondary firearms to officers who have successfully qualified with the firearm. Employees must comply with all applicable standards outlined in *Directive 400-002 Firearms*.

III. DEFINITIONS

A. **Firearm:** A handgun, shotgun, or rifle that expels a projectile through the action of an explosion.

B. **Officer**: Any sworn employee, regardless of rank (unless rank is specified).

C. **Shotgun:** A 12-gauge Remington 870 with a modified barrel that may be carried by an officer who has successfully qualified with the firearm.

IV. PROCEDURE

A. CMPD-Issued Shotguns

1. Employees will adhere to all firearm standards outlined in *Directive 400-022 Firearms*.
2. Only officers who are currently qualified with the shotgun are authorized to carry or use it in any law enforcement capacity.
3. Officers shall not remove the shotgun from the vehicle-mounted rack when on duty or engaged in secondary employment, except during supervised firearms training, equipment inspections, or when otherwise legally justified.
4. Patrol divisions will be issued shotguns by the range master.
5. Shotguns must be carried in a cruiser-safe condition: five (5) rounds in the magazine, none in the chamber, safety engaged, and loaded only with CMPD-issued ammunition.
6. Patrol officers must determine whether their assigned vehicle will be used during the next shift. If not, the officer is responsible for removing the shotgun and securing it in the designated shotgun safe at the end of their shift.
7. Shotguns must be removed and secured in the designated shotgun safe before taking a vehicle to a location such as the garage or radio shop for maintenance or repair. However, the shotgun may remain in the vehicle only if the officer remains on-site during the maintenance or repair.

B. Shotgun Qualifications

1. Officers must successfully complete annual shotgun training and qualification to be authorized to carry a shotgun.
2. This training may be scheduled at the discretion of the Training Academy director and may occur in conjunction with day and night service weapon qualification sessions.

C. Shotgun Control Officers

Each patrol division must appoint a shotgun control officer and notify the range master of the appointment. The responsibilities of a shotgun control officer include:

1. Maintaining a written inventory of all shotguns assigned to the patrol division.

2. Maintaining a count of all issued shotgun ammunition, including ammunition assigned to specific shotguns and any additional supply issued to the division, and ensuring ammunition is rotated through the Firearms Training Unit (FTU) biennially.
3. Ensuring all shotguns are clean and in proper working condition.
4. Conducting a physical inventory of all division shotguns quarterly.
5. Notifying the division chain of command of any missing shotgun immediately so that a supervisor can assess whether a lost or stolen equipment investigation should be initiated.
6. Coordinating with the FTU for shotgun cleaning and test firing annually.

D. Malfunctions

1. Any officer who identifies a deficiency or malfunction with a shotgun shall notify the shotgun control officer or a supervisor immediately. The shotgun will be removed from service until it is inspected and/or repaired.
2. Shotguns must be brought to the FTU.

E. Storage

1. Each patrol division shall maintain a designated safe specifically for storing shotguns.
   a. A shotgun must only be removed from the safe and placed in a marked departmental vehicle when the vehicle is placed in service.
   b. If a marked departmental vehicle is not in service, the shotgun must be removed and returned to the designated shotgun safe.
   c. Under no circumstances will a shotgun be left in a departmental vehicle that is not in service.
2. Shotguns must be stored in the designated shotgun rack within the departmental vehicle. If a shotgun rack is not available, the shotgun may be temporarily stored inside the issued hard gun case, secured in the locked trunk of the assigned departmental vehicle.
3. SWAT Team members will adhere to specific storage procedures as outlined in the *SWAT SOP #6 SWAT Weapons and Ammunition SOP*.

V. REFERENCES

400-002 Firearms
600-001 Departmental Vehicles
Firearms Training Unit SOP
SWAT SOP #6 SWAT Weapons and Ammunition
CALEA

The previous version of the policy was published on November 16, 2022.

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 provide all required equipment for employees upon initial hire. All issued equipment, including uniforms, is the property of CMPD and is subject to return upon request. Employees and volunteers are prohibited from converting any CMPD owned property for personal gain. 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. CMPD issues ballistic vests to employees as outlined in Directive 400-001, Uniform and Grooming Standards.

C. 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).

D. 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

E. Sergeants are required to inspect this equipment regularly.

F. 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.

G. 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. Employees who purchased accessories with the Uniform Purchase System will have thirty (30) days to return the accessories to the uniform shop.

C. Sworn employees may obtain, at their own expense and use on duty, equipment that 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.

D. Sworn employees may wear black or blue gloves designed for warmth with the class A, long-sleeved class B, or class C uniform during cold or inclement weather. The gloves must allow the use of issued police equipment, including firearms.

E. 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.

F. 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.

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.

G. Employees requesting a change in supplemental equipment for 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.

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 immediately upon returning to "on the air" status.

C. Sworn employees are encouraged to carry their portable radios 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 CMPD owned equipment.

B. Worn equipment and equipment that is 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 exhaust their uniform purchase allotment before requesting an agency purchase for new uniforms. Once the allotment has been exhausted, a sworn employee may submit an agency request through the Uniform Purchase System. A supervisor must review and approve any agency purchase, and then final approval is needed from the Property and Evidence Management Division. Alternatively, employees may obtain replacement items from the Property Equipment Store.

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.

D. The division captain will ensure 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. The following actions will occur if the major concurs with the supervisor's report and recommendations.

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.

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, 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 approved secondary employment. Employees may not use specialized departmental equipment when engaged in secondary employment without the approval of the Special Events chain of command. Employees and volunteers are prohibited from converting any CMPD owned property for personal gain.

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

The previous version of Directive 400-003 Equipment was published on 3/10/2023.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to the use of technology.

II. POLICY

The CMPD will maintain and operate all computer systems in compliance with applicable federal, state, and local laws, as well as software manufacturer licensing agreements and CMPD rules and regulations. Under no circumstances shall software be installed or used on any computer system, whether owned by the CMPD or used on CMPD property, that violates copyright laws or this policy.

III. DEFINITIONS

A. **Administrative Rights**: Permissions assigned to a user that allow access to system-level settings on a computer. Only the Public Safety Information & Technology (PSI&T) Identity Management through Cyber Security may grant administrative rights. A service request must be submitted to request administrative rights.

B. **App**: An application, typically a small, specialized program downloaded and used on-premises, through Cloud Computing, or on mobile devices.

C. **Authorized Software**: Computer programs approved for use at the CMPD by PSI&T and the City of Charlotte Department of Innovation & Technology (City IT). Authorized and available software, through the Software Center on computers or the Comp Portal on Mobile Devices, includes:

1. **Standard Software**: Programs available to all CMPD employees and licensed or purchased by the City of Charlotte, such as Microsoft Windows.

2. **Non-Standard Software**: Programs not included in the standard set but available for purchase or licensing upon request for business use (e.g., Adobe Acrobat Pro, Photoshop).

D. **City Service Desk**: Records and tracks computer-related issues and service requests. Available via phone at (980) 338-1288 or through the online Service Desk Portal.

E. **Cloud Computing**: A network of remote servers typically accessed over the internet where applications are stored and managed.

F. **Computer**: Any desktop or laptop computing device, also referred to as hardware.

G. **Data File**: A file created by software programs that contains information, such as word processing documents, spreadsheets, or databases, as opposed to the software itself.

H. **InTune**: A mobile device management application used to ensure network security and facilitate remote management of mobile devices.

I. **Mobile Device**: A portable, wireless computing device that is small enough to be used in hand, such as a smartphone, tablet, iPad, or Panasonic G2 devices.

J. **Multi-Factor Authentication (MFA)**: Currently managed by OKTA, an added layer of security that requires two forms of identification to access a computer network or application. The second factor typically involves something the user possesses, such as a grid card or mobile phone. Also referred to as multi-factor authentication (MFA), currently managed by OKTA.

K. **Software**: Programs or applications used by a computer to perform specific functions.

L. **Virtual Private Network (VPN)**: A technology that establishes a secure, encrypted connection over a public network (e.g., the internet), enabling protected communication.

M. **Wireless Network (Wi-Fi)**: A computer network that utilizes radio waves instead of physical cables to connect devices.

IV. PROCEDURE

A. Roles and Responsibilities

1. City of Charlotte Department of Innovation & Technology (City IT)

City IT is responsible for the following:

a. Establishing guidelines for the procurement, use, and maintenance of computer hardware and software.

b. Providing mechanisms for regular software updates to protect against security risks, viruses, and other malicious software.

c. Procuring, selecting, implementing, and maintaining all enterprise networks, computer hardware, and service desk operations.

d. Monitoring equipment, systems, and network traffic for security, maintenance, and policy compliance on all devices connected to the City of Charlotte's network.

2. Chief Information and Security Officer (CISO)

The City IT cybersecurity CISO is responsible for overseeing computer and network security policies and procedures for the City of Charlotte.

3. Public Safety Information & Technology (PSI&T)

PSI&T is a division within City IT that manages and supports business-specific applications, technology, and radios used by the CMPD and the Charlotte Fire Department (CFD). PSI&T is responsible for the following:

a. Reviewing CMPD employee requests for computer software and making recommendations to the appropriate service area deputy chief or division manager.

b. Serving in an advisory capacity to address requests for computer training.

c. Coordinating the acquisition of CMPD computer hardware and software.

d. Coordinating the installation, use, and ongoing support of CMPD computer, server, and radio systems.

e. Collaborating with other divisions within City IT to monitor service level agreements related to the support of CMPD infrastructure components.

f. Advising on the selection of hardware and software to support CMPD's business objectives.

g. Procuring, selecting, implementing, and maintaining all business-related applications and specialized computer hardware necessary to support CMPD operations.

4. Mobile Support Services Team

The PSI&T mobile support service team is responsible for repair services for in-car computer equipment, including modems, laptop hardware, and limited software support.

5. Radio Network Team

   The PSI&T radio network team is responsible for repair services for dispatch consoles and outside radio network infrastructure.

6. Radio Subscriber Team

   The PSI&T radio subscriber team is responsible for repair services for mobile and portable radios, template programming, proactive maintenance, and applications interfacing with the radio network.

7. Deputy Chiefs or Division Managers

   Deputy chiefs or division managers are responsible for the following:

   a. Ensuring that all members of their respective divisions, sections, or units comply with applicable statutes, software licensing agreements, and CMPD rules and regulations regarding the use of computer systems and software.

   b. Ensuring there is physical security of computer equipment, data files, and software. Whenever practical, this equipment and software should be housed in controlled areas that restrict access to unauthorized individuals.

   c. Directing all requests for computer, printer, or mobile device assistance (e.g., hardware, software, access, supplies, or training) to the City Service Desk.

   d. Ensuring that all desktop, laptop, and mobile device users under their command complete system updates within a reasonable timeframe to maintain the security and integrity of the CMPD network.

   e. Keeping radio templates current relative to their use, and approving interoperability requests.

8. Computer Users

   a. Users must operate all computer systems in compliance with applicable federal, state, and local laws, software licensing agreements, and CMPD rules and regulations.

   b. Users may not make unauthorized copies of any City of Charlotte or CMPD software.

   c. Users may not attempt to alter computer software. However, customization using user-accessible settings provided within the software is permitted in alignment with city guidelines.

B. Computers, Radios, Mobile Devices, and Networks

1. All computer equipment, radios, and mobile devices are provided to facilitate CMPD business. In addition, computer use is governed by the following guidelines:

   a. The use of CMPD computer equipment, radios, and mobile devices during approved secondary employment is permitted.

   b. The use of CMPD computer equipment, radios, and mobile devices for personal financial gain, whether on or off duty, is strictly prohibited.

2. All information stored on a CMPD-owned computer or mobile device is considered official business and remains the property of the CMPD. Such information is subject to inspection and

may be audited at any time. These same restrictions apply to all CMPD-related information stored on personally owned computers or mobile devices.

3. Prohibited Activities

   a. Installing any software or hardware on a CMPD-owned desktop or laptop without prior approval from the PSI&T.

   b. Intentionally introducing malicious programs into the network or servers (e.g., viruses, worms, trojan horses, logic bombs).

   c. Sharing your account password with others or allowing others to access your account.

   d. Transmitting National Crime Information Center (NCIC) or Division of Criminal Information (DCI) Criminal Justice Information (CJI) via email or any other unapproved medium, as outlined in *Directive 400-007 Criminal Justice Information Protection*.

   e. Installing personally owned software on City of Charlotte-owned computers.

4. Employees may download applications to their mobile devices from the Comp Portal.

5. Users may request the purchase and installation of non-standard software on their computers under the following conditions:

   a. The employee demonstrates a valid business need for the software.

   b. The request is approved by the employee's chain of command at the major level or higher, as well as the manager of PSI&T.

   c. The software is determined by PSI&T not to conflict with existing CMPD software or hardware configurations.

   d. The software is installed by PSI&T.

   e. City IT will provide limited support for approved non-standard software.

6. City of Charlotte Wireless Networks (Wi-Fi)

   a. Employees have access to the City of Charlotte wireless (Wi-Fi) networks in division offices.

   b. Access to the wireless network is permitted for business-related purposes only.

   c. Employees may access the wireless network using their personal devices on the Enterprise Guest network.

7. Remote Access Users

   Employees accessing the CMPD network remotely must use two-factor authentication.

C. Service and Support

Twenty-four (24) hour computer, radio, printer, and mobile device service and/or support are available year-round through the City Service Desk.

1. Users should submit a Help Desk ticket to the City Service Desk or call (980) 338-1288 for assistance with system, hardware, or software issues.

2. Panasonic Mobile laptop users should bring their laptop to the mobile support services team during regular business hours (7:00 a.m.–4:00 p.m., Monday through Friday).

a. The mobile support services team may issue a replacement laptop if the existing unit is deemed non-functional.

b. Laptop users must notify their division's inventory control employee of any laptop replacement to ensure proper documentation in CMPD's inventory system.

D. Employee Leave and Separation

1. When an employee resigns, retires, is separated from employment with the CMPD for any reason, takes leave for thirty (30) days or more, or under any other circumstance at the discretion of the Chief of Police, the employee must surrender all data files and computer, mobile device, and radio equipment.

2. Upon notification from the Human Resources Division (HRD), City IT will revoke the employee's access to the CMPD network, all CMPD-related files, and mobile device access.

E. Transfer of Employees and Computer Equipment

1. The PSI&T must approve all transfers of computer equipment to other work areas or divisions, in coordination with the appropriate service area deputy chief or bureau manager.

2. Employees transferring within the CMPD must release all relevant data, hardware, software, and other computer-related materials to their immediate supervisor or the employee replacing them, as applicable to the position and assigned equipment.

3. Employees transferring within the CMPD must notify PSI&T in advance of the transfer if they will be taking any laptops, desktops, mobile devices, or other computer equipment to their new division.

F. Data Protection

1. Users must have a unique password to access resources on the CMPD computer network, as outlined in the City of Charlotte Password Policy and *Directive 400-007 Criminal Justice Information Protection*. Passwords must be kept secure and may not be shared. Authorized users are responsible for maintaining the security of their passwords and accounts.

2. Employees must make reasonable efforts to identify and protect data that is exempt from public disclosure under the North Carolina Public Records Law. This must be done as outlined in the City of Charlotte's Policy for Protection of Restricted Data, the City of Charlotte Information Security Manual, and CMPD *Directives 800-004 Records Retention and Disposition* and *400-007 Criminal Justice Information Protection*.

3. Employees must comply with all requirements outlined in the City of Charlotte Information Security Manual, which provides directives and guidelines for the City's Information Security Program.

4. Employees seeking access to data created by another CMPD employee (e.g., email content) must submit a request through their chain of command at the major level or higher, directed to the City IT CSIO or the Internal Affairs Division (IA), and enter a City Service Desk request.

5. Employees must exercise extreme caution when opening email attachments or clicking embedded links from unknown senders, as such content may contain viruses, malware, email bombs, or Trojan horse code.

G. Technology Violations

1. Violations of this policy include, but are not limited to:
   a. Accessing data without a legitimate business need or authorization.
   b. Enabling unauthorized individuals to access data or systems.
   c. Disclosing data in violation of applicable policies, procedures, laws, or regulations.
   d. Improperly modifying or destroying data.
   e. Failing to protect restricted or sensitive data adequately.
2. Violations of this policy may result in one or more of the following actions:
   a. Revocation of network or system access.
   b. Corrective or disciplinary action, up to and including termination of employment.
   c. Civil and/or criminal prosecution.

V. REFERENCES

Rule of Conduct Charge Code 32 (A, B)
400-003 Equipment
400-007 Criminal Justice Information Protection
800-004 Records Retention and Disposition
ADM 13 Protection of Restricted Data
City of Charlotte Information Security Manual
FBI CJIS Security Policy
N.C.G.S. § 14-454: Accessing Computers
N.C.G.S. § 14-455: Damaging Computers, Computer Programs, Computer Systems, Computer Networks, and Resources
N.C.G.S. § 143-805: Prohibit Viewing of Pornography and Government Networks and Devices
CALEA

The previous version of this policy was published on January 21, 2022.

I. PURPOSE

This policy series establishes standards for the Charlotte-Mecklenburg Police Department's (CMPD) Body-Worn Camera (BWC) Program.

II. POLICY

The CMPD BWC program is committed to transparency, accountability, and the responsible use of BWCs to document interactions with members of the public, enhance officer safety, and ensure adherence to CMPD policy and applicable state and federal laws.

III. DEFINITIONS

A. **Activated**: The state in which a BWC is actively recording video and audio, either manually initiated by the BWC user or automatically triggered by an authorized activation device (e.g., signal side arm).

B. **Audit**: A supervisory review of BWC recordings that verifies compliance with departmental policy and applicable laws.

C. **Automatic Activation Device**: A sensor-based mechanism integrated with the BWC that automatically triggers a BWC recording (e.g., signal side arm activators, emergency light activators, conducted energy weapon activators, etc.).

D. **Body Worn Camera**: An on-the-body video and audio recording system assigned to an employee to document interactions between employees and members of the public.

E. **BWC User**: Any CMPD, sworn or non-sworn employee issued a BWC and authorized to operate a BWC in the performance of their duties.

F. **Citizen Contact**: An action taken by an officer that places them in face-to-face communication with a member of the public for purposes of asking questions or gathering information of an official nature, where there is no reasonable suspicion to believe that the citizen has committed, is committing, or is about to commit a crime.

G. **Disclose**: To grant access to a BWC recording for viewing or listening in adherence with CMPD policy and state/federal laws.

H. **Entry Team**: A group of officers whose purpose is to enter and ensure a structure is safe to execute a warrant or during exigent circumstances.

I. **Investigative Conversation**: A confidential discussion between employees regarding an ongoing investigation, during which a BWC may be muted. This may include, but is not limited to, determining appropriate charges or briefing command staff on case details.

J. **Livestreaming**: A feature within Evidence.com that enables authorized users to view live video from a BWC.

K. **Mute**: A BWC feature that temporarily disables the BWC's audio while continuing to record video.

L. **Officer**: Any sworn employee, regardless of rank (unless rank is specified).

M. **Pre-Event Buffering**: A BWC feature that captures video, without audio, for up to thirty (30) seconds before an event and saves/attaches to the event in permanent memory.

N. **Privileged Communication**: Any communication between client and counselor, given in confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in the furtherance of professional services to the client.

O. **Recording**: Visual and/or audio content captured by a BWC during operation.

P. **Release**: The authorized provision of a copy of a BWC recording to a petitioner or designated party approved by the Chief of Police or designee.

Q. **Search Team**: A group of officers who, pursuant to a judicial order or exigent circumstance, search a structure to locate persons involved in a crime or evidence of a crime.

R. **Sleep Mode**: A BWC feature that places the BWC in an idle state, disabling recording and buffering.

S. **Traffic Checkpoint**: The preplanned systematic stopping of vehicles to check motorists for compliance with license requirements and other motor vehicle laws, including driving while impaired.

IV. PROCEDURE

A. BWC users will use their issued BWC to record interactions with members of the public, as outlined in the BWC Program policy series.

B. When wearing a BWC, BWC users must keep their BWC powered on for the entire duration of their on-duty or secondary employment shift unless otherwise stated in the BWC Program policy series.

C. Any BWC issued to an employee, BWC application accounts, or BWC equipment installed in a departmental vehicle is the employee's responsibility and must be used according to CMPD policy.

D. Employees shall not deliberately remove, dismantle, or tamper with any BWC hardware and/or software components.

E. The use of unapproved BWC accessories is strictly prohibited.

F. If a BWC is lost, employees must notify their supervisor immediately.

1. The supervisor must initiate a lost equipment memorandum through the employee's chain of command and notify the Quality Assurance (QA) Division.

2. The QA Division will coordinate with the City of Charlotte Public Safety Information Technology (PSIT) Department to issue a replacement camera.

G. BWC users must complete and adhere to the approved CMPD training on BWC operation, data storage, and policy compliance.

H. Any violation of the BWC Program policy series constitutes a violation of Rule of Conduct #42, Use of Body Worn Cameras, and will be investigated.

V. REFERENCES

400-003 Equipment
400-006-A BWC Roles and Responsibilities
400-006-B BWC Operations
400-006-C BWC Recordings and Management
400-006-D BWC System Applications
400-006-E BWC Audits and Reports
Rule of Conduct #42, Use of Body Worn Cameras
CALEA

The previous version of this policy was published on 06/06/2024.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the roles and responsibilities of body-worn camera (BWC) and Evidence.com users.

II. POLICY

The CMPD will ensure that all employees in the BWC Program are properly issued a BWC or Evidence.com account and understand their roles, responsibilities, and expectations within the BWC Program.

III. DEFINITIONS

Definitions for Directive 400-006 A-E are defined in *Directive 400-006 Body Worn Camera Program*.

IV. PROCEDURE

A. Chief of Police

The Chief of Police oversees the BWC Program to ensure compliance with state and federal laws, as well as CMPD policy. The Chief of Police shall:

1. Ensure that all employees adhere to the BWC Program directive and maintain compliance with state and federal laws regarding the use of BWC.
2. Review and determine whether the release of a BWC recording is in the best interest of public safety, in accordance with state and federal laws, and authorize such releases when appropriate.

B. Deputy Chiefs of Police

Deputy chiefs are responsible for ensuring all employees under their supervision comply with the BWC Program directive series. Deputy chiefs shall:

1. Comply with all standards outlined within the BWC Program policy series.
2. Educate officers and the community on the benefits of BWC technology to enhance transparency, accountability, and public trust.
3. Utilize BWC audits to identify policy gaps and training needs.
4. Collaborate with the Training Academy to develop and implement best practices in policing.

C. Majors

1. Majors are issued one (1) BWC as part of the BWC Program and are required to wear a BWC while:
    a. Working secondary employment.
    b. Operating a marked departmental vehicle.
    c. Wearing a tactical vest for plain clothes assignments.
2. Majors shall:
    a. Comply with all standards outlined within the BWC Program policy series.
    b. Ensure all employees under their supervision comply with the BWC Program directive series.
    c. Educate officers and the community on the benefits of BWC technology to enhance transparency, accountability, and public trust.
    d. Utilize BWC audits to identify policy gaps and training needs.

e. Collaborate with the Training Academy to develop and implement best policing practices.

f. Conduct final adjudication on allegation of policy violations related to Rule of Conduct #42, Use of Body Worn Cameras.

D. Captains and Lieutenants

1. Captains and lieutenants are issued one (1) BWC as part of the BWC Program and are required to wear a BWC while:

   a. Working secondary employment.

   b. Operating a marked departmental vehicle.

   c. Wearing a tactical vest for plain clothes assignments.

2. Captains and lieutenants shall:

   a. Comply with all standards outlined within the BWC Program policy series.

   b. Ensure that all employees under their supervision comply with the BWC Program directive series.

   c. Educate officers and the community on the benefits of BWC technology to enhance transparency, accountability, and public trust.

   d. Ensure division-level BWC audits are completed as outlined in *Directive 400-006-E BWC audits and reports*.

   e. Ensure adherence to procedures for the proper use, maintenance, and documentation of BWC equipment.

   f. Ensure BWC recordings related to administrative investigations are properly categorized and bookmarked in Evidence.com before the scheduled deletion date.

E. Sergeants

1. Sergeants assigned to patrol are issued two (2) BWCs as part of the BWC Program.

2. Sergeants assigned to non-patrol positions are issued one (1) BWC as part of the BWC Program.

3. Sergeants are required to wear a BWC while:

   a. Wearing a CMPD uniform while on duty.

   b. Working secondary employment.

   c. Wearing a tactical vest for plain clothes assignments.

4. Sergeants shall:

   a. Comply with all standards outlined within the BWC Program policy series.

   b. Ensure compliance with the BWC Program directive series by all employees under their supervision, including:

      (1) Employees are properly equipped with a BWC before their scheduled shift begins, and the BWC is worn correctly or readily available (plain clothes assignment only).

      (2) BWCs are properly docked for charging and uploading at the end of each shift, and they are not removed until uploads are complete.

(3) BWC recordings are properly documented in all associated reports, along with the corresponding complaint number.

(4) All assigned cases have BWC recordings properly categorized by the officer in charge or detective, and if a BWC recording is categorized incorrectly, have it corrected within twenty-four (24) hours.

(5) BWC recordings related to an internal investigation contain the IACMS video category by the end of the employee's shift.

c. Address reported BWC damage or malfunction promptly, follow troubleshooting steps, and notify appropriate personnel.

d. Complete monthly division-level audits as outlined in *Directive 400-006-E BWC Audits*.

e. Assist employees with transferring cases in Evidence.com for papering purposes, as outlined in *Directive 900-013 District Attorney's Papering Process*.

F. Officers

1. Officers assigned to patrol are issued two (2) BWCs as part of the BWC Program.
2. Officers assigned to non-patrol positions are issued one (1) BWC as part of the BWC Program.
3. Officers are required to wear a BWC while:
   a. Wearing a CMPD uniform while on duty.
   b. Working secondary employment.
   c. Wearing a tactical vest for plain clothes assignments.
   d. Responding to a call for service as a courtesy officer.
   e. Operating a marked, take-home vehicle, regardless of duty status.
4. Officers shall comply with all standards outlined in the BWC Program policy series.
5. Officers assigned to specialized units (e.g., SWAT, VCAT, task force detectives, Crime Gun Suppression Team, etc.) must comply with all standards outlined in the BWC policy series and any additional requirements outlined in the specific unit's standard operating procedure.
6. Officers assigned to the Civil Emergency Unit (CEU) must comply with all standards outlined in the BWC policy series and will have BWCs activated when actively engaged with members of the public in an operational capacity or at the direction of the incident commander or their designee.
7. Hireback officers must comply with all standards outlined in the BWC policy series.

G. Non-Sworn BWC Users

1. Non-sworn BWC users are issued one (1) BWC as part of the BWC Program and are required to wear a BWC while:
   a. Wearing a CMPD uniform while on duty.
   b. Working secondary employment.
   c. Operating a departmental vehicle.
2. Non-sworn BWC users shall comply with all standards outlined in the BWC Program policy series.

H. The implementation and management of the BWC Program are jointly administered by the Quality Assurance (QA) Division and the City of Charlotte Public Safety Information Technology (PSIT) Department, ensuring its effective operation, policy compliance, and technological support.

1. The QA Division shall:

   a. Manage the technology, inventory, and issuance of BWCs.

   b. Act as the liaison between the CMPD and the BWC Program vendor.

   c. Conduct BWC audits as outlined in *Directive 400-006-E BWC Audits*.

   d. Conduct quality assurance reviews for BWC recordings that are to be publicly released, including redactions.

   e. Conduct BWC-related training.

   f. Complete video disclosure requests.

   g. Conduct an annual review of the BWC Program for the Chief of Police.

   h. Assign new user accounts in Evidence.com.

2. PSIT Department shall:

   a. Oversee the technical maintenance of Evidence.com.

   b. Complete return merchandise authorizations (RMAs) for BWC equipment.

   c. Serve as the primary point of contact with the BWC Program vendor.

   d. Assign BWC equipment and new user accounts as requested by the QA Division.

V. REFERENCES

400-006 Body Worn Camera Program
400-006-B BWC Operations
400-006-C BWC Recordings and Management
400-006-D BWC System Applications
400-006-E BWC Audits and Reports
900-013 District Attorney's Papering Process
Bomb Squad Unit SOP
Civilian Crash Investigation Unit SOP
VCAT Body Worn Camera SOP
SWAT Body Worn Cameras SOP (SOP#17)
CALEA

The previous version of this policy was published on 06/06/2024.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the operation of body-worn cameras (BWCs).

II. POLICY

The CMPD will ensure operational consistency and officer accountability by requiring all BWC users to follow specific procedures for the activation, deactivation, and operational readiness of BWCs, as well as the proper documentation of BWC use.

Employees issued a BWC, regardless of rank, shall adhere to the procedures in this policy.

III. DEFINITIONS

Definitions for Directive 400-006 A-E are defined in *Directive 400-006 Body Worn Camera Program*.

IV. PROCEDURE

A. BWC Placement

1. Officers must attach the BWC to their outermost layer of clothing.
2. Officers are issued a wing clip mount to wear with their uniform shirts. The inner portion of the wing clip mount should be placed inside the uniform shirt, centered on the chest, or inside the outer fabric (not the liner) of a uniform jacket, in either the left or right chest area.
3. If the employee is wearing a CMPD-issued patrol outer carrier vest, they will be issued a MOLLE mount to be worn on the vest.
4. BWC users assigned to the Civilian Crash Investigation (CCI) Unit must attach their BWC to their belt.

B. Pre-Shift Testing and Operational Readiness

1. Before beginning each shift, BWC users must:
   a. Conduct a pre-shift audio and video test recording using at least one (1) available automatic activation device.
   b. Categorize the test recording as “test.”
2. BWC users must verify that all BWC components function properly throughout each on-duty and secondary employment shift.
   a. If a BWC is non-operational while the user is working on duty, they must notify their immediate supervisor.
      (1) If the BWC cannot be repaired and/or a replacement is unavailable, the employee must be paired with another BWC user who has a functioning BWC for the remainder of their shift.
      (2) Documentation must be included in departmental reports (e.g., KBCOPS, CAD) to explain the absence of BWC recordings.
   b. If the BWC is non-operational while working a secondary employment shift, the BWC user must notify their immediate supervisor and document the equipment failure in the secondary employment system’s notes.

3. BWC users must be signed into (either by the Communications Division or the employee themself) the Computer-Aided Dispatch (CAD) system when working in a capacity that requires them to wear a BWC at the start of their on-duty or secondary employment shift. If two (2) BWC users are operating in one (1) vehicle, they must both be logged into CAD using the appropriate CAD unit ID.

C. BWC Operational Features

1. Pre-Event Buffering

The pre-event buffering feature enables the capture of video of an incident for up to thirty (30) seconds before a BWC recording begins.

a. When the BWC is activated, the pre-event buffering video captured will be automatically saved and stored in permanent memory.

b. Audio is not recorded in the pre-event buffering video.

2. Mute

The BWC mute feature allows BWC users to temporarily disable audio while continuing to record video by pushing and holding the mute button. Once the mute button is released, the BWC will immediately re-initiate the audio recording. Mute is permitted only under the following circumstances:

a. When on a scene of an investigation, and the BWC user has temporarily distanced themselves from the persons involved in the investigation to engage in an investigative conversation. The BWC must be unmuted immediately upon re-engaging with any member of the public.

b. When directed by a supervisor to mute the BWC recording.

3. Sleep Mode

a. The BWC can transition in and out of sleep mode within three (3) seconds, allowing for quicker reactivation by temporarily placing the BWC in an idle state that disables BWC recording and buffering.

b. In sleep mode, automatic activation features will not trigger a BWC recording.

c. Sleep mode is permitted only under the following circumstances:

(1) Situations where a BWC user may need momentary privacy (e.g., location where the BWC user has a reasonable expectation of privacy).

(2) While operating a BWC in a sensitive area (e.g., strip searches).

d. Sleep mode is not a substitute for powering off the BWC when necessary.

4. Livestreaming

a. Livestreaming enables employees authorized by the Chief of Police or designee to view real-time video from a BWC.

(1) Livestreaming is only possible when a BWC user initiates a BWC recording. A BWC cannot live stream while in buffering mode or when powered off.

(2) The livestreaming function cannot power on or off a BWC.

b. When livestreaming is active, it is visible on the BWC display and the operation LED. A camera graphic and the word "LIVE" will appear on the display screen, and a purple indicator light on the operation LED will flash.

c. Livestreaming permissions are set by the Quality Assurance (QA) Division and are only permitted for use at the direction of the Chief of Police or designee.

D. BWC Activations

1. BWC users are prohibited from bypassing or disabling any automatic BWC activation features, including avoiding vehicle emergency warning devices or powering off a BWC before using equipment with automatic activation devices installed.

2. Officers operating outside of traffic laws must activate their BWC and utilize flashing blue lights and sirens.

3. BWC users must ensure that non-police-related electronic devices within the vehicle (e.g., radios, personal electronic devices, etc.) are turned off whenever a BWC recording is activated.

4. BWCs shall be powered on and activated before arriving at a call for service, a self-initiated activity, or a law-enforcement-related interaction while on duty or working secondary employment. Self-initiated activity and/or law-enforcement-related interactions may include, but are not limited to:

a. Animal euthanasia

b. Arrest and/or investigative detainments

c. Assisting another employee or agency on any call for service, self-initiated activity, or law-enforcement-related interaction

d. Consent Searches

(1) Officers shall record the request for consent and the person's response to the request.

(2) Obtaining recorded verbal consent does not preclude an officer from obtaining written consent. It is best practice to obtain both verbal and written consent.

(3) If the citizen no longer wants the search recorded during a consent search in a non-public place, the officer shall verbally state the reason for stopping the BWC recording and continue as normal without recording.

e. Foot pursuits

f. K-9 tracks and building searches

g. Operation of a vehicle in an emergency response or pursuit

h. Response to resistance occurrences

i. Search warrants, urgent necessity, or exigent circumstance searches of vehicles, buildings, and other places

(1) Preparations for the tactical service of any search or arrest warrant and any employee working in an undercover or covert capacity shall not be recorded, if possible.

(2) For the execution of a search or an entry team, the BWC recording shall begin before making entry and continue until the premises have been secured.

(3) For the execution of a search warrant or in exigent circumstances, the BWC recording shall not stop until the search has been concluded and all evidence has been located and properly confiscated.

j. Show-ups

k. Suspicious vehicles or persons

l. Traffic Checkpoints

BWCs are not required to be activated throughout the entirety of the checkpoint, but must be activated when there is reasonable suspicion or probable cause to detain the driver or in any other situation described in this list.

m. Traffic Stops

BWCs must be activated throughout the entirety of the traffic stop, including when following a vehicle an officer intends to stop or has failed to stop, and during the investigation of a vehicle and its occupants that are already stopped or parked. The end of a traffic stop is considered when the citizen's vehicle or the police vehicle leaves the traffic stop location.

n. Transports

BWCs must be activated throughout the entirety of the transportation of any person who is:

(1) Argumentative and/or combative

(2) Arrested or detained

(3) A juvenile (not including off-duty transport of household members)

(4) A witness

(5) Injured or claims to be injured

(6) Involved in a mental health crisis or exhibiting symptoms of distress

(7) Involved in a response to resistance

(8) Intoxicated or impaired

(9) Provided a courtesy ride

(10) Using inappropriate, suggestive, and/or sexual language

(11) Verbally abusive

(12) Any situation that the officer or supervisor deems necessary

o. Voluntary investigative contact (e.g., suspicion of criminal activity by a person)

p. At the request of a citizen during an interaction with an officer

E. BWC Deactivation

BWC users must verbally state the reason for deactivation before deactivating their BWC. BWC deactivation is permitted under the following circumstances.

1. Upon clearing the call for service, self-initiated activity, law-enforcement-related interaction, or any other required instance outlined in this directive.
2. When an incident involves the presence of or potential for an explosive device, including bomb threats, suspicious or unattended packages, post-blast scenes, or any other call for service requiring the CMPD Bomb Squad.
    a. BWC users conducting a search or operating within 300 feet of a potential or confirmed explosive device must turn off their BWC and any other radio frequency-generating equipment (e.g., portable radios, cellphones, tablets, etc.).
    b. BWC users assigned to traffic control, perimeter security, or other roles outside the 300-foot range may continue to operate their BWCs as outlined in this policy.
3. When completing paperwork after an incident (e.g., KBCOPS report), if the BWC user is not interacting with any person involved in the call for service, self-initiated activity, or law enforcement-related interaction, and then re-engages with an involved person, their BWC must be reactivated.
4. When directed by a supervisor (e.g., while posted on the perimeter during a major investigation).
5. When speaking to any person or having a conversation not involved in a call for service, self-initiated activity, or law-enforcement-related interaction.
6. While operating a BWC in a sensitive area.
    a. Unless present in an official capacity, BWCs shall not be used in restrooms, locker rooms, or any other location where there is a reasonable expectation of privacy.
    b. Strip Searches
        (1) Strip searches will be conducted as outlined in *Directive 500-004-A Conducting Person Searches*.
        (2) Before conducting the strip search, the officer must record a 360-degree view of the search location using their BWC.
        (3) The BWC should be placed in sleep mode while conducting the search. However, before beginning the actual search, the officer must verbally state and record the reason why the BWC is being placed in sleep mode.
        (4) Once the search is complete, the officer must immediately power on the BWC and reactivate it to record the remainder of the interaction.
    c. To protect individuals' right to privacy, BWC users shall not record in the following situations unless an exception is specified:
        (1) Healthcare Facilities
            (a) Inside the patient care area, unless the patient becomes physically and/or verbally adversarial with the officer or others.

(b) Inside a patient care area during an evidentiary blood draw, unless the patient becomes physically and/or verbally adversarial with the officer or others.

(2) Tactical and Investigative Operations

(a) When conducting tactical planning.

(b) In the presence or development of a confidential informant (CI).

(3) Detention and Judicial Facilities

(a) Inside the Mecklenburg County Intake Center (Intake), except when conducting the final search of an arrestee inside Intake. The BWC should be deactivated once the search is complete unless the arrestee is uncooperative or combative, in which case the BWC shall remain activated until the arrestee is secured and no longer in the officer's custody, or

(b) Inside the Magistrate's Office or any state or federal court.

(4) Privileged Communication

(a) When speaking with attorneys, doctors, or any other type of privileged communication.

(b) When speaking with a member of the Peer Support Program, as outlined in the *Peer Support Program SOP*.

(5) Administrative and/or Educational Settings

(a) When involved in a department or supervisory meeting, public meeting, or hearing.

(b) In the Internal Affairs (IA) Division or the CMPD Human Resources Division (HRD), unless responding to an emergency situation.

F. Docking Requirements

To ensure proper video and audio upload, BWC users must dock their cameras at the end of each shift using the designated docking stations.

1. On-duty BWCs must be placed in the division's docking stations at the end of each employee's shift for automatic charging and data upload.

2. Secondary BWCs (if provided) must be removed and retained by the BWC user for use during secondary employment or while traveling to and from work in uniform in a marked vehicle.

a. Upon returning to duty, the secondary BWC must be returned to the division dock for charging and data upload.

b. Even if a BWC user does not regularly work secondary employment, this daily docking process is required to maintain BWC software updates and prolong battery life.

3. Secondary Employment

a. BWC users working secondary employment must dock and upload BWC recordings related to a complaint, response to resistance, or other incident as directed by a supervisor before the end of their secondary employment shift.

(1) This upload can be completed at any division office with an available docking station.

(2) The BWC user must wait until all BWC recordings have been uploaded before removing the camera.

b. All other BWC recordings shall be uploaded at the BWC user's assigned division upon returning to duty unless the return is delayed beyond their normal days off (not to exceed three [3] calendar days).

4. Hireback officers can upload BWC recordings at any division office within three (3) days of their shift and must ensure the upload is complete before removing the BWC from the docking station.

G. BWC Categorization and Retention Times

1. To ensure proper case management, retrieval, and compliance, BWC users must accurately categorize BWC recordings as follows:

a. BWC recordings may require multiple categories. All applicable categories must be assigned to the BWC recording. The BWC Categories and Retention Times List is on the CMPD portal page.

b. At the conclusion of an incident, the BWC user must stop the BWC recording and enter the appropriate BWC categories and the corresponding incident complaint number.

(1) BWC users must verify that BWC recordings have the correct corresponding complaint number and categories by the end of their shift.

(2) The officer in charge (OIC) or assigned detective must ensure all case-related BWC recordings are properly categorized.

c. If the BWC user is working secondary employment and their CMPD-issued cellphone is unavailable, or they do not have a CMPD-issued cellphone and choose not to use their personal cellphone, BWC recordings must be immediately categorized after uploading them to Evidence.com.

d. If an error in categorization or complaint number is identified, the BWC user must correct it within twenty-four (24) hours of being notified of the error.

e. If the BWC user is unable to categorize a BWC recording, they must notify their supervisor.

(1) The division supervisor will attempt to categorize the BWC recording accurately.

(2) If the division supervisor is unable to categorize the BWC recording, they must notify the QA Division.

2. BWC recordings must be retained in accordance with *Directive 800-004 Records Retention and Disposition*, as well as state and federal laws.

3. Retention periods are system-regulated and determined by the specific category assigned to a BWC recording by the BWC user. Evidence.com will automatically delete BWC recordings from the server once the assigned retention period expires.

H. BWC Documentation

BWC users must document the existence of any BWC recording in their KBCOPS report, including a brief description of the BWC recording.

V. REFERENCES

300-007 Secondary Employment
400-006 Body Worn Camera Program
400-006-A BWC Roles and Responsibilities
400-006-C BWC Recordings and Management
400-006-D BWC System Applications
400-006-E BWC Audits and Reports
500-004-A Conducting Person Searches
500-008 Prisoner Transport
600-019 Response to Resistance
600-022 Emergency Response and Pursuit Vehicle Operations
800-004 Records Retention and Disposition
Bomb Squad Unit SOP
Civilian Crash Investigation Unit
Hireback SOP
Peer Support Program SOP
Traffic Enforcement SOP
BWC Categories and Retention Times
CALEA

The previous version of this policy was published on 06/06/2024.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding body-worn camera (BWC) recordings and management.

II. POLICY

The CMPD will uphold strict standards for accessing, managing, and releasing BWC recordings to protect the integrity of investigations, safeguard privacy, and ensure compliance with state and federal law. All employees must adhere to all procedures outlined in this policy.

