New Bern Police Department Policy and Procedure Manual	
Chapter: 41	**By the Order of:**
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41.1.1 Deployment

A. **Continuous Coverage -** The Operations Division is the uniformed patrol component of the New Bern Police Department providing 24-hour coverage of the City of New Bern.

B. **Assignment to Patrol Shift -** When assigning officers to patrol teams, the Operation's Captain or designee will make provisions for an adequate number of officers per team based upon departmental needs as determined by documented workload assessments conducted at least once every three years, levels of experience, specialty training and any other factors deemed necessary.

C. **Shift Rotation –** The Operations Division has rotating assignments consisting of day shifts and night shifts. The deployment will be based on current trends and the needs of the department at the discretion of the Chief of Police or designee.

Emergency Transfer Procedures:

1. Officers may request a transfer at any time during a twelve-month period when unforeseen circumstances arise that present a severe hardship for the individual. The request should be made in writing to the Operations Division Captain, detailing the nature of the hardship and the expected period in which the hardship will be resolved.
2. In those cases that would best serve the interests of the Department, nothing in this policy will preclude a re-assignment by the Division Captain or Chief of Police.

D. **Community Policing Districts (CPD) -** At the discretion of the Patrol Team Supervisor, officers are assigned to a specific community policing district during a given shift, taking into consideration staffing needs, resource availability, minimum staffing levels, and other such requirements. Each team has officers permanently assigned to each Community Policing District when staffing numbers permit. All requests for permanent CPD reassignment request must be sent to the Operations Division Captain.

E. **Rotation of CPD Assignments -** Officers are assigned to a particular Community Policing District for an extended period determined by the shift Lieutenant, in order to enhance communications, develop working partnerships with the public, officer accountability and to become better acquainted with persons, businesses, and hazards within their Community Policing District.

F. **Leave -** The following criteria will be used in order to grant non-emergency leave for patrol officers and Patrol Team Supervisors:

1. Patrol Team Supervisors will coordinate leave and absences via their chain of command.
2. Leave requests will be considered based upon the minimum staffing needs of the team and the order in which requests were made.
3. Leave is granted on a first come first served basis.

41.1.2 Shift Briefing

Each Patrol Team Supervisor or designee will conduct a shift briefing promptly at the beginning of each shift to review information and/or conduct training. The purpose of the shift briefing is to provide officers and supervisors with the opportunity for face-to-face interaction. To ensure that constant coverage is maintained, and officers are on and off duty at the appointed times, shift briefings should be no longer than 30 minutes in duration.

41.1.3 Special-purpose vehicles

A. Authorization, Conditions and Limitations of Usage

1. **Bicycle -** The primary function of a police bicycle is to enhance officers' mobility and stealth when responding to certain types of calls for service. Additionally, police bicycles provide a highly visible presence in residential neighborhoods, city parks and in the downtown area. The police bicycle also provides the opportunity for officers to become more directly involved with citizens and perform public relations functions.

Due to the limitations of the police bicycle, discretion must be exercised in the deployment of the Bicycle Officer. Some of the excluded duties include:

a. Detainee transport
b. Routine motor vehicle traffic control
c. Traffic crash investigation.

Directed patrol duties for the Bicycle Officer may include, but are not limited to, patrol of city sponsored events, parades and festivals where normal vehicular traffic is prohibited.

Weather Conditions – Supervisors of officers assigned a police bicycle should use discretion in assigning officers to bike duty. Supervisors should consider available light, temperature and other weather conditions prior to assigning officers to bike patrol.

Any officer may utilize a bicycle, with the approval of their Section Lieutenant for the purpose of surveillance or tactical operations, as long as the purpose is not for bicycle patrol functions. (Bicycle Officer Certification is not required for special operations.)

2. **Police Motorcycle –** The primary purpose of the Police motorcycle is to enhance the department's ability to enforce traffic laws and respond to traffic related incidents. Police Motorcycle Officers will be used to increase public relations by providing funeral escorts, participating in parades and providing static displays upon request. The Police Motorcycle Officer will direct vehicular and pedestrian traffic, promptly investigate traffic collisions, enforce all North Carolina Motor Vehicle Laws consistent with departmental policy, and render courteous service. Only authorized personnel will operate department motorcycles. A department motorcycle will not engage in a vehicle pursuit.

Requests for the services of a Motorcycle Officer shall be made through the Traffic Enforcement Unit supervisor, who authorizes assignments.

Weather Conditions – Considerations should be given to weather conditions when operating a Police Motorcycle. Officers should consider available light, temperature and other weather conditions prior to operating a Police Motorcycle.

3. **Special Response Team/Negotiations Vehicle** – The Department shall maintain and operate special purpose vehicles for negotiation operations and tactical team activations. The Special Response Team vehicles shall be utilized only upon the authorization of the SRT Team Commander or designee.

4. **Patroller** – The Police Patroller is an alternative electric transport unit to be utilized during routine patrols and events. The purpose of the Police Patroller is to maintain high visibility

throughout the city, while maintaining and increasing public relations. The Patroller will provide officers the ability to access locations inaccessible by patrol vehicles.

5. **Police Can-Am** – The primary purpose of the Police Can-am is to enhance the department's ability to enforce traffic laws and respond to traffic related incidents. The Police Can-Am will be used to increase public relations by providing funeral escorts, participating in parades and providing static displays upon request. The Police Can-Am officer will direct vehicular and pedestrian traffic, promptly investigate traffic collisions, enforce all North Carolina Motor Vehicle Laws consistent with Department policy, and render courteous service. Only authorized personnel will operate the Police Can-Am. The Police Can-Am will not engage in a vehicle pursuit.

   Requests for the services the Can-Am shall be made through the Traffic Enforcement Unit supervisor, who authorizes assignments.

   Weather Conditions – Considerations should be given to weather conditions when operating the Can-Am. Operators of the Police Can-Am should consider available light, temperature and other weather conditions prior to operation.

B. Qualifications and Training for Operations

1. **Bicycle**

   a. Officers assigned a Police Bicycle shall complete a department approved bicycle training course prior to assuming solo patrol duties.
   b. Untrained officers may be paired with an experienced bicycle officer for field training purposes, with prior supervisory approval. All bicycle training shall be coordinated through the Department Training Unit.
   c. In recognition of the physical demands and special characteristics unique to police bicycle duty, only officers who volunteer for bicycle patrol duties shall be used in this program. The bicycle patrol officer should have good interpersonal skills and should be in good physical condition. In addition, officers must demonstrate the ability to successfully complete the training required for assignment to a Police Bicycle. Thereafter, they must maintain a level of physical fitness sufficient to perform the essential functions of the position.

2. **Police Motorcycle** – The purpose of the Police Motorcycle is to conduct traffic enforcement, parades, funeral details, special events, motorcycle educational events and enhancing public relations.

   a. Officers assigned to the Police Motor Unit must possess a current North Carolina motorcycle endorsement, which shall be displayed on their driver's license.

      Within a reasonable time, the officer must attend and successfully pass an agency approved Police Motor Officer course. Until such time the officer attends the approved course, the officer may operate a police motorcycle when paired up with a current certified motor officer for training purposes only.

3. **Special Response Team/Negotiations Vehicle -** Special Response Team vehicles shall be operated only by those personnel who have received training in the operation of the vehicle.

4. **Patroller** – **T3 Motion Patroller** - The T3 Motion Patroller (hereafter referred to as Patroller) shall be operated only by those personnel who have received the department approved training course in the operation of the unit. The Patroller is operated by only one officer at a time, who shall wear a Department approved bicycle helmet during operation. Patrollers will not be operated in inclement weather. During the hours of darkness, officers must use all the illumination equipment installed.

5. **Police Can-Am** – Only officers assigned to the Police Motor Unit will operate this vehicle and must possess a current North Carolina motorcycle endorsement, which shall be displayed on their driver's license.

C. Maintenance

1. **Bicycle -** Trained officers seeking to use a bicycle, but not permanently assigned one, shall coordinate the use of a bicycle with the primary assigned officer. Prior to use, all officers shall conduct a safety inspection of their bicycle. Special attention should be given to proper adjustments, worn parts, defects, tires and/or any other condition affecting the safe operation of the bicycle. Bicycle officers shall maintain their assigned bicycle in a clean, safe, and good working order at all times. Any damage or inoperable conditions shall be reported to the officer's immediate supervisor. All routine maintenance shall be performed during normal working hours. No modifications will be made to a bicycle without the prior approval of their chain of command. Repairs will be coordinated through the Office of the Chief. The Facility Unit will be responsible for inspection for operational readiness of stored bicycles.

2. **Police Motorcycle -** The Traffic Enforcement Unit supervisor will schedule preventive maintenance as required by manufacturer's specifications in addition to other maintenance necessary for all department motorcycles. Motorcycles and all associated gear will be inspected monthly in the same manner as all fleet vehicles.

   Motorcycle officers shall provide routine care and maintenance for their assigned motorcycle and shall inspect prior to each use.

3. **Special Response Team/Negotiations Vehicle –** The Special Response Team Commander or designee will be responsible for ensuring that the vehicles are maintained with the city garage.

4. **Patroller –** The Community Outreach Sergeant will be responsible for ensuring that Patrollers are maintained with an approved vendor.

5. **Police Can-Am** - The Traffic Enforcement Unit supervisor will schedule preventive maintenance as required by manufacturer's specifications in addition to other maintenance necessary for the Police Can-Am. The Police Can-Am and all associated gear will be inspected monthly in the same manner as all fleet vehicles.

D. Inventory.

1. **Bicycle -** Bicycle riding helmets and eye protection shall be worn at all times when the bicycle is in operation. During the hours of darkness, officers must use the illumination equipment installed on department bicycles.

   The following items will be issued to bicycle officers by the Facility Unit:

   a. Uniform shirt
   b. Uniform shorts or bicycle pants
   c. Other required protective gear

2. **Police Motorcycle** - The following items will be issued to motorcycle officers by the Facility Unit:

   a. Department of Transportation approved Motorcycle Helmet
   b. Eye protection
   c. Gloves
   d. Inclement weather gear
   e. Motorcycle riding jacket
   f. Riding boots
   g. Motorcycle officer uniform and
   h. Other required protective gear

3. **Special Response Team/Negotiations Vehicle – The** Special Response Team Commander or designee shall maintain an inventory listing of departmental equipment to be stored in Special Response Team vehicles. A copy of this inventory shall be retained in the vehicle.

4. **Patroller –** Department issued bicycle riding helmet and eye protection shall be worn at all, times when the Patroller is in operation.

5. **Police Can-Am -** The following items will be issued to motorcycle officers by the Facility Unit:

   a. Department of Transportation approved Motorcycle Helmet
   b. Eye protection
   c. Gloves
   d. Inclement weather gear
   e. Motorcycle riding jacket
   f. Riding boots
   g. Motorcycle officer uniform and
   h. Other required protective gear

41.1.4 Police Canine

A. Authorization, Conditions, Limitations and Procedures for Usage

All Canines are owned by the New Bern Police Department and are to be utilized for authorized purposes only. Police Canine teams are maintained by the department as a valuable law enforcement tool for use in

criminal apprehension, drug searches, area searches, evidence detection, tracking, and public relations activities.

Canine Teams, when possible, should not be assigned to a specific patrol area, but should be allowed to patrol throughout the city. Canine vehicles are generally not to be used to transport prisoners.

Types of calls: The following types of calls should be evaluated for Canine response:

1. Burglary in progress calls, intrusion and/or robbery alarms, and events in progress or just occurred.
2. Felony or misdemeanor crimes where the suspect has fled on foot and Canine tracking is possible.
3. Alarm or open door/window calls where the Canine Team will be the primary building search unit.
4. Locating lost adults or children.
5. Locating discarded evidence or contraband.
6. Searching for narcotics if the Team is certified for use in this area.
7. Any other call in a supervisor's opinion, a Canine Team would be an asset as a back-up or primary unit.
8. Authorized pursuits as an additional back-up, in the event the suspect flees.
9. All other calls for services assigned by Communications upon approval of the shift supervisor.

All mutual aid requests shall be coordinated and approved by the canine team's immediate supervisor on-duty; however, subsequent to review of the situation, the decision to physically apply the canine to a specific operation will remain with the handler.

All other requests such as canine demonstrations and displays should be submitted to the canine unit supervisor.

Any police officer at the scene of an incident may make a request for the immediate use of a canine team. If a canine team is not on-duty, the immediate supervisor of the requesting police officer shall evaluate the circumstances surrounding the incident. If the supervisor determines that the use of the canine team is warranted, the supervisor shall request the Communications Center personnel to contact the on-call canine team.

B. Use of Force with Canines

Utilizing the Canine in bite situations is considered a use of force. As is the case in all incidents involving use of force, canine handlers may only use that degree of force that is objectively reasonable to apprehend or secure a suspect as governed by the standards in *Graham v. Connor.* Utilization of a police canine in a use of force shall be limited to the following situations:

1. Apprehension of a fleeing suspect when probable cause exists that the suspect has committed a violent crime and the appropriate warnings have been given. If the suspect stops fleeing or otherwise complies, the Canine will be recalled immediately. The Canine Handler will not intentionally send the Canine after a suspect being pursued by other police officers.
2. Building and area searches for suspect(s) when the appropriate warnings have been given.
3. Handler protection when there is an assault upon an officer or the Canine.

