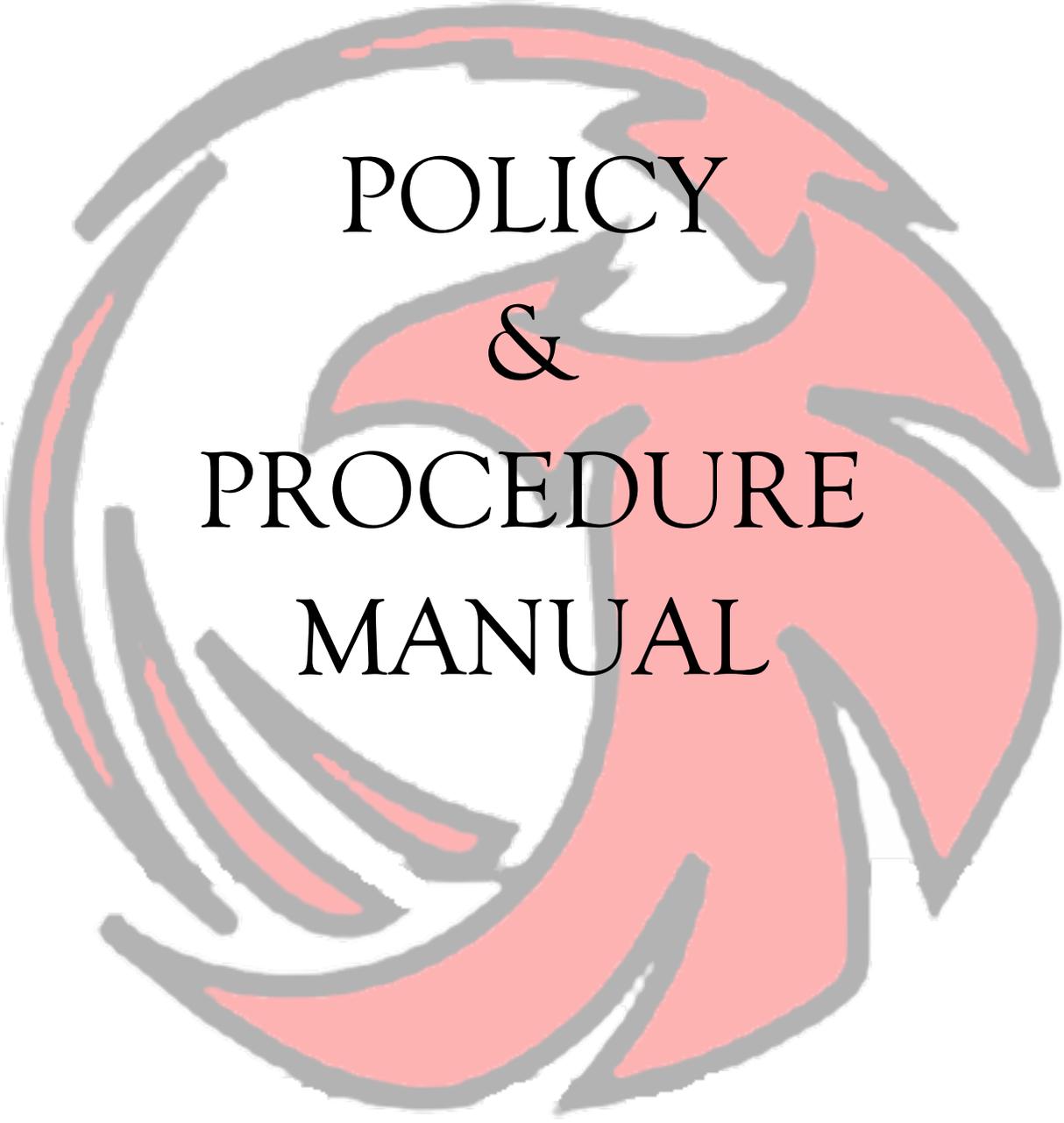


# Phoenix Special Police

The logo is a circular emblem with a red and grey color scheme. It features a stylized, swirling design that resembles a phoenix or a flame, with the red filling the central and outer areas and grey outlines defining the shape. The text is centered within the emblem.

POLICY  
&  
PROCEDURE  
MANUAL

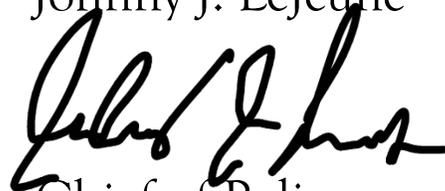
May 1<sup>st</sup>, 2018

Phoenix Special Police is a diverse, multifaceted agency which provides many law enforcement functions to the citizens of North Carolina. The goal of this agency is to serve these citizens by enforcing the laws of this state with honor and fairness while providing all of its officers and employees with competent and complete training, equipment, and all other tools needed to perform their duties to the best of their abilities.

Phoenix Special Police takes great pride in fulfilling its mission, committing a full-time effort to the delivery of quality service to our clients and the citizens of North Carolina.

The policies and procedures contained in this manual have been written to assist and guide all members of this agency in achieving these goals in order to better serve our clients and community. Although the subject matter of some of these policies may fall outside the general capabilities or scope of our agency, we believe that in any event (extraordinary or non-extraordinary) we are called to action by our community and/or peers; our officers and personnel should have policy already in place addressing every imaginable scenario they may find themselves in as Law Enforcement Officers.

Johnny J. LeJeune

A handwritten signature in black ink, appearing to read 'Johnny J. LeJeune', written in a cursive style.

Chief of Police

Phoenix Special Police



## MISSION STATEMENT

The mission of Phoenix Special Police is to serve, protect, and defend the citizens of North Carolina, as well as the lawful interests and property of our clients against all unlawful activities that may arise within the scope of our charter. We will operate within the laws of the State of North Carolina and the United States of America.

We will ensure that justice and mercy guide us, and the well-being of the public and our clients will be our primary goal. We will serve with compassion and dignity and will exhibit the best qualities of integrity and accountability in our service in both public and private. We will ever be vigilant that we serve all citizens and clients equally and loyally without thought of race, creed, religion, orientation, identity, or station in life.

**All Phoenix Special Police Officers will operate within the scope of this statute, and no portion of this policy manual (in part or in whole) should be construed in any way to supersede the parameters of 74E**

**§ 74E-6. Oaths, powers, and authority of company police officers.**

(a) Requirements. - An individual who is commissioned as a company police officer must take the oath of office required of a law enforcement officer before the individual assumes the duties of a company police officer. The person in each company police agency who is responsible for the agency's company police officers must be commissioned as a company police officer.

(b) Categories. - The following three distinct classifications of company police officers are established:

- (1) Campus Police Officers - Only those company police officers who are employed by any college or university that is a constituent institution of The University of North Carolina or any private college or university that is licensed or exempted from licensure as prescribed by G.S. 116-15, and who are employed by a campus police agency that was licensed pursuant to this Chapter prior to the enactment of Chapter 74G of the General Statutes.
- (2) Railroad Police Officers - Those company police officers who are employed by a certified rail carrier and commissioned as company police officers under this Chapter.
- (3) Special Police Officers - All company police officers not designated as a campus police officer or railroad police officer.

(c) All Company Police. - Company police officers, while in the performance of their duties of employment, have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on any of the following:

- (1) Real property owned by or in the possession and control of their employer.
- (2) Real property owned by or in the possession and control of a person who has contracted with the employer to provide on-site company police security personnel services for the property.
- (3) Any other real property while in continuous and immediate pursuit of a person for an offense committed upon property described in subdivisions (1) or (2) of this subsection.

Company police officers shall have, if duly authorized by the superior officer in charge, the authority to carry concealed weapons pursuant to and in conformity with G.S. 14-269(b)(4) and (5).

(d) Campus Police. - Campus police officers have the powers contained in subsection (c) of this section and also have the powers in that subsection upon that portion of any public road or highway passing through or immediately adjoining the property described in that subsection, wherever located. The board of trustees of any college or university that qualifies as a campus police agency pursuant to this Chapter may enter into a mutual aid agreement with the Governmentboard of a municipality or, with the consent of the county sheriff, a county to the same extent as a municipal police department pursuant to Chapter 160A.

(e) Railroad Police. - Railroad police officers have the powers contained in subsection (c) and also have the powers and authority granted by federal law or by a regulation promulgated by the United States Secretary of Transportation. Notwithstanding any of the provisions of this Chapter, the limitations on the power to make arrests contained in subsection (c) above, shall not be applicable to railroad police officers commissioned by the Attorney General pursuant to the authority of this Chapter.

(f) Repealed by Session Laws 2005-231, s. 3, effective July 28, 2005.

(g) Exclusive Authority. - Notwithstanding any other provision of law, the authority granted to company police officers shall be limited to the provisions of this Chapter.

(h) Mutual Aid Agreements. - All company police agencies that qualify pursuant to this Chapter may enter into mutual aid agreements with the Government board of a municipality or, with the consent of the county sheriff, a county to the same extent as a municipal police department pursuant to Chapter 160A of the General Statutes.

(i) As-Needed Assistance. - All company police may provide temporary assistance to a law enforcement agency at the request of the head of that agency, or the head of that agency's designee, such as the sheriff or chief of police, regardless of whether there is an agreement in place under subsection (h) of this section. While acting pursuant to this section, a company police officer shall have the same powers vested in law enforcement officers of the agency asking for temporary assistance, but shall not be considered an officer, employee, or agent of the law enforcement agency asking for temporary assistance. Nothing in this subsection shall be construed to expand company police officers' authority to initiate or conduct an independent investigation into violations of criminal laws outside the scope of their subject matter or territorial jurisdiction. (1871-2, c. 138, s. 53; Code, s. 1990; Rev., s. 2607; 1907, c. 128, s. 2; c. 462; c. 470, ss.3, 4; C.S., ss. 3483, 3485; 1933, c. 134, s. 8; 1941, c. 97, s. 5; 1943, c. 676, s. 2; 1959, c. 124, s. 1; 1963, c. 1165, s. 2; 1965, c. 872; 1969, c. 844, s. 8; 1977, c. 148, s. 4; 1981, c. 884, s. 4; 1987, c. 469; 1989, c. 518, s. 1; 1991 (Reg. Sess., 1992), c. 1043, s. 1; 1997-441, s. 1; 1999-68, s. 3; 2005-231, s. 3; 2006-259, s. 5(b); 2017-57, s. 17.2(a).)

**All Phoenix Special Armed Officers will operate within the scope of this statute, and no portion of this policy manual (in part or in whole) should be construed in any way to supersede the parameters of 74C**

**§ 74C-3. Private protective services profession defined.**

(a) As used in this Chapter, the term "private protective services profession" means and includes the following:

- (1) Armored car profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration provides secured transportation and protection from one place or point to another place or point of money, currency, coins, bullion, securities, checks, documents, stocks, bonds, jewelry, paintings, and other valuables. This definition does not include a person operating an armored car business pursuant to a motor carrier certificate or permit issued by the North Carolina Utilities Commission which grants operating rights for such business; however, armed armored car service guards shall be subject to the provisions of G.S. 74C-13.
- (2) Repealed by Session Laws 1983, c. 786, s. 2.
- (3) Redesignated as (a)(5a) by Revisor of Statutes. See Editor's notes.
- (4) Courier service profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration transports or offers to transport from one place or point to another place or point documents, papers, maps, stocks, bonds, checks, or other small items of value which require expeditious services. Armed courier service guards shall be subject to the provisions of G.S. 74C-13.
- (5) Detection of deception examiner. - Any person, firm, association, or corporation which uses any device or instrument, regardless of its name or design, for the purpose of the detection of deception or any person who reviews the work product of an examiner including charts, tapes or other methods of record keeping for the purpose of detecting deception or determining accuracy.
- (5a) Electronic countermeasures profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration discovers, locates, or disengages by electronic, electrical, or mechanical means any listening or other monitoring equipment surreptitiously placed to gather information concerning any individual, firm, association, or corporation.
- (6) Security guard and patrol profession. - Any person, firm, association, or corporation that provides a security guard on a contractual basis for another person, firm, association, or corporation for a fee or other valuable consideration and performs one or more of the following functions:
  - a. Prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property.

- b. Prevention, observation, or detection of any unauthorized activity on private property.
  - c. Protection of patrons and persons lawfully authorized to be on the premises or being escorted between premises of the person, firm, association, or corporation that entered into the contract for security services.
  - d. Control, regulation, or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of properties.
- (7) Guard dog service profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration contracts with another person, firm, association, or corporation to place, lease, rent, or sell a trained dog for the purpose of protecting lives or property.
- (8) Private detective or private investigator. - Any person who engages in the profession of or accepts employment to furnish, agrees to make, or makes inquiries or investigations concerning any of the following on a contractual basis:
- a. Crimes or wrongs done or threatened against the United States or any state or territory of the United States.
  - b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.
  - c. The location, disposition, or recovery of lost or stolen property.
  - d. The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to properties.
  - e. Securing evidence to be used before any court, board, officer, or investigative committee.
  - f. Protection of individuals from serious bodily harm or death.
- (9) Special limited guard and patrol profession. - Any person who is licensed under Chapter 74D of the General Statutes of North Carolina and provides armed alarm responders pursuant to G.S. 74C-13. Applicants for this limited license shall not be required to meet the experience requirements for a security guard and patrol license. Any experience gained under this limited license shall not be counted as experience for a security guard and patrol license.

## **Section 1: Administrative Matters**

1. Organizational Structure
2. Residency Requirements
3. Secondary Employment
4. Grievance Procedures
5. Civilian Ride-Along Program
6. Phoenix Special Police & SAS Personnel Policy
7. Intern Program
8. Polygraph
9. Post-Conditional Offer Testing
10. Chaplaincy Program

## **Section 2: Personal Conduct**

1. Disciplinary Procedures / Rules of Conduct
2. Internal Affairs / Citizen Complaints
3. Harassment in the Workplace
4. Use of Force
5. Personal Web Pages and Sites
6. Bias-Free Policing Policy

## **Section 3: Communications and Correspondence**

1. Written Communications
2. Central Communications Center (C-Com)
3. NCIC/DCI Entries and Clearances
4. News Media Relations
5. Victim Notification Requirements
6. Mobile Computer Terminals (MCT)

## **Section 4: Training and Career Development**

1. Training
2. Promotional Process
3. SAS Matriculation

## **Section 5: Support Operations**

1. Special Response Team
2. Computers and Other Electronic Communication
3. Service Dogs
4. Honor Guard / Funeral Services / Color Guard
5. SUAS (Drone)

## **Section 6: Evidence and Property**

## **Section 7: Vehicle Operations**

1. Vehicle Pursuits
2. Emergency Vehicle Operation
3. Vehicle Lock-Outs
4. Towing, Storage, and Disposition of Vehicles
5. Vehicle Accidents
6. In Car Camera Systems
7. Seat Belts

## **Section 8: Operational Procedures**

1. Hostage / Barricaded Persons Situations
  2. Handling and Transport of Persons
  3. Missing Child Investigations
  4. Checkpoints
  5. Suspect Identification
  6. Domestic Violence
  7. Naloxone
-

## **Section 9: Equipment, Uniforms, and Appearance**

- 1. Equipment, Uniforms, Supplies, and Reports**
- 2. Uniform Policy / Dress Code**
- 3. Personal Appearance**
- 4. Officer Identification**
- 5. Military Courtesy**
- 6. Court Protocol**

## **Section 10: Legal Process**

- 1. Civil Process**
- 2. Criminal Process**
- 3. Return of Service: Criminal Process**

## **Section 11: Administrative Orders**

## **Section 1: Administrative Matters**

1. **Organizational Structure**
  2. **Residency Requirements**
  3. **Secondary Employment**
  4. **Grievance Procedures**
  5. **Civilian Ride-Along Program**
  6. **Phoenix Agency Personnel Policy**
  7. **Intern Program**
  8. **Polygraph**
  9. **Post-Conditional Offer Testing**
  10. **Voluntary Chaplin Program**
-

# **PHOENIX SPECIAL POLICE**

**TITLE:** ORGANIZATIONAL STRUCTURE  
**POLICY#: I-I** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish the organizational structure and components of the Phoenix Special Police.

**POLICY:** It shall be the policy of Phoenix Special Police to establish an organizational structure for the agency which demonstrates the relationships and a chain-of command of its various components and divisions.

## **I. ORGANIZATION**

A. Phoenix Special Police is organized into the following principle functional areas:

- S-1 Personnel & Training Division
- S-2 Investigations and Intelligence Division
- S-3 Operations Division
- S-4 Equipment and Supply Division
- S-5 Civilian and Community Division
- S-6 Communications and IT Division

B. Each division supervisor will report directly to his/her respective administrator, who will report to the Chief of Police.

## **II. S-1 PERSONEL & TRAINING DIVISION**

This division is responsible for various administrative and support functions in the Phoenix Special Police. This division consists of the following subdivisions

- Human Resources
  - Payroll
  - Training
  - Civilian Training
  - Client Services
  - Sales
-

### **III. S-2 INVESTIGATIONS DIVISION**

This division is responsible for the investigation of crimes, recovery of property, and the apprehension of offenders. This division includes the following subdivisions:

- Criminal Investigations (CID)
- Private Investigations
- Civil Process
- Evidence/Property Control

### **IV. S-3 OPERATIONS DIVISION**

This division has the primary responsibility of safeguarding clients and property. The division will concentrate on the prevention and suppression of criminal activity, apprehension of offenders, preservation of peace, and protection of life and property. Patrol platoons will provide seven-day, twenty-four coverage for clients as directed by contract.

- Patrol
- K-9
- Special Operations

### **V. S-4 Logistics and Supply**

This division has the primary responsibility of supplying the agency with operational and administrative supplies, equipment, and uniforms

### **VI. S-5 Civil and Community Division**

In addition to the two (2) Director divisions of the Phoenix Special Police, several other divisions or assignments have been established which provide specialized functions within this Office and/or to the community:

- A. Personnel / Training
  - B. Emergency Management
  - C. Public Information Office
  - D. Grants and Planning
  - E. Special Response Team
-

## **VII. S-6 Communications and IT**

This division has the primary responsibility of communications support for the agency as well ensuring the security and upkeep of the agency's information technology.

- Dispatch Communications
- IT & Cybersecurity Department

## **VIII. ORGANIZATIONAL CHARTS**

Organizational charts will be established which reflect the organizational structure, relationships, and chain-of-command of the various divisions and components of this Office. When changes are made in the structure and/or relationships of these divisions or components, organizational charts or memoranda will be published and distributed to members of this agency reflecting such changes, at the discretion of the Chief.

# **PHOENIX SPECIAL POLICE**

**TITLE: RESIDENCY REQUIREMENTS**

**POLICY #: I-II EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** To establish residency guidelines for Phoenix Special Police employees.

**POLICY:** By the nature of the job, employees of the Phoenix Special Police are subject to be recalled to duty during unusual or exigent circumstances. In the event of a recall, agency personnel must be able to respond in a timely manner; therefore, all Phoenix Special Police employees must live within 2 driving hours of Phoenix Special Police headquarters.

## **PROCEDURE:**

### **I. RESIDENCE REQUIREMENTS**

All personnel are strongly encouraged to live in the Piedmont/Triad area.

All personnel should live within 2 Hours driving time of the Phoenix Special Police headquarters or field office in order to be hired, employed, and/or maintain certification, if applicable, unless otherwise approved by the Chief.

Driving time shall be measured “door-to-door” from the employee’s residence to headquarters using the most direct route of travel. The Chief shall make the final determination of residency in the event of disputed or marginal mileage measurements.

### **II. CHANGE OF ADDRESS NOTIFICATION**

All employees are responsible to immediately notify the Director of Personnel, and his/her immediate supervisor upon any change of his/her name, address, telephone number, marital status, and/or any other such personal information.

# **PHOENIX SPECIAL POLICE**

**TITLE: SECONDARY EMPLOYMENT**  
**POLICY#: I-III EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** To provide guidelines to employees of the Phoenix Special Police for engaging in secondary employment.

**POLICY:** No employee is authorized to solicit, accept, or perform any secondary employment except with the approval of the Chief in accordance with the procedures established in this policy.

## **PROCEDURES:**

### **I. GENERAL PROVISIONS FOR SECONDARY EMPLOYMENT**

- A. Employment with, and the performance of, assigned duties for Phoenix Special Police shall take precedence over any and all other occupational interests.
- B. Participation in secondary employment is a privilege, not a right. While reasonable efforts will be made to accommodate such employment, the Chief may prohibit any and all employees from participation in all secondary employment, especially if the employment interferes with an employee's regular assignments.
- C. Employees are subject to all rules and regulations of Phoenix Special Police and must conduct themselves according to agency standards while engaged in outside employment. Employees shall comply with all state laws and city/Agency ordinances when performing secondary employment.
- D. Sworn Officers, as members of an emergency services organization, are subject to immediate recall to duty from any secondary employment.

### **II. SECONDARY EMPLOYMENT DEFINED**

**A. Employment:** The provision of a service in exchange for a fee or other service. Employment does not include volunteer charity work or.

Any employment that will not require the use, or potential use, of law enforcement powers by the off-duty employee.

### III. CRITERIA FOR SECONDARY EMPLOYMENT

Secondary employment must meet the following criteria:

- A. Employment of a non-sworn law enforcement nature in which vested law enforcement powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours on duty.
- B. Employment that presents no conflict of interest between an employee's duties with another employer and his/her duties as an Officer or other position within the Phoenix Special Police.
- C. Employment that does not constitute a threat to the status or dignity of Phoenix Special Police or law enforcement. Examples of employment presenting a threat to the status or dignity of the Phoenix Special Police are:
  - 1. Establishments which sell pornographic books, magazines, sexual services, or videos, or that otherwise provide entertainment or services of a sexual nature.
  - 2. Any employment involving the sale, manufacturing or transport of illegal products as the principal business.
  - 3. Any employment that would require working for an employer or under the direction or supervision of any person who has been convicted of a felony or who openly associates with convicted felons or a criminal element known to the Phoenix Special Police.
- D. Employment that does not adversely affect an employee's mental or physical ability to perform the duties or functions of his/her regular position.
- E. Employment that does not compromise or violate the confidentiality of an employee's regular position and that does not compromise the objectivity of services rendered to clients or the public.

#### **IV. SECONDARY EMPLOYMENT APPROVAL**

All requests for secondary employment must be approved by the Chief prior to any such work being performed.