III. DEFINITIONS

Definitions for Directive 400-006 A-E are defined in *Directive 400-006 Body Worn Camera Program*.

IV. PROCEDURE

A. BWC Recordings

1. BWC recordings are not considered public records under N.C.G.S. §132-1 and do not qualify as personnel records as defined in N.C.G.S. Chapter 126, N.C.G.S. §160A-168, or N.C.G.S. §153A-98.
2. Employees may only access BWC recordings captured by their own device or those directly associated with their assigned investigation. Viewing unrelated BWC recordings in Evidence.com is prohibited.
3. Unauthorized copying, photographing, or recording of a BWC recording (video or audio) using personal or unapproved devices, applications, or software is strictly prohibited.
4. BWC recordings are the property of the CMPD and may only be duplicated or released as outlined in this policy.
    a. Accessing, recording, or releasing BWC recordings without a court order issued by a Superior Court judge is a violation of N.C.G.S. §132-1.4A and may result in civil liability and/or criminal charges.
    b. Any duplication of a BWC recording, unless otherwise stated in this policy, must be approved by the Chief of Police or designee.
5. BWC recordings cannot be altered or deleted by BWC users. Each recording is protected with an audit trail that records all access and activity by date and time.
6. Digital files associated with investigations must be managed, retained, or disposed of in accordance with CMPD policy and applicable state and federal law.
7. BWC recordings will remain assigned to the recording employee, regardless of their employment status.
    a. The Quality Assurance (QA) Division will mark former employees as inactive in Evidence.com, and all associated recordings will retain their designated retention periods.
    b. Only lieutenants and captains can reassign an employee's recordings if that employee unintentionally uses a BWC assigned to another BWC user. Repeated instances of this error may result in corrective action.

8. BWC Recording Access Levels

   a. Executive staff, Internal Affairs Division (IA), Police Attorney's Office (PAO), Homicide Unit, and employees designated by the Chief of Police or designee have full access to all BWC recordings, extended retention categorization, and external sharing authority.

   b. Command staff members can access unrestricted BWC recordings and evidence, extended retention categorization, recording reassignments, and external sharing authority.

   c. Sergeants, investigative unit detectives, and patrol division detectives can access unrestricted BWC recordings and evidence, extended retention categorization, and external sharing authority.

   d. BWC users have access only to their own BWC recordings and categorizations for extended retention periods.

      (1) BWC users can review their BWC recordings to aid in completing an incident report, preparing for court testimony, or providing statements for internal investigations.

      (2) If the BWC user is involved in an employee-involved critical incident, they may only review their own BWC recording after consulting with the investigating agency and/or IA.

   e. Defendants in Pending Criminal Cases may view BWC recordings per North Carolina discovery laws as permitted by the District Attorney's (DA's) Office.

   f. The QA Division has system-wide access to all BWC recordings, can restrict or limit access to authorized users, manage and redact BWC recordings as per court order, and manage permissions.

B. BWC Recording Duplication and Sharing

1. Court Liaison Unit

   The Court Liaison Unit duplicates BWC recordings for district court proceedings.

   a. Employees must submit requests at least forty-eight (48) hours before the court date. Requests must include the correct category and complaint number.

   b. The Court Liaison Unit will ensure the BWC recording is duplicated and shared with the DA's Office or the courtroom.

   c. Duplicate BWC recording shall not be shared with a defense attorney or other entity.

2. Homicide Unit

   A Homicide Unit sergeant must authorize the duplication of any BWC recording needed by a Homicide Unit detective.

   a. Detectives must ensure all relevant BWC recordings are properly categorized in Evidence.com.

   b. The Homicide Unit may release recordings to other law enforcement entities for criminal purposes only.

(1) Requests to share recordings will be provided to the Homicide Unit's chain of command for approval.

(2) Completed release request forms must be provided to the QA Division within three (3) business days of the release.

3. Training Division

The In-Service Training Unit sergeant may authorize the duplication of BWC recordings for use in training.

a. The In-Service Training Unit sergeant must consult with the QA before authorization.

b. BWC recordings with training value must be reviewed by the QA Division and then forwarded to the Training Division.

(1) BWC recordings cannot involve an active internal or criminal investigation, an active criminal prosecution, or be classified as criminal intelligence.

(2) BWC recordings from closed internal investigations may be used solely for internal training purposes.

(3) The use of BWC recordings for training is restricted to training conducted by CMPD employees to CMPD employees. At no time will a BWC recording be used for non-law enforcement training or training by another agency unless the BWC recording has been properly released to the public.

(4) The CMPD must obtain authorization from any employee whose image or voice appears in a BWC recording before it can be used in training.

4. Sergeant, Investigative Unit Detectives, and Patrol Division Detectives

a. Sergeants, investigative unit detectives, and patrol division detectives may share evidence directly with the Mecklenburg County DA's Office as outlined in *Directive 900-013 District Attorney's Papering Process*.

b. Sharing evidence with other entities not outlined in this policy series is strictly prohibited.

5. CMPD Task Forces

Supervisors assigned to a unit with task force officers may share evidence with approved federal law enforcement partner agencies.

a. Evidence-sharing requests from federal partners must be submitted through the unit supervisor.

b. Evidence will be categorized in accordance with CMPD policy, not upon a partner agency's request.

c. Completed release request forms must be submitted to the QA Division within three (3) business days of the release.

C. BWC Releases

BWC recordings shall only be released for court or legitimate law enforcement purposes.

1. Authorized BWC Releases Without a Court Order

a. The CMPD may release a BWC recording to the DA's Office without a court order for the following purposes:

(1) Review of potential criminal charges.

(2) Compliance with discovery requirements in a criminal prosecution.

(3) Use in a criminal proceeding.

(4) Any other legitimate law enforcement purpose.

b. The Chief of Police or designee may authorize the release of a BWC recording without a court order for the following purposes:

(1) Law enforcement training.

(2) Administrative, training, or law enforcement purposes within the CMPD.

(3) Law enforcement purposes involving another law enforcement agency.

c. Officers may internally release a recording or still-frame image at the departmental level without a court order for the following internal law enforcement purposes:

(1) Identifying an unknown person.

(2) Seeking assistance in locating a person.

Before releasing such information, officers must obtain approval from their direct supervisor or the chain of command. All internal releases must be clearly marked as "INTERNAL USE ONLY- NOT FOR MEDIA RELEASE."

d. The QA Division may release or share copies of BWC recordings to external law enforcement agencies only for legitimate law enforcement purposes.

2. Court-Ordered Public BWC Releases

a. In compliance with N.C.G.S. §132-1.4A, the PAO, at the request of the Chief of Police, shall petition the court for a public release of BWC recordings related to employee-involved critical incidents in which a member of the public is seriously injured or killed.

(1) The PAO will notify the Public Affairs Division (PAD) and the city attorney of the intent to seek release.

(2) Within seven (7) days, the Chief of Police will assess the status of the investigation to determine the earliest possible release date. The court petition shall be filed no later than receipt of the prosecution decision letter from the DA's Office.

b. Employees whose image or voice is captured and clearly identifiable in the BWC recording shall be notified by the PAO regarding the department's intent to release the recording.

(1) These employees are permitted to appear in the Superior Court hearing related to the BWC release.

(2) The PAO will provide employees with the date and time of the hearing.

c. Any BWC release request not outlined within this policy will require the person seeking release to petition the Superior Court of Mecklenburg County or the county where the recording was made.

d. Release requests related to external administrative investigations require a court order signed by a Superior Court judge.

3. The CMPD DA-Superior Court Services Unit may release relevant recordings to prosecutorial partners from other state and federal jurisdictions.

   a. Only recordings that are related to a criminal investigation will be released.

   b. Completed release request forms will be forwarded to the QA Division within three (3) business days of the release.

4. In consultation with the PAO, the QA Division can release the BWC recording as directed by the issued Superior Court order.

   a. The QA Division is responsible for redacting BWC recordings as directed by the court order.

   b. The employees in these positions shall have the authority to release or share copies of evidence to external law enforcement agencies for law enforcement purposes only.

D. BWC Disclosures

BWC disclosures grant access to a BWC recording for viewing or listening.

1. BWC disclosure is governed N.C.G.S. §132-1.4A.

2. The following persons are eligible to request a BWC disclosure.

   a. A person whose image or voice is in the recording.

   b. A personal representative, as defined by N.C.G.S. §132-1.4A, of an adult whose image or voice is in the recording, if the adult person has consented to the disclosure.

   c. A personal representative of a minor or an adult under lawful guardianship whose image or voice is in the recording.

   d. A personal representative of a deceased individual whose image or voice is in the recording.

   e. A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

3. The requesting person must complete and submit the Request for Disclosure of Law Enforcement Video Recordings Form.

4. The QA Division will review each Request for Disclosure of Law Enforcement Video Recordings Form to determine if a BWC disclosure is permitted. The requester will receive a written response.

5. A BWC disclosure request may be denied under the following circumstances:

   a. The requestor is not an authorized person to receive a BWC disclosure.

   b. The BWC recording contains information that is confidential or otherwise exempt from disclosure under state or federal law.

   c. A BWC disclosure would reveal highly sensitive personal information.

   d. A BWC disclosure could negatively impact a person's safety or reputation.

e. A BWC disclosure could compromise the fair, impartial, and orderly administration of justice.

f. Confidentiality is necessary to protect the integrity of an active or inactive investigation (internal or criminal) or potential investigation (internal or criminal).

6. Upon approval of a BWC disclosure request:

a. The QA Division must review all associated BWC recordings for potential policy violations.

b. The requestor will be contacted within five (5) days of the CMPD's receipt of the Request for Disclosure of Law Enforcement Video Recordings Form to arrange a time to view the BWC recordings.

c. Once the disclosure process is completed, the QA Division must document the conclusion of the action.

7. BWC Disclosures Related to Death or Serious Bodily Injury

a. Per N.C.G.S. §132-1.4A, any recording that depicts a death or serious bodily injury shall only be disclosed pursuant to a court order issued by a Superior Court judge.

b. Serious bodily injury is defined as any bodily harm that:

(1) Presents a substantial risk of death,

(2) Results in serious and permanent disfigurement,

(3) Causes coma,

(4) Leads to a permanent or protracted condition that causes extreme pain,

(5) Cause permanent or protracted loss or impairment of a bodily member or organ, or

(6) Results in prolonged hospitalization.

c. Immediate Disclosure Procedure

(1) A person seeking a BWC disclosure of a BWC recording related to a death or serious injury must submit a notarized copy of the Request for Disclosure of Law Enforcement Video Recordings Form to the Chief of Police through the Police Attorney's Office.

(2) Within three (3) business days of receiving the notarized Request for Disclosure of Law Enforcement Video Recordings Form, the CMPD shall file a petition with the Superior Court for a disclosure order and submit a confidential copy of the BWC recording to the resident Superior Court judge for review.

(3) Within seven (7) business days, the court shall issue an order with one (1) of the following outcomes:

(a) Immediate disclosure to the requestor without edits and/or redactions.

(b) Immediate disclosure to the requestor with edits and/or redactions.

(c) Disclosure will be provided to the requestor at a later date with or without edits and/or redactions.

(d) Disclosure is denied.

8. BWC Disclosures to Superior Court

   a. When a petition requests the disclosure or release of a BWC recording, the QA Division will identify and review all relevant recordings leading up to, during, and after the incident.

   b. The CMPD will not edit or alter the BWC recordings unless ordered to do so by a court order.

   c. The QA Division will prepare a disclosure packet, which will be jointly reviewed by the QA Division, the Chief of Police or designee, and the PAO to ensure it is complete and accurate.

   d. The QA Division must hand-deliver all BWC recordings identified for disclosure to the Superior Court in their original, unedited format. The court will determine if the footage is relevant to the petitioner's request.

9. Criminal Charges Related to Unauthorized Handling of a BWC Disclosure.

   a. Persons granted access to BWC disclosure are strictly prohibited from recording or copying the BWC recording.

   b. Any person who willfully records, copies, or attempts to do so during a BWC disclosure is guilty of a Class 1 misdemeanor under N.C.G.S. §132-1.4A.

   c. Any person who knowingly disseminates a recording or copy of a disclosed recording is guilty of a Class I felony, N.C.G.S. §132-1.4A.

V. REFERENCES

400-006 Body Worn Camera Program
400-006-A BWC Roles and Responsibilities
400-006-B BWC Operations
400-006-D BWC System Applications
400-006-E BWC Audits and Reports
900-013 District Attorney's Papering Process
N.C.G.S. Chapter 126
N.C.G.S. §132-1.4A
N.C.G.S. §153A-98
N.C.G.S. §160A-168
CALEA

The previous version of this policy was published on 06/06/2024.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the body-worn camera (BWC) system applications.

II. POLICY

The CMPD BWC Program will use BWC system applications to streamline digital evidence management and enhance officer safety. All employees who are issued a BWC or an Evidence.com account must adhere to the procedures outlined in this policy.

III. DEFINITIONS

Definitions for Directive 400-006 A-E are defined in *Directive 400-006 Body Worn Camera Program*.

IV. PROCEDURE

A. Evidence.com

Evidence.com is a cloud-based digital evidence management system that allows CMPD employees with an Evidence.com account to upload, store, manage, investigate, and share digital evidence.

1. The Quality Assurance (QA) Division and/or City of Charlotte Public Safety Information Technology (PSIT) Department is responsible for creating new user accounts and permissions for CMPD employees authorized to have an Evidence.com account.

2. Evidence.com user licenses are assigned based on an employee's role and operational needs:

    a. Pro License: Provides full functionality and permission, including advanced evidence management capabilities

    b. Basic License: Grants limited access with restricted permissions based on assigned duties.

B. Axon View

Axon View is a mobile application (app) that allows BWC users to playback and categorize BWC recordings stored on their BWC.

1. The Axon View app requires the BWC user to pair their mobile device with their BWC using Bluetooth technology.

2. BWC users may download the Axon View app on their CMPD-issued or personal cell phones. The app allows BWC users to view and categorize BWC recordings only. It does not store any video or data on the mobile devices; all data remains stored on the BWC.

C. Axon Capture

Axon Capture is an app that enables employees with an Evidence.com account to upload digital evidence, such as photos, videos, and audio, directly to Evidence.com for secure storage and case management.

1. Employees may only use Axon Capture from a CMPD-issued cellphone. Using a personal or non-CMPD-issued cellphone for capturing and/or uploading evidence is strictly prohibited.

2. To upload digital evidence to Evidence.com:

    a. Enter the required case details:

        (1) ID

(2) Title

(3) Retention category

b. Take a photo, audio recording, or video recording with the Axon or audio/video recording within the Axon Capture app and select captured evidence from the in-app gallery.

c. Upload evidence to Evidence.com.

3. Once evidence is uploaded to Evidence.com, it cannot be deleted except by the QA Division after scheduled retention periods.

D. Axon Community Request

The Axon Community Request feature allows employees to request digital evidence from victims, witnesses, and members of the public. This can be done through individual or portal requests, facilitating the secure collection of photos, videos, and other media during criminal investigations, civil unrest, and major incidents.

1. Individual Request

a. Employees can submit individual requests through the Axon Capture app or Evidence.com.

b. The request will send a secure upload link to the recipient, allowing them to upload digital evidence directly to Evidence.com without requiring officers to confiscate their device.

c. The following fields are required 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 created through Evidence.com and must be completed by the assigned investigating officer or detective.

b. Before creating a portal request, the officer must notify the Public Affairs Division (PAD).

c. Once created, the portal link will be sent to the PAD, which is responsible for distributing it to the public.

d. The following fields are required to create 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

3. Requests are designed to be viewed by individual recipients or members of the public. Employees must ensure all request descriptions are clear, professional, and free of abbreviations or police jargon.

4. Requests must be documented in KBCOPs, including the date the invitation was sent and the date the evidence was received.

5. Employees can track their sent requests and received evidence within the Evidence.com portal.

E. Axon Respond

The Axon Respond app provides employees with Evidence.com account access to the real-time global positioning system (GPS) data of CMPD-issued BWCs. This feature enhances situational awareness and officer safety by embedding GPS data within Evidence.com.

1. GPS tracking and monitoring will only be used for personnel management of employees who are actively on duty and may only be used for official law enforcement purposes, including but not limited to:

   a. Officer safety

   b. Perimeter and scene coordination

   c. K9 tracks and woodland searches

   d. Critical incidents

   e. Civil Emergency Unit (CEU) deployments

2. GPS data is automatically updated in Evidence.com and displays the following BWC statuses:

   a. Gray: The BWC is powered off. GPS data will show the last known location before the BWC was powered off.

   b. Red: The BWC is activated. GPS data updates every ten (10) seconds.

   c. Green: The BWC is powered on but not activated. GPS data updates every fifteen (15) minutes.

3. Communications Division shift supervisors can view GPS data for CMPD-issued BWCs. GPS tracking and monitoring will only be used to assist division/unit supervisors with official law enforcement purposes, as mentioned above.

V. REFERENCES

400-006 Body Worn Camera Program
400-006-A BWC Roles and Responsibilities
400-006-B BWC Operations
400-006-C BWC Recordings and Management
400-006-E BWC Audits and Reports
BWC Categories and Retention Times
CALEA

The previous version of this policy was published on 06/06/2024.

I. PURPOSE

This policy series establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding body worn camera (BWC) audits and reports.

II. POLICY

The CMPD will ensure accountability and continuous improvement of the BWC Program through structured audits and reports that enable program oversight, performance enhancement, and compliance reinforcement with CMPD policy and applicable laws.

III. DEFINITIONS

Definitions for Directive 400-006 A-E are defined in Directive *400-006 Body Worn Camera Program*.

IV. PROCEDURE

A. The Quality Assurance (QA) Division is responsible for overall management of the BWC Program and its respective audits and/or reports. The QA Division will conduct the following:

1. Monthly Audits and Reports

   Monthly reports are conducted to ensure immediate operational and policy compliance.

   a. Remaining Random BWC Audit: Identifies the incomplete audits for the current month.

   b. Trend Report: Generated to show usage, compliance and outcomes over time.

      Demonstrates policy compliance, aids in identification of patterns, strengths, and potential areas for improvement.

   c. BWC Audit Errors Report: identifies any audit record in which required components are not completed. There are two (2) BWC audit errors:

      (1) Required audit video has been viewed, but the corresponding audit form has not been submitted.

      (2) The audit form has been submitted, but there is no record of the required audit video being viewed.

2. Quarterly Audits and Reports

   Quarterly audits are conducted to ensure operational compliance and identify potential areas for improvement in the use of BWC equipment and Evidence.com.

   a. BWC Access List Audit: Identifies users who have not accessed Evidence.com within the past quarter and flags any users who have separated from the CMPD but remain on the access list.

   b. BWC Retention Category Audit: Reviews retention categories to ensure alignment with the CMPD's needs and compliance with applicable state and federal retention laws.

   c. Firmware Compliance Audit: Identifies Axon equipment that is not running on the most current firmware version and flags devices requiring immediate docking to receive firmware updates.

   d. Test and Accidental Recording Audit: Identifies BWC recordings categorized as test or accidental that exceed an established duration threshold.

3. Bi-Annual Audits and Reports

Biannual audits comprehensively review supervisory compliance with random BWC audit evaluations.

Supervisor Integrity Audit: Evaluates trends in the completion and documentation of random BWC audits conducted by supervisors, identifying areas requiring corrective action or additional training to maintain audit integrity and oversight.

4. Annual Audits and Reports

BWC Program Analysis Report: A formal administrative review of the entire BWC Program, which may include program goals, operational review, training and usage trends, compliance trends, etc. The findings from this review are compiled into the BWC Program Analysis Report and provided to the Chief of Police or designee for review annually.

B. Random BWC Audits

The CMPD conducts multiple levels of random BWC audits and reviews to ensure consistent compliance with the BWC Program.

1. Division-level Random BWC Audits

Supervisors conduct division-level random BWC audits monthly to ensure the proper use of BWC equipment and compliance with CMPD policy.

a. Each month, a randomized list of BWC recordings is generated for each division to review by the BWC audit system. This list will include at least one (1) BWC recording from each BWC user who generated BWC recordings during the previous month.

b. Random audits are not intended to limit or restrict a supervisor's ability to review BWC recordings in the normal course of their supervisory responsibilities.

c. Supervisors must complete and submit the BWC Random Audit Form within the BWC audit system, which notes category and/or recording concerns, courtesy, legal, or policy violations, exceptional actions, training values, and other relevant details.

d. Submitted BWC Random Audit Forms are maintained by the QA Division.

e. If concerns and/or policy or legal violations are found during the review or extraordinary work is observed, supervisors should take appropriate actions and document accordingly (e.g., coaching and counseling, negative PRD entry, positive PRD entry).

2. QA Division Random BWC Audits

The QA division conducts additional monthly random BWC audits to ensure the proper completion of division-level random BWC audits and compliance with CMPD policy.

a. Each month, a randomized list of previously completed BWC audits is generated by the BWC audit system for the QA Division to review.

b. The QA Division will review both the completed audit form and recording to verify supervisory assessment of the recording.

c. The QA Division will document reviews on the audit forms within the BWC audit system.

d. If discrepancies or concerns are identified during the review, the BWC recording and audit specifics will be provided to the completing supervisor's chain of command for review and potential disciplinary action.

3. BWC Audits of Employee-Involved Critical Incidents

In the event of an employee-involved critical incident, a member of the QA Division will respond to the scene or the designated location to collect BWCs from involved employees.

a. The QA Division will identify and upload all relevant BWC recordings associated with the incident as soon as possible.

b. The BWC recordings will be reviewed by the Internal Affairs (IA) Division and the Chief of Police or designee.

c. The QA Division may conduct audits of BWC recordings associated with the employee-involved critical incident. These audits are submitted to the Police Attorney's Office (PAO) and the Public Affairs Division (PAD) and may include, but are not limited to, the following:

(1) A general description of the BWC recording.

(2) Timestamps for significant moments during the critical incident.

(3) Possible redactions needed.

(4) Identification of other BWC users seen in the BWC recording.

(5) Any noted concerns.

V. REFERENCES

400-006 Series Body Worn Camera Program
CALEA

The previous version of this policy was published on 06/06/2024.

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

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.

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 CJI. Authorized employees must take necessary steps to prevent and protect the CMPD from physical, logical, and electronic security breaches.

All employees with CJI physical and logical access must:

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.

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.

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.

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.

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

I. PURPOSE

This policy establishes standards 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 do so only within the territorial jurisdiction of the CMPD unless otherwise authorized by statute. Employees will exercise discretion when seeking any criminal process against a person and determine which criminal process is appropriate. Employees will consider, but are not limited to, the following factors: the 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. **Arrest Warrant**: An order issued by a judicial official directing law enforcement officers to locate and arrest a person based on probable cause to believe that the person has committed a crime.

B. **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

C. **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.

D. **E-Warrant**: An 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.

E. **Fugitive Warrant**: An arrest warrant issued in North Carolina authorizing 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.

F. **Interstate Warrant**: An arrest warrant issued by a jurisdiction outside of North Carolina.

G. **Intrastate Warrant**: An arrest warrant issued by a judicial official in a North Carolina jurisdiction other than Mecklenburg County.

H. **Involuntary Commitment Order (IVC)**: An order issued by the Clerk of Superior Court or a magistrate directing a law enforcement officer to transport a person to a designated facility for examination by a physician or eligible psychologist.

I. **Judicial Official**: A magistrate, a clerk of superior court, district and superior court judges, or justice of the General Court of Justice, as defined in N.C.G.S. 15A-101. Magistrates and clerks are limited in their authority to set conditions of pretrial release for certain offenses.

J. **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.

K. **National Crime Information Center (NCIC)**: The national repository of warrants for serious misdemeanors and felonies.

L. **Order for Arrest (OFA)**: An order issued by a judicial official directing law enforcement officers to take a person into custody based on an indictment, a failure to appear in court, a probation violation, or an order of contempt.

M. **Violent Offense**: Violent offenses, are defined in N.C.G.S. 15A-531(9) and referenced in related statutes, includes the following categories:

1. Any Class A through G felony that includes assault, the use of physical force against a person, or the threat of physical force against a person, as an essential element of the offense.
2. Any felony offense requiring registration pursuant to Article 27A of Chapter 14 of the General Statutes, whether or not the person is currently required to register.
3. An offense under G.S. 14-17, and any other offense listed in G.S. 15-A-533(b).
4. An offense under G.S. 14-18.4, 14-34.1, 14-51, 14-54(a1), 14-202.1, 14-277.3A, or 14-415.1, or an offense under G.S. 90-95(h)(4c) that involves fentanyl.
5. Attempts to commit any of the listed offenses.

Violent offenses require special handling under N.C.G.S. 15A-501 and House Bill 307 (Iryna's Law). Arrests for these offenses trigger mandatory judicial presentation before a judge, restrictions on bond, and victim notification requirements.

IV. PROCEDURE

A. Criminal Processes Databases

1. Division of Criminal Information/National Crime Information Center (DCI/NCIC)
   a. DCI/NCIC must be checked for persons with outstanding criminal processes nationwide.
   b. Prior to arresting and transporting a person to the Mecklenburg County Sheriff's Office (MCSO) Arrest Processing Center (APC), the Communications Division must verify that an arrest warrant in DCI/NCIC is valid and that the entering agency must extradite the person.
2. E-Warrants
   a. E-Warrants must be checked for persons with outstanding criminal processes statewide.
   b. Prior to arresting and transporting a person to the APC with an outstanding arrest warrant in E-Warrants, the warrant must be electronically verified.
   c. Arrest warrants that are not electronically verified must be verified through the Communications Division.
3. Local Warrants
   a. Local warrants must be checked for persons with outstanding criminal processes issued in Mecklenburg County.

b. Prior to arresting and transporting a person to the APC with an outstanding arrest warrant in Local Warrants, the Communications Division must verify the warrant through the MCSO.

4. CJLEADS

a. CJLEADS may be checked for persons with outstanding criminal processes statewide.

b. Prior to arresting and transporting a person to the APC 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 must 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 reasonably prevent them from doing so. In that situation, an officer is authorized to request the warrant; however, the victim/complainant must be considered the prosecuting witness (e.g., shoplifting). Officers must 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 must adhere to *Directive 900-013 District Attorney's Papering Process* when a person is arrested on a felony charge.

(3) Warrants for Violent Offenses

(a) When a person is arrested for a violent offense, they must be presented before a district or superior court judge before release conditions are set.

(b) Documentation of judicial presentation and victim notification shall be entered into CAD and/or KBCOPS.

(4) Duties Upon Arrest

(a) An officer must inform any judicial official determining conditions of pretrial release of any relevant behavior by the defendant observed by the officer prior to, during, or after the arrest that may provide reasonable

grounds for the judicial official to believe the defendant is a danger to themselves or others.

(b) An officer must document whether a defendant exhibits behavior that he or she is a danger to themselves or others on the Officer Affidavit for Obtaining Criminal Charges form and must describe the behavior and/or statements in the explanation section.

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 must 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.

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 must 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 must 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, as defined in N.C.G.S. 15A-301.

C. Serving Legal Criminal Processes

1. An officer must 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 considers 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.

c. A service copy of the warrant or OFA must be obtained after the original is verified as valid/outstanding and must 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 must consider, but are not limited to, the following factors before detaining a person to serve a criminal summons:

a. Seriousness of the offense.

b. Danger presented by the person and 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 must 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.

e. The criminal summons must 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 must be transported to the APC.

b. Arrest Processing Web must be completed prior to transporting the arrestee to the APC.

c. Employees must 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 the APC.

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 must arrest the person for the violation as outlined in *Directive 600-005 Domestic Violence*.

7. Involuntary Commitment Orders (IVC)

The following process must be utilized to serve involuntary commitment orders.

a. The Magistrate's Office must fax the IVC to the Communications Division.

b. The Communications Division must email a PDF copy of the IVC to the sergeant distribution list for the patrol division responsible for the area where the individual in the IVC is reported to be. They must also create an IVC call for service in CAD and assign it to the patrol division's sergeant.

c. The patrol division sergeant must complete or delegate a workup using various database searches (F7, KBCOPS, CJLEADS). The sergeant or designee must notate in CAD when the workup is complete and if additional resources are needed. Based on the findings of the workup, the sergeant must 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.

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) must 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.

8. Medical Warrants

Employees involved in the arrest of a person on a medical warrant must take all reasonable precautions to protect themselves from the contagious disease and must wear personal protective equipment (i.e., protective gloves, facial masks). Employees must 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 for persons who are ill.

9. Search Warrants

Employees executing a search warrant must adhere to procedures outlined in *Directives 500-004 Conducting Searches* series.

10. Fugitive Warrants

a. Prior to arresting and transporting a person to the APC, the Communications Division must verify that a fugitive warrant is valid.

b. The Non-Arrest Form in Arrest Processing Web must be completed prior to arrival at the APC.

11. Violent Criminal Apprehension Team (VCAT) Criminal Process

a. In adherence with the VCAT SOP, warrants for violent felonies that are considered VCAT investigations include but are not limited to murder, rape (1st or 2nd degree), serious ADWs, ADW series, armed robbery, or out-of-county/state fugitives with warrants for violent felonies.

b. Prior to serving a criminal process related to a warrant for 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 must 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 opportunities 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 warrant for a violent felony charge, the officer should check deconfliction and coordinate with VCAT prior to responding. However, the need to respond to the needs of the public must be adhered to while not compromising ongoing VCAT investigations.

(2) Taking the appropriate action to safely take a person with a warrant for a violent felony charge 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 warrant for a violent felony charge.

(4) Taking efforts to locate a person when there is an immediate public safety need to apprehend the person who poses an imminent threat to others or the public.

(5) Attempting to locate a person immediately following a warrant for a violent felony charge 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 must be taken into consideration when deciding to move forward with the apprehension investigation or efforts to serve a violent felony criminal process.

D. Notification and Reporting Requirements

1. CAD

Employees must document in CAD when an arrest is made, the arrestee's name, date of birth, race, criminal charges, and the address of the service.

2. KBCOPS

a. When a visual arrest is made, a KBCOPS report with the appropriate offense must be completed.

b. When serving an arrest warrant, the arresting officer must supplement the original KBCOPS report with the arrest number and any relevant arrestee behavior conveyed to the judicial official. The officer may also notify the assigned investigator of the arrest via email.

3. Victim Notifications

Victim notifications must adhere to procedures outlined in *Directive 600-007 Victim and Witness Assistance*.

V. REFERENCES

100-003 Jurisdiction and Authority
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
600-007 Victim and Witness Assistance
800-003 DCI Access and Messages
800-005 Deconfliction Policy
900-013 District Attorney's Papering Process
VCAT SOP
N.C.G.S. 122C-261
N.C.G.S. 14-33(c)(6)
N.C.G.S. 15A-101
N.C.G.S. 15A-101(5)
N.C.G.S. 15A-301
N.C.G.S. 15A-304
N.C.G.S. 15A-501 (as amended by House Bill 307, Iryna's Law)
N.C.G.S. 15A-531 (violent offense definition)
N.C.G.S. 15A-533(b1) (violent offense bond restrictions)
CALEA

The previous version of Directive 500-001 Criminal Process was published on 06/01/2023.

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.

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.

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:

(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:

(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

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.

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.

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.

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.

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.

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. CPRCT 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

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.

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.

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

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.

I. PURPOSE

This policy serves as a definition list for terminology used in Directive 500-004-A, Conducting Person Searches, 500-004-B, Conducting Searches of Structures, 500-004-C, Conducting Vehicle Searches, and 500-004-D, Search Warrants.

II. DEFINITIONS

1. Buccal Swab: A swab of a person's cheek area to collect DNA and is compared to evidence collected from a crime scene or victim.

2. Compliant Warrant Service: An arrest warrant or search warrant served with the person's voluntary permission.

3. 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.

4. 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 (e.g., homicide scene, fire scene, burglaries or breaking and entering scenes, etc.). For the purpose of this definition, the mere presence of contraband or evidence in private premises does not make such premises a crime scene.

5. Deliberate Entry: A warrant service tactic in which officers enter and clear a structure at a measured pace to methodically clear a structure to effect an arrest or conduct a search.

6. Dynamic Entry: An arrest warrant and search warrant service tactic in which officers enter and clear a structure rapidly to take advantage of the elements of surprise, speed, and shock of action.

7. Exigent Circumstances: An exception to the warrant requirement, which makes the need of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment.

8. Forcible Entry: Any non-consensual breach of a structure requiring physical force or specialized training and equipment to create an entry/exit point. Forcible entry may be utilized in cases of exigency or in accordance with training as part of a warrant service tactic.

9. Frisk: The act of patting down a person's outer clothing to determine whether the person has a weapon. During lawful detention and when reasonable suspicion exists to believe the person is armed and dangerous, the officer may conduct a frisk. If the officer feels a weapon during the frisk, they may retrieve the weapon. If the officer feels an item that the officer immediately recognizes as contraband (i.e., probable cause), the officer may seize that item.

10. High-Risk Warrant: An arrest warrant or search warrant in which one (1) or more of the following factors is reasonably likely to exist (the more factors that exist, the higher the risk is):

    a. The person on the arrest warrant has a history of violence, 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 weapons, and armed resistance is likely.
    c. The safe execution of the warrant requires forcible entry, specialized skills, tactics, and/or equipment.

11. Gender: The state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women.

12. Gender Expression: The external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine. Others perceive a person's gender through these attributes.

13. Gender Identity: One's innermost concept of self as male, female, a blend of both, or neither. This is how a person perceives themselves and what they call themselves. One's gender identity may be the same or different from the sex assigned to them at birth.

14. Impounding Officer: The sworn employee 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. An inventory search is necessary to isolate dangerous items from police and jail facilities.

16. KBCOPS Raid and Search Report: The KBCOPS report that the lead officer must complete after a non-consensual entry. Urgent necessity entries do not require this report.

17. Manual Body Cavity Search: A digital touching or probing of the anal or vaginal cavity by another person.

18. No-Knock Warrant: A search warrant that authorizes law enforcement to enter a premises without knocking and announcing their presence or purpose prior to entering. No-knock warrants are issued in situations where an announcement prior to entry would lead to the destruction of evidence or compromise the safety of officers or others.

19. Non-consensual Entry: An entry into premises that officers make without first obtaining consent from a person with lawful authority to give consent. Non-consensual entry may or may not be accompanied by some degree of force or damage to the premises.

20. Non-Testimonial Identification Orders (NTO): A court 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.

21. Private Location: The physical location, outside of public view, where a person search occurs.

22. Probable Cause Search of 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.

23. 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.

24. Public Vehicular Area (PVA): The area within the State of North Carolina meeting one (1) or more requirements provided in N.C.G.S. § 20-4.01.

25. Raid and Search Supervisor IACMS Report: The IACMS report that a supervisor must complete containing written documents and relevant photographs related to a non-consensual entry/search of a structure. This report is also required for other searches specified in Directives 500-004 A-D.

26. Search: The organized and planned search of a person, vehicle, structure, or area to locate and secure evidence and/or apprehend suspects.

27. Search Attire: Specific clothing or equipment employees must wear while conducting a search, including a ballistic vest, police duty gear, handcuffs, flashlight, and a gun. If an employee is not in police uniform, their outermost garment must be immediately recognizable as a CMPD employee.

28. Search Incident to Arrest: The right of the officer to search a person placed under arrest. Separate from the right to search the arrestee's person, officers may additionally search a limited area to prevent the arrestee's use of a weapon and/or the destruction of evidence. The scope of the search will depend on the location of the arrest.

29. Search Incident to the Arrest of a Person: When a person is arrested, an officer has the right to search the arrestee's person and the area within the arrestee's immediate control.

30. Search Warrant: A written order, signed by a magistrate or other judicial authority, directing a sworn employee to search a specific location for specified property or persons.

31. Sex: A biological descriptor based on reproductive, hormonal, anatomical, and genetic characteristics.

32. Strip Search: A search that involves the movement of a person's last layer of clothing, exposing an intimate area of the person for view.

33. Supervisor: A CMPD officer with the rank of sergeant or above.

34. Surround and Call Out: A warrant service tactic in which officers establish a perimeter around a structure and attempt communication with occupants, with the goal of having the occupants safely exit for the purpose of an arrest warrant or search of the structure.

35. Urgent Necessity: When an officer reasonably believes that taking one (1) or more of the following actions is urgently necessary to save a life, prevent serious bodily harm, or avert/control a public catastrophe in adherence with N.C.G.S. §15A-285:

    a. Enter buildings, vehicles, and other premises.

    b. Limit or restrict the presence of persons in premises or areas.

    c. Exercise control over the property of others.

36. Vehicle Exception: A warrantless search of a vehicle located in a public place or PVA based on probable cause.

37. Visual Body Cavity Search: A visual search that requires a person to expose their anal cavity and vaginal cavities for visual inspection.

III. 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
500-008 Prisoner Transport
600-009 Juvenile Procedures
N.C.G.S. § 15A-285
N.C.G.S. § 20-4.01
Amdt4.6.3 Exigent Circumstances and Warrants
Fourth Amendment
National Institutes of Health (NIH)
CALEA

The previous version of Directive 500-004 Search Definitions was published on 09/15/2022.

I. PURPOSE

This policy establishes procedures for the Charlotte-Mecklenburg Police Department (CMPD) when conducting person searches.

II. POLICY

CMPD shall conduct all searches and seizures in a lawful manner. The video and audio recording of searches and seizures will be conducted in accordance with Directive 400-006, Body Worn Camera (BWC).

III. DEFINITIONS

Definitions for Directive 500-004 A-D are found in Directive 500-004, Search Definitions.

IV. PROCEDURES

A. Warrantless Searches

1. Officers will wait for a backup officer before conducting a person search unless exigency exists that prevents the officer from waiting to search the person. The backup officer will provide cover/contact for the officer conducting the search until the search is complete and the person is secured.

2. To conduct a frisk/pat-down search, 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.

3. A search incident to arrest is justified by the need to prevent the arrested person from using weapons, destroying evidence, or locating additional evidence. Officers automatically have the right to search incident to arrest, which is legally justified for any arrestable offense.

   a. A search incident to arrest is limited to a search of the arrestee's person and the area within the arrestee's immediate control.

   b. 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, officers are advised to obtain consent, a search warrant, or to perform an inventory search as outlined in Directive 500-008, Prisoner Transport. Additionally, officers may search such containers when an arrestee denies ownership of the container and has abandoned the property.

4. Strip Searches

Strip searches for contraband, when an adult or juvenile is under arrest, require probable cause to believe that a person has concealed a weapon or evidence of the crime they were arrested for that would not otherwise be discovered by a standard search incident to arrest.

a. Officers must notify their direct supervisor before conducting a strip search.

b. Strip searches must be conducted in a private location outside the public's view and shall not be conducted on the roadside.

c. Strip searches must be conducted reasonably to ensure the safety of the arrestee (e.g., officers shall not use sharp instruments to remove contraband).

d. Strip searches must be conducted by two (2) officers and carried out with respect for the arrestee's privacy, sex, gender, gender identity, and/or gender expression. When reasonable, the primary officer conducting the search should be the same sex as the arrestee, and the secondary officer will only act as a witness to the search.

e. Exigent Strip Search for a Weapon

(1) Strip searches for a weapon may be conducted if exigency exists to believe a weapon will be located on a person that would not otherwise be discovered by a standard search incident to arrest and, absent immediate action, officers or the public could be endangered.

(2) Officers are not required to wait for a backup officer to complete an exigent strip search for a weapon.

(3) If a weapon is detected, the immediate safety of the officers, arrestees, and the public is at risk, and removing the weapon is imperative to preserve safety and life. In this circumstance, a strip search may be conducted in public view and is considered reasonable and justified.

(4) Officers must notify their direct supervisor as soon as possible after conducting an exigent strip search.

f. Strip searches must be documented in a KBCOPS narrative supplement.

5. Body Cavity Searches

A visual body cavity search of an adult or juvenile under arrest is permitted if an officer has probable cause to believe contraband or weapons will be located in or around a body cavity.

a. Officers must notify their direct supervisor before conducting a body cavity search.

b. Visual body cavity searches must be conducted in a private location outside the public's view and shall not be conducted on the roadside.

c. Visual body cavity searches must be conducted by two (2) officers and carried out with respect for the arrestee's privacy, sex, gender, gender identity, and/or gender expression. When reasonable, the primary officer conducting the search should be the same sex as the arrestee, and the secondary officer will only act as a witness to the search.

d. If the visual body cavity search reveals contraband, the arrestee should be told to remove the item. If the arrestee fails to remove the item, officers must obtain a search warrant and transport the arrestee to the hospital for the item to be removed by a licensed medical professional.

e. If the visual body cavity search reveals a weapon, the search is considered exigent, and the weapon must be safely retrieved and secured.

f. Body cavity searches must be documented in a KBCOPS narrative supplement.

6. Ingested Contraband Searches

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 due to potential harm to the person and the destruction of evidence.

a. The goal of officers is to get the person to spit out the illegal substance. Instead of using hands and/or fingers to retrieve the substance, officers should rely on the manipulation of pressure points such as the mandibular angle nerve, hypoglossal nerve, and jugular notch nerve.

b. Officers are not permitted to block a person's airway or restrict blood flow to the brain.

c. Officers will immediately request MEDIC and notify their immediate supervisor if a person has or is believed to have swallowed an illegal substance.

d. Officers must obtain a search warrant to retrieve the ingested evidence.

e. Ingested contraband searches and all actions taken in response during the search must be documented in a KBCOPS narrative supplement.

B. Consensual Searches

1. A consent search is 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.

2. Consent may be requested when there is a non-arbitrary articulable reason. The articulable reason must be noted in a Field Interview (FI) or KBCOPS narrative supplement.

3. If consent is revoked at any time during the search, the officer must cease the search unless probable cause has been developed to warrant the continuation of the search.

4. 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.

5. If a person is not under arrest and the officer obtains specific consent to search under their outer clothing, officers may conduct a consensual strip search for contraband, following all guidelines listed in this policy for warrantless strip searches (IV.A,4.).

   a. MEDIC will not be called for the sole purpose of conducting a strip search. However, if MEDIC is present at the time the time of the strip search, the officer may request assistance to retrieve contraband if feasible.

   b. Consensual strip searches must be documented in a FI, KBCOPS narrative supplement, or Stop Data Form.

C. Search Warrants

1. Officers must obtain a search warrant before requesting medical personnel to retrieve any illegal substances that have been hidden in a body cavity or ingested.

