

**NEW BERN POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL**

<b>Chapter: 11</b>	<b>Organization and Administration</b>
<b>Effective: 03/01/2014</b>	<b>By the Order of:</b>  <p style="text-align: center;"><b>Patrick L. Gallagher, Chief of Police</b></p>
<b>Revised: 08/09/2021</b>	

## **Chapter 12 Direction**

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#### **12.1.1 Direction**

- A. Authority: “The Chief of Police shall be the commanding officer of the police department and shall have control of the assignment of all members of the department and supervision and direction of the police work of the city. The Chief of Police shall be responsible for the control and regulation of all equipment assigned to the department.” City of New Bern Ordinance [Section 42 28](#)
- B. Job Description: The position of Chief of Police is a non-civil service position. Duties are performed in accordance with general guidelines established by the City Manager, with wide latitude for exercising administrative judgment and initiative in the direction and command of the police department. The position entails administrative and technical police work of a difficult and responsible nature in directing and coordinating the activities of the police department.
- C. Authority of the Chief of Police: The Chief of Police shall have the authority to issue, rescind, modify and approve department written directives, with the exception of policies addressing “[General Orders 103](#) Code of Conduct”; “[General Orders 104](#) Rules and Regulations”; and “[General Orders 105](#) Improper Conduct” which require approval of the City of New Bern, Board of Alderman.

#### **12.1.2 Command Protocol**

- A. Absence of the Chief of Police: For anticipated absences for extended periods, the Chief of Police will designate, in writing, an “acting Chief.” The acting Chief will have the authority to sign for the Chief. The acting Chief’s signature will be followed with “for Patrick L. Gallagher”. In the absence of the Chief of Police due to leave, sickness or other circumstances, which render him inaccessible or incapacitated, and without prior written authorization by the Chief, command of the Police Department will be

transferred to the senior captain. The date of rank, then length of service with the department will determine designation of the senior captain. If the senior captain is unavailable then it will continue to the next captain using date of rank, then length of service with the department. If no captain is available, then the senior lieutenant will be chosen. The date of rank, then length of service with the department will determine designation of the senior lieutenant.

**B. Exceptional Situations / Unusual Occurrences:**

In the event that two supervisors are on duty at any given time and there is no assigned lieutenant on duty, the first supervisor on scene will be the officer in control of the situation. The other supervisor will temporarily assume supervision of all officers not involved in the unusual incident until the situation is resolved. Should certain circumstances or situations require the specialized knowledge of the sergeant in command of another area; the two supervisors will confer and, if both agree, the supervisor in command of the other area will assume temporary control of the situation until the matter is resolved.

**C. Multi-unit Operations:** during a single police operation in which there is more than one subdivision, participating, departmental protocol allows the ranking officer responsible for the operation to relinquish operational control to a junior member with greater expertise or more experience. This does not relieve the ranking officer of his supervisory responsibilities.

**D.** Whenever the Criminal Investigations Unit is conducting field operations with supervision and assistance is requested from patrol units, the Criminal Investigations Unit Supervisor will retain command of the incident.

**E.** Whenever the Criminal Investigations Unit is conducting field operations without supervision, and a supervisor is requested, the nearest available Patrol Team Supervisor will respond and assume command. The Criminal Investigations Unit supervisors, upon arrival, may take command of the situation as conditions dictate.

**F.** Day-to-Day Operations: In the normal day-to-day operations of the department, the official designation of “acting” supervisory position will be reduced to writing and disseminated to the affected personnel with copies to the Personnel and Budget Unit. Personnel covering the duties of a supervisor for a period of time less than 28 days will not be officially designated as “acting” in that position.

**G.** Employees are to use the chain of command in addressing work related problems unless extraordinary circumstances dictate the need to do otherwise. Should circumstances exist that accessibility to the chain of command supervisor is not immediate, any member of the department in a supervisory position may assume command outside his/her scope of authority without violating the unity of command principle.

**12.1.3 Obey Lawful Orders**

**A.** Duty to Read/Understand/Comply with Orders: Employees shall read, understand, and comply with all department rules and regulations, general orders, administrative orders, policies and procedures and written and verbal orders of a superior. It shall be the duty of employees to inquire of a superior the meaning or application of any law, rule, regulation, written order, verbal order and procedure when the meaning or application is not apparent.