#### **V. AUTHORIZATION TO WORK**

- A. Secondary employment is a privilege granted by the Chief. As such, any agency personnel found to be in violation of this policy or who violates agency policy while working off-duty or extra-duty is subject to having that privilege rescinded.
- B. Authorization to work secondary employment may be rescinded by the Chief or the Director.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: GRIEVANCE PROCEDURES**  
**POLICY#: I-IV EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this order is to establish guidelines and responsibilities for this agency's grievance procedure.

**POLICY:** It shall be the policy of the Phoenix Special Police to have a procedure for filing grievances, in attempts to reduce employee's dissatisfaction, improve morale and to increase the overall perception members have of the Office.

## **PROCEDURE:**

### **I. COORDINATION OF GRIEVANCES:**

- A. The Director will be responsible for coordinating all grievance procedures.
- B. The Director will be responsible for maintaining all files and records pertaining to grievance matters in a safe and secure environment.
- C. The Director will conduct an annual analysis of all grievances in an attempt to identify any addressable problems within the agency. The report shall follow the calendar year.
- D. In the absence of the Director, a person designated by the Chief of Police shall carry out these duties.

### **II. GRIEVABLE MATTERS:**

- A. Concerns over the interpretation of personnel policies, rules or procedures.

- B. Any disciplinary action taken as a result of an interpretation of a violation of a policy, rule or procedure.
- C. Discrimination against an employee (including newly appointed employees) in regards to race, color, sex, age, religion, creed or national origin, sexual orientation or any disability.
- D. Discrimination against any employee for reporting improper or illegal activities.
- E. Employee performance evaluations.
- F. Promotions and any other administrative decisions.

### **III. TIME LIMITS FOR GRIEVANCES:**

All grievances must be filed with the employee's immediate supervisor within five (5) business days from the time the matter occurred or became known to the employee.

### **IV. FILING A GRIEVANCE:**

- A. The grievance must be filed, in memo form, stating the grievance, the facts surrounding the grievance and any allegation of a specific wrongful act, harm done and remedy or adjustment sought.
- B. The employee shall present the grievance to his/her immediate supervisor with a copy being forwarded to the Director or the Chief's designee.
  - i. The supervisor shall sign the memo, noting the date and time it was received.
  - ii. The supervisor shall review the grievance and attempt to resolve the issue to the satisfaction of both the employee and Phoenix Special Police.
  - iii. The supervisor shall review the grievance and attempt resolution, then in writing state the evidence and any other findings made about the allegations, note what methods were used to attempt to resolve the issue and indicate whether a resolution was reached or not.
  - iv. If a resolution was reached, then the supervisor shall forward a summary of the resolution, signed by all parties, to the Director or the Chief's designee.
  - v. If a resolution was not reached, the supervisor shall forward the grievance to the next supervisor in the employee's chain of command, sending a copy to the Director or the Chief's designee.
  - vi. All supervisors within the employee's chain of command, will have five

(5) working days to complete this process, sign the grievance and send it to the next level, whether resolved or not.

- vii. All grievable matters may be appealed through the chain of command up to the Chief who is the final authority.
- viii. All documentation, from all levels, will be sent to the Director or the Chief's designee.

C. The exception to the five (5) days rule shall be when a performance evaluation is contested. Directors and above will have three (3) working days to respond in writing to the employee.

#### **V. EMPLOYEE REPRESENTATION:**

As all grievance matters are internal, administrative matters, employees do not have the right to be represented by counsel. However, employees do have the right to request a fellow member of Phoenix Special Police to accompany them through all stages of the process. This can be any employee from the agency, providing they are not involved with the grievance in any way.

# PHOENIX SPECIAL POLICE & SAS

**TITLE:** CIVILIAN RIDE-ALONG PROGRAM  
**POLICY #:** I-V **EFFECTIVE DATE:** 01-01-2019

**PURPOSE:** The purpose of this policy is to establish guidelines for the Phoenix Special Police civilian ride-along program.

**POLICY:** It is the policy of the Phoenix Special Police that a Officer may have a civilian accompany them during his or her tour of duty, provided that proper advance clearance of the civilian and authorization of the ride-along assignment have been given.

**ELIGIBILITY:** To be eligible to participate in the Phoenix Special Police civilian ride-along program, the civilian must be currently participating as an intern at the Phoenix Special Police. Exceptions are at the discretion of the Chief.

## **PROCEDURE:**

### **I. AUTHORIZATION:**

The Chief or Director, or their designee, may authorize a ride-along assignment after the following steps are completed:

- A. Verifying that the civilian is eligible:
  1. Active intern at the Phoenix Special Police or
  2. An approved exception by the Chief
- B. Conducting or verifying a criminal background check of the interested party after being furnished with the individual's full name, date of birth, and any other information needed to conduct such.
- C. Obtaining any other information requested by the Chief to assist in evaluating the fitfulness of this individual to serve in this capacity.
- D. Obtaining a signed Phoenix Special Police "Waiver, Release, and Hold Harmless Agreement" form signed and dated by the interested party and the authorizing party.

## **II. ASSIGNMENTS:**

The Chief or Director will make civilian ride-along assignments or will assign a designee in a supervisory position to do so. The supervisor in the division in which the civilian is assigned will notify the individual and the Officer as to the time and date of the assignment.

## **III. OFFICER RESPONSIBILITIES:**

- A. An officer assigned to a civilian ride-along must fully acquaint the civilian with the range of a Officer's duties and responsibilities, and of the potential hazards and dangers involved.
- B. The Officer shall notify Central Communications that he/she is being accompanied by a civilian ride-along.
- C. The Officer shall attempt to expose the civilian to law enforcement activities without putting the individual into any hazardous situations.
- D. The Officer shall not allow the civilian to participate in the actual carrying out of any of his or her duties.
- E. The Officer shall not allow the civilian to be privileged to any confidential or sensitive information or situations, nor shall the officer converse with the ride-along about any personnel problems, opinions, or any matter which might place Phoenix Special Police or any of its officers or employees in a poor posture.
- F. When assigned a ride-along individual, the Officer will immediately make known to the supervisor-in-charge any unusual assignment which could present a hazard beyond normal to the civilian, whereby the supervisor will reassign the civilian to another Officer or to another date and time of service.

## **IV. CIVILIAN RESPONSIBILITIES:**

- A. No civilian shall be permitted to carry a weapon of any type during a ride-along assignment with an Officer.
- B. Civilian ride-alongs shall be under the direction and supervision of the Officer with whom they are assigned at all times.

**V. SPECIAL CIRCUMSTANCES:**

- A. During the course of a ride-along assignment, if the Officer or civilian decides that danger is present to the civilian, the officer will discontinue the ride. The Officer may also discontinue a ride if continuing it would threaten the officer's safety or would substantially interfere with the discharge of his or her assigned duties. When discontinuing such a ride under these circumstances, the Officer shall attempt to provide a safe location or attempt to arrange transportation to a safe location, for the civilian as quickly and safely as possible.
  
- B. North Carolina General Statute 15A-405 authorizes a civilian to assist law enforcement officers in making an arrest or preventing an escape from arrest when officers requested assistance. However, a civilian is not legally obligated to assist and is entitled to ignore their request. A person who assists a requesting officer has the same legal rights as does the officer – i.e., the civilian has the same authority to make an arrest or to prevent an escape and is entitled to the same benefits as the officer, such as death benefits and Worker's Compensation. Civilians are not subject to any civil or criminal liability if the arrest was unlawful, unless the civilian had reason to know that it was an unlawful arrest; malicious or negligent conduct, or the use of unreasonable to excessive force by the civilian, is not legally excused or justified while acting in this capacity.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: PHOENIX SPECIAL POLICE & SAS PERSONNEL POLICY**  
**POLICY#: I-VI** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to recognize the Phoenix Special Police and SAS Personnel Policy as providing general information about policies, benefits, and other practices which pertain to individuals employed by Phoenix Special Police & SAS.

**POLICY:** It shall be the policy of the Phoenix Special Police for its employees to use the policies and procedures set out and established by Phoenix Special Police & SAS Personnel Policy as a guide for general practices that apply to Phoenix Special Police & SAS employees.

**PROCEDURE:**

## **PHOENIX SPECIAL POLICE & SAS PERSONNEL POLICIES**

- Phoenix Special Police & SAS Personnel Policy provides general information about policies, benefits, rules, and various practices for employees during their employment with Phoenix Special Police & SAS.
- “This policy is not intended to create a contract, nor is it to be construed to constitute contractual obligations of any kind or a contract of employment between Phoenix Special Police and any of its employees.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: INTERN PROGRAM**  
**POLICY #: I-VII EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** This purpose of this policy is to establish a procedure for application and assignment of interns within Phoenix Special Police. An intern is defined as a student enrolled in a program that is required to perform a stipulated number of hours of service with a Criminal Justice Agency, for which they obtain course credits or otherwise satisfy a curriculum requirement.

**POLICY:** It is the policy of Phoenix Special Police to accept interns under provisions set forth in the body of this procedure. The intern program will be administered by the Director of Training and Personnel or his designee.

## **PROCEDURE:**

### **I. APPLICATION**

- a. Any person who wishes to participate in an intern program must personally contact the Training and Personnel Division for an interview.
- b. An additional interview with the Chief will be required, unless waived by the Chief, for all potential interns.
- c. The Training and Personnel Division will furnish an application to all intern applicants which must be completed in its entirety. The application will be the same used by full-time law enforcement applicants, and will include at least the following:
  - i. A copy of the applicant's driver's license.
  - ii. A copy of the applicant's social security card.
  - iii. A signed, notarized authorization for release of information for a background investigation.
  - iv. Copies of a birth certificate, diplomas, GED, or certified Agency records checks will not be required from the applicant due to cost factors.

### **II. INTERN APPROVAL**

- a. The Training and Personnel Division will perform a background investigation of all intern applicants prior to approval. This will include CRC records checks, as well as character references.

- b. A reference from the program, school, or class requiring the internship will be required. Agility tests and age limitations will be waived.
- c. The Chief or his designee shall have final approval of all interns.

### **III. SPECIAL CONDITIONS**

- a. An intern applicant must be covered by his or her own accident insurance and shall provide verification of such to the Training and Personnel Division.
- b. An intern applicant, if accepted, must sign a notarized agency liability waiver prior to the reporting date of the internship. Should the applicant be under age 18, a parent or guardian shall also sign the aforementioned notarized waiver along with the applicant.
- c. An intern applicant, if accepted, shall not date or socialize off-duty with any member of the agency during the course of the internship.

### **IV. IDENTIFICATION CARDS**

Accepted interns shall be issued an agency photo identification card identifying them as an intern. This card will reflect an expiration date, and will be relinquished at the expiration of the internship.

### **V. REQUIREMENTS DURING INTERNSHIP**

- a. The Training and Personnel Division will provide the Director and the supervisor of the division receiving an intern with a copy of an intern's application prior to assignment.
- b. The Training and Personnel Division will establish a work schedule for the

intern in coordination with the supervisor of the Division affected.

- c. The intern shall be required to comply with all prerequisites set forth by the sponsoring school/college where applicable.
- d. While serving an internship, the student shall comply with all directives, policies, and procedures of Phoenix Special Police where applicable. Special emphasis shall be placed on issues of conduct.
- e. The Training and Personnel Division shall maintain an intern file during the program and for a period of time thereafter to be determined by that Division.
- f. At the completion of an internship, the Training and Personnel Division shall ensure completion of any evaluation of the intern provided by the sponsoring school/college.
- g. The Training and Personnel Division shall conduct an exit interview with the intern at the completion of the program.

## **VI. TERMINATION**

- a. The Director of the Training and Personnel Division, or his designee, shall have the authority to terminate an internship at any time for violation of this policy.
- b. The Chief or his designee may terminate an internship at any time deemed in the best interest of the agency.

# PHOENIX SPECIAL POLICE & SAS

**TITLE: POLYGRAPH**

**POLICY #: I-VIII EFFECTIVE DATE: 01-01-2019**

## **PURPOSE:**

The purpose of this directive is to establish the guidelines for use of technical aids for the detection of deception in criminal investigations, pre-employment evaluations and internal investigations.

## **POLICY:**

It is the policy of the Phoenix Special Police to utilize the polygraph in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be used, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this department and assist in administrative investigations.

## **DEFINITIONS:**

**Polygraph** - An instrument that records continuously at minimum, changes in cardiovascular, respiratory and electrodermal patterns and is used to render a diagnostic opinion as to the honesty or dishonesty of an individual.

## **PROCEDURES:**

### **A. REQUESTING / SCHEDULING POLYGRAPH EXAMINATIONS**

1. Employees of this agency may request a polygraph examination by contacting the examiner directly via email.
2. The following situations are examples when a polygraph examination may be requested:
  - (a) requests from the District Attorney's Office as part of an agreement with the defense attorney or for other investigative purposes.
  - (b) requests from other authorized Criminal Justice Agencies.

- (c) attempts to verify or reconcile statements of suspects/witnesses when alternative investigative means have been exhausted;
  - (d) efforts to confirm or refute an allegation that cannot be verified or disproved by other evidence;
  - (e) efforts to establish probable cause to seek a search warrant;
  - (f) information obtained during the course of an investigation imparts plausible reason to doubt the reliability and impartiality of a witness, victim or suspect.
3. Submission to a polygraph examination must be voluntary and requires the subject's written approval.

## B. PREPARING POLYGRAPH EXAMINATIONS

1. The requesting Officer is responsible for providing the examiner with all pertinent information concerning the case and for reviewing, clarifying or elaborating on that information as the examiner may deem necessary. This includes, but is not limited to:
  - (a) information obtained in the investigation that supports and justifies the use of the polygraph;
  - (b) copies of the investigative reports and supplements;
  - (c) evidence available and withheld from the subject;
  - (d) background information on the subject to be examined to include criminal record and possible motivation;
  - (e) any statements made by the subject, complainants and witnesses to include alibis;
  - (f) assist in formulating the questions to be asked during the polygraph examination.
2. If the subject is hearing impaired or does not speak English, the Officer will help make arrangements for certified sign language interpreter or translator as determined by the polygraph examiner.
3. Officers should not interrogate a subject immediately before he is to take a polygraph.

4. Officers should not attempt to explain polygraph procedures that will be used in the examination but shall advise subjects that the process will be explained fully by an examiner. Officers should advise the following:
  - (a) the examination is voluntary and;
  - (b) the polygraph examination may take up to three (3) hours
5. The requesting Officer will report with the subject and other authorized persons such as attorneys, parents or legal guardians to the examination and will remain until completion of the test.
6. The examiner shall not assume any custodial responsibility for an individual who is incarcerated.
7. Should a conflict arise between the examiner and the requesting Officer, the parties involved shall contact one another immediately to evaluate and resolve the situation.
8. Should the subject be late for, or cancel the appointment, the requesting Officer will immediately notify the polygraph examiner.
9. Polygraph examinations shall be conducted at the most opportune time to obtain the most benefit. If an examiner is not available, the requestor should request another examiner or reschedule the examination.

#### C. LIMITATIONS

1. Polygraph examinations shall not be administered in the following conditions:
  - (a) the examinee is a sworn officer, or civilian employee unless the Phoenix Special Police has an open investigation on the person and the examiner and lead investigator agree that a polygraph would be useful to the investigation;
  - (b) the examinee is a sworn officer, or civilian employee and the investigation is being conducted by or for his/her employing agency, unless a written letter of request from the agency head is received and approved by the Director. The request must concern a criminal violation rather than an administrative inquiry. In particularly egregious or if by

exigent circumstances, the Director may waive this provision;

- (c) the examinee is a sworn Officer, or civilian employee and is being criminally investigated by an outside agency unless the examiner is completely satisfied that the examination is appropriate;
- (d) the examinee is less than fourteen (14) years of age and regardless if he or she is a suspect in the investigation;
- (e) the examinee is less than eighteen (18) years of age, unless written consent is given by at least one parent or legal guardian or upon the order of a Superior Court Judge having jurisdiction in the matter or the examinee has been legally emancipated;
- (f) if after the polygraph examiner makes inquiries of the subjects health, medical history and/or use of medications as necessary to determine his/her ability to take the examination and reasonably believes the subject to be physically or emotionally unsuitable for testing. This may include, but is not limited to, person with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with the test results. When in doubt, the examiner may seek the guidance from medical or psychological professionals and/or request the examinee to obtain a medical certificate from an appropriate health care provider.
- (h) the examiner is actively involved in the investigation;
- (i) if the examiner has knowledge beforehand that the subject has been examined by another examiner concerning the same matter, unless both examiners have conferred with each other regarding the matter;
- (j) the examinee has been tried, convicted, and sentenced in the matter;
- (k) the examinee has been examined by a private examiner on the same matter, unless approved by the Director, or his designee;

- (l) at least one (1) officer involved and/or familiar with the investigation is not immediately available during the examination;
  - (m) the examinee is a victim, unless there exists articulable circumstances that raise a reasonable concern as to his/her veracity in the matter at hand;
  - (n) the examinee has been examined on the same issue by a law enforcement examiner and a conclusive opinion was obtained.
  - (o) an examination will cease immediately if requested by the subject.
  - (p) No examination shall include questions of a participant's personal traits or habits without proper justification.
2. No examiner shall express an opinion as to the following:
- (a) an examination conducted by another examiner, unless he/she was present during the examination or has been requested by the original examiner to give an opinion;
  - (b) an examination given by anyone other than an Phoenix Special Police examiner unless approved by the Director.

#### D. CONDUCTING POLYGRAPH EXAMINATIONS

1. Only polygraphists who have successfully completed a basic course in Forensic Psychophysiology and hold a certificate or an intern polygraphist under their direction are authorized to administer polygraph examinations;
2. For the purposes of criminal investigations, Phoenix Special Police shall administer polygraph examinations only to those who volunteer to submit to such an examination;
3. For the purposes of administrative investigations, Phoenix Special Police shall administer polygraph examinations only to those who are under investigation and volunteer to submit to such an examination. Refusal to submit to an examination will be considered insubordination and grounds for dismissal;
4. Results of the polygraph examination shall not be used as the sole purpose for an employee's termination

5. For the purposes of pre-employment evaluations, Phoenix Special Police shall administer polygraph examinations only to those who have been approved for testing by a background investigator and after pre-screening is completed;
6. Prior to the test, the examiner will explain the polygraph procedure to the subject and prepare him/her for the examination;
7. After the test, the examiner shall give the examinee a reasonable opportunity to explain any reactions on the charts;
8. The examiner will be responsible for preparing all questions used in the examination. Prior to the examination, each test question will be reviewed with the subject being tested;
9. The examiner will independently interpret the chart tracings and render an opinion on findings during an examination that includes one of the following:
  - (a) No Deception Indicated;
  - (b) Deception Indicated; or
  - (c) Inconclusive.
10. In criminal/administrative investigations, the examiner will supply a report to the requesting party indicating the results of the examination. The report will include:
  - (a) the questions that were asked of the examinee;
  - (b) the answers provided by the examinee;
11. The results of all administrative or pre-employment examinations will be turned over to the requestor or Director respectively.

E. POLYGRAPH EXAMINATION REQUIREMENTS

1. Polygraph examiners shall comply with the following:
  - (a) Obtain written consent from the individual to be examined which shall be signed in the presence of both the examiner and examinee. The consent form shall include a statement advising the examinee that he/she may terminate the examination at any time;

- (b) The examiner shall not issue an examination report which is misleading, biased, or falsified;
- (c) Each examination report shall be a factual, impartial, and an objective account of the pertinent information developed during the examination along with the examiner's professional conclusion, based on the analysis of the charts;
- (d) An examiner shall not make a conclusive verbal or written examination report without having administered three (3) or more tests consisting of the same questions;
- (e) An examiner shall not inquire into the sexual conduct or preferences of a person to whom a polygraph examination is being given unless pertinent to an alleged sex-related crime, nor shall an examiner inquire into the activities, affiliations or beliefs on religion, politics or race, except where there is specific relevancy to an investigation.
- (f) All individuals in a custodial situation must be advised of their Constitutional rights regarding self-incrimination prior to questioning by a polygraph examiner.

F. RECORDING AND RETENTION OF POLYGRAPH RESULTS

1. Polygraph examinations may be audio and/or video recorded at the discretion of the examiner or at the direction of the Director.
2. Polygraph examinations shall not be observed or listened to by anyone unless:
  - (a) he/she is involved in the investigation;
  - (b) he/she has an investigative interest in the examination; and
  - (c) he/she is granted permission to do so by the examiner. Granting permission shall be at the discretion of the examiner and may be withdrawn at any time.
  - (d) No person other than the examiner and the examinee shall be allowed inside the examination room during any phase of the procedure unless deemed appropriate and necessary by the examiner.

- (f) All aspects of the polygraph examination including interviews, charts, recordings, and reports shall be kept for a minimum of three (3) years and shall not be destroyed without the prior approval of the original examiner and the Director.

G. CALIBRATION OF THE POLYGRAPH INSTRUMENT

- 1. A polygraph examiner shall calibrate the instrument at least quarterly and keep a signed and dated record of the dates of calibration.

# **PHOENIX SPECIAL POLICE & SAS**

## **TITLE: POST-CONDITIONAL OFFER TESTING**

**POLICY #: I-IX**

**EFFECTIVE DATE: 03/01/2016**

### **PURPOSE:**

To establish procedures by which qualified applicants are selected for employment with this agency.

This order consists of the following numbered sections:

- H. Achievement Strategy
  - I. Medical Evaluation
  - III. Polygraph Examination
  - IV. Drug Screening
  - V. Psychological Interview

### **I. ACHIEVEMENT STRATEGY**

Applicants who are selected to receive a conditional offer of employment shall undergo additional tests to determine their suitability for Officer or civilian positions. The tests are designed to assess the applicant's psychological adjustment and integrity.

### **II. MEDICAL EXAMINATION**

Per North Carolina Administrative Code (NCAC 09B.0104), prior to appointment to probationary status as a Officer Chief or , a physician will examine each applicant to certify his/her general health and physical suitability for the position sought. Signed medical examination forms will be made available to the Polygraph Examiner along with the applicants file.

