

 Kinston Police Department	<u>POLICY: Policy and Procedure Manual System</u>						<u>POLICY #:</u> 100-1
	<u>NCLEA Standards: 1.01;</u>						
	<u>CALEA Standards: 12.2.1; 12.2.2</u>						
	<u>NCLM Standards:</u>						<u>Effective Date:</u>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	01/06/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE AND SCOPE

The purpose of this policy is to establish a format for written procedures and guidelines directed downward through the chain of command and to provide for proper preparation, indexing and distribution so that all personnel concerned are kept informed of new and revised guidelines and procedures.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

II. POLICY (CALEA 12.2.1 f) (CALEA 12.2.1 h)

It is recognized that the work of law enforcement is not always predictable and that circumstances may arise which warrant departure from these policies. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

a. DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Kinston Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members beyond that imposed by law. Violations of a policy may form the basis for office administrative action, training or discipline, a criminal charge for willfully omitting, neglecting or refusing to discharge any duties required of the office may occur (N.C.G.S. § 14-230). The Kinston Police Department reserves the right to revise any policy content, in whole or in part.

III. AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content, interpretation and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual or otherwise superseded or repealed. (CALEA 12.2.1 b, c)

IV. DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

Chief- Chief of Police

City – City of Kinston.

CCH - Computerized Criminal History file

CJIN - North Carolina Criminal Justice Information Network

Commission - Includes the North Carolina Criminal Justice Education and Training Standards Commission.

Critical Incident -An occurrence or event, natural or human-caused, which requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wild land and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response, such as major planned events and law enforcement incidents. All officer-involved shootings or injury to an Office employee is by definition a "critical incident".

DCIN - Division of Criminal Information Network

Officer(s) - Those employees, regardless of rank, who are certified law enforcement officers of the Kinston Police Department.

Division Major- The Command Level Sworn Officer who supervises one of the specified Divisions of the Kinston Police Department. The Division Major reports directly to the Chief of Police.

DMV - North Carolina Division of Motor Vehicles of the Department of Transportation

DSS - North Carolina Division of Social Services

Employee/personnel - Any person employed by the department.

Law enforcement officer - An employee or volunteer of an employer who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the state as prescribed by N.C.G.S. § 11-11, and who is certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes.

Manual - The Kinston Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Kinston Police Department, including:

- Full- and part-time employees
- Certified officers
- Reserve, auxiliary officers
- Non-sworn employees

- Volunteers

N.C.A.C. - North Carolina Administrative Code; for example, 12 NCAC 10B.1006 (a) (example with title, subchapter, section and subsection)

N.C. Const. - North Carolina Constitution; for example, N.C. Const. Art VI § 7 (example with article and section)

N.C.G.S. - North Carolina General Statutes Annotated; for example, N.C.G.S. § 160A-282(a) (example with chapter, section and subsection)

NCDOT - North Carolina Department of Transportation

NCDPS - North Carolina Department of Public Safety

NCSHP - North Carolina State Highway Patrol

Non-sworn- Employees and volunteers who are not certified officers.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

SBI - North Carolina State Bureau of Investigation

Section Commander - The Command Level Sworn Officer who supervises one of the specified Sections of the Kinston Police Department. The Section Commander is a direct report to the Division Major. The rank of this officer is a Captain.

Shall or will - Indicates a mandatory action.

Shift Supervisor- The line level / first line supervisor assigned to a particular unit of the Kinston Police Department. The Shift Supervisor reports to the Section Commander. The rank of this officer is a Captain / Sergeant.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

V. ISSUING THE POLICY MANUAL (NCLEA 1.01 a-b) (CALEA 12.2.1 d) (CALEA 12.2.2 a-b)

All policies and procedures must be written on the standard template, which may be obtained by contacting the Accreditation Manager and must reflect the Kinston Police Department's values and philosophy of policing. An electronic version of the Policy Manual will be made available to all members via Power Document Management

System (PowerDMS) and Police Shares for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge by electronic signature in Power DMS that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

All members, including new hires, will be given access to the Policy Manual electronically.

VI. NEW OR REVISED AGENCY POLICY (NCLEA 1.01 c, d, f)

The Accreditation Manager is responsible for coordinating the issuance of new or revised content for the Policy Manual. Revisions to the Manual will be announced through the use of an Office General Order directed to all personnel. When a new policy or procedure is approved the existing policy and/or procedure will be archived and replaced with the newer version by the Accreditation Manager. **(NCLEA 1.01 e) (CALEA 12.2.1 e)**

Any Department employee may propose implementation of a new Directive, or revision to an existing Directive by:

- Preparing a draft of the proposal and,
- Submitting the draft through their chain of command.
- The Division Major will then submit the proposal to the Accreditation Manager.

The Accreditation Manager will evaluate the proposal in consultation with the Chief and determine the appropriate course of action. If it is determined that a new Directive is needed, or an existing one needs substantial revision, the Accreditation Manager will:

- Ensure the proposal does not contradict other existing Department policies or applicable laws.
- Format the proposal in preparation for the review process.
- Distribute copies of the draft to all personnel for review and comment. Personnel will forward any comments through their chain of command to the Division Major. The Division Major will compile the comments for presentation to the Chief.
- Distribute copies of the draft to the City of Kinston Attorney for review and comment.
- When applicable ensure compliance with CALEA and NCLEA accreditation standards.
- Set a return date for the draft, allowing adequate time for the review and feedback process.
- Schedule presentation of the proposal to the Chief of Police.

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge by electronic signature in Power DMS that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed. **(CALEA 12.2.2 a)**

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Major will ensure that members under his/her command are aware of any Policy Manual revision.

VII. PERIODIC REVIEW OF THE POLICY MANUAL

All policies/procedures will be reviewed every two (2) years by the KPD Administrative Staff.