Whenever a Canine has bitten or scratched an individual, or is alleged to have done so, whether or not in the line of duty, the handler shall notify a supervisor and perform the following.

1. If no arrest is made, the individual will be offered medical care and treatment by a qualified medical professional.
2. If an arrest is made, the individual will be provided with medical attention prior to transport or booking.
3. Regardless of arrest status, photographs of the injuries or affected areas will be taken and a Use of Force report will be completed in accordance with departmental policy.

The Operations Captain or designee, shall keep health records and vaccination reports on all police Canine's. By authorization of the Chief of Police, these reports may be made available to Health Department authorities or bite victims.

Building and Area Searches: During building and area searches, the perimeter of the building or area will be secured by patrol units. If possible, the owner or the person legally in control of the property should be contacted to determine if anyone has permission to be inside or if anyone is possibly working late. Contacting the owner or person legally in control of the property will also allow easier access to the building if needed and will minimize any damage to the property in order to clear the building.

The Canine handler will alert the building or area verbally and if feasible, especially for larger structures, Canine handlers may use the patrol vehicle public address system or other approved form of amplification. The warning should be given prior to releasing the K9 to search at the point of entry into the building that a police Canine will be entering to locate and apprehend anyone inside. The Canine handler will provide a 5-minute warning, a second warning at 2.5 minutes prior to release and a final warning just prior to time of release. All warnings will be logged with communications and placed into the CAD of the call. The police Canine may then be released into the building or area.

A Canine handler will alert verbally each floor or section of any multi-level building.

Patrol units will not search the building regardless of how minor the situation, if there is a Canine Team available to perform the search.

No one will be allowed into the building during the Canine Team's search of the building. The only exception to this rule will be if the Canine handler requests a patrol unit to accompany them on a search as added cover.

Tracking: During tracking, the perimeter will be secured by patrol units while the Canine Team proceeds with the track. The Canine handler will keep the perimeter units updated with location and direction of the track by radio communications, to allow the perimeter units to move accordingly, in an effort to keep the perimeter secure. An additional patrol unit should, whenever possible, accompany the Canine Team on the track for security reasons if requested by the Canine handler.

Narcotics Searches: During narcotics searches, the area to be searched will be secured by officers or detectives on the scene.

When an article search is to be conducted for discarded narcotics, the officer should indicate the type of narcotics to be located (if known) to protect the Canine from any exposure to open narcotics.

Prior to the commencement of a narcotics search, the investigating officer shall remove all persons and plain view narcotics. The investigating officer must note the location of the plain view narcotics or paraphernalia and inform the Canine handler of this information upon his/her arrival. Turn off the motor

of any vehicle, vessel, or aircraft to be searched. Leave the vehicle, vessel or aircraft in the condition found.

The areas to be searched should not be disturbed to prevent spreading and diminishing the odor of narcotics. Upon arrival, the Canine handler will adjust the condition of the vehicle, vessel or aircraft in accordance with his/her training.

Crowd Control: Canine teams may respond as backup when appropriate but shall not be deployed for crowd control (i.e., containment or dispersal). Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of view of the crowd.

Under no circumstances will the Canine be used to search a person.

Only trained K9 handlers shall:

a. Reach into the Canine cruiser while the Canine is inside.
b. Agitate the police Canine at any time.
c. Attempt to feed the police Canine.

C. Selection, Evaluation, and Pre-Service Training Requirements for Police Canines

Selecting suitable canines for law enforcement applications is an essential element of a successful canine program. Police canines will be selected by the Chief of Police or their designee. Input from the vendor and a department canine handler or canine trainer will be taken into consideration during the evaluation and selection process.

1. Evaluation and selection:

    a. Prior to being selected for training, the canine will be thoroughly examined by a veterinarian for any potential disqualifying medical conditions. All medical records will be provided to our agency at the time of selection.
    b. During the evaluation process, the canine will be screened for drive, determination, confidence, and temperament in order to select the best canine for the chosen handler and the department's mission.

2. Pre-service training for the canine will be completed by the Department Canine Trainer or the third-party vender where the canine is purchased from. Canines may be trained in the following areas:

    a. Narcotics Detection
    b. Apprehension
    c. Building Search
    d. Area Search
    e. Article Search
    f. Handler Protection
    g. Tracking/Trailing

D. Qualifications and Selection Process for Canine Handlers

(See 16.3.2 and 16.5.1)

E. Initial and Monthly In-Service Training Requirements for each Police Canine Team

Upon selection and prior to assignment, the canine handler and police canine will successfully complete a basic canine handler course approved by the Chief of Police or their designee. Additionally, the police canine team will be required to meet the certification requirements of a creditable police working dog certifying agency approved by the Chief of Police or their designee prior to assignment.

Police canine teams are required to conduct a minimum of 16 hours of monthly in-service training exercises. The training exercises and courses will be documented on the police service dog training form and kept on file by the handler and accessible upon request.

Each police canine team is required to participate in an annual certification program. Only reputable canine certification programs approved by the Chief of Police or their designee will be utilized.

F. Documentation Requirements

The collection of deployment data, use of force involving a police canine, activities, operations and training of the canine teams are reported through the use of the following forms, records, and reports:

1. Canine Utilization Report
2. Use of Force Report
3. Police Service Dog Training Form
4. Report of Injury or Illness of Police Dog
5. Health and Vaccination Records

G. 24-Hour Care and Maintenance for the Police Canine – Handlers shall:

1. Take the necessary actions to ensure the good health and welfare of their assigned canine, both on and off duty. Failure to provide for the reasonable care and attention of the assigned canine shall be considered just cause for disciplinary action.
2. In emergency situations, ensure that the canine receives immediate medical attention. The handler will then notify the Operations Division Captain or designee as soon as possible.
3. Administer any medication as prescribed by the veterinarian, including flea and heartworm preventative.
4. Arrange for an annual medical examination of the canine and other examinations as may be necessary due to injury or illness.
5. Prevent the use of the canine for breeding purposes without written authorization from the department.
6. Conduct a daily grooming and check of the assigned canine. Canine Handlers will be compensated at 7 hours per pay period for K9 maintenance.
7. Not allow the canine to be left unattended in a vehicle with the windows rolled up and the air conditioner on for longer than ten (10) minutes at a time, any time the ambient temperature exceeds 75 degrees unless the vehicle is equipped with a functioning heat sensor alarm system.
8. On assigned court/training dates, the canine is to be kenneled at the handler's residence until after the completion of court/training. The on-duty canine officer may choose to kennel the canine in the kennel provided by the Police Department. If a handler is unexpectedly called to court, training or other function not related to calls for service that may require an extended absence, more than 10 minutes, from the handler's police vehicle, the handler will secure the canine in the Department kennel.
9. On those occasions when the handler is on annual leave, training or otherwise away from the K9 for more than 24 hours, the K9 will be boarded in the kennel at the Police

Department. The handler will be responsible for scheduling the daily maintenance of the K9 with other department trained K9 Handlers.

10. Should a medical emergency involving the canine occur on or off duty, the handler will take the canine to the authorized veterinary hospital or the nearest 24-hour emergency veterinary hospital for immediate care.

H. Equipment – The New Bern Police Department shall make the following items available to each assigned Canine Team (Each item of issued equipment will be signed out to the canine officer and documented on the canine equipment inventory form):

1. Canine Equipped vehicle that will include a heat sensor alarm system that will notify the handler of a dangerous condition and will ventilate the car automatically or by pager. The heat sensor will be tested prior to start of each shift.
2. Food and Water Bowl
3. Brush, Rake and Comb
4. Tracking Line
5. Leash
6. Choke Collar
7. Doghouse

Training Aids: The following items will be made available for the Canine Function:

1. Controlled Substance Training Aids (Reference 84.1.4)
2. Regular Bite Sleeve
3. Hidden Sleeve
4. Full Bite Sleeve
5. Full body bite suit
6. Any other training aids as designated by the Chief of Police

Canine handlers will be responsible for maintaining in good working order all issued equipment used for the training and control of the Canine. The Operations Division Captain or designee prior to use by a Canine Team must approve any miscellaneous equipment such as leashes, collars, etc.

The department shall purchase all necessary food supplies needed for the Canine and shall provide necessary veterinary care of the Canine through department approved veterinarians or veterinary clinics/hospital. In addition, the department shall purchase all necessary material needed for the construction of the doghouse. In addition, all certified Canine handlers and Canines will be designated on the posted Departmental Employee Roster.

I. Canine Standby

Canine handlers are responsible for Canine utilizations when their assigned teams are on-duty.

Canine handlers will report all planned absences from normal duty to the Canine Supervisor. For planned absences, the Canine Supervisor will maintain a call schedule that will be posted on the department's shared calendar. If an employee is placed on stand-by, they are expected to remain at home or in close contact in order to be available to answer emergency calls during off-duty hours. When placed on standby, Canine handlers will be compensated in accordance with City Code 54-77. The Canine Supervisor will be responsible for placing a Canine handler on stand-by.

For unplanned absences, the on-duty supervisor may contact off-duty Canine handlers and request a response.

Canine handlers shall receive cell phone reimbursement consistent with the City of New Bern cell phone policy, as funding allows.

All requests for Canine demonstrations will be made in writing to the Office of the Chief of Police or designee. Requests approved by the Chief will be forwarded via Chain of Command to the appropriate Canine officer and his/her supervisor.

41.2.1 Routine and Emergency Calls

Officers of the New Bern Police Department will respond to calls for service as categorized by General Order 81.2.4 F. Officer responses to calls for service will be classified as Priority 1, Priority 2 or Priority 3. Emergency mode response is authorized for Priority 1 and Priority 2 calls as outlined below.
Emergency Mode is defined as having the patrol vehicles emergency lights and siren activated. During routine and Emergency calls, Officers have a duty to drive with due regard for the safety of all persons and shall not operate any emergency vehicle with reckless disregard for the safety of others.

Priority 1 – Calls that are categorized as Echo by Communications. Officers may respond in emergency mode in accordance with this policy.

Priority 2 - Response to calls categorized as Charlie or Delta require a higher level of response than lower categorized calls for service. Officers responding to Charlie or Delta calls may respond in Emergency Mode, however their speeds may not exceed 20 MPH over the posted speed limit.

Priority 3 - Under normal, non-emergency driving conditions, and while responding to calls for service categorized as Omega, Alpha and Bravo, department personnel operating all department emergency vehicles shall strictly adhere to all traffic laws and drive defensively in a safe and courteous manner.

Emergency vehicles may be operated in an emergency mode only by sworn personnel and only under one or more of the following conditions as authorized under specific sections of this policy.

1. When responding to Priority 1 or Priority 2 calls as defined by this policy.
2. While engaged in a vehicle pursuit.
3. To alert the driver of a vehicle being stopped. (Note: For the purpose of this policy, traffic stops, and vehicle pursuits are not regulated by this section. See General Order 61.1.7 for traffic stop procedures and General Order 41.2.2 for vehicle pursuit guidelines.)
4. When authorized by a supervisor.

During emergency situations, it is imperative that radio communications be reserved for sharing information relevant to officer safety. Officers responding to priority 1 and officer assistance calls **should not** check enroute over the radio; instead, they should proceed to the scene or otherwise establish a perimeter as needed. Responding officers should only use the radio to check on scene and to relay pertinent information to Communications and responding officers as necessary. Officers with an MDT are allowed to use the self-dispatching function to assign themselves to the call, which will reduce the amount of radio traffic. After the scene has been deemed safe, radio traffic can return to normal. If necessary, the sworn on-duty supervisor can ask for additional information on the radio if necessary for the proper management of the scene.

In the event that any sworn personnel requests to "hold channel" (foot pursuit, subject at gun point, etc.) officers **should not** check enroute or use the radio. The officer requesting the radio channel to be held shall have a free radio airway to communicate important information such as location, direction of travel, description of suspect(s) etc. If necessary, the sworn on-duty supervisor can ask for additional information on the radio if necessary for the proper management of the scene. After the scene has been deemed safe, radio traffic can return to normal.

Officers are authorized to respond to a call-in emergency mode after informing Communications (if not previously stated on the radio group) of their unit number, present location, type of emergency and intention to respond Priority 1 or Priority 2 to the location where the emergency exists.

When operating a police unit in emergency mode, officers must exercise extreme caution at all times. The safety of the officer and citizens must be of paramount concern. Officers are responsible for maintaining proper control of their vehicle at all times. An officer operating a vehicle in emergency mode may:

1. Exceed the speed limit after weighing the risks of danger to life and property and after considering:

    (a) The condition of the road
    (b) Pedestrian/vehicle traffic
    (c) Speed limit posted
    (d) proximity to call
    (e) Type of call responding to
    (f) Weather
    (g) Familiarity with geography
    (h) Time of day
    (i) Design/Number of lanes
    (j) Community type (Residential, Business)

    (Note: The speed limit may not exceed greater than 20 MPH over the posted speed limit for Priority 2 responses)

2. Proceed past a red or stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation. Officers should afford the oncoming traffic ample amount of time to yield before proceeding through the stop sign or signal. The Officer shall ensure that cross-traffic flow has yielded in each lane before attempting to cross that lane.