### **III. POLYGRAPH EXAMINATION**

A. The applicant will take a polygraph examination which will serve as an investigative aid. The polygraph examination questions may be drawn from the following areas:

- \* Truthfulness
- \* Drug Usage
- \* Alcohol Usage
- \* Criminal Activity
- \* Application Materials

**\* Outstanding Traffic/Criminal/Civil Processes**

- B. Applicants are made aware, in writing, of the areas of concentration concerning the polygraph during their formal application.
- C. The examiner will conduct a pre-test and post-test interview of the applicant. Results of the two interviews, the test and other information will be used in the event conflicting information is revealed during the polygraph examination.
- D. The polygraph examiner will conduct a pre-test interview with each applicant in order to determine if the applicant has any additional undocumented information to divulge prior to the polygraph. If there are details revealed during this process that were not documented prior, dependent upon the information, it may be considered by the examiner as an automatic disqualifying factor. If the applicant divulges new information that could be cause for a discontinuation, the applicant will be notified. The polygraph examiner will forward the new information to the background investigator via memorandum with a request that the conditional offer be withdrawn. If the information is not such that it would cause the applicant to be disqualified, he/she will be given a polygraph examination.
- E. In the event an applicant fails a polygraph, he/she will be re-interviewed by the polygraph examiner to determine if the applicant has any additional information to divulge. If the applicant divulges new information, it may be considered by the examiner as an automatic disqualifying factor. If the applicant divulges new information that could be cause for a discontinuation, the applicant will be notified. The polygraph examiner will forward the new information to the background investigator via memorandum with a request that the conditional offer be withdrawn. If the information is not such that it would cause the applicant to be disqualified, a second polygraph may be administered.
- F. If an applicant fails a subsequent polygraph, he/she will be interviewed thoroughly concerning the specific area(s) of deception. If the applicant divulges new information that could be cause for discontinuation, the polygraph examiner will forward the new information to the background investigator with a request that the conditional offer be withdrawn. If the new information is such that it will disqualify the applicant, the applicant will be notified and no further polygraph attempts will be made. If no new information is divulged or any new information is not such that it would disqualify the applicant, the background investigator will be notified via memorandum of the subsequent polygraph failure. The memorandum will contain the results of the subsequent polygraph failure and the examiners

recommendation based on information gained from the interviews with the applicant during the polygraph process.

- G. **An employment decision will not be based solely on the polygraph examination.**
- H. The polygraph examiner's report will be placed in the applicant's file for review.
- I. The examination will be conducted by a qualified examiner.

#### **IV. DRUG SCREENING**

- A. The applicant will be required to produce a negative result on a drug screening test administered in accordance with North Carolina Training and Standards.
- B. Copies of the Medical Information Form and Drug Test Consent form will be made available to the Polygraph Examiner along with the applicants file.

#### **V. PSYCHOLOGICAL INTERVIEW**

The Officer Chief or applicant will be interviewed by a licensed psychologist as a follow up to the preliminary screener. A report prepared by the interviewing psychologist will be made available to the Polygraph Examiner along with the applicants file.

# **PHOENIX SPECIAL POLICE**

**TITLE: VOLUNTEER PHOENIX SPECIAL POLICE CHAPLAINCY PROGRAM**

**POLICY #: I-X**

**EFFECTIVE DATE: 7/09/2013**

**PURPOSE:** The purpose of this directive is to establish policies and procedures that clearly define the qualifications, duties, and areas of responsibility for the Phoenix Special Police Chaplaincy program and provide guidelines for the call out of chaplains.

This directive reflects our value of *compassion, justice, faithfulness, spirituality, and peace*. We strive to remember that our officers, civilian employees, their families, and the citizens will often be going through trying times. We seek to use a variety of resources (including volunteer chaplains) to provide assistance and empathy for those in distress.

**POLICY:** The Phoenix Special Police Volunteer Chaplaincy program is designed to identify qualified members of the clergy who wish to volunteer as Phoenix Special Police Chaplains, to guide the way they are recruited, and to establish the standards of them to perform their duties. The primary purpose of volunteer chaplains is to assist officers, civilian office employees, and their families to maximize their spiritual resources as they, in the course of their duties, encounter persons in crisis and other stressful situations; and to provide comfort, counsel, ministry and spiritual guidance as appropriate/requested.

Volunteer Phoenix Special Police Chaplains are members of the clergy who:

- \* are recommended by current chaplains and/or members of this office.
- \* pass background investigation/screening that is deemed appropriate by this office.
- \* desire to serve and be available to respond to situations where a chaplain's response is indicated.
- \* are ecclesiastically certified and endorsed by a recognized religious body.
- \* have a minimum of three years of service in full-time public ministry.
- \* demonstrate strong communication skills.
- \* are willing to receive training that enhances their skills in dealing with people in crisis.
- \* have never been convicted of a felony or offenses involving moral turpitude.
- \* possess a valid North Carolina vehicle operator's license and be able to provide personal transportation.
- \* are appointed by the Chief (and continue to serve at the Chief's discretion).

## **I. DUTIES AND RESPONSIBILITIES**

The chaplaincy program will consist of a diverse group of chaplains representing the different religious denominations of Phoenix Special Police Agency. There will normally be several chaplains at any one time, depending on the needs of the office and the availability of chaplains.

A. **SCHEDULED** – Each chaplain will normally be on call for one (1) week at a time, beginning on Monday (8:00 am) and concluding on Monday (8:00 am). They will be responsible to cover all scheduled activities during their week, and

will be available for unscheduled call-ups as required. The Director will prepare a monthly schedule, and individual chaplains will be responsible for finding a substitute in a timely manner whenever they cannot meet the requirements of the published schedule. Schedules normally cover a two-month period.

B. **CALL-UP** – There are certain critical events that happen from time-to-time when Office supervisors will deem it appropriate for a chaplain to be called-up to support the sworn officers in the performance of their duties. Such critical events might include (but would not be limited to):

1. Line-of-duty death/serious physical injury of an officer;
2. A critical event where an officer responds to the incident and a member of the community dies as a result of the event;
3. A critical event where the responding officer requests the support of a chaplain;
4. A critical event where a supervisory officer deems chaplaincy support appropriate;
5. The duty chaplain would also be expected to provide hospital visitation calls upon sick/injured department employees and their families;
6. Death notification assistance;
7. Group crisis intervention for employees and survivor-victims.

C. **OCCASIONAL** – There are times when other chaplaincy ministries may present themselves, to include:

1. Promoting of employee wellness;
2. Individual and family counseling;
3. Liaison to the religious community;
4. Community education to promote support for the office;
5. Participation in annual observances (i.e., Law Enforcement Week, Law Enforcement Memorial Day Ceremony);
6. Grief Ministry, (funeral home visitation, funeral, etc.);
7. Consulting or coordinating with other law enforcement agencies as directed by the Chief;
8. Referrals to other care option or service providers.

**D. RIDE ALONG** – Chief Chaplains are encouraged to ride along with officers at least once per month. Patrol officers and/or chaplains may request a “chaplain ridealong.” Shift and hours are determined by availability of the chaplains and determined appropriateness. During a ride-along, the chaplain is considered “available for duty”. Chaplains are encouraged to familiarize themselves with general Departmental operating instructions. Chaplains will follow the directions of the duty officer at all times. The chaplain will remain in the Phoenix Special Police vehicle unless instructed otherwise by the officer (or unless exigent circumstances exist). The chaplain shall ensure that the officer knows the chaplain’s location at all times. The chaplain must be available at all times to render assistance

if called upon. The chaplain **will not** handle any evidence at the scene of any incident or crime. All procedural questions will be directed to the Supervisor on scene.

**II. CREDENTIALS OF THE OFFICE** – Phoenix Special Police chaplains will be issued an identification card and essential issued equipment at the time of appointment. Loss of an identification card or any other issued equipment will be reported to the Director immediately.

**A. MEDIA** – Phoenix Special Police chaplains shall not release any information to news media, insurance companies, or any other non-involved individuals/agencies. All requests for information shall be referred to the Supervisor on scene or the PIO.

**B. ACCESS TO THE CHAPLAIN** – The chaplain may be contacted directly by any full-time, part-time, or reserve employee of the Office, or family member through CCOMM, or directly.

**III. LOGISTICAL SUPPORT** – Appropriate use of ministry tools (i.e., the Holy Bible, the Sacraments of the Church) is encouraged. Chaplains should only engage in acts of faith when such contact is initiated by office staff/employees or citizens.

**IV. CONFIDENTIALITY** – All individual requests for Chaplaincy assistance will be handled in strict confidence. When additional support and referrals are necessary, these arrangements are made with the consent of the individual. Chief Chaplains shall maintain all privileged communications to them as confidential (unless waived by the individual) or unless those communications affect life, personal injury, or the integrity of that individual or others. The chaplain, while respecting confidentiality, has direct access to the Director, Chief or Director and Chief for discussion of matters relating to the spiritual welfare and morale of the Office.

**V. COMPLAINTS AGAINST/TERMINATION** – Complaints about a chaplain’s performance shall be referred to the Director, Chief or Director and the Chief. Termination of a Chief’s Chaplain may occur due to failure to abide by the established

policies and procedures, failure to honor an Officer's authority or privacy, or failure to practice good professional ethics.

## **Section 2: Personal Conduct**

- 1. Disciplinary Procedures /Rules of Conduct**
  - 2. Internal Affairs /Citizen Complaints**
  - 3. Harassment in the Workplace**
  - 4. Use of Force**
  - 5. Personal Web Pages and Sites**
  - 6. Bias-Free Policing Policy**
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# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: DISCIPLINARY PROCEDURE/RULES OF CONDUCT**  
**POLICY#: II-I** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:**The purpose of this policy is to establish rules of conduct for members of the Phoenix Special Police and SAS.

**POLICY:**It shall be the policy of the Phoenix Special Police to establish rules of conduct that will govern the conduct of its employees, and to establish procedures which provide an explainable and consistent disciplinary practice regarding substantiated violations of these rules of conduct.

## **PROCEDURE:**

### **I. RULES OF CONDUCT:**

#### **1. Knowledge of Regulations (Category C)**

- A. Employees shall familiarize themselves with and understand all rules, regulations, directives, and written procedures of the Phoenix Special Police and SAS.
  - B. Employees who do not understand their duties or responsibilities shall read the relevant directives, rules, etc., and shall consult their immediate supervisor for clarification and explanation.
  - C. Employees shall maintain an updated manual of Phoenix Special Police rules, procedures, and employees shall consult their immediate supervisor for direction.
  - D. When dealing with a situation for which there are no regulations or established procedures, employees shall consult their immediate supervisor for direction.
  - E. If a supervisor gives an order, the supervisor is responsible for that order. If the employee perceives an apparent conflict between the
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supervisor's order and the rules, regulations, direction, or written procedures of the Phoenix Special Police, the employee shall seek clarification or confer with a higher authority.

## **2. Violations of Rules (Category A)**

An employee shall not commit any acts or make any omissions which constitute a violation of any of the rules, policies, procedures, orders, or other directives of Phoenix Special Police.

## **3. Chain of Command (Category A)**

Employees shall conduct Phoenix Special Police business through accepted channels unless written procedures or orders from proper authority dictate otherwise.

## **4. Insubordination (Category A)**

- A. Employees shall promptly obey any lawful order or direction of a supervisor.
- B. Employees shall not use profane or intentionally insulting language toward any supervisor.

## **5. Unsatisfactory Performance (Category A)**

- A. Employees shall maintain sufficient competence to properly perform their duties and assume the responsibility of their position.
- B. Employees shall perform their duties in a manner which shall maintain the highest standards of efficiency in carrying out the functions and objectives of Phoenix Special Police. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for an employee's rank, grade, or position; repeated neglect of duty; the display of cowardice, absence with leave, or the physical or mental inability to perform the essential functions of the position and required duties.
- C. In addition to other indications of satisfactory performance: Repeated poor evaluations and records of repeated violations of orders, rules, procedures, or other directives of the Phoenix Special Police.

## **6. Unbecoming Conduct (Category A)**

- A. Employees shall conduct themselves at all times, both on and off duty, in a manner which is in keeping with the highest standards of the law enforcement profession.
- B. Conduct unbecoming an employee is prohibited and shall include that which brings Phoenix Special Police & SAS or any Phoenix Special Police employee into disrepute, reflects unfavorably upon the employee as a member of the Phoenix Special Police & SAS, or impairs the operation of efficiency of the Phoenix Special Police or any of its personnel.

## **7. Residence and Telephone Requirements (Category C)**

- A. All sworn personnel shall reside in North Carolina within a 100 mile radius of headquarters within six months of their date of employment. During the period of their employment with the Phoenix Special Police, all sworn employees shall continue residing within the 100-mile radius.
- B. Each employee shall have a functioning telephone in his or her residence.
- C. In the event of a change in permanent address or telephone number it is the responsibility of the employee to present their supervisor and the Personnel Section a properly completed Confidential Data Sheet before the end of the next business day after making such change

## **8. Reporting for Duty (Category D)**

- A. Employees shall report at the scheduled time for any duty assignment, including court, Grand Jury appearances, and training.
- B. Employees shall be properly equipped and prepared to perform their duties.
- C. Employees who are unable to report to a duty assignment shall personally notify the appropriate supervisor prior to the beginning of that scheduled assignment. (Approved personal notification includes in person, by telephone or by radio.) In the event emergency circumstances preclude notification, the employee should have a third party make personal notification.

## **9. Absence from Duty (Category A)**

- A. Employees shall be considered absent without leave if they fail, within 30 Minutes after the beginning of their regularly scheduled tour of duty, to either report for duty or notify or cause notification of the appropriate supervisor of their inability to report for duty and be granted approved leave.
- B. Employees shall not be absent from duty assignments such as court, Grand Jury or training without first obtaining permission from proper authority.
- C. Employees shall not feign illness or injury, falsely report themselves sick, ill or as to the condition of injured, or otherwise deceive or attempt to deceive any official of the Phoenix Special Police & SAS of their health or that of their families.

## **10. Neglect of Duty (Category B)**

- A. While on duty, employees shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their assigned responsibilities.
  - B. Employees shall remain awake, alert, and attentive while on duty. If unable to do so they shall so report to their supervisor, who shall determine the proper course of action.
  - C. Officers shall take any official action required by federal or state law, by Agency ordinance or by any directive of the officers.
  - D. Employees shall not leave their assigned duty post during a tour of duty except as authorized by proper authority.
  - E. Employees shall take any action which is required or is responsible and appropriate in connection with their performance of their assigned duties.
  - F. Officers shall take appropriate action in any emergency situation in which substantial and irreversible damage would result from the failure to take appropriate action, whether on or off duty.
  - G. Employees shall, whether requested or not, assist any employee involved in an emergency situation or any situation in which additional
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assistance would be critical to the successful performance of a Phoenix Special Police function.

- H. Employees shall respond to all radio/telephone/texts/ or emails communications directed to them.

### **11. Employment outside the Phoenix Special Police (Category C)**

Employees shall adhere to all regulations, procedures, and other directives Governmentoff-duty employment established by the Phoenix Special Police.

### **12. Labor Activity (Category A)**

Employees shall not engage in an strike, work slowdown, unreasonable or selective enforcement of the law, or other concerted failure to report for duty for the purpose of inducing, influencing or coercing a change in conditions, compensations, rights, privileges, or obligations of employment.

### **13. Political Activity (Category A)**

Employees shall not engage in political activity on duty or in uniform (other than voting and registering to vote), and shall not engage in political activity while identifying themselves as representatives of the Phoenix Special Police.

### **14. Conformance to Laws (Category A)**

- A. Employees shall obey all laws of the United States and of any state and local jurisdiction in which they may be present, and shall obey all administrative regulations enacted pursuant to local, state or federal law.
- B. Employees shall not obey any order which they know or should know required them to commit an illegal act.
- C. Any employee convicted of any crime must notify the Chief of Police or his designee within 24 hours of the conviction. The term “conviction” includes guilty pleas and pleas of nol contendere. No notification is required on motor vehicle convictions except: Hit and Run, DWI, or Death by Motor Vehicle. In addition any suspension or revocation of an employee’s motor vehicle operator’s license must be reported to the Chief or his designee within 24 hours of this action regardless of whether the suspension or revocation is the result of a conviction.

- D. Criminal Justice Standards requires this same notification, and the Officer or telecommunicator shall make this notification within 96 hours.
- E. An employee arrested or charged with any crime, or served with any civil process, shall notify the Chief immediately via his or her chain of command as soon as possible. Chiefs' Standards requires this notification within 96 hours.

**15. Associations (Category A)**

Employees shall avoid associations or dealings with persons who they know, or should know, are under criminal investigations or indictment or who have a criminal record, except as necessary to the performance of official duties, or where unavoidable due to family relationships. Employees shall not associate with individuals known to engage in criminal activity.

**16. Visiting Prohibited Establishments (Category B)**

Employee shall not knowingly visit, enter, or frequent a house of prostitution, illegal gambling house, or establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of duty.

**17. Use of Alcohol on Duty or in Uniform (Category A)**

- A. Employees shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under orders.
- B. Employees shall not appear for duty, or be on duty, while under the influence of alcohol, or with the odor of an alcoholic beverage on their breath.
- C. Employees shall not transport intoxicating beverages for personal use in a company owned vehicle.

## **18. Possession and Use of Drugs (Category A)**

- A. Employees shall not possess or use any controlled substances, narcotics, hallucinogens, or prescription drugs except when prescribed by a physician or dentist.
- B. When narcotics are prescribed to an employee, the employee shall notify his or her supervisor prior to reporting for duty under the influence of such medication. When medication other than a narcotic is prescribed and that medication could affect an employee's fitness for duty, the employee shall notify his or her supervisor prior to reporting for duty under the influence of such medication.

## **19. Personal Appearance (Category D)**

- A. Employees on duty shall wear uniforms and other clothing and equipment in accordance with established Phoenix Special Police procedure or approval by the Chief or Director.
- B. Except when acting under orders from proper authority, employees on duty shall maintain a neat, well-groomed appearance and shall style their hair according to Phoenix Special Police Procedures.

## **20. Use of Tobacco (Category C)**

Employees shall not use tobacco products while engaged in any activity that causes them to be in direct contact with the public, while engaged in traffic direction and control, when they must leave their duty assignment or the sole purpose of doing so, when the use of tobacco is prohibited by law, or when the use of tobacco would violate any written client or Phoenix Special Police policy.

## **21. Identification (Category D)**

- A. Officers shall carry their official identification card on their persons at all times, except when impractical or dangerous or harmful to the progress of a criminal investigation.
- B. Officers shall furnish their name to any person requesting that information when they are on duty or presenting themselves as law enforcement officers, except when the withholding of such information is necessary to the performance of duties or is authorized by proper authority.
- C. Employees shall display their identification cards while on duty as required by Phoenix Special Police procedures.

## **22. Abuse of Position (Category A)**

- A. Employees shall not use their official position or identification for:
  - Personal or financial gain.
  - Obtaining privileges not otherwise available to them except in the performance of their duty.
  - Avoiding the consequences of illegal acts.
- B. Employees shall not lend to another person their official identification cards or badges, or permit them to be photographed or otherwise reproduced without the prior approval of the Chief.
- C. Employees shall not permit the use of their name, photographs, or official titles which identify them as officers or employees of the Phoenix Special Police in connection with testimonials or advertisements of any commodity or commercial enterprise without the prior approval of the Chief.
- D. Employees shall take no part, either directly or indirectly, in sales promotions, solicitations, fund raising Patrols, or similar activities for personal gain or benefit of commercial enterprise while representing themselves as law enforcement officers or as employees of the Phoenix Special Police or authorize others to conduct themselves in a manner as indicated above that would leave the impression they are representing the Phoenix Special Police, without the prior approval of the Chief.

- E. Employees while on duty or acting in an official capacity shall not recommend or suggest in any manner except in the transaction of personal business with family and close friends the employment or procurement of a particular product, professional services or commercial services.
- F. Employees shall not interfere with or attempt to influence the lawful business of any person.
- G. Employees shall not knowingly make false accusations or false criminal charges.

### **23. Gifts and Gratuities (Category A)**

- A. Employees shall not use their position to solicit any form of gift, gratuity or service for gain.
- B. Employees shall not accept from any person, business, or organization any gift if it may reasonably be inferred that the person, business or organization:
  - Seeks to influence an official action or to affect the performance of an official function.
  - Has an interest which may be substantially affected, either directly or indirectly, by the performance of an official function.
- C. Employees may not accept any form of reward for the performance of an official function without the prior approval of the Chief.

### **24. Public Statements and Appearances (Category A)**

- A. Employees shall treat the official business of Phoenix Special Police as confidential and shall disseminate information regarding Phoenix Special Police operations only in accordance with law and/or established Phoenix Special Police procedures.
- B. Employees shall not divulge the identity of persons promised anonymity in a criminal investigation, except as required by law or proper authority.
- C. Employees shall not publicly criticize or ridicule Phoenix Special Police or its personnel when such statements may interfere with the maintenance of discipline or the effective operation of the Phoenix Special Police, or when such statements are made with reckless disregard for truth.

- D. Employees shall not disseminate any information that would violate North Carolina General Statute NCGS 153A-98 (which prohibits disclosure of personnel information).

## **25. Courtesy (Category C)**

- A. Employees shall be courteous and tactful in the performance of their duties or while representing themselves as members of Phoenix Special Police and shall promptly respond to all requests for assistance in accordance with Phoenix Special Police procedures. Employees shall act in a professional and courteous manner while on or off duty.
- B. In performing their duties, employees shall not express any prejudice concerning race, religion, national origin, sex, or other personal characteristics.
- C. Employees shall not use profane or intentionally insulting language toward any other employee of the Phoenix Special Police or other person.
- D. Employees shall promptly return phone calls from clients and should keep a record of unsuccessful efforts to return phone calls.

## **26. Client or Citizen Complaints (Category C)**

- A. Employees shall follow established procedures for processing complaints.
- B. Employees may attempt to amicably resolve client/citizen complaints, but they shall not attempt to prevent any client/citizen from lodging a complaint against any individual employee or against Phoenix Special Police.

## **27. Use of Weapons (Category A)**

Officers shall carry and use firearms only in accordance with the law and established Phoenix Special Police procedures.

## **28. Use of Force (Category A)**

- A. Employees shall use no more force that reasonably appears necessary in the performance of their duties and shall then do so only in accordance with Phoenix Special Police procedures and the law.
- B. Employees shall comply with Phoenix Special Police procedures concerning the documentation and investigation of the use of physical force.

## **29. Arrest, Search, and Seizure (Category B)**

Sworn Officers shall not make any arrest, search or seizure which they know, or should know, is not in accordance with Phoenix Special Police procedure.