2. Any search warrant served on a person to obtain items of evidentiary value (e.g., 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. Non-Testimonial Application and Order (NTO)

1. The NTO may be used to obtain fingerprints, palm prints, footprints, measurements, urine specimens, saliva samples, hair samples, other reasonable physical examinations, handwriting exemplars, voice samples, photographs/lineups, or similar identification procedures requiring the presence of a suspect. If blood is needed, a search warrant is required.

2. 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.

3. 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 an adult suspect while in custody.

E. Collection of DNA Evidence via a Buccal Swab

1. If an officer wants to obtain a buccal swab from an adult, the officer must obtain consent, a search warrant, or a Non-Testimonial Order (NTO).

   a. For persons not in police custody, the officer must obtain consent, obtain a search warrant, or apply for an NTO in conjunction with the assigned prosecutor.

   b. For arrestee's in-custody, the officer must obtain consent or obtain a search warrant.

2. An officer must obtain a buccal swab from an adult upon arrest if a magistrate has found probable cause to believe the arrestee has committed one (1) of the offenses listed in N.C.G.S. § 15A-266.3A (f)&(g). If the arrestee 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 a charged or uncharged juvenile suspect, the officer must obtain an NTO.

V. REFERENCES

400-006 Body Worn Cameras
600-009 Juvenile Procedures
500-008 Prisoner Transport
700-004 Release of Property
N.C.G.S. § 15A-271, et seq.
N.C.G.S. § 15A-221 through 232
Farb, Arrest, Search and Seizure, Sixth Edition, 2021
Mecklenburg County Sheriff's Office Arrest Processing Policy: #1
CALEA

The previous version of Directive 500-004-A Conducting Person Searches was published on 12/14/2021.

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

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.

(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

(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:

(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.

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.

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.

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) when conducting vehicle searches.

II. POLICY

The CMPD shall lawfully conduct all searches and seizures. Video and audio recordings of searches and seizures must be conducted in accordance with Directive 400-006, Body Worn Camera (BWC).

III. DEFINITIONS

Definitions for Directive 500-004 A-D are found in Directive 500-004, Search Definitions.

IV. PROCEDURE

A. Warrantless Searches

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.

1. Every part of the vehicle where the object of the search could be located, including the trunk, can be searched.

2. A search conducted pursuant to the vehicle exception may be conducted at the scene or after the vehicle has been impounded.

3. If a vehicle is clearly not drivable, it does not fall under this exception.

B. Consent Searches

1. Consent to search must be voluntary and obtained from either:

   a. The registered owner of a vehicle to be searched, or

   b. 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.

2. Consent searches must be documented by completing the Stop Data Form.

3. During a consent search, officers must comply with Directive 400-006, Body Worn Camera (BWC).

4. The scope of the search is governed by the terms of the consent. Officers may not destroy property, such as portions of a vehicle, based solely on general consent unless given specific permission by the registered owner of the vehicle.

5. Withdrawn Consent

   The person who consents to the search may, at any time during the search, withdraw that consent. However, police officers are not required to advise the

person that they can withdraw consent or have a right to refuse consent. If consent is withdrawn, the officer must stop the search unless probable cause exists to continue the search.

C. Frisk of Vehicles

1. A frisk of a vehicle may be conducted if 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 reasonably believed to be dangerous.

2. During a frisk, officers may search the interior passenger area of a vehicle and any containers that are within a person's reach and capable of containing a weapon.

D. Search Incident to Arrest

The arrest of an occupant or recent occupant of the vehicle is required before conducting a search incident to arrest.

1. Officers may search the arrestee's person as outlined in Directive 500-004-A, Conducting Person Searches.

2. 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 a search incident to arrest.

E. Inventory Search

1. Officers towing a vehicle must conduct an inventory search of the interior and trunk areas to record all property in the vehicle.

2. Locked, sealed, or closed containers (e.g., suitcases, packages, boxes, etc.) will be opened when the contents cannot be determined by examining 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.

3. Inventory searches will be documented on a Tow/Storage Report.

V. REFERENCES

400-006 Body Worn Camera (BWC)
500-004 Search Definitions
500-004-A Conducting Person Searches
600-013 Towing Vehicles
N.C.G.S. § 15A-221-223
N.C.G.S. § 15A-231
Arizona v. Gant, 556 U.S. 332 (2009)
State of North Carolina v. Mbacke No.33A11 (2012)

State of North Carolina v. Julius No.95A22 (2023)
CALEA

This policy was previously published on 09/21/2021.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) for conducting searches with a search warrant.

II. POLICY

CMPD employees shall lawfully conduct searches and seizures. Lawful searches and seizures protect constitutional rights and prevent the suppression of seized evidence.

III. DEFINITIONS

The definitions for Directive 500-004 A-D are defined in *Directive 500-004 Search Definitions*.

IV. PROCEDURE

A. Search Warrants

1. A search warrant is a written order signed by a magistrate or other judicial authority, directing an officer to search a specific location for a specified property or person, and is issued based on probable cause.
2. Officers seeking a search warrant must complete a deconfliction check before submitting the warrant request.
3. Search warrants must be based on an affidavit, sworn and subscribed, that establishes probable cause to believe the property to be seized is located on the premises, person, or vehicle to be searched.
4. Search warrants must describe the place to be searched with sufficient particularity so that a reasonable person unfamiliar with the investigation can read the description and identify the premises, person, or vehicle to be searched.
5. Search warrants must specifically describe the property to be seized.
6. A confidential source can provide sufficient probable cause for the search warrant affidavit.
7. A search warrant and its accompanying affidavit must be reviewed and signed by a judicial official, executed, and then returned to the clerk or magistrate.
8. A North Carolina superior court judge's signature is required to serve search warrants in another county within the state of North Carolina.
9. A supervisor must review out-of-agency search warrants for probable cause and ensure that a North Carolina superior court judge signs them before executing the warrant. Officers will not execute the out-of-agency search warrant if a CMPD supervisor determines no probable cause exists.

B. SWAT Threat Assessment

Officers must complete a SWAT threat assessment before serving a high-risk search or arrest warrant, as outlined in *Directive 900-001 Special Weapons and Tactics (SWAT)*, unless exigent circumstances exist that require immediate service. Threat assessments are conducted as outlined in *SWAT SOP #13 High-Risk Search and Arrest Warrants.*

C. Preparation for the Execution of the Search Warrant

1. The division lieutenant, captain, or operations commander is responsible for the following:

a. Reviewing the search warrant application before presenting it to the judicial official.

b. Designating a police supervisor to be present at the scene and in charge of the search operation.

c. Ensuring the threat assessment has been completed and submitted to SWAT as outlined in *SWAT SOP #13 High-Risk Search and Arrest Warrants*.

2. If a division lieutenant, captain, or operations commander is unavailable, a Vice and Narcotics Unit or Homicide Unit supervisor at the rank of sergeant or above may assume the responsibilities above. Additionally, if the investigating officer is assigned to the Vice and Narcotics Unit, their supervisor at the rank of sergeant or above may assume the above responsibilities.

3. The supervisor in charge of the search is responsible for the following:

a. Notifying:

(1) The supervisor in the division where the search warrant is being conducted.

(2) The operations commander, during times when Operations Command oversees CMPD operations, is responsible for the intent to serve the search warrant.

(3) The Vice and Narcotics Unit captain or supervisor, if crimes within the Vice and Narcotics Unit's primary responsibilities may be involved. If the Vice and Narcotics Unit captain or supervisor cannot be contacted, the supervisor in charge of the search will notify their division captain or the operations commander that contact was not made. The contact can be made simultaneously with the search, if needed.

(4) An on-duty supervisor of the appropriate agency when a search warrant is to be executed outside of the CMPD's jurisdiction.

b. Reviewing the affidavit and search warrant for accuracy and validity. The reviewer will not sign, initial, or mark the affidavit or search warrant.

c. Identifying any existing hazards.

d. Ensuring the threat assessment has been completed and submitted to SWAT as outlined in *SWAT SOP #13 High-Risk Search and Arrest Warrants*.

e. Determining the appropriate personnel needed for the search warrant if SWAT is not activated, considering the officer's specialized training, and requesting additional personnel if exigent circumstances develop during the search.

f. Determining the necessary equipment (e.g., camera, extra handcuffs, weapons, etc.).

g. Instructing participating officers on the plan for executing the search warrant and their respective job assignments, and ensuring that each participating officer attends the pre-search briefing and understands their assigned role. If necessary, reduce each assignment to writing.

h. Being present at the scene of the search.

i. Ensuring the first officer to enter the premises is in a police uniform.

j. Ensuring that non-uniformed employees are wearing approved CMPD search attire.

k. Ensuring that a sketch is made of the premises to be searched.

l. Making every reasonable effort to ensure the correct premises are entered by verifying the address and the house or structure description.

m. Ensuring compliance by all employees issued a BWC with *Directive 400-006 Body Worn Camera* during the search.

D. Conducting the Search

1. Entry into the Premises:

a. Knock and Announce

(1) The CMPD will not seek or serve no-knock search warrants.

(2) Officers must knock and announce their law enforcement presence, providing notice of their authority and purpose to persons within the premises before making entry.

(3) If officers believe they are being denied entry after providing notice of their authority and purpose, they may use reasonable force to gain entry.

(4) Nothing in this subsection prohibits officers from entering premises under the exigency exception to the search warrant requirement if they observe an intervening exigent circumstance that would endanger the life or safety of any person.

b. If it is unclear whether anyone is present at the premises to be searched, notice must be given in a manner that is likely to be heard by anyone present.

c. The first officer to enter the premises must be in police uniform. Non-uniformed personnel must wear approved CMPD search attire.

d. A supervisor must be present on the scene when a search warrant is executed for a commercial or residential structure, or when a buccal swab is taken for DNA analysis purposes.

2. Securing the Premises and Occupants

a. When entry is made, officers will assist in securing the premises and its occupants, guarding exits, and providing communication support to the officers conducting the search.

b. After the occupants are secure, the officer in charge of the search or their designee must read the warrant (excluding the application) and provide 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.

c. Before beginning the search, any person present may be patted down (frisk only) if the officer reasonably suspects that the person is armed.

d. The search team may detain persons present at a search of a private premises. 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 be searched for the same type of items, which, if found, may be seized and used as evidence. 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.

3. Photographs of the premises must be taken both before and after the search.

4. The supervisor will designate the primary impounding officer responsible for collecting and submitting evidence.

5. Evidence discovered in different locations on the premises will be placed in separate envelopes or containers by the impounding officer and marked to indicate where it was found and by whom.

6. Notes will be taken to describe the location of evidence.

7. The officer who obtains the search warrant will make every reasonable effort to determine the identity of the owner or occupant of record for the premises where the search was conducted.

E. Raid and Search Supervisor Report (IACMS)

After the search, the supervisor in charge will initiate a Raid and Search Supervisor Report in IACMS before the end of their shift.

F. Return of Search Warrant

A search warrant must be executed within forty-eight (48) hours of issuance. After service, the officer responsible for drawing the search warrant will return the warrant and a written inventory of the seized items to the Magistrate's Office without unreasonable delay and obtain a signed copy for their court file. The inventory must be signed and sworn to by the officer who obtained the warrant.

G. Receipt after Seizure of Property

If property is seized during the search, even if by consent, the officer in charge will deliver a copy of the CMPD inventory, which lists 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 this copy, the officer will leave it in a conspicuous location in the premises or vehicle that was searched.

H. Impounded Coin and Currency

Impounded coin and currency must be submitted on separate Property Report Forms, not combined with other property (e.g., wallets, checkbooks, etc.) in compliance with *Directive 700-008 Currency and Asset Forfeiture Procedures*.

I. Federal Search Warrants

Task force officers (TFOs) or other CMPD officers working in conjunction with federal law enforcement agencies must adhere to the following guidelines when assisting with federal search warrants:

1. Federal search warrants must be supported by probable cause and may be issued for evidence of a crime, contraband, the fruits of a 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 who is unlawfully restrained.

2. Federal search warrants must be executed within the specified time, which cannot exceed fourteen (14) days from the date of issuance.

3. Federal search warrants must be executed during daytime (between 0600 and 2200 hours) unless expressly stated.

4. Federal search warrants must be returned to the magistrate designated in the warrant promptly and include a copy of the inventory. The warrant may be returned by reliable electronic means.

5. Federal search warrants seeking electronically stored information, unless expressly stated, allow copying of data that may be reviewed later in a manner consistent with the search warrant.

6. The tracking period for tracking devices cannot exceed forty-five (45) days from the date the federal search warrant was issued. However, the court may grant extensions. Tracking devices:

   a. Must be installed within ten (10) days from the date the warrant is issued.

   b. Be installed during daytime hours unless expressly authorized.

   c. After the use of the tracking device has ended, the warrant must be returned within ten (10) calendar days.

   d. The person or owner of the tracked property must be notified within ten (10) days after the use has ended. The judge may delay this in the warrant.

7. An officer present during the execution of the warrant must prepare and verify an inventory of property seized, doing so in the presence of another officer and the person from whom, or from whose premises, the property was taken. If either one is not present, the officer must prepare and verify the inventory in the presence of at least one (1) other credible person.

8. Officers executing a federal search warrant must provide a copy of the warrant and a receipt for the property taken to the person from whom or from whose premises the property was taken, or leave a copy of the warrant and receipt at the place where the officer took the property.

V. REFERENCES

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
900-001 Special Weapons and Tactics (SWAT)
SWAT SOP #13 High-Risk Search and Arrest Warrants
Federal Rules of Criminal Procedure, Rule 41
N.C.G.S. § 15A-221-259
CALEA

The previous version of this policy was published on September 15, 2022.

I. PURPOSE

This directive establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the use of interview, temporary detention, and testing rooms.

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 constant 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 heightened 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 the person has committed that crime.

B. **Custody and Control**: Legal or physical control of a person in an area, facility, or while in transit; includes legal, supervisory, or physical responsibility for that person.

C. **Detainee**: A person in the custody of a CMPD officer whose freedom of movement is entirely at the discretion of that officer.

D. **Detention Ring or Bar**: A fixed object, such as a metal ring or bar, mounted to the wall or floor of an interview room, which allows an officer to secure an arrestee by handcuffing or securing them to the object.

E. **Leg Restraint**: A device designed to secure a person's legs, typically consisting of two metal cuffs connected by a short chain, used to limit mobility and prevent escape.

F. **Lockbox**: A fixed metal box with a secure locking mechanism used by officers to secure their weapon(s).

G. **Processing**: Pre-booking activities involving detainees in custody, after which the detainee may be released or transported to a holding facility, such as the Mecklenburg County Arrest Processing Center.

H. **Secured Area**: An area within a CMPD facility that does not allow open and unfettered access to the general public.

I. **Temporary Detention**: A detention period measured in hours that does not involve housing or feeding detainees, except in extenuating circumstances.

IV. PROCEDURE

A. Interview, temporary detention, and testing rooms must be operated in a manner that ensures the safety, security, and dignity of all persons in custody, as well as the safety of employees and the public. These rooms are authorized for booking, interviewing, detaining, or conducting tests on an individual, and are generally equipped with a table, chairs, audio and video recording, a detention ring or bar, and leg restraints.

B. Interview, Temporary Detention, and Testing Rooms Safety Precautions

1. Only CMPD employees and other authorized law enforcement officers have unrestricted access to interview, temporary detention, or testing rooms. Attorneys, family members, or other persons

may be granted access only with the authorization from the investigating officer or their supervisor.

2. Security Screening and Searches

   a. When escorting a person (visitor, witness, detainee, or arrestee) into a CMPD facility, officers must:

      (1) Thoroughly search all arrestees before transport as outlined in *Directive 500-008 Prisoner Transport*.

      (2) Upon arrival, conduct a physical search of the person before entry into any secured area, including an interview, temporary detention, or testing room.

      (3) Direct the person to walk through a stationary magnetometer as an additional layer of security after completing the physical search.

      (4) Use a handheld magnetometer if the stationary magnetometer issues an alert, and a targeted search is needed, or the CMPD facility does not have a stationary magnetometer.

   b. A search of the room must be conducted before allowing a person access to the room and again after the person has been removed.

3. Officers inside an interview, temporary detention, or testing room with a person must maintain direct voice, radio, video, or cell phone contact with a monitoring officer for emergency situations. The officer's handheld radio emergency button may be used as a "panic alarm" while inside the room.

4. Males, females, and juveniles must be placed in separate rooms.

5. Fire Evacuation Plan

   a. A fire evacuation plan is posted near all interview, temporary detention, and testing rooms. Officers must be familiar with the plan for their assigned area and know the location and operation of fire suppression equipment, including fire extinguishers and fire alarms.

   b. In the event of a fire alarm or other emergency, the officer responsible for the person must ensure the person is evacuated safely and resecured.

C. Constant Observation and Monitoring

1. Officers are responsible for the safety and security of any person in their custody and must ensure that the person remains under constant observation and monitoring until custody has been transferred to another law enforcement agency, such as the Mecklenburg County Sheriff's Office, the State Bureau of Investigation (SBI), or the Federal Bureau of Investigation (FBI).

   a. Constant observation and monitoring may be accomplished in person or via live video, provided the officers are positioned close enough to intervene promptly in the event of an emergency or to de-escalate situations involving heightened agitation.

   b. When monitoring via live video, officers must conduct a face-to-face visual observation of secured detainees at least once every thirty (30) minutes.

c. If a person is intoxicated, under the influence of drugs, or believed to be experiencing a mental health crisis, officers must adhere to the medical response procedures outlined in *Directive 500-003 Response to a Mental Health Crisis*.

2. Officers must provide persons with reasonable access to water, restrooms, and other necessary accommodations.

3. Whenever an individual is detained in a CMPD temporary detention room, officers shall use the in-room audio and video recording system and KBCOPS to document:

a. The reason for the detention

b. The date of the detention

c. The start and end time of the detention

d. Times of face-to-face visual observations

e. Any food, drinks, restroom breaks, or other accommodations offered or provided during the detention

D. Weapon Security Requirements

1. Transporting officers must maintain proper weapon retention and not position their firearms or other weapons within an arrestee's or detainee's reach.

2. Prior to interviewing a person at CMPD Headquarters, officers conducting the interview must secure their weapon(s) in a locked desk drawer, gun safe, or lockbox.

a. Lockboxes are key-controlled. Officers must ensure the key is returned to the lockbox after retrieving the weapon.

b. If officers are utilizing a lockbox located in the CMPD Headquarters video burn room, the Criminal Investigations Bureau (CIB) can assist officers with access to this room.

3. Prior to interviewing a person at a division office, officers conducting the interview must secure their weapon(s) in a locked desk drawer, gun safe, or lockbox.

E. Leg Restraints

Leg restraints may be used when a person presents a risk of escape, violence, or self-harm, or when additional restraint is necessary to maintain safety and security. Leg restraints may also be applied to allow the safe removal of handcuffs for comfort or to facilitate testing, interviewing, or other investigative procedures.

1. Whenever possible, two (2) officers should be present when applying or removing leg restraints on an arrestee/detainee.

2. Leg restraints must be secured to the detention ring or bar located within the interview, temporary detention, or testing room.

3. Leg restraints must be applied as follows:

a. Escort the arrestee/detainee into the room while secured in handcuffs.

b. Apply leg restraints while the arrestee/detainee is standing. Once secured, direct the arrestee/detainee to sit.

c. When the arrestee/detainee is seated and secure, handcuffs may be removed if appropriate and safe.

4. Leg restraints must be removed as follows:

a. Apply handcuffs to the arrestee/detainee before removing leg restraints.

b. Once the arrestee/detainee is securely handcuffed, remove the leg restraints.

c. Escort the arrestee/detainee out of the room while secured in handcuffs.

F. Administrative

1. Annual Inspection

The Professional Accountability Bureau is responsible for conducting an annual administrative review and inspection of all interview, temporary detention, and testing rooms.

2. Training of Personnel

Employees responsible for maintaining custody and/or monitoring temporarily detained individuals must receive the following training:

a. Initial training and policy review on procedures for the use of the temporary detention and/or testing rooms.

b. Retraining on procedures for maintaining custody and/or monitoring temporarily detained individuals will occur annually.

V. REFERENCES

500-003 Response to a Mental Health Crisis
500-008 Prisoner Transport
500-011 Witness Observation of Intoxilyzer Testing
CALEA

The previous version of this policy was published on September 26, 2024.

I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees concerning transporting prisoners in police custody.

II. POLICY

CMPD recognized that the handling and transportation of prisoners in police custody is one of the most dangerous functions that a police officer performs. Prisoners will be physically restrained using any approved restraining device, such as handcuffs, during transport. Prisoners in police custody are considered as a potential danger to the transporting officer and will be properly searched.

III. DEFINITIONS

A. Facility Search: A non-intrusive search of a prisoner's clothing and person conducted immediately upon entering any building to find a weapon or contraband.

B. Field Search: A non-intrusive search of a prisoner's clothing and person conducted incident to an arrest and to find either a weapon or contraband.

C. Inventory Search: An administrative action to protect and account for property on a detained or arrested person. An inventory search is necessary to isolate dangerous items from police and jail facilities.

D. 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.

E. Restraining Devices: Equipment used to restrain the prisoner's movement (e.g., handcuffs, waist chains, rip hobble, leg irons, flex-cuffs, leg restraints, etc.).

F. Security Hazard: Any threat to the security of the prisoner, to the facility in which they are 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.

G. 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.

H. Transporting Officer: A sworn law enforcement officer responsible for transporting a prisoner from one point to another.

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 to find a weapon or contraband.

IV. PROCEDURES

A. Prisoner Searches

1. Field and Transfer Searches of a Prisoner

a. In all instances, officers will conduct a field search of a prisoner incident to an arrest. In addition, any officer who accepts responsibility for a prisoner will conduct a transfer search of the prisoner.

b. The scope of a field and transfer search is limited to the prisoner's clothing and outer person and is conducted to locate a weapon or contraband. If specific grounds for a strip search exist, officers must adhere to guidelines outlined in Directive 500-004-A, Conducting Person Searches.

2. Facility Search of a Prisoner

a. A facility search will be conducted immediately upon entering any building and before any interview, treatment, or other processing taking place.

b. The scope of a facility search is limited to the prisoner's clothing and outer person to locate a weapon or contraband. If specific grounds for a strip search exist, officers must adhere to guidelines outlined in Directive 500-004-A, Conducting Person Searches.

3. Strip Searches, Body Cavity Searches, and Contraband Concealed and/or Ingested in the Mouth of a Prisoner

Officers must adhere to guidelines outlined in Directive 500-004-A, Conducting Person Searches, when conducting a strip search, visual body cavity search, or manual body cavity.

4. Concealed and/or Ingested Contraband Search of a Prisoner's Mouth

Officers may search a prisoner's mouth if there is probable cause to believe the person placed, concealed, and/or ingested an illegal substance in their mouth and must adhere to guidelines outlined in Directive 500-004-A, Conducting Person Searches.

5. Inventory Search

a. The purpose of the inventory search is to:

(1) Promptly identify the property to establish accountability and avoid spurious claims to property.

(2) Fulfill the property inventory requirement of Mecklenburg County Sheriff's Office (MCSO) Arrest Processing Policy #1.

(3) Assist in the prevention of theft of property.

(4) Locate toxic, flammable, or explosive substances.

(5) Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel.

(6) Reduce the danger to persons and property.

b. An officer will inventory the personal property of a prisoner in police custody, and an inventory will be conducted whenever:

(1) The person is either placed in a secure holding facility or transported in the secure portion of a police vehicle.

(2) Custody of the person is transferred to another law enforcement agency, correctional facility, or treatment facility.

(3) Property is held for safekeeping at the Property and Evidence Management Division.

c. Inventories of the personal property in the possession of persons will be conducted according to the following procedures:

(1) An inventory will occur before the transfer of custody to another officer, placing a person into the temporary holding facility or a police vehicle, whichever occurs first.

(2) 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.

(3) Officers will inventory the contents of locked, sealed, or closed containers (e.g., suitcases, backpacks, packages, boxes, etc.) 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 the container. In addition, officers will inventory the contents of all open, unsealed, or unlocked containers in the person's possession.

(4) All items of personal property will be secured in the temporary holding facility, intake center, or police vehicle. No personal property will be retained by any prisoner in police custody.

(5) The officer will document the list of property found during the inventory process in a KBCOPS narrative supplement.

(6) Release of personal property must adhere to Directive 700-004, Release of Property.

B. Transporting Prisoners

1. 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.

2. Use of Transport Vehicles

a. All prisoners transported must be physically restrained using approved restraining devices 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.

b. 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 vehicle's rear compartment without the aid of the transporting officer.

c. The following procedures will be observed when transporting a prisoner in a vehicle with a protective shield:

(1) A unit consisting of one (1) officer will transport no more than two (2) prisoners. Prisoners must be placed in the rear of the vehicle.

(2) A unit consisting of two (2) officers may transport up to three (3) prisoners. Prisoners must be placed in the rear of the vehicle.

(3) Prisoner transport vans (PTVs), which are staffed with two (2) officers, may transport multiple prisoners in accordance with the Prisoner Transport Vehicle SOP.

d. The following procedures will be observed when transporting a prisoner in a vehicle without a protective shield:

(1) Combative prisoners will only be transported in a vehicle equipped with a protective shield.

(2) A unit consisting of only one (1) officer will only transport a prisoner with the concurrence of a supervisor or as outlined in a unit-specific SOP.

(3) A unit consisting of more than one (1) officer is to utilize the following procedures:

(a) A single prisoner's hands must be handcuffed in the back and seated in the rear passenger seat behind the front passenger seat with the seatbelt properly secured.

(b) 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.

(c) No more than one (1) prisoner will be transported in a vehicle not equipped with a protective shield.

e. When transportation for a large number of prisoners is required, as in mass arrest situations, alternative transport options will be used (e.g., modified vans). CMPD employees may request assistance from CMPD PTVs or the MCSO PTV.

f. 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.

g. When transporting a prisoner, juvenile, or involuntary commitment patient, employees must:

(1) Provide the starting location and beginning vehicle odometer mileage over the radio to the Communications Division at the start of the transport. The Communications Division telecommunicator will verbally state the start time of the transport and document it in CAD.

(2) Provide the arriving location and ending vehicle odometer mileage over the radio to the Communication at the end of the transport. The Communications Division telecommunicator will verbally state the end time of the transport and document it in CAD.

h. Officers will adhere to Directive 400-006, Body Worn Camera (BWC) when transporting prisoners. Officers may position the camera to record/observe a prisoner in situations the officer deems necessary.

3. Observation of Prisoners

Transporting officers will ensure prisoners are 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.

4. Diversions During Prisoner Transport

a. 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.

b. 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.

c. Transporting officers must always travel the most direct route to their final destination when transporting prisoners.

d. PTVs can travel to multiple locations to pick up prisoners before transport by the most direct route to Intake. The maximum period a prisoner can be confined in the PTV is two (2) hours.

5. Special Transport Situations

a. 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.

b. Officers must inform the receiving agency personnel of any medical conditions or injuries the prisoner has that the officer has knowledge of.

c. Prisoners with physical disabilities may be transported in the front of the police vehicle if the individual's condition prohibits the transport in the rear of the vehicle.

(1) Officers should request the Communications Division to contact Charlotte Area Transit (CATS) for assistance transporting a person with a disability that prohibits transport in police vehicles. When feasible, these arrangements will be made before the arrest takes place.

(2) Officers will use discretion and sound judgment when determining whether restraining devices are necessary for physically handicapped prisoners.

d. 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:

(1) 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 of the same sex as the respondent.

(2) 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 safety and that of others.

6. Entering Police Headquarters with Prisoners

a. Officers transporting prisoners will normally enter CMPD Headquarters through the security door adjacent to the prisoner loading area between the building and the parking deck.

b. 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.

c. Immediately upon entering the building and before any interview, treatment, or other processing, the transporting officer will conduct a facility search on the prisoner for weapons and contraband.

d. 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.

7. Entering Jail and Detention Facilities

a. Upon arrival at Intake or other detention facility, the transporting officer will leave any restraining devices on the prisoner until safely inside a secure area of the facility.

b. Before entering a secure detention area, the transporting officer will secure their firearm in the provided lockbox or as the facility requires. Officers are prohibited from taking any firearm into the secure area of Intake or a detention facility.

c. 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.

d. The transporting officer will deliver to the detention officer all necessary documentation pertaining to the prisoner, including any information

about a prisoner's escape attempt, suicide potential, or other issues of a security nature.

8. Security and Control of Prisoners at Medical Facilities

   a. 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 must consult with the attending physician and, if necessary, relay information to a field supervisor.

   b. When a prisoner in custody is admitted to a hospital, the transporting officer will refer to the procedures outlined in Directive 500-002, Confinement of Arrestees and Booking Procedures.

9. Escapes from custody during transport

   a. If a prisoner escapes from custody, the transporting officer will:

      (1) Immediately notify the Communications Division, provide necessary details to re-capture the prisoner, and notify the officer's on-duty supervisor.

      (2) If equipment has been damaged or stolen, appropriate reports will be recorded in KBCOPS.

      (3) If the prisoner is not recovered before the officer completes their shift, then the officer shall ensure warrants have been or will be issued for the prisoner.

   b. 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.

V. REFERENCES

400-006 Body Worn Camera
500-002 Confinement of Arrestees and Booking Procedures
500-003 Response to a Mental Health Crisis
500-004 Search Definitions
500-004-A Conducting Person Searches
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

The previous version of Directive 500-008, Prisoner Transport, was published on 06/15/2023.

I. PURPOSE

This directive establishes standards 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. **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.

B. **Confirmatory Identification**: A procedure in which an eyewitness or victim is presented a single photograph of the subject, whom the eyewitness or victim knew before the crime occurred, for the purpose of verifying the subject's legal identity.

C. **Eyewitness:** A person, including a law enforcement officer, whose identification by sight of another person may be relevant in a criminal proceeding.

D. **Filler**: A person or photograph of a person who is not suspected of an offense and is included in the lineup.

E. **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.

F. **Lineup Administrator**: The assigned investigator who creates a lineup.

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.

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.

K. **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.

IV. PROCEDURE

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 shall 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 shall be included in a photo lineup.

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

A written record of the eyewitness photo procedure shall be kept and include at a minimum:

a. All identification and nonidentification results obtained during the identification procedure, signed by the eyewitness.

b. The exact words used by the eyewitness in any identification.

c. 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.

d. The names and identifying information of all persons present at the lineup.

e. The date, time, and location of the lineup.

f. How many photos were presented in the lineup.

g. The sources of all photos presented.

h. 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.

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 shall 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.

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

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.

   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 non-divertible 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.

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 eyewitness 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 with the BWC.

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.

(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.

D. Confirmatory Identification

1. Confirmation photographs are not photographic line-ups. This method involves showing the eyewitness or victim a single photo of the subject and may only be used when the subject was known to the eyewitness or victim before the offense was committed, versus a photographic line-up where the subject is unknown prior to the commission of the offense.

2. Employees must establish the eyewitness's or victim's familiarity with the subject prior to conducting a confirmatory identification. Employees should:

   a. Establish the facts of prior knowledge or relationship with the subject. For example, the subject may be an acquaintance, former co-worker, or neighbor of the eyewitness or victim.

   b. Establish the number of times the eyewitness or victim has viewed the subject prior to the crime, the period of time over which the viewings occurred, the duration and nature of any relationship with the subject, knowledge of a nickname the subject goes by, whether the two had any conversations, and the last time the eyewitness or victim saw or interacted with the subject.

3. Reasonable attempts shall be made to not display any identifying writings or information on the photograph (i.e. name, date of birth, arrests, etc.)

4. Employees shall document all confirmatory identifications.

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 05/27/2022.

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.

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

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.

(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.

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.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department's (CMPD's) intoxilyzer testing witness procedures.

II. POLICY

The CMPD will comply with N.C.G.S. § 20-16.2 by advising individuals that they have the right to contact an attorney for advice and to select a witness to observe the testing procedures.

III. DEFINITIONS

Intox EC/IR® II: An evidentiary instrument authorized by the North Carolina Department of Health and Human Services (NC DHHS) to determine the amount of alcohol in a person's breath. The Intox EC/IR® II measures blood alcohol concentration (BAC) using both electrochemical (EC) and infrared (IR) sensor technologies to analyze breath samples.

IV. PROCEDURE

A. Arrestees may contact an attorney or request the presence of a witness to observe the Intox EC/IR® II test.

1. Witnesses under the age of eighteen (18) will not be admitted to observe the test.
2. If an arrestee requests a witness to observe the test, the arresting officer must request a secondary officer to respond to CMPD Headquarters to assist with witness coordination and supervision to ensure the arresting officer maintains continuous observation of the arrestee.
3. Witnesses must arrive within thirty (30) minutes of receiving notification that testing is to occur. Testing will not be delayed beyond thirty (30) minutes to accommodate witness arrival as outlined in N.C.G.S. § 20-16.2.
    a. If the arresting officer has not been informed of the witness's arrival within the allotted time frame, the arresting or secondary officer will contact the CMPD Headquarters security desk by phone to confirm whether the witness has arrived.
    b. If the witness's arrival cannot be verified by phone, the secondary officer will check in person.

B. Witness Arrival and Entry

1. Witnesses must enter through the CMPD Headquarters front entrance, located between the main building and the parking deck. The CMPD will have signage posted outside the facility to direct witnesses upon their arrival.
    a. Upon arrival, witnesses must:
        (1) Press the call box button located outside the entrance.
        (2) Await instructions from CMPD Headquarters security personnel to be granted entry.
    b. All persons desiring to enter CMPD Headquarters beyond the screening point must undergo security screening conducted by CMPD security personnel. Screening includes:
        (1) Passing through a magnetometer (metal detector).
        (2) X-ray screening of personal belongings.
        (3) A physical search.
        (4) Additional examination of items determined to be suspicious.

c. Prohibited items include, but are not limited to:

(1) Guns of any kind, firearms, or ammunition (e.g., BB guns, compressed air guns, gun or firearm parts, etc.)

(2) Sharpe objects (e.g., Knives, box cutters, scissors, razor blades, etc.)

(3) Explosive materials (e.g., Fireworks, blasting caps, pyrotechnics, etc.)

(4) Sporting goods (e.g., bat, golf club, hockey stick, etc.)

(5) Self-defense items (e.g., brass knuckles, self-defense sprays, nightsticks, etc.)

(6) Flammable item (e.g., Aerosols, fuels, lighter fluid)

(7) All other items as deemed by the CMPD

d. Any witness who refuses the security screening will be denied entry into CMPD Headquarters.

e. The CMPD reserves the right to deny or revoke access to any person whose behavior poses a safety or security concern.

f. A CMPD employee must escort the witness for the duration of the visit.

C. Witness Observation Procedures

1. After clearing security, witnesses will be logged as visitors and escorted to the testing area.

2. The arresting officer or a designated sworn escort will:

a. Admit witnesses to the testing room.

b. Be responsible for the safety of witnesses.

c. Ensure witnesses remain in the testing room throughout the procedure.

3. The Intox EC/IR® II testing rooms are equipped with audio and video recording systems. All testing procedures and any activities occurring within the testing rooms are recorded.

4. Witnesses are expected to observe quietly and not disrupt testing.

5. Photography, video, or audio recording is not permitted inside CMPD Headquarters without prior written approval from the Public Affairs Division. Witnesses violating this rule will be asked to stop; refusal may result in removal from the facility.

D. Upon completion of the Intox EC/IR® II test, witnesses will be escorted back to the lobby by a designated CMPD employee and out of the facility, exiting the building through the same entrance by which they arrived.

E. Administrative Review

A review of witness observation of intoxilyzer testing will be conducted by the CMPD every two (2) years.

V. REFERENCES

Headquarters Security SOP
Intoxilyzer Testing SOP
N.C.G.S. § 20-16.2
N.C.G.S. § 20-16.2 MOU
N.C.G.S. § 20-38.5
N.C.G.S. § 20-139.1

I. PURPOSE

This policy establishes standards for the operation of City of Charlotte vehicles assigned to the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY

Departmental vehicles, marked or unmarked, are owned or leased by the City of Charlotte and assigned to the CMPD for official use and will be utilized for the operational needs of the CMPD, such as on-duty assignments, callback assignments, secondary employment assignments, and out-of-town requests.

III. DEFINITIONS

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, Fuelman cards, and/or any other items as deemed by the CMPD chain of command.

IV. PROCEDURE

A. Departmental Vehicle Operation

1. CMPD employees (sworn or professional staff) or volunteers must receive a City of Charlotte driving permit before operating a departmental vehicle.
2. Employees will utilize the skills, principles, and concepts provided during the City of Charlotte Defensive Driving Course and ensure they are familiar with a vehicle's individual characteristics, features, and equipment (e.g., anti-lock brakes, front-wheel drive.) and should direct any questions regarding the operation of a departmental vehicle to a supervisor.
3. In adherence with N.C.G.S. § 20-138.2B, employees are prohibited from operating a departmental vehicle while consuming alcohol or while alcohol remains in their body and may be subjected to drug and alcohol testing in adherence with *Directive 300-009 Employee Drug and Alcohol Testing*.
4. Factory-installed occupant safety restraining devices must be used when operating a departmental vehicle.
5. The vehicle ignition should be turned off when it is unnecessary to leave the engine running.
6. Departmental vehicles shall not be left unattended without securing the vehicle properly by removing the keys from the ignition, rolling up the windows, and locking the doors. Employees assigned to specialized units shall adhere to their unit's standard operating procedure for securing vehicles.
7. Departmental vehicles will be parked legally in designated spaces marked by the appropriate signs during all non-emergency situations, special events, or other authorized circumstances.

B. Preventive Maintenance and Repairs

Departmental vehicles will be taken to the Fleet Management Division maintenance facility (garage) as soon as possible when preventive maintenance and/or repairs are required.

1. The Fleet Management Division manager will distribute a list of departmental vehicles due for preventive maintenance to CMPD employees daily.
2. Employees must remove and properly store shotguns, rifles, level 3 vests, laptops, portable speed measuring devices, and personal items before leaving a vehicle at the garage or an outside vendor for preventive maintenance or repairs.

C. Vehicle Inspections by the Employee

1. Before taking possession of a departmental vehicle, employees will inspect the vehicle and complete the Vehicle Assignment and Inspection List.

   a. Inspection of vehicles includes checking equipment assigned to the vehicle, verifying that all fluid levels are adequate before continued use of the vehicle, and searching the vehicle's passenger area and trunk to ensure no weapons or contraband have been left in the vehicle.

   b. Employees must notify their supervisor if unreported or questionable damage is discovered on a departmental vehicle.

   c. The supervisor will investigate the source of unreported or questionable damage, complete required reports, and initiate any necessary corrective action.

   d. The Vehicle Assignment and Inspection List will be returned to the division or unit supervisor.

2. Upon returning a departmental vehicle at the end of an employee's tour of duty, employees must ensure:

   a. The vehicle is clean and clear of trash.

   b. The vehicle's gas tank is three-fourths full.

   c. The vehicle has the assigned Fuelman card.

   d. All personal property is removed.

   e. All electronics are turned off, windows are rolled up, and the vehicle is locked.

3. Supervisors will periodically check departmental vehicles for interior and exterior cleanliness.

D. Equipment

1. Departmental vehicles assigned to a patrol division must contain the following equipment:

   a. Crime scene tape

   b. Fire extinguisher (non-expired)

   c. Flares

   d. Fuelman card

   e. Ripp hobble

   f. Saline solution (non-expired)

   g. Stop sticks/Tire Deflation Device (TDD)

   h Traffic cones

   i. Trauma vest plate carrier

2. Employees must notify the shift sergeant if any equipment is missing to receive a replacement.

3. If a replacement is unavailable immediately, the employee may drive a different patrol vehicle. The shift sergeant notified of the missing equipment will notify the patrol division's administrative sergeant of the need for a replacement.

4. Patrol vehicle equipment required for an employee to properly perform job functions will be supplied/replenished by the CMPD. The CMPD will replace missing equipment before the employee begins their tour of duty in that vehicle.

5. After-Market Equipment

   a. Window Tint

      (1) Window tint is not permitted on a marked patrol vehicle without the approval of the Chief of Police or designee.

      (2) Window tint for unmarked vehicles must be approved by the employee's chain of command through the bureau major and final approval by the Administrative Services Bureau major. Adding window tint to unmarked vehicles will be paid out of the budget where the vehicle is assigned.

   b. Bumper stickers or decals on a departmental vehicle must refer to a program supported department wide. The Chief of Police or designee must approve the placement of a bumper sticker or decal.

   c. No after-market equipment, including license plate covers or frames, is permitted to be installed on any departmental vehicle without prior approval from the Chief of Police or designee.

6. Fuelman Cards

   a. Vehicles will be fueled only using the Fuelman card assigned to that vehicle.

   b. If a Fuelman card is lost, the supervisor must contact the Fleet Management Division manager to determine the last employee to use the card.

   c. If the card is not found, the supervisor will submit a memorandum to the Fleet Management Division manager stating the Fuelman card was lost.

   d. Employees may be required to pay a replacement fee of $5.00 to the Financial Management Division and deliver the receipt to the Fleet Management Division manager for a replacement card.

   e. The division's assigned spare Fuelman card will be used until the report findings are completed.

7. Electrical Vehicle (EV) Charging Access Cards

   EV charging access cards will be used only for the electrical vehicle to which they are assigned.

E. Towing Departmental Vehicles

1. Disabled or wrecked departmental vehicles must be towed to the Fleet Management Division maintenance facility by either the Fleet Management Division or their designated wrecker service. If there does not appear to be any damage to the vehicle, for safety purposes, the vehicle must be inspected for hidden damage before operating on the roadway.

2. An inventory or Tow-In Report is not required for a departmental vehicle to be towed.

3. When a departmental vehicle is towed, the employee or supervisor must remove and properly store shotguns, rifles, level 3 vests, laptops, portable speed measuring devices, and other sensitive equipment.

F. Multi-Passenger Vans and Pick-up Trucks

The Logistics Unit and other designated CMPD units are assigned multi-passenger vans and pick-up trucks available to CMPD employees to utilize during approved CMPD-sponsored functions or official business. The following guidelines outline the use and operation of these vehicles:

1. To operate a multi-passenger van or pick-up truck assigned to the Logistics Unit, the 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 Logistics Unit to request and reserve a vehicle.
3. If vehicles are to be operated outside of Mecklenburg County, the employee will provide the Logistics Unit supervisor a passenger manifest that includes the driver and passenger names, addresses, telephone numbers, emergency contact information, destination, route, and trip timeline. The Logistics Unit supervisor will forward a copy of the passenger manifest to the Communications Division shift supervisors and Operations Command.