3. Disregard regulations governing direction or movement or turning in specified directions after considering or weighing the risks of injury to life or damage to property. Officers should stay in the furthest left lane when in emergency mode. This will ensure that vehicles traveling on the roadway can abide by the General Statute 20-157(a) and move over as near as possible and parallel to the right-hand edge or curb of the roadway.

4. Disregard the laws governing the parking of vehicles under ordinary circumstances, except that a police vehicle shall neither block access to a fire hydrant at a fire scene, nor obstruct the passage of fire apparatus. Marked police vehicles should be strategically parked in roadways to protect crash scenes, injured persons, or officers directing traffic, when such use is practical, with the emergency lights and four-way flashers activated.

Supervisors shall monitor the initiation of an emergency response mode by an officer and may elect to downgrade the response as appropriate for the situation. Officers who are engaged in an emergency

response mode will downgrade their response to Priority 3 when they receive information that the emergency no longer exists or when directed by a supervisor or an officer on scene.

41.2.2 Vehicle Pursuits

It is the policy of the New Bern Police Department to regulate the manner in which vehicular pursuits are undertaken and performed. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law.

DEFINITIONS:

Blocking/Vehicle Intercept: A slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing or intervening in a pursuit. Although the police vehicle(s) and suspect vehicle may make contact, blocking/vehicle intercept is not a moving or stationary roadblock or ramming.

Caravanning: More than two emergency vehicles in close pursuit.

Evasive Action: An overt act by a driver of a motor vehicle to prevent apprehension. Examples of evasive action include but are not limited to the following:

1. Rapid acceleration or deceleration of speed
2. Disregarding traffic signs or signals
3. Improper or illegal passing of another motorist
4. Turning off headlights
5. Driving off a roadway
6. Erratic changes in direction

Paralleling: Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.

Trail: Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Qualifying Controlled Substance Felony: Qualifying controlled substance felonies include cases where there is probable cause to make an arrest for **trafficking** of opioids, cocaine, or methamphetamine as defined by N.C.G.S. 90-95.

Ram: The deliberate act of using a police vehicle to strike a suspect's vehicle with the intention of forcefully causing functional damage**.** Ramming inherently creates an elevated risk for death or serious bodily injury and therefore **shall be considered a Use of Deadly Force.**

Serious Bodily Injury: Bodily injury that creates a substantial risk of death, or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

Tire Deflation Devices: A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle, and capable of operation consistent with criteria established in this policy.

Vehicle Following: Intentionally following a vehicle, by mimicking the movements of a suspect vehicle that is being operated in a lawful manner. If the suspect vehicle begins taking evasive actions, the officer must initiate a traffic stop or immediately discontinue.

Vehicle Pursuit: A deliberate attempt by an officer in an authorized emergency vehicle with emergency equipment activated to stop a fleeing suspect operating a motor vehicle who is actively attempting to elude apprehension by using evasive actions.

Violent Crime: A crime committed against a person with the intent of causing or which creates substantial risk of causing death or serious bodily injury, an armed robbery, a violent sexual assault, or a rape.

***Violent crimes are not restricted to felony level offenses; however, the initiating officer must have a reasonable and articulable belief that the immediate danger to the public created by the pursuit outweighs the immediate or potential danger to the public should the suspect remain at large.**

A. Authorization - The primary purpose of a pursuit is to apprehend a suspect with the least amount of force necessary and to minimize the risk of harm to persons and property. An officer may initiate a vehicle pursuit when:

1. The officer has their emergency equipment activated and is in close proximity to a suspect driving a motor vehicle and the suspect fails to yield; **and**
2. there is **reasonable suspicion** that the fleeing suspect has committed, has attempted to commit, or is attempting to commit a *violent crime* as defined by this policy, against another person; **or**
3. there is **probable cause** to believe the offender has committed a *qualifying controlled substance felony* as defined by this policy.

*If an officer initiates a vehicle stop on a suspect and the driver willfully refuses to yield but is not taking evasive actions, then the incident will not be considered a "vehicle pursuit" as defined by this policy until such time the evasive action element is met.

Factors to be considered in initiating a pursuit:

a) The seriousness of the originating crime and its relationship to community safety.
b) Danger presented to the public if suspect is not immediately apprehended; 4
c) Danger to the public caused by the pursuit.
d) Visibility, weather conditions, road conditions and the volume of pedestrian and vehicular traffic.
e) Time of day.
f) Location of pursuit.
g) Potential speeds of both vehicles.
h) Familiarity of officer and supervisor with the area of pursuit.
i) Capability of the police vehicle involved.
j) Quality of radio communications between pursuing vehicle, Communications, and supervisor.

k) Whether or not the violator can be identified to the point where later apprehension can be accomplished, and the delayed apprehension or arrest of the violator is not a threat to the public.

***Vehicle pursuits shall not occur or continue when the danger of the pursuit clearly exceeds the necessity of immediate capture. The pursuing officer shall retain the duty to drive with due regard for the safety of all persons and shall not operate any emergency vehicle with reckless disregard for the safety of others.**

B. Initiating Officer Responsibilities - The decision to initiate a vehicle pursuit rests with the individual officer. Officers are prohibited from initiating or continuing a vehicle pursuit that they should reasonably know is outside of policy.

Pursuing officers must quickly weigh all factors, evaluate the circumstances, and balance the safety of the public and law enforcement's duty to apprehend violators of criminal law.

1. The pursuing officer will ensure that all emergency equipment is activated once a pursuit is initiated.

2. The pursuing officer will notify the Communications Center **immediately** upon initiation of a vehicle pursuit. The officer will advise communications of all information pertinent to the pursuit, including reason for pursuit, location, direction of travel, vehicle description, and number of occupants if known. The on-duty supervisor will be notified of the pursuit immediately.

3. Officers must immediately terminate a pursuit upon the order of any supervisory personnel.

Any officer who initiates a pursuit, engages in a pursuit, or who assists another agency involved in a pursuit, shall prepare a police report or supplement concerning the incident.

C. Secondary Units Responsibilities -The secondary unit, upon joining the vehicle pursuit, shall immediately notify Communications of their entry into the pursuit.

1. If practical, the secondary unit should assume radio communications.

2. The secondary unit will remain at a safe distance behind the primary unit unless directed to assume to role of primary unit, or if the primary unit is unable to continue the pursuit.

Once a secondary unit has been assigned, no other units shall become actively involved in the pursuit unless specifically authorized by the supervisor.

D. Roles and Restrictions of Police Vehicles - Only sworn personnel in vehicles equipped with emergency lights and siren may engage in a vehicular pursuit.

1. Units transporting prisoners, witnesses, Public Safety Cadets, volunteers, or any other non-sworn personnel persons not employed by the city shall not engage in a pursuit.

2. Officers in unmarked police vehicles engaged in a pursuit shall relinquish any position to officers in marked units when safe and practical.

3. Officers operating any motorcycle, Can-Am, SRT vehicle, Forensic van, or any other special purpose department vehicle not previously addressed are prohibited from engaging in a pursuit.

4. Officers shall not pursue a law violator the wrong way on an interstate highway, divided highway, or divided roadway. In the event that an officer is in pursuit and the vehicle being pursued enters an interstate highway, divided highway, or divided roadway the wrong way, the pursuing officer must terminate the pursuit unless able to maintain visual contact while remaining on the lawful side of the roadway.

5. Officers engaging in a pursuit shall exercise extreme caution when pursuing vehicles, the wrong way on secondary roadways or residential streets.

6. The supervisor responsible for overseeing the conduct of a vehicle pursuit shall maintain the latitude to remain with a vehicle pursuit for supervisory purposes but will keep a safe distance from the primary and secondary units.

7. The primary unit, secondary unit, and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit by the supervisor.

8. Officers not directly engaged in the vehicle pursuit should not become involved unless directed to do so by a supervisor.

9. Recruit Officers assigned to the Field Training Program shall not engage in a vehicular pursuit except under the direction of a Field Training Officer who is present in the vehicle and then only in emergency situations where the pursuit cannot be delayed or avoided.

10. Caravanning is prohibited.

E. Communicator Responsibilities - Communications shall perform the following duties during a pursuit:

1. Clear the primary channel and advise all other units that a pursuit is in progress. Provide all pertinent information and if needed, divert units not assigned to the pursuit to an alternate radio channel.
2. Immediately notify the on-duty supervisor of the pursuit in progress if a supervisor has not already been otherwise notified.
3. Receive and record all incoming information on the pursued vehicle and relay that information to the supervisor and other units.
4. If a tag number is obtained during the pursuit, obtain the registration information and perform a check for stolen vehicle and relay this information to the involved units on the primary dispatch group.
5. Monitor and control all radio communications during the pursuit.
6. Coordinate assistance under the direction of the ranking supervisor assuming command.
7. Notify other law enforcement agencies of a pursuit headed towards their jurisdiction and, if requested or approved by a supervisor, arrange for air support or other specialized assistance.
8. If a pursuit enters another jurisdiction, notify the supervisor in command of the pursuit that the pursuit has entered into another jurisdiction.

F. Supervisor Responsibilities - It is the policy of this department that supervisory and management control be exercised over all vehicle pursuits involving officers from this department.

1. Upon being notified or becoming aware of a pursuit, the supervisor shall decide as quickly as possible whether the pursuit should continue.
2. If the supervisor authorizes the continuation of a vehicle pursuit, the supervisor will assume command of the incident and notify Communications.
3. The supervisor shall order a pursuit terminated at any time if they conclude the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator.
4. The supervisor shall ensure through command and control, for the duration of the pursuit, that this policy and agency procedures are followed by all officers involved.

G. Termination of Pursuit – An officer engaged in a pursuit shall terminate the pursuit when:

1. The danger of the pursuit clearly exceeds the necessity of immediate capture, or any of the original determining factors have changed so as to render the pursuit too hazardous.
2. A supervisor or higher authority orders the pursuit terminated. The officer(s) shall acknowledge this order and advise Communications the pursuit is terminated.
3. The pursuing officer loses visual contact with the pursued vehicle, other than for a momentary period, or the distance between the suspect's vehicle and the primary unit becomes so great that further pursuit is futile.
4. The pursuing officer loses radio contact with Communications or is otherwise unable to receive and comprehend radio transmissions directed to them.
5. When there is an equipment failure involving an emergency signal device, brakes, steering or other essential mechanical equipment, or damage to the police vehicle that creates an unsafe driving condition.
6. A reasonable belief no longer exists that the pursued suspect has committed, has attempted to commit, or is attempting to commit a violent crime against another person.

When the decision is made to terminate the pursuit by the primary unit or a supervisor, the primary and secondary units shall:

1. Immediately turn off all emergency equipment,
2. Find a safe location and park their police vehicles,
3. Exit their vehicles and
4. Perform a cursory inspection of the vehicle to ensure that no damage occurred during the pursuit.

H. Inter and Intra-jurisdictional Pursuits

Department Initiated Pursuits entering opposing Jurisdictions: North Carolina General Statutes provide that law enforcement officers, who would normally be restricted to arresting persons within the limits of their jurisdictional boundaries, may arrest outside these boundaries when the person arrested has committed a criminal offense within the jurisdiction of the city and the arrest is made while the person is making an immediate and continuous flight from that jurisdiction.

Pursuits that enter opposing jurisdictions will be terminated at any time if requested by the respective law enforcement agency.

If a law enforcement agency of another jurisdiction assumes active pursuit, the on-duty supervisor may order this department's active involvement in the pursuit discontinued.

Pursuits Initiated by Other Law Enforcement Agencies - Officers shall not engage in pursuits initiated by other law enforcement agencies which enter the city limits of New Bern unless assistance is requested, and supervisory approval is obtained. All guidelines and restrictions described in this general order shall be followed.

I. Reporting and Review of Pursuits/Forcible Intervention – All other officers who were involved in the pursuit, or who participated in the apprehension of the suspect(s), are allowed up to 24 hours prior to completing the report. If the employee does not complete the Blue Team entry by the end of shift, the supervisor will provide a summary notification to the Command Staff. If the employee is scheduled off during the 24 hours, the employee will complete the required reports when they first return to work or as scheduled by their supervisor. All supplemental reports will be attached to the original report.

Each pursuit shall undergo an administrative review to determine whether it was conducted in compliance with department policy. The pursuit review process will be conducted as follows:

The primary officer shall submit a Blue Team Vehicle Pursuit Entry, offense/ incident and/or crash report(s) to the supervisor in charge at the time of the pursuit outlining the specifics of the pursuit to include, but not limited to, the following:

1. Specific offense for which the pursuit was initiated and any charges made;
2. Name of the supervisor authorizing the pursuit;
3. Beginning and ending locations and route;
4. Duration of pursuit;
5. Weather and traffic conditions;
6. Approximate speeds;
7. Any property damage or injuries that occurred during the pursuit;
8. A Blue Team Use of Force Entry, if required;
9. Type of police vehicle used, marked or unmarked;
10. Any unusual circumstances.
11. Forward this information, along with photographs of any damage or injuries, to the supervisor before going off duty.