## **30. Intervention (Category C)**

- A. Officers shall not interfere with or take action in cases being handled by other officers of Phoenix Special Police or by another governmental agency unless:
  - Ordered to intervene by a superior officer.
  - The intervening Officer believes that a manifest injustice would result from failure to take immediate action.
- B. Sworn Officers shall not undertake any investigation or other official action which is not part of their regular duties without obtaining permission from their supervisor, unless the exigencies of the situation require immediate police action. Any Officer taking such action must notify his immediate supervisor as soon as possible after the incident occurs.

## **31. Improper Use of Property and Evidence (Category A)**

Employees shall not convert to their own use, manufacture, conceal, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other law enforcement action, except in accordance with established Phoenix Special Police procedures.

## **32. Use of Phoenix Special Police Equipment (Category D)**

Employees shall utilize Phoenix Special Police equipment, including vehicles, only for its intended purpose in accordance with all laws and Phoenix Special Police procedures and shall not abuse, damage, or, through negligence, lose Phoenix Special Police equipment.

### **33. Radio Communications (Category D)**

Employees shall keep available radio communications equipment turned on and operating at all times while on duty, unless ordered by proper authority to do otherwise.

### **34. Phoenix Special Police Reports (Category D)**

- A. Employees shall submit all necessary reports on time and in accordance with established Phoenix Special Police procedure.
- B. Reports submitted by employees shall be accurate and complete.

### **35. Participation in Administrative Investigations (Category A)**

- A. All procedures carried out under this rule shall be specifically directed and narrowly related to a particular internal administrative investigation being conducted by the Phoenix Special Police.
- B. Employees who are involved in administrative investigations and who have been advised that no statement they make can be used against them in a criminal prosecution, shall upon being ordered to do so by the

Chief or his designee, truthfully answer all questions which are specifically directed and narrowly related to their job performance and/or fitness for duty. Upon the order of the Chief or his designee, an employee must submit to a polygraph examination regarding any such question(s).

- C. Upon the order of the Chief, or the Chief's designee or a superior officer, an employee shall:
    - Submit to any medical, ballistics, chemical, or other test, photographs, or lineups required in a particular administrative investigation being conducted by the Phoenix Special Police, and release the results of any such tests to the Phoenix Special Police in connection with the administrative investigation.
    - Submit financial disclosure statements in accordance with Phoenix Special Police procedures in connection with a complaint in which this information is material to the investigation. Financial statements are to be confidentially maintained and used by the Chief and shall not be made available to the public.
    - Submit medical records that are granted by the employee and/or the employee's physician, and that relates to a condition that the employee has raised as an issue, and the condition pertains to the employee's fitness for duty or job performance.
-

### **36. Legal Processes Brought By or Against Employees (Category C)**

Employees shall immediately report in writing directly to the Chief or his designee any criminal charges(s) brought against them and any court action(s) brought against them as a result of the performance of duty or which involve the employee's fitness for duty. Employees shall also notify the Chief or his designee in writing before filing claims for damages or entering in any legal compromise or settlement regarding events which result from the performance of duty.

### **37. Supervision (Category B)**

- A. Supervisors are charged with insuring compliance with all applicable laws, the Phoenix Special Police policies directives, Standard Operating Procedures, and General Orders by those employees under their supervision. Supervisors are responsible for investigating and reporting all known violations to their immediate supervisor.
- B. All Phoenix Special Police employees, sworn or civilian, who supervise any other Phoenix Special Police employees shall perform their duties completely, diligently, promptly, professional, and satisfactorily.
- C. Supervisors shall list any sustained allegations involving employees under their supervision on that employee's Performance Evaluation during the appropriate rating period.

### **38. Truthfulness (Category A)**

- A. Employees are prohibited from intentionally making any materially false statement(s) in connection with the performance of official duties by them or any other person.
- B. Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such nondisclosure is to conceal suitability for duty of themselves or another or to gain improper personal advantage.
- C. Any material falsification of or any intentional failure to disclose information relevant to suitability or fitness for Phoenix Special Police employment which is discovered after an individual is hired can result in the termination of the employee.

### 39. Harassment (Category A)

No employee shall intentionally subject any fellow employee to any verbal or physical harassment of a sexual, ethnic, racial, disability or religious nature.

## II. DISCIPLINARY PROCEDURE

1. Each section herein is assigned a severity category from A-D. A category "A" violation is classified as the most serious, "B" is moderately severe, and "C" and "D" are for documented warnings. The range of disciplinary actions which may be imposed are as follows:
    - A. Category A - 3 days suspension without pay up to demotion or termination
    - B. Category B - 1-2 days suspension without pay
    - C. Category C - written reprimand/warning
    - D. Category D - documented performance notation and/or counseling
  2. Employees who receive any disciplinary action may also be placed on probation for a period of time up to one year in length in addition to that action, at the discretion of the Chief. During this period of probation, the employee is not eligible for promotional consideration. Any additional substantiated complaints or rules of conduct infractions during this period of probation may result in more severe disciplinary action than might be called for otherwise. Three substantiated complaints or rules infractions against an employee within a 12 month period will automatically elevate the category of the violation to the next higher level of disciplinary action.
  3. Category "A" violations will be forwarded to the Chief or Director for evaluation and will be assigned for investigation by a supervisor or by the Office of Professional Standards as is appropriate and necessary. Those violations in Category "B", "C", or "D", will be handled by the member's supervisor in consultation with the Chief. All completed investigations shall be forwarded to the Chief for review with the Office of Professional Standards. These procedures will be conducted in accordance with this department's "Internal Affairs/Citizen Complaint" policy and procedure.
  4. Employees who receive any type of disciplinary action(s) have the right to appeal same in accordance with this department's "Grievance Procedures" policy within 5 standard business days. Employees serving the standard probationary period following initial appointment to the Phoenix Special Police are not entitled to appeal termination. The Chief shall be consulted and shall concur with any and all disciplinary actions recommended against an employee, and may modify and/or suspend any disciplinary action(s) in view of mitigating circumstances or at his discretion.
-

*Note: for the purpose of this policy, one work-day will be considered to be equal to eight hours regardless of an employee's assignment.*

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: INTERNAL AFFAIRS/CITIZENS COMPLAINTS**

**POLICY #: II-II EFFECTIVE DATE 04/01/2005**

**PURPOSE:** The purpose of this standard is to establish guidelines and procedures for receiving, reporting, investigating, and adjudicating allegations and complaints against Phoenix Special Police personnel.

**POLICY:** The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees.

It is the policy of Phoenix Special Police to investigate, where feasible, all allegations of employee misconduct, whether received from a citizen or an employee of this agency and whether the complainant is known or anonymous. In addition, the agency conducts administrative investigations into certain incidents due to the sensitivity and/or magnitude of the incident, even when a complaint is not received.

## **PROCEDURE:**

### **I. INVESTIGATIONS**

#### **A. Supervisory Investigations**

Supervisory employees shall conduct investigations into the following:

- 1) Routine citizen complaints
- 2) Minor violations of policy and procedure (subject to the discretion of the Chief)
- 3) Insubordination
- 4) Employee misconduct of a less than serious nature.

## **B. Office of Professional Standards Investigations**

The Office of Professional Standards shall conduct internal administrative investigations into the following:

- 1) Gross misconduct
- 2) Use of deadly force
- 3) Allegations of the use of excessive force or brutality
- 4) Allegations of domestic violence
- 5) Allegations of sexual harassment
- 6) Allegations of civil rights violations
- 7) Allegations of corruption
- 8) Incidents requiring investigations that are extremely lengthy, time consuming, involve multiple divisions/sections, or when other investigative resources are unavailable.
- 9) Any other investigations assigned by the Chief or Chief or Director .

## **II. COMPLAINT PROCESSING**

- A. Complaints shall be accepted from any source, whether made in person, by mail, or over the telephone. Where feasible, an inquiry will be made of all complaints and where warranted a formal investigation will be conducted, whether the complainant is known or not. All complaints shall be documented on the "Phoenix Special Police Citizen Complaint" form.
  - B. All agency members are charged with the responsibility of courteously receiving all complaints which may be lodged against the agency or any member thereof, whether made in person, by mail, or telephone, regardless of nature.
  - C. All persons making complaints shall be interviewed and a complaint form shall be prepared and processed. Anonymous complaints shall be received and processed as any other complaint.
  - D. A parent or legal guardian must accompany minors that wish to file a complaint.
  - E. Any non-ranking or nonsupervisory member of the agency receiving a complaint about a Phoenix Special Police employee from a citizen which may constitute misconduct or violation of agency orders, policy, or procedures, shall immediately notify his or her respective supervisor. In the absence of the employee's supervisor, the next ranking supervisor within the chain of command shall be notified.
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- F. The supervisor processing the complaint shall record pertinent information concerning the complaint on the Client/Citizen Complaint form and make a preliminary determination as to responsibility for follow-up on the complaint. When appropriate, the supervisor shall conduct a preliminary investigation, including interviewing the complainant and any witnesses readily available. Client/Citizen Complaint form will be forwarded to the Chief or Director within 24 working hours of the receipt of any complaint. When circumstances warrant differently, verbal notification of the Chief or Director or an administrative staff member acting in his behalf, is acceptable prior to completing and forwarding the Client/Citizen Complaint form. Further notification of any other personnel will be made as is deemed appropriate and necessary in each instance, but such additional notification(s) shall not be in written form.
  
- G. Whenever practical, supervisors shall take corrective action to resolve minor complaints which result from a misunderstanding, or which need little or no investigation to resolve the issue. In this circumstance, the results and the findings will be documented and forwarded to the Chief or Director using the Client/Citizen Complaint form. If the supervisor does not satisfactorily resolve the complaint, or if the Chief or Director does not concur with supervisor's findings, the Chief or Director will direct the supervisor to conduct further investigation, will reassign the investigation to another supervisor, or will direct the investigation to the Office of Professional Standards, as is deemed appropriate.

### **III. PROFESSIONAL STANDARDS ADMINISTRATIVE INVESTIGATIONS**

#### **A. Investigative Process**

- 1) An individual holding the rank of Supervisor or above will be responsible for the Office of Professional Standards; this individual will answer directly to the Chief or Director and will be responsible for conducting investigations assigned to that division.
  
- 2) The chain of command will normally be utilized to inform the Chief of complaints against the agency or its employees. Nothing herein prevents employees with information about misconduct from going directly to the Chief, however.

- 3) The individual conducting the investigation should conduct as necessary the following investigatory steps: (a) interview the complainant (unless the complaint is filed anonymously) and any witnesses; (b) interview the officer(s) involved; (c) gather and review any relevant evidence, including reports, C-COM recordings, and video evidence; and (d) document the interviews and analysis of the evidence and explain the reasoning for the Complaint Finding (Exonerated, Sustained, Unfounded, Unresolved).”

## **B. Employee Requirements**

Employees who are interviewed about any matter under administrative investigation:

- Shall not refuse to answer questions related to the matter under investigations, shall not withhold any information, and must be truthful, as described in the Employees General Rules of Conduct and the Law Enforcement Code of Ethics.
- Are prohibited from discussing the matter in question with other personnel or persons other than their attorney, counselor, and/or immediate family, while the investigation is active, including showing any documentation in reference to the matter.
- Shall submit to all testing methods for the detection of illegal drugs and/or alcohol, when directed, at the expense of the Phoenix Special Police.
- May be required to be photographed, fingerprinted, or participate in a lineup.
- May be required to submit financial disclosure statements
- May be required to submit to a polygraph, voice stress, or other truth verification examination. Such examinations are only an investigative tool; questions shall relate specifically and narrowly to the investigation; the answers cannot be used against the employee in any subsequent criminal prosecution. (Current law does not allow for the termination of employees based on the results of these examinations alone).
- Do not have the right to have their attorneys, supervisors, or anyone else present during any interview or inquiry.

- Privacy rights regarding Phoenix Special Police or Client property do not extend to any employee. Real and personal property including but not limited to desk, lockers, storage spaces, rooms, offices, equipment, work areas and vehicles are the property of this agency or the client and are subject to inspection or search to retrieve agency property or to discover evidence of misconduct, if there is reason to suspect evidence is there. Only those employees acting in their official capacity shall be authorized to search or inspect areas and/or property assigned to other employees.
- Refusing to cooperate or submit to a procedure herein described may result in disciplinary action, including termination.

### **C. Employee Rights**

- Employees shall be notified, by the Chief or Director that they have become the subject of an internal administrative investigation, and shall be advised of the allegations, complaint, and/or the nature of the investigation against them.
- Prior to interviewing an employee under investigation, the Professional Standards investigator must read and have the employee sign an “Phoenix Special Police Employee Administrative Rights and Responsibilities” form.
- Employees who are being investigated administratively are entitled to know who filed the complaint or initiated the investigation unless the investigator of the complaint believes that information will hinder the investigation, or will have a severe detrimental effect on the agency or any person; if so he may withhold that information from the accused employee, in which case the investigator must document in his investigative report that this information was requested by the accused employee and was denied, and why.
- If the employee is given a polygraph, voice stress, or other truth verification examination, the employee is entitled, upon request, to receive the results of such an examination after the agency receives same.
- Employees will be notified, of the findings of the investigation at the conclusion of the investigation by the Chief or Director .

- During criminal investigations, employees have all the rights and privileges of the US Constitution and the NC Constitution, and any and all applicable laws, regulations, and/or ordinances.

#### **IV. COMPLAINT/ADMINISTRATIVE INVESTIGATION RESOLUTION**

- A. Criminal investigations conducted against employees will not be conducted by the Office of Professional Standards; such investigations will be conducted either by this agency's Criminal Investigation Division, or by an outside agency such as the NC State Bureau of Investigation, as is appropriate and is determined by the Chief and/or District Attorney. Administrative investigations which are conducted into potential or alleged criminal activities of Phoenix Special Police employees will be coordinated and conducted by the Office of Professional Standards in such a manner so as not to interfere with any ongoing criminal investigation into that same matter.
- B. As a general rule, supervisory complaint investigations will be completed within 15 working days. Professional Standards investigations will generally be completed within 45 working days. These investigations will be submitted, in writing, through the chain of command to the Chief or Director . If necessary an extension of time for completing an investigation may be granted by the Chief or Director .
- C. Upon conclusion of the investigation, the complainant, if known, shall receive notification that the investigation has been completed. A copy of the letter to the complainant will be forwarded to the employee involved in the complaint.
- D. Completed complaint reports and Professional Standards investigation reports will be submitted to the Chief or Director . Upon receipt of the completed complaint or Professional Standards investigation report, the Chief or Director will complete the "Citizen Complaint" and "Notice of Findings of Investigation" forms as needed.

- E. Once the complaint/administrative investigation is completed and reviewed according to this procedure, the complaint and/or allegations will be classified as either.
- *Unfounded* – the investigation revealed sufficient facts to indicate that the incident did not occur.
  - *Unresolved* – the investigation disclosed insufficient evidence to clearly prove or disprove the allegation.
  - *Exonerated* – an incident occurred as described, but the employee was found not to be negligent or at fault.
  - *Sustained* – the investigation revealed sufficient facts that the allegation(s) were found to be true.
- F. Sustained complaints or allegations will be handled in accordance with the Phoenix Special Police “Rules of Conduct/Disciplinary Procedures” policy, and documentation of same will be included in the employee’s personnel file. If other violations of law or procedure are found during the course of any internal investigation other than the complaint being investigated, those violations will also be handled and investigated in accordance with this policy and procedure
- G. When completed, all complaint and internal administrative investigation reports, forms and findings shall be maintained in the Office of Professional Standards. The Chief shall be apprised of all findings and conclusions, and shall be updated on the progress of all investigations by the Investigator.

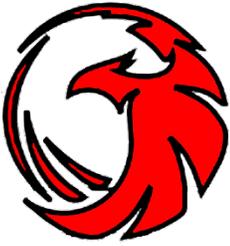
## V. DISCIPLINARY ACTIONS

- A. One or more of the following disciplinary actions may be imposed against an employee as the result of a sustained complaint, allegations, or internal administrative investigation:
- Counseling: Corrective training to ensure the employee understands proper procedure.
  - Personal Performance Notification: Entry into the employee’s performance appraisal record.
  - Letter of Reprimand: A written form of censure.
  - Suspension: The employee is suspended from duty without pay.
  - Demotion: The employee is reduced in rank and/or pay.
  - Dismissal: The employee is separated from departmental employment.

- B. Employees who receive any type of disciplinary action(s) have the right to appeal same in accordance with this department's "Grievance Procedures" policy within 5 standard business days. Probationary employees are not entitled to appeal termination. The Chief shall be consulted and shall concur with any and all disciplinary actions recommended against an employee, and may modify and/or suspend any disciplinary action(s) in view of mitigating circumstances or at his discretion.

**VI. COMPLAINTS ARISING FROM OFF-DUTY EMPLOYMENT OR ACTIVITIES**

Citizen complaints or inquiries resulting from off duty employment or activities of Phoenix Special Police personnel will be handled in accordance with this policy and procedure.



# Phoenix Special Police & SAS

## Client/Citizen Complaint Form

<b>Date:</b>	<b>Time:</b>		<b>Method</b>	<input type="checkbox"/> In-Person	<input type="checkbox"/> Phone	<input type="checkbox"/> Letter	<input type="checkbox"/> Email
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<b>Documenting Employee</b>	Name:	Rank:	ID #:
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<b>Complaint Against</b>	Name:	Rank:	ID #:
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<b>Incident Details</b>	Date:	Time:	Location:
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<b>Complainant</b>	Name:	Race:	Sex:	DOB:
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Street Address	City:	State:
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Zip:	Phone #:	Employer:	Alternate Phone #:
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<b>Witness (Optional)</b>	Name:	Race:	Sex:	DOB:
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Street Address:	City:	State:
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Zip:	Phone #:	Employer:	Alternate Phone #:
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<b>Witness 2 (Optional)</b>	Name:	Race:	Sex:	DOB:
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Street Address:	City:	State:
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Zip:	Phone #:	Employer:	Alternate Phone #:
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**Narrative** (Attach associated incident report or continuation pages if applicable)



# Phoenix Special Police & SAS

## Citizen/Client Complaint Form

<b>Results of Initial Investigation</b>			
<input type="checkbox"/> Immediately resolved (detail in narrative) and forwarded to Chief or Director for review.			
<input type="checkbox"/> Forwarded to Chief or Director for assignment.			
<b>Results of Chief or Director 's Review</b>			
<input type="checkbox"/> No further investigation needed.			
<input type="checkbox"/> Assigned to employee's supervisor for further investigation.			
<input type="checkbox"/> Assigned to another supervisor for further investigation.			
<input type="checkbox"/> Assigned to Office of Professional Standards for investigation.			
<b>Investigator Assigned</b>	Name:	Rank:	ID #:
Complaint Investigation #:	Date Assigned:	Date Completed:	
Date Complainant Notified of Conclusion of Investigation:			
Date Notice of Findings Served on Employee:			
<b>Complaint Finding</b>	<input type="checkbox"/> Exonerated	<input type="checkbox"/> Sustained	<input type="checkbox"/> Unfounded <input type="checkbox"/> Unresolved

<b>Chief Director</b>	or	Name:	Signature:		Date:
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Version 2.1

# **Phoenix Special Police & SAS**

## **Employee Administrative Rights and Responsibilities**

**I wish to advise you that you are being questioned as part of an official administrative investigation for the Phoenix Special Police. You are being questioned regarding**

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**You will be asked questions specifically directed and narrowly related to the performance of your official duties.**

**Neither your statements nor any information gained by reason of such statements can be used against you in any subsequent criminal proceedings. In that regard, you are not being compelled to waive your Constitutional right against self-incrimination. Since no statement you make nor information resulting from it can be used as part of a criminal charge, you do not have the right to refuse to answer questions in this strictly administrative interview.**

**I advise you that if you refuse to answer questions relating to the performance of your official duties, you will be subject to Phoenix Special Police disciplinary action, which could result in your dismissal from the agency.**

**I repeat that neither your statements nor any information gained by reason of such statements can be used against you in any subsequent criminal proceedings. These statements and resulting information can, however, be used against you in regard to any administrative violations.**

**I advise you that, as required by Phoenix Special Police rules, all of your statements must be truthful. Any untruthful statement may result in a separate Phoenix Special Police administrative violation being lodged against you.**

**I advise you that you are not to discuss this investigation with anyone other than your attorney, professional counselor, or member of your immediate family without the specific permission of the Internal Affairs Investigator assigned to investigate this investigation or the Chief or Director until this investigation is closed.**

**I understand the above information and realize that my statement is being given pursuant to a Phoenix Special Police administrative investigation.**

**Name:** \_\_\_\_\_  
(Signature) (Print Name) (Date)

**Witness:** \_\_\_\_\_  
(Signature) (Print Name) (Date)

# Phoenix Special Police & SAS

## NOTICE OF FINDINGS OF COMPLAINT/INVESTIGATION

Employee:

Professional Standards File #:

You were recently the subject of an investigation concerning an allegation(s) of misconduct and/or policy and procedure violation. This investigation has been completed and the findings from that investigation have been discussed with the Chief. This notice is to inform you of the conclusions of this investigation with regard to each of these issues, and what, if any, actions are being taken toward you as a result of these findings:

Issue #1:

Unfounded       Exonerated       Sustained       Unresolved

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Issue #2:

Unfounded       Exonerated       Sustained       Unresolved

---

Issue #3:

Unfounded       Exonerated       Sustained       Unresolved

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Action Taken:

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Supervisor Signature

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Date

---

Chief or Director Signature

---

Date

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: HARASSMENT IN THE WORKPLACE**  
**POLICY#: II-III** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** To establish the Phoenix Special Police policy on harassment in the work place.

**POLICY:** The Phoenix Special Police expects all employees to treat each other with dignity, respect, civility and fairness. The Phoenix Special Police will not condone or tolerate, in any way, harassment of any type in the workplace.

The Phoenix Special Police is committed to maintaining a work environment that is free of discrimination and harassment based on a person's gender, race, color, age, religion, disability, ancestry or national origin, consistent with applicable laws.

All employees should understand what is accepted and what is not accepted in respect to this policy. Victims should understand how to protect their rights. Supervisors should understand how to enforce this policy. No one, regardless of rank position, seniority or friendship, is exempt from the duty to comply with this policy.