- B. Orders and directives from a superior officer to a subordinate shall be in clear, understandable language, civil in tone, and issued pursuant to official police department business. Employee shall obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. An employee may refuse any order that could jeopardize the health, safety and welfare of any person unless said order was to prevent loss of life or serious injury.
- C. Unlawful Orders: No employee is required to obey any order that is contrary to federal, state, county or municipal law or ordinance. Responsibility for refusal to obey rests with the employee. At the time of refusal, the employee shall advise the person giving the order of his/her reason for not carrying out said order. The employee refusing an order shall be strictly required to justify his/her action. Improper Orders: An employee who receives an order or directive which is believed to be unjust or contrary to rules and regulations shall first obey the order to the best of their ability then proceed to appeal.
- D. An employee who receives an order or directive which conflicts with any previous order, instruction or directive shall advise the person issuing the second order of the conflict. The responsibility for countermanding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded only when necessary for the good of the department.

#### **12.1.4 Communication, Coordination and Cooperation**

- A. Communication, coordination and cooperation are essential for the department to function. To facilitate the process, departmental meetings will be conducted regularly in order to communicate departmental directives and provide a forum for the exchange of ideas. Open communication will be maintained at all levels of the organization. Issues of concern to departmental personnel will be open to discussion and adequate consideration will be given to their clarification or resolution.
- B. The Chief of Police should meet weekly with Command Staff and other staff members, as appropriate. A meeting with Management Staff, Supervisory Staff and Support Staff should be held at least bi-monthly on a date and time specified by the Chief of Police. Minutes of the meeting will be taken and distributed via the Department Intranet.
- C. The Planning and Research Detective will prepare a briefing for the Chief of Police and the Command Staff each month or as determined by the Chief of Police. In addition, the Planning and Research Detective will conduct staff and unit briefings as appropriate in order to provide sufficient criminal intelligence for investigative and operational units to perform their duties with maximum effectiveness.
- D. Acknowledgment of Receipt: Upon notification of distribution of a written directive via electronic mail, employees will access the document through the electronic document system, PowerDMS. Employees will be required to review all documents presented and pass any applicable tests prior to being prompted to “sign off” to acknowledge he/she has read and understood the document.
- E. All employees will be responsible for the knowledge of and compliance with all written directives issued to them. All employees will access and read the contents of their electronic mail (e-mail) account at least once during their tour of duty. All written directives are accessible to all employees via electronic

document system, PowerDMS. Officers should utilize all department resources to relay criminal information and request for information, such as BOLO's, etc.

### 12.2.1 Written Directive System

- A. **Values and Mission Statement:** The primary missions of the New Bern Police Department are the protection of life and property, the maintenance of peace and order, the provision of emergency and other police related services to the public, and the consistent, impartial enforcement of the law. The employees of the New Bern Police Department developed the following mission statement:

"Upholding the traditions of a noble profession, the New Bern Police Department will positively **IMPACT** our community by partnering with citizens and businesses to improve the quality of life and maintain a safe place to live, work and visit."

The employees of the New Bern Police Department have established a set of values that we feel represent why we became police officers and/or members of the New Bern Police Department. The following are the values to which we are committed:

Our VALUES will I.M.P.A.C.T.

**Integrity** = We believe our words and actions are guided by the rules and standards of our profession.

**Motivation** = We believe in being enthusiastic and determined to achieve success.

**Professionalism** = We believe in exhibiting the ethics, skills and qualities which are inherent in our noble profession.

**Accountability** = We believe in acknowledging and assuming responsibility for our actions.

**Commitment** = We believe in a sense of duty and responsibility.

**Trust** = We believe honesty, fairness, and reliability will instill confidence and trust.

- B. **CEO authority to issue policies:** The Chief of Police shall have sole authority to issue General Orders. General Orders are distributed to all employees.
- C. **Others who can issue directives:** the Chief of Police or Acting Chief may issue special orders. If the special order affects only one division, the Division Captain can issue the order by the authority of the Chief of Police.
- D. **Description of written directive system:** Written directives shall be issued in one of six formats.