The supervisor in charge of the pursuit will, unless he/she became directly engaged in the pursuit, review the information submitted and reach a determination whether each officer who became actively engaged in the pursuit was in compliance with department policies.

The supervisor shall review and forward to his/her Lieutenant the Blue Team Vehicle Pursuit Report and include:

1. Audio and dispatch log obtained from Communications;
2. All photographs of any damage or injuries;
3. All in car camera Recordings from all vehicles involved;
4. All reports submitted by the officers involved; and
5. Their conclusions/recommendations.

If the supervisor who was in charge of the pursuit also became directly engaged in the pursuit, he/she will not be involved in the policy review but will include a copy of his/her supplemental report, and the Vehicle Pursuit Report will be forwarded directly to his/her Lieutenant for review.

The Lieutenant will review the Vehicle Pursuit Report and include his/her recommendation whether the pursuit was in compliance with department policies and forward to his/her Division Captain.

The Division Captain will review the Vehicle Pursuit Report and determine that the pursuit was:

1. Not in compliance with department policies and will request the Chief of Police initiate a Division Level or Internal Affairs investigation; or
2. In compliance with department policies and will include his/her recommendation that the pursuit was in compliance with department policies; and
3. Forward to the Office of the Chief.

J. Annual Analysis of Pursuits - All Pursuit Review packets will be retained by the Professional Standards Lieutenant. Annually, the Professional Standards Lieutenant will conduct an analysis of all pursuit reports, including a review of policy and reporting procedures approved by the Chief of Police. The absence of pursuit reports does not remove the requirement of reviewing the policies, procedures, and practices associated with the reporting process. The results of this analysis will be forwarded to the Chief of Police for review by the Command Staff.

K. Officer's Initial Training – During the course of their Field Training, newly hired sworn officers will review and discuss the departments pursuit policy. The review will be documented in their Field Training Manual and signed off by both the trainee and field training officer.

L. Annual Pursuit Policy Review –Annually, all sworn officers will review the pursuit policy and sign off verifying that they have reviewed it.

41.2.3 Pursuit Intervention

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, or ramming.

A. Circumstances Warranting Use

Tire Deflation Devices: Tire Deflation Devices are to be used to end a pursuit by disabling the pursued vehicle in a controlled manner. This is done by the controlled release of air from the tires of the pursued vehicle when the tires make contact with and are punctured by the tire deflation device.

Blocking/Vehicle Intercept: Blocking/Vehicle Intercept should only be employed by properly trained officers and after considering the following:

1. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
2. The suspect vehicle is stopped or traveling at a low speed.
3. Only law enforcement vehicles should be used in this tactic

Ram/Ramming: Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable

alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. **Ramming shall be considered a Use of Deadly Force.** When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect reasonably appears to represent a serious threat to the life safety of the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

Roadblocks: Roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop. The intentional placement of vehicles or any form of barricade, in the direct travel path of a pursued vehicle is **prohibited.**

B. Procedures for Implementation

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and the persons in the pursued vehicle. The decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

Deployment of Tire Deflation Devices: Prior to using the tire deflation device, officers must immediately notify Communications of the location. Communications shall notify the supervisor, and all units and any other agencies that may be involved in the pursuit of the suspect vehicle of the use and location of the Stop Stick location.

Stop Sticks will be positioned consistent with training received from the department and the manufacturer of the Stop Stick equipment.

Deployment of Blocking/Vehicle Intercept: If the blocking or vehicle intercept maneuver is being utilized as a pursuit intervention tactic, the situation may require the decision to be made quickly. If possible and time allows, the officer will announce via police radio their intentions to block or intercept the vehicle.

Deployment of Ram/Ramming: Ramming a suspect motor vehicle is considered Use of Deadly Force and should only be utilized in the event that Deadly Force is authorized.

C. Training in Techniques – Due to the inherent dangers involved in the application of pursuit intervention tactics, no officer will utilize or deploy any departmentally approved technique without first receiving proper training.

D. Supervisor Responsibility – Supervisors are responsible to ensure that the guidelines as identified in this chapter are adhered to in the use of forcible intervention techniques.

E. Documentation and Review – All uses and attempts of a forcible intervention will be documented and reviewed in accordance with the procedures identified in this chapter in section [42.2.2 (I)].

41.2.4 Procedures for first responder's notifications during emergency situations - When situations arise that require additional assistance the officer in charge at the scene will make such requests through Communications. Information regarding equipment needed and the nature of the problem should be provided to assisting personnel as soon as possible.

In emergency situations, officers shall immediately notify Communications of a need for the fire department, paramedics, or other emergency providers. Once other emergency providers are requested by members of the department, those services will not be canceled by department personnel.

Request for Public Works, Public Utilities, or Street/Highway Department personnel shall be made by Communications.

Bomb Threats - A Patrol Team Supervisor and one or more officers shall be dispatched to bomb threats.

It is the policy of the New Bern Police Department to notify the Chief of Police, Management Staff and the staff duty officer for any serious and newsworthy incident or event.

In the event of a Bomb Threat, Incident Command will be established and if it is determined that assistance will be needed, the NC State Bureau of Investigation (SBI) will be contacted first.

If the SBI declines assistance, then one of the local federal agencies, Cherry Point Marine Corps or Camp Lejeune Marine Corps Base, may be contacted for assistance. For the detection of explosives where none are visibly seen an explosive sniffing K9 should be requested.

41.2.5 Reporting and investigating adult missing persons -

A. Initial Information to be Gathered - During the course of an investigation involving a missing adult, the investigating officer shall obtain a complete description and pertinent information of the missing person to include but not limited to:

1. Name, A.K.A.
2. DOB
3. SSN
4. Address
5. Home or cellular phone
6. Race
7. Sex
8. Height
9. Weight
10. Hair Color
11. Eye Color
12. Scars/marks/tattoos
13. Jobs
14. Clothing
15. Mental condition
16. Medical conditions
17. Date last seen, etc.
18. Status (missing person, child abduction, Amber Alert, disaster victim).
19. Possible Phone Numbers
20. Employment Information
21. Known or Suspected reason for being missing
22. Possible Destinations if Known
23. Presence of or absence of Personal Belongings
24. Previous Missing History
25. Recent Photograph
26. If Dental/Medical Records are Available

27. Identifying Scars, Marks, or Tattoos
28. Special Instructions if Relevant
29. Reporting Person Information
30. Potential Mode of Transportation
31. School / Grade
32. Emancipation Date if Applicable

B. Dissemination of Collected Information - The investigating officer, upon receiving a report of a missing person shall immediately contact Communications, either via radio or telephone, with the information necessary for a BOLO entry. The investigating officer shall then notify his/her supervisor.

The investigating officer will ensure copies of the BOLO are available for dissemination of information to on-coming patrol shifts.

C. Entry and Removal from DCI

Entry: Missing persons under the age of 21 must be entered into NCIC within 2 hours of the time the agency has obtained the minimum mandatory data.

Before the conclusion of the missing person call, the Officer shall supply a copy of the preliminary report. Communications will make the entry into DCI/NCIC. The name of the Telecommunicator will be documented in the report.

Removal: Upon verifying that a missing person has been located, the investigating officer will notify Communications in writing to remove the missing person from NCIC via DCI and provide a copy of the report supplement to be attached to the DCI cancellation entry.

D. Follow Up Contact - The investigating officer assigned to conduct a follow-up investigation shall make a reasonable effort to contact the complainant at least once in addition to the contact made by the officer conducting the preliminary investigation and as often as possible thereafter. This additional contact may result in the receipt of additional information not received during the preliminary investigation.

E. Follow Up Investigation and Search - If the person reported missing is age 21 or older, and is not considered at risk, e.g., is not disabled, is not endangered, and no foul play is suspected, the investigating officer will make all reasonable attempts to contact the missing person by telephone and by attempting to search areas where the missing person is known to frequent.

A BOLO with the necessary descriptors will be sent by Communications with a 50 mile radius unless there is reason to believe that the radius should be extended.

The investigating officer will be responsible for following up on all leads as to the whereabouts of the missing person and will document the follow up activities in his/her initial or supplemental reports.

F. Special Considerations – Officers will utilize the NBPD Search Action Plan for Lost Persons form to evaluate the necessity to call out the fire department for additional search resources in all missing persons reports involving special considerations as outlined in subsection F below and for all missing children missing under chapter 41.2.6 section A.

Unusual Circumstances refers to a missing person who is believed to be (one or more of the following):

1. Mentally diminished.
2. Drug dependent, including prescription and illicit substances.
3. A potential victim of foul play or sexual exploitation.
4. In a life-threatening situation.
5. Whose disappearance involves circumstances that would cause a reasonable person to conclude that the person should be considered at-risk.

In any case of a missing person where unusual circumstances exist, the following investigative steps shall be completed:

1. Notify supervisor.
2. Establish an Incident Command Post
3. Upon consent of the person with standing, conduct a search to include all areas of the missing person's residence and/or all areas of the location the responding officer was dispatched to, as well as any outbuildings and vehicle(s) parked at the scene.
4. Conduct a neighborhood canvass in an attempt to determine the whereabouts of the missing person.
5. Conduct interviews with friends of the missing person.
6. Contact work/school authorities.
7. Contact area hospitals.
8. Evaluate possibility of criminal involvement from reporting persons
9. Check locations the missing person has been known to frequent.
10. Check old addresses or neighborhoods.
11. Investigate suspicious persons or vehicles seen in the area.
12. Conduct search of nearby undeveloped areas, such as woods, water areas, construction sites, etc.

Missing person complaints where any foul play is suspected will be assigned to Criminal Investigations unless resolved by the primary responding officers.

41.2.6 Missing Children

A. **Statement -** It shall be the policy of this agency to thoroughly investigate all reports of missing persons. In addition, this agency holds that every child reported as missing will be considered "at risk" until significant information to the contrary is confirmed. Officers will utilize the NBPD Search Action Plan for searching for children considered "at risk" or missing under unusual circumstances.

Unusual Circumstances: refers to a missing child who is:

1. Thirteen (13) years of age or younger, or
2. Believed to be (one or more of the following):

    a. Out of zone of safety for his or her age and developmental stage. The zone of safety will vary depending on the age of the child and his/her developmental stage. In the case of an infant, for example the zone of safety will include the immediate presence of an adult custodian, or the crib, stroller, or carriage in which the infant

was placed. For a school age child, the zone of safety might be the immediate neighborhood, or the route taken between home and school.

b. Mentally diminished.
c. Drug dependent, including prescription and illicit substances.
d. A potential victim of foul play or sexual exploitation.
e. In a life-threatening situation.

B. Supervisor Notification - If it is determined that unusual circumstances are involved in the report of a missing person, the shift supervisor will activate the Incident Command System and assume the responsibility of Incident Commander. All appropriate resources will be deployed to ensure that every effort is made to locate the missing child or adult.

C. Required Information - The New Bern Police Department will immediately prepare a report and disseminate information regarding missing children utilizing the North Carolina State Bureau of Investigation (SBI), Division of Criminal Information (DCI), and the National Crime Information Center (NCIC) systems to other law enforcement agencies in the county. Notification will also be made to the North Carolina Center for Missing Persons. Accordingly, there is no "waiting period" for the investigation and documentation of runaway or missing children.

The initial responding officer will collect the descriptors as outlined in Section [41.2.5(A)].

D. AMBER Alert - North Carolina General Statute 143B-1021 requires that, in order to activate an AMBER Alert, ALL of the following conditions must apply:

1. The child is 17 years of age or younger;
2. The abduction is not known or suspected to be by a parent of the child, unless the child's life is suspected to be in danger;
3. The child is believed to:

    a. Have been abducted, OR
    b. Be in danger of injury or death;

4. The child is not a runaway or voluntarily missing; and
5. The abduction has been reported to and investigated by a law enforcement agency.

E. Responsibilities

Officers Responsibilities - In any case of a missing child where foul play is suspected, or the child has a mental or physical handicap or is younger than 13 years of age, the following investigative steps shall be completed as well as the completion of appropriate documentation:

1. Notify supervisor.
2. Establish an Incident Command Post
3. Upon consent of the person with standing, conduct a search to include all areas of the victim's residence and/or all areas of the location the responding officer was dispatched to, as well as any outbuildings and vehicle(s) parked at the scene. The search shall be conducted upon consent of the owner or person in custody/control of the property. Whenever practical before conducting a search of all applicable areas, the responding officer should request that the owner or person in control of the property, sign a "Permission to Search" (NBPD Form #148).
4. Conduct a neighborhood canvass in an attempt to determine the whereabouts of the child.
5. Conduct interviews with friends of the child.

6. Contact school authorities.
7. Contact area hospitals.
8. Evaluate potential affects that the marital status of the parents may have on the case, e.g., custody disputes or parental kidnaping.
9. Check locations the child has been known to frequent.
10. Check old addresses or neighborhoods.
11. Investigate suspicious persons or vehicles seen in the area.
12. Conduct search of nearby undeveloped areas, such as woods, water areas, construction sites, etc.
13. If the missing person is believed to be suffering from dementia, Alzheimer's disease, or a cognitive impairment, the agency will notify the North Carolina DOT Statewide Operations Center (877-627-7862) to post the information on their overhead permeant message boards.