## **PROCEDURE:**

### **I. SEXUAL HARASSMENT**

#### **A. Conduct and Language:**

##### **1. Touching of a sexual nature**

- a.** All intentional touching of a sexual nature or sexual connotation is prohibited at the workplace, welcomed or not, and regardless of consent.
- b.** Intentional physical contact of a sexual nature or connotation is inappropriate to the workplace under any circumstances.
- c.** All sexual contact, and all touching of legs, buttocks area, chest, breasts, hair, head, neck, or groin area, whether welcomed or not, at the workplace is prohibited.
- d.** Kissing, rubbing, massaging, grabbing, pinching, patting, brushing against body, stroking, or any physical assault, whether welcomed or not, at the workplace is prohibited.

## 2. Unwelcomed Touching

- a.** Any intentional touching that is clearly not welcomed by the person touched is prohibited. Any action or words clearly communicating a desire not to be touched is sufficient notice that touching is not welcomed.
- b.** Illustrations of prohibited touching:
  - i.** Employee Able reacts in an offended manner or tries to avoid being touched by Employee Baker. This is sufficient indication the touching is unwelcome.
  - ii.** Employee Able asks Employee Baker not to touch. This is sufficient warning to prohibit future touching.

## B. Customary Social Greetings

- 1. A customary social greeting between friends, like hugging or a pat on the back, is allowed if it is mutually welcomed. Hugging or a pat on the back is prohibited after an employee clearly indicated that it is not welcome.
- 2. Illustrations of permitted and prohibited greetings:
  - a.** Employee Able customarily hugs Employee Baker as part of a normal greeting both consider welcome behavior. This is permitted.
  - b.** Employee Able tried to avoid Employee Baker, or asks Employee Baker not to hug. Thereafter hugging of Employee Able is prohibited.

**C. Solicitation for Sexual Activity**

1. Any solicitation, express or implied, made at the work place, for any sexual contact or activity is prohibited, welcomed or not, and regardless of consent of the person solicited.
2. Illustrations of prohibited solicitations:
  - a. Any proposition clearly understood to be sexual in nature or connotation is prohibited.
  - b. Comments about sexual attractiveness, sexual body parts, revealing clothing is prohibited.
  - c. Any discussion about sexual activity that is clearly understood to imply solicitation for a sexual relationship is prohibited.

**D. Sexually Explicit Communications**

1. All communication, oral and written, including non-verbal communication, of explicit sexual activity, or nudity, or sexual body parts, and all sexually explicit slang or joking, is not allowed in the work place, welcomed or not, and regardless of consent of the recipient.
2. Photographs, drawings, or other representations showing nudity or explicit sexual activity are prohibited in the work place, in or out of the public view, welcomed or not, and regardless of consent of the viewer.
3. Communications that refer to sex or gender in a manner that is not offensive and not derogatory as to gender are permitted if all recipients or views have consented in advance to receive or view that material. In case of doubt, seek approval from a supervisor in advance.
4. Stories about personal sexual activity, or questions about sexual activity of other employees, or practical jokes of a sexual nature, are prohibited.

**E. Voluntary Employee Relationships**

1. This policy does not prohibit an on-duty employee from asking another employee for a date nor does it prohibit a personal relationship with another employee if it is voluntary and welcomed by both parties.
2. If either employee decides to terminate the relationship, and tells the other of a desire to terminate the relationship, the other employee must refrain from any appearance of harassment or other attempts to renew the relationship, either by on-duty conduct or off-duty conduct.
3. An exception to the above is any intimate relationship with a supervisor. A supervisor cannot have a dating or sexual relationship with a subordinate employee, regardless of mutual agreement or consent. The supervisor must obtain a transfer to a new job assignment, thereby terminating supervisory responsibilities over the subordinate, before any such relationship begins.

## II. **OTHER FORMS OF HARASSMENT**

- A. All employees should respect the rights, opinions, and beliefs of others. Harassment of any person because of gender, race, color, age, religion, disability, ancestry or national origin is strictly prohibited, whether directed at an employee, vendor or customer. Any such harassment is prohibited by this policy whether or not it also violates the equal employment opportunity laws. This policy applies to all employees of the Phoenix Special Police.
- B. No one may harass anyone because of that person's gender, race, color, age, religion, ancestry or national origin. Examples of conduct prohibited by this policy include using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics.
  1. Language, pictures, or other materials that are commonly understood to be derogatory or demeaning to women, or to men, are prohibited in the work place, welcomed or not, and regardless of consent.
  2. Communications or comments implying women are not suited for law enforcement or cannot perform all duties of a law enforcement job as well as men are prohibited.
  3. Slang, stories, jokes, cartoons, or photographs that ridicule characteristics related to gender are prohibited, welcomed or not, and regardless of consent.
  4. Slang words referring to women generally in a derogatory sense are not allowed.

5. Statements about body parts, suggestive clothing or comments related to gender in a derogatory sense are prohibited.

### III. MAKING COMPLAINTS AND REPORTING VIOLATIONS

- A. A complaint can be reported to any one of the following, at the option of the victim:
  1. an immediate supervisor
  2. any person in the chain-of-command above the immediate supervisor, if his/her immediate supervisor is unavailable or is the individual being complained against.
  3. directly to the Chief without going through the chain-of-command.
- B. Any employee can make a complaint about any type of harassment of another employee even though the complainant is not a victim of the harassment. As used in this policy, the work “victim” includes any person making a complaint of harassment of self or other, and includes a person who reasonably claims to be a victim even though the claim is not proven.
- C. While a violation should be reported promptly, if possible, a victim may handle the situation personally without reporting a violation. Anonymous complaints will be accepted. There is no time limit on when a complaint must be made for enforcement of this policy. Not reporting a violation is allowed, but corrective action is easier and quicker if a complaint is made. Making a complaint may keep others from becoming a victim.
- D. Confidentiality will be extended to all complaints to the extent that is reasonably possible. Documentation of the complaint, the investigation, and corrective action taken will be forwarded to the Chief.
- E. Any supervisor receiving a complaint of any type of harassment will follow this agency’s Internal Affairs/Citizen Complaints” policy and procedures to process this complaint appropriately.
- F. No retaliation will be taken against any employee who in good faith makes an internal complaint about harassment of any person, or cooperates in an investigation, or files a charge with the Equal Employment Commission, or files a law suit as allowed by law, regarding any type of discrimination.
- G. No transfer, demotion, termination, or other disadvantage will be imposed on any employee in retaliation for any of their actions.

#### **IV. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ACTIONS**

Victims should understand that a legal claim of sexual harassment under federal law requires that a charge must be filed with the Equal Employment Opportunity Commission within 180 days of the most recent act of discrimination. Victims who do not take advantage of this policy to seek corrective measures within the Phoenix Special Police, may be restricted by federal law in recovering damages in a lawsuit.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: USE OF FORCE**  
**POLICY#: II-IV EFFECTIVE DATE 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities for the use of force, and the reporting of the use of force.

**POLICY:** The Phoenix Special Police recognizes and respects the value and special integrity of each human life. In vesting officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interest is required. Therefore, it is the policy of the Phoenix Special Police that officers use only that force that is reasonably necessary to bring an incident under control, while protecting the lives of the Officer or others, Officers shall use physical force in arrest and custody situations only in strict conformance with the United States Constitution, the Constitution and laws of North Carolina, and this policy.

## **PROCEDURE:**

### **I. WEAPONS**

#### **A. Approved Weapons**

1. While fulfilling official duties, officers shall carry firearms and use only ammunition issued by the Phoenix Special Police, except as follows:

- a. When Government authority prohibits wearing a weapon (e.g. prison, jail).
- b. When in the personal judgment of the Officer working in an undercover or covert capacity, the wearing of a weapon may jeopardize his/her safety or the safety of others.

B. No Officer shall use or carry on his/her person or Phoenix Special Police vehicle his/her own personal firearm while performing official duties, provided upon approval of the Chief or Director , an Officer may use his/her personal firearm and ammunition while performing official duties, pursuant to Office policy. Holsters other than departmental issued must be approved.

C. Authorized shotguns and other shoulder fired weapons are to be secured in the vehicle and are not to be removed except for use in the line of duty and for periodic training, inspection, cleaning and maintenance. When officers are not fulfilling official duties, they may carry issued or approved firearms pursuant to this policy. Non- approved firearms may not be carried concealed by officers on or off duty. Officers are authorized to carry non-approved handguns pursuant

to a concealed carry permit, but are not covered under G.S. 14-269

#### **D. Use of Weapon**

Officers shall not use or handle weapons at any time in a careless or imprudent manner. They shall use weapons in accordance with federal, state and local laws and with established Office policy.

## **II. USE OF DEADLY FORCE**

### **A. General Guidelines**

1. Deadly physical force can be defined as the application of any instrument which is likely to produce death or serious physical injury under the circumstances of its use. Such instruments include but are not limited to firearms, blackjacks, flashlights, tasers, oleoresin capsicum (“oc. spray”), riot baton or nightsticks, knives or automobiles.
2. Officers shall use deadly physical force only in conformance with the United States and North Carolina Constitutions and the laws of North Carolina. Specifically, North Carolina General Statute 15A-401 (d) (2) states that:

A law enforcement officer is justified in using deadly physical force upon another person only when it is or appears reasonably necessary thereby:

- a. “To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
- b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or
- c. To prevent the escape of a person from custody imposed upon him as a result of a conviction for a felony.

## **B. Warning Required**

Prior to using deadly force, officers must give a verbal warning, *if feasible*.

## **III. USE OF NONDEADLY FORCE**

### **A. General Guidelines**

1. Where deadly force is not authorized, an Officer should assess the situation in order to determine which non-deadly technique or weapon will be de-escalate the incident and bring it under control in a safe manner.
2. An Officer is authorized to use approved non-deadly force techniques and issued equipment for resolution of incidents as follows:
  - a. To protect an Officer or another from physical harm;
  - b. To restrain or subdue a resistant individual;
  - c. To bring an unlawful situation safely and effectively under control, or;
  - d. To affect an arrest or prevent escape from custody of a person the Officer reasonably believes has committed a criminal offense unless the Officer knows the arrest is not authorized.
3. Officers are not permitted to use non-deadly defensive weapon unless qualified in its proficient use as determined by training procedures.
4. The following non-deadly defensive weapons are authorized:

\*ASP batons, O.C. Spray, tasers and any other weapon which is issued and approved by the Phoenix Special Police. Officers may be authorized to carry other non-deadly weapons if appropriately trained and/or certified in their use and approved by the Chief.

## **IV.FIREARMS**

### **A. Authorized Firearms On and Off Duty**

#### **1. On Duty**

**a.** Officers shall carry only Phoenix Special Police issued and approved firearms and ammunition. An approved privately owned firearm may be carried as a back-up or while working undercover, in compliance with this policy. Officers are not required to carry non-issued back up or undercover firearms, but may do so at their discretion, provided they have prior authorization from the department's Firearms Training Coordinator for both the firearm and the ammunition.

#### **b. Patrol Rifles**

1. The authorized Phoenix Special Police issued rifle is the AR – platform caliber .223 or 5.56. Rifles can be carried by officers of the Phoenix Special Police who have completed the required Phoenix Special Police patrol rifle training class, or a North Carolina Justice Academy approved rifle training course.

2. Officers desiring to carry an on duty authorized but personally owned rifle must receive written approval from the Lead Firearm instructor or their designee through written application and inspection of the rifle prior to the attempt to qualify with the rifle. Once approval is received the rifle is subject to the following restrictions:

a. The firearm shall be in good working order.

b. The firearm shall be inspected by an Phoenix Special Police firearms instructor prior to being carried on duty and shall be subject to inspection whenever deemed necessary.

c. Prior to carrying the rifle, the Officer shall qualify under the range supervision of an Phoenix Special Police firearms instructor in accordance to the North Carolina Criminal Justice Training and Standards rifle qualification course and any Phoenix Special Police approved rifle training course.

3. When the rifle is supplied by the Officer, the rifle must adhere to the following specifications and restrictions:
  - a. Only an AR platform rifle will be considered for approval.
  - b. Caliber shall be .223 or 5.56 only.
  - c. Barrel length shall be no less than 16 inches, but no more than 20 inches.
  - d. The rifle shall have front and rear sights attached.
  - e. Optics are optional, however the magnification shall not exceed 1.5x.
  - f. The rifle shall have a sling attached.
  - g. Lighting shall be optional.
  - h. The rifle shall not be equipped with a suppressor.
  - i. Only ammunition issued by the Phoenix Special Police will be used.
  - j. Any modification to the rifle, other than that listed herein, shall be subject to prior approval by the Lead Firearm instructor or their designee before qualification with the rifle.
4. Officers shall store the rifle when not deployed by properly securing the rifle in the trunk of the patrol vehicle in a case with a loaded magazine inserted into the magazine well of the rifle. When storing the rifle in the trunk the chamber shall be empty and bolt forward.

- c. Shotguns and other shoulder weapons, when carried, shall be kept secured in the Phoenix Special Police vehicle except when removed in the line of duty. Officers shall remain constantly aware of the type of ammunition loaded into their firearms. Shoulder weapons shall be periodically checked for the type and variety of ammunition with which they are loaded. Officers shall promptly replace any ammunition suspected to be faulty.
- d. The use of lead or cast bullets in firearms practice causes a build-up of lead in the feed ramp, which could result in a malfunction or failure to feed properly. Therefore, officers shall fire only jacketed ammunition in their issued semi-automatic pistols and personally owned back-up, undercover, or off-duty semi-automatic pistols.

e.

## 2. Back-Up, Undercover, and/or Off-Duty Firearms

- a. Sworn Officers, in strict conformance with General Statute 14-269 and this policy, are authorized to possess and carry a concealed firearm within the State of North Carolina (either their issued service weapon or an authorized personal firearm) while off-duty.
- b. Sworn Officers who desire to carry a personal firearm either on or off-duty must submit a written request to the Chief or Director. If the Chief or Director approves the initial request, it will be forwarded to the department's Firearms Training Coordinator, who may approve or reject the use of the type and caliber of firearm requested. The Firearms training Coordinator may approve the carrying of the personally owned firearm only after the Officer has successfully qualified with the firearm according to department requirements.
- c. Sworn Officers who elects to carry his/her department-issued or personally owned firearm while off-duty will be required to have in his/her possession the official badge and identification holder identifying him/her as a sworn Officer of the Phoenix Special Police.
- d. Sworn Officers shall not register more than one personally owned firearm for back up, undercover or off-duty use.

- e. Only those firearms and ammunition of the type and caliber approved by the Lead Firearm instructor, or their designee will be carried as an undercover, back-up or off-duty weapon.
  - i. Firearms carried as back up, undercover, or off-duty shall be not smaller than a .380 caliber and no larger than a .45 caliber. These firearms shall be of good quality, double action, produced by a recognized manufacturer, in good working order, and the mechanisms shall not be altered or tampered with except as provided in the manufacturer's owner's manual.
  - ii. Ammunition used for qualifying or while carrying personally owned back up, undercover, or off-duty firearms shall be provided by the individual Officer and must be from a commercial manufacturer, approved by the Lead Firearm instructor or their designee.
- f. An Officer shall not consume or have remaining in his/her body any alcohol previously consumed or be under the influence of alcoholic beverages or other impairing substances (i.e. prescription medication) while possessing any firearm away from his own premises.
- g. Officers shall not make a public display of a firearm or remove it from their holster while off-duty except for lawful purposes.
- h. An Officer who is suspended pending investigation, is on disciplinary suspension, or is otherwise required to surrender his/her issued firearm, is not authorized to carry a concealed personally owned back up, undercover, or off-duty firearm.

### 3. Qualification

- a. An Officer must qualify with any department-issued firearm, and with any approved personally owned firearm, on at least an annual basis with an Phoenix Special Police firearms instructor. Qualification is defined as: 80% or higher with all weapons except Rifles, which is 90% or higher. The course of fire for qualifying will be the same (or similar in nature as the type of firearm will allow), as required for the department issued firearm.

- b.** Any Officer who fails to qualify during either of the biannual handgun qualification sessions will immediately surrender his/her weapon to the on-site firearms instructor, and will report to the Chief or Director and/or Director of Personnel/Training for reassignment. The Officer shall be reassigned to a non-sworn position until he/she completes remedial training and requalifies at the discretion of the Chief. The shall lose his/her certification to be armed until he/she completes remedial and requalifies.
- c.** The next qualification attempt must be completed within 30 days of the unsuccessful attempt to qualify. Once a qualification attempt begins, no further practice will be allowed. Practice scores may not be used for qualification scores. Three consecutive qualification attempts will be allowed, during the requalification session.
- d.** Any Officer/ may purchase ammunition and/or participate in additional training and shooting on his/her own time, and at his/her own expense, with no limitations within the 30 day remediation period. The department is not required to provide a range or instructor if said Officer / decides to do this.
- e.** Additionally, any Officer failing to qualify during the remedial period will be subject to summary suspension of certification by the Training and Standards Commission, and a Class A reprimand for unsatisfactory performance.
- f.** The Chief has the option of sending a Officer to BLET firearms class. The Officer will be required to successfully complete the minimum scores on both classroom and practical. This opportunity to regain certification is only offered one time during the Officer's career.
- g.** Once an Officer has successfully completed the BLET course, there will be 3 opportunities to successfully qualify to department standards (day and night fire). If the Officer fails to qualify, he/she will no longer be within certification to hold a sworn position.
- h.** Any exceptions to this order must be approved by the Chief and coordinated with the Director .

- i. The Decision Making course of fire, or “Combat Course”, shall be scored using a 100 point scale. Scoring will be based on accuracy, movement, decision making, and use of cover and/or concealment. The minimum passing score will be 80%. All attempts for the course of fire will be documented on a separate form. The forms will become part of the Officer’s training record. The Officer will have 3 attempts to pass per day.

## **B. Firearms Procedures**

1. Warning shots constitute use of deadly force and are prohibited.
2. Shooting at or from a moving vehicle is prohibited, except where a Officer reasonably believes that there is an imminent threat of serious bodily injury or death for himself or for a third party without such action. Before shooting at or from a moving vehicle, the Officer must reasonably believe the only means of protecting him/herself and/or a third party is the use of deadly force. Before shooting at a moving vehicle, officers must consider what the consequences might be to the safety of all persons if the driver is shot. Shooting at a moving vehicle in an attempt to disable it is prohibited.
3. A Officer shall not remove a sidearm from its holster except for authorized use in accordance with this section, for inspection by a supervisor, or for other authorized purposes.
4. A Officer shall not permit any person, other than another Officer to use Phoenix Special Police firearms.
5. The killing of an animal is justified:
  - a. For self-defense
  - b. To prevent harm to the Officer or another person

### **C. Investigation of Firearm Incidents**

1. A Officer shall immediately report to his/her supervisor every use of a firearm in the performance of his/her duty, whether intentional or accidental, and which is not related to training. Anytime an Officer points his/her firearm at a subject during an enforcement contact, such action shall be deemed “use of a firearm”. Use of any department approved firearm shall be reported, whether on-duty or off-duty.
2. A Officer involved in an intentional shooting incident which results in personal injury shall immediately be relieved from normal duty and assigned to administrative duties. The Officer shall also be ordered to submit to a drug test. The Officer’s supervisor shall immediately begin to collect pertinent information necessary for the preliminary investigation and shall contact the Chief or Director , who shall assign the Office of Professional Standards to conduct an internal administrative investigation into the incident. The District Attorney and the Municipal or Agency Authority (In the jurisdiction of the incident) will be immediately contacted by the Chief and the local authority will be requested to conduct an independent investigation to submit to the District Attorney to determine whether any criminal charges are warranted against the Officer.
3. If the preliminary internal investigation discloses any irregularities regarding state or federal law or Phoenix Special Police policy, The Officer may be suspended pending completion of this investigation.
4. If the preliminary investigation does not disclose any irregularities, the Officer may be re-assigned to normal duty, or he/she may be re-assigned to other duties, at the discretion of the Chief.

### **D. Maintenance and Care of Firearms and Other Weapons**

1. All officers shall keep their issued and approved firearms and other weapons clean and in excellent working order.
2. Officers shall not in any manner alter or tamper with the issued or approved firearms.
3. Any defects or malfunctions of any approved firearm or other weapons shall be reported to the Officer’s supervisor immediately. Defective weapons shall not be carried.

## **V. OLEORESIN CAPSICUM (OC) SPRAY:**

### **A. Application**

All applications of oc spray shall conform to the principles outlined in the training and certification program, consistent with the Phoenix Special Police definition of reasonable force.

### **B. Decontamination**

1. After spraying a subject, the Officer must monitor the subject's physical condition for up to 45 minutes or until the subject is turned over to emergency services or another law enforcement agency,
2. After handcuffing and checking the subject, the Officer should instruct the subject to stay still, not to rub his/her eyes, breathe normally, and relax as much as possible.
3. When circumstances permit, an Officer should wait a period of 15 minutes before transporting the subject to allow natural evaporation to reduce the effects of the oc spray in the department vehicle.
4. An Officer must decontaminate the subject at the scene of the arrest when the Officer or subject's safety is not jeopardized.
5. Decontamination includes:
  - a. Moving the subject into an uncontaminated area as soon as possible.
  - b. Facing the subject into the wind.
  - c. Spraying the subject's face and eyes utilizing an issued spray bottle and water, or with some other available source of water.
  - d. Patting the subject's face dry with paper towels.
6. The subject should be asked if he/she suffers from any medical problems.
7. While transporting the subject, the Officer shall provide ventilation to the subject by opening the window and/or directing the air conditioning vent toward the subject's face.
8. When transporting the subject, the Officer must ensure that the subject is not lying face-down on his/her stomach in the transport vehicle.
9. Upon arrival at the detention facility, the Officer shall allow the subject to flush his/her face and eyes with cool water. A non-oil-based soap or detergent can be used and will help remove the resin from the skin.
10. A Officer should not use any commercial eyewash during the decontamination process.

11. Personnel at the jail must be informed that a prisoner has been sprayed with oc spray.

### **C. Medical Attention to Prisoners**

1. Unless a detention facility requires a subject who has been sprayed with oc spray to be checked by medical personnel, a prisoner who has been sprayed will not usually require medical attention.
2. Prisoners who meet any of the following criteria must be taken for immediate medical attention:
  - a. Loses consciousness, sweats profusely without reason, appears very sick;
  - b. Gagging or breathing difficulties persist beyond 2-4 minutes; or
  - c. Suffers from the effects of oc spray for more than 45 minutes after use.