1. General Order: A written directive issued to announce the adoption or revision of departmental policy and to institute permanent programs or procedures affecting more than one division.
  2. Special Order: A written directive issued to announce policy or procedure concerning a specific circumstance or event, which is of a temporary or self-canceling nature.
  3. Training Bulletin:
    - a. A document issued to provide guidelines on specific matters and to instruct personnel in suggested methods to be utilized in the completion of a specific task.
    - b. Training Bulletins will serve to keep employees up to date on the latest methods and techniques that will allow them to perform their jobs better.
    - c. Training Bulletins may be used as temporary policy and/or procedure change directives, until they can be included in the General Order Manual.
    - d. Training Bulletins are prepared or formulated by subject matter experts by authority of the Chief of Police.
  4. Legal Opinion: A document issued to provide information about new or changed laws, court decisions and the application of laws in given circumstances. The Police Legal Advisor formulates legal opinions by authority of the Chief of Police.
  5. Memorandums: Memorandums that recommend a policy and/or procedure change may be drafted at any level of the department and routed via the chain of command to the Chief of Police.
  6. Regulations: A regulation is a directive to provide department staff with guidance to rule their on and off duty conduct.
- E. Written directives shall follow established formats. Written directives for the department consist of General Orders, Special Orders, Training Bulletins, Legal Opinions, Memorandums, Regulations, and a glossary in a format organized by topic, chapters and sections.
- F. Indexing, purging, updating and revising: The Chief of Police shall have the authority to issue, rescind, modify and approve department written directives, with the exception of policies addressing “Code of Conduct”; “Rules and Regulations”; and “Improper Conduct” which require approval of the City of New Bern, Board of Alderman.
- G. The creation, revision, amendment or rescission of departmental policies, procedures, rules, regulations and divisional standard operating procedures shall be accomplished by official written directive and not by informal memorandum.
- H. Written directive drafts that will amend or rescind any other written directive shall carry identifying notations so indicating.
- I. The numbering and indexing of all written directives to be included in the General Order Manual shall be the responsibility of the Accreditation Manager.

- J. Division Captains, in conjunction with the Forms Coordinator, should continually review those forms used within their divisions.
- K. Statement of agency policy: Members of the New Bern Police Department are charged with providing the citizens of the City of New Bern with competent and professional service. In order to ensure that level of service, this Department has established a code of conduct. Any employee who fails to meet these standards of performance adversely affects the mission and the image of the Department and the City of New Bern.
- L. Rules and regulations: The New Bern Police Department maintains a Code of Conduct (Appendix 1) with a set of rules and regulations. The Rules and Regulations (Appendix 2) and Improper Conduct (Appendix 3) appendices are designed to provide specific guidance on employees on and off duty conduct. The Appendices can be found in Chapter 26.
- M. Carrying out agency activities: The New Bern Police Department has an obligation to provide all employees with a clear understanding of their duties and responsibilities as well as the constraints under which they should operate and the expectations they should fulfill. Employees shall read, understand, and comply with all department rules and regulations, general orders, administrative orders, policies and procedures and written and verbal orders of a superior.
- N. Review of proposed policies: At the discretion of the Chief of Police, draft copies of proposed written directives may be distributed to selected staff members for their review and comment prior to implementation. This process should include, at a minimum, representatives of those divisions directly affected by the directive and subject matter experts

### **12.2.2 Dissemination and Storage**

- A. Dissemination: The distribution of written directives shall ensure that all affected personnel are included:
  1. General Orders shall be distributed to all personnel.
  2. Divisional procedures shall be distributed to all personnel within the affected division.
  3. Distribution of all other written directives shall be determined by the issuing authority and shall comply with the provisions of 12.2.2.
- B. Storage: The General Orders of the New Bern Police Department are maintained and available via the electronic document system, PowerDMS.
- C. Acknowledgement of receipt: Upon notification of distribution of a written directive via electronic mail, employees will access the document through the electronic document system, PowerDMS. Employees will be required to review all documents presented and pass any applicable tests prior to being prompted to “sign off” to acknowledge he/she has read and understood the document.