The investigating officer, upon receiving a report of a missing child shall immediately contact Communications, either via radio or telephone, with the information necessary for a BOLO entry.

Communications Responsibilities - Communications will enter the missing child into DCI/NCIC. A copy of the entry will be forwarded to the reporting officer and attached to the original report. Upon receiving a written request to remove a missing child from DCI, or a locate transaction, Communications will perform the appropriate cancel/clear entry, remove the entry from the DCI/NCIC system and cancel the BOLO. A copy of the cancel/clear entry will be forwarded to the investigating officer to be attached to the report supplement.

Supervisors Responsibilities - In any case of a missing child where unusual circumstances exist, the supervisor of initial responding officer will be responsible for:

1. Initial set-up of Command Post and assume the duties of Incident Commander unless so relieved.
2. The Incident Commander will ensure that the staff duty officer is notified and that the Criminal Investigations Unit supervisor has been notified.
3. Determine if additional personnel and resources are needed to assist in the investigation to include, but not limited to: Canine, specialty units, and support functions from other agencies.
4. Establish a command post if one has not already been established.
5. Organize and coordinate search efforts.
6. Establish a liaison with the victim family.
7. Confirm that all agency policies and procedures are observed.

Public Information Officer may be needed to respond to the scene in order to manage media relations.

F. Follow Up Procedures - The investigating officer who is assigned to the recovery or return of a missing child will be responsible to:

1. Verify that the returned child is, in fact, the reported missing child and return the child to the parents, guardians, legal custodian, runaway shelter or DSS.
2. In the case of a runaway, a "Post Return Interview" is required to determine, if possible, the reason the child ran away.
3. Write a supplement advising of the child's return, providing pertinent details.

Notify Communications in writing to remove the missing child from NCIC via DCI and provide a copy of the report supplement to be attached to the DCI cancellation entry.

Upon determining that an AMBER Alert is no longer necessary, the Incident Commander, or designee, with approval of the Chief of Police or designee, will immediately notify the Center for Missing Persons. The Center will ensure that the Department of Transportation deactivates the Dynamic Message Signs (DMS) and that the various media outlets discontinue the AMBER Alert.

41.2.7 Directive for interaction with the mentally ill

A. **Recognition of Persons Suffering from Mental Illness –** All employees will follow guidelines for the recognition of persons suffering from mental illness presented during the Mental Health Responses in-service training.

B. **Accessing Available Community Health Resources –** Upon recognizing that a person contacted may be mentally ill, the contacting officer should access the local Community Health Resources and make recommendations as appropriate. Local community mental health assistance can be obtained from the following:

1. Dixon Social Interactive Services – 252-353-0100
2. Mobile Crisis Management - 1-877-742-6268
3. PORT Human Services – 252-752-0483
4. People First N.C. Council of Developmental Disabilities – 1-800-357-6919
5. Carolina East Medical Center – 252-633-8111

C. **Dealing with Persons suspected of being Mentally Ill. –** Officers interacting with persons suspected of being mentally ill should operate with due caution and patience.

Interviews and Interrogations – If an Officer suspects an individual to be suffering from a mental illness during an interview or interrogation, that officer should make the decision whether that individual is mentally capable of knowing and understanding their rights. It should be document in the officer's report why or why not the interview or interrogation was stopped or continued. Officers should rely on their training for making a decision and can utilize a Co-Responder to assist them on their decision.

Involuntary Commitments - Following determination by the Clerk of Court or Magistrate that a person should be taken into custody for examination, the New Bern Police Department will comply with the order of the court and attempt service of the custody papers without undue delay. If the subject is already admitted to the proper mental health care facility, the custody papers will be delivered to that location and served as soon as reasonably possible. Officers will adhere to the following procedures in accordance with N.C. General Statutes 122C-261 & 122C-281.

1. Transportation: Once in custody, transport the subject to the appropriate mental health care facility to begin the evaluation process. The subject will remain in the custody of the New Bern Police Department until a proper transfer of custody of the subject is conducted and acknowledged by the mental health care facility staff.

2. Information Assistance: While an officer is in the Emergency Department or other in-patient treatment facility maintaining custody of a person who is the subject of involuntary commitment proceedings, the officer will provide physicians and other personnel involved in performing an initial screening examination or other assessment or treatment of the person with information relating to the officer's observations of the person and other facts

known to the officer in connection with taking custody of the person. Such information may include observations made by the officer relating to the person's demeanor and behavior including whether the person has threatened or exhibited disruptive conduct.

3. If a determination is made that the person should be admitted to a psychiatric facility and the person is not admitted to the hospital, the Local Mental Health Provider will make arrangements for appropriate placement and the Sheriff's Department of the county of the person's residence will transport the person to that facility.

D. Entry Level Training of Agency Personnel – Training on interacting with subjects with Mental Illnesses will be part of every employee's orientation training and documented in his/her training file.

E. Annual In-Service Training - Training on interacting with subjects with Mental Illnesses will occur annually for all department employees and documented in his/her training file.

41.2.8 Naloxone (NARCAN)

It is the policy of the New Bern Police Department, all personnel that are trained in the use of Naloxone (NARCAN) will adhere to the specific guidance and clarification concerning the deployment of Naloxone.

Naloxone Program

The New Bern Police Department recognizes that opioid usage is a serious public health and safety issue to the citizens of New Bern. It is important as first responders, we have the ability to assess the situation and administer lifesaving treatment. Naloxone (NARCAN) is a recognized drug that may counter the respiratory depression effects of an opioid overdose. The immediate result of reversing the effects of the opioid will allow time for more advanced medical treatment by trained Emergency Medical Services (EMS) personnel.

B. Training

In order to administer Naloxone, personnel must be CPR certified and must receive the mandated training course approved by the Craven County EMS Medical Director. The Department's Training Sergeant will maintain records of this training. Personnel trained in the administering of NARCAN are required to be retrained during their CPR re-certification.

C. Deployment

Patrol officers are supplied with two single four milligram doses of Naloxone intranasal spray. Naloxone will be periodically inspected and replaced prior to the expiration date on the packaging.

Officers shall deploy Naloxone in accordance with the New Bern Police Department training protocol. The use of Naloxone shall be reported to his/her immediate supervisor. The officer shall document the use of Naloxone in writing in a Case Report, detailing the reason it was used, circumstances surrounding the use, and the care the patient received. Officers will notify New Bern Police Department Communications Center that Naloxone has been administered when it is reasonable to do so. This will both document the use of the NARCAN and provide a time stamp of when administered.

Patrol officers, trained in administering Naloxone, shall carry a Naloxone kit in their patrol vehicles. Missing, damaged or expired kits should be reported to the officer's immediate supervisor, and then a replacement request shall be made.

D. Responsibilities of Responding Officers:

Naloxone will be used when responding to an overdose or when an officer reasonably believes that a person is in an overdose state. Upon arrival to the incident scene, an officer shall:

1. Ensure the safety of the scene and utilize universal precautions.

2. Notify the Communications Center that the subject is in a potential overdosed state and ensure EMS has been dispatched.

3. Begin CPR if the patient has no signs of life.

4. Follow the Naloxone training protocols, administering Naloxone as appropriate based on those protocols.

5. If no signs of life return despite Naloxone, CPR, and/or AED use, continue CPR until relieved by Fire Department and/or EMS personnel.

After utilization the officer will ensure that the patrol vehicle is restocked with Naloxone, as soon as practical.

E. Reporting

The reporting officer will complete an entry into Overdose Detection Mapping Application Program (ODMAP) and submit his case report for review to their immediate supervisor. Additionally, they will submit a NARCAN utilization report to Craven County Government via this link below.

https://www.cravencountync.gov/FormCenter/Opioid-Epidemic-Response-31/Naloxone-Reporting-Form-105

F. Responsibilities of the Immediate Supervisor:

The supervisor will review the Case Report to ensure that the responding officer has documented the incident appropriately to include requirements set forth in accordance by the Craven County EMS Medical Director and that an entry into ODMAP was completed. All administration of Naloxone must be reviewed by the EMS Peer Review/Quality Management Committee of the EMS System, under the supervision of the Craven County EMS Medical Director.

G. Responsibilities of the Naloxone Coordinator:

The New Bern Training Sergeant will serve as the Naloxone Coordinator and shall:

1. Maintain records of the assignment of each Naloxone kit.

2. Ensure that each Naloxone use is properly documented and that these records are retained for at least three years.

3. Send a monthly report of Naloxone usage to the EMS System Performance Improvement Officer.

4. Attend the quarterly EMS Peer Audit and Review Committee meeting.

5. Meet periodically with the Craven County EMS Medical Director to create a training curriculum and ensure the Department's lesson plan is up to date with current material.

41.2.9 Reporting of Damage

It shall be the policy of the New Bern Police Department to promptly report any damage caused during the lawful exercise of an officer's duties. This policy extends to damage caused during forcible entries, the use of stop sticks, lockout situations constituting urgent necessity as well as the use of a Police K9 or any other police actions where damage occurs.

A. Officer Responsibilities – When an officer notices or is notified that damage has occurred, the officer will:

1. Promptly notify their supervisor that damage has occurred.

2. Complete an incident report identifying the action(s) taken by the officer or their K9 causing the damage. If the damage occurred as part of a use of force and a use of force report is created, the officer will not need to complete this supplemental report.

3. Ensure that photographs are taken of the damage to be entered into the report.

B. Supervisor Responsibilities – The First Line Supervisor will ensure that the incident is documented by the end of the next scheduled workday:

1. Properly documented the incident and
2. Submitted reports to the mobile server in "completed" status, and
3. Completed a "Forced Entry" or "Damaged Property" entry into the Blue Team.
4. Review and submit reports as "approved" for merge, and
5. Document location of photographs of any damages, if applicable.

Based upon the preliminary investigation, the First Line Supervisor will determine if the actions taken by the involved officer regarding the damage are:

1. "In Compliance" with departmental policy and procedures. If the First Line Supervisor determines that the actions of the involved officer(s) are "In Compliance," using the Blue Team the supervisor will:

    a. Prepare for a Damaged Property Review as described above and
    b. Forward to the next level of supervision of the affected employee that is scheduled to work or their designee.

OR

2. "Not In Compliance," using the Blue Team the First Line Supervisor will:

    a. Document their reasons for such findings and,
    b. Forward to the next level of supervision of the affected employee that is scheduled to work or their designee.

41.3.1 Fleet Vehicles: Equipment and Assignment

A. Required Equipment. All Fleet Emergency Vehicles, whether marked or unmarked will have the below listed items:

1. Emergency Warning Lights
2. Siren with Public Address System unless otherwise determined by the Chief of Police.

B. Vehicle Assignment:

1. The use of the departmental vehicle is to be viewed as a privilege and not a fringe benefit or employment right. The privilege is subject to modification or revocation at any time.

2. Assigned vehicles are not to be operated by any person other than the officer to whom the vehicle is assigned, except as authorized by an appropriate supervisor or Commander.

3. The Department's Command Staff will determine the assignment of vehicles, with consideration for the operational needs of the Department. The vehicle is to be regarded as an official piece of equipment that is intended for the performance of official police duties.

4. The assignment of vehicles shall be carried out in a manner to ensure maximum use toward the achievement of department goals.

5. Individual assignment of a particular vehicle shall not preclude temporary reassignment of that vehicle by a Commander for achievement of a police purpose.

6. Shared Vehicles. All sworn officers will be issued a "single user" emergency vehicle unless the availability of emergency vehicles requires two officers to share a vehicle. The Fleet Manager shall coordinate the assignment of shared vehicles.

C. NBPD take-home procedures will meet the requirements outlined in the City of New Bern vehicle use policy. Based on emergency response needs, some sworn staff may be granted an exception to take their city vehicle beyond the 20-mile radius.

1. All take-home vehicles will be based on availability and seniority.

2. The criteria for seniority will be dependent on factors that are not easily quantified. The number of years of service and the availability of fleet assets may vary over time. An eligibility list will be maintained by the Commander of the Services Division.

3. All employees who wish to have a city take-home vehicle will be required to complete a departmental take-home vehicle verification form. This form will need to be updated whenever an employee moves to a different location/residence.