3. Prisoners who are known to meet the following criteria must be monitored for at least 45 minutes or until turned over to jail personnel. "Closely Monitored" means the prisoner should not be alone for any significant period of time, and the physical, and mental condition of the prisoner should be observed:
  - a. Elder or frail persons, diabetics and asthmatics;
  - b. Have a known history of heart or lung problems, seizure disorders;
  - c. Are substantially impaired by drugs and alcohol;
  - d. Have run or fought with the Officer or violently resisted arrest;
  - e. Are breathing very rapidly, sweating heavily or exhibiting pale skin;
  - f. Are engaging in deranged or irrational conduct or speech;
  - g. Are very obese
  - h. Complain of dizziness or being light-headed.

#### **VI.X-26 AND X-26P TASERS:**

- A. The use of the X-26/X-26P Advanced Taser is authorized to control violent, and/or combative subjects when an officer reasonably believes that deadly force does not appear to be necessary or when attempts to subdue the subject by conventional tactics of officer presence, verbalization, and/or empty hand control techniques have been or are likely to be ineffective in the situation at hand, or when there is a reasonable expectation that it will be unsafe for an officer(s) to approach within contact range of the subject.
- B. Common sense, training, and evaluation of a scenario should dictate whether the use of the taser is advisable and appropriate. In that the subject will sustain no permanent injury when the taser is used properly, it is preferable to remove the possibility of injury to both the subject and the officer by deploying the taser as opposed to an officer getting involved in a physical struggle or confrontation with a combative or violent subject. The X-26/X-26P Advanced Taser is deployed as an additional police tool and is not intended to replace firearms or self-defense tactics. **C. Definitions:**

1. Non-lethal force – a force that is neither likely nor intended to cause death or serious physical injury.
2. Violent or combative subject – a subject who through his actions refuses to follow commands either by verbally threatening violence, and/or who by his body language shows that he intends violence.
3. X-26/X-26P Taser – a non-lethal force weapon that conducts electrical energy to a target by means of direct contact or propelled wires, thereby controlling and effecting the sensory and motor functions of a threatening subject's central nervous system.

#### **4. D. Application:**

1. All applications of the taser shall conform to the principles outlined in the training and certification program, consistent with the Phoenix Special Police definition of reasonable force.
2. The taser shall be aimed just like a firearm. Whenever possible, the Officer deploying the taser will aim for center mass of the subject with the back being the primary target if possible.
3. Officers who have been issued a taser shall wear the device in an approved holster on their person. Officers shall carry the taser in a holster on the side opposite the duty weapon. The taser shall not be carried on the same side as the duty weapon UNLESS carried in a cross-draw holster intended to be drawn with the weak hand.
4. At no time will the taser be intentionally used on a subject's head, face, or groin area, or on women who are pregnant or appear to be pregnant.
5. The taser should not be used on any subject whether there are flammable substances in the immediate area. The taser will never be used on any subject who has any type of flammables on his/her person or clothing.
6. The taser shall not be deployed on subject(s) in physical control of a motor vehicle while the engine is running.
7. Whenever possible the officer deploying the taser will announce that the taser is being used in a clear and loud voice so everyone in the immediate area knows less lethal force is being used.
8. The officer deploying the taser should be aware of the surroundings of the suspect to try and prevent any further injuries after the taser has been deployed.

#### **E. Post-Application Procedures:**

1. When the taser is deployed on an individual the suspect should be placed in handcuffs to prevent any further injury to him or others and a certified taser operator shall remove the probes from the individual and retain them for evidence. The probes are considered a biohazard and should be treated as so with all safety precautions taken during removal.

*If the probes become lodged or break off and remain in the subject, EMS will be called and the individual will be transported to the nearest emergency room for probe removal.*

2. At the earliest practical opportunity, a supervisor shall be notified and respond to the scene. Preferably, a supervisor shall be on the scene during the application of the taser, but it is recognized that situations arise that may make this unattainable. It will be the discretion of the trained taser user to deploy the taser.
3. If the subject is brought to the jail after use the jail staff shall be notified that the taser has been used and if possible, the jail nurse should check the subject. If the subject is being taken to mental health or the hospital, notification should be given that a taser was used on the subject.
4. If there is a complaint that the taser was used excessively in subduing a subject, a supervisor will immediately take possession of the taser that was used and secure it. The taser should not be fired again and the date and time of the incident will be documented, and the supervisor will secure the taser. The supervisor will maintain the taser in a secure location until same is turned over to internal affairs, if possible.

## **VII. QUALIFICATION AND CERTIFICATION: Tasers and OC Spray Usage**

- A. Only sworn officers and detention personnel who have successfully completed the Phoenix Special Police authorized training course from a certified OC/taser instructor shall be authorized to carry or use Oleoresin Capsicum (OC) Spray or an X-26/X-26P Advanced Taser.
- B. The Phoenix Special Police requires that personnel using either of these nonlethal weapons show documentation of course completion from former agency or complete an eight (8) hour class along with a written test. Each student must spray an inert substance, and must fire at least one taser cartridge to demonstrate a proper usage technique. Each student must also complete a practical exercise which requires the student to be exposed (minimally) to actual oc spray, to demonstrate proper decontamination techniques, and to perform a self-touch with a taser to him/herself.
- C. This certification will be valid until a significant change comes about for oc or taser usage, at which time a certified instructor will go over any such changes and provide documentation as to the completion of the additional training. The original written test along with any additional training documentation will be kept in the certified users training file. There will be refresher training provided for appropriate personnel during either the spring or fall training periods.
- D. Only Authorized officers, approved by the Chief may carry department issued oc spray and X-26/X-26P tasers, along with approved taser cartridges.

## **VIII. DOCUMENTATION:**

### **A. Firearms**

Any discharge or use of a firearm, other than during training exercises, shall be reported on an Phoenix Special Police "Use of Force" report form by the Officer using the firearm.

### **B. Other Use of Force**

On any occasion in which a Officer or strikes a person or uses any defensive weapon as is described in this section, including but not limited to ASP baton, oc spray, or taser, an Phoenix Special Police "Use of Force" report form will be completed by that officer.

### **C. Officer Responsibility**

Any "use of force" report form will be submitted by the Officer to his/her immediate supervisor before the end of the tour of duty in which the incident occurred. It is the officer's responsibility to ensure that the report is accurate and complete and includes all relevant details and circumstances leading to the use of a weapon, whether the subject involved was a mental commitment, an arrestee, etc., the care provided to the involved subject, and any other significant information. The make, model, serial number, and any other descriptive data concerning a firearm, ammunition, taser, cartridge, or other weapon used must be included in this report.

### **D. Supervisor Responsibility**

Any supervisor receiving a "use of force" report is responsible for ensuring that the form is complete and accurate and shall then forward same to the Director and Chief. This supervisor is also responsible for ensuring that any officers/ s who are involved in or witness to any use of force incidents complete appropriate supplement reports detailing his/her observations, jail incident logbook entries, or any other required paperwork before their tour of duty ends.

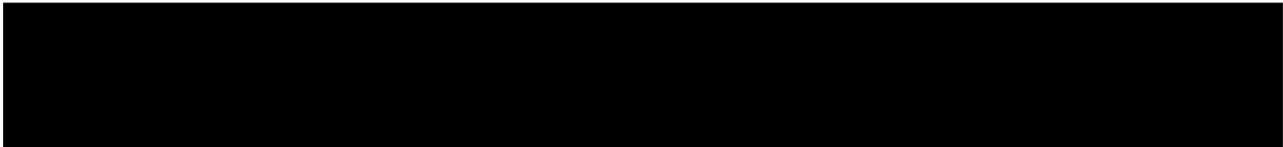
### **E. Director Responsibility**

All "use of force" reports will be reviewed by the Director and Chief, who will determine whether any further investigations is warranted by the Office of Professional Standards. All "use of force" reports will be forwarded to the Office of Professional Standards at the completion of this review however. This review and determination will be conducted in accordance with any applicable "internal affairs/citizen complaint" policy and procedure of this Office.

## **IX. ANNUAL STATISTICAL SUMMARIES:**

- A.** By calendar year, the Office of Professional Standards shall compile statistical information based on use of force reports received, which shall be restricted to the following information:
- 1.** The number of reports received
  - 2.** The types of weapons/force used
  - 3.** The number of resulting internal administrative investigations conducted
- B.** These statistics will be shared with the Chief and with the Director of Personnel and Training for review and identification of any recurring issues that might exist regarding training needs, equipment needs, and personnel concerns and/or needs.

*Nothing in this policy constitutes justification for willful, malicious or criminally negligent conduct by any person that injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable to excessive force*



<b>Deputy Name</b>		<b>ID #</b>	
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<b>Race</b>	<b>Sex</b>	<b>DOB</b>	<b>Height</b>	<b>Weight</b>
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<b>Status</b>	<input type="checkbox"/> On Duty	<input type="checkbox"/> Off Duty	<input type="checkbox"/> Secondary Employment (not extra duty)
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<b>Uniform</b>	<input type="checkbox"/> Uniformed	<input type="checkbox"/> Plainclothes	<input type="checkbox"/> SRT
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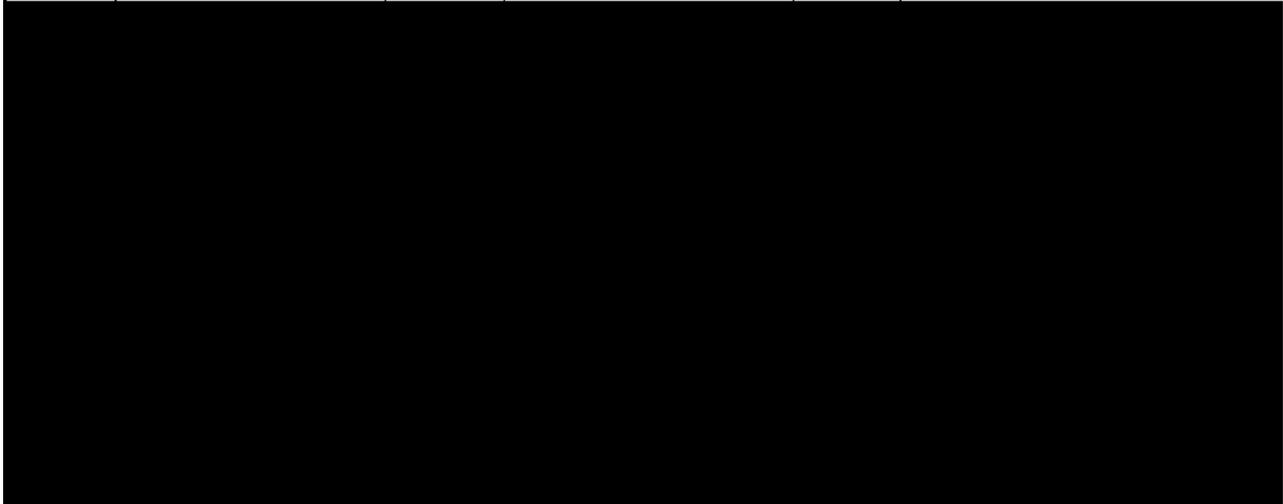
<b>Injuries</b>	<input type="checkbox"/> Limb	<input type="checkbox"/> Torso	<input type="checkbox"/> Head	<input type="checkbox"/> Face	<input type="checkbox"/> Other	<input type="checkbox"/> None
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<b>Description</b>	
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<b>Medical Treatment</b> (Leave blank if none)	
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<b>Weapons Used</b>	<input type="checkbox"/> Firearm	<input type="checkbox"/> Hands	<input checked="" type="checkbox"/> Baton	<input type="checkbox"/> CS/CN	<input checked="" type="checkbox"/> Pepper Spray	<input checked="" type="checkbox"/> Taser
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<b>Make</b>		<b>Model</b>		<b>Serial</b>	
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<b>Narrative (or reference incident report)</b>
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<b>Officer Name &amp; Signature</b>	<b>Date Submitted</b>
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# PHOENIX SPECIAL POLICE & SAS

TITLE: PERSONAL WEB PAGES AND SOCIAL MEDIA  
POLICY#: II-V EFFECTIVE DATE 01-01-2019

**PURPOSE:** The purpose is to establish policy concerning social media with reference to the Phoenix Special Police.

## **DISCUSSION**

Social media promotes individuals to express themselves and seek communication with other individuals for personal relationships, friendships or correspondences. Policy is necessary to ensure that employees use appropriate discretion in their use of references to the Phoenix Special Police and no discredit themselves or the Phoenix Special Police.

**POLICY:** This policy is intended to provide guidance for all employees of the Phoenix Special Police Agency Phoenix Special Police (PSPSAS) in the professional and personal use of social media. It is not intended to impose a wholesale restriction on the free exchange of information or opinions, but it does, in some cases, extend the PSPSAS's existing standards of conduct, ethics and professionalism to the domain of social media. The PSPSAS shall:

- A. Recognize every employee's Constitutional right to freedom of speech;
- B. Recognize the significant role that social media can play in the personal lives of employees;
- C. Take those limited actions that may become necessary to preserve integrity as a fair and impartial law enforcement organization; and
- D. Consider violations of this policy to be actions that may result in disciplinary action, up to and including termination.

## **DEFINITIONS**

**Departmental Spokesperson** – Any member of the Phoenix special Police & SAS, who has been authorized by the Chief, his designee, to communicate with and/or deliver information to the general public and social/news media on behalf of the Phoenix Special Police &SAS.

**Employee** – For the purposes of this policy, the term “employee” shall include all employees of the Phoenix Special Police & SAS, whether sworn, civilian or contractual.

**Post** – For the purposes of this policy, the term “post” shall be defined, in context, as either: (1) the action of submitting information to the Internet or a social media site; or (2) a collective name for all or part of any information already displayed on the Internet or a social media site.

**Social Media** – A collective term referring to the various online platforms, applications or technologies enabling the “sharing” of electronic, user-generated text, audio, photographic, video or multimedia files.

**Social Media Site** – A particular application or website that allows social networking, “blogging,” photograph or video sharing, and similar online activities. (e.g., Facebook, LinkedIn, Twitter, Instagram, etc.)

## **PROCEDURE:**

### **A. General**

1. Do not assume any expectation of privacy when posting information to the internet or a social media site, regardless of user privacy settings for other access controls
2. Any information posted to a public page of a social media site may be accessed at any time, without prior warning, by PSPSAS personnel/investigators, members of the media, defense attorneys, etc.
3. Any social media activity, conducted in a manner that reveals your position as an employee of the PSPSAS, may be evaluated for compliance with existing PSPSAS policies and procedures.

### **B. Identification**

1. Employees who have social media or other types of internet postings, shall not identify themselves directly or indirectly as an employee of the PSPSAS without the Chief’s permission.
2. Employees are prohibited (without the Chief’s permission). from posting or publishing to the internet or social media site photographs, cartoons, or other depictions of:
  - a. Any employee in any partial or complete PSPSAS uniform
  - b. Any employee displaying official identification
  - c. PSPSAS patches, badges, seals, logos, or insignia
  - d. PSPSAS canine dogs
  - e. PSPSAS marked or unmarked vehicles, aircraft, drones, watercraft, or any PSPSAS building or property

3. Employees wishing to use references to or photographs/depictions noted above must receive the approval of the Chief of his designee.
4. Any employee seeking approval to use references to the department on social media shall:
  - a. In memo form submit a request for approval to the Chief via the chain of command
  - b. Describe the proposed reference to the Phoenix Special Police and purpose
  - c. Provide a list and graphic of any photographs or artwork to be used
  - d. The employee will receive in memo form an approval or denial
  - e. Any changes to an approved post must be resubmitted for approval

### **C. Employee Personal Use of Social Media**

1. All employees should expect any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be access by the PSPSAS at any time without prior notice.
  2. Employees are personally responsible for any content they “like” or publish, forward or post to the internet and/or social media site.
  3. No employee may post, transmit or otherwise disseminate any information, videos or images, in any format that violates the PSPSAS policy on media releases and public information.
  4. No employee may post or disseminate any internal memos, correspondence, emails, directives, operational procedures, or policy on social media or in any other manner
  5. It is recommended that sworn personnel not disclose or allude to their status as PSPSAS employees. This is due to the likelihood that material posted to a social media site may be archived, the disclosure of any information that identifies an employee as an Officer can endanger officer safety and/or limit an Officer’s ability to serve in certain undercover or highly sensitive assignments.
  6. Do not reveal, in any manner or for any reason, that any other person is an employee of the PSPSAS without the express written consent of that person
  7. Employees are prohibited from posting or publishing to the internet or a social media site, or “liking,” any discriminatory, gratuitously violent or similarly inappropriate written content, audio files, photographs, or other depictions that are contrary to the mission and effectiveness of the PSPSAS, including but not limited to:
-

- a. Any racist, sexist or other discriminatory content that expresses bias against race, religion, or other protected class of individuals;
  - b. Content that might lead a reasonable member of the public to question whether the employee is committed to constitutional, non-discriminatory policing;
  - c. Content that reasonably suggests the employee's approval of, or association with, an unlawful act of violence or other criminal behavior;
  - d. Content that reasonably could impair an employee's ability to carry out essential job functions, such as providing sworn testimony, or impair the PSPSAS's ability to carry out its law enforcement functions;
  - e. Sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork or other reference alongside any PSPSAS approved reference;
  - f. Any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the PSPSAS.
8. No employee may create or maintain an PSPSAS social media site, or one that may reasonably be perceived as an PSPSAS social media site, unless directly authorized to do so by the Chief.
9. No employee should engage in any type of social media contact (i.e. "friending," "following," etc.) that would hamper, interfere with or otherwise prejudice an open or ongoing investigation, case, or court action.
10. No employee shall use an PSPSAS email address to register with or join a social media site.
11. Employees should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases and public as well as private embarrassment.
12. If an employee reveals (intentionally or otherwise) your employment/position with the PSPSAS, when posting personal comments or material on a social media site:
- a. The employee shall not represent themselves as a PSPSAS spokesperson; and
  - b. The employee shall make clear that their opinions, material and/or comments are not an official statement from the PSPSAS.
13. Employees are reminded that everything you post on social media is strictly governed by the confidentiality requirements imposed by PSPSAS policy and state law.
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14. Social media content, posted on any PSPSAS official social media platform and posted by the Public Information Officer or his designee, may be forwarded (i.e. “re posted,” “shared,” etc.) to a personal social media site(s).
15. Employees are encouraged to seek the guidance of supervisors regarding any posting that may adversely reflect upon either the PSPSAS or upon the integrity or professionalism of the employee.

**D. Professional/Official Use of Social Media**

1. Only the Chief, his/her designee the Public Information Officer, or a designated spokesperson may post, comment or reply on a social media site on behalf of the PSPSAS
2. Departmental spokespersons shall not comment on subject matters for which they are not authorized to represent the PSPSAS.
3. The Public Information Officer shall ensure that any social media posts adheres to the site’s moderation policy, comments are monitored for inappropriate or offensive content, and comments deemed to be inappropriate or offensive, are removed/deleted from the site.
4. The Public Information Officer shall coordinate the release of suspect, witness, or person-of-interest information with the Chief or Director , the Criminal Investigation Division, or their designee.

**E. Complaints:** Any complaint concerning the contents of a member’s social media site, internet post(s), or similar online activity, shall be documented and investigated in the same fashion as any other complaint of misconduct or wrongdoing and in accordance with PSPSAS policy.

**F. Exceptions:** This policy does not apply to social media activities undertaken by employees of the PSPSAS in the course of a legitimate criminal investigation, or in the course of intelligence collection efforts, related to public safety or potential criminal activity. This exception shall include those occasions on which a member must create and/or use a fictitious social media account, user profile, avatar or similar form of online identification for legitimate law enforcement purposes.

***Personnel who violate this policy and procedure shall be subject to disciplinary action up to and including termination of employment.***



# PHOENIX SPECIAL POLICE & SAS

TITLE: BIAS-FREE POLICING POLICY  
POLICY#: II-VI EFFECTIVE DATE 01-01-2020

## **I. PURPOSE**

- A. The purpose of this directive is to set forth the policies and procedures of the PSPSAS regarding the PSPSAS's prohibition against any form of discriminatory practices, particularly as it relates to all forms of bias-based policing.

## **II. POLICY**

- A. The PSPSAS is committed to protecting the constitutional and civil rights of all persons.
- B. It is the policy of the PSPSAS to prohibit all police practices involving profiling or other biased-based decisions. No PSPSAS officer or employee may take an enforcement action based upon any common trait shared by any group of people, which is not in itself indicative of criminal activity. Violations of this policy shall result in disciplinary action up to and including dismissal from the department.

## **III. DEFINITIONS OF TERMS**

- A. Bias-Based Policing: The intentional selection of individuals for detention, interdiction or other disparate treatment based on a common trait of a group that includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, age, cultural group, or any other identifiable characteristic that is a prohibited basis for disparate treatment.
- B. Bias-Based Profiling: The practice of detaining or stopping a suspect based on a broad set of criteria, which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.
- C. Suspect Specific Incident: An incident in which an PSPSAS Officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by race, ethnic background, gender, sexual orientation, religion, age, cultural group, or any other identifiable characteristic.

#### **IV. GENERAL CONSIDERATIONS AND GUIDELINES**

- A. The PSPSAS does not condone the use of any bias-based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.
- B. Bias-based policing creates an increased safety risk to PSPSAS officers and citizens and is a misuse of valuable PSPSAS resources. Such practices may lead to increased exposure to liability.
- C. Bias-based policing undermines the ability of the PSPSAS to realize its mission of protecting public safety and pursuing justice.
- D. It is imperative that the PSPSAS clearly demonstrates a process for preventing such practices. Allegations of bias-based profiling or discriminatory practices, real or perceived, critically injure the relationship between the PSPSAS and the community it is entrusted to protect and serve.
- E. This department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial, cultural/ethnic, and gender profiling by its members. While recognizing that most members of the department perform their duties in a professional, ethical, and impartial manner, this department has an obligation and is committed to identifying and eliminating any instances of bias-based policing in all areas.

#### **V. OPERATIONAL PROCEDURES**

- A. The PSPSAS prohibits officer use of proxies for demographic category, including language ability, geographic location, or manner of dress.
  - 1. When officers are seeking one or more specific persons who have been identified or described by their demographic category, or any proxy thereto, officers may rely on these descriptions only when combined with other appropriate identifying factors, and may not give exclusive attention or undue weight to demographic category.
- B. Preventing Perceptions of Bias-Based Policing
  - 1. As a means of offsetting and preventing inappropriate perceptions of biased law enforcement, each officer is expected to adhere to following protocols whenever engaging the general public.