G. Take-home Vehicles

Take-home vehicles are any departmental vehicles, marked or unmarked, issued to employees for official use daily.

1. The CMPD authorizes take-home vehicles to be issued to eligible employees to promote a greater police presence and visibility throughout the CMPD's jurisdiction, to provide immediate responses to after-hours crime scenes or critical incidents, and as part of the Employee Residency Incentive Program.

   The following employees are eligible to be issued a take-home vehicle:

   a. Employees assigned to a position with call-back responsibilities.
   b. Employees designated as a Patrol Training Officer (PTO).
   c. Employees participating in the Vehicle Residency Incentive Program.

2. Patrol shift sergeants are assigned a departmental vehicle for operational needs, and the vehicle may be taken home under the following conditions:

   a. If patrol shift sergeants share an assigned departmental vehicle, they are permitted to take the vehicle home only on the days they work their assigned shift.
   b. If a patrol shift sergeant does not share an assigned departmental vehicle and the vehicle is not assigned to them as part of the Vehicle Residency Inventive Program, they are permitted to take the vehicle home only on the days they work their assigned shift.
   c. These conditions do not apply to patrol shift sergeants who have an issued take-home vehicle for non-patrol call-back responsibilities (e.g., SWAT) or as part of the Vehicle Residency Incentive Program.

3. Employees residing in the State of North Carolina can operate their take-home vehicle for non-work-related operations within Mecklenburg County or any North Carolina County within the CMPD forty-five (45) mile radius residency requirement. Exceptions may be made at the discretion of the employee's deputy chief.
4. Employees who reside in the State of South Carolina may only operate a take-home vehicle for call-back purposes and are:

a. Prohibited from operating a take-home vehicle for non-work-related operations.

b. Required to travel directly to their residence and park the vehicle until they return to duty.

c. Not permitted to operate blue lights or sirens within the State of South Carolina and must drive with due regard for all applicable traffic laws.

5. Employees operating the take-home vehicle for non-work-related operations will not visit any locations that may reflect negatively on the CMPD or result in public criticism.

6. Sworn employees operating a take-home vehicle must have appropriate attire and equipment immediately available to them for a call-back response or to permit 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. All employees must wear appropriate attire that reflects favorably on the CMPD while operating a take-home vehicle.

7. Sworn employees operating a marked take-home vehicle in the State of North Carolina will provide an initial response to any incident occurring within their proximity, whether they observe the incident or it is communicated through a second party or radio transmission.

8. Sworn employees operating a take-home vehicle in the State of South Carolina may take life-saving actions or any other appropriate actions in an incident occurring in their proximity but will act as private citizens and in accordance with all applicable South Carolina state laws.

9. Employees operating a take-home 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, equipment must be secured in the vehicle's trunk. Employees will not leave firearms, portable radios, or other sensitive equipment unsecured in the vehicle's passenger area. Employees carrying specialized equipment will refer to the specific unit SOP for securing and storing such equipment.

10. Employees must maintain a clean take-home vehicle.

11. Employees operating a take-home vehicle are permitted to be accompanied by civilian passengers only if the passengers do not unreasonably inhibit the employee's ability to respond to a call-back event.

12. A take-home vehicle cannot be used for vacation purposes outside of the CMPD jurisdiction.

13. Employees issued a take-home vehicle are permitted to use the vehicle for CMPD-approved secondary employment functions.

14. Employees issued a take-home vehicle and placed on light duty must be medically cleared and receive authorization from the CMPD Human Resources Division to drive a departmental vehicle. If the employee is authorized to drive, they may drive an unmarked take-home vehicle and will not take any enforcement action while operating the vehicle.

15. Employees on non-disciplinary leave of absence (e.g., military, sick) for more than thirty (30) days must return their assigned take-home vehicle. The vehicle may be reallocated for use within the CMPD; however, upon the employee's return to duty, a vehicle will be reassigned to them as soon as feasible.

16. Employees who receive a suspension of more than forty (40) hours or more must return their assigned take-home vehicle to their division/unit during their suspension.

17. Administrative patrol sergeants and/or sergeants assigned to specialized units are responsible for assigning and maintaining the inventory of take-home vehicles within their division or unit.

18. The Administrative Services Bureau major will conduct an annual review of all take-home vehicles to ensure policy objectives are met.

H. Departmental Vehicles for Out-of-Town Use

Due to the limited number of out-of-town vehicles, employees will utilize the following guidelines when they need a vehicle for official business out-of-town:

1. Employees should use a departmental vehicle assigned to their respective service area, division, or unit when utilizing the vehicle to go out of town.

2. If no departmental vehicles are available in the employee's respective service area, division, or unit, they may reserve a vehicle through the City of Charlotte's Motor Pool.

3. If there are no vehicles available through the City of Charlotte's Motor Pool, employees may contact the CMPD Fleet Management Division manager to request to reserve an out-of-town vehicle. The request should include 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.

4. Requests will be filled on a first-come basis. 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 before the employee's departure date.

I. Departmental Vehicles for Secondary Employment Use

Employees seeking to utilize a division vehicle for CMPD-approved secondary employment must have the authorization of the division commander or designee. The operational needs of a division cannot be compromised in support of any secondary employment activity or function.

J. Vehicle Residency Incentive Program

The Vehicle Residency Incentive Program is an opt-in incentive program that provides eligible employees with a take-home vehicle and is designed to promote officer visibility within the CMPD's jurisdiction. For the purpose of this incentive program, the CMPD's jurisdiction is considered as the neighborhoods and communities that the CMPD serves within Mecklenburg County by 911 response.

1. Eligible Employees

   a. A full-time sworn employee at the rank of police officer assigned to the Patrol Services Group with a minimum of three (3) consecutive years of service from their date of hire and maintains continuous residency within the CMPD jurisdiction for at least six (6) months.

   b. A full-time sworn employee at the rank of sergeant who is assigned to the Patrol Services Group and maintains continuous residency within the CMPD jurisdiction for at least six (6) months.

2. Applicants shall complete the Employee Vehicle Residency Incentive Program Form. This form must be approved by the employee's chain of command up to the rank of captain and routed to the Administrative Services Group deputy chief's executive officer.

3. Take-home vehicle assignments are disbursed based on vehicle availability and the applicant's seniority as determined by the employee's date of hire. Vehicle assignments are subject to change at any time at the discretion of the Administrative Services Group major or Administrative Services Group deputy chief's executive officer.

4. Employees must receive an annual performance review rating of achieved or higher to be eligible for the Vehicle Residency Incentive Program.

5. An employee who receives a sustained violation from the list below will be ineligible for the Vehicle Residency Incentive Program:

   a. Unsatisfactory performance,

   b. Response to resistance (ROC 28A),

   c. Truthfulness,

   d. Harassment,

   e. Insubordination,

   f. Conformance to laws that resulted in the employee's arrest or warrant for arrest. Employees receiving a sustained violation under this section are not eligible to participate in the Vehicle Residency Incentive Program for two (2) years from the date of the adjudication of that allegation.

   g. Any sustained violation(s) resulting in a cumulative total of more than forty (40) hours of active suspension.

6. Employees must maintain the cleanliness and maintenance of their assigned take-home vehicles.

7. Employees who have been assigned a take-home vehicle as part of the Vehicle Residency Incentive Program and move out of the CMPD's jurisdiction will not be permitted to continue participating in the program.

   a. Employees must notify their chain of command within twenty-four (24) hours from the date of change in residency status.

   b. The employee's administrative sergeant must notify the Fleet Management Division and the Administrative Services Group deputy chief's executive officer.

   c. The Administrative Services Group major will re-assign the take-home vehicle to the next eligible applicant.

8. Employees participating in the Vehicle Residency Incentive Program must adhere to all take-home vehicle guidelines outlined in this policy. Failure to do so may result in the employee being removed from the program.

K. Transporting a Member of the Public while On-Duty

1. Transporting a member of the public (e.g., victims, witnesses, courtesy rides) must be supported by a legitimate duty-related purpose and shall not interfere with law enforcement operations.

2. When operating a departmental vehicle and transporting a member of the public, employees will not jeopardize the person's safety. If an employee cannot respond to an incident because it could jeopardize the member of the public's safety, the employee must take reasonable measures to

assist (e.g., obtain a suspect description and relay the information to the Communications Division).

3. Employees will adhere to *Directive 500-008 Prisoner Transport*, when transporting an arrestee.

4. Mileage and Time Reporting

   a. When transporting a member of the public or a juvenile, employees must provide the starting location and beginning vehicle odometer mileage over the radio to the Communications Division at the start of the transport. The Communications Division telecommunicator will verbally state the start time of the transport and document it in CAD.

   b. When transporting a member of the public or a juvenile, employees must provide the arriving location and ending vehicle odometer mileage over the radio to the Communications Division at the end of the transport. The Communications Division telecommunicator will verbally state the end time of the transport and document it in CAD.

   c. Employees do not need to provide the locations and mileage when transporting a civilian CMPD employee, CMPD volunteer, or a member of a CMPD-partner agency when engaging in official law enforcement business.

   d. The Vice and Narcotics Unit is exempt from this requirement to provide confidentiality in criminal investigations.

5. Community members are permitted to travel (ride-along) with an on-duty officer to observe CMPD operations from an internal perspective. Community members must adhere to all guidelines outlined in the *Community Observer (Rider) Program SOP*.

V. REFERENCES

Rule of Conduct #7
100-003 Jurisdiction and Authority
100-005 Patrol Services
300-006 Light Duty Policy
300-007 Secondary Employment
300-009 Employee Drug and Alcohol Testing.
500-008 Prisoner Transport
600-002 Vehicle Accident and Damage Investigation
Community Observer (Rider) Program SOP
N.C.G.S. § 20-138.2B
City of Charlotte Drug and Alcohol-Free Workplace Program
City of Charlotte's Motor Pool
Employee Vehicle Residency Incentive Program Form
Vehicle Assignment and Inspection List
CALEA

The previous version of Directive 600-001 Departmental Vehicles was published on 11/01/2022.

I. PURPOSE

This policy establishes guidelines for reporting/investigating vehicle crashes and non-crash-related damage involving a Charlotte-Mecklenburg Police Department (CMPD) departmental vehicle.

II. POLICY

The CMPD will investigate all crashes involving a departmental vehicle. Incidents must be documented in the Internal Affairs Case Management System (IACMS) within twenty-four (24) hours. This does not apply to parked and unoccupied departmental vehicles and unlicensed mobile equipment.

III. DEFINITIONS

A. Crash: As outlined in N.C.G.S. § 20-4.01, any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load.

B. Damage: Any damage, other than damage caused by a crash, resulting in destruction or loss of property value caused or incurred in whole or in part as a willful or negligent act.

C. Non-Preventable Crash: A crash in which the employee's operation of a departmental vehicle was not a contributing factor to the crash.

D. Non-Reportable Crash: A crash that does not meet the required conditions of a reportable crash.

E. Preventable Crash: A crash in which the employee's operation of a departmental vehicle was a contributing factor to the crash.

F. Reportable Crash: A crash involving a motor vehicle as defined in N.C.G.S. § 20-4.01 that results in one (1) or more of the following:

1. Death or injury of a human being.

2. Total Property Damage of one thousand dollars ($1000) or more, or property damage of any amount to a vehicle seized pursuant to N.C.G.S. § 20-28.3.

IV. PROCEDURE

A. Reporting

1. In the event of a vehicle crash involving a departmental vehicle, the employee must:

a. Immediately report the crash or damage to the Communications Division and request that a patrol supervisor respond to the scene.

b. Manage the crash scene, including caring for injured persons, requesting medical aid, and restoring the normal traffic flow.

c. If the crash occurred 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.

(1) The law enforcement agency for that jurisdiction will investigate the crash and complete the appropriate report.

(2) The employee will remain at the scene unless emergency medical transport is needed. If the employee requires emergency medical transport and cannot 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.

2. The supervisor responding to the crash must:

a. Ensure that the crash scene is properly managed, hazards or conditions that caused the crash are removed, and reports are completed accurately.

b. Any crash 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:

(1) Operations Command and the division captain and/or civilian manager equivalent.

(2) Risk Management (704-336-3301 or after hours 704-634-2053).

c. Ensure the Major Crash Investigations Unit responds to the scene and completes the investigation for any crash resulting in a fatality or serious/life-threatening injury.

d. Contact the on-call Internal Affairs Division (IA) captain and Operations Command.

e. Adhere to post-crash/critical incident drug and alcohol testing procedures outlined in Directive 300-009, Employee Drug and Alcohol Testing Procedures.

f. Open an investigation in IACMS before the end of the shift and attach and/or complete the following:

(1) The North Carolina Department of Transportation (NCDOT) Crash Report Form DMV-349 (or equivalent form in another state) or the Non-Reportable Crash Form.

(2) Supervisor's statement.

(3) Ensure the employee's statement in IACMS is completed.

(4) Ensure the Risk Management Vehicle Accident Reporting Form is complete and submit the NCDOT Crash Report Form DMV-349 (or equivalent form in another state) or the Non-Reportable Crash Form to the Risk Management Claims Department within twenty-four (24) hours of the incident.

g. Supervisors are not required to complete an investigation in IACMS for a crash involving a parked and unoccupied departmental vehicle; however, the Vehicle Accident Reporting Form is still required.

3. Non-Crash-Related Damage to Departmental Vehicles

a. Damage to a departmental 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.

b. Damage to a departmental 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 Risk Management, and the Vehicle Accident Reporting Form must be completed.

c. 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.

B. Review Process

1. The investigating supervisor will complete an investigation into the crash and take the following actions:

a. Determine if the crash was preventable or non-preventable and recommend corrective action or training if needed.

b. If the supervisor determines the crash to be preventable, the employee's previous preventable crashes shall be researched and included in the IACMS investigation.

c. Transfer the supervisor's investigative report to the next level of command.

2. The next command level will review the investigative report and take the following actions:

a. Determine if the crash was preventable or non-preventable and if the recommended corrective action or training is appropriate.

b. Forward the investigative report to the next level of command.

3. Disposition and Corrective Actions

   a. The captain assigned to the employee's unit or division will determine whether the crash was preventable or non-preventable and if corrective action or training is needed.

   b. 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 adhere to Directive 200-001, Discipline, Internal Investigations, and Employees Rights.

   c. 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.

   d. The employee's immediate supervisor will ensure that any corrective action or training is implemented and documented.

   e. Completed IACMS documentation associated with the investigation and disposition will be transferred to IA for final review and storage.

4. Training

   a. Law Enforcement Enhancement and Development (LEED) Training Form

      (1) LEED forms are completed by the employee's chain of command or as a result of an administrative hearing to identify training deficiencies that need to be addressed through remedial training.

      (2) If training is recommended during the review process, the LEED Training Form must be completed and submitted directly to the Training Division lieutenant.

      (3) The Training Division lieutenant and/or sergeant will maintain LEED Training Forms, keeping case/personnel information confidential, in compliance with N.C.G.S. § 160A-168.

   b. If an employee is involved in a preventable crash, they may be required to attend driver training. The Training Division lieutenant and/or sergeant will provide direction to the appropriate LEED instructor (without confidential case details) to clearly identify training deficiencies. The type of training and/or length of training may be based on the following criteria:

      (1) The number of preventable crashes an employee has had.

      (2) The specific circumstances related to each crash.

      (3) The value or effectiveness of training based on the circumstances of the crash.

(4) Recommendation to the employee's chain of command following the IACMS investigation.

c. Driving training may 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.

d. After training is complete, the lead driver training instructor will return the LEED Training Form to the Training Division lieutenant, who will review the completed form and return it to the initiating supervisor or IA. The initiating supervisor will ensure the form is submitted to the employee's chain of command and scanned into any associated IACMS case.

V. REFERENCES

200-001 Discipline, Internal Investigations, and Employees Rights
300-009 Employee Drug and Alcohol Testing
600-001 Departmental Vehicles
Major Crash Investigations Unit SOP
DMV-349 Form
LEED Training Form
Vehicle Accident Reporting Form
City of Charlotte Motor Pool and Rental Vehicle Policy
North Carolina DMV-349 Crash Report Instruction Manual
N.C.G.S. § 20-4.01
N.C.G.S. § 20-28.3
N.C.G.S. § 160A-168
CALEA

The previous version of Directive 600-002 Vehicle Damage & Review Procedure was published on 08/30/2023.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to the seizure, collection, and preservation of electronic evidence. This includes computers, mobile devices, removable storage media, and video surveillance footage, which are encountered by CMPD employees in connection with investigations and/or searches.

II. POLICY

All CMPD 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 procedures listed in this directive.

III. DEFINITIONS

A. **Airplane Mode:** A setting on smartphones, tablets, and laptops that disables all wireless transmission capabilities, including cellular, Wi-Fi, and Bluetooth, to prevent radio interference with aircraft systems.

B. **Computer System:** A self-contained unit that operates on physical hardware to digitally perform computational tasks like running applications, processing data, and communicating with other systems. This hardware includes a central processing unit (CPU), memory (RAM), storage media, a motherboard, and possible network interface methods (wired or wireless). A system can utilize peripheral tools like a monitor, keyboard, mouse, and recording device(s). Common examples of systems include desktop/laptop computers, cell phones, and tablets.

C. **Digital Data:** Information stored on electronic media that can take the form of files, recordings, logs, system settings, metadata, or other digital artifacts. Digital data is often of evidentiary value and the target of an investigation.

D. **Electronic Media:** Any method for recording and storing digital data. This can include integrated media like a hard-drive installed in a computer system, or removable media like flash drives, SD cards, CD/DVDs, floppy disks, cloud storage solution, etc.

E. **Faraday Bag:** A specialized container designed to block all incoming and outgoing wireless signals.

F. **Mobile Device:** A specific category of Computer System commonly called a “cell phone”. This can include both smart phones like Apple iPhone models, and “feature” phones with more basic functionality. Mobile devices are often carried by individuals throughout the day, have multiple options for connectivity, and allow access to a wide variety of applications that could provide further sources of evidence.

G. **Network:** Any two (2) or more connected computer systems that can communicate and share resources.

H. **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.

I. **Recording Device:** Any device that can create a video, audio, or other kind of digital recording and store it in a persistent media format. This may be a mechanical, electrical, optical, or another media format

and may reside on the device, on a wired/wireless connected storage solution, or off site in a cloud storage solution.

IV. PROCEDURE

A. This policy applies only to cases in which digital data stored on computer systems, mobile devices, recording devices, or electronic media is being sought as evidence in an investigation. It does not apply to cases in which the physical hardware itself—such as computers, mobile devices, or removable storage media—is the item of evidence. For example, in burglary or retail theft investigations where a device is stolen or recovered as property, and no digital data is required, the device shall be submitted to the Property and Evidence Management Division at the LEC in accordance with CMPD procedures.

This policy also does not restrict employees from retrieving or collecting digital files voluntarily provided by victims, witnesses, suspects, or members of the public during an investigation. Employees are encouraged to collect digital data within the scope of their technical abilities. However, when specialized expertise from the CMPD Cyber Crimes Unit is required, the procedures outlined below must be followed. In all cases, employees must document any actions taken in KBCOPS.

B. When a computer system, recording device, electronic media, or mobile device is to be submitted to the Cyber Crimes Unit for examination, employees should limit their interaction with the device unless they are acting under the direct guidance of a member of the CMPD Cyber Crimes Unit. Any manipulation of a digital device can alter existing data and may result in the loss of relevant information if performed without proper forensic safeguards.

C. A basic examination of a mobile device may be conducted at the discretion of a sworn employee according to current legal standards. 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. 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).

E. Whenever a computer system is encountered and will be seized in compliance with legal standards, the employee making the seizure will take the following steps:

1. If the computer system is powered 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. If the system is logged in to a user account when officers approach it, the seizing officer should call the on-call Cyber Crimes Unit staff for specific directions on how to best preserve the evidence item. Skipping this step can cause permanent loss of data as the system may become encrypted.

3. Photograph the computer or other electronic media in its original state before anything is touched. Particular attention should be paid to any relevant displays and the location of all

peripherals/media that are plugged into the system. These photos may be used to reconnect the peripherals/media at a later time.

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. Seize the power cord with the device.

5. Make detailed notes and document each step in a KBCOPS narrative. This can include where the device was first located and its condition when it was discovered.

6. 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.

7. If electronic media is to be examined for evidentiary digital data, the investigating officer must complete a Laboratory Examination Service Request in PLIMS and submit the evidence to the Property and Evidence Management Division at the LEC or directly to the CMPD Cyber Crimes Unit.

8. The employee impounding the electronic media must provide the CMPD Cyber Crimes Unit with the background information of the case. This includes, but is not limited to, the following:

   a. Suspect name(s) and date(s) of birth

   b. Special or street language used by the suspect(s)

   c. Known phrases or terminology

   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.

F. When it is determined that a mobile device is to be seized and processed by the CMPD Cyber Crimes Unit, the sworn employee making the seizure will take the following steps:

1. If possible, whenever a mobile device is seized, employees should attempt to obtain the passcode of the device. This will aid in the preservation and collection of data from the device. 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 will provide the sworn employee with the code to unlock the device before the examination. Officers can enter the code to confirm the code works.

2. Mobile devices, if possible, shall not be powered on by officers in the field except in specific articulable circumstances. CMPD Cyber Crimes staff can be consulted for specific guidance.

3. When possible, powered-on mobile devices should be disconnected from all networks as soon as practical. The preferred method is to place the device in Airplane Mode and disable Bluetooth. If this cannot be done, the device should be placed in a department-issued Faraday bag to block incoming signals. Devices should be secured in this manner before being submitted

to the CMPD Property and Evidence Management Division at the LEC or to the Cyber Crimes Unit.

4. 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. The sworn employee's actions during the examination should be noted in a KBCOPS narrative supplement.

5. Given the continually evolving nature of mobile-device forensics, the CMPD Cyber Crimes Unit will maintain guidance on the CMPD portal outlining current best practices for the seizure, handling, and packaging of mobile devices. Employees are expected to consult this resource for the most current procedures. After reviewing the guidance, employees may direct any further inquiries to the Cyber Crimes Unit.

G. When it is determined that video surveillance footage is to be seized, the sworn employee making the seizure will take the following steps:

1. 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. Employees should identify the relevant recording devices as well as the date and time frame to be collected. Employees should document the camera names and date, time, and length of footage that they want to collect.

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 a sworn employee is unable to obtain the requested video footage, assistance from the CMPD Cyber Crimes Unit may be sought. The employee must provide the Cyber Crimes Unit with the relevant recording devices involved and the specific date, time, and duration of the footage requested.

6. A copy of any surveillance footage collected as evidence will be turned into the Property and Evidence Management Division as evidence.

H. Due to the continually evolving nature of electronic devices, the CMPD Cyber Crimes Unit may adjust or supplement the procedures outlined above on a case-by-case basis. Circumstances in which additional guidance or specialized handling may be required include, but are not limited to, the following:

1. Electronic devices that may contain encryption. If a device has an encrypted drive or encrypted files that are open at the time of seizure, employees must contact a member of the CMPD Cyber Crimes Unit before powering the device off.

2. Networked computer systems belonging to businesses or corporations. These systems should not be seized by anyone other than the CMPD Cyber Crimes Unit. This does not apply to standalone home or small office Wi-Fi networks. Employees should contact the Cyber Crimes Unit with any questions regarding networked environments.

3. Any questions or concerns related to the seizure of electronic evidence should be directed to

the CMPD Cyber Crimes Unit sergeant.

V. REFERENCES

700-001 Submitting Impounded Property
500-004 Search Warrants
CALEA

The previous version of Directive 600-003 Seizure of Electronic Evidence was published on 11/30/2022.

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

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 crime scene, collection of weapons used, capturing of electronic evidence such as text messages, etc.

   b. Information on any children present during assaults. If there is cause to 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.

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

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.

(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:

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.

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

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

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.

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)

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.

I. PURPOSE

This policy establishes standards 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, CMPD's primary responsibility is to ensure the safety of persons and the security of the affected area. Only CMPD Bomb/Arson Squad Unit certified hazardous device technicians are authorized to handle, move, or investigate suspected devices.

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. DEFINITIONS

A. **Precursor Material**: Any chemical or substance that can be used to manufacture or synthesize illicit drugs, explosives, or other controlled or dangerous items. These materials may be legal to possess on their own, but they become concerning when:

1. They are purchased in unusual quantities.
2. They are combined with other chemicals or equipment associated with illegal production.
3. They show up in contexts where they don't belong.

B. **Suspicious Item**: 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).

IV. PROCEDURE

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 suspicious items are conducted by a landline telephone or one hundred fifty (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 it be initiated 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.

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 this in the KBCOPS 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. Evacuation is a voluntary act of the authority in charge of the property.

b. Consider recommending sheltering in place if practical. If an evacuation is not essential, persons on site should be sheltered in place, while the search is conducted.

c. If the decision is made to evacuate the property, everyone inside or on the premises will be instructed to take all personal items with them, such as car keys, purses, and bags.

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).

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 item.

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.

e. A positive alert from any EDC will be treated as a suspicious item.

8. Once a suspicious item 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/Arson Squad Unit will be notified immediately.

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/Arson 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 item 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, verbal, or written).

2. The exact wording of the threat received.

3. Whether 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.

*57 is a feature provided as a means for customers to immediately initiate a trace for harassing or threatening calls (i.e., bomb threats).

C. Suspicious Item Procedures

1. Communications Division telecommunicators who receive a call for service concerning suspicious items will obtain as much information about the suspected suspicious items as possible. This includes the type of container or package, size, exact location, unusual characteristics (such as wires, ticking, odor), 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 suspicious items 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 conducting any direct examinations of the item. EDCs 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. The initial responding bomb technician will notify the Bomb/Arson Squad Unit commander or Bomb/Arson Squad Unit supervisor. A Bomb/Arson Squad Unit supervisor or the Special Operations Division Chain of Command will request additional bomb technicians as needed.

5. Suspicious items 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 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, or radios), 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/Van	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 three-hundred (300) feet of the suspicious item. This includes but is not limited to, body-worn cameras (BWCs), portable radios, cellular telephones, mobile radio telephones, RADAR, and mobile computer or television transmissions.

D. Upon arrival, the bomb technician will comply with the incident command structure established on the scene and will be responsible for the elements involving rendering safe and/or disposing of the suspicious item. The bomb technician will assess the situation and advise the incident commander of any additional safety measures.

E. Suspicious items and/or precursor materials must not be transported or manipulated in any way, shape, or form.

F. The patrol officer must complete a KBCOPS report and a PLIMS case on all recovered evidence. Suspicious 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 location. All evidence collection should be done in coordination with the CMPD Bomb/Arson Unit and the Fire Investigations Task Force or Mecklenburg County Fire Marshal's Office.

G. A KBCOPS incident report will be completed by division personnel for all found and recovered suspicious items, packages, or hoax device calls.

H. For incidents involving the potential manufacture or storage of homemade explosives (HME), the Bomb/Arson Unit should be notified immediately. Officers shall 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.

I. Post-Blast Incidents

1. Bomb technicians will respond to all post-blast scenes to search the area for secondary suspicious items or unexploded ordnance before crime scene processing or other follow-up investigation begins.

2. For any post-blast incident, the role of patrol personnel is 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/Arson Squad Unit of any potential secondary devices.

3. 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. Life safety takes precedence over crime scene preservation or evidence collection.

4. 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.

5. 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/Arson Unit shall be notified and respond to conduct a post-blast investigation. The Bomb/Arson Unit shall also be notified in any incident involving personal injury resulting from fireworks handling, except in cases where the event was caused by the obvious mishandling of legally obtained fireworks.

6. 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.

V. REFERENCES

400-006-B BWC Operation
600-025 Incident Command System
Arson Unit SOP
Bomb Squad Unit SOP
Emergency Response Guide
National Guidelines for Bomb Technicians
CALEA

The previous version of Directive 600-006 Bomb Threats and Explosive Devices was published on 5/26/2023.

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) related to services that may be offered and/or provided to victims and witnesses.

II. POLICY

The CMPD will inform victims and witnesses of serious crimes of available assistance offered and/or provided by the CMPD, community service agencies, or other elements of the criminal justice system. Victim and witness assistance may be required after incidents such as death (of any nature), physical assault, sexual assault, robbery, burglary, or any incident where victims and/or witnesses have been traumatized. For the purpose of this policy, surviving family members and/or loved ones of a victim are also considered victims.

CMPD employees will adhere to the procedures outlined in N.C.G.S. § 15A-831 and N.C.G.S. § 15A-825.

III. PROCEDURES

A. Responsibilities During the Preliminary Investigation

1. In adherence with the Victim Services Unit (VSU) SOP, officers conducting the preliminary investigations will collaborate with the on-call VSU support specialist or detective upon identifying victims or witnesses and ensure they receive the following:

   a. Medical services (if needed).

   b. The investigating officer's CMPD business card, which includes their contact information and a quick response (QR) code on the back providing the required information and forms pursuant to N.C.G.S. § 15A-831, victims' rights information, and citizen resources.

   c. Information related to the arrestee's opportunity for pretrial release (CharMeck District Attorney's Office).

   d. Information related to financial assistance through the North Carolina Department of Public Safety (NCDPS) Crime Victim Compensation Services as outlined in Chapter 15B Victims Compensation of the North Carolina General Statutes.

   e. The complaint number and outline of the subsequent steps in processing the case, including what may be expected of them.

   f. The contact information of the assigned VSU specialist or detective or the telephone number for the Non-Emergency Police Services Unit (NEPS) to provide additional information related to the case or request case status updates.

g. Instructions to call 911 if threatened by the suspect, suspect's associates, or suspect's family.

2. Officers will respond to calls for service related to personal relationships in adherence with Directive 600-005, Domestic Violence, and Chapter 50B Domestic Violence of the North Carolina General Statutes.

3. If a victim or witness is seventeen (17) years of age or younger, officers must make a Child Development Community Policing (CDCP) referral as outlined in the CDCP SOP.

4. Officers shall contact the Department of Social Services (DSS) Adult Protective Services (APS) if there is cause to suspect that a disabled adult (eighteen [18] years of age or older) has been abused, neglected, or exploited; or died as the result of maltreatment.

5. Officers shall contact DSS Child Protective Services (CPS) as mandated by N.C.G.S. § 7B-301 any time there is cause to suspect that a juvenile (seventeen [17] years of age or younger) has been abused, neglected, or dependent (as defined by N.C.G.S. § 7B-101) or has died as the result of maltreatment.

6. The initial reporting officer will document in the original report whether a victim and/or witness received the required information and if they wish to receive further notices from the CMPD. If a victim and/or witness elects to receive further notices, they are responsible for notifying the CMPD of any changes in their name, address, telephone number, and/or email address.

7. Supervisors will review preliminary investigations to ensure officers comply with victim and witness procedures.

B. Responsibilities After the Initial Investigation

1. If officers arrest a person suspected of committing a crime covered by North Carolina law, the following measures shall be taken:

a. The officer assigned to the case must notify the victims within forty-eight (48) hours of the arrest.

b. The assigned officer will paper the case in adherence with Directive 900-013, District Attorney's Papering Process.

c. If the person arrested is suspected of committing a crime outside of the CMPD jurisdiction, the arresting officer must notify the appropriate investigating agency and document the arrest in a KBCOPS incident supplement using the original complaint numbers as soon as practicable but within forty-eight (48) hours of the arrest.

2. The CMPD will provide appropriate assistance to any victim or witness who reports being threatened or intimidated by anyone due to their 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 the CMPD becomes aware of a valid threat to a victim or witness, the CMPD will promptly make every effort to alert the victim or witness. If the victim or witness is in another jurisdiction, the CMPD will contact the appropriate law enforcement agency, inform them of the threat, and request that reasonable precautions be taken.

3. The officer assigned to the case will:

   a. Collaborate with the VSU support specialist or detective assigned to the case.

   b. Ensure the needs of victims or witnesses are being met during the follow-up investigation of crimes covered under North Carolina law, including serious offenses involving trauma. Officers assigned to a criminal investigation must adhere to Directive 600-021, Criminal Investigations, and/or the specific investigative unit's SOP.

   c. Explain the procedures to victims or witnesses involved in prosecuting the case and their role in the proceedings. If victims or witnesses are minors, conversations should be held with their parent or guardian. The assigned officer will assist them during court proceedings as the need arises.

   d. Make every effort to schedule lineups, interviews, and other required follow-ups at the convenience of victims and/or witnesses. If necessary, the officer will provide transportation for victims and witnesses.

   e. Provide secure waiting areas during pre-arrest, arrest, and post-arrest procedures, ensuring that victims and witnesses do not come in close proximity with suspects, suspects' associates, or suspects' families unless necessary for the investigation.

   f. Facilitate requests for the presence of a victim advocate during lineups or similar proceedings and assist victims and/or witnesses in locating an advocate.

   g. Instruct victims or witnesses to call 911 and contact the assigned officer if threatened or intimidated by a suspect, suspect's associates, or suspect's family members.

   h. Return confiscated property belonging to victims and/or witnesses as promptly as possible when it is no longer needed as evidence.

   i. Notify victims when an arrest has been made. When known, the assigned officer will provide the listed charges and the defendant's current custody status and direct the victim to call the appropriate law enforcement agency detaining the defendant to check the defendant's ongoing custody status.

j. Maintain victim and/or witness confidentiality to the fullest extent possible.

4. Supervisors will monitor case investigations to ensure victim and witness procedures are being completed.

C. Notification of Next of Kin

1. If it becomes necessary to notify the next-of-kin of a deceased, seriously injured, or seriously ill person, 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 employees 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.

3. Officers will notify their direct supervisor before delivering a death notification to ensure the notification does not supersede another unit's responsibility.

D. Coordination of Victim and Witness Assistance

1. The CMPD's victim and witness assistance efforts are the shared responsibility of all CMPD employees.

2. Referral information will be available twenty-four (24) hours a day from the CMPD website.

3. Both sworn and civilian employees will be trained on victim and witness rights, the responsibilities of law enforcement agencies, and the types of assistance available. This training will occur during recruit training, in-service training, and/or new employee orientation.

4. The CMPD will serve as a liaison between victims, the District Attorney's Office and other criminal justice agencies, governmental and non-governmental agencies, and organizations dedicated to the needs and rights of victims and witnesses.

IV. REFERENCES

600-005 Domestic Violence
600-021 Criminal Investigations
900-013 District Attorney's Papering Process
Child Development Community Policing SOP
Victim Services Unit SOP
Chapter 15B Victims Compensation

Chapter 50B Domestic Violence
N.C.G.S. § 7B-101
N.C.G.S. § 7B-301
N.C.G.S. § 15A-824
N.C.G.S. § 15A-825
N.C.G.S. § 15A-830
N.C.G.S. § 15A-831
CALEA

The previous version of Directive 600-007, Victim and Witness Assistance, was published on 04/08/2021.

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

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).

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. CANCALRM: 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.

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.

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.

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

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.

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.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) investigating incidents involving juvenile victims and suspects in compliance with North Carolina state law, City of Charlotte ordinance, and utilizing available community-based resources.

II. POLICY

CMPD will endeavor to protect children from abuse and neglect, victimization, and protect the community from acts of juvenile delinquency. CMPD will partner and coordinate with community resources and agencies that provide services to juveniles in the community. CMPD employees will act accordingly and reasonably toward 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 delinquent acts committed by the juvenile in their care, or allowing the juvenile to be exposed to sexual assault.

B. **Child Sexual Assault**: A crime committed against a juvenile (e.g., rape, statutory rape, statutory sex offense, indecent liberties, sexual battery, indecent liberties between children, etc.).

C. **Delinquent Juvenile**: As defined by N.C.G.S. § 7B-1501 (7), a delinquent juvenile is:

1. A juvenile less than sixteen (16) years of age but at least ten (10) years of age who commits a crime or infraction under state law or local government ordinance, including violations of motor vehicle laws defined in Chapter 20 of NC General Statutes or indirect contempt by a juvenile as defined in N.C.G.S. § 5A-31.

2. A juvenile less than eighteen (18) years of age but at least sixteen (16) years of age who commits indirect contempt by a juvenile as defined in N.C.G.S. § 5A-31 or a crime or an infraction under state law or local government ordinance, excluding:

   a. Violations of motor vehicle laws defined in Chapter 20 of NC General Statutes.

   b. Any offense punishable as a Class A, B1, B2, C, D, or E felony if committed by an adult, together with any offense based on the same act or transaction, or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that offense, and any greater or lesser included offense of that offense.

3. A juvenile less than ten (10) years of age but at least eight (8) years of age who commits a Class A, B1, B2, C, D, E, F, or G felony under state law.

4. A juvenile less than ten (10) years of age but at least eight (8) years of age who commits a crime or infraction under state law or local government ordinance, including violations of motor vehicle laws defined in Chapter 20 of NC General Statutes, and has been previously adjudicated as delinquent.

D. **Dependent Juvenile**: A juvenile in need of assistance or placement because their 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. An inventory search is necessary to isolate dangerous items from police and jail facilities.

F. **Juvenile**: Except as provided in definitions of delinquent juvenile and undisciplined juvenile in N.C.G.S. § 7B-1501, juvenile refers to any person who has not reached the person's eighteenth (18th) birthday and is not married, emancipated, or a member of the Armed Forces of the United States.

G. **Juvenile Court Counselor (JCC)**: The 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 JCC in the Office of the Clerk of Superior Court initiating a juvenile court proceeding. Officers 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, has been abandoned, is not provided necessary medical care, is not provided necessary remedial care, has been allowed to live in an injurious environment, and/or is 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. **Restricted Hours**: The Youth Protective Ordinance, City of Charlotte code Chapter 15, Article VII, sets a pilot curfew for juvenile under the age of eighteen (18). The curfew is on any day of the week, 10:00 p.m. until 6:00 a.m. the following day for unemancipated minors age seventeen (17) and under. The pilot restricted hours will be in effect from November 1, 2026, to August 31, 2027.

M. **Secure Custody Order (SCO)**: A custody order that directs officers or other authorized persons to assume custody of a juvenile and make due return on the order. A juvenile petition must accompany the SCO.

N. **Undisciplined Juvenile**: As defined by N.C.G.S. § 7B-1501 (27), a undisciplined juvenile is:

1. A juvenile less than sixteen (16) years of age but at least ten (10) years of age who is unlawfully absent from school, regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian, regularly found in places where it is unlawful for a juvenile to be, has run away from home for more than twenty-four (24) hours; or

2. A juvenile sixteen (16) or seventeen (17) years of age who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian, regularly found in places where it is unlawful for a juvenile to be, and/or has run away from home for more than twenty-four (24) hours.

O. **Vulnerable Juvenile**: Any juvenile less than ten (10) years of age but at least six (6) years of age who commits a crime or infraction under state law or local government ordinance, including violation of the motor vehicle laws, and is not a delinquent juvenile.

P. **Youth and Family Services (YFS)**: The Mecklenburg County Department of Social Services (DSS) division provides intake services and conducts child protective services investigations. YFS receives and screens child protective service referrals and conducts investigations and family assessments in abuse, neglect, or dependency cases.

IV. PROCEDURE

A. Child Abuse or Neglect

1. Child abuse or neglect reports shall be thoroughly investigated and documented. Officers will enforce the laws and refer incidents of child abuse or neglect to YFS.

   a. Confidential law enforcement information can be shared between law enforcement agencies and YFS.

   b. Officers may seek a court order to prevent the disclosure of the information if the officer believes that sharing confidential 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, officers 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 child abuse will be documented and reported to YFS.

4. Initial investigations of child physical abuse with minor injury will include the following:

   a. Written statements will be taken from all involved parties and witnesses, proper documentation, and preservation of evidence, including photographs of injuries, collection of weapons used (if any), seizure of electronic evidence, etc.

   b. Child victims will be interviewed by officers in misdemeanor cases of physical abuse, using non-confrontational, open-ended questions. Written statements should not be taken from young children but should be interviewed for fact-finding purposes. Written statements will be taken from adults who are involved or who are witnesses.

   c. Officers will conduct a thorough background search of all parties involved using available databases to identify any history of child abuse or neglect and record the findings in a KBCOPS incident report.

5. Officers must determine through interviews and evidence if child abuse occurred and take enforcement action. Employees will 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. Officers will take appropriate enforcement action due to the exigency of the situation.

6. When the accused suspect of child abuse is not present on the scene, officers 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, officers will present the case to a magistrate before the end of their shift.

B. Child Sexual Assault

1. Reports of child sexual assault shall be thoroughly investigated, documented, and reported to YFS.

2. The child should be separated from the accused suspect when possible.

3. Initial investigations of child sexual assault will 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, officers will consult with the Crimes Against Children (CAC) Unit.

   b. Officers will not interview or question sexual assault child (fifteen [15] years of age or younger) victims. Child victims will be interviewed by a forensic interviewer at Pat's Place Child Advocacy Center or by a CAC Unit detective.

   c. Officers should make every effort to acquire information from the non-offending, supportive parent or adult caretaker reporting the incident. Detailed written statements will be taken from adults to whom the child initially disclosed the sexual assault.

   d. Officers will take steps to determine the timeframe of the most recent sexual assault. If the sexual assault occurred within seventy-two (72) hours, a CAC Unit detective must be notified, and the child victim should be taken to the hospital for the completion of a sexual assault kit.

   e. If officers are unable to 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 questions are open-ended, non-confrontational, and non-judgmental without leading questions or suggestive prompts. Once the minimal information is acquired, officers and the reporting adults will stop questioning the child victim.

   f. Officers will properly document their investigation and take necessary steps to preserve any evidence of the sexual assault (e.g., biological evidence on clothes, bedding, electronic evidence on phones or technological devices, etc.). For guidance or assistance, officers should contact a CAC Unit detective.

C. Temporary Custody of a Juvenile

1. Temporary custody means taking physical custody and providing personal care and supervision until a court order for secure or non-secure custody can be obtained. A juvenile may be taken into temporary custody without a court order in the following circumstances:

   a. Probable cause would exist for the arrest of an adult in identical circumstances under N.C.G.S. § 15A-401.

   b. If reasonable grounds exist to believe the juvenile is undisciplined.

c. 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.

d. 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.

e. If there are reasonable grounds to believe the juvenile is in violation of the City of Charlotte Youth Protection Ordinance (YPO).

(1) Officers shall not initiate a traffic stop solely to determine violations of the YPO.