41.3.2 Equipment to be included in every patrol vehicle/system for replacement - All Fleet Emergency Vehicles will have the below listed items:

1. Radio or Radio Charger System
2. Flashlight with Charger System
3. Locking Shotgun/Specialty Weapon Rack, as authorized
4. Vehicle Supplies to include the following:

    a. Biohazard Kit
    b. Fire Extinguisher
    c. Jack with accessories
    d. Spare Tire

All personnel assigned a fleet vehicle are responsible for the following:

1. Log vehicle number with Communications.
2. Conduct a 360 degree walk around of the vehicle to inspect for damages, deflated tires, and fluid leaks before and after tour of duty. Any damage or malfunctions shall be reported to a supervisor at the earliest possible time, so that necessary repairs may be made.
3. In Car Camera Equipment (ICC): Prior to beginning of each tour of duty, Officers assigned patrol vehicles with ICC equipment installed, shall inspect all components for damage and proper operation. Any damage or malfunctions shall be reported to a supervisor at the earliest possible time, so that necessary repairs may be made.
4. Mobile Data Computer (MDC): Prior to the start of each shift, the officer assigned a MDC will use a clean, DRY soft cloth, such as a gauze pad, to remove any dust, dirt or oil. To ensure driving safety, officers should not operate the MDC while his/her vehicle is in motion.
5. Keep the vehicle cleaned daily to include interior, exterior and trunk.
6. Do not leave a vehicle unattended while engine is running and door unsecured, except during emergency situations. Canine officers are excluded but doors must be closed.
7. Ensure all required preventive maintenance checks are conducted as scheduled for assigned vehicle.
8. Ensure that any vehicle supplies utilized during the previous shift are replenished as soon as possible.
9. Report all accidents to supervisor immediately.
10. Report missing or malfunctioning equipment to supervisor and submit request to have items repaired or replaced via his/her chain of command.

41.3.3 Use of occupant safety restraints in every vehicle – All personnel will wear a seatbelt while operating police department vehicles at all times.

While transporting arrestees or citizens all passengers shall be secured in seat belts and transported in the back seat behind the partition unless the citizen is participating is a department function, such as a ride a long, Citizens Police Academy, etc.

The preferred method of transporting animals during the course of an officer's official duties is with the use of the Animal Control Vehicle. If the Animal Control Vehicle is unavailable at the time of the incident requiring animal transport, the on-duty supervisor may authorize transport of an animal in a New Bern Police vehicle.

41.3.4 Equipment not issued by the agency – The New Bern Police Department will issue all required equipment for its personnel to complete his/her assignments as outlined in Chapter 22.2.5. Officers wishing to carry personal equipment while on duty shall seek the written approval of his/her Division Captain prior to its use. Once the personal equipment is approved by a Division Captain, the item will be placed on an approved list for all members of the agency, if the item is applicable to their assignment.

41.3.5 Issuance of Protective vests – The New Bern Police Department will provide all sworn personnel with protective vest prior to taking police action. The replacement of protective vest will follow the vest manufacturer's recommendations.

41.3.6 Requirement to wear protective vest – Wearing of body armor is mandatory for all uniformed officers while in a routine patrol function. Detectives, administrative function, and services are not required to wear the vests at all times; however, protective vests shall be worn at all times while performing routine patrol functions, including special events and extra-duty jobs. Protective vests not worn by these officers should be kept available in the officer's police vehicle so that it can be put on at will or upon notice.

41.3.7 MDC - The City of New Bern IT Department provides Mobile Data Computers to officers to facilitate faster access to information while in his/her patrol cars and to reduce the need for handwritten reports.

All maintenance procedures must be performed by City of New Bern IT personnel, to include installation of all hardware or software applications.

A. Authorized Users – Only personnel who have been trained and given permission are allowed to use department issued MDC's and network.

B. Authorized Uses of the System - Employees who utilize network or internet databases on a department computer or personal device, such as but not limited to CJLeads, LinX, LeadsOnline and TLO, are to follow all user agreements and protocols. Employees shall not use these databases for personal or outside business use.

C. Unauthorized Software - Because of the security configurations applied to the systems, only the Network/Systems Administrator or designee may install software on computers attached to the agency's network.

Any file that is downloaded must be scanned for viruses before it is run or accessed. This scan is to be performed by the Network/Systems Administrator or designee.

D. Manipulation or Alteration of Software – The manipulation or alteration of any department software must be completed by the Network/Systems Administrator or designee. Any unauthorized manipulation or alteration by employees not approved by the Network/Systems Administrator is prohibited.

E. Electronic Review - Authorized system administrators and supervisors will conduct periodic reviews of electronic transmissions to assure compliance with Department policy and procedure.

41.3.8 In-car audio or video recording systems and Body Worn Cameras

Purpose: The New Bern Police Department is committed to advancing technology to improve accountability and transparency. New Bern Police Officers and members of our community will benefit from industry best practices that will include the equipment selected, careful and deliberate written directives and oversight of that technology. The use of our Body Worn Cameras (BWC) and In Car Cameras (ICC) have, in most situations, the capability of capturing a video and/or an audible record of official interactions between our staff and individuals within our community. These records will be governed by North Carolina statutory requirements.

Policy: The New Bern Police Department will deploy video recording devices (ICC and BWCs) based on availability. The purpose will be to collect visual and audible evidence that expedites the prosecution and adjudication of criminal cases. In addition, cameras will serve to promote employee safety, provide corroboration of the employee's testimony, and to be an eyewitness to events as they occur. When activated, these cameras are a valuable tool. Audits of these video files will aid in determining training and performance needs along with supporting internal affairs investigations, complaints and use of force encounters.

Whenever **reasonable, safe, and practical** to do so, officers shall activate their video equipment and should advise citizens that the encounter is being recorded. If asked by the citizen, officers will confirm that a recording of the event is in progress.

Definitions:

Body-worn camera (BWC) - An operational video or digital camera or other electronic device, that includes a microphone or other mechanism that allows the capture of video and audio files during citizen encounters and/or during crime scene surveys. These cameras will be affixed to the uniform or clothing of law enforcement agency personnel and will be positioned in a way that allows the camera or device to capture interactions during which the law enforcement agency personnel engage.

BWC Equipment – Employees will be assigned a BWC according to the ICC/BWC Program Manager or a supervisor within their chain of command that is authorized to issue such equipment. Training will be provided to each officer assigned a BWC and the employee will be shown how to operate, utilize, and upload the recordings from the issued BWC, prior to the officers' deployment of such a device.

In-Car Camera (ICC) - A device or system installed or used in a law enforcement agency vehicle that electronically records images and/or audio depicting interactions with others by law enforcement agency personnel. The components of an ICC system are assigned to a specific vehicle. Employees assigned a car with an ICC will leave all components of the ICC in the vehicle while off duty and shall only utilize this equipment after receiving Department-authorized training to do so.

Law Enforcement Action - any official action(s) taken by officers of this department in the performance of their duties: these include, but are not limited to: traffic stops, calls for service, investigative stops, crash investigations, citizen interviews, and any other situation where an officer may have an encounter with citizens during their official duties, to include any enforcement action that may be taken. This action can occur either on official duty or when working in an extra duty capacity while wearing the NBPD uniform.

Livestreaming: The activation of a live video stream from an Axon camera in event mode.

Use of Force (UOF) - the NBPD defines a use of force as a response to resistance. Chapter 1 of the NBPD general orders outlines the full written directive regarding a UOF and how each will be documented and reviewed by the agency for compliance with policy and law.

Evidentiary Value – any video and/or audio recordings that will likely aid in a criminal or traffic investigation and/or eventual criminal court prosecution or employee related administrative investigation.

Recording - A visual, audio, or visual and audio recording captured by a body-worn camera, an In-Car Camera system, or any other video or audio recording device operated by, or on behalf of, a law enforcement agency or law enforcement agency personnel while carrying out law enforcement duties.

ICC/BWC Program Manager: The Support Services Section Manager or designee that will be responsible for handling administrative and management matters related to the department's ICC/BWC program.

ICC/BWC Audio/Video Recordings: Refers to all recordings made by a Departmental owned or utilized ICC/BWC. Any portion of an ICC/BWC recording that records events surrounding a violation of the law is considered a record of a criminal investigation and not a public record. All other recordings are not subject to public release unless required to do so by a court order, prescribed by statutory authority, or released at the discretion of the Chief of Police after receiving authorization from city legal to do so. All audio/video recordings by department ICC's/BWC's are the property of the New Bern Police Department (NBPD) and shall be safe-guarded and protected according to City and Departmental policy, and North Carolina records retention requirements. No recording shall be copied or otherwise distributed or released for use outside the Department unless specifically authorized by the Chief of Police or designee.

Buffering: The New Bern Police Department using Axon Body Camera. The Axon Body camera has two operating modes. The default mode, or BUFFERING mode, provides pre-event buffering to capture activities that occur before the activation of an intentional recorded EVENT (recording mode).

A. Administration

Body-Worn Cameras (BWC) and In-Car Cameras (ICC) are for official Department use only. Intentional abuse, misuse, alteration of the equipment or malicious violation of this policy may result in disciplinary action up to, and including, dismissal.

1. Designated personnel shall be issued one (1) BWCs. Cameras will not be shared or used by other officers unless approved by the program manager.

2. Unauthorized reproduction and/or release of a BWC/ICC recording is prohibited.

3. BWCs shall be worn when working in an on or extra-duty uniformed assignment, excluding court appearances. Officers working extra duty employment will abide by the provisions of this order in the same way as required while on-duty.

4. Assigned personnel who primarily work in an administrative or investigative capacity will not be required to wear a BWC while on ordinary assignment, except or unless directed by a supervisor. If the member reports for duty to work in a patrol capacity or overt enforcement activities or elects to work an extra-duty assignment that requires the wearing of their NBPD uniform, and they are assigned a BWC, they shall wear a BWC in accordance with this policy.

5. The camera shall be worn in a manner that captures the best point-of-view, is unobstructed, and in accordance with training received by the employee.

6. Officers shall power on their BWC and ICC at the beginning of each shift to ensure the equipment is in proper working order. The BWC and ICC is to remain powered on for the duration of the shift, except in circumstances outlined in this policy. Any problems with the equipment shall be reported to their respective supervisor and a work ticket will be completed.

7. BWCs shall be docked at the conclusion of each shift to allow video uploads/device updates and recharging to occur. When working an extra duty assignment is anticipated, officers shall dock the BWC at the conclusion of their shift, and then take the device to their extra duty assignment once the upload process is complete. Officers will be responsible for ensuring the device is properly charged and operational for their next shift.

8. Officers must ensure the BWC and ICC data is uploaded to Evidence.com and categorized as required in accordance with the training they have received.

9. Personnel shall not review BWC, or ICC recordings related to a use of force prior to the submission of a use of force/response to resistance report. All other recordings may be reviewed to assist in completing investigative reports.

10. Officers shall attach any BWC or ICC video to their use of force/response to resistance report involving a use of force incident.

11. Officers shall not edit or delete any recordings. Original recordings may only be edited or purged as authorized by the Chief of Police. If a video is edited for any reason, the original intact video will be maintained by Internal Affairs and a specific reason and explanation will be provided as to what was edited and why.

12. Officers must receive supervisory approval prior to viewing another officer's BWC or ICC recording(s).

13. The buffering time for each BWC shall be set for the maximum time of 1 minute for video. Audio is captured only upon activation of the BWC.

B. Body Worn Camera Mute Function

The Body Worn Cameras issued to Department members have a feature which mutes (deactivates) the audio recording without interrupting the video recording of the BWC. Utilizing the mute feature is considered a termination of the recording as outlined by this policy.

In the rare instances where a member has a justification to utilize the mute feature, the member must document the articulable reasoning for terminating the audio recording in CAD, and a memorandum addressed to the Internal Affairs Office via the Chain of Command. It is the expectation of the NBPD that muting the BWC to hold a private conversation during an engagement is not justification for muting the camera.

C. Situations for Use

Recognizing the distinct roles of **Uniform Personnel** and **Non-Uniformed Personnel**, this policy establishes bifurcated requirements to ensure transparency while safeguarding privacy and operational effectiveness.

Objective: Balance accountability with investigative effectiveness, ensuring privacy protections while avoiding counterproductive activations that could jeopardize cases or endanger lives.

D. Guidelines for BWC Use: Uniformed Personnel

Mandatory Activation: The Body Worn Camera (BWC) shall be activated to record all field contacts involving actual or potential violations of law to include, but not limited to:

1. For non-priority calls, the activation must be initiated upon arrival at the scene.

2. All priority Delta and Echo calls that require an emergency response (lights and siren), Officers shall activate their recording equipment (BWC and In-Car Camera) when dispatched and/or go en-route to the call for service.

3. Cameras shall be activated during any encounter that is likely to result in force being used, an arrest being made, or during any event where there may be an actual or potential breach of peace.

4. Traffic stops and/or Pursuits

5. Any emergency response.

6. Observation of DWI suspects, if feasible, prior to the stops, during performance of standardized field sobriety tests, and during the entire transport, if arrested.

7. Miranda warnings when feasible.

8. Transporting detainees

9. Contacts with juveniles (in accordance with departmental policy 44.2.3)

10. Vehicle searches and/or inventories.

11. Checking stations, one vehicle ICC system will record each direction of travel, however, every officer with a BWC on the checking station will record all interactions with the public or vehicles and any enforcement actions taken. The BWC need not record when the officer is not interacting with the public on a checking station.

12. Any confrontational contact with a citizen/violator.

13. Any other incident that will clearly become a critical issue based on the circumstances, known at the time, that will be of some importance later.

14. Each employee shall, at the beginning of each tour of duty, will ensure the ICC/BWC is functioning properly. If an officer is assigned both an ICC and BWC then that officer will endeavor to make sure both systems are recording at the same time each incident that is being recorded and the date, time and assigned Officer name are correct. In the event of an unexpected and sudden emergency response, officers shall, at a minimum, activate their ICC and then activate the BWC as soon as is feasible.