- a. Each stop shall conform to department policy and procedures and comply with General Statutes.
- b. Be courteous and act professionally at all times.
- c. Introduce him or herself to the individual(s); providing the officer's title, name, and agency affiliation; and state the reason for the interaction, as soon as practical and appropriate to do so, unless providing such information will compromise the officer's safety or public safety  
  
Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and ensure that the individual understands the purpose of any delays that might be encountered.
- d. Answer any questions the individual(s) may have, including explaining options for traffic citation disposition, if relevant.
- e. Provide your name and badge number when requested, in writing or orally.
- f. Explain the reasons why an individual may have been stopped or detained, especially if no other official action is being taken (e.g., the officer determines that the person being detained is not the party being sought, if there was an investigative detention that did not yield any evidence of criminality or offense, etc.).

C. Identification of Possible Profiling.

1. To guard against and protect members of the department from allegations of bias based policing, and to demonstrate for those who may make such allegations, supervisory personnel of the department will take the following steps.
  - a. It is the responsibility of supervisory personnel to continually assess and monitor the performance of those members of the department who are under their direction and supervision to always be alert for any forms of behavior or patterns of behavior that an employee may be engaged in and intercede when appropriate.
  - b. Often times, it is the direct supervisor who first becomes aware of a potential problem either by way of his or her observations of an officer's performance, enforcement actions, or when there appears to be a pattern of complaints that seem to be emerging.
  - c. At times it might even be triggered just in conversation when an employee speaks disparaging of persons of any particular race, ethnic group or cultural background, gender, sexual orientation, religion, economic status, age, or any

other identifiable group (in which case, such type of behavior should be corrected).

- d. Whenever a concern does arise, it is the duty and obligation of that supervisor to, at the very least, discuss such concerns with that employee. Often speaking with an employee in the form of informal counseling may be what is needed to rectify or clarify any concerns.
- e. Any confirmed or suspected acts leading a supervisor to believe that an employee may be engaging in some form of bias-based policing or discriminatory practices must be forwarded to the Internal Affairs Officer (IAO).
- f. All complaints of alleged bias-based policing or discriminatory practices against a member of this department are to be fully investigated (no matter the source) by the Internal Affairs Officer.

#### D. Response to Incidents Indicating Bias-Based Policing.

1. Generally speaking, when bias-based policing does take place, it is the result of one of three causative factors that include the following:
  - a. Intentional Acts: In any instance in which a member of this department is found by the IAO to have engaged in some form of bias-based policing or discriminatory practice, such behavior will result in the appropriate form of disciplinary action by the Chief.
  - b. Unintentional Acts: In such cases, the employee may receive additional training, guidance, supervisory review, additional monitoring for a specified period of time, as may be directed by a commanding officer in consultation with the Chief.
  - c. Institutional Practices: In the event that the department practices are discovered to promote or allow bias-based policing, the Chief shall address such practices through policy review and training.

## VI. DATA COLLECTION

### A. Officer Reporting Requirements

1. Officers shall complete the traffic stop form immediately following every traffic stop. The traffic stop data will be completed and submitted electronically, if feasible. In the case where the data cannot be submitted electronically, a paper form will be submitted.

2. Officers also shall complete an incident report following a traffic stop whenever:
  - a. A person is handcuffed or taken into custody.
  - b. There is a use of force by any officer.
  - c. There is any property seized.

#### B. Responsibilities of the Supervisors

1. It is the responsibility of all supervisory personnel to ensure that officers under their direct supervision, regardless of their assignment, are familiar with this directive and are adhering to the requirements of this directive. Supervisory personnel are also responsible for the following:
  - a. Ensure that all citations and summons are completed (particularly as it relates to whether or not a search was performed during the course of the motor vehicle stop).
  - b. Any incomplete citations or traffic stop data forms should be returned to the submitting officer for completion prior to their submission to the Records Division.
  - c. Ensure that officers complete any missing traffic stop data.

#### C. Processing by the Records Division

1. The Records Division shall maintain a database for all submitted citations. The Records Division serves as the repository for motor vehicle citations/summons and the traffic stop data. In addition to these functions, the Records Management Unit also shall be responsible for the following:
  - a. Maintain a database of all Traffic Stop Data.
  - b. Record the data obtained on the form in a computerized database.
  - c. Review all submitted motor vehicle citations and traffic stop data for accuracy and completeness.
    - 1) Any forms found to be incomplete, inaccurate, or illegible will first be copied prior to returning the copied form back through appropriate chain of command to the officer to make the necessary corrections.
    - 2) The original copy of the returned forms will remain in the Records Division.

## **VII. AGENCY-WIDE REVIEW AND CONTINUOUS IMPROVEMENT**

The department will continue to improve its practices in all aspects of preventing bias-based policing as we learn from regular data collection, analysis, and evaluation and by:

1. Monitoring any legislative changes or court rulings that might impact the scope and procedural guidelines within this directive.
2. Identifying any updates on the evolution of interpreting bias-based policing data collection methods and procedures.
3. Identifying any training opportunities that might be useful in further educating officers on the implications of bias-based policing.
4. Coordinating with the Training Officer in determining the appropriate frequency of review of this policy, legal updates, and other associated training opportunities.

## **Section 3: Communications and Correspondence**

1. **Written Communications**
2. **Central Emergency Communications Center (C---Com)**
3. **NCIC/DCI Entries and Clearances**
4. **News Media Relations**
5. **Victim Notification Requirements**
6. **Mobile Computer Terminals (MCT)**

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# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: WRITTEN COMMUNICATIONS**  
**POLICY#: III-1 EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** To facilitate the orderly flow of written communication within Phoenix Special Police and standardize the methods of disseminating information.

**POLICY:** Written communication within Phoenix Special Police will adhere to an outlined directive system in order to provide employees with a clear understanding of constraints and expectations relating to the performance of their assigned duties and the overall mission of this agency.

**PROCEDURE:**

**I. WRITTEN COMMUNICATION FORMATS**

Phoenix Special Police written communications shall utilize the following formats:

- A. **Phoenix Special Police Policy Directives.** Policy directives are broad statements of agency principles issued by the Chief or Director to announce the adoption or revision of policy and establish procedure on an agency-wide level intended as a guiding document for a long period of time and is binding until formally rescinded.
- B. **Administrative Orders.** Administrative orders are issued by the Chief or Director to announce the adoption or revision of policy and establish procedure on an agency, division, section, or platoon level. An administrative order which is found by the Chief or Director to be necessary to address an ongoing agency-wide issue will normally be converted into a policy directive.
- C. **Personnel Orders.** Personnel orders are issued by the Chief or Director or Supervisor of Personnel to indicate personnel actions such as appointments, assignments, transfers, promotions, and disciplinary measures.
- D. **Standard Operating Procedures.** Supervisors are responsible for establishing operating procedures that address the standards for employees to carry out routine, daily functions and activities of their division or section. Each Supervisor

shall maintain an up-to-date manual of standard procedures for the operation of sections within their division.

- E. **Memorandum, Bulletins, Electronic Mail.** These types of communication may be issued by any member of Phoenix Special Police. They may take varied forms and are issued for informational purposes as is appropriate and necessary.

*(Note: for the purpose of this policy, electronic (“e”) mail is considered to be written communication.)*

## **II. DISSEMINATION OF WRITTEN COMMUNICATION**

- A. Statements of agency policy, rules, and regulations are contained in the Phoenix Special Police Policy and Procedure Manual and are issued by the Chief or Director Generally, recommended changes or additions to policy will be reviewed by the Chief or Director prior to adoption.
- B. Each member of the Phoenix Special Police will have access to the Phoenix Special Police Policy the Phoenix Special Police documents page. The directives contained in this manual are intended for internal use only, and do not enlarge an officer’s civil or criminal liability in any way.
- C. Existing, new, or newly revised directives and administrative orders will be disseminated to all employees via email. Employees will be notified regarding changes to the policy manual, which will be updated on the Phoenix Special Police Documents Page.
- D. Supervisors will ensure that all employees understand where the policy manual is located, how to access the policy, and how to download the policy to their desktops or MCTs.

## **III. FORMAT**

- A. Phoenix Special Police Policy Directives will contain a block header that contains a title, policy number and effective date. The body of the policy will contain a “Purpose” which describes what the policy is for, followed by a “Policy” statement, followed by a “Procedure” section outlining the standards for implementation and carrying out of the policy.
  - B. Policy directives and standard operating procedures should generally follow a standard outline format.
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- C. Administrative orders and memorandums should generally adhere to a standard office format. Other forms of correspondence do not require a formal format but should remain business-like in nature.
  
- D. The use of Phoenix Special Police letterhead stationery shall be limited to Administrative staff only unless authorized by a supervisor.

# **Phoenix Special Police & SAS**

**TITLE: CENTRAL COMMUNICATIONS CENTER (C-COM)**  
**POLICY#: III-2 EFFECTIVE** **DATE: 12-01-2019**

**PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities for the Phoenix Special Police radio communication system with the Phoenix Central Communications Center (C-COM) or Interaction with Emergency communications in each jurisdiction serviced.

**POLICY:** It shall be the policy of Phoenix Special Police for its members to receive and process emergency and non-emergency calls for service from emergency communications tele-communicators provided to this agency by Jurisdictional mutual aid or from Phoenix Central Communications Center (C-Com).

## **PROCEDURE:**

### **I. BASIC RELATIONSHIP BETWEEN AGENCIES**

- A.** The Phoenix Central Communications Center(C-Com”) provides all radio dispatch communication services for Phoenix Special Police & SAS. C-Com provides a 24 hour ( as contracted) communications system for immediate response to on-duty officers via radios or portable transceivers issued to Phoenix Special Police personnel.
- B.** C-Com has a 24 hour, (as contracted) dispatch number
- C.** Designated tele-communicators will be assigned to handle all Phoenix Special Police radio traffic by the Director of C-Com, or designee; other tele-communicators will assist with Phoenix Special Police radio traffic when and if needed.
- D.** Routine, non-emergency calls for various Phoenix Special Police Personnel or divisions are received by C-Com on Phoenix Special Police primary telephone number (336-200-8167) when the Phoenix Special Police desk officers are unavailable or off duty; these calls will be handled by C-Com tele-communicators, or transferred to the proper telephone extension at the Phoenix Special Police.
- E.** Phoenix Special Police & SAS will abide by all regulations established by C-Com in accordance with Federal Communications Commission (FCC) policy and procedure requirements.

## **II. CONTACT WITH PHOENIX SPECIAL POLICE EMPLOYEES**

- A.** Central Communications tele-communicators will be provided with information so as to have contact with Phoenix Special Police employees by radio (call number), cellular telephone, pager, and home telephone. This information will be provided by personnel staff at the Phoenix Special Police to the Director of C-Com, or his designee, on a timely basis whenever changes or additions occur.
- B.** C-Com will also be provided with duty rosters of on-call personnel (CSI, CID, etc.) and of routine on-duty status of the patrol divisions, by the appropriate personnel in those divisions.

## **III. DAILY REPORTS**

- A.** Information pertaining to all calls received and dispatched by C-Com will be recorded by C-Com. The Phoenix Special Police will be provided, on a daily basis, with a daily activity call log report and a Computer Aided Dispatch (CAD) operations report. These reports will not be provided to the general public by central communications personnel.
- B.** These reports will include the following information:
  - 1.** Central Communications sequential call number
  - 2.** Date and time of request
  - 3.** Name, address, and phone number of the caller
  - 4.** Type of incident
  - 5.** Locations of incident
  - 6.** Identification of the primary, secondary, and any other officers assigned or dispatched
  - 7.** Type of dispatch
  - 8.** Time of Officer arrival
  - 9.** Time of Officer clearance
- C.** A brief narrative of the incident, and its disposition, may also be included in the CAD report.

## IV. RADIO OPERATIONS

Central Communications maintains two (2) radio channels with the Phoenix Special Police, which are continuously monitored and recorded:

- A. PSPSAS DISP (1): this is the primary dispatch channel; all calls, trips and primary call information is transmitted over this channel.
- B. PSPSAS DISP (2): this channel, is used as a back-up to channel one. It may be used for special operations, car-to-car communications by the Phoenix Special Police, or when PSPSAS DISP
- C. Use of “Signal 30” or “Hold Traffic”
  - 1. “Signal 30” should be utilized when there is a need to hold radio traffic.
  - 2. It is impossible to list every type of incident that would initiate the use of “Signal 30”, however below are some incidents where it may be required:
    - a. Director incidents (vehicle pursuits, shootings, etc.)
    - b. Clearing of a structure
  - 3. “Signal 30” should not be used when the channel will be tied up for an extended period of time. If “Signal 30” was announced and it becomes apparent that PSPSAS DISP (1) will be tied up for an extended time, CCom will have the Officers involved in the incident switch to a designated PSPSAS TAC channel and will clear “Signal 30” on PSPSAS DISP (1).
- D. “Signal 30” Requests can be made by any Officer or personnel in C-Com E.  
Activation/Deactivation
  - 1. Initiation of “Signal 30”.
    - a. C-Com will set off the alert tone and announce on PSPSAS DISP channel, “C-Com to all units, Signal 30” and activate channel marker. “
    - b. After announcing “Signal 30” all officers not involved in the incident should switch to PSPSAS DISP2 channel for normal traffic
    - c. Officers responding to the incident should NOT check en route over the radio, rather they should silent dispatch via MCT or hold traffic until the situation is stabilized.

- d. Officers involved in the incident should only communicate on the radio, pertinent and urgent information.
- e. Officers checking on duty should monitor the main channel for ten seconds for the channel marker to ensure the channel is open before transmitting.

When the channel is secure officers should check on duty on PSPSAS DISP 2

2. Clearing “Signal 30”

- a. After Officers notify C-Com to clear “Signal 30”, C-Com will set off alert tone and announce “C-Com to all units, clear Signal 30” on PSPSAS DISP (1) and PSPSAS DISP (2) channels.
- b. C-Com will deactivate the channel marker.

## **V. RECORDED COMMUNICATIONS**

All radio communications by Central Communication is recorded. C-Com shall maintain the capability of immediate playback of recorded telephone and radio conversations while maintaining the capability of continuously recording radio transmissions and emergency telephone lines.

## **VI. ALARMS**

The communications center monitors Agency building, private business, medical fire, and residential alarms. When an alarm is received by C-Com, a Phoenix Special Police Officer is advised of the alarm and its location. After recording the type of alarm, location of alarm, person reporting the alarm (if applicable), and contact number, the tele-communicator will dispatch a Phoenix Special Police vehicle to that location. The tele-communicator will also attempt to make contact at the alarm location and/or contact any individual who is on-call for the alarm location, and will advise the officer, while en route, whether or not such contact was made.

## VII. FACILITIES AND EQUIPMENT

- A. The nature and function of the Communications Center mandates that all facilities and associated equipment be kept secure and in proper working order. Security measures for the Communications Center are in place to:
  - 1. Limit access to authorized personnel only
  - 2. Protect equipment
  - 3. Provide back-up resources
  - 4. Provide security for transmission sources
  
- B. The communication center entrance door is secured by an electronic keypad lock mechanism for controlled access. Only authorized personnel shall be admitted to the communications room.

## VIII. NCIC/DCI ENTRY/CLEARANCE

### A. Entry

The TAC shall be responsible for all entries from 8 a.m.-5 p.m, Monday-Friday. The ATAC shall be responsible for all entries from 5 p.m.–11 p.m., Monday-Friday. After 11 p.m., weekends, holidays, and in the absence of the TAC and/or ATAC, qualified personnel at C-COMM shall make entries.

### B. Records

C-Com will maintain all records of entries (white copy) into NCIC/DCI for property, missing persons, and wanted persons for the purpose of being able to confirm same when a “hit request” is made by any agency; a copy of any entry made by C-Com (yellow copy) will be forwarded to the records division at the Phoenix Special Police to be filed with the original report there.

### C. Warrants

Warrants for wanted persons, and letter of extradition, if applicable, will be placed in a “hot file” which will be located in a secured office at the Phoenix Special Police Agency Jail.

C-Com is responsible for handling “hit confirmations.” When confirmation needs to be made on a wanted person, C-Com will contact the Jail and have staff there check the “hot file” to confirm that the Phoenix Special Police still has the warrants and letter of extradition (if applicable) and what the conditions of extradition are. When a “hit” is confirmed, C-Com will immediately notify the shift supervisor of same.

#### **D. Clearances**

Upon any confirmed clearance, the original entry form (white copy) will be forwarded to the record's division at the Phoenix Special Police by C-Com to be filed with the original report.

# **PHOENIX SPECIAL POLICE**

## **TITLE: NCIC/DCI ENTRIES AND CLEARANCES**

**POLICY #: III-3**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to set standards for entries and clearances of files entered into NCIC/DCI, and where those files and warrants will be maintained by members of the Phoenix Special Police.

**POLICY:** It shall be the policy of the Phoenix Special Police to maintain files and records of entries that have been entered and cleared in NCIC/DCI per North Carolina State Bureau of Investigation standards. These entries and clearances will be coordinated with the agency's Terminal Agency Coordinator (henceforth referred to as TAC), or Assistant Terminal Agency Coordinator (henceforth referred to as ATAC), and qualified personnel employed by Phoenix Special Police Agency Central Communications, (henceforth referred to as C-COM).

### **I. CLASSIFICATION OF PEOPLE**

There are three types of entries involving people.

- A. **Missing persons** – A person who has been reported missing and is endangered, involuntary, a catastrophe victim, or other (person under the age of 18 not meeting the criteria for entry into any other category who is missing and for whom there is a reasonable concern for his/her safety), or is a juvenile (person who is under the age of 18 who is missing, declared not emancipated as defined by the laws of N.C., and does not meet the criteria for disabled, endangered, involuntary, or catastrophe victim). (Note: Indicate in the miscellaneous field the time/date that the juvenile was determined to be a runaway from home. This will assist law enforcement officials regarding taking custody of a runaway between (16) and (17) years off based on statutory requirements of being a runaway for more than 24 hours.)
- B. **State Wanted persons** – A person who is wanted on a criminal offense and for whom a warrant has been issued. (Note: After unsuccessful attempts to serve the warrant the person can be entered into DCI. This enters the person into the State Files and if said person is found in the State of North Carolina he/she can be held for pick-up and service of said warrant.)
- C. **NCIC Wanted persons** – A person who is wanted on a criminal offense and for whom a warrant has been issued. (Note: After unsuccessful attempts to serve the warrant the person can be entered into NCIC. This enters the person into the National Files and if said person is found in the United States he/she can be held for extradition back to North Carolina for service. This requires a letter from the District Attorney's office giving the terms of extradition.)

## II. NCIC/DCI ENTRIES

Entry into NCIC/DCI: All entries of any type must meet the criteria of NCIC/DCI standards. This standard can be obtained from any NCIC/DCI certified operator.

### A. Entry Classifications:

- i. The TAC shall be responsible for all entries from 8 a.m.-5 p.m., Monday-Friday. The ATAC shall be responsible for all entries from 5 p.m.-11 p.m., Monday-Friday. After 11 p.m., weekends, holidays, and in the absence of the TAC and/or ATAC, qualified personnel at C-COMM shall make entries.
- ii. **People** – Missing Persons, Wanted Persons
- iii. **Property** – Any and all items that meet the criteria for entry other than people.

**NOTE:** *If a felony warrant has not served within 72 hours, the obtaining officer shall contact the TAC, ATAC, or C-COMM, for DCI/NCIC entry.*

### B. Entry of Missing Person

- i. **Reporting** – before any person can be entered into NCIC/DCI, a missing person report must be completed detailing circumstances of the case. It should be noted in the initial or supplemental report, the date and time of DCI/NCIC entry. A copy of this report will be placed in the Hot Files for any officer to gain access. In the event additional information is obtained, and a supplemental report shall be initiated.
- ii. **Entry Form** – a completed NCIC/DCI Entry form will be completed with all information pertaining to the person. (*Forms will be reviewed by a supervisor and initialed by same before entered.*) See attachment #1.
- iii. **Entry** – the completed entry form shall be taken to TAC, ATAC, or C-COM, for immediate entry.

- iv. Records – C-Com will maintain all master records (white entry form) of entries of missing persons for the purpose of confirmation when a hit request is made.
- v. Copy of Records – once the entry has been completed, a copy of the entry form (yellow copy), and confirmed entry, will be forwarded by C-Com to the Phoenix Special Police records division to be filed with the original report.

### **C. Entry of State Wanted Persons**

- i. Reporting – when any person is entered into DCI/NCIC as a wanted person, an incident report shall be completed detailing the case circumstances.
- ii. Entry Form – a completed NCIC/DCI Entry form will be completed with all information pertaining to the person. *(Forms will be reviewed by a supervisor and initialed by same before entered.)* See attachment #1.
- iii. Entry – a completed entry form, along with warrants, shall be taken to the TAC, ATAC, or C-COM, where information shall be immediately entered. The TAC, ATAC, or C-COM, will insure the agency's Warrant Clerk is notified to make the appropriate NC AWARE entry that these warrants are assigned to the Hot File and entered into DCI/NCIC. *This action shall be documented in a supplemental report.*
- iv. Warrants – warrants shall be placed in the Hot File, located in a secured office in the Detention Center booking area.
- v. Records – C-Com will maintain all master records (white entry form) for entries of state wanted persons in a file for the purpose of confirmation when a hit request is made.
- vi. Copy of Records – Once the entry has been completed a copy of the entry form (yellow copy) and confirmation shall be forwarded by the TAC, ATAC of C-COMM, to the Phoenix Special Police records division, to be filed with the original report.

### **D. Entry of NCIC Wanted Persons**

- i. Reporting – before persons can be entered into NCIC as a wanted, an incident report shall be completed detailing circumstances of the case.
- ii. Entry Form – a completed NCIC/DCI entry form will be completed with all information pertaining to the person. Forms will be reviewed by a supervisor and initialed for approval before entry. *See attachment #1.*
- iii. Entry – the completed entry form, along with warrants and letter of extradition, will be taken to the TAC, ATAC, or C-COMM for immediate entry. The TAC, ATAC, or C-COMM shall insure the agency's Warrant Clerk is notified to indicate warrants have been assigned to the Hot File and  
NC AWARE.
- iv. Warrants – the warrants and letter of extradition will be placed in the Hot File, located in a secured office in the Detention Center booking area.
- v. Records – C-Com will maintain all master records (white entry form) of entries into the NCIC for the purpose of confirmation when a hit request is made.
- vi. Copy of Records – Once an entry is completed, a copy of the form (yellow), and confirmation, shall be forwarded by the TAC, ATAC, and CCOMM, to the Phoenix Special Police records division, to be filed with the original report.