(2) All YPO contacts shall be documented on the CMPD Stop Data-Pedestrian Stop form.

2. After taking a juvenile into temporary custody without a court order, the officer's duties include:

a. Checking 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.

(1) 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.

(2) No juvenile court jurisdiction exists for juveniles with a prior "adult" conviction, and officers should treat the juvenile as an adult.

b. Notifying 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.

(1) Officers 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.

(2) Officers may complete a juvenile arrest worksheet, seek a petition, and request an SCO be issued.

(3) A juvenile who is taken into temporary custody will 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 an intake counselor has filed a petition or motion for review and an order for secure or non-secure custody has been entered.

c. Officers should select the most appropriate course of action for the situation and consider the needs of the juvenile and the protection of the public.

D. Juvenile Arrest Procedures

1. On-Scene Arrest

a. Officers 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 juvenile's history. If the officer chooses to send the juvenile through diversion in lieu of arrest, the officer 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. Officers will contact the 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. Officers will complete a KBCOPS report and Juvenile Arrest Worksheet.

d. If circumstances do not necessitate obtaining an SCO, officers will collect information needed for a juvenile arrest. The juvenile will be released to a parent, guardian, custodian, or caretaker.

e. If an SCO is required, the assigned investigating officer will follow procedures outlined in this policy's secure custody orders section.

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. Officers automatically have the right to search incident to arrest and are 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, follow the procedures outlined in this policy's arrestee property inventory section.

3. Strip searches and body cavity searches conducted on a juvenile will adhere to *Directive 500-004-A, Conducting Person Searches*.

4. Juvenile Court Counselor (JCC) Referrals

Officers will 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.

E. 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, officers are advised to obtain consent, a search warrant, or to perform an

inventory search as noted in Directive 500-008 Prisoner Transport. Additionally, officers may search such containers when an arrestee denies ownership of the container and has abandoned the property.

F. Secure Custody Orders (SCO)

1. SCO may be requested 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:

      (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 -impaired driving or N.C.G.S. § 20-138.3 – driving by a person less than twenty-one (21) after consuming alcohol or drugs.

   d. The juvenile has willfully failed to appear on a pending charge of delinquency or undisciplined or charges of probation violation 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. The following factors should be considered when requesting a SCO:

   a. The nature of the alleged offense.

   b. The age and circumstances of the defendant.

   c. The defendant's juvenile record.

   d. The availability of community-based programs.

   e. The needs and limitations of the juvenile.

   f. The strengths and weaknesses of the juvenile's support system.

   g. Any concerns of the victims or complainants.

3. The following procedures outline the steps to obtain an SCO during normal business hours (Monday through Friday, 0800 hours through 1700 hours, excluding holidays):

   a. After completing the KBCOPS report and Juvenile Arrest Worksheet, officers will contact the JCC to provide the juvenile's name and charges.

   b. The JCC will approve or deny requests for an SCO.

c. If the SCO request is denied, officers will complete the on-scene arrest process and release the juvenile to a parent, guardian, custodian, or caretaker.

d. If the SCO request is approved, officers will take the KBCOPS report and Juvenile Arrest Worksheet to the DJJDP office (700 E. 4th Street, Suite 400), where the JCC will complete the petition and the SCO.

(1) Officers will accompany the JCC to the Juvenile Clerk of Court, where the clerk will sign the petition.

(2) The JCC will 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.F.3.c.

(4) Officers obtaining an SCO will submit the order to the Communications Division DCI for filing immediately. SCOs will remain in the database until they are served.

(5) Once the juvenile is in custody, officers will contact the JCC, transport the juvenile to the designated detention center, and submit all paperwork at the detention center.

4. The following procedures outline the steps to obtain an SCO after normal business hours:

a. After completing the KBCOPS report and Juvenile Arrest Worksheet, contact the JCC utilizing the after-hours telephone number to request a petition and provide the counselor with the juvenile's name and 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

a. Officers will confirm with a DCI technician that the SCO is valid. When possible, the officers should contact the JCC to confirm that the SCO is valid. In some cases, a judge may have struck the SCO, 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 the DCI technician will provide officers with information regarding the restrictions (i.e., take no action if the juvenile is in the custody of the guardian). These restrictions will assist officers with deciding how to 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, officers 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, officers will complete the Remove from NCIC Form to clear the alert from NCIC.

f. Contact the 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.

G. All juveniles, while in police custody, will be under continual observation and monitoring in a safe and secure environment. Arrestees cannot be taken to the jail facility unless they are eighteen (18) years of age or older.

H. 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.

I. 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 section IV.D.1.

J. Parental Notification Requirements for Minors Charged as an Adult

1. Officers charging a minor with a criminal offense as an adult will notify the minor's parent or guardian of the charge as soon as practicable, in person or by telephone, and document in the KBCOPS report who was notified and their relationship to the minor.

2. If the parent or guardian of the minor cannot be found, officers or their immediate supervisor must notify the minor's next of kin of the minor's arrest as soon as practicable.

3. Parental notification is not required when one (1) of the following conditions exists:

a. The minor is emancipated.

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 for an offense involving impaired driving.

c. The minor is charged with a motor vehicle offense that is not a moving violation.

K. Transporting Juvenile Arrestees

A juvenile will not be placed or transported in any police vehicle or other vehicle that, 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.

L. School Principal Notification Requirements

A Memorandum of Understanding (MOU) exists, whereas the Mecklenburg County Sheriff's Office will notify the Charlotte-Mecklenburg School (CMS) Administrative Office if an officer arrests a student. CMS has agreed to act as an agent to receive all notifications required to be made to any school principal within and outside the CMS school system.

M. 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. Officers will use the 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 Juvenile Waiver of Rights Form must be completed, even if the juvenile is being charged as an adult.

3. Officers conducting a custodial interrogation at any place of detention of a subject under eighteen (18) years of age will video and audio record the entire interrogation. This includes misdemeanors and felonies.

4. Officers conducting a custodial interrogation will provide the juvenile with a succinct overview of procedures that CMPD and the DJJDP will follow during the investigation and the subsequent prosecution phase of the case. Examples of explanations include presenting 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 the next steps, etc.

5. Generally, no more than two (2) officers should be present during the interrogation of a juvenile.

6. The time duration of continuous interrogations should be based on the seriousness of the crime, the juvenile's age and maturity level, and the juvenile's previous experience with law enforcement.

N. Non-Testimonial Identification Order (NTO) Procedures

1. 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, nor an attorney may consent to the procedure (N.C.G.S. § 7B-2103). Officers should contact the Police Attorney's Office for assistance with NTOs.

2. Fingerprinting and Photographing Juveniles

   a. Officers may fingerprint and photograph a juvenile without an NTO if all the following are present:

      (1) The juvenile is ten (10) years of age or older.

      (2) The juvenile allegedly committed a non-divertible offense (murder in the 1st degree, rape in the 1st or 2nd degree, sex offense in the 1st or 2nd degree, Arson in the 1st 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).

      (3) A juvenile petition is prepared or is in process.

      (4) The juvenile is in the custody of law enforcement or DJJDP.

b. Fingerprints and photographs may be used for investigative or comparative purposes and will be withheld from public inspection.

O. Confidentiality

1. 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 juvenile's identity is prohibited. The publication of pictures of runaways is permitted with the parent or guardian's permission.

P. Inter-Agency/Intra-Agency Relationships and Program Performance

1. CMPD will share policies and procedures with other human service agencies that serve the juvenile justice community.

2. CMPD will solicit input from the juvenile justice community regarding issues relating to juveniles.

Q. Annual Review of Juvenile 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 addressing quantitative and qualitative elements. The evaluations will indicate whether the programs should function as is, be modified, or be discontinued.

V. REFERENCES

200-006 Youth Diversion Program
500-004-A Conducting Person Searches
500-008 Prisoner Transport
Crimes Against Children Unit SOP
Mecklenburg County Child Sexual Assault Guidelines
Preliminary Investigative Guide
N.C.G.S. § 5A-31
N.C.G.S. § 7B-101
N.C.G.S. § 7B-301
N.C.G.S. § 7B-302
N.C.G.S. § 7B-1501
N.C.G.S. § 7B-2101
N.C.G.S. § 7B-2103
N.C.G.S. § 15A-401
Chapter 20 of NC General Statutes
N.C.G.S. § 20-138.1
N.C.G.S. § 20-138.3
N.C.G.S § 160A-198
City of Charlotte Code Chapter 15, Article VII

CALEA

The previous version of this policy was published on 12/02/2024.

I. PURPOSE

This policy establishes standards for parking of Charlotte-Mecklenburg Police Department (CMPD), City of Charlotte, partner agencies, employee personal vehicles at CMPD facilities, outlines the appropriate use of CMPD parking facilities, and ensures the availability of parking for authorized vehicles.

II. POLICY

A. This policy covers the use of all CMPD parking facilities, to include but not limited to:

1. The parking deck located behind and attached to CMPDHQ.
2. The surface parking lot between CMPDHQ and the parking deck.
3. The loading dock adjacent to CMPDHQ.
4. The parking deck attached to Central Division.
5. All other surface parking associated with CMPD facilities.

B. These parking facilities are intended for use by employees who work for CMPD or are engaged in City of Charlotte, Mecklenburg County, or CMPD business such as attending court, training, meetings, or other administrative matters. This policy remains in effect twenty-four (24) hours per day, seven (7) days per week. Compliance with this policy is critical to ensure 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. **Employee**: An employee of City of Charlotte, CMPD, or a partner agency.

B. **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).

C. **Stored Vehicle**: A privately-owned vehicle that is parked for an extended period of time with the intention of not being used on a routine and/or daily basis.

IV. PROCEDURE

A. Deck Access

1. All CMPD, City of Charlotte, and Mecklenburg County employees who park their personal vehicles, including motorcycles or individually assigned department vehicles, must pay the weekly fee to park in the CMPDHQ deck. Payment will be made through 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 access card to gain entrance only for the vehicle they are driving. Employees may not transfer possession of their access card to any other person or use their card to allow another person access to the deck. Employees, upon terminating their employment with CMPD, shall have their CMPD parking access rescinded. This includes employees who terminate their employment with CMPD for employment in another City of Charlotte department.

3. CMPD employees who operate CMPD vehicles will be allowed to enter the operational side of CMPDHQ deck with their access card. Employees are prohibited from parking a personal vehicle on the operational side of the deck, except when attending court, papering cases, or obtaining warrants. In such cases, personal vehicles must be parked in the designated court parking spaces. Only designated staff may park their personal vehicles in the command staff parking spaces on the operational side of the deck.

4. 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.

5. The Administrative Services Bureau major is responsible for approving requests for parking access and denying or terminating parking access.

6. 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.

7. 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.

8. To facilitate temporary parking deck access for special activities, an intercom system is connected to CMPDHQ security desk. The employee assigned to 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.

9. Security cameras are installed at the entry points of the deck. Employees who do not have their access card and who cannot be identified by CMPDHQ security desk, will be denied access and directed to park elsewhere.

B. CMPDHQ Parking Deck

1. 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. 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. CMPD Facilities Planning Manager must be notified of any approved change(s) and will assist in completing the approved change(s).

2. 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.

3. Employees attending court, papering cases, or obtaining warrants 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 4th Street, to attend court or paper cases.

4. There are 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.

5. 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.

6. Command staff who are from external facilities are not required to pay for deck parking, but to the extent possible, should park on the operational side of the deck in spaces reserved for command staff.

7. CMPD sworn employees and professional staff assigned to facilities other than CMPDHQ are not required to pay for deck parking.

8. Individuals operating non-CMPD vehicles should park anywhere on the employee side of CMPDHQ deck when conducting CMPD business, except in spaces marked reserved.

9. 15-passenger vans such as those assigned to the Police Activities League (PAL) and Prisoner Transport, must be parked on the eighth floor of the deck.

10. 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.

C. CMPDHQ 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 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. CMPDHQ 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. Central Division Parking Deck

1. Parking is limited to those assigned to the central division and those parking for CMPD purposes.
2. Anyone parking in the central division deck must abide by all designated parking signage.
3. Any battery electric vehicle is prohibited from parking above level two (2).
4. Vehicles are prohibited from parking or blocking the loading dock access on the 6th Street side entrance.
5. Storage of privately-owned vehicles in the central division deck is prohibited.

F. Electric Vehicle Charging

In keeping with the City of Charlotte's commitment to sustainability, charging stations for EVs have been installed in CMPDHQ, CMPD Central Division and other select CMPD facilities. The primary purpose of these charging stations is to charge city owned EVs. Charging of personally owned EVs is permitted only as charging capacity allows and at publicly available charging stations installed at CMPD facilities. EVs shall only be parked at a CMPD EV charging station while the EV is actively charging. Violations or questions pertaining to city owned or personally owned EVs should be directed to CMPD fleet management office or facilities management office.

G. All other CMPD parking facilities

1. Vehicles must be parked in accordance with all posted signage and painted pavement markings.
2. Storage of privately-owned vehicles is prohibited.

V. ENFORCEMENT

A. Vehicles found in violation of this policy may be subject to citation and, in extreme cases, may be towed.

B. Employees in violation of this policy may be subject to disciplinary action.

C. Supervisors are responsible for ensuring compliance with parking regulations. Any employee may report a violation of this policy to CMPDHQ security desk.

D. The Facilities 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.

I. PURPOSE

This policy establishes standards for the use of Charlotte-Mecklenburg Police Department (CMPD) issued police radios.

II. POLICY

The CMPD is licensed to broadcast official law enforcement radio communications to CMPD units using police radios and shall do so in compliance with all rules and regulations established by the Federal Communications Commission (FCC) governing the use of radio transmissions.

III. DEFINITIONS

A. **Call Sign**: A unique number or series of numbers assigned to a police radio user to identify them as a specific unit during all radio transmissions.

B. **Mobile (Car) Radio**: A vehicle-mounted, two-way communication device installed in CMPD vehicles that enables employees to transmit and receive radio transmissions while operating a departmental vehicle.

C. **Portable Radio**: A handheld, two-way communication device issued by the CMPD that enables employees to transmit and receive radio transmissions.

IV. PROCEDURE

A. Portable Radios

1. Employees issued a portable radio must carry it at all times when working on duty or in a secondary employment capacity, unless they are assigned to administrative duties or if doing so would be impractical, dangerous, or detrimental to the progress of a criminal investigation.

2. Employees operating a departmental vehicle when working on duty or in a secondary employment capacity must have their portable radios with them and turned on at all times, except when doing so would be impractical, dangerous, or detrimental to the progress of a criminal investigation.

3. If an employee must turn off their portable radio, they must notify the Communications Division of their location and the reason for going off the air. The employee must notify the Communications Division immediately upon returning to "on the air" status.

4. Sworn employees are encouraged to carry their portable radios while off duty. When doing so, they must keep the radio in their possession or ensure it is properly secured to prevent loss, theft, or damage when left unattended.

5. All radio attachments, including antennas, microphones, earpieces, and batteries, must be:

   a. Issued by the Charlotte Radio Shop or the Communications Division.

   b. Intended solely for use by the employee to whom the equipment was issued or who has been specifically approved.

6. Modifications

   a. Modifications, alterations to factory specifications, or the addition of accessories to any CMPD-issued portable radio are strictly prohibited, except for radios used by the Communications Division and SWAT Team members, with prior approval from the Chief of Police or designee. Employees who fail to receive prior approval may be subjected to a rule of conduct violation.

b. Prohibited modifications include, but are not limited to:

(1) Twisting, bending, or otherwise altering the issued antenna

(2) Replacing the original antenna with an unapproved version

(3) Using non-issued or unapproved aftermarket microphones, earpieces, batteries, or other attachments

7. Malfunctions

a. Portable radios that appear to be malfunctioning shall be taken to the Communications Division for inspection and possible replacement.

b. Employees submitting a broken or malfunctioning radio to the Communications Division for repair must complete a CMPD Communications Division Portable Radio Replacement Form, detailing the issues with the radio. The employee will be permanently assigned the replacement radio upon submission.

c. The Communications Division may issue a spare ("loaner") radio to replace an assigned portable radio that is malfunctioning or has been contaminated and rendered inoperable or unsafe for use.

(1) Spare radios will not be issued to employees who fail to bring or account for their assigned equipment.

(2) Requests that do not meet the malfunction or contamination criteria will be denied, and the employee's supervisor will be notified.

B. Mobile (Car) Radios

1. Employees operating a departmental vehicle must ensure the mobile radio is functional, turned on, and set to the appropriate talk group while on duty or in a secondary employment capacity, unless doing so would be impractical, dangerous, or detrimental to the progress of a criminal investigation.

2. Modifications

Unauthorized alterations, modifications, or installation of unapproved accessories to a mobile radio are prohibited.

3. Malfunctions

Mobile radios that appear to be malfunctioning shall be taken to the City of Charlotte Radio Shop to be service, repaired, or replaced.

C. Radio Transmissions

1. Call Signs

a. Police radio users use a call sign to identify themselves during radio transmissions.

b. An employee engaging in secondary employment will use a call sign consisting of their CMPD-issued code number, prefixed with the letter "P," commonly referred to as a "P unit."

c. To prevent confusion with the emergency 10-code "10-33," no employee shall be assigned a call sign that ends in the number "33."

2. Radio transmissions must be conducted in accordance with the following professional protocols:
   a. Police radio users must use their designated call sign, if applicable, when initiating or responding to radio transmissions.
   b. The Communications Division will be identified as "Headquarters."
   c. Radio transmissions must be brief and impersonal. The use of first names or nicknames is prohibited during transmissions on primary dispatch talk groups.
   d. Emergency radio transmissions shall take priority over all other radio communications.
   e. The Communications Division will contact a unit and dispatch calls for service (CFS) using the unit's designated call sign.
      (1) A unit being dispatched should acknowledge the CFS by repeating their designated call sign and providing their current location.
      (2) Other radio transmissions may be acknowledged by repeating only the designated call sign.
      (3) When the Communications Division responds to radio transmissions, they should acknowledge the unit by repeating the unit's designated call sign and instructing them to proceed with the transmission or to stand by.
      (4) Units must provide an appropriate acknowledgment before proceeding with any radio transmission. In an emergency, a telecommunicator may instruct units to stand by. Once instructed, no further radio transmissions should be made until directed to continue.
   f. Police radios and the computer-aided dispatch (CAD) system are used exclusively for official law enforcement communication purposes. The transmission of personal messages or any unprofessional conversation is prohibited.
   g. Employees shall use the CAD system or phones for lengthy conversations or detailed information requests whenever possible.
   h. To ensure the Communications Division remains available to monitor and manage radio transmissions without unnecessary interruption, employees are encouraged to make necessary phone calls and notifications directly in non-emergency situations, rather than requesting assistance from the Communications Division.
   i. Additional requirements for the Communications Division radio transmission are outlined in the *Communications Division SOP #3 PSAP Operations*.

V. REFERENCES

400-003 Equipment
Communications Division SOP #3 PSAP Operations
Communications Act of 1934
Federal Communications Commission (FCC)
Charlotte Cooperative Purchasing Alliance (CCPA)
Portable Radio Replacement Form
CALEA

The previous version of this policy was published on July 29th, 2022.

I. PURPOSE

This policy establishes standards 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 standards to tow, inventory, store, and release all vehicles.

III. DEFINITIONS

N/A

IV. PROCEDURE

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 a non-division wrecker 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 can 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 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 ensure 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 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. Submit the white (top) to the Public Records Unit and give the remaining three (3) copies 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.

      (1) N.C.G.S. 90-112 - Concealment, conveyance, or transportation of any unlawful 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 conceal, convey, or transport stolen property, used in the commission of a larceny when the value of goods is more than $2,000.00 or used in the commission of a robbery, or used in the commission of organized retail theft.

      (6) N.C.G.S. 14-2.3 - Motor vehicles acquired through the commission of other felonies.

2. A sworn employee must seize a vehicle in offenses involving impaired driving while license revoked or without license and insurance, and for felony speeding to elude arrest.

   a. If the sworn employee determines that the motor vehicle has been reported stolen, the sworn employee shall not seize the motor vehicle pursuant to N.C.G.S. 20-28.3.

   b. If the sworn employee determines that the motor vehicle is a rental vehicle driven by a person not listed as an authorized driver on the rental contract, the sworn employee shall not seize the motor vehicle pursuant to N.C.G.S. 20-23.3 but shall make a reasonable effort to notify the owner of the rental vehicle.

   c. The sworn employee will refer to NCGS 20-28.3 and notify the Division of Motor Vehicles (DMV) within twenty-four (24) hours of the seizure.

   d. A vehicle seized pursuant to NCGS 20-28.3 must be approved (before or after the seizure) by a magistrate. The seizing officer shall present to a magistrate within the county where the driver was charged an affidavit of impoundment using AOC-CR-323A Form setting forth the basis upon which the motor vehicle has been or will be seized for forfeiture.

3. 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).

4. If the keys are seized with the vehicle, they will be placed in property control and documented in PLIMS.

5. 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 update 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 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 regarding the vehicle's status every fifteen (15) days. When the District Attorney determines that the vehicle is no longer needed as evidence, it can be released. The sworn employee will then update 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.

3. Abandoned vehicles located off the roadway, on I-277, will be tagged and towed by Incident Management Assistance Patrol (IMAP) of the North Carolina Department of Transportation. If a vehicle is on the roadway, CMPD will contact a wrecker to have it towed. If someone reports a stolen vehicle on I-277 and the vehicle is not in the tow file, contact Eastway Wrecker to determine if the vehicle has been towed. IMAP will be using Eastway Wrecker for all towing on I-277.

K. Additional Towing Procedures and Responsibilities

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 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.

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 wrecker delivers the vehicle, 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.

   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 updated 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
Charlotte City Code 14-63 & 14-64
Charlotte City Code 14-216 et seq.
Charotte City Code 6-561 – 6-567
N.C.G.S. 14-2.3
N.C.G.S. 14-86.1
N.C.G.S. 14-299
N.C.G.S. 20-28.3
N.C.G.S. 20-137.10
N.C.G.S. 20-141.3(g)
N.C.G.S. 20-141.5(b) or (b1)
N.C.G.S. 161(f)
N.C.G.S. 18B-504
N.C.G.S. 20-219.2
N.C.G.S. 20-219.11
N.C.G.S. 20-219.3A
N.C.G.S. 20-161
N.C.G.S. 90-112
AOC-CR-323A Form
CALEA

The previous version of this directive was published on 11/21/2022.

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)).

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 ¾ inch in diameter at any point. It must be blunt at both ends.

   h. Violations of the ordinance may be enforced by issuing a 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

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.

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.

_____

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 shallbe no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.
(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.
(f) Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to a breach of the peace.
(g) Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:
(1) The city's noise ordinance;
(2) The city's handbill ordinance;
(3) Section 14-225.1 (obstructing justice);
(4) Section 14-277.2 (weapons);
(5) Section 14-277.4 (health care facilities); and
(6) Section 14-288.4 (disorderly conduct).
(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.

(i) It shall be unlawful for any person to violate any provision of this section.
(Ord. No. 2621, § 1, 6-14-2004)
Secs. 19-304--19-310. Reserved.

I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees performing their duties before, during, and after a First Amendment activity.

II. POLICY

When CMPD employees perform their duties, they conform to the guarantees of the United States and North Carolina Constitutions. When conducting a work-related function involving a First Amendment activity, that function must be confined to a legitimate law enforcement objective. CMPD recognizes that the First Amendment of the United States Constitution promotes, encourages, and protects the right of free speech and the right of persons and groups to assemble peacefully. In addition, the Fourth Amendment protects individuals from unreasonable governmental intrusion into their person, houses, papers, and effects. Whether demonstrating, protesting, counter-protesting, or simply showing support for a cause, individuals and groups have the constitutional right to peacefully gather and express themselves without interference from law enforcement despite the content of their message. At the same time, it is also the role of CMPD to maintain law and order during a First Amendment activity and to investigate any potential for criminal behavior that might occur before, during, or after such an activity.

III. DEFINITIONS

A. First Amendment Activity: Constitutionally protected speech or association, or conduct related to freedom of speech, the free exercise of religion, freedom of the press, the right to assemble, and the right to petition the government. A First Amendment activity includes but is not limited to the preparation, planning, and discourse conducted before, during, and after a particular occurrence or continuous activity such as a demonstration or a protest.

B. Infiltrate: A covert investigative technique whereby an officer affirmatively identifies as a member of a group or organization and does not disclose as a law enforcement officer.

C. Informant: A person who is not a police officer who provides information to law enforcement about individuals, groups of individuals, or organizations which are generally not publicly available.

D. Legitimate Law Enforcement Objective: A legitimate law enforcement objective consists of the following: the detection and investigation of criminal behavior; the apprehension and prosecution of criminals; the identification of potential acts of civil disobedience designed to unlawfully disrupt the legitimate and lawful activities conducted within the Charlotte-Mecklenburg area; and, the identification of governmental resources necessary to staff a First Amendment activity sufficient to protect persons and property.

E. Public Source Information: Any information that can be obtained or accessed by the general public such as public records, social media sites, web pages, and observation of activity that is presented to and/or can be viewed by the general public.

IV. PROCEDURE

The procedures in this directive are intended to ensure that CMPD employees 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.

Procedures Applicable to All Employees

A. CMPD employees may respond to or monitor First Amendment activities to facilitate a legitimate law enforcement objective. Two (2) examples of facilitating a legitimate law enforcement objective are:

1. Developing information that will assist with traffic and crowd control during First Amendment activities.

2. Receiving information from a reliable informant that a group of counterdemonstrators plan to commit criminal acts to disrupt another group's demonstration.

B. CMPD employees shall not investigate, prosecute, retaliate, prevent, or hinder any person from lawfully participating in First Amendment activities.

C. CMPD employees shall not collect, document, or retain information on persons associated with a First Amendment activity based solely on that individual's:

1. Ethnicity, national origin, race

2. Religious, political, or social beliefs or association

3. Sexual orientation

4. Support for unpopular causes protected by the First Amendment

D. CMPD employees will not encourage, suggest, or participate in any civil disturbance, civil disobedience, or violation of any criminal law.

E. All questions will be limited to issues related to criminal conduct or to developing information related to a legitimate law enforcement objective.

F. CMPD employees shall not take, confiscate, or seize a participant's 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 sworn employees have obtained a search warrant, or there is an exception to the warrant requirement.

G. CMPD employees 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.

H. Any photographing or video recording of an event by CMPD employees shall be conducted in a manner that minimizes interference with the First Amendment activity and must be related to a legitimate law enforcement objective.

I. Nothing in this directive prevents an employee from recording or monitoring images by video/digital means or the taking of photographs to facilitate 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 Camera (BWC).

J. Nothing in this directive prevents an employee from performing the following actions, provided that they are undertaken to accomplish a legitimate law enforcement objective:

1. CMPD employees may gather, review, and disseminate public source information about planned or ongoing First Amendment activities. This includes publically available information such as internet and social networking sites and permit requests.

2. CMPD employees may overtly communicate with any person, including informants, involved in or with knowledge of a First Amendment activity to ascertain general logistical information about the activity, such as number of participants, start and end times, planned march routes, rally locations, etc.

3. 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.

K. 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.

L. All intelligence investigations related to First Amendment activities must be coordinated, though, and in conjunction with the Criminal Intelligence Unit and will be in accordance with this directive and the Criminal Intelligence SOP and Crime Analysis SOP.

V. REFERENCES

100-003 Jurisdiction and Authority
400-006 Body Worn Camera (BWC)
600-014 Passive Protest and Peaceful Demonstrations
800-015 Criminal Intelligence
CMPD Criminal Intelligence SOP
CMPD Crime Analysis SOP
Title 28 Code of Federal Regulations, Part 23
North Carolina General Statue §132-1.4
CALEA

The previous version of Directive 600-015 First Amendment Activities was published on 4/16/2020.

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. The CMPD will provide law enforcement service and protection to all members of the Charlotte-Mecklenburg community.

B. 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.

C. Employees will:

1. Enforce the criminal laws through all lawful means of investigation.
2. Use physically descriptive characteristics, including race and gender, only in determining whether a person matches a specific description of a particular suspect.

D. 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.

E. The CMPD will provide training regarding arbitrary profiling during recruit training and on an annual basis through in-service training.

F. The CMPD will conduct a documented annual review of this directive related to arbitrary profiling by affected personnel.

G. The CMPD will conduct an annual administrative review of sworn employee practices, including traffic and field contacts, forfeiture efforts, citizen concerns and any corrective measures taken. Upon completion of the annual review, CMPD will identify any areas that require updated or additional training.

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. **Articulable Reason**: A fact not based on a stereotype that is capable of being determined and recited.

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. **Probable Cause**: Knowledge of articulable facts or circumstances that is objectively, and without resort to arbitrary profiling, sufficient to induce a reasonable person under the attendant circumstances to believe that an individual has committed or is committing a criminal offense or an infraction.

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. **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.

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.

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 06/22/2022.

I. PURPOSE

This policy establishes guidelines for officers of the Charlotte-Mecklenburg Police Department (CMPD) 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 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 actively takes 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. PROCEDURE

A. Procedures for the Use of Less-Lethal Control

1. Use of less-lethal control during arrest

a. An officer may use less-lethal force upon another person when and to the extent that the officer believes it reasonably necessary to:

(1) 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

(2) Defend oneself or another person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or preventing or attempting to prevent an escape from custody.

b. 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. a. of this directive as justification for their acts in an administrative review of the use of control option.

c. 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 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:

(1) The officer's and/or person's physical size or strength.

(2) The physical impairment of the officer and/or person, such as injury, incapacitation, or fatigue.

(3) The availability of a weapon by the person.

(4) The alcohol or drug use of the person.

(5) The person's mental/developmental condition.

(6) The number of officers and/or persons present.

(7) Previous knowledge of the person.

(8) Apparent skill level of the officer and/or person.

(9) Whether the person poses an imminent threat to the public.

(10) Whether the person poses an imminent threat to the officer.

(11) Whether the person poses an imminent threat to themself.

(12) Whether the person is actively attempting to flee or escape lawful custody.

(13) The length of time a person passively or actively resists an officer's legitimate efforts to control the person.

(14) The time that the officer had to react to a real or imminent threat.

(15) Potential escape of the person.

(16) Potential destruction of evidence.

(17) Environmental conditions.

(18) Other facts and circumstances confronting the officer that are unique to the incident.

2. De-escalation, verbal warning, dialogue, and commands

a. 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.

b. If reasonable, an officer will identify themself 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.

3. Soft empty hand control

Soft empty hand control techniques are not impact-oriented and include:

a. Grabbing onto a person

b. Applying pressure points

c. Handcuffing a person to maintain control

d. Applying a joint lock to control a person's movement

e. Armbar takedown

f. Leg sweeps

g. Team takedowns

4. Oleoresin Capsicum (OC Spray)

a. OC spray may be used when the officer is confronted with defensive resistance and:

(1) 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

(2) 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.

b. OC spray shall be utilized at a range of three (3) to eight (8) feet and will be accompanied by loud verbal commands.

c. OC spray may be used to discourage an attack by an animal.

d. Officers are required to demonstrate proficiency in the deployment of OC spray in a training environment on a biennial basis.

e. 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.

5. Hard empty hand control

a. Hard empty hand control techniques are impact-oriented and include:

(1) Knee strikes

(2) Elbow strikes

(3) Punches

(4) Kicks

b. 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 the neck).

c. 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.

6. Conducted Electrical Weapon (CEW)

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 CEW is authorized to be utilized as an alternative to employing deadly control in situations where time and circumstance permit.

The CEW should be used to gain control of individuals displaying imminent and active aggression or as a reasonable progression of control. The CEW shall not be used on a person who is merely displaying passively resistant.

a. Procedures

(1) Only officers who have successfully completed CMPD's TASER™ Operator training are authorized to carry and use a CEW.

(2) All officers authorized to carry and use the CEW are required to demonstrate proficiency and complete recertification training on an annual basis.

(3) 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.

(4) Uniformed personnel who are issued a CEW are also required to carry all their issued equipment when on-duty or working a secondary employment assignment.

(5) Officers will not make any adjustments to their CEW device settings.

(6) 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*.

b. Use of Conducted Electrical Weapons

(1) Examples of situations when the CEW may be used:

(a) When dealing with a person with a mental illness who is actively aggressive (refer to *Directive 500-003, Response to a Mental Health Crisis*).

(b) When confronted by a person armed with a knife, bottle, or object other than a firearm, and the person poses an imminent threat to officers or citizens.

(c) When attempting to control a violent person who may be under the influence of drugs and/or alcohol and is exhibiting aggressive behavior or a person 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, Response to a Mental Health Crisis*).

(d) 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.

(e) When confronted with a person expressing the intent to and who has the immediate and reasonable means to commit suicide.

(f) When confronted by an aggressive dog that poses an imminent threat of danger to officers or citizens. Officers will immediately notify animal control if a CEW is deployed on a dog.

(2) 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.

(3) 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.

(4) The intentional use of two (2) or more CEWs simultaneously on the same person is strictly prohibited.

(5) 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.

c. The CEW shall not be used:

(1) 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.

(2) When the officer cannot, for safety or other reasons, approach the person within the effective range of the CEW.

(3) 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.

(4) In situations where deadly force is the most reasonably necessary option unless another officer is in position to use deadly force against the person.

(5) On handcuffed persons unless doing so is necessary to prevent the person from causing great bodily harm to themselves or others.

(6) 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.

d. In less-lethal control situations, officers shall not use a CEW under the following circumstances:

(1) On a person who does not pose an imminent threat of physical harm to themself, the public, or officers, unless as a progression of control to detain an individual who physically resists being handcuffed.

(2) On a person who is mentally ill, has not committed a crime, and does not pose an imminent threat of physical harm to themselves, the public, or officers.

(3) 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.

(4) On a person who is complying with an officer's commands.

(5) During a demonstration or other lawful protest where the person is only engaged in passive resistance.

(6) 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).

e. In less-lethal control situations, officers will not intentionally target the head, neck, upper chest area, or genitalia of the person with a CEW.

f. 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.

g. 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.

h. Medical Considerations:

Employees 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, Response to a Mental Health Crisis*, MEDIC and first responders will be requested as soon as practical once it has been concluded that the person may be at risk for positional asphyxia, restraint asphyxia, or excited delirium. For the purpose of this policy, the term first responders refers to medically trained personnel associated with the Charlotte Fire Department (CFD) and Mecklenburg County fire departments, including volunteer fire departments.

(1) Whenever possible, when officers respond to calls for service in which they anticipate the deployment of a CEW 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 and first responders if they were not initially dispatched. The officer shall designate a nearby safe location for MEDIC and first responders to stage until the scene is secure.

(2) MEDIC and first responders shall be requested for anyone subjected to the electrical discharge, including drive stun exposures. Officers will closely monitor the person until MEDIC, or first responders arrive.

(3) MEDIC or first responders will complete the on-scene probe removal and a medical evaluation on all persons exposed to the CEW. MEDIC or first responders will evaluate the person and determine whether the person will be transported to the hospital. MEDIC and first responder determining factors for transporting a person to the hospital may include, but are not limited to:

(a) A person exposed to multiple CEW cycles exceeding fifteen (15) seconds.

(b) A probe embedded in the neck, female breast, or male/female genitalia.

(c) A broken probe.

(d) A person who is uncooperative with the field removal of an embedded probe.

(4) If MEDIC or first responders clear the person, the officer may then transport the person directly to the intake center. Officers will request MEDIC transport any person exposed to multiple CEW cycles exceeding fifteen (15) seconds to the hospital for further examination and clearance before transporting the person to Intake.

(5) CEW probes that penetrate the skin will only be removed by MEDIC, first responders, or hospital medical personnel and will be treated as biohazard materials.

(6) The Internal Affairs Division is responsible for administrative investigations of CEW applications when:

(a) The application exceeds fifteen (15) seconds.

(b) The CEW is applied outside of policy and/or training.

(c) The person is in an at-risk category (i.e., young children, elderly, pregnant).

7. Less-lethal Options

a. 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.

b. The use of less-lethal options is not considered deadly force.

c. Approved less-lethal equipment currently includes, but is not limited to:

(1) Bean Bag rounds

(2) Chemical irritants

(3) Rubber pellets

(4) Conducted Electrical Weapons (CEW)

(5) Canine

(6) 40mm Impact Munitions

8. Impact Weapons

a. 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.

b. An officer's use of a flashlight, baton, or similar object 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.

c. A flashlight, baton, or similar object used as a club to strike a blow to a person's head/neck is prohibited except when deadly force is reasonably necessary.

d. Officers are required to demonstrate proficiency in the use of impact weapons in a training environment on a biennial basis.

9. Officers will not use the following tactics unless deadly force is reasonably necessary:

a. Any hold with or without a device that restricts a person's airway (i.e., chokeholds, sleeper holds, etc.).

b. Any hold with or without a device that restricts blood flow to a person's brain (i.e., chokeholds, sleeper holds, etc.).

c. Any strike with an impact weapon or object to a person's head or neck.

d. Any other tactic that is reasonably likely to result in death or great bodily harm unless deadly force was reasonably necessary.

10. Officers will not taunt, verbally bait, or initiate needless/unnecessary physical contact with a person.

B. Procedures Following the Use of Less-Lethal Control

1. Medical Treatment

An officer will summon appropriate medical aid when the person requests or, in the officer's opinion, requires medical assistance. If the officer is in doubt about the necessity of medical treatment, the officer will contact a supervisor. In the event a supervisor is contacted, the supervisor will observe the person prior to deciding 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:

a. Secure the scene to protect the person from any further injury.

b. Apply any first aid they are trained and certified to apply.

c. Provide increased observation of the person to detect obvious changes in condition.

2. Documentation

a. Officers who use a control method on a person will contact their supervisor immediately.

b. 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.

c. If an IACMS supervisor's investigative report is required, the supervisor is responsible for investigating the incident and completing the report.

d. Upon completion of the investigation, the supervisor will utilize the transfer function in the IACMS supervisor investigative report to route the investigation to the next higher level in the chain of command for review and disposition.

e. There are additional requirements for supervisor investigative reports involving CEW discharges. Supervisors shall:

(1) Photograph the impact points before and after removal (if possible).

(2) Photograph the discharged cartridge, showing the wires and all probes.

(3) Include a TASER™ Data Download report covering the previous 24 hours.

(4) Complete the CEW addendum in IACMS.

(5) TASER™ cartridges may be disposed of properly after being photographed unless serious injury or death occurs.

f. Secondary employment officers involved in situations where control is used are subject to the same procedures as on-duty officers. When a secondary employment officer is involved in a situation where control is used, the officer will notify a police supervisor immediately. If the job or location has a secondary employment supervisor assigned, that supervisor will complete the investigation and forward it to the officer's chain of command. If no secondary employment supervisor is assigned, an on-duty supervisor from the division where the job is located should be contacted. Additionally, on-duty supervisors shall assist secondary employment supervisors with investigations as needed.

g. 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:

(1) 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.

(2) An officer exercising police authority uses any object, including a baton, flashlight, hand, fist, or foot, to strike a blow to a person.

(3) An officer exercising police authority uses a control method that in any way causes a person to suffer a blow to the head.

(4) An officer uses OC spray on a person.

(5) An officer uses a CEW on a person or an aggressive dog.

(6) An officer uses a less-lethal option to affect the arrest or to control a person.

(7) 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.

(8) A police canine bite.

(9) An officer exercises police authority on a person, resulting in the person losing consciousness.

(10) 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.

h. 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:

(1) A person flees from arrest and injures themself.

(2) A person injures themself in any manner while handcuffed or in police custody.

(3) A person in a vehicle flees from police contact (not a vehicle pursuit) and is involved in a crash. (In these cases, supervisors should include AVL of police vehicles involved to demonstrate a vehicle pursuit did not occur).

3. 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.

4. Notification

a. 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.

b. If the control method used causes the affected individual to require hospitalization, Operations Command or the division commander will notify the commander of the Internal Affairs Division immediately, regardless of the hour of the day.

5. The existence of one (1) or more IACMS supervisor investigative reports documenting the use of a control method by an individual employee, by itself, cannot be the basis for discipline against that employee.

C. Procedures for the Use of Deadly Force

1. An officer may use deadly force only as follows:

a. When it appears to be reasonably necessary to defend themself or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force; or

b. 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

c. 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.

2. Where time, distance, communication, and circumstance permit, and considering the safety of officers and the public, officers shall attempt to de-escalate situations. An officer 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 themself or another person from the use or imminent use of deadly physical force.

3. If reasonable, an officer will identify themself 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.

4. An officer will not discharge a firearm under the following circumstances:

a. As a means of warning or frightening a person.

b. In connection to 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.

c. 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.

d. To protect or prevent damage to real or personal property.

e. 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.

5. Vehicles

a. 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 bodies and/or firearms.

b. 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.

c. 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.

d. 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:

(1) 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.

(2) 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.

6. 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 themself or another person from great bodily harm or death.

D. Procedures Following the Use of Deadly Control

1. Medical Aid

If 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 medical aid the officer is trained and certified to provide. Those actions may include:

a. Secure the scene to protect the person from any further injury.

b. Apply any first aid they are trained and certified to apply.

c. Provide increased observation of the person to detect obvious changes in condition.

2. Duty to Intervene and Report Excessive Use of Force

In adherence with N.C.G.S. § 15A-401, an officer who observes 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 an 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.

3. 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.

4. 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*.

5. Immediate Supervisor

If 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*.

6. Support Supervisor

The support supervisor will ensure compliance with *Directive 300-020, Police Critical Incident Stress*.

7. Administrative Leave

a. If the use of a control method by an officer results in the serious injury or death of a person, the officer will be removed from line duties pending the results of criminal or internal investigations.

b. The Chief of Police or designee may grant an officer three (3) days of administrative leave with pay or longer.

c. An officer placed on administrative leave will remain available for call back.

d. 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.

8. Negligent Discharge of Firearm

a. Any officer who negligently discharges a firearm will immediately contact the officer's on-duty supervisor.

b. The supervisor will notify the responsible chain of command and the Internal Affairs Division and initiate an IACMS investigation.

c. All negligent discharges will be reviewed by a Shooting Review Board convened by the Internal Affairs Division.

9. Euthanasia of Animals/Wildlife

a. 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.

b. 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.

c. Supervisors will document the euthanasia of any animal in IACMS and route the investigation through the responsible chain of command.

V. 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 Response to a Mental Health Crisis
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 (4th Cir. 2016)
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
N.C.G.S. § 15A-503
CALEA

The previous version of Directive 600-019 Response to Resistance was published on 06/26/2024.