15. When directed to do so by a supervisor.

16. While inside New Bern Police Facilities, BWC's will remain in "Ready-Mode," unless an officer is engaging in one of the circumstances outlined by this section, or the officer is serving or assisting in the service of legal processes or taking reports/complaints from citizens or victims.

17. BWC's may also be utilized to record the packaging and storage of evidence. BWC shall be worn and activated when another camera is not available to capture the packaging and storage of evidence. (ie. Ceiling mounted camera).

E. Situations for Non-Use: Uniformed Personnel

It is vital that certain expectations of privacy are observed due to legal or ethical requirements. Therefore, in certain situations a recording shall not be conducted. Examples of those situations include but are not limited to:

(Note: It is not the intent of this policy to prevent officers from activating their BWC's in the event any of the below listed examples rise to the level of a recordable incident or are required by N.C. General Statute)

1. Victims or Suspects during forensic or medical examination

2. Educational Facilities, unless enforcement action is being taken

3. Conversations and contact with Confidential Informants (CI)

4. Hospitals/Doctor's Offices/medical facilities unless enforcement action is being taken

5. Bathrooms

6. Lockers/Dressing rooms

Due to expectations of privacy and public disclosure laws, a recording should not be done on interactions in the home of a citizen without consent, who is not in any way, the subject of a violation of law or criminal investigation, unless the interaction rises to the level that makes it more prudent to begin recording. The Officer should announce to the person that they are being recorded. If the citizen does not consent to being recorded, the officer should attempt to record the interaction in a public place or via telephone. After all options have been exhausted, the officer can deactivate the BWC and document in the report that the citizen did not consent to being recorded inside their residence. At any time, if the officer sees a violation of the law, he/she may activate their BWC for the investigation.

In addition to the above, once the BWC is activated, the entire encounter shall be recorded (video and audio) without interruption (continuous recording) unless a clear, articulable reason to discontinue recording occurs. In that case, the officer will state the reason for stopping the recording, when practical. If an officer discontinues recording an encounter for any reason and then finds it necessary to take law enforcement action, the officer shall reactivate the camera when it is safe and practical to do so.

In addition, officers or other assigned personnel may stop recording for the following reasons:

1. Upon direction by a supervisor (The supervisor will be responsible for providing the reason why they asked for the officer to stop recording)

2. After clearing the call for service.

3. Strip Searches:

   (1) Prior to conducting a strip search, the officer will record a three hundred sixty (360) degree video of the location where the strip search will be conducted. During the actual strip search, the BWC shall be utilized to only capture audio of the event by positioning the camera away from the subject of the search.

4. When there is a clear and articulable reason to believe recording will create unintended hostility between the officers and citizens. In those cases, the officer will explain the specific reason for discontinuing the recording. If the officer expects to take law enforcement action (i.e., make an arrest), the officer will record the entire event.

F. Guidelines for BWC Use: Non-uniformed Personnel

Detectives, undercover operatives, and specialized investigative staff often handle sensitive tasks where constant recording could compromise privacy, witness cooperation, or operational security.

1. It is vital that certain expectations of privacy are observed due to legal requirements or due to other circumstances. Therefore, in certain situations a recording shall not be conducted; unless directed by supervisory staff. Examples of those situations include but are not limited to:

a. On scene Victim/Witness interviews (especially sexual assault or child abuse cases)
b. Confidential informant meetings
c. Undercover operations or surveillance
d. Attorney-client conversations
e. Healthcare or counseling facilities, unless enforcement-related
f. When utilizing sensitive covert equipment
g. For surveillance operations
h. During tactical or investigative planning
i. On-scene investigation
j. While participating in undercover operations
k. Federally assigned Task Force Officers acting under federal policies and participating in an active Federal investigation (otherwise normal restrictions apply)

2. Investigative Personnel assigned a BWC shall activate the camera during any contact involving actual or potential violations of law to include but not limited to:

a. Self-Initiated Traffic Stops
b. Arrests
c. Planned Tactical Operations
d. Planned Search Warrants:

(1) Criminal Investigators who are assigned BWC's shall wear and record the execution of any search warrant. If a criminal investigator is not equipped with an BWC, when practical, should request a uniformed officer accompany them to capture video of the search. If an available NBPD member equipped with a BWC is not available at the time of the search, a duty shift supervisor at the scene will articulate the reasoning and efforts made. The search should not be unreasonably delayed in cases where a BWC is not available.

3. In certain cases where a uniformed Officer(s) assists a detective, there may be a situation where a uniformed officer(s) should not record with their BWC. This decision to terminate recording shall be made by the lead detective and his/her reason should be reflected in their case report. If a detective is unsure whether the assisting officer should terminate their recording, then they should ask their immediate supervisor for guidance.

G. BWC Prohibited Recording: Non-uniformed Personnel

It is vital that certain expectations of privacy are observed due to legal requirements or due to other circumstances. Therefore, in certain situations a recording shall not be conducted. Examples of those situations include but are not limited to:

1. Victims of Sexual Assaults

2. Suspects during Rape Kit Processing

3. Children:

    a. Unless classified as a suspect, at which time the officer will comply with departmental policy 44.2.3
    b. This does not include the normal response or investigations by officers dealing with people under the age of 18 (i.e., a school resource officer)

4. Confidential Informants

5. Hospitals/Doctor's Offices (with some exceptions)

6. Bathrooms

7. Lockers/Dressing Rooms

8. Half-way houses, treatment facilities, sober houses, counseling centers, addiction or mental health treatment facility, or any other similar facility or institution.

9. Strip Searches:

    a. Prior to conducting a strip search, the officer will record a three hundred sixty (360) degree video of the location where the strip search will be conducted. During the actual strip search, the BWC shall be utilized to only capture audio of the event by positioning the camera away from the subject of the search.

10. Attorney-client conversations

H. Special Response Team (SRT) Activation - Special consideration must be given to the activation/deactivation of BWCs during the service of any arrest or search warrant. This is particularly true for SRT deployments during high-risk warrant service attempts or other active scenes. The following criteria shall govern the use of BWCs for SRT personnel:

SRT personnel shall utilize the BWC in the following situations:

1. During any warrant service or high-risk arrest
2. SRT personnel shall activate their BWC on the command of the SRT Commander or SRT Team Leader
3. BWCs will remain activated during the service of a search warrant, knock, and announce warrant, arrest warrant, or during a high-risk traffic stop. BWCs will only be deactivated at the direction of the SRT Commander or SRT Team Leader once the scene is secure and has been turned over to the appropriate investigating unit
4. During any call-out/barricaded subject
5. SRT personnel shall activate their BWC on the command of the SRT Commander or SRT Team Leader prior to the commencement of any planned action
6. BWCs shall be activated during any search of a structure
7. SRT personnel shall activate their BWCs as soon as practical after an unplanned or spontaneous action or use of force, if it is safe to do so
8. BWCs will only be deactivated after a planned action has occurred and at the direction of the SRT Commander or SRT Team Leader
9. SRT personnel shall not record staging area briefings or planning activities

I. Terminating Criminal Investigative Recordings

Stopping an active recording is only permitted when there is no longer any likelihood of recording video that is evidentiary (criminal actions, verbal confessions, etc.)

J. Terminating Non-Criminal Call for Service Encounter Recordings

1. Stopping an active recording based on a required non-criminal call for service will only occur if there is no evidentiary value (security checks, traffic direction, etc.) Officers should be cognizant that the non-criminal call for service encounter with a citizen should be recorded in its entirety.

2. A non-criminal call for service has the potential to turn into a criminal investigation. In those certain situations, the officer shall activate his BWC and ICC as soon as practical.

Unauthorized Recording of Police Employees – Intentional recording of another police employee without the employee's knowledge is prohibited, unless the recording is of a violation of a criminal, traffic, or local law. The camera shall not be used for the recording of an Administrative Investigation without prior approval of the Chief of Police.

K. Axon Respond Livestreaming - Axon Respond provides supervisors with a situational awareness tool that allows supervisors to view officer locations on a map and access live streams from Axon cameras. When a camera is in record mode, authorized users may view a live video feed from that device. Live streaming cannot be accessed when the camera is only powered on and buffering. Cameras cannot be remotely activated to enter Event Mode to allow recording or streaming. Axon body camera will notify users through an audible tone and icon on their device when live stream services are accessed. Personnel accessing a livestream shall notify the assigned officer of the Axon device they are being livestreamed via radio. Livestreaming is not intended to replace proper response by personnel or for purposes other than those outlined below:

1. Coordinating a response to a major incident such as, but not limited to, an active shooter, hostage situation, or civil unrest;
2. Following the location of a pursuit;
3. Identifying the location of an officer in need of assistance or who is not responding or unable to radio communications
4. A hostage/barricade incident
5. At an officer's request.

Live stream viewing will be restricted to the rank of Sergeant and above and Communications Supervisors. GPS shall not be used by Supervisors as the sole basis for discipline. Supervisors will not monitor GPS data in an attempt to detect policy violations. If an independent source or event results in an investigation, GPS data will not be precluded from review and consideration. The radio code to indicate a camera is being livestreamed will be "Signal 6". An officer can request a "Signal 6" and identify which camera they wish to have a supervisor view.

Supervisors who initiate a live stream activation must provide notice by emailing the I.A. Lieutenant through their chain of command. The notice must clearly outline the rationale for the activation. All live stream activations will be reviewed by the I.A. Lieutenant to ensure compliance with this policy.

41.3.9 Security and Access

A. Internal Requests

Officers and other NBPD staff should only request copies of videos for law enforcement or criminal-related purposes.

Copies of videos may be burned to a disk by any Lieutenant. Officers needing a copy of an ICC/BWC for court appearances may submit a request via email to his/her Lieutenant or another Lieutenant if his/hers is unavailable. Once a video is burned to disk, it becomes evidence and will be treated as same, officers will enter the disk into the agencies Records Management System (RMS) under the Originating Complaint Number (OCA) for the case contained on the disk as evidence and will submit the disk into evidence in accordance with departmental guidelines for evidence submission at the end of each scheduled court appearance.

Employees are prohibited from making a copy of any ICC/BWC recording by using another recording device such as a cell phone.

Officers and other NBPD staff should only request copies of videos for official law enforcement purposes.

Due to the amount of time, it may take to locate certain recordings, it is recommended that NBPD staff, other law enforcement officials having criminal justice related needs, or prosecutors having jurisdiction in prosecutorial criminal matters, make all requests for copies well in advance. Some information to consider including in video copy requests that may assist in the location and dissemination of copies is as follows:

1. Requestor's name and contact info (in most cases, only the lead officer/investigator for that recorded incident will be provided with video copies)

2. Reason for request (evidence for court, vehicle crash investigation, training, etc.)

3. Number of video copies needed

4. Date copies are needed by

5. Vehicle numbers and/or officer name(s) from which original recordings were made

6. Approximate date/time of incident recorded in video

B. External requests

All requests made by non-NBPD personnel must be made through the Public Information Officer/Internal Affairs Lieutenant.

The New Bern Police Department will meet all requirements outlined in General Statute § 132-1.4A pertaining to the release of any video or audio recordings. In such cases where the recorded events are made part of a personnel file under NCGS §160A-168 (including but not limited to Internal Affairs Investigations), then, the officer's written consent and authorization must be obtained before any release can be made.

The NBPD may elect to charge a reasonable processing fee for creating and providing copies of videos to external entities/persons.

C. Storage and Retention

Videos that are recorded on the ICC/BWC during a tour of duty will be uploaded to the designated storage location by the employee prior to the end of shift. Employees shall select an appropriate category and identification information for each recording (tagging) to assist with classification. The recordings are stored and able to be retrieved/viewed remotely.

Retention of Recordings. – Any recording subject to the provisions of this section shall be retained for at least the period required by the applicable records retention and disposition schedule developed by the Department of Natural and Cultural Resources, Division of Archives and Records.

Data stored is subject to disclosure and discovery rules as well as the North Carolina Records and Retention Schedule (Municipal). All felony and misdemeanor videos of evidentiary value videos shall be marked "misdemeanor" or "felony" arrest/case investigation for the purpose of complying with state law evidentiary rules. If the video does not contain evidentiary/investigative materials, it will be marked as "other". Video recordings from all motor vehicle crash scenes must be marked with the corresponding case number. Once marked, these videos will be retained for a period of three (3) years, unless they have been marked as a misdemeanor or felony case. All recordings which have been marked as part of a felony case file, including traffic crashes, will be maintained indefinitely. Any video which is designated as part of a misdemeanor case file will be maintained for a period of three (3) years. Any recording that has not been saved as evidence or made a part of any investigation or claim shall be purged from the server at the end of ninety (90) days, and in accordance with North Carolina Records and Retention laws.

D. ICC/BWC Installation, Repairs, and Inventory

1. Installation

   Installation and repairs shall be coordinated by the ICC/BWC Program Manager and will be handled by an authorized service center for the department's ICC/BWC systems.

2. ICC/BWC Assignment

   Equipment will be assigned to a specific employee and will be issued by the ICC/BWC Program Manager. Based on availability, a spare BWC can be checked out for employees who are not issued a BWC (pending training requirements) or whose BWC is inoperable.

3. Repairs

   Employees shall let his/her immediate supervisors know of any issues/problems with ICC/BWC equipment. Employees or their supervisors shall immediately report any issues involving malfunctioning, broken or missing ICC/BWC equipment to the ICC/BWC Program Manager. The ICC/BWC Program Manager will coordinate all repairs, reassignments, and troubleshooting. The ICC/BWC Program Manager will document reported malfunctions and the solutions to those malfunctions.

4. Inventory

The ICC/BWC Program Manager will maintain an inventory database of all main ICC/BWC components.

5. Training

Only employees who have been trained will be authorized to carry an BWC. Training protocols will be determined by the commander of the Services Division. Employees needing additional training in using the ICC/BWC equipment should contact Service Desk to request such training. Likewise, supervisors who note that any of their subordinates need additional training in ICC/BWC use should contact the Program Manager or Training Sergeant directly. The Service Desk will refer all requests for additional training to the ICC/BWC Program Manager for follow-up.

E. Documented Review of ICC/BWC (CALEA 41.3.10 e)

A monthly audit of ICC/BWC footage will be conducted by the employees first line supervisor and documented. Internal Affairs will be responsible for auditing the monthly audit reports. A minimum of 5 randomly selected videos will be viewed to meet the audit requirement.

F. Annual Administrative Review (CALEA 41.3.10 f)

An annual administrative review of the ICC/BWC program will be conducted by a Captain designated by the Chief of Police. This review will cover equipment issues, organizational integrity, future training on issues that were discovered in reviewing ICC/BWC, and policy/procedure compliance. This review will ensure the training and operational practices are consistent with the agency's mission, vision, and values. This annual review will be reviewed by the Chief of Police.

41.3.10 Response to ShotSpotter Notifications

A. Purpose

The New Bern Police Department utilizes gunshot detection technology to enhance its response to incidents of illegal gunfire in designated geographic areas. The ShotSpotter system, provided by SoundThinking, is the department's current vendor for gunshot detection services. This program enhances the department's ability to quickly respond to, and investigate, violent crime and other incidents involving gunfire. This system also helps to quickly identify any victims, suspects, witnesses and/or evidence to the incident. The purpose of the system is to reduce violent crime and incidents of indiscriminate gunfire in New Bern.

The combination of real time alerts and accumulated data with accurate incident locations significantly changes how law enforcement officers respond and investigate gunfire incidents. This technology allows officers to quickly determine the severity of the incident, which helps determine the appropriate level of field response, including the dispatching of emergency medical personnel, investigative units, crime scene investigators and additional support units. ShotSpotter incidents may be replayed to hear the actual audio component of the incident, aid in the collection of evidence at crime scenes and assist in the investigation and prosecution of crimes.

The availability of current and historical gunfire incident location information allows these incidents to be addressed on both a short-term tactical/operational and a long-term strategic/proactive basis.

B. Definitions

ShotSpotter Gunshot Detection System: Technology that detects outdoor audible gunfire within the coverage area through the use of acoustic sensors capable of pinpointing the accurate location of a gunfire event.

ShotSpotter Alert: An event of suspected gunfire.

ShotSpotter Application: A mobile password protected console available to authorized New Bern Police Department personnel that provides a visual map representation and address of a gunfire alert.

C. Response Procedures

1. Initial Assessment / Dispatching

Communications will monitor and dispatch the ShotSpotter Alert from the ShotSpotter application dashboard and/or after being relayed the alert from sworn personnel. These events will be immediately communicated over the main radio channel as a delta response (priority 2) and the Telecommunicator or Officer will relay the following information regarding the alert:

a. The address provided by the ShotSpotter application which is the closest property address to the location of the "dot". The "dot" is the center of a 25-meter circle in the ShotSpotter application which represents the approximate location of the shooter. Telecommunicators or officers will direct responding personnel to the exact location of the "dot" in relation to the address.

b. Severity of the incident (single shooter firing a single round, single shooter firing multiple rounds, multiple shooters, suspect movement); and

c. Provide information of additional calls of the incident by citizens.

d. On-Duty Officers who receive ShotSpotter alerts may respond accordingly in a delta response (priority 2) and will notify a dispatcher upon their arrival. The On-Duty Supervisor can up-grade or down-grade the priority response to the responding officers if needed.

e. Upon responding to a ShotSpotter incident, officers will immediately activate their BWC.

f. A minimum of two (2) officers will respond to all ShotSpotter calls. Upon confirmation of an actual shooting, on-scene units shall request additional resources and EMS from Communications as needed. Call-outs of Detectives from Investigations will be coordinated through the on-duty Supervisor.

C. Officer Responsibilities

1. When Officers go in-service, they shall do the following:

    a. Log onto the ShotSpotter application.

    c. Remain logged into the application for the duration of their shift and monitor the application for alerts.

    d. At the end of their shift, Officers should log out of the application.

2. Responding officers shall treat ShotSpotter incidents as high-risk crimes in progress and shall take a safe and strategic approach to the incident, anticipating that the perpetrator may still be armed and dangerous and on-scene. In addition, when practical and safe to do so, responding Officers should review the ShotSpotter application for relevant information and the satellite map provided.

3. When responding to ShotSpotter incidents, Officers should take a tactical approach. This could include setting a perimeter, staging at possible access and exit routes to intercept potential fleeing suspects, and requesting K-9 units when applicable.

4. When available, the responding Officers will review any corresponding video from available video surveillance systems in the area that could have visibility of the crime scene and will inform the responding officer(s) of any pertinent intelligence and/or safety-related information.

5. Responding officers shall canvass the precise location 25 meter "halo" identified via the ShotSpotter system for victims, evidence, suspects and/or potential witnesses. Officers will canvass the immediate area and check on the well-being of nearby residents when practical and safe to do so and within applicable law. The canvas will include exiting their patrol vehicle and walking the entire 25-meter halo area, at a minimum. If response to an unconfirmed report occurs after sunset, the area should be re-canvased during daylight hours. Notification should be made to the oncoming shift supervisor to ensure the follow-up is completed and documented.

6. Responding officers shall complete a case report in the records management system documenting their investigative activity to include area searches, witness interviews, and evidence collection for every response to a ShotSpotter Alert. The officer shall also attach an Investigative Lead Summary (ILS) from ShotSpotter to the case report.

D. Supervisor Responsibilities

1. The Chief of Police will designate a ShotSpotter Program Manager.

2. ShotSpotter detection calls shall not be canceled.

3. Supervisors shall ensure that all sworn employees are in compliance with this policy.

4. Supervisors shall monitor the collection and preservation of evidence processed by their subordinates in accordance with applicable Department policies.

5. ShotSpotter Program Manager or designee shall be responsible for training employees in the use of the ShotSpotter Gunshot Detection and Alert System.

6. Patrol Supervisors and the Violent Crime Unit Supervisor will be responsible for reviewing ShotSpotter data supplied by the Crime Analysis Unit in order to identify and respond to trends.

7. If ShotSpotter was activated by a confirmed source other than a firearm discharge, the Duty Supervisor shall ensure an email is sent to Support@soundthinking.com and carbon copy the Program Manager by the end of their shift stating the misidentification for appropriate handling. ShotSpotter will use this data to hone their gunshot detection system.

8. In the event of a discharging incident that occurs within the coverage area, but does not activate an alert, the Duty Supervisor shall ensure that SoundThinking is notified via email at Support@soundthinking.com and carbon copy the Program Manager within 24 hours. The email should include the date, time, and exact location(indoor/outdoor), caliber and number of rounds/casings, and any other relevant information.

9. All ShotSpotter incidents will be added to the Command Duty Report (CDR) at the end of the shift by the on-duty supervisor.

F. Detective Responsibilities

1. Detectives will be trained to access the ShotSpotter acoustic surveillance data through the Investigative (InSight) Portal.

2. Detectives will be trained to access, extract incident data, and evaluate and present incident data in preparation for prosecution.

3. Investigative Lead Summary (ILS) reports memorialize ShotSpotter alerts and include incident locations, approximate round counts, and audio clips. ILS reports should be included in all cases files where an incident report was completed related to a ShotSpotter alert. ILS reports are available through the ShotSpotter and Insight applications.

4. Detectives will be given access to audio recordings in the ShotSpotter application associated with a shooting incident to assist in the recreation of the crime scene. Data provided will assist the investigator in determining a timeline of rounds discharged and the likely number of shooters.

5. ShotSpotter sensors hold audio for 24 hours. Generally, ShotSpotter only provides audio for the portion of the event where gunfire is detected. In situations where Detectives believe that audio related to gunfire was missed by the system, they will need to contact SoundThinking within the 24-hour incident window. They should be specific in their request to ShotSpotter and limit the time-frame relevant to the investigation.

6. For the purpose of prosecution, Detectives shall know the process for acquiring detailed forensic reports (DFRs) of an incident and the securing of expert witnesses relative to ShotSpotter data.

7. All incident and case reports will clearly notate a ShotSpotter incident with all relevant data contained within the report if it is related to a criminal case investigation by including the ILS report.

G. Evidence Collection at Scene

1. All pertinent evidence will be collected on scene, notated on the case report, and submitted into evidence. If evidence is located, it will be photographed in place, prior to collection. Patrol Officers will hold the crime scene until the Criminal Investigations Unit Supervisor determines if the Forensic and Evidence Unit will respond or if Patrol will document and recover the evidence.

2. In cases where no Detectives are responding, the Patrol Officer originating the report shall be responsible for ensuring the scene is documented, processed, and the evidence is collected and submitted into evidence. Personnel will wear disposable gloves when handling all evidence and package evidence appropriately.

3. Shell casings should be collected at the scene of ALL alert incidents, regardless if a victim is struck or located, and submitted into evidence. This will facilitate the subsequent investigation of all crimes that are linked to the same weapon regardless of the accuracy or intent of the shooter.

4. Sworn personnel responding to ShotSpotter alerts will record Ground Truth information (or lack thereof) utilizing the Ground Truth feature within the ShotSpotter application. This will be completed prior to personnel clearing from the scene. Crime Analysis will include Ground Truth information in their ShotSpotter data collection.

H. Crime Analysis Utilization

1. The Intelligence Detective will use crime data, calls for service data, and ShotSpotter data to assist the Department in identifying appropriate locations to deploy Department resources.

2. The Intelligence Detective will be provided access to accumulated ShotSpotter surveillance data so that potential gunfire related trends may be identified. This data will be incorporated into crime meetings for response/planning of tactical and strategical operations.

3. The Intelligence Detective will complete a ShotSpotter report twice monthly.

I. Program Management / Privacy Policy

1. The Program Manager shall maintain a thorough and general knowledge of the ShotSpotter system operation.

2. The Program Manager shall act as a liaison with the various operational units of the organization that have access and utilize ShotSpotter.

3. Police personnel shall not provide to the public the location or description of the ShotSpotter sensors. This information is confidential and solely belongs to ShotSpotter.

4. ShotSpotter cannot be used for live streaming or audio surveillance. It is prohibited to send requests for audio at a specific location, or for audio before or after the audio clip provided with a detection incident. Any voices captured during a ShotSpotter incident during the segment of gunfire is coincidental to the incident and is unlikely the voices connected to the shooting. ShotSpotter's Community Privacy Protections can be found at https://www.soundthinking.com/privacy-policy/

41.4.1 Internet Usage

Unnecessary or unauthorized Internet usage causes network and server congestion. This slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for this agency and the City and expose us to significant legal liabilities.

Our agency has software and systems in place that monitor and record all Internet usage. Our security systems are capable of recording (for each user) each World Wide Web site visit, each chat, newsgroups, or e-mail message and each file transfer into and out of our internal networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage. All Internet activity is subject to review and usage patterns analyzed. This information may be publicized to ensure that agency Internet resources are devoted to maintaining the highest level of productivity.

The display of sexually explicit materials including but not limited to images, documents, files, text, etc., on any Department system is a violation of this policy. In addition, sexually explicit material may not be archived, stored, distributed, edited, or recorded using the network or computer resources, unless the access, display, archival, storage, distribution, editing, or recording is done within the scope of the employee's responsibilities and are necessary to perform his/her assigned duties.

If you find yourself connected incidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program. Written documentation on the incidental connection, containing the date, time and URL of the site, must be provided to the Support Services Lieutenant.

When an individual participant is identified as an employee or agent of this agency, the employee must refrain from any political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the department of any commercial product or service.

Employees using agency network or Internet resources to access personal or non-agency Internet e-mail accounts may access those accounts only after providing their account provider information, user ID's and account passwords to the Network/Systems Administrator.

Employees are also hereby notified that non-agency Internet e-mail accounts that have been, or are, used for work related issues are subject to the same Public Record Access laws as those Internet e-mail accounts that are issued by the agency for work related use.

Information obtained from the Division of Criminal Information computer system interface may not be forwarded, copied, distributed or published via any Internet file transfer, e-mail, chat group, or messaging system.

Due to the high risk of a breach in network integrity and security, employees are prohibited from using real time, live chat programs such as ICQ, MIRC, and IM on any systems connected to the agency's network. These programs are highly exploitable and would allow outside intruders' access to the systems and information on the agency's network.