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 conducted electrical weapon that 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. DEFINITIONS

NA

IV. PROCEDURE

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.

   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. Division TASER™ technicians and supplies

1. Each division TASER™ technician will maintain a supply of batteries, cartridges, holsters, and spare TASER™ devices.

2. Damaged cartridges can be exchanged within the division by a TASER™ technician.

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 TASER™ technicians at the CMPD Training Academy Monday – Friday 0700-1500 hours.

D. Supervisor Responsibilities

1. Supervisors are responsible for the exchange of all discharged TASER™ cartridges. Discharged cartridges can only be exchanged for new cartridges, which can be obtained from a division

TASER™ technician or a TASER™ technician at the CMPD Training Academy during the hours or 0700-1500, Monday-Friday. Division sergeants have access to TASER™ technician division kits after hours and should contact the CMPD taser team through the listed CMPD email address on the portal for replenishment supplies.

2. 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.

3. If a cartridge was discharged as a result of a dog being tased, the supervisor will initiate a use of force investigative packet in the IACMS. Additionally, supervisors will ensure that dog owners are provided contact information for the City of Charlotte Risk Management. Animal Control will also be requested to respond to the scene to assess the dog.

4. Supervisors must ensure the TASER™ battery is docked immediately in order to download the TASER™ device log.

5. Supervisors will require a memorandum from any employee who has accidental discharge of a TASER™ device. The supervisor will determine if any further investigation should be initiated. Accidentally discharged cartridges can only be exchanged by a supervisor and can be obtained through the division TASER™ technician or the TASER™ technician the CMPD Training Academy.

V. 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 06/08/2022.

I. PURPOSE

This policy establishes guidelines for Charlotte-Mecklenburg Police Department (CMPD) employees' effective use of de-escalation techniques.

II. POLICY

When safe to do so based on the totality of the circumstances and when time, distance, and communication permit, CMPD officers will use de-escalation techniques to reduce resistance and obtain voluntary compliance. CMPD employees receive training on effective de-escalation techniques through scenario-based exercises, classroom instruction, and/or virtual training.

III. DEFINITIONS

A. Active Listening: An intentional communication technique that promotes mutual understanding and effective communication, requires the listener to be keenly sensitive to the speaker's feelings, needs, and underlying messages and provides the listener with the information needed to respond appropriately.

B. Communication: The continual process of sending and receiving information between two or more people that can include spoken words, body language, active listening, and written text.

C. 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.

IV. PROCEDURE

A. Principles of De-Escalation

Employee actions during encounters should be focused on stabilizing the encounter whereas more time, options, and resources may be engaged to resolve the situation.

1. Effective communication should be the first option in de-escalation and maintained throughout any encounter.

2. Employees should use distance and cover to slow down encounters and create more time for communication.

3. Employees should continuously re-evaluate the situation, making changes and responding as reasonably necessary.

4. Employees are prohibited from unnecessarily instigating situations (e.g., taunting, verbally baiting, initiating needless/unnecessary physical contact with a person, etc.).

5. Employees should avoid barriers to effective communication (e.g., distractions, bias, profanity, ambiguity, oversimplification, interruptions, etc.).

B. De-Escalation Techniques

1. Verbal communication

Employees will communicate using clear and respectful language, managing their voice's volume, inflection, and cadence, and avoid using or reacting negatively to inflammatory statements.

2. Non-verbal communication

a. Ensure a unified and calm approach.

b. Use non-threatening body language, including hand gestures and an open posture.

c. Evaluate space needs and avoid overcrowding a person.

d. Slow down the pace of the encounter when it is feasible to allow a person time to process information and respond to the request.

e. Make eye contact when culturally appropriate and manage facial expressions.

3. Active listening

a. Use non-verbal communication to demonstrate engagement (e.g., having an open posture, making eye contact, and using appropriate facial expressions).

b. Paraphrase to clarify content and build rapport.

c. Mirror and ask open-ended questions to provide feedback and gain additional information.

e. Acknowledge the emotions being communicated and demonstrate empathy.

f. Summarize and reframe what was communicated to confirm understanding and focus the interaction on problem-solving.

C. E-LEAP Model

The E-LEAP model provides a framework for verbally de-escalating a person in crisis and encouraging collaboration with officers. The steps for E-LEAP are as follows:

1. Engage: Introduce yourself and communicate that you are there to help and learn information.

2. Listen: Use active listening and embrace silence. Give the person time to process information and vent emotionally.

3. Empathize: Use paraphrasing and acknowledge the person’s emotions.

4. Agree: Avoid arguing about any perceived differences and focus on the problem and what you can agree on.

5. Partner: Empower the person to choose a mutually agreed-upon solution. Help the person identify alternatives, meet reasonable requests, and address the person's needs.

V. REFERENCES

500-003 Response to a Mental Health Crisis
600-019 Response to Resistance
BLET: Communication and De-Escalation Skills Lesson Plan
BLET: Compliance and Control Tactics Lesson Plan
CALEA

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 employee. Impeachment material is included in the disclosure requirements for prosecutors; however not intended to be for typical investigations that 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

Division captains or lieutenants will manage each division responsible for any criminal investigation process, and responsibilities include, but are not limited to:

1. Overall leadership of the division.

2. Encourage and lead problem-solving efforts.

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 unit 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. Providing leadership and direction while maintaining discipline through counseling and coaching. In units with more than one supervisor, employees are accountable to one supervisor at a time.

2. Ensuring compliance with CMPD directives, standard operating procedures, and state/federal law.

3. Encouraging problem-solving initiatives and participating in unit problem-solving initiatives, collaboration, and case reviews.

4. Assigning cases in KBCOPS to primary investigators within the unit who will be responsible for follow-up investigations. 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. Inspecting interview rooms to ensure the proper functioning of audio and video recording equipment. Ensuring interview room equipment training complies with Directive 500-007, Use of Interview, Temporary Detention, and Testing Rooms.

6. Conducting line inspections in adherence with Directive 800-011, Inspections and Audits.

7. Reviewing papering packets for completeness in compliance with Directive 900-013, District Attorney's Papering Process.

8. Ensuring 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 cases.

e. Cases are papered and presented to the District Attorney's (DA) Office.

f. Evidence disposition is properly maintained.

g. Interviews with victims, witnesses, and suspects are complete, substantive, and utilize quality interview skills. The quality and thoroughness of follow-up investigations will be monitored to assess training needs and enhance work performance.

9. Managing special investigations as assigned by the division's chain of command.

10. Completing administrative duties such as callback schedules, time reporting, performance reviews, supervisor investigations in the Internal Affairs Case Management System (IACMS), evidence/property disposition management in the Property and Laboratory Information Management System (PLIMS), vehicle assignments, court subpoena service, etc.

11. Reviewing search warrants and court orders submitted by unit personnel.

12. Reviewing and approving reports and/or documentation submitted by unit personnel.

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 injured persons or those who complain of injury and follow up with medical staff to determine the cause and extent of the injury.

5. Update the division supervisor on incidents involving violence, injury, or threats impacting 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. Responding to the scene.
2. Identifying, locating, and securing the crime scene.
    a. Locating and preserving evidence until relieved by the appropriate personnel.
    b. Seeking additional information.
    c. Maintaining 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. Identifying victims and witnesses for basic information to document what happened and determine if a crime occurred.
    a. Separating and interviewing victims and witnesses.
    b. Documenting relevant information provided by victims and witnesses.
    c. Obtaining 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. Writing statements as the person being interviewed describes their account of what happened relevant to the incident.
    e. Scanning and attaching written statements and responding officers' notes to the KBCOPS reports and delivering original copies to the primary investigator to be maintained in the case file.
5. Identifying the suspect:
    a. If the suspect is at the scene and reasonable suspicion exists, detain the suspect and proceed with the investigation.
    b. If probable cause develops as the investigation proceeds, an arrest may be made. 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-arresting the person, notifying the unit supervisor, and documenting 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, Aviation Unit, Real Time Crime Center (RTCC), etc.

e. Disseminating 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.

g. For any person detained related to the crime, complete a Field Interview (FI) and document the person's identification in the KBCOPS 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 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 investigating assigned cases and expeditiously bringing them to an appropriate, reasonable, and justifiable closure.

2. Initiating contact with the victim and/or reporting person within one (1) working day from the date a violent crime case is assigned.

3. Initiating contact with the victim and/or reporting person within three (3) working days from the date a property crime case is assigned.

4. Documenting all contact attempts in the case activity log in KBCOPS. Once populated, this feature does not replace the required supplemental report.

5. Ensuring case narratives, supplements, and documents are submitted within the required timeframe in adherence with the Patrol Case Assignment and Follow-Up SOP and/or specific unit SOPs.

6. Preparing and papering felony cases with the District Attorney's Office in adherence with Directive 900-013, District Attorney's Papering Process.

7. Attending court as directed by subpoena and adhering to Directive 300-002, Court Attendance.

8. Adhering to Directive 800-004, Records Retention and Disposition for case records and evidence. Electronic or digital evidence will be uploaded to Evidence.com. Physical evidence will be submitted to PLIMS and, when applicable, submitted to the Crime Lab Division for analysis.

9. Completing periodic reports and special assignments as directed by the unit supervisor or chain of command.

10. Properly managing case files and discoverable records.

11. Conducting 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 reviewing case documents to determine further evidence to be gathered and persons to be interviewed.

   b. Ensuring evidence is submitted to the laboratory for analysis and reviewing the analysis results.

   c. Locating, identifying, and interviewing all victims, witnesses, and suspects.

   d. Attempting to determine suspect involvement in other crimes.

   e. Pursuing and investigating all reasonable and logical leads.

f. Conducting photo and/or body lineups in adherence with Directive 500-009, Eyewitness Identification Procedure.

g. Presenting case investigations to the district attorney in a complete, concise, logical order, including any requested follow-up by the District Attorney's Office.

h. Applying for and obtaining necessary court orders and search warrants.

i. Attempting to serve warrants secured during the investigation.

j. Working in partnership with patrol divisions, other law enforcement agencies, and the community.

k. 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.

l. Notifying the District Attorney's Office of cases involving habitual or serious offenders.

m. Seeking additional information from other officers and informants.

n. Completing property dispositions.

o. Obtaining 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.

p. Providing any exculpatory evidence to the Mecklenburg County District Attorney's Office in current and post-conviction investigations.

q. Identifying 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

(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 investigative tools 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 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.

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 casings, fingerprints, DNA, or computer forensic test results but is not actively working on the case day-to-day until lab results come back, at which time the case will be changed to active investigation status.

d. Inactive/Awaiting External Communication: The primary investigator is waiting to receive contact from a person outside of the CMPD to further the investigation, and there are no other active leads (e.g., waiting for a victim/witness to return a call or respond to 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/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 Reporting (UCR) 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:

(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 definitively 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).

(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 ten (10) and seventeen (17) and has successfully completed the Youth Diversion 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.

(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 criminal cases in which 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
Patrol Case Assignment and Follow-Up SOP
Polygraph Unit SOP
Robbery Unit SOP
Sexual Assault Unit SOP
KBCOPS Case Statuses
Preliminary Investigations Guide
Uniform Crime Reporting (UCR) Guidelines
NIBRS
CALEA

The previous version of Directive 600-021, Criminal Investigations, was published on 07/14/2023.

Appendix A

The following list includes specific crimes and the appropriate investigative unit to notify.

CRIME	SUB-CLASS	INVESTIGATIVE UNIT
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

I. PURPOSE

The purpose of this policy is to provide sworn employees with standards for 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. Pursuits must continually balance the need to engage in an emergency response or pursuit 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 this policy, state law, 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 Team (DTT):** CMPD officers assigned to the CMPD Training Academy who hold a Specialized Driver Instructor Training Certification to conduct State of North Carolina and departmental law enforcement driver training.

E. **Emergency Call:** A request that authorizes 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 event if the sworn employee can articulate a threat of serious bodily injury to another person.
3. Responding to a self-assigned event 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 according to NC G.S.20-157.

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. **Evasive Action:** Sudden steering, turning, braking, acceleration, or sudden lane changes.

I. **Flee:** When a sworn employee operating a law enforcement vehicle, displays a form of law enforcement authority and the violator has been given a reasonable amount of time but fails to yield.

J. **Ghost-Marked Vehicle:** A police car with subtle, reflective decals that become visible when illuminated with lights. For purposes of our policy, these are considered "unmarked" cars with blue lights and siren.

K. **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.

L. **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.

M. **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.

N. **Occupant Safety Systems:** Factory-installed restraining devices that activate the airbags, safety electronic systems, and other key safety components in all CMPD vehicles.

O. **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.

P. **Precision Immobilization Technique (PIT Maneuver):** A tactic used to stop a fleeing vehicle by initiating contact between the suspect vehicle and a police vehicle.

Q. **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.

R. **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.

S. **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).

T. **Pursuit:** When a sworn employee displays a form of law enforcement authority and operates a law enforcement vehicle outside of traffic laws, in an attempt to follow, stop, apprehend, or maintain visual contact on a vehicle, which has fled or engaged in an evasive action.

An attempt by a sworn employee to "follow" a vehicle that is making an active attempt to flee or elude apprehension, and the sworn employee is operating their law enforcement vehicle outside of traffic laws, it will be considered a vehicular pursuit that is not justified by this policy.

U. **Pursuit Risk:** The degree of risk to the public posed by the pursuit itself.

V. **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.

W. **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.

X. **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.

Y. **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.

Z. **Steady Blue Lights:** non-flashing, low-intensity blue lights used to increase visibility in the community without signaling an emergency or requiring drivers to pull over. Steady blue lights are not considered emergency equipment and may not be used for pursuit purposes.

AA. **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 sworn supervisor shall assume responsibility for the pursuit.

BB. **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.

CC. **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.

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.

DD. **Uncommitted Units:** Any patrol units not actively engaged in the pursuit or authorized by a supervisor to assist.

EE. **Unmarked vehicles:** Any vehicle operated by CMPD that is not marked externally but is equipped with sirens and internal front and rear blue lights.

FF. **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 shall also remain on and activated when the decision is made to follow a vehicle after the pursuit has terminated or until cancelled from the call for service. 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 event if the sworn employee can articulate a threat of serious bodily injury to another person.

   c. In response to a self-assigned event outside the sworn employee's talk group but only after obtaining specific approval from their supervisor.

   d. In response to minor traffic crashes causing major traffic delays.

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.

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 handheld devices 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.

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.
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:

a. The sworn employee has reasonable suspicion that the driver or occupant has committed or is attempting to commit a crime dangerous to life.

b. 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).

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 CMPD professional staff.

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.

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 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. Body worn cameras shall be activated during the response and 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 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.

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.

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. This includes CMPD ghost vehicles. 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 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.

1. 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.

2. 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.

3. 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 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.

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 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.

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.

B. The pursuit investigation will be reviewed by the chain of command through the rank of Major. A recommendation will be made at each level on whether all CMPD policies were violated. 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 Division, 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 Division 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 Internal Affairs Division will conduct an analysis of agency pursuit activities for the purpose of identifying trends or patterns, training needs, and/or equipment needs.

F. The Strategic Policy Unit shall coordinate an annual review of Directive 600-022, Emergency Response and Pursuit Vehicle Operations, and include all pertinent units in the review.

VII. REFERENCES

400-006 Body Worn Camera Directive Series
600-019 Response to Resistance
Aviation SOP
Communications SOP
K9 SOP
Motorcycle Unit SOP
N.C.G.S. 20-156
N.C.G.S. 20-157
N.C.G.S. 20-145
NC Attorney General Model Policy
SC Legislation: S.C. Code § 17-13-47 (2006)
Tire Deflation Device SOP
CALEA

The previous version of Directive 600-022 Emergency Response and Pursuit Vehicle Operations was published on 4/20/2022.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding notification procedures for foreign nationals who are arrested or detained for an extended period. It also outlines procedures for managing enforcement situations involving individuals entitled to limited or full immunity, as well as notification requirements for incidents involving armed forces personnel.

II. POLICY

The CMPD must advise foreign nationals of their right to request consular notification in the event of arrest or detention. In certain circumstances, consular notification is required regardless of the individual's wishes. Diplomatic immunity must be respected at all times when interacting with individuals entitled to claim limited or full immunity. While immunity must be recognized, violations of the law or criminal conduct must still be documented and addressed in accordance with this directive.

Employees are required to notify their immediate supervisors of any arrest of a local, state, or federal government official. Questions or uncertainties regarding obligations under this directive must be addressed promptly through consultation with the chain of command and/or the Police Attorney's Office.

III. DEFINITIONS

A. **Armed Forces Personnel:** Active duty, reserve, and guard members of the six (6) U.S. service branches: the Army, Marine Corps, Navy, Air Force, Space Force, and Coast Guard.

B. **Congressional Privilege**: A protection from arrest for members of Congress and state legislators while attending to their legislative responsibilities.

C. **Consular Official:** A citizen or lawful permanent resident of a foreign country who is employed by that government, resides in the United States, and is authorized to assist that country's citizens while in the United States. Also known as a consul or consular officer.

D. **Diplomat:** An officer of a foreign government assigned to an embassy in Washington, D.C. Also known as a diplomatic officer, this individual enjoys the highest degree of privileges and diplomatic immunity.

E. **Diplomatic Immunity:** A principle of international law under which certain foreign government officials are exempt from the jurisdiction of local courts and authorities for their official actions and, to a large extent, their personal activities.

F. **Dual National:** A person who holds citizenship in two (2) or more countries. Those who are both U.S. citizens and citizens of another country are treated exclusively as U.S. citizens while in the United States, whereas persons who are citizens of two (2) or more countries other than the United States are treated in accordance with the applicable rules of each country.

G. **Foreign National:** Any person in the United States who is not a U.S. citizen. The terms "foreign national" and "alien" are used interchangeably.

H. **Legislator:** A member of the United States Congress (Senate or House of Representatives) or a member of the North Carolina General Assembly (Senate or House of Representatives).

IV. PROCEDURE

A. Diplomatic Immunity

1. Diplomatic immunity does not exempt diplomatic and consular officials from the obligation to comply with national and local laws and regulations.

2. Regardless of the offense or circumstances, individuals with diplomatic status represent foreign governments and must be treated with the highest degree of respect possible under the situation.

3. Citations may be issued for violations of motor vehicle laws; however, arrests are not permitted.

   a. When a citation is issued, the Records Management Division must be notified, and a copy of the citation, along with related documentation, must be forwarded to the U.S. Department of State as soon as possible.

   b. In serious cases (e.g., DWI, personal injury crashes), the U.S. Department of State must also be notified immediately by telephone.

   c. If the individual is determined to be too impaired to drive safely, they must not be allowed to continue driving. With the individual's permission, transportation may be provided to the police station or another safe location until they are fit to drive. The individual may also contact, or be assisted in contacting, a friend, relative, taxi, or ride-share service for transportation.

4. The property of an individual with full immunity, including their residence or vehicle, cannot be searched or seized. Vehicles may not be impounded or booted, but may be moved the minimum distance necessary to clear a traffic obstruction or remove a hazard to public safety.

5. For other criminal violations, including felonies, the U.S. Department of State may request a waiver of immunity if the local prosecutor indicates a willingness to pursue charges. If the foreign government declines to waive immunity, the individual will be required to depart the United States.

B. Consular Notification

1. Consular notification applies to any person in the United States who is not a U.S. citizen. This includes permanent resident aliens and non-citizens, regardless of immigration status. While individuals may decline the offer of consular notification, notification is mandatory if they are from a country listed as a "mandatory notification" country on the Consular Notification and Access Reference Card.

2. When a foreign national is arrested or detained for more than one (1) hour, they must be advised of their right to have their country's consul notified.

3. The notification process begins at the time of detention or, in the case of an arrest, when the individual is booked into a detention facility. The arresting officer is responsible for initiating the notification process.

4. Determining whether an individual is a foreign national should be done by asking if they are a U.S. citizen, asking where they were born, and/or reviewing documents such as passports or alien registration cards.

5. Once foreign national status is confirmed, it must then be determined whether the individual's country is a "mandatory notification" country or an "upon request" country.

   a. Mandatory Notification Countries

      (1) Notification to the nearest consulate must be made as soon as reasonably possible, but no later than the end of the shift, even if the individual does not want their consul notified. Notification should be sent by fax or email.

      (2) If fax or email is unavailable, notification may be made by telephone. The date, time, name, and location of the consular official contacted must be documented. When possible, an audio recording of the call should be made and retained in the incident report.

      (3) At no point should consular officials be informed if the foreign national has requested asylum.

      (4) In cases where privacy concerns or fears of persecution exist, disclosure must remain consistent with privacy protections and international agreements. If a consular official insists on disclosure that the foreign national does not consent to, the matter must be referred to an on-duty supervisor, with guidance sought from the Consular Notification and Access Manual and the Bureau of Consular Affairs.

      (5) The foreign national must be informed that their consul has been notified. Sample statements in multiple languages are available through the Bureau of Consular Affairs.

      (6) Documentation of the notification, including the sent fax or email and confirmation sheet, must be included in the incident report.

      (7) If new charges are filed that are more serious than the original charges, the consulate must be notified again.

      (8) Failure to make a mandatory notification may jeopardize criminal proceedings and could also result in civil litigation.

   b. Upon Request Countries

      (1) Foreign nationals must be informed that they may request consular notification. Sample statements in multiple languages are available through the Bureau of Consular Affairs.

      (2) The individual's decision regarding notification must be documented in the incident report.

(3) If notification is requested, it must be made as soon as reasonably possible, but no later than seventy-two (72) hours after arrest. Notification should be sent by fax or email.

(4) If fax or email is unavailable, notification may be made by telephone. The date, time, name, and location of the consular official contacted must be documented. When possible, an audio recording of the call should be made and retained in the incident report.

(5) Consular contact information can be accessed through the Bureau of Consular Affairs.

(6) Notification must not be made if the individual declines it and is not from a mandatory notification country.

(7) Consular officials must never be informed if a foreign national has requested asylum.

(8) In cases where notification is requested, disclosure must remain consistent with privacy protections. If a consular official insists on disclosure that the individual does not consent to, the matter must be referred to an on-duty supervisor, with guidance sought from the Consular Notification and Access Manual and the Bureau of Consular Affairs.

(9) Documentation of the notification, including the sent fax or email and confirmation sheet, must be included in the incident report.

(10) If new charges are filed that are more serious than the original charges, the consulate must be notified again. If the individual originally declined notification, they must be given another opportunity to request notification.

6. Consular notification must be made when investigating the death of a foreign national. Documentation, including the sent fax or email and confirmation sheet, must be included in the incident report.

7. For cases involving a foreign national who is seriously ill or injured while in CMPD custody, the chain of command must be consulted before making consular notification.

C. Congressional Privilege

1. Members of the U.S. Congress are privileged from arrest, except in cases of treason, felony, or breach of the peace, while attending sessions, traveling to or from sessions, or engaging in speech or debate (U.S. Constitution, Article I, Section 6. This privilege also applies when members of Congress are in transit within CMPD's jurisdiction.

2. CMPD officers are required to consult with the Police Attorney's Office prior to the arrest of a United States legislator.

D. Military Personnel

1. Military personnel whose permanent residence or permanent duty station is outside North Carolina will be treated as non-residents. All others will be treated as residents.
2. No laws exempt active-duty military personnel from federal, state, or local laws.
3. When military personnel are arrested and released on a summons or predetermined bail for a motor vehicle violation, it is the individual's responsibility to decide whether to notify their chain of command regarding the arrest and any pending court appearances.
4. When military personnel are arrested for an offense requiring bail or a bail hearing, the individual's chain of command must be notified of their incarceration status.
    a. Arrested military personnel are required to provide their unit of assignment along with the name and contact information of their first sergeant or command chief.
    b. If the individual is uncooperative or unable (e.g., due to injury) to provide this information, the nearest military law enforcement agency must be contacted to request assistance in notifying the appropriate chain of command. Follow-up should be conducted to ensure that the notification was properly made and documented. Military law enforcement agencies are as follows:
        (1) Military Police Corps (U.S. Army)
        (2) Security Forces (U.S. Air Force and U.S. Space Force)
        (3) Master-at-Arms (U.S. Navy)
        (4) Provost Marshal's Office (U.S. Marine Corps)
        (5) Coast Guard Investigative Service (U.S. Coast Guard)

V. REFERENCES

Traffic Enforcement SOP
Vienna Convention on Consular Relations, Articles 36–37 (1963)
Vienna Convention on Diplomatic Relations (1961)
U.S. Constitution, Article I, Section 6
Consular Notification and Access Manual (2018)
Consular Notification and Access Reference Card
Bureau of Consular Affairs
CALEA

The previous version of this policy was published on April 16, 2024.

I. PURPOSE

This policy establishes standards for the electronic recording of interrogations and interviews by Charlotte-Mecklenburg Police Department (CMPD) employees.

II. POLICY

A. This policy outlines the requirements for the electronic recording of custodial interrogations and interviews with persons in a felony criminal investigation pursuant to (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 *Directive 600-009 Juvenile Procedures* and recorded by audio and video 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. **Electronic Recording:** An audio and/or video recording that is an authentic, accurate, unaltered record. Video and audio shall be simultaneously recorded whenever reasonably feasible.

B. **"In Its Entirety":** An uninterrupted record that begins at the start of the custodial interrogation 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 positioned so it records 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 custody or the sworn employee. The record will reflect all starting and ending times and dates, including the starting time and date of the recess and the resumption of the interrogation or interview.

C. **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.

D. **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.

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. **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 video or audio recorded conversation.

IV. PROCEDURE

A. Any custodial interrogation of any person at any place of detention related to any felony criminal investigation must be electronically recorded in its entirety in compliance with N.C.G.S. § 15A-211.

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 non-felony criminal investigations 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 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.

H. Interview room's video and audio equipment are always recording and cannot be deactivated by the sworn employee. After the retention period expires, the recording is deleted from the server and is no longer available unless 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 the sworn employee takes 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. Sworn employees are 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 felony 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 in compliance with state law and *CMPD Directive 800-001 Use of Public Records and Department Information* and *800-004 Records Retention and Disposition*.

O. Any routine maintenance or required audio or video equipment troubleshooting will be immediately reported to a supervisor and the City of Charlotte Innovation & Technology (I&T) Department Help Desk.

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
800-004 Records Retention and Disposition
900-013 District Attorney's Papering Process
CALEA

The previous version of this policy was published on 6/7/2023.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the use of the Incident Command System (ICS) and the National Incident Management System (NIMS).

II. POLICY

CMPD will operate under the ICS to coordinate the efforts of multiple CMPD divisions or outside agencies as they work toward the common goal of stabilizing an incident. Many incidents, whether major incidents (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 multiple 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 incidents where the CMPD Emergency Mobilization Plan is utilized.

B. Incidents requiring a CMPD response under the CMPD Emergency Mobilization Plan.

C. Incidents involving personnel from multiple divisions and units where the event is expected to last longer than twenty-four (24) hours.

D. Incidents requiring coordination with outside agencies.

E. Incidents that require activation of the CMPD Command Center.

F. Other incidents where the ICS would prove beneficial.

III. DEFINITIONS

A. **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 using ICS forms.

B. **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 response efforts toward incident mitigation.

C. **National Incident Management System (NIMS)**: A 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.

D. **Unified Command (UC)**: An important element in multijurisdictional or multiagency incident management. It provides guidelines to enable agencies with different legal, geographic, and functional responsibilities to coordinate, plan, and interact effectively.

IV. PROCEDURE

A. ICS Structure

The ICS organization comprises 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, an incident commander will always be present. 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) Develop and initiate an After-Action Report, as required. (Not available as an ICS form.)

2. Operations

    a. The operations section is responsible for directing the tactical actions to meet incident objectives.

        (1) Divisions and groups are established within the operations section when the number of resources exceeds the operations section chief's manageable span of control.

        (2) Divisions define physical or geographical areas of operation within the incident area.

        (3) Groups define 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. It 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:

(1) Prepare and document an 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, logistics will address the following, if necessary:

(1) Communications;

(2) Transportation;

(3) Medical support;

(4) Necessary supplies;

(5) Equipment needs for any specialized or technical teams;

(6) Provide facilities, equipment maintenance and fueling, and food service for incident personnel.

5. Finance/Administration

a. Responsible for keeping track of incident-related costs.

b. At a minimum, it 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. Information and intelligence functions are traditionally located in the planning section. However, in exceptional situations, the incident commander may need to

assign the information and intelligence functions to other parts of the ICS organization. This placement may change as the information and intelligence needs change.

b. The information and intelligence function may be organized as:

(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) A branch within the operations section, this option may be the most appropriate in incidents with a high need for tactical or classified intelligence.

(4) 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.

B Establishing Command

The first arriving sworn employee at the scene of a major incident will establish "command" and identify themselves as "command" over the radio. That sworn employee will maintain this designation until command is either transferred or terminated.

C. Initial Report

The sworn employee will then transmit, via radio, a brief initial report of the conditions, including the following:

1. A description of the incident.
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).

D. Position Assignment

The incident commander may fill command and general staff positions when necessary and delegate responsibilities so that the span of control is not overextended.

Positions may include:

1. Command Staff
   a. Police Attorney's Office
   b. Public Affairs Division

c. Liaison officer

2. General Staff

a. Operations

b. Planning

c. Logistics

d. Finance/Administration

E. Command Transfer Guidelines

The command can be transferred to improve the effectiveness 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.

F. When the IAP is utilized by the ICS, all necessary ICS forms will be completed.

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

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.

G. 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.

H. 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

CMPD Emergency Mobilization Plan
HSPD-5 Management of Domestic Incidents
CALEA

The previous version of Directive 600-025 Incident Command System was published on 9/14/2022.

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.

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.

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.

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) Property and Evidence Management Division related to submitting impounding property.

II. POLICY

CMPD will properly handle, store, and/or dispose of physical property that comes into the possession of CMPD.

III. DEFINITIONS

A. Booking Employee: The employee responsible for the data entry and documentation of the collected property and the physical act of turning over the property to the Property and Evidence Management Division.

B. Chain of Custody: The chronological documentation showing the seizure, custody, control, transfer, analysis, and disposition of physical or electronic evidence.

C. Collecting 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 in the custody of CMPD determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include intentionally abandoned property, which will not be stored.

F. Investigating Officer: The employee assigned to the case in KBCOPS responsible for the property's disposition.

G. Property and Laboratory Information Management System (PLIMS): The electronic system used to document the property in CMPD custody.

H. Property: Items not legally owned by CMPD that are seized, collected, turned over, or held within CMPD's custody for safekeeping, investigation, forfeiture, or identification.

I. Safekeeping Property: Non-evidentiary property temporarily placed into CMPD custody to be safeguarded for the rightful owner.

IV. PROCEDURE

A. Property and Laboratory Information Management System (PLIMS)

1. Employees must document all property in CMPD custody, including tracking the chain of custody from intake, laboratory examination, and property disposition in PLIMS.

2. Employees shall not sign in or operate PLIMS using another employee’s username and password.

3. Evidence, found property, and safekeeping property must be entered into PLIMS and have a related KBCOPS report. PLIMS will not allow the creation of a property case until there is a KBCOPS report in working status.

4. Employees using PLIMS shall supply all known information for any blank field and provide complete and accurate information, including the full street address, names, arrest numbers, descriptions, identifying markings, quantities, and associated KBCOPS report numbers.

5. Employees will not use the outside agency function of PLIMS to turn in property.

B. Packaging and Submitting Property

1. All evidence will be packaged as described in the Evidence Packaging Manual.

2. The booking employee is responsible for ensuring the packaging is appropriately sealed.

3. Upon entry into PLIMS, evidence, found property, and safekeeping property will be submitted to evidence lockers at the nearest division office. Items too large to be submitted to an evidence locker will be submitted to the Property and Evidence Management Division at CMPD Headquarters during operating hours or the evidence cage after hours.

4. 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.

5. One (1) barcode label and the item number shall be affixed to each package.

   a. The barcode label must be affixed to the area designated on the envelope.

   b. For all other types of packaging, the employee will barcode label must be placed in an area that is easy to view and does not obstruct the area where repackaging may occur.

   c. Barcode labels shall not be used to seal a package.

6. Employees will seal envelopes, boxes, or bags containing evidence, found property, or safekeeping property with tape provided by the Property and Evidence Management Division.

   a. Small evidence items must have an internal package to prevent alteration and/or loss.

   b. The tape must completely seal the corners of each container to prevent the loss of small items.

   c. Employees must 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.

7. When a package is opened, it must be opened in an area that is not sealed. The original seal shall not be broken or altered. If a package has been opened/re-sealed and cannot be re-sealed in a new area, the evidence must be packaged in new packaging with the original packaging placed inside the new packaging.

8. Bulky items must be labeled with tags as evidence, found property, or safekeeping property.

9. 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 Evidence Packaging Manual.

    a. Containers must be submitted to an evidence locker at the nearest division office.

    b. The Property and Evidence Management Division will dispose of these items properly or enter them into evidence once they are transferred from the division's evidence locker to CMPD Headquarters.

10. Items with sharp points, edges, or other safety hazards must be packaged according to the Evidence Packaging Manual.

    a. Syringes must be packaged in plastic tubes (sharps containers).

    b. The Property and Evidence Management Division will provide tubes and bio-hazard tags to be placed on the tubes.

    c. The tubes will be placed in envelopes and sealed.

    d. Sharp items that are too large for the plastic tubes must be packaged in a cardboard box provided by the Property and Evidence Management Division.

    e. Property and Evidence Management Division employees may assist and advise on acceptable packaging methods.

11. Sexual assault, strangulation, and blood specimen (e.g., DWI) kits will be submitted to the Property and Evidence Management Division without further packaging.

    a. Sexual assault and strangulation kits without blood specimens may be submitted to an evidence locker. The kit must be submitted to the Property and Evidence Management Division window if it includes blood specimens.

    b. DWI kits containing blood or urine specimens must be submitted to the evidence refrigerator or the Property and Evidence Management Division window.

c. Tape provided by the Property and Evidence Management Division must be placed over the existing seal on the kit.

d. Employees must initial the area of the kit that was sealed with their initials extending beyond the tape and onto the kit.

12. Seized handguns and long guns must be unloaded and submitted to the Property and Evidence Management Division window or the evidence lockers located at CMPD Headquarters using the cardboard box packaging procedures.

a. Steel-lined gun boxes must be used to transport loaded firearms when necessary to support the investigation or maintain the firearm's condition without unloading the ammunition. Steel-lined gun boxes are available by contacting a CSI supervisor or at the Property and Evidence Management Division window.

b. Employee must consult with the Crime Scene Investigations (CSI) supervisor before submitting a loaded firearm.

c. Except as noted above, employees must ensure that firearms are unloaded before submitting them to the Property and Evidence Management Division.

d. Ammunition and magazines packaged with a firearm must be listed as separate items in PLIMS and have separate item numbers. These items must be placed in a container in PLIMS along with the firearm.

e. Employees will not remove live ammunition from magazines.

13. Due to the dynamic nature of illegal drugs, employees will follow the current packaging standards in the Evidence Packaging Manual.

a. 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.

b. Do not package multiple drug types in a single envelope. They must be packaged and labeled separately.

c. If multiple drug items of the same type (e.g., ten [10] crack rocks) are determined to be one (1) item, they must be packed together as one (1) item.

d. If drugs are being submitted as separate items, they must be packaged and labeled separately.

e. Packages containing drugs must include a specific weight in grams or ounces of the drug or the number of dosage units (e.g., ten [10] pills, tablets, etc.) in the package. Drugs will be weighed before being placed in any CMPD evidence packaging.

f. The booking employee is responsible for accurately weighing and/or counting all drugs submitted to the Property and Evidence Management Division.

g. 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.

h. If the seizure includes taxable quantities of controlled substances, the collecting employee 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 (e.g., multiple drugs require multiple forms, multiple co-defendants require multiple forms, etc.), and submit them via e-mail to the Asset Forfeiture Unit (AssetForfeiture@cmpd.org) within forty-eight (48) hours of the seizure.

Taxable quantities of controlled substances are:

(1) Marijuana – more than 42.5 grams.

(2) Controlled substance sold by weight – Seven (7) or more grams.

(3) Controlled substance sold by dosage unit – Ten (10) or more dosage units.

14. Perishables (e.g., food, edible drugs, etc.) shall be photographed and processed on the scene when applicable. Documentation must be made in the KBCOPS report explaining why the item was not collected.

a. The investigative unit supervisor must contact the Property and Evidence Management Division lieutenant before submitting perishable evidence to the division's custody.

b. Coordination must be made within twenty-four (24) hours to have the perishable item processed or sent to the appropriate laboratory for processing.

c. Edible drug evidence only designated for refrigeration/freezing:

(1) Edible drugs will be weighed and photographed.

(2) A large quantity of edible drugs will be packaged as two (2) separate items with separate weights for each:

(a) Item #1 will be a small sample of the drug put into a 6x9 or 10x13 envelope. This item will be submitted with a lab analysis request.

(b) 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.

15. Highly flammable, extremely toxic, or explosive or items that contain highly flammable, extremely toxic, or explosive substances (e.g., gasoline, chemicals, etc.) will not be submitted to the Property and Evidence Management Division except:

    1. Ammunition submitted as evidence, found property, safekeeping property, or evidence from a fire scene will be accepted only if submitted in approved storage containers.

    2. Items that contain gasoline (e.g., lawnmowers, lawn equipment, etc.) or flammable materials will not be submitted at the Property and Evidence Management Division window. During operating hours, a Property and Evidence Management Division 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.

C. When possible, items should be processed for evidence in the field before being submitted to the 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, upload the photograph to Evidence.com, and return the item to the victim.

    1. The complaint number, address, date, employee name, and code number should appear on a piece of paper in the first photograph for proper documentation.

    2. The employee must obtain the victim's signature on the property sheet indicating that the property was returned to the owner.

    3. The signed property sheet must be scanned into KBCOPS, and the employee should retain the original copy.

D. 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.

E. Employees will not inscribe their initials or make other marks on any found or safekeeping property (e.g., firearms, silverware, etc.).

F. Employees (other than the investigating officer) turning in evidence must complete a narrative supplement report in KBCOPS.

G. Safekeeping Property

1. Impounded property will be categorized as safekeeping property in PLIMS when the rightful owner is known.

2. If it is not practical to return the property to the owner in the field, the property should be entered into PLIMS as safekeeping property and set as 'ready to return to the owner.'

H. Personal Property

Employees who respond to a natural or accidental death, murder, suicide, fatal automobile accident, or any personal injury incident in which the victim has been transported from the scene are responsible for securing and collecting the victim's personal property of value that is not considered evidence. Personal property of this type will be handled as follows:

1. Personal property may be left in the custody of an adult relative (spouse, parent, sibling, son, or daughter) present at the scene.

2. Employees 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. Employees 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.

4. If it is not practical to return personal property in the field, the property should be entered into PLIMS as safekeeping property and set as 'ready to return to the owner.'

I. Stolen Merchandise and Shoplifting Evidence

Employees collecting or seizing stolen merchandise in which the lawful owner can be readily identified or shoplifting evidence must photograph the evidence with a CMPD-issued device and upload it to Evidence.com.

1. Stolen merchandise and shoplifting evidence may be returned to the owner/retailer after it has been photographed and does not need to be entered into PLIMS.

2. The first photograph must include a piece of paper that documents the complaint number, address, date, and the employee name/code number.

3. Photographs must include unique identifying features such as store tags, serial numbers, identifying scratches, etc. This does not apply to illegal drugs or evidence subject to laboratory examination.

4. Employees must have the victim sign for the release of any property returned to them, and the release must specifically describe all the property returned.

5. A notation that the property was returned should be made on a property sheet and retained by the investigating officer.

6. If photographing and releasing the evidence is questionable, the employee should contact a supervisor.

7. If the stolen property has conflicting claims of ownership, the employee should make every reasonable effort to resolve the dispute. If a resolution cannot be reached, the property will be seized and 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.

8. The Property and Evidence Management Division will not accept stolen merchandise/shoplifting evidence without prior approval from the Property and Evidence Management Division lieutenant or Operations Command.

9. If it is not practical to return stolen merchandise/shoplifting evidence in the field, the property should be entered into PLIMS as safekeeping property and set as 'ready to return to the owner.'

10. The disposition of evidentiary photographs will be handled in the same manner as other types of evidence.

J. Electronic Media

1. All photographs must be uploaded to Evidence.com.

2. Photographs and other electronic media will not be attached to KBCOPS.

3. Videotapes and electronic media, not including crime scene digital images stored in Evidence.com that contain evidence (e.g., compact disc [CD], digital video disc [DVD], etc.) must be turned into the Property and Evidence Management Division for storage. The media must be placed in a small evidence envelope, sealed, and marked appropriately.

4. The disposition of evidentiary electronic media will be handled in the same manner as other types of evidence.

K. Hospital Evidence Collection

1. Employees are responsible for collecting evidence from hospitals and shall determine upon arrival if any evidence needs to be secured.

2. The collecting employee must complete a property sheet, scan and attach it in PLIMS, properly document the evidence collection in PLIMS, and keep the original copy of the property sheet for their records.

3. If the property or evidence requires drying, the employee should contact the CSI supervisor for assistance with the proper drying and packaging procedures.

L. Outside Agencies

Outside agencies submitting property to the Property and Evidence Management Division must complete a paper property sheet. The sheet will be turned in to a Property and Evidence Management Division technician, who will enter the items into the PLIMS and scan them into the system. No KBCOPS report is required for outside agencies. PLIMS has a separate function to accommodate the impounding of items from agencies other than the 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 Evidence Packaging Manual
CALEA

The previous version of Directive 700-001, Submitting Impounded Property, was published on 11/21/2022.

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

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.

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.

I. PURPOSE

This policy establishes guidelines for how found property is submitted to the Charlotte-Mecklenburg Police Department (CMPD) Property and Evidence Management Division.

II. POLICY

CMPD will properly handle, store, and/or dispose of found property submitted to the Property and Evidence Management Division.

III. DEFINITIONS

A. Found Property: Non-evidentiary property in the custody of CMPD 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 and Laboratory Information Management System (PLIMS): The electronic system used to document the property in CMPD custody, including tracking the chain of custody from intake, laboratory examination, and property dispositions.

C. Property for Safekeeping: Non-evidentiary property temporarily placed into CMPD custody to be safeguarded for the rightful owner. Property for which the rightful owner is known when the property is impounded will be categorized as 'safekeeping' in PLIMS.

IV. PROCEDURE

A. Found property submitted to the Property and Evidence Management Division must be entered into PLIMS. Employees will determine if the item has potential value for the average person. Worthless items or items that appear to be discarded should not be impounded.

B. Illegal drugs found by CMPD employees will be submitted to the Property and Evidence Management Division and destroyed as soon as possible unless it has evidentiary value.

C. Found property (except illegal drugs or contraband) will be returned to the owner if the owner is known and can be located.

D. Found property that remains unclaimed for sixty (60) days will be disposed of pursuant to N.C.G.S. § 15-14.1. Found firearms that remain unclaimed for one hundred eighty (180) days will be disposed of pursuant to N.C.G.S. § 15-11.2.

E. Found or otherwise recovered unregistered motorcycles, ATVs, and mopeds will be turned in to the Property and Evidence Management Division if the officer cannot determine ownership at the time of recovery. The officer will contact the Communications Division to request a zone wrecker and accompany the wrecker to the vehicle evidence lot to store and secure the vehicle.

V. REFERENCES

700-001 Submitting Impounded Property

700-004 Release of Property
N.C.G.S. § 15-14.1
N.C.G.S. § 15-11.2
S.L. 2002-92

The previous version of Directive 700-003, Found Property, was published on 04/06/2021.

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.

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.

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:

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.

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

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 Divison 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.

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.

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.

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.

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

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.

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

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.

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.

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.

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. "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.

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employees regarding the use, access, and release of records and other information in the possession of 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 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. **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.

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. **Custodial Agency Recordings:** Any visual, audio, or visual and audio recording captured on a body worn camera (BWC), digital mobile video recording (DMCR), 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.

D. **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.

E. **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.

F. **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.

G. **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.

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 N.C.C.S. 132-1 and N.C.G.S. 132-1.4 and are not personnel records as defined in Article 7 of Chapter 126 of the General Statutes, N.C.G.S. 160A-168, and N.C.G.S. 153A-98. These recordings shall be released or disclosed only as provided by Chapter 132 of the General Statutes, N.C.G.S 132-1.4, and N.C.G.S 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, N.C.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.

   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 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 N.C.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 N.C.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 will not input confidential information into third-party artificial intelligence (AI) websites, applications, or software. This includes but is not limited to criminal investigative material (N.C.G.S. 132-1.4), custodial law enforcement agency recordings (N.C.G.S. 132-1.4A),

sensitive public security information (N.C.G.S. 132-1.7), and personnel information (N.C.G.S. 160A-168).

9. Employees must maintain the integrity of the criminal justice information system (CJIS) information, while also complying with all applicable public records laws regarding confidentiality. Employees will not upload notes, narratives, names, addresses, photos, videos, still-frames, personnel records, or other confidential information into any third-party AI software such as ChatGPT, Clearview AI, mugshot generators, or facial recognition sites, among many others. This is also a prohibition on inputting the materials referenced above into Microsoft Copilot.

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.

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, N.C.G.S 132-1.4 and N.C.G.S 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.

   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 N.C.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 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. 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.

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. N.C.G.S. 160A-168 designates the following present or former employee information as public record:

(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.

(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 N.C.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.

(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 N.C.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.

V. 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*.
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
N.C.G.S 132-1.10
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 132-1.7
N.C.G.S. 132-6.2
N.C.G.S. 153A-98
N.C.G.S. 160A-168

The previous version of Directive 800-001 Use of Public Records and Department Information was published on 11/14/2022.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) related to 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 establishes standards for how employees will work 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). Designated CMPD 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, employees will notify the Public Affairs Director of any media requests they receive.

All information to be released to the public, must be routed through the full chain of command.

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. **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.

B. **Investigating Officer**: For the purpose of this directive, the sworn employee(s) responsible for the investigation of an incident or event.

C. **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.

D. **On-Scene Interview**: Short, usually on-camera, interviews conducted by the major and above, at the scene of a crime or other significant incident/event.

E. **Public Affairs Director**: The Public Affairs Director is a Professional Staff employee assigned to the Public Affairs Division (PAD) who manages the department's internal and external communications programs, website, social media, and media relations.

F. **Public Information Specialists**: Professional Staff 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.

G. **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. For additional information, refer to *800-001 Use of Public Records and Department Information.*

IV. PROCEDURE

A. The PAD will promote effective relations between the news media and the CMPD by:

1. Working with the CMPD units, divisions, and bureaus in identifying and developing newsworthy stories;
2. Responding to scenes of critical incidents, including homicides, officer-involved shootings, prolonged and secured SWAT situations, high-profile incidents, and other scenes upon request of the on-scene commander;
3. Preparing and distributing news releases;
4. Scheduling 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. Managing and determining possible responses for public information requests;
8. Notifying the city manager, mayor, and city council of significant concerns in addition to neighborhood, community, and media events.

B. 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 twenty-four (24) hours a day, seven (7) days a week.
4. Work with units, divisions, and bureaus to approve news and information.

C. In coordination with the chain of command, the investigating officer in charge of an incident or event, will release accurate information as soon as it is practical, without regard to media deadlines. The PAD will collaborate with the investigating officer regarding the release of information.

D. The operations commander, division commander, or on-scene commander will notify the PAD of events and concerns as outlined below. The 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. Significant weather events within Mecklenburg County;
5. Any explosion or bomb threat requiring Bomb Squad Unit response;
6. Incidents involving large groups of people
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. In consultation with the PAD, the on-scene commander or designee, will determine if on-scene interviews are appropriate. Only factual public information related to the incident will be released.

In incidents involving local, state, or federal law enforcement partners, the PAD will coordinate with those agencies regarding the information to be released.

F. Operations Command may request assistance from the on-duty public information specialist to manage media at a scene, after they have determined a safe media staging location. 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.

G. 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.

2. This information may not be further disseminated or released unless expressly approved by the author or the Public Affairs Division in compliance with all applicable public records laws, City of Charlotte, and CMPD's policies and procedures related to the release of information.

H. Media Procedures at Crime and/or Incident Scenes

1. Media representatives will not cross police lines.

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. Exceptions may only be made with explicit authorization from the PAD after consultation with the Chief of Police.

I. 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 with on-duty members of the CMPD should first contact the PAD. CMPD employees who receive direct requests for interviews will contact, or refer the requestor to, the PAD.

3. All requests for public records should be directed to the Public Records Unit. The Public Records employees will work with other divisions, including the Police Attorney's Office, to coordinate responses to such requests. See Directive *800-001 Use of Public Records and Departmental Information*.

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 03/28/2022

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

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.

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.

(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.

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.

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.

    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.

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.

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

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.

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.

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.

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;

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.

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.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) receipt of vice, drug, and/or organized crime complaints.

II. POLICY

The CMPD will accept vice, drug, and/or organized crime complaints from all sources, document complaints, and follow up on complaints that provide the necessary and valid information.

III. DEFINITIONS

A. **Drug Complaint:** Any complaint associated with the illegal use, manufacturing, distribution, or sale of controlled substances.

B. **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 offenses 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.

C. **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.

IV. PROCEDURE

A. Receiving Complaints

The CMPD will accept vice, drug, and organized crime complaints from all sources, including personal contact with a CMPD employee, outside agencies, telephone calls, electronic mail, or postal service.

B. Processing Complaints

Received complaints will be documented on the Vice Complaint Form and forwarded to the Vice and Narcotics Unit.

C. Investigating Complaints

The Vice and Narcotics Unit supervisor or designee will review the complaint and assign a vice officer to the investigation, forward it to another investigative unit within the Special Investigations Bureau (SIB), or forward the complaint to the appropriate patrol division.

1. An initial investigation of the complaint will be conducted to substantiate any allegations. If the complaint is substantiated, it will be documented, and the investigation will continue.

2. The assigned officer will notify all relevant stakeholders associated with the complaint, including other divisions and units within the CMPD.

3. The officer will investigate the complaint and document all actions and findings.

    a. A supervisor's responsibilities include the following:

        (1) Receiving and documenting the complaint.

        (2) Assessing the complaint and assigning it to an investigator.

        (3) Setting a date for initial follow-ups.

        (4) Conducting follow-up reviews and monitoring the progress of the investigation.

(5) Approving investigative techniques.

(6) Authorizing the closure of a complaint.

(7) Making notification of investigative activities up the SIB chain of command and/or to the Chief of Police.

b. An investigator's responsibilities include the following:

(1) Receiving the complaint.

(2) Conducting an analysis.

(3) Identifying and notifying stakeholders.

(4) Completing the investigation.

(5) Documenting all activity.

(6) Submitting a report for review by a supervisor.

(7) Making a recommendation for closure to the supervisor.

(8) Providing an initial follow-up investigation within ten (10) days.

D. The officer assigned to the investigation shall add a watch list entry in KBCOPS, including relevant case data (e.g., persons, locations, vehicles, etc.) that may conflict with other sensitive investigations as outlined in Directive 800-005, Deconfliction Policy.

E. Routing and Storing Complaints

Initial complaints will be routed to the Vice and Narcotics Unit. The completed investigation will be stored and retained in the Vice and Narcotics Unit.

V. REFERENCES

600-0021 Criminal Investigations
800-005 Deconfliction Policy
Vice Complaint Form
CALEA

The previous version of this policy was published on 03/12/2025.

I. PURPOSE

This directive establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) regarding the timely and accurate flow of information internally to CMPD employees and externally to the community.

I. POLICY

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.

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;
    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 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 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.

8. When contacting someone externally by telephone, CMPD members will properly identify themselves by name, rank and as a member of CMPD.

IV. 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 8/4/2022.

Charlotte-Mecklenburg Police Department

Department Administrative Reports

Name of Report	Who is Responsible	Purpose of Report	Frequency of Report	How Report is Distributed
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

Charlotte-Mecklenburg Police Department

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 3rd 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.				

I. PURPOSE

This directive establishes standards, restrictions, and approval processes for the use of the Charlotte-Mecklenburg Police Department (CMPD) name, logo, and brand likeness on physical items including, but not limited to, clothing, patches, and challenge coins. The intent is to ensure that all branded materials reflect the professionalism of CMPD, protect the integrity of the CMPD brand, prevent unauthorized or inappropriate use, and maintain consistency across all internal and external representations of the department.

II. POLICY

No individual may reproduce, display, or otherwise use the organization's badge, logo, or any likeness thereof for personal gain, profit, or advertising without prior written consent from CMPD.

CMPD branding elements, including the CMPD logo, shoulder patch, badge likeness, unit insignia, and any derivative design, are trademarks and intellectual property of CMPD. Their use is strictly regulated and requires approval from the Office of the Chief.

CMPD employees are prohibited from creating, altering, distributing, or authorizing the use of CMPD branding on clothing, merchandise, patches, coins, or other items without prior written approval from CMPD.

This directive applies to all CMPD employees, volunteers, contractors, and external partners seeking to use CMPD branding.

III. DEFINITIONS

A. **Authorized Branded Item**: Any clothing, patch, coin, or merchandise item that has been reviewed and approved by the Office of the Chief.

B. **Challenge Coins**: Commemorative coins bearing department or unit branding, often used for morale, recruitment, or ceremonial purposes.

C. **CMPD Branding Elements**: Any official or recognizable representation of CMPD, including but not limited to:

1. CMPD logo
2. Shoulder patch
3. Badge likeness
4. Unit or division insignia
5. Specialized team logos (i.e. SWAT, K9, Aviation)
6. CMPD wordmark or name
7. Any graphic that implies CMPD affiliation

D. **Unauthorized Branded Item**: Any item displaying CMPD branding that has not been approved, is altered from the approved design, or is used outside the scope of the approval.

E. **Unit Patches**: Specialized insignia designed for specific divisions or squads that incorporate CMPD branding.

IV. PROCEDURE

A. Approval Process for Use of CMPD Branding

1. Any employee or unit seeking to create or distribute branded items must submit a CMPD Branding Request Form through their chain of command.

2. Requests must be submitted at least 30 days prior to production.
3. The CMPD Branding Request Form must be submitted for all apparel, patches, insignias, challenge coins, or items bearing CMPD branding.
4. The request must include:
    a. Purpose of the item
    b. Intended audience (internal, public, fundraising)
    c. Proposed design(s)
    d. Vendor information
    e. Quantity and distribution plan
    f. Whether item will be sold, gifted, or used for recognition
5. Requests will be routed to the Office of the Chief and reviewed by the Public Affairs Division (PAD) for approval.
6. No production may begin until written approval from the Office of the Chief is granted.
7. The final product must match the design submitted in the CMPD Branding Request Form.

B. Apparel

1. The creation of new CMPD branded apparel requires approval.
2. The CMPD Branding Request Form must be submitted for all new requests.
3. CMPD branding may be used on apparel only when approved for:
    a. Official uniform components
    b. Authorized unit apparel
    c. Community engagement or recruitment events
    d. CMPD-sponsored events
    e. Purchased from an authorized retailer (i.e., LEC gift shop)
4. Apparel must not:
    a. Alter the CMPD logo
    b. Include political, offensive, unprofessional, or commercial content
    c. Misrepresent CMPD affiliation
5. Employees may not wear unauthorized CMPD-branded apparel while on duty or representing CMPD.

C. Patches and Insignia

1. The creation of new patches or insignia requires approval.
2. The CMPD Branding Request Form must be submitted for all new requests.
3. Patches must align with CMPD uniform standards.
4. Collectible or morale patches may be approved for off-duty use only.

D. Challenge Coins

1. The creation of new challenge coins requires approval from the Office of the Chief.
2. The CMPD Branding Request Form must be submitted for all new requests.
3. Coins must:
   a. Use approved branding
   b. Avoid political, offensive, unprofessional, and commercial content
   c. Clearly identify the unit or purpose
4. Unauthorized coins may not be distributed, sold, or exchanged.

E. Prohibited Uses

CMPD branding may not be used for:

1. Personal profit
2. Political campaigns or messaging
3. Commercial advertising, printed or digital
4. Endorsements
5. Fundraising without prior approval
6. Any item that could discredit CMPD or misrepresent the Department's mission

F. Enforcement and Violations

1. Unauthorized use of CMPD branding will be referred to Internal Affairs for review.
2. Items purchased with city funds may be confiscated.
3. CMPD may pursue legal action for misuse of copyrighted or trademarked materials.

G. Use of the CMPD Logo at Sponsored Events and Activities

1. Employees are prohibited from using the CMPD logo or other CMPD copyrighted information to promote, solicit, or represent at 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 and shall submit a CMPD Sponsored Events and Activities Summary.
   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, other event merchandise, or digital media use.
   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.
   d. If the CMPD logo will be used, all event details must be forwarded to the PAD.

V. REFERENCES

300-022 Sponsored Events and Activities
400-001 Uniform and Attire Series
City of Charlotte Intellectual Property Guidelines
Rules of Conduct
CMPD Public Affairs Media Resources
CALEA

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department (CMPD) use of the Early Intervention System (EIS). The EIS is a non-punitive, proactive tool designed to identify sworn employees who may require support before policy violations occur. The primary objective of the EIS is to intervene before issues arise, address concerning patterns of behavior, enhance communication between supervisors and employees, and encourage supervisory coaching and mentoring while supporting employees in a non-punitive manner. The EIS aims is to identify and modify potentially problematic behavior before it results in actions that conflict with CMPD's mission and core values.

II. POLICY

A. The CMPD EIS uses research-based techniques to identify employees who may benefit from support in improving their interactions or behaviors. CMPD acknowledges that stress, trauma, and the cumulative demands of modern policing can negatively impact behavior.

B. 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.

C. Using the EIS developed by Benchmark Analytics, CMPD will identify those sworn employees with the greatest need for intervention. Supervisors may seek employee input to 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.

D. 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.

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

    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 promotional processes.

E. EIS alerts shall be reviewed by the designated supervisor upon receipt. Supervisors will receive an overdue email notification if an alert has not been reviewed in the EIS within five (5) working days.

F. 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.

G. 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., complaints and response to resistance) 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 to the employee's chain of command. EIS alerts are not to be used as substitutes for formal yearly or quarterly performance appraisals.

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
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
21. Perseverance
22. Overall wellness

I. **Early Intervention System (EIS):** 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 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) 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., response to resistance events and traffic stops) that have been shown historically to result in adverse situations for sworn employees or the public. Additionally, the risk score~~s~~ 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 runs 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
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, the EIS administrator(s) will follow-up with the division chain of command to determine appropriate next steps.
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:

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. Office of Employee Wellness: A supervisor may contact the Office of Employee Wellness Senior 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 through the Office of Employee Wellness.

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 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.

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 Unit 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 maintain 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. Provide support to an employee's chain of command upon request, including-providing additional information or reports that could assist the chain of command in determining the best course of action for the affected employee.

   e. Review all expired alerts as needed and notate reviews on the supplemental course of action form.

   f. Ensure that any required updates or changes to the EIS or the EIS directive are completed.

   g. 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.

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 inconsistent 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.
9. Display empathy.
10. Advise the employee of the available resources to assist in the situation (e.g., EAP/counseling, peer support, and training)
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 Employee 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 06/05/2023

I. PURPOSE

This policy establishes standards for inspections and audits completed by the Charlotte-Mecklenburg Police Department (CMPD). Inspections or audits examine and evaluate the functions and activities of the CMPD and its ability to accomplish organizational objectives in accordance with existing written directives and acceptable practices.

II. POLICY

Internal inspections and audits conducted by the CMPD are a tool for continuous improvement, not a punitive measure.

Internal inspections and audits are conducted at the direction of the chief of police, or designee, for the following purposes:

A. To ascertain if policies, procedures, goals, and objectives are clearly defined to be properly interpreted and implemented accordingly.

B. To determine if personnel, equipment, materials, and resources are being used properly for achieving CMPD goals and objectives.

C. To ensure operational conditions foster an atmosphere of safety and cooperation within CMPD and other stakeholders.

D. To provide information concerning the quality of service delivered and the effectiveness of the service.

E. To identify opportunities for improvement in personnel integrity, training, morale, supervision, or policy.

F. To ensure that CMPD remains in compliance with regulations, requirements, and best practices.

III. DEFINITIONS

A. **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.

B. **Deficiency**: An all-inclusive term used in reference to process or procedural irregularities (i.e. defective items, malfunction, nonconformance).

C. **Inspector General Compliance (IGC)**: An abbreviated inspection to ensure continued compliance between full staff inspections. IGC inspections are conducted annually for all patrol divisions and upon chain of command request for non-patrol divisions/units. IGC inspections include an objective review of facilities, roll call, officer and vehicle inspections, line inspection status, safety, and follow-up from the most recent full staff inspection.

D. **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.

E. **Professional Standards Compliance Dashboard**: Internal database where all internal inspection and audit forms and results are completed and retained.

F. **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.

G. **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.

IV. PROCEDURE

A. Staff Inspections

The Quality Assurance Unit (QAU) 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 sergeant assigned to the QAU, the Strategic Policy Unit Policy and Directives Officer and the CMPD Human Resources Division (HRD) Safety Coordinator. Additional leadership from the Professional Standards/Quality Assurance Division may assist the staff inspection team as needed.

   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

   Annually, the QAU will develop a schedule to ensure all inspections are completed on time.

   a. A staff 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.

3. Inspection Notification

   a. The staff inspection team lead will provide an initial 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. The staff inspection team lead will provide a final notification of the pending staffing inspection to the bureau, division, or unit being inspected fourteen (14) days prior to the staff inspection. This notification will identify the timeframe 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 involves 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 QAU 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 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 will not initiate Internal Affairs investigations.

c. Equipment Inspection

All division or unit-maintained inventory files and a sample of assigned equipment 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. Safety Inspection

The workspace assigned to the bureau, division, or unit should be inspected for adequacy, functionality, and safety. The CMPD HRD Safety Coordinator conducts the facility inspection and may coordinate with the CMPD facilities manager and/or the City of Charlotte General Services Division as needed.

5. Reports and Follow-Up

a. The staff inspection team lead, with assistance from the inspection team members, are responsible for generating the executive summary to include recommendations and deficiencies, if any.

b. The executive summary, employee survey results, and any supporting documentation will be provided to the inspected bureau, division, or unit's executive and command staff members within thirty (30) days following the inspection.

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 within forty-five (45) days following the inspection.

e. The QAU 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 Professional Standards Compliance Dashboard 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. Inspector General Compliance (ICG) Inspections

The Quality Assurance Unit (QAU) will coordinate the inspector general compliance inspection process. All CMPD employees shall cooperate and assist with the staff inspection team assigned to conduct a staff inspection.

1. ICG Inspection Team

   a. The IGC 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 sergeant assigned to the QAU and the CMPD Human Resources Division (HRD) Safety Coordinator. Additional leadership from the Professional Standards/Quality Assurance Division may assist the IGC inspection team as needed.

   c. The IGC 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 IGC Inspections

   Annually, the QAU will develop an IGC schedule to ensure all inspections are completed on time.

   a. An IGC inspection will be conducted annually for all patrol divisions, except when Patrol Services is scheduled for a full staff inspection.

   b. Any chain of command of a non-patrol division or unit may request an IGC inspection through the QAU. Requests for an IGC inspection should be made from the requesting division or unit captain to the Professional Standards/Quality Assurance Division captain.

3. Inspection Notification

   IGC inspections are unannounced. If the inspection team arrives during a time that is not feasible for the division or unit, the team will return at another time to complete the inspection.

4. Methodology

   The IGC inspection process involves 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 QAU will maintain a template for the documentation of the inspection as well as a guide to ensure the necessary inspection concerns are not overlooked.

   Abbreviated inspections of the following areas are completed as part of the IGC inspection:

   a. Facilities and safety

b. Roll call

c. Officer and vehicle inspections

d. Line inspection completion status

e. Follow-up from the most recent full staff inspection

5. IGC Inspection Report

a. The IGC team lead, with assistance from the inspection team members, are responsible for generating the IGC inspection report to include recommendations and deficiencies, if any.

b. The IGC inspection report will be provided to the inspected division, or unit's executive and command staff members within fourteen (14) days following the inspection.

c. The inspected division, or unit may prepare a response to the IGC report within ten (10) business days if they so choose.

d. The IGC inspection report and the division or unit's response (if any), will be forwarded to the responsible deputy chief and chief of police for review within thirty (30) days following the inspection.

e. The QAU 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*.

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 08/19/2022.

I. PURPOSE

This policy establishes standards for the Charlotte-Mecklenburg Police Department's use of confidential informants (CIs) in investigations.

II. POLICY

The CMPD may utilize CIs to assist in investigations. In many instances, a successful investigation cannot be conducted without using confidential and reliable informants. When utilizing CIs, employees must adhere to all CMPD policies and procedures and maintain strict confidentiality concerning the identity and efforts of CIs. CIs have a relationship with the CMPD, not with individual officers. If an officer is used as the contact person with a CI, the officer must be acting in their official capacity.

The Vice and Narcotics Unit is responsible for the management and documentation of all CMPD CIs.

III. DEFINITIONS

A. Code of Conduct: A list of understandings, behaviors, and actions the CI acknowledges in writing (signature), certifying their agreement to cooperate with and assist the CMPD.

B. Confidential Informant (CI): A confidential source that, on an ongoing basis, provides information concerning criminal activity that 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 the information provided in the past determines their reliability for the purposes of court (e.g., a 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 to determine an individual's suitability for becoming a CI. The Vice and Narcotics Unit will maintain the file 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. Confidential Source: Any person who provides information about criminal activity on a one (1) 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 a CI and does not need to be registered as one (e.g., a 911 call or information received from a concerned citizen).

E. Master File: The Vice and Narcotics Unit will maintain a master CI file. This file will be located in a secure area, and access is limited to the Special Investigations Bureau (SIB) major and the Vice and Narcotics Unit chain of command. If a member of the executive staff requests to review a CI file for official business purposes, they will be permitted to review files that are directly related to their inquiry. However, they must be accompanied by the SIB major or Vice and Narcotics Unit chain of command.

IV. PROCEDURE

A. The management and documentation of CMPD CIs is the responsibility of the Vice and Narcotics Unit.

B. CI File System

1. The Vice and Narcotics Unit sergeant is responsible for developing and maintaining CI files.

2. A CI packet and information file will be developed and maintained for each CI.

3. Each file must contain the following information:

   a. Confidential Informant Information and Confidential Source Code of Conduct Form

   b. Current picture

   c. Fingerprint

   d. Handwriting sample

   e. Criminal history

   f. Summaries of information provided by the CI and the results

   g. File number

   h. Assumed Name

   i. Signature of approval from a division sergeant who has attended CI training or a Vice and Narcotics Unit supervisor

C. Guidelines for CI Use

1. Prospective CIs must complete the CI packet and information file before utilization by an officer.

2. Upon completing the CI packet and information file, the initiating officers and CI must meet with the Vice and Narcotics Unit sergeant or a designated sergeant who has attended the informant registration class before utilizing the CI to determine the usability of the CI.

3. In the event of exigent circumstances, a prospective CI may be used without first completing the CI packet and information file. However, this may only be done if approval from the Vice and Narcotics Unit sergeant or division sergeant responsible for drug investigations is received. If approval is granted, the officer must complete the CI packet and information file within forty-eight (48) hours of the information being provided and acted upon.

4. Officers will not utilize a CI when it is known that the CI is wanted by any law enforcement agency. This does not nullify any information the CI may provide. However, an officer will not direct a CI to make a drug buy or let the informant out of their sight to verify the provided 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 refusing to extradite, officers must receive approval from the Vice and Narcotics Unit supervisor before using the CI.

5. If a CI is on probation or parole, the officer must check with the appropriate probation or parole officer to ensure that the use of this person does not interfere with any conditions of their parole or probation. The officer will obtain, in writing, approval from the parole or probation officer to use the CI and include it in the CI packet and information file.

D. CI File Audit

1. Officers should ensure all biographical information is accurate and updated annually. If a CI has been inactive for a year, a new biographical data form should be completed and provided to the Vice and Narcotics Unit sergeant. Officers should monitor CI's actions that are contrary to the CI's code of conduct and notify the Vice and Narcotics Unit sergeant to update the CI packet and information file.

   a. Any issues concerning a CI will be discussed between the officer and Vice and Narcotics Unit sergeant to determine if future use of this CI is warranted. This will not preclude any issues addressed throughout the year if needed.

   b. CI activity during the past year will be reviewed to determine if they should remain active or become an inactive informant.

   c. Update the Imprest Fund database with relevant information about 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 they are used in the future, the officer must submit a new CI packet and information file and follow the steps to ensure the information is reliable.

   b. Inactive CI packets and information files will be placed in the appropriate secure area. These files will not be discarded or thrown away but may be stored at an agency-approved secure offsite location.

   c. If a CI does not follow the direction of their overseeing officer, commits a violent offense, is arrested for a drug charge, or is involved in conduct that conflicts with the CI code of conduct, they may be terminated at the discretion of the overseeing officer's chain of command and in consultation with the Vice and Narcotics Unit chain of command. In cases where there is a difference of opinion about the continued use of a CI, the SIB major will make the final decision. Regardless of the outcome, the officer in charge of that CI will document the details and issues in memo form and forward it to the Vice and Narcotics Unit sergeant for submission into the CI packet and information file.

V. REFERENCES

800-013 Substantial Assistance
Vice & Narcotics Imprest Fund SOP
Confidential Informant Information and Confidential Source Code of Conduct Form
"Guide for Developing & Controlling Criminal Informants," Michael Grimes, Law Tech Publishing

The previous version of this policy was published on 10/23/2020.

I. PURPOSE

This policy establishes standards 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 using a confidential informant (CI) to provide information to the police. While using CIs and their information is an effective tool in investigations, one can reasonably expect this information to be provided with an expectation for reducing or dismissing criminal charges. Officers shall comply with the following procedures when working with persons wanting to provide drug information to ensure compliance with North Carolina general statutes and guidelines for substantial assistance.

III. DEFINITIONS

A. Drug Trafficking: The selling, manufacturing, delivering, or possessing of some controlled substances in excess of a specific quantity (depending on the type of controlled substance) as outlined in N.C.G.S. § 90-95.

B. Felony Crimes Team (FCT): The Mecklenburg County District Attorney's Office team that prosecutes property crimes, financial crimes, drug offenses, and other general, nonviolent felonies. In the prosecution of drug crimes, this team targets drug sellers and traffickers while seeking treatment for people experiencing substance use disorder or addiction.

C. Substantial Assistance: When a person who is being sentenced for a drug trafficking offense has rendered, to the best of the person's knowledge, substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, co-conspirators, or principals. If a judge finds that the person has provided substantial assistance, the judge may sentence the person to a reduced fine or lesser prison term than would otherwise be required (N.C.G.S. § 90-95(h)(5)).

IV. PROCEDURE

A. Post-Arrest Substantial Assistance

1. Post-arrest substantial assistance involves cases in which an officer, their supervisor, and the Mecklenburg County District Attorney's Office Felony Crimes Team (FCT) supervisor agree to allow a drug trafficker to provide substantial assistance after being formally charged.

2. CMPD must thoroughly screen all drug traffickers who want to provide substantial assistance. The officer in charge (OIC) will:

a. Obtain a written confession from the defendant for the charge(s) for which they have been arrested.

b. Obtain information needed to complete the CI packet and information file. Defendants with a history of committing violent crimes or multiple drug charges will be considered on a case-by-case basis.

c. Contact the FCT supervisor or the Habitual Felon Team (HFT) supervisor if the OIC believes a defendant may be a habitual felon for verification.

(1) If it is determined the defendant is currently indicted as a habitual felon, the defendant is probably not appropriate to provide substantial assistance.

(2) However, if the OIC still believes this defendant can provide substantial assistance, the OIC must first receive authorization from the HFT supervisor.

d. Determine if the defendant wants to provide substantial assistance and is currently on probation.

(1) If the defendant is on probation, the OIC must contact the defendant's probation officer and determine if it would be appropriate for the defendant to provide substantial assistance.

(2) In some cases, the terms of probation would need to be modified if the defendant provides substantial assistance.

e. Obtain authorization from a CMPD sergeant who has attended CMPD's Imprest Fund and Informant Management Course (VN102) to use a person for substantial assistance before submitting a CI packet and information file to the Vice and Narcotics Unit in compliance with Directive 800-012, Confidential Informant Guidelines.

f. Make no promises or inferences about case adjudication or sentencing. Adjudication and sentencing are the sole discretion of the District Attorney's Office and the presiding judge.

g. Verify that the defendant is not a suspect in other felony investigations through review of CMPD and court databases.

h. In consultation with the FCT supervisor, contact the defendant's attorney (if applicable) and arrange a meeting between the OIC, the defendant, and the defendant's attorney.

(1) During this meeting, the defendant should be debriefed about the cooperation and information they can provide. If a defendant provides information about other criminal activity, the officer must immediately notify an appropriate supervisor (e.g., Homicide Unit, Robbery Unit, etc.).

(2) If a meeting cannot be set, the officer should request a proffer from the defendant's attorney about the defendant's capabilities to assist.

i. Ensure the defendant has voluntarily waived their 5th Amendment right in writing. If the defendant has been formally charged before a magistrate,

the defendant must also waive their 6th Amendment right to counsel regardless of whether an attorney is present.

j. Consult with their 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.

k. In consultation with the FCT supervisor, substantial assistance should, at minimum, be initiated within ten (10) to fourteen (14) days. If that time has passed and the defendant has been either out of contact or has not provided any assistance, the OIC should obtain warrants for the original offense or take other action as directed by their supervisor.

B. On-Scene Substantial Assistance

1. On-scene substantial assistance involves cases in which an officer, upon approval by their supervisor, agrees to allow a drug trafficker to provide substantial assistance before formal charging.

2. 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 before, and in some cases, instead of being charged with a criminal offense. Officers will make no promises or guarantees to the defendant before approval from the FCT. In CMPD's application of this discretion and in communicating with the FCT, on-scene substantial assistance can be considered once if:

a. The officer has discussed the case with an immediate supervisor.

b. The defendant has voluntarily waived their 5th Amendment rights in writing.

c. The person provides a written confession to the crime for which they may be charged.

d. A positive identification has been made.

e. The necessary information has been obtained to register the person as a CI as outlined in Directive 800-012, Confidential Informant Guidelines.

f. If the person provides immediate on-scene substantial assistance, that person must be registered as an informant before being used again.

3. The OIC must notify the FCT supervisor or designee by phone or email within one (1) working day for all trafficking cases. Contacts must be documented in the case file notes, including who was contacted, the date, time, and a summary of the conversation.

C. Information for Substantial Assistance Follow-up

1. Papering

At papering, the OIC should alert the assistant district attorney (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. Sentencing is usually scheduled during a substantial assistance hearing, thirty (30) to sixty (60) days after the defendant's guilty plea. Officers may be required to attend the substantial assistance sentencing hearing when subpoenaed by the defense attorney. The District Attorney'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 with a detailed written report summarizing the substantial assistance within sixty (60) days post-arrest on the defendant. This summary will include the following:

(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 continues to work after this time, the OIC will provide an update every thirty (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 District Attorney's Office's recommendation for non-trafficking offenses (Class G, H, and I felonies). However, consideration may be given on a case-by-case basis.

5. The FCT supervisor will present information for substantial assistance on behalf of the state to the presiding judge during the defendant's sentencing hearing.

While officers are responsible for leading investigations in which persons are providing substantial assistance, they should be mindful of the following:

a. Officers must not discuss sentencing the state may recommend for a defendant and should reply that the FCT makes sentencing recommendations if a defense attorney asks.

b. Officers must not discuss the possibility of a continuance of any court date with the defendant. If the defendant inquires about a continuance, they should be directed to discuss the matter with their attorney.

c. The FCT recommends sentencing to the court once all evidence is heard.

d. Sentencing is solely at the discretion of the judge. The judge may accept or reject the state's sentencing recommendation.

V. REFERENCES

600-021 Criminal Investigations
300-002 Court Attendance
800-012 Confidential Informant Guidelines
N.C.G.S. § 90-95(h)(5)
Structured Sentencing Act of 1994
Mecklenburg County District Attorney's Office, Felony Crime Team

This policy was last published on 07/13/2021.

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employee use of social media sites to maintain efficiency, prevent disruption within the workplace, protect the integrity of investigations, safeguard the privacy and safety of individuals, and maintain public trust in the CMPD.

II. POLICY

The CMPD recognizes that social media 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. These protections do not override CMPD interests in protecting investigations, operational security, confidential information, evidence, or the safety of employees and the public. Employees using social media may comment on matters of general or public concern provided their comments do not disrupt the workforce, interfere with working relationships, interrupt efficient workflow, or undermine public confidence in the CMPD.

III. DEFINITIONS

A. **Blog**: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

B. **Investigative**: Functions responsible for examining incidents or crimes after they occur to determine what happened, who was involved, and how to proceed with legal action.

C. **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.

D. **Operational**: Activities, decisions, resources, and actions directly related to carrying out law enforcement duties in the field. This includes anything tied to day-to-day police work that impacts public safety, response, investigations, patrol functions, tactical operations, or enforcement.

E. **Page**: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

F. **Post**: Speech or content an individual publishes on social media, whether on a personal site or one maintained by another person or entity.

G. **Profile**: Information users provide about themselves on a social networking site.

H. **Social Media**: Forms of electronic communication and platforms (such as websites for social networking, microblogging, video sharing, livestreaming, forums, and online communities) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).

I. **Social Media Activity**: Any action on social platforms including posting, commenting, sharing, re-sharing, liking, reacting, tagging, and livestreaming.

IV. PROCEDURE

A. Employees utilizing social media in the performance of their job duties and representing or speaking on behalf of the CMPD will adhere to the following guidelines:

1. The Public Affairs Division (PAD) will be responsible for management of all official CMPD social media/networking sites.

a. In cases where divisions receive permission to manage sites independently, the PAD will have full access to these sites and the employee responsible for site managing must ensure that the site is connected to the archiving system of record.

b. The PAD will be responsible for regularly monitoring all approved sites to ensure appropriate usage and representation of the CMPD, including sites being managed by divisions.

2. Before representing the CMPD via a social media/networking site using a photo or video, employees must send the photo or video to cmpdpio@cmpd.org and include in the body of the email their name, phone number, and division; the date, location, and names of any individuals captured in the photo or video; and a description of the event or circumstance captured. After the email has been reviewed, the PAD will determine whether the employee has permission to post the photo or video.

3. All external marketing requests must be routed through the PAD.

4. Where possible, each approved social media page will include an introductory statement that specifies the purpose and scope of the CMPD's presence on the website.

5. Where possible, the approved social media page(s) should link to the CMPD official website.

6. Employees will not disclose any information that is confidential or proprietary to the City of Charlotte, the CMPD, or any third party who has disclosed information to the CMPD.

7. Employees will follow all other City of Charlotte and CMPD policies and procedures, including but not limited to City Policy ADM 15, Social Media Policy.

8. Employees, representing the CMPD or speaking on behalf of the CMPD, will act in a manner consistent with the 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.

9. Employees will not allow the use or maintenance of approved websites to interfere with their job duties and responsibilities.

10. Using any electronic device, CMPD-issued or personal, to post, upload, or download any sensitive CMPD or job-related information to any social media outlet is prohibited unless the site and content are approved through the PAD. Examples include but are not limited to releasing or using:

a. Confidential, sensitive, or copyrighted information (such as the CMPD patch, badge, and logo) to which employees have access only due to their employment with the City of Charlotte.

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 online.

g. Any law enforcement operations, whether planned, ongoing, or post-operational.

h. Demonstrations, tutorials, or commentary on police equipment issued, operated, or utilized by the CMPD.

i. Crimes scene photographs, video, or any depiction of an active crime or crash scene, whether obtained on duty or off duty, regardless of the device used to capture the image or the posting platform, unless expressly authorized by the Public Affairs Division.

11. 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.

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 the CMPD or the City of Charlotte.

2. Speech or content posted on social media sites by employees that may compromise the CMPD's integrity, reflect negatively on the employee, or undermine public trust is prohibited.

3. Employees who display content on social media that identifies them as employees of the CMPD 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 post where the self-identification was made.

4. Posts containing CMPD uniforms, badges, patches, logos, or vehicles, in conjunction with any speech or content deemed biased, aggressive, violent, inflammatory, provocative, or otherwise reflective of the employee or CMPD in a negative manner, are expressly prohibited. This includes, but is not limited to, closed captions, music, and background noise.

5. Posts containing any content obtained through official police business, such as photos or videos taken during calls for service, traffic stops, or CEU operations, are strictly prohibited. This includes any image or video of a crime scene or crime-scene elements, whether the employee was on duty, off duty, or present in a personal capacity.

6. Employees are prohibited from posting, uploading, livestreaming, or displaying any photos, videos, or other content depicting operational or investigative activities.

C. Employees should be aware of the potential adverse consequences of any speech or content they choose to display on social media. Inappropriate social media content may negatively impact an employee's candidacy for future positions, impede the employee's ability to testify in court, Civil Service, or administrative proceedings, and/or result in disciplinary action, including suspension and/or termination.

D. Employees are responsible for immediately notifying their chain of command when they become aware of or know about 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 the CMPD is posted to an unapproved site.

V. REFERENCES

City Policy ADM 15 Social Media Policy
Liverman v. City of Petersburg, 844 F.3d 400 (4th Circuit 2016)
100-004 Discipline Philosophy
400-004 Use of Technology
800-001 Release of Public Records and Information
800-002 Media Relations
Rules of Conduct
CALEA

The previous version of Directive 800-014 Social Media Policy was published on 11/25/2024.

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.

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.

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.

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

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

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

I. PURPOSE

This policy establishes guidelines for the deployment of the Charlotte-Mecklenburg Police Department (CMPD) Special Weapons and Tactics Team (SWAT).

II. POLICY

SWAT will use specialized training, equipment, and tactics to preserve life in high-risk situations, inspire community confidence, and ensure the following SWAT core values are met:

A. SWAT operations will be conducted with the utmost regard for preserving life.

B. SWAT is committed to the safe resolution of all high-risk situations and will approach each situation professionally and in a controlled manner, emphasizing a negotiated resolution.

C. SWAT will utilize specialized training and equipment to accomplish its mission and develop the specialized skills of each SWAT team member.

D. SWAT 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 will approach their duties with a high level of confidence, motivation, flexibility, and patience.

F. SWAT will acknowledge their interdependence and work as a team in an atmosphere of trust, confidence, and open communication.

III. DEFINITIONS

NA

IV. PROCEDURE

A. Call-Out Procedures

The ranking supervisor on the scene of any incident or an on-duty SWAT team member may request SWAT assistance.

1. SWAT requests must be made through the incident location's chain of command to the SWAT major, captain, or the full-time tactical operations command sergeant during normal business hours.

2. After-hours SWAT requests must be submitted directly to Operations Command, which is responsible for contacting the appropriate SWAT command staff member to determine the deployment of SWAT personnel.

3. The Communications Division will send an incident notification to all affected Special Operations Division personnel when SWAT deploys.

4. Division supervisors are responsible for notifying their division's major and deputy chief of any SWAT deployment in their area.

B. SWAT Deployments

The following situations may necessitate the deployment of SWAT:

1. Barricaded Person

When a person known or believed to be armed is wanted on criminal charges or for mental commitment proceedings, has assumed a position that provides a significant tactical advantage over the police officers attempting to take the person into custody.

2. Civil Disorder/High-Risk Demonstration

   When civil disorder may require the skills or equipment of SWAT to assist with maintaining peace and order and achieving department objectives, or when there is a high-risk demonstration or parade where violence is possible.

3. Dignitary Protection

   When a visiting dignitary may require specialized security while in the CMPD's jurisdiction.

4. High-Risk Search/Arrest Warrants

   When a warrant service involves circumstances that may pose a high-risk potential, such as a heavily fortified structure or the presence of an unusual number or type of weapons, the suspect has demonstrated a propensity for violence, or the warrant service requires equipment not available to non-SWAT employees. See *Directive 500-004-D Search Warrants* and *SWAT SOP #13 High-Risk Search/Arrest Warrants*.

5. Hostage Situation

   When a person is holding another person against their will by bodily force or the threat of bodily injury or death.

6. Suicidal Person

   When a person known or believed to be armed appears to be an imminent threat to themselves or others, and has assumed a position that provides a significant tactical advantage over the police officers attempting to take the person into custody.

7. Surveillance/Stakeouts

   When a 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.

8. 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 is contained by police officers.

9. Assistance to Other Law Enforcement Agencies

   When any of the situations mentioned above exist, another law enforcement agency requests assistance in accordance with state law or when a federal or state agency requests assistance within the CMPD's jurisdiction. The Chief of Police or designee must approve any request for assistance outside the territorial jurisdiction of the CMPD. The SWAT major is responsible for ensuring that any required memorandum of understanding (MOU) is valid before any agreement to assist.

C. Deployment Logistics

1. Once it is determined that SWAT will be deployed, a SWAT command staff member will contact the Communications Division supervisor and request that a notification be sent to all SWAT team members. Notifications will include specific information provided by the SWAT command staff member 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 sergeant 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), as outlined in *Directive 600-025 Incident Command System*, will be initiated by the 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 SWAT is deployed for hostage situations, suicidal persons, or barricaded persons. SWAT negotiators may be contacted in other situations deemed appropriate by the incident or SWAT commander. SWAT negotiators will not deploy without tactical support.

6. Tactical medics will be notified whenever SWAT is deployed and will respond according to their agency's Standard Operating Procedure (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.

8. Prior to any SWAT deployment, new SWAT team members must show proficiency in all areas of training and complete the training areas as outlined on the SWAT Critical Skills List. Training areas and forms must be signed off on by the tactical operations command sergeant and uploaded to the CMPD R-Drive. Hard copies of forms from the Critical Skills List will be retained by the tactical operations command sergeant.

D. Radio Protocol

As soon as practical and when feasible, all radio communications regarding a SWAT deployment will be designated to 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, communications with other departments and/or agencies will be handled by the Communications Division or directly by the on-scene tactical operations command sergeant via cellular telephone or radio. Radio communications should be conducted on a frequency other than the primary talk group frequency for tactical operations.

F. Establishment of Scene Perimeters

During incidents not pre-planned by SWAT, 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 related to the actual containment of the incident scene or structure as soon as reasonably possible. Patrol officers will remain responsible for securing the inner and outer perimeters of the scene, including traffic and pedestrian control. The on-scene patrol commander or Operations Command will

determine the inner and outer perimeters of an incident location in consultation with the SWAT 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.

1. Before SWAT arrives, the on-scene patrol commander is responsible for evacuating bystanders and injured persons, except those 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 SWAT arrives with the necessary equipment to move them 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 they are not relocated.
4. If evacuations are conducted, the patrol supervisor will document all locations and persons evacuated and provide this information in written form to the SWAT command upon transition.

H. Review and Operation Debrief

1. An incident debriefing and critique will be held as soon as practical following the termination of a SWAT operation. 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 personnel, and investigative personnel.
2. The SWAT supervisor 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 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 and statements will be attached to all case files.
3. A SWAT supervisor will coordinate with patrol to complete all necessary administrative paperwork related to SWAT team members' direct actions, such as raid and search reports, and response to resistance documentation. The appropriate division chain of command will handle paperwork relevant to other employees on the scene.

V. REFERENCES

100-003 Jurisdiction and Authority
100-005 Patrol Services
200-001 Discipline, Internal Investigations, and Employee Rights
600-025 Incident Command System
Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan
SWAT SOPs 1-17
CALEA

The previous version of this policy was published on 04/19/2023.

I. PURPOSE

This policy establishes guidelines and procedures for the Charlotte-Mecklenburg Police Department (CMPD) employees who administer the naloxone nasal spray to affected persons or CMPD K-9 units.

II. POLICY

It is the policy of the CMPD to take steps to preserve the life of another person or a CMPD K-9 unit after a suspected overdose as the result of a potential exposure to opioids.

III. DEFINITIONS

A. Authorized User: A CMPD employee who has completed CMPD's Naloxone Carry and Use training course and issued naloxone nasal spray by the Property and Evidence Management Division.

B. Naloxone: A medicine that blocks the effects of opioids and reverses an overdose.

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 Training Division's In-Service Training Unit sergeant is the dedicated naloxone coordinator for CMPD and will determine authorized users based on CMPD's current support of naloxone nasal spray and the specific area where it will be stationed.

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 employees are adequately trained in the use of naloxone nasal spray in accordance with the MEDIC 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.

6. Coordinating with 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 the manufacturer's guidelines.

9. Ensuring naloxone nasal sprays stationed in specified areas are stored properly, have not expired, and are accessible to officers quarterly.

10. Preparing any requested reports on supplies, storage, and use.

B. Training

Employees must complete the Naloxone Carry and Use training course through the CMPD learning management system prior to being issued naloxone nasal spray. 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. This training must be completed by all employees annually.

C. Opioid Overdose Indicators

Authorized users 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. Naloxone Storage and Use

Only authorized users will administer naloxone nasal spray and shall only utilize naloxone nasal spray on affected persons or CMPD K-9 units believed to be suffering from an opioid overdose caused by a potential opioid exposure.

1. Authorized users shall follow protocols outlined in their naloxone nasal spray training before administering naloxone.

2. Authorized users will have the naloxone nasal spray available for use when on duty or engaged in secondary employment.

3. Authorized users 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 the Communications Division that the person is in a potential overdose state and request MEDIC.

    b. Perform first responder treatment consistent with training, including the use of appropriate personal protective equipment (i.e., gloves).

    c. Remove the nasal naloxone nasal spray device from its outer protective packaging.

    d. Insert the 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 user notices the affected person is returning to consciousness, they will notify the affected person that naloxone nasal spray was administered and that they 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. A copy of this form will be forwarded to the naloxone coordinator. This form is located in an appendix to this policy.

    i. When an authorized user uses naloxone nasal spray on a non-employee, the employee will document the usage in a miscellaneous non-criminal overdose report in KBCOPS and send the complaint numbers to the naloxone coordinator.

    j. After administrating the naloxone nasal spray, employees will decontaminate their hands with soap and water due to the possibility of fentanyl being present.

4. Naloxone nasal spray devices will be kept out of the reach of children if stored at the authorized user's home when off duty.

5. Authorized users will inspect the naloxone nasal spray device prior to the beginning of the shift.

6. Supervisors will inspect naloxone nasal spray devices annually to ensure they are not expired and do not appear damaged. Supervisors will ensure naloxone nasal spray devices are replaced as necessary.

7. Authorized users who identify missing, damaged, or expired naloxone nasal spray devices will notify their immediate supervisor. Supervisors will contact the Property and Evidence Management Division during normal business hours for replacement.

V. REFERENCES

N.C.G.S. 90-12.7
Exposure Control Plan
Mecklenburg County EMS LEO Naloxone Protocol

The previous version of Directive 900-005 Naloxone Nasal Spray was published on 04/07/2021.

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

I. PURPOSE

This policy establishes standards 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 LEP individuals to the services and benefits it provides. CMPD employees will provide language assistance services to LEP individuals whenever an LEP individual requests language assistance services. Employees will inform the public that language assistance services are available to LEP individuals.

III. DEFINITIONS

A. **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 CMPD Human Resources Division (HRD).

B. **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 LanguageLine Solutions and Propio Language Services.

C. **Interpretation**: The act of listening to communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

D. **Language Access Liaison**: An employee who serves as the main point of contact and responsible for the department's language access implementation and coordination.

E. **Limited English Proficiency (LEP)**: 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 those skills may be insufficient in other situations where language is considerably more technical. Individuals have the right to self-identify as a LEP person.

F. **Non-Vital Document**: Any informational or educational document used by CMPD.

G. **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.

H. **Primary Language**: An individual's native tongue or the language in which an individual most effectively communicates.

I. **Translation**: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

J. **Vital Document**: Any document that is used for official law enforcement purposes by CMPD.

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. CMPD will also maintain translated vital and non-vital documents for LEP individuals. In the case of illiteracy or languages for which written materials have not been translated, such forms and documents will be read to 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 CMPD HRD. The Oral Proficiency Interview (OPI) and scoring are based on the American Council of Teaching of Foreign Languages (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 business needs, supported data from the most recent U.S. Census, and to maintain compliant with federal non-discrimination language requirements.

    b. Employees are not eligible to receive additional compensation if they speak additional foreign languages.

    c. The Chief of Police or designee may waive the non-exempt criteria due to CMPD or community needs.

3. Testing will be hosted by CMPD HRD annually. Employees who wish to participate may sign up for the test during the sign-up period, which will be announced annually by the HRD.

    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 HRD 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 HRD.

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 attempt to ascertain an individual's primary language to determine available resources for 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, and seized evidence forms to convey information.

2. If translated materials do not resolve the situation, employees will request the Communications Division to contact an on-duty certified bilingual CMPD employee or approved certified bilingual volunteer to assist.

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.

   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 from the employee's supervisor.

6. Employees will document all necessary information to identify the interpreter used, including 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 HRD.

a. Activity Logs must be submitted to the HRD designee quarterly, at the end of March, June, September, and December, with each submission covering the preceding three-month reporting period.

b. If no interpreting or translating services are provided during a reporting period, employees shall indicate "No interpreting or translating services provided during this reporting period" on the applicable monthly Activity Log.

c. Failure to submit the required Activity Log by the applicable due date will result in the discontinuation of the Secondary Language Incentive. Once the required documentation is received, the incentive will be reinstated; however, it will not be applied retroactively for any period during which the required Activity Logs were not submitted.

d. Activity Logs are subject to periodic quarterly audits by an employee's chain of command and/or the HRD to ensure compliance with this directive.

D. Language Access Liaison

The language access liaison is CMPD's HRD administrative services manager or designee and is responsible for coordinating and implementing all aspects of CMPD services for LEP individuals. The Research and Strategic Planning Division (R&SP) will serve as liaison between the Department of Justice (DOJ) and the language access liaison.

V. REFERENCES

600-026 Interpreting for the Deaf and Hard of Hearing
Research and Strategic Planning SOP
Language Assistance Plan
City of Charlotte Language Access Policy
Omnibus Crime Control and Safe Streets Act 1968
Title VI Civil Rights Act 1964
CALEA

The previous version of Directive 900-007 Interpreting and Translating Services was last published on 07/29/2022.

Appendix A

Secondary Language Incentive Activity Log

Name of Certified Interpreter:
Division:

Date of Service Provided	Location	Request Type (ex, information, services, engagement)

I. PURPOSE

This policy establishes standards for Charlotte-Mecklenburg Police Department (CMPD) employee administration of cardiopulmonary resuscitation (CPR) and the storage of the automated external defibrillator (AED).

II. POLICY

CMPD is committed to preserving life and ensuring the safety and well-being of the public and its employees. In situations where a person experiences sudden cardiac arrest, immediate and effective intervention can significantly improve survival outcomes. CMPD employees are expected to render aid consistent with their training and available resources.

All sworn employees must maintain current certification in CPR and the use of AEDs. Sworn employees shall provide CPR and/or utilize an AED when appropriate, in accordance with recognized medical guidelines and departmental procedures, while ensuring personal safety and the integrity of any crime scene.

CMPD recognizes that timely and competent response to medical emergencies reflects the department's commitment to public service and enhances community trust. Failure to comply with this policy may result in corrective or disciplinary action.

III. DEFINITIONS

A. **Automated External Defibrillator (AED)**: A medical device designed to analyze a person's heart rhythm during sudden cardiac arrest and, if necessary, deliver an electric shock to restore a normal, effective rhythm.

B. **Body Substance Isolation (BSI)**: An infection-control strategy, primarily used in Emergency Medical Services (EMS), that treats all bodily fluids, excretions, and moist tissues as infectious.

C. **Cardiopulmonary Resuscitation (CPR)**: An emergency lifesaving procedure performed when the heart stops beating.

IV. 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, to any person in need, in accordance with the current American Heart Association guidelines.

1. All sworn employees are required to maintain current certification in CPR and AED use.
2. Sworn employees will consider scene safety before rendering aid to any person.
3. Sworn employees will practice BSI 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 the agency 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, in accordance with CMPD *Directive 800-011 Inspections and Audits*, 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.
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.

V. REFERENCES

CMPD Exposure Control Plan
800-011 Inspections and Audits
American Heart Association CPR and ECC Guidelines
CALEA

The previous version of Directive 900-008 Cardiopulmonary Resuscitation (CPR) was published on 9/9/2022.

I. PURPOSE

To establish standards for the Charlotte-Mecklenburg Police Department (CMPD) that enhances the safety and awareness level of officers responding to clandestine drug laboratories.

II. POLICY

A clandestine drug laboratory shall be treated as a hazardous environment. Upon discovery, the scene must be secured without delay to prevent exposure to harmful chemicals or physical threats.

III. DEFINITIONS

A. **Clandestine drug laboratory:** A laboratory used to manufacture controlled substances illegally. A clandestine drug laboratory is typically small in size and utilizes common household appliances, glassware, and readily available chemicals. Such a laboratory may be found in various locations, such as homes, apartments, hotels, kitchens, bathrooms, garages, and other outbuildings, mini-warehouses, and recreational vehicles. In addition, such a laboratory 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 Drug Enforcement Administration (DEA) and CMPD who have successfully completed the DEA Clandestine Laboratory Safety Certification School and are, therefore certified to enter, process and clean-up clandestine drug laboratory sites.

C. **HazMat Response Team:** A team of experts or specialists in the areas of hazardous waste disposal and/or industrial hygiene whose function is to remove and dispose of hazardous waste associated with clandestine drug laboratories.

IV. PROCEDURE

A. Clandestine Drug Laboratory

An officer who discovers a clandestine drug laboratory is designated as the first on-scene officer. 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 laboratory. If officers become aware they have entered a clandestine drug laboratory, they should evacuate all persons from the laboratory, with or without their consent, for their safety and investigative purposes.
3. Avoid turning on or off any light switches, electrical appliances, or other electrical devices, and avoid touching or smelling laboratory equipment or chemicals.
4. Evacuate everyone from the vicinity of the laboratory site, in an upwind direction (i.e., neighboring houses, adjacent apartments, or motel or hotel rooms).
5. Administer first aid as needed.
6. Notify the Communications Division to contact the Charlotte Fire Department (CFD) HazMat Response Team to assess the quality and safety of the air surrounding the clandestine drug laboratory site and determine a safe distance and evacuation area.
7. Secure the area as a crime scene at a distance that the CFD HazMat Response Team determines to be safe and prohibit others from entering the area.

8. Minimize exposure to themselves and others.
9. Prohibit smoking around or near the laboratory site.
10. Notify the Communications Division to contact the CERT supervisor.
    a. The Communications Division will maintain a current list of CMPD CERT team members and the CERT 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. The CERT supervisor will notify other agencies that may need to process the clandestine drug laboratory.
    d. Follow the CMPD Exposure Control Plan if an exposure has occurred.
11. Upon arrival at the clandestine drug laboratory site, CERT will assume control of the scene and maintain control until the site is processed and rendered safe. All personnel will be prohibited from entering the laboratory site.
12. CERT and/or the HazMat Response Team will dispose of all hazardous materials and/or chemicals removed from the clandestine drug laboratory site. Hazardous materials and/or chemicals will not be stored at either CMPD Headquarters or a CMPD division office.

B. Vehicle Stops

A vehicle stop may develop into a clandestine drug laboratory situation during the stop or search of the vehicle. Officers who suspect that they have encountered a clandestine drug laboratory, or hazardous chemicals should proceed as follows:

1. Immediately remove the vehicle's occupants and secure them in an upwind direction, one hundred (100) yards away from the vehicle. The officer should avoid securing occupants inside the patrol vehicle.
2. No attempt should be made to move the vehicle containing the suspected clandestine drug laboratory.
3. CFD may be contacted for the vehicle should the on-scene personnel, in consultation with the CERT supervisor, deem the substance inside the vehicle poses a danger to those outside of the vehicle.
4. Evacuations following a vehicle stop should be made if the stop occurs inside a building or garage.
5. 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 CERT members upon their arrival.
2. The first on-scene officer will document the preliminary investigation on an incident report in KBCOPS, categorizing the offense as Drug/Clandestine Drug Lab Investigation.

D. Supervisor's Role

Upon receiving notification that a clandestine drug laboratory 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 with the Communications Division that CERT members have been notified and are responding.
4. Complete a Supervisor's Investigative Report to document any exposures that officers may have received from chemicals or chemical fumes produced at the clandestine drug laboratory.

V. REFERENCES

CMPD Exposure Control Plan
Emergency Response Guidebook
N.C.G.S 15A-285.
CALEA

The previous version of this policy was published on July 15, 2020.

I. PURPOSE

This policy establishes guidelines for the Charlotte-Mecklenburg Police Department (CMPD) guidelines concerning the preparing and presenting of felony cases to the District Attorney's Office for prosecutorial consideration in conjunction with the open discovery statutes.

II. POLICY

CMPD will present felony cases in which an arrest has been made 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: A file that includes the 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: 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 and media 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. The initial papering is completed when the case is shared by a detective or supervisor in Evidence.com with the assigned assistant district attorney (ADA).

D. Officer in Charge (OIC): The OIC is identified as the assigned sworn employee in the KBCOPS report. The OIC ensures 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, including 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, etc.

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.

2. Sworn employees are prohibited from destroying notes regarding a felony offense or case.

3. The OIC of the case shall gather, preserve, and ensure all information associated with the felony case is attached to the case in Evidence.com, including electronically recorded or written statements, notes, diagrams from sworn employees, Crime Scene Investigators (CSI) technicians, victims, witnesses, 911 recordings, photographs, lab results, calls for service, miscellaneous incident (MI) reports, all points bulletin (APB) information, emails, Body Worn Camera (BWC), etc.

4. The OIC should save and store all CMPD interview room recordings through the approved video management system for viewing and access by the assigned ADA.

5. Digital forensic extractions from cell phones or other electronic devices may result in too large files to upload into Evidence.com. When this occurs, the OIC should coordinate with the assigned ADA to hand over the extractions as part of the law enforcement file.

6. Sworn employees shall provide the OIC with all original copies of any handwritten notes as soon as possible and shall maintain a copy of said notes.

7. If a case already exists in Evidence.com, a supervisor must reassign the case to the OIC for case papering to be completed.

B. Presentation of Papering Packets

1. In cases where sworn employees work 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. Case Papering is accomplished by utilizing case file creation and sharing within Evidence.com. Papering packets will be presented by sharing the case in Evidence.com with the assigned ADA. Detectives may share their cases directly. However, officers assigned to patrol must share their cases with a supervisor. The OIC is responsible for creating the case in Evidence.com. If a case already exists with that complaint number, it should be reassigned to the

OIC by a supervisor. The case details description section of the Evidence.com case should include the following information:

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 and update the case share in Evidence.com. 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 ADA.

6. The District Attorney's Office may reject cases lacking essential documentation until proper documentation is obtained.

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 can schedule 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 will review the case and explain why the ADA rejected the case for prosecution.

2. If the supervisor disagrees with the ADA'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 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 6/22/2022.

I. PURPOSE

This policy establishes standards and responsibilities for creating, approving, updating, and managing standardized forms used by the Charlotte-Mecklenburg Police Department (CMPD).

II. POLICY

All departmental forms must follow the approved format maintained by the Research and Strategic Planning (R&SP) Division. 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 unless they are approved by the R&SP Division. Seamless document versions of all approved forms are created and maintained by the CMPD Portal Administrator to ensure accuracy, consistency, and accessibility on the CMPD Portal.

III. DEFINITIONS

N/A

IV. PROCEDURE

A. Identification of Need

CMPD employees who identify a need to create, update, delete, or convert a standardized departmental form must present the request to their division or unit manager.

B. Submission to R&SP

If the division or unit manager concurs with the request, it will be submitted to the R&SP Division. The submitting employee is responsible for assisting with the collection of the information needed to draft or revise the form according to approved format standards.

C. Form Drafting and Content Finalization

Once all required information is gathered, the R&SP Division will finalize the content of the form and forward it to the CMPD Portal Administrator for creation of the seamless document version, if applicable. The R&SP Division will consult with the Police Attorney's Office (PAO) whenever the content of the forms presents potential legal implications.

D. Approval and Publication

Upon approval by the appropriate Deputy Chief of Police or designee, the R&SP Division will record the approval date and upload the form to the portal. If applicable, the CMPD Portal Administrator will then prepare and upload the seamless document version of the form to the CMPD Portal under "CMPD Forms," ensuring that all previous versions are removed and designated as obsolete.

E. Periodic Review

The R&SP Division, in coordination with the affected division or unit, will review the content and/or necessity of each form at least once every three years. The R&SP Division will determine the criteria for approving or denying edits, deletions, or discontinuation of forms.

F. Form Update Notifications

Whenever a new or revised form is posted, the R&SP Division will announce the update in the "Announcements" section at the top of the Forms page of the CMPD Portal. The CMPD Portal Administrator will ensure the accurate posting of all seamless versions, as applicable.

G. CMPD Portal Administrator

The CMPD Portal Administrator is responsible for managing the seamless document versions of all approved departmental forms. Although R&SP oversees form development and content approval, the CMPD Portal Administrator ensures the proper technical preparation, formatting, and publication of seamless doc forms on the CMPD Portal.

V. REFERENCES

CALEA

The previous version of Directive 900-014 Development of Departmental Forms was published on 04/18/2022.

I. PURPOSE

This directive establishes the administrative and management process for all Charlotte-Mecklenburg Police Department (CMPD) grants. Grant administration involves the operational, compliance, and logistical tasks of a grant, such as budgeting and reporting, while grant management is a broader, more strategic function that encompasses the entire grant lifecycle, from identifying opportunities and developing strategies to post-award evaluation and impact maximization. Proper grant administration and management is vital to ensuring CMPD employees 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

CMPD seeks grant funding from federal and state agencies, foundations, and private entities to enhance existing services and programs or to implement new initiatives that benefit both the department and the community it serves.

All grant applications, awards, administration, and closeout processes shall be managed jointly by the Research and Strategic Planning Division (R&SP) and the Financial Management Division. CMPD employees are strictly prohibited from initiating or engaging in any grant-related activities independently of these divisions. All grant-related activities must comply with CMPD policies, City of Charlotte policies, and applicable state and federal laws and regulations.

III. DEFINITIONS

A. **Grant:** A financial award, typically given by federal, state, foundation, and/or private business, that does not require repayment. It is a form of financial assistance used to support specific projects, activities, or organizations that align with the grantor's goals. Grants are intended to be used for a particular purpose and are not expected to be paid back; however, grants are not free money. Funds must be spent responsibly and in accordance with what was described in the approved application. Any unused grant funds must be returned to the grantor, the individual or entity that provided the funds.

B. **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. It outlines the procedures and guidelines for managing and overseeing grant funds. This policy ensures that grants are administered in compliance with applicable laws, regulations, and the specific terms of the grant agreement.

C. **Grant Application Notification Form:** A CMPD form that provides information about the grant to be submitted to the applying Division's Chain of Command, up to the Chief of Police, and City of Charlotte Strategy and Budget Department for review and approval. It informs leadership about the grant and its details, including the funding opportunity's purpose, eligibility requirements, deadlines, and submittal process. It also highlights any matching funds requirements, recurring costs, new positions, and ensures compliance with the City of Charlotte technology review process.

D. **Grantor:** The individual or entity that provides the funding or resources to another organization in the form of a grant. Grantors have a significant role in the administration of a grant:

1. Funding Provider: Grantors are the source of the funds or resources awarded through grants.
2. Setting Requirements: Grantors often establish specific requirements or conditions for how the awarded funds should be used.

3. Formal Agreement: The relationship between a grantor and grantee (the recipient of the grant) is typically formalized through a grant agreement. This agreement outlines requirements, reporting obligations, timelines, and expected outcomes.

4. Supporting Missions: Grantors play a vital role in supporting organization missions by providing the financial resources necessary for programs, projects, or general operations.

5. Accountability: Grantors expect regular reporting on how the funds are being utilized to ensure accountability and track progress towards the agreed-upon goals.

E. **Grant Solicitation:** A grant solicitation is an announcement published by a funding agency (public or private) that invites organizations and entities to apply for funding to address a specific need or challenge. This solicitation outlines key information for potential applicants, including:

1. Goals of the Grant Program: What the funding agency aims to achieve.

2. Eligible Activities: The types of projects or activities the grant will support.

3. Application Requirements: The specific documents, forms, and information needed for a complete application.

F. **Grantee:** A grantee is the individual or entity (organization) that receives financial assistance or funding (the grant) from a government agency, foundation, or other grant-making institution (the grantor). Grantees have obligations to the grantor:

1. Recipient of Funding: The grantee is the party that is awarded and receives the grant funds.

2. Purpose-Driven: Grants are typically awarded for a specific purpose, project, or program that aligns with the goals and interests of the grantor.

3. Accountability: Grantees are accountable to the grantor for how the funds are used. They must use the funds according to the agreed-upon terms and conditions outlined in the grant agreement.

4. Responsibilities: Grantees are responsible for fulfilling the objectives of the grant, managing the funds effectively and judiciously, and reporting on their progress and use of funds. This often includes submitting financial and performance reports.

G. **Subrecipient Grantee:** The subrecipient grantee receives a portion of the grant funds from the grantee to carry out part of the grant-funded program or project. Subrecipient grantees have responsibilities to the grantee, which include the following:

1. Recipient of Funding: Receives funding from the grantee to carry out program goals.

2. Purpose-Driven: Participates in the grant project as a partner.

3. Accountability: Must adhere to applicable grantor requirements.

4. Responsibilities: Is accountable for the use of funds and performance of the portion of the project they manage.

H. **Grant Sustainability Plan:** This plan outlines how a project or program will continue to operate after the initial grant funding ends. It focuses on ways in which to secure ongoing financial support, build community partnerships, and/or strengthen organizational capacity to ensure the project's long-term impact and success. This plan is often a grantor requirement and is the responsibility of the division project manager to prepare, in collaboration with their chain of command, and provide to the primary point of contact for inclusion in the application.

I. **Matching Funds:** Matching Funds for a grant award refer to the portion of the project's cost that is not covered by the grant itself. The recipient organization, instead, must raise this amount through other sources, such as operating budgets, other donations, or in-kind contributions. This approach encourages organizations to broaden their support base and ensures that the grantor is not the sole funder of the project. Matching funds are often expressed as a percentage of the total grant amount and come in two forms:

1. Cash Match: Direct financial contributions used for project-related costs.
2. In-Kind Match: Non-cash contributions like services, supplies, or equipment valued at fair market rates

J. **Status Report:** A Status Report is a document that provides updates on the progress and performance of a project funded by the grant. Status reports help ensure that the project is on track and that funds are being used appropriately. It typically includes the following information:

1. Project Activities: A summary of the activities carried out during the reporting period.
2. Performance Metrics: Data on how well the project is meeting its goals and objectives.
3. Financial Information: Details on the expenditure of grant funds and any matching funds.
4. Challenges and Solutions: Any issues encountered, and the steps taken to address them.
5. Future Plans: Upcoming activities and milestones.

K. **Financial Report:** A Financial Report is a document that details how the grant funds were spent. Financial reports ensure that the grantee is using the funds responsibly and in accordance with the grant agreement. It typically includes the following information:

1. Budget vs. Actual Expenditures: A comparison of the original approved budget with the actual spending. This helps show whether the funds were used as planned or if there were any deviations.
2. Line-Item Breakdown: Detailed expenses categorized by line items such as salaries and wages, supplies and materials, travel, equipment, and indirect costs (if applicable).
3. Supporting Documentation: Receipts, invoices, payroll records, or other documents that verify the reported expenses.
4. Time Period Covered: The report usually covers a specific reporting period (e.g., quarterly, annually, or at the end of the grant).
5. Narrative or Notes: A brief explanation of any major variances from the budget or unexpected costs.
6. Certification: A signature from a financial officer or project manager to certify the accuracy of the report.

L. **Recurring Cost:** Recurring Cost refers to the regular expenses that must continue to be covered to maintain the project's operations and benefits after the closeout of the grant is complete. These costs are crucial for the long-term viability of the project and include items such as salaries, utilities, rent, and supplies. To ensure sustainability, organizations must provide a sustainability plan to secure alternative funding sources once the grant lifecycle ends.

M. **Supplanting:** Supplanting refers to the prohibited practice of replacing existing state, local, or organizational funds with federal or grant funds. You cannot use grant money to pay for expenses that the organization is already funding with its own resources. Costs may be broken down into two categories:

1. Allowable: Using grant funds to supplement existing programs, expanding services, reaching more people, or adding new features.
2. Not Allowable: Using grant funds to replace what your organization is already paying for, salaries, supplies, or services from your budget that frees up your own funds.

N. **Grant Modification:** A modification to an existing grant that involves a budget change to the affected budget category or a significant alteration to the scope of the grant. A modification may also include changes required by special conditions imposed by the funding entity. Modifications do not cover administrative or routine functions typically managed by Research and Strategic Planning or Financial Management.

O. **Grant Closeout:** The process by which the awarding agency or pass-through entity determines that all applicable administrative actions and required work of the grant have been completed by the recipient. It ensures that the project has been completed as planned and that all financial and administrative responsibilities have been fulfilled. It also marks the official end of the grant's period of performance and involves several key steps:

1. Submission of Final Reports: The recipient must submit all required financial, performance, and other reports within a specified timeframe, typically 45 days after the grant lifecycle has ended.
2. Liquidation of Financial Obligations: All financial obligations incurred under the grant must be settled within the same timeframe.
3. Return of Unobligated Funds: Any remaining grant funds that were not used must be returned to the grantor.
4. Final Audit and Compliance Check: The grantor reviews all submitted documents to ensure compliance with the grant terms and conditions.

V. PROCEDURE

A. Roles and Responsibilities

1. Business Services Group

   The Business Services Group provides essential administrative, financial, and strategic functions. They contribute to the CMPD's ability to operate efficiently, manage resources, and implement strategies for effective law enforcement and community engagement. This Group includes the Research and Strategic Planning Division and the Financial Management Division.

2. Research & Strategic Planning Division (RSP)

   The Research and Strategic Planning Division initiates all grant processes and serves as the point of contact for all grants. RSP staff maintain a direct relationship with the grantor; and, as such, all communications related to the grant must go through RSP. RSP also takes the administrative lead and provides support while overseeing the completion of programmatic reports.

3. Primary Point of Contact (POC)

The Primary Point of Contact is the RSP member who plans, directs, coordinates, and manages the various grant functions with federal, state, and foundation grant officials regarding administrative and programmatic issues. This includes initiating contact with potential grantors, preparing and submitting grant applications, coordinating with Financial Management and Division Project Manager, monitoring grant activities, and reporting outcomes to federal, state, or local agency, private foundation, or corporations which may have awarded funds in support the CMPD's mission.

4. Financial Management Division (FM)

The Financial Management Division serves as the financial point of contact for all grants. FM staff administer grant funds, complete financial reporting, and facilitate all procurement processes as it relates to the grant to ensure financial compliance. Team members provide pre- and post-award services associated with the budgetary and fiscal management of grants, including providing periodic grant fund expenditure status updates.

5. Division Project Manager (DPM)

The Division Project Manager is a member of the applying division responsible for the daily operations of the grant project to include the implementation of programmatic activities to achieve stated grant goals. They manage staff assigned to work on the grant and maintain a relationship with contractors hired through the grant. They are also responsible for communication with POC and FM regarding all aspects of the project and for submitting timely programmatic reports to the POC and financial reports to FM.

6. Asset Management Team (AMT)

The Asset Management Team is responsible for overseeing the acquisition, use, maintenance, tracking, and disposal of fixed assets purchased or used under the grant. Their key responsibilities include:

a. Inventory and Tracking: Maintain a detailed register that records all assets acquired with grant funds, including their location, condition, and usage.

b. Compliance: Ensure that all asset-related activities comply with the grant agreement, donor requirements, and relevant procurement and financial regulations.

c. Maintenance and Repairs: Oversee the proper use and upkeep of assets to ensure they remain functional and serve their intended purpose throughout the grant lifecycle.

d. Reporting: Provide regular updates and documentation on asset status, including during audits or grant closeout processes.

e. Disposal or Transfer: Manage the transfer or disposal of assets at the end of the grant lifecycle or when they are no longer needed, following granting agency guidelines and internal policies.

7. Grants Management Team

The Grants Management Team includes all members who are working towards grant application approval, submission, implementation, and closeout: RSP, FM, AMT, and DPM.

B. Grant Application Phase

1. Review of Potential Grant

a. When a potential grant opportunity is identified, the Point of Contact (POC) will schedule a Pre-Application Meeting with the designated DPM, the DPM's chain of command up to the rank of Major, the FM, the RSP Manager, and any other relevant staff.

b. Grant opportunities will be evaluated based on the criteria outlined in Section 2, 'Notification of Grant Applications.

c. If the grant opportunity is determined to benefit CMPD, a Grant Application Notification Form will be completed. If it is not deemed beneficial, no further action will be taken.

2. Notification of Grant Applications

a. Once the grant opportunity is approved as beneficial to CMPD, the POC—assisted by the DPM and FM—will complete the Grant Application Notification Form.

b. The Grant Application Notification Form will include the following:

(1) The name of the Division Project Manager and contact information

(2) The name of the grant and its purpose;

(3) The grant application deadline;

(4) The funds available from the grantor;

(5) The total amount being requested and for what purpose;

(6) Any matching cost (if required) and source(s) of the matching funds;

(7) Any new positions;

(8) Any new or additional technology;

(9) The CMPD strategic goal(s) the grant will help achieve;

(10) The grant outcomes that will achieve the strategic goal(s);

(11) The sustainability plan for the grant-funded position, project, and/or program, and all recurring costs;

(12) A description of how the grant opportunity will be used in support of achieving goals;

(13) A business case for funding.

c. The completed Grant Application Notification Form must be submitted by the POC, with assistance from the DPM, to the DPM's Chain of Command and Business Services Group, for review and approval prior to being presented to the DPM's Deputy Chief and the Chief of Police.

The workflow for review and approval of a Grant Application Notification Form will occur in this order: RSP Manager, Financial & Accounting Manager, DPM's Chain of Command, up to Major, Business Services Manager, DPM's Deputy Chief, and Chief of Police.

The recommendation to approve or reject the request to apply for a grant is made at each level of the Chain of Command and may be denied at any time by a superior rank (sworn or professional) during in the review process.

d. If the Chief of Police approves the recommendation of a grant application, the POC will forward a copy of the approved Grant Application Notification Form to the CMPD's liaison

with the City of Charlotte Strategy and Budget Department for final review. The City may approve or deny the Chief's recommendation.

e. If the Chain of Command, Chief, and City approve the recommendation to apply, the grant application may be prepared and submitted by the POC, in collaboration with the DPM and FM.

3. Grant Application

a. Grant application submissions must meet strict internal and external deadlines. Internal deadlines are set by the POC and FM to meet the external granting agency deadline.

b. The DPM will submit a final copy of the status (project) detail to the POC by deadline.

c. The DPM will submit a final copy of the budget detail and narrative to FM by deadline.

(1) If there is a match requirement, the FM will confirm the budget category from which the funds will be drawn and confirm that funding has been approved.

(2) If there are recurring costs associated with the grant, the DPM must provide funding source information to the FM.

d. If the internal deadlines are not met by the DPM, the grant application deadline may not be met, and the department may be unable to apply for the grant opportunity.

e. If internal deadlines are met by the DPM, the POC will submit the grant application to the grantor by deadline. The POC will also provide a final copy of the grant application to the FM within two business days of submission to the grant agency.

C. Active Grant Award Management Phase

1. Once RSP receives an official Notice of Award (Award Letter or Award Agreement), the award must be accepted within the deadline set by the grant agency. The POC will notify the DPM and their Chain of Command and work with the FM to formally accept the funding.

a. The POC will review the award terms and conditions. These will include the specific requirements and regulations governing the grant, including the award amount, project/grant period, key personnel, and restrictions or special conditions, and applicable reporting requirements.

b. Depending upon the amount awarded, the Chief, City Manager, or City Council must formally accept the award via the process or method defined by the grant agency.

c. The FM will create a new grant record in the department financial system, using a unique identifier, and release the grant record into the City financial workflow for review and approval.

2. Award Meetings

a. Once the award has been formally accepted and grant funds have been cleared for spending, the POC and FM will host a Kick-Off meeting with the DPM, DPM's Chain of Command up to Major, and key project team members to explain the parameters of the grant, including reporting schedules, account allocations, and answer any questions.

(1) The POC is responsible for submitting status progress reports to the grant agency by deadline, in coordination with the DPM.

(2) FM is responsible for completing and submitting financial progress reports to the grant agency by deadline, in coordination with the DPM.

(3) The DPM is responsible for completing and submitting status progress reports to the POC and financial reports to FM by their respective deadlines.

(4) If the DPM fails to meet these deadlines, resulting in a late or substandard report, the organization may be designated as "high risk". This designation could jeopardize the current grant award and significantly reduce the organization's chances for securing future funding.

b. The POC and FM will hold semi-annual and annual meetings—either in person or virtually—with the DPM to review program activity status and financial report templates and establish deadlines for their completion. These meetings may include the DPM's chain of command (up to the rank of Major) and key project personnel. If needed, email communication may be used instead of meetings and documented accordingly.

c. Semi-annual and annual meetings will also address any issues the DPM may be having with project implementation and ensure that spending and activity are on track.

d. The DPM's highest participating Chain of Command member is responsible for ensuring that report templates are completed by the DPM and provided to the POC and FM by deadline. They will also ensure that sustainability plan strategies are implemented and will provide Semi-annual and Annual updates to the POC and FM.

3. 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, Capital Asset Policy, and Procurement Policy.

4. Communication with the Grantor

a. RSP and FM will serve as the sole points of contact with the grantor for all programmatic and financial matters; no other CMPD entities will communicate directly with the grantor.

b. The DPM and associated staff will refrain from initiating direct communication with the grantor without first seeking guidance from RSP and FM.

c. If it is determined that the DPM is the most appropriate individual to communicate with the grant agency, they must include both the POC and FM on all correspondence to ensure full transparency and awareness of all grant-related activities.

5. Grant Modifications

a. If the DPM identifies the need for a grant modification or change, they must notify the POC at least 60 days before the proposed effective date. This advance notice allows sufficient time for internal review and approval. All requested modifications must align with the grant's purpose, goals, and objectives. No grant modifications will be considered during the final quarter of the grant period.

b. If a grant modification meets the criteria outlined in Section 5a, the POC will draft a formal email requesting approval. This email will clearly explain the rationale for the modification and detail the anticipated programmatic and financial impacts. The message will be distributed to the DPM, the DPM's chain of command up to the Deputy Chief, the FM, the RSP Manager, the Business Services Manager, and any other relevant personnel.

c. Approval for a grant modification will be obtained via email, unless a member of the affected chain of command requests a meeting to discuss the proposed changes.

d. Upon receiving approval from the Business Services Manager and DPM's Deputy Chief, the POC will submit the grant modification request via the appropriate method as required by the grantor.

e. The POC and FM cannot influence the speed at which the grantor responds to a grant modification request once it has been submitted. The response time for a grant modification request differs across funding agencies.

f. Upon acceptance of the modification by the funding agency, the POC will notify the DPM, their Chain of Command, and FM that the modification was accepted.

D. Grant Closeout Phase

1. All unused grant funds and any encumbered balances must be fully invoiced or liquidated by the grant end date.

2. 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 financial and status (project) activity report of the grant.

3. Final status and financial reports will be submitted by the POC and FM by the grant agency's deadline, in coordination with the DPM.

   a. Status Reporting

   The DPM is responsible for completing and submitting the final status report to the POC by the deadline established by the POC. The report must confirm whether all grant objectives have been achieved and include appropriate supporting documentation. If any objectives remain unmet, the DPM must provide a clear explanation outlining the reasons for the shortfall.

   b. Financial Reporting

   The DPM is responsible for completing and submitting the financial report to the FM by the deadline established by FM. FM is responsible for reviewing the report to ensure that all financial obligations under the grant have been fulfilled and that all expenditures are supported by appropriate documentation.

   c. Oversight and Accountability

   The highest-ranking member of the DPM's participating Chain of Command is responsible for ensuring that the DPM completes the required reports and submits them to the POC and FM by the established deadlines. This individual is also responsible for providing a final update on the status of the sustainability plan for the grant-funded project to the POC and FM.

4. Grant documents must be retained by the City of Charlotte for a minimum of five (5) years from the official grant closeout date in the federal grant management system. Records associated with this directive are subject to public records laws, including the Freedom of Information requests. Please refer to *CMPD Directive 800-004 Records and Retention and Disposition and City of Charlotte Policy ADM 20 Public Records Policy.*

E. Policy Violation and Consequences

1. Policy Violations

Failure to adhere to this policy could result in a Rules of Conduct policy violation. Violations include, but are not limited to:

a. Unauthorized expenditures

b. Inadequate or missing documentation

c. Failure to meet deadlines

These actions are considered internal control failures and may result in disciplinary action.

2. Reporting and Escalation Process

If a policy violation is suspected, the following will occur:

a. Policy Violations

Any employee alleged to have violated this policy will be subject to CMPD *Directive 200-001 Discipline, Internal Investigations, and Employee Rights, 200-001 A Discipline, Internal Investigations, and Employee Rights-Sworn Staff* (as applicable), or *200-001 B Discipline, Internal Investigations,* and *Employee Rights- Professional Staff* (as applicable).

b. Detection and Documentation

RSP will document any suspected violations and escalate them to the Business Services Group Manager.

c. Case Initiation

If sufficient evidence supports a policy violation, the Business Services Manager will initiate a case in the Internal Affairs Case Management System (IACMS).

d. Investigation

IACMS will be forwarded to the employee's chain of command for investigation.

e. External Reporting

CMPD Financial Crimes Unit will investigate cases involving fraud or misuse of funds. When required, CMPD will notify the granting agency.

3. Preventative Measures

To reduce the risk of potential policy violations, RSP will:

a. Provide regular training on grant compliance and applicable regulations

b. Monitor and track compliance activities

c. Conduct periodic risk assessments

d. Update internal controls as necessary

V. REFERENCES

Rules of Conduct
200-001 Directive 200-001 Discipline, Internal Investigations, and Employee Rights
200-001 A Directive 200-001 Discipline, Internal Investigations, and Employee Rights-Sworn Staff

200-001 B Directive 200-001 Discipline, Internal Investigations, and Employee Rights-Professional Staff
300-015 Procurement Policy
800-004 Records and Retention and Disposition
Grant Post Award and Fund Administration SOP
Grant Application Notification Form
City of Charlotte Grant Administration Policy
City of Charlotte Capital Asset Policy
City of Charlotte Capital Assets Procedures Guide
City of Charlotte Public Records Policy
N.C.G.S. 121-5
N.C.G.S. 132-8
The previous version of this policy was published on October 31, 2022.