#### **E. Entry of Property**

- i. Reporting – before any property can be entered into NCIC/DCI, an incident report must be completed, detailing circumstances for the entry. The entry shall be denoted in the initial or supplemental reports.
- ii. Entry Form – NCIC/DCI entry form shall be completed with all information pertaining to the property. Forms will be reviewed by a supervisor and initialed for approval before entry. *See attachment #1.*
- iii. Entry – the completed/initialed entry form will be delivered to the TAC, ATAC, or C-COMM, to be entered immediately.

iv. Records – C-COMM shall maintain a master record (white entry form) property entries for the purpose of confirmation when a hit request is made.

v. Copy of Records – a copy of the entry form (yellow copy), and confirmed entry, will be forwarded by C-COMM to the Phoenix Special Police records division to be filed with the original report.

### III. NCIC/DCI CLEARANCES

#### A. Clearing of Missing Persons

i. Reporting – when a person is cleared from NCIC/DCI, a supplemental report must be completed detailing circumstances of the clearance before the end of the duty shift. (*Note: Once the person is cleared from NCIC/DCI, the officer initiating clearance is responsible for pulling the report from the Hot File and taking same to the TAC, ATAC, or C-COMM.*)

ii. Entry Form – a completed NCIC/DCI entry form shall be taken to the TAC, ATAC or C-COMM.

iii. Clearing – upon receipt, the TAC, ATAC, or C-COM shall initiate the clearance process.

iv. Records – the TAC shall maintain all master records (entry form) of clearances for the purpose of meeting SBI standards.

v. Copy of Records – Once the clearance has been completed a copy of the entry form (yellow copy) and confirmed clearance will be forwarded by C-COMM to the Phoenix Special Police records division and filed with the original report.

#### B. Clearing of Wanted Persons (State or NCIC)

i. Reporting – before any person can be cleared from NCIC/DCI a supplement report must be completed explaining the circumstances of the clearance.

- ii. Entry Form – a completed NCIC/DCI entry form shall be taken to the TAC, ATAC or C-COMM.
- iii. Clearing – upon receipt, the TAC, ATAC, or C-COM shall initiate the clearance process.
- iv. Records – the TAC shall be responsible for retrieval of master records (white entry form) of wanted persons, and will maintain the records of clearances for the purpose of meeting SBI standards.
- v. Copy of Records – Once a clearance is completed, a copy of the entry form (yellow copy) and confirmation shall be forwarded by the TAC to the Phoenix Special Police records division and filed with the original report.

### **C. Clearing of Entered Property**

- i. Reporting – before any property can be cleared from NCIC/DCI a supplement report must be completed explaining the circumstances of the clearance.
- ii. Entry Form – a completed NCIC/DCI entry form will be completed explaining the clearance.
- iii. Clearing – upon receipt, the TAC, ATAC, or C-COM shall initiate an immediate clearance.
- iv. Records – the TAC shall maintain all master records (white entry form) of clearances for the purpose of meeting SBI standards.
- v. Copy of Records – once a clearance is complete, a copy of the entry form (yellow copy) and confirmation, shall be forwarded by C- COMM to the Phoenix Special Police records division to be filed with the original report.

## **IV. DIVISION/PERSONNEL RESPONSIBILITIES**

### **A. Officer**

It shall be the reporting/arresting officer's responsibility to insure the DCI/NCIC entry form is completed. Once approved by a supervisor, the form will be delivered to the TAC, ATAC, or C-COMM, for immediate entry.

## **B. TAC, ATAC, C-COMM**

The TAC, ATAC, and C-COMM shall insure timely entries and clearances of all aforementioned categories. C-COMM shall be the primary agency responsible for handling **Hit Confirmations**. However, any designated PSPSAS personnel may also handle. In the event of confirmation on a wanted person, either entity, shall immediately contact the Detention Center booking. Detention staff shall check the Hot File for confirmation of active warrants and/or letter of extradition (if applicable). If a hit is confirmed, the appropriate personnel shall immediately notify the shift supervisor. The TAC shall also be responsible for monthly validation of all DCI reporting requirements, testing for certifications and renewals, and other related entities.

**NOTE:** There are two types of Hit Confirmation – 1) **URGENT** – 10 minutes to respond, 2) **ROUTINE** – One hour to respond.

### **B. Detention Staff**

Detention staff's is responsible for keeping hot files secured, and verify outstanding warrants as part of the confirmation process. If confirmed, the on duty patrol supervisor shall be contacted immediately.

### **C. Shift Supervisor**

The shift supervisor, when notified of a hit confirmation, will insure proper procedures for supplemental reports and NCIC/DCI clearance is completed.

### **D. TAC Officer**

The TAC officer will be responsible for the monthly validation of all NCIC/DCI entries and criminal histories.



# **PHOENIX SPECIAL POLICE**

## **TITLE: NEWS MEDIA RELATIONS**

**POLICY #: III-4**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish guidelines for interaction between representatives of the news media and the Phoenix Special Police, and for the preparation and dissemination of news releases.

**POLICY:** It shall be the policy of the Phoenix Special Police to work in conjunction with representatives of the news media for the accurate reporting and dissemination of newsworthy information to the public if it is in the best interest of the public and client and does not violate any standing contractual agreement .

### **PROCEDURE:**

#### **I. NEWS RELEASES**

##### **A. Incident New Releases**

Information may be released concerning arrests and investigations to news media personnel, provided such information will not jeopardize a continuing investigation, the apprehension of suspects, or the prosecution of the case. Press releases will be prepared as soon as practical. At events requiring an immediate agency spokesperson, it shall be the responsibility of the ranking n-duty supervisor, or his designee, to provide media information.

The Phoenix Special Police Public Information Officer (PIO) may be called upon to assist in the evaluation, preparation, and dissemination of news releases.

##### **B. Events Requiring On-Call Response to the News Media**

In the event of an incident requiring on-call response to the news media, the Chief shall be notified. In addition, the agency PIO shall be notified to assist. The PIO shall arrange and help facilitate appropriate news conferences and/or releases. The on-duty supervisor may be requested to activate notification of news media representatives.

### **C. Normal/Daily News Releases**

The Public Information Officer shall be responsible for the evaluation, preparation, and review of daily or routine news releases to be disseminated by the agency. The discretion of the on-duty supervisor and/or the agency PIO shall determine whether or not a release is prepared, based on whether an event is unique out of the ordinary or newsworthy.

The following categories shall be considered as generally warranting a news release:

- i. Accidents where death or critical injury occurs
- ii. Any unusually violent crime
- iii. Drug roundup/significant drug arrest
- iv. Multiple offense arrests
- v. Anything deemed unusually newsworthy

### **D. News Conferences**

In lieu of or in addition to a printed news release, the agency may notify the news media and arrange a news conference. These should be used as a means to benefit the agency and media representatives in the dissemination of information regarding Director crimes or incidents. It shall be the responsibility of the PIO to consult with the Chief, and to arrange and assist at such events as deemed necessary by the Chief or his designee. In this capacity the PIO will obtain information designed to provide the media with appropriate resource material.

## **II. RELEASE OF INFORMATION TO THE PUBLIC**

**A. Information Which May Be Released** The following information shall be made public, if available, in criminal cases:

- i. The name, age, place of residence, employment, marital status or similar background information of a person charged with a crime as well as the offense charged, any resistance given during the arrest, and the time and place of arrest.
- ii. Whatever weapons were found or used, and description of any evidence or contraband seized if not prejudicial to the outcome of the case.
- iii. The name of the victim, place of offense, type of offense, items stolen or damaged and their value, or any other general information that would not be prejudicial to the outcome of the case.
- iv. The identity of investigators and arresting officers.

*Note: In cases involving sexual assaults, or any cases involving juvenile victims or suspects, no information shall be released that could serve as an identifier of the sexual assault victim or of the juvenile victim or suspect (name, address, etc.). General information such as age, gender, and race may be released. The agency PIO shall be consulted if a question arises regarding this issue.*

**B. Information Not to Be Released**

The following information shall not be made public.

- i. Opinions or other statements as to the character, reputation, guilt, or innocence of any person connected with an investigation.
- ii. Admissions, confessions, statements, or alibis attributed to a person charged with an offense.
- iii. The result of any investigative procedure, polygraph examination, or laboratory test involving a person charged with an offense.
- iv. The refusal of a person charged to submit to any test, except that information concerning refusal to submit to a chemical test for alcohol impairment may be released.
- v. Opinions or other statements concerning the plea of a person charged or of possible dispositions of a charge or case.
- vi. Opinions or other statements concerning evidence in a case or concerning points of argument to be presented in court.
- vii. Statements concerning physical evidence.
- viii. Names of juveniles who are under investigation or who have been taken into custody.
- ix. The identity, testimony or credibility of any prospective witness.
- x. Name of other personal information which will identify a witness.
- xi. Information received from other law enforcement agencies without the concurrence to release this information from that agency.
- xii. Names of victims of sexual assaults.

- xiii. The names of deceased persons prior to notification of that person's next of kin.

### **III. COORDINATION OF INFORMATION RELEASE**

The PIO will coordinate the release of information concerning confidential agency investigations and/or operations at a time deemed appropriate by the Chief or his designee. When more than one agency is involved in an activity, the agency having primary jurisdiction will be responsible for releasing or coordinating any release to the media

### **IV. POLICY INPUT**

Selected media representatives shall be permitted to participate in the development of changes in policy and procedure relating to the news media. The Chief in conjunction with the PIO shall select at a minimum one representative from each of the various mediums to assist in this capacity.

### **V. NEWS MEDIA ACCESS**

- A. It shall be the general policy of the Phoenix Special Police that the presence of a news media representative, including photographers, at an accident, crime, or disaster scene and the taking of photographs of the scene and the asking of questions relative to the incident, shall not constitute unlawful interference by the media with duties of this Officer. Member of this agency must therefore permit media access to such scenes, except as outlined below.

News media may be restricted or excluded from public areas only under the following circumstances:

- i. When any representative of the news media attempts to resist, obstruct or oppose an officer in his/her lawful execution of a legal duty.
  - ii. When an officer deems it essential to restrict access to a scene in order to safeguard or preserve evidence.
  - iii. When any person would be placed in grave or immediate danger, or the risk of harm to any persons or property would substantially increase.
- B. Members of the news media should not cross crime scene perimeters. This may be clearly marked with perimeter tape or by officers who indicate the presence of a perimeter or by any other method utilized by the on-scene supervisor.
  - C. If a news media representative is unreasonable in his/her request for access to a scene or for information about an incident or is obstructing an officer from performing his/her legal duties, that officer shall not be expected to cooperate with the representative. Protection of life and the crime scene are of utmost

importance. An Officer may use whatever means necessary within the scope of the law to accomplish this purpose up to and including arrest, as a last resort.

- D.** If a particular representative of the news media continues a pattern of being unreasonable in his/her demands, the officer's supervisor should be informed and the supervisor shall arrange to have the supervisor of the news media representative contacted to inform him/her of the problem.

## **VI. NEWS MEDIA RIDE-ALONG**

- A.** A news media reporter/photographer may be authorized to ride with a member of the Phoenix Special Police under the following conditions:
  - i. A waiver of liability shall be signed prior to any news media representative participating in a ride-along. The Chief or his designee have the authority to designate which officer the media representative will ride with.
  - ii. No news media representative will be taken into or allowed to enter an area when his/her presence would jeopardize an investigation or the safety of the representative or any other person(s).
  - iii. The news media representative will be under the direct supervision of the officer with whom he/she is assigned and will obey all instructions given by that officer.
- B.** Whenever possible a homeowner/caretaker shall be notified of news media presence prior to such media representatives entering the residence of the homeowner/caretaker. If the homeowner/caretaker does not want the media reporter present, the reporter shall leave the premises.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: VICTIM NOTIFICATION REQUIREMENTS**  
**POLICY #: III-5 EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish a procedure which ensures that members of the Phoenix Special Police comply with statutory requirements requiring victim notification by law enforcement agencies- **This policy is in place in the event Phoenix Special Police must assume the lead role in this particular investigation, or if this agency is assisting other agencies that do not have an existing policy in this matter; however, these cases should as a general rule be handed over to the local governmental agency if possible.**

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**POLICY:** It shall be the policy of the Phoenix Special Police to comply with N.C. General Statute 15A-831, and any other statutory requirements that are applicable, which relate to victim notification by investigating law enforcement agencies.

## **PROCEDURE:**

### **I. SUMMARY OF RIGHTS**

The following North Carolina law summarizes the rights of victims. All members of this agency should become familiar with these laws in order to protect the rights of victims.

- A. N.C. General Statutes, Article 45, Chapters 15A-824 through 15A-8127: “Fair Treatment for Certain Victims and Witnesses.”
- B. N.C. General Statutes, Article 45A, Chapters 15A-830 through 15A841: “Crime Victims’ Rights Act.”
- C. N.C. General Statutes, Chapter 15B: “Victims Compensation.”

### **II. VICTIM QUALIFICATION CRITERIA: CRIME VICTIMS RIGHTS ACT**

Individuals who require notification under N.C. General Statute, 15A-830 are persons against whom offenses classified as Class A, B1, B2, C, D, or E felonies, and certain specified Class F, G, H, and I felony offenses, have been committed. Generally, individuals qualify under this statute who are victims of homicide, manslaughter, death by vehicle, kidnapping, felonious restraint, rape or sex offenses, indecent liberties, robbery, felonious assault, burglary, arson, and offenses committed under the domestic violence statute of N.C.G.S. 50B. Reference to N.C. 15A-830 should be made for complete details regarding the victims covered by this statute.

### **III. VICTIM NOTIFICATION FORM**

- A. The Phoenix Special Police has developed a Victim Notification Form, printed in both the English and Spanish language, to enable its members to provide the necessary information to victims, their next of kin, and the District Attorney's Office, as required by law. Points of contact have been established and are noted on this form who can fully inform victims and their families relative
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to the information which they are entitled to receive. Victims are entitled to receive information regarding the following within 72 (seventy-two) hours of reporting a qualifying crime and/or the arrest of an individual for that crime:

- i. Availability of medical services
- ii. Availability of crime victims' compensation funds
- iii. The address and telephone number of the organization responsible for dispensing victim compensation funds
- iv. The arrest of an individual
- v. Contact information for the District Attorney's Office
- vi. Contact information for the Phoenix Special Police
- vii. Contact information for the Phoenix Special Police Agency Jail and the N.C. Victim's Assistance Network, who can inform the victim if the defendant is still in custody
- viii. Information about the arrestee's opportunity for pre-trial release

- B. The Victim Notification Form exists in triplicate form:

- i. The original copy (white) will be retained according to department policy by attaching an electronic copy to the case file in the PSPSAS records management system.
- ii. A District Attorney's copy (yellow), will be forwarded to the District Attorney's Office by the arresting officer by placing the copy in the court file or shuck, usually at the magistrate's office. A copy must also be included in the case file provided to the District Attorney's Office.
- iii. A victim's copy (pink), which will be given to the victim, victim's parent or guardian in juvenile cases, or to the victim's next of kin in death cases

### **IV. VICTIM NOTIFICATION**

#### **A. Initial Victim Notification**

- i. All officers who investigate complaints from crime victims who qualify according to N.C. G.S. 15A-830 shall complete the Victim Notification Form and personally provide a copy of this form to the victim, the

victim's parent or guardian, or the victim's next of kin, as may be appropriate. This form should be given to the victim upon initial contact when possible, or mailed to the victim upon initial contact when possible, or mailed to the victim as soon as possible there-after to ensure that it is received within 72 hours of initial contact. Whenever a CID officer responds to a scene, the responsibility of victim notification becomes that of the CID officer even if initial response was made by another division.

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- ii. In those instances when victims report qualifying crimes over the telephone, the completed Victim Notification Form should be filled out by the agency member taking the report, and the victim's copy should then be mailed to the victim by that officer.

#### **B. Notification After Arrest**

- i. It is the responsibility of the arresting officer to notify the victim of the arrest of an individual. When this occurs at the time of initial contact by the officer with the victim, the arrestee's name and location of incarceration should be noted on the Victim Notification Form at the time when the victim's copy is provided to the appropriate individual.
- ii. In those instances when an arrest occurs after initial notification of a victim, the arresting officer is still responsible for notifying the victim, victim's parent or guardian, or next of kin of the arrest. The arresting officer should attempt such contact either in person or by phone the day of the arrest, and should complete a notification of some type within 72 hours. If unable to make an in person or telephone notification, the victim's copy should be mailed to the victim within 72 hours of any arrest by the arresting officer.
- iii. When an arrest is made by a member of the Phoenix Special Police on a warrant from another officer with this agency, it is the responsibility of the arresting officer to notify the charging officer as soon as possible, and for the charging officer to make appropriate victim and District Attorney notifications within 72 hours of the arrest. Likewise, when this Office is notified by an outside agency that an arrest has been made on a Phoenix Special Police case which qualifies under this policy, it is the responsibility of the officer receiving such notification to determine the officer whose name appears on the arrest warrant and to notify that officer of this arrest, before the end of his/her tour of duty. The charging officer shall then have 72 hours to make victim and District Attorney notifications.

- iv. In situations where central communications (C-Com) or the jail receives notification of an arrest by an outside agency in an Phoenix Special Police case, it is the responsibility of that person to contact the on- duty patrol supervisor about this arrest, and it is the responsibility of that supervisor to determine whether victim notification criteria applies to

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that arrest, and if so, to make contact with the charging officer to initiate the victim notification process.

- v. It is also the responsibility of any arresting officer of the Phoenix Special Police to notify an outside investigation agency of any arrest made in that agency's case which is covered by this policy and N.C.G.S. 15A-830. The arresting officer should have a DCI message sent to the outside investigation agency immediately following the arrest of an individual for crimes covered under this statute, noting the arrest and the status of the arrestee.

**C. Notification of District Attorney**

It is the responsibility of any arresting officer to forward the District Attorney's copy of the Victim Notification Form to the District Attorney's Office along with his/her report being sent to the DA's Office subsequent to that arrest, whether that officer is assigned to patrol, CID, or any other division.

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**CRIME VICTIM RIGHTS**

As a victim of crime, you shall be treated with dignity and respect by the criminal justice system. The North Carolina Constitution guarantees the following rights:

The right, upon request, to reasonable, accurate, and timely notice of court proceedings of the accused.

The right, upon request, to be present at court proceedings of the accused.

The right to be reasonably heard at court proceedings involving the plea, conviction, sentencing, or release of the accused.

The right to receive restitution in a reasonably timely manner, when ordered by the court.

The right to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.

The right, upon request to receive information about the conviction or final disposition, and sentence of the accused.

The right, upon request to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.

The right to present the victim's views and concerns in writing to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.

The right to reasonably confer with the prosecution.

**VICTIM'S COMPENSATION**

Victim's Compensation is available to citizens who suffer medical expenses, lost wages and other expenses (not covered by other sources) to innocent victims of crime of rape, child sexual abuse, domestic violence and drunk driving, as well as the families of homicide victims. A claim must be filed within two years to receive compensation. For more information, go to [www.ncdps.gov](http://www.ncdps.gov) (Crime Victim Compensation) or call 1-800-826-6200.

**LAW ENFORCEMENT SERVICES**

Should you need medical assistance resulting from this crime, law enforcement can provide the proper information.

If you receive a threat, immediately call the law enforcement agency and prosecutor assigned to your case.

Any stolen or other personal property that has been seized shall be expeditiously returned when it is no longer needed as evidence.

If an arrest is made in your case, law enforcement will notify you. If you are not notified within six months of the reported crime, you may contact:

*Law Enforcement:*

Phoenix Special Police  
137 Branson Mill Rd  
Randleman, NC 27317  
336-200-8167

*District Attorney:*

**PRETRIAL RELEASE**

Upon arrest, a defendant has the right to pretrial release through a bond or special conditions set by a magistrate or judge.

To obtain information regarding custody status changes and criminal case information, visit [www.ncsavan.org](http://www.ncsavan.org) or call 1-877-627-2826.

**D** I wish to receive further notices on the status of the accused during the pretrial process.

**D** I do not wish to receive further notices.

<i>Name:</i>		<i>Address:</i>	
<i>City:</i>	<i>State:</i>	<i>Zip:</i>	<i>Phone:</i>
<i>Email:</i>	<i>Signature:</i>		<i>Date:</i>

Offense Codes flagged as Victims Rights Effective 08/31/2019

Attachment 1

Code	Type	Short Description	Offense Cite	Offense Start Date	Offense End Date	Class
0910	F	MURDER OF AN UNBORN CHILD	14-23.2(A)	20111201	99999999	A,B2 0915 F
VOL MANSLAUGHTER UNBORN CHILD		14-23.3(A)	20111201	99999999	D 0916 F	INV MANSLAUGHTER
UNBORN CHILD		14-23.4(A)	20111201	99999999	F 0920 F	VOLUNTARY MANSLAUGHTER 14-18
00000000		99999999	D 0922 F	99999999	14-18	00000000 99999999
F 0930	F	MURDER 14-17	00000000	99999999	A,B2 0935	F FIRST DEGREE MURDER 14-17
00000000		99999999	A 0942 F	99999999	14-17(B)(1)	20121201
99999999		B2 0943 F	99999999	99999999	14-17(B)(2)	20121201 99999999 B2
0944	F	SECOND DEGREE MURDER	14-17(B) 20121201	99999999	B1 0999 F	HOMICIDE - FREE TEXT 14-17
00000000		99999999	1020 F	00000000	99999999	C,E 1023 F ABDUCTION OF CHILDREN 14-41 00000000
99999999		F 1026 F	99999999	99999999	C 1028 F	SECOND DEGREE KIDNAPPING 14-39 00000000
99999999		E 1030 F	00000000	99999999	F 1099 M	KIDNAPPING - FREE TEXT 14-40 00000000 99999999 2 1104
F		FIRST DEGREE FORCIBLE RAPE	14-27.21	20151201	99999999	B1 1105 F SECOND DEGREE
FORCIBLE RAPE		14-27.22	20151201	99999999	C 1106 F	SECOND DEGREE FORCE SEX OFF 14-27.27
20151201		99999999	C 1107 F	99999999	14-27.25(A)	20151201
99999999		B1 1109 F	99999999	99999999	14-27.25(B)	20151201 99999999 C
1110	F	FIRST DEGREE STATUTORY RAPE	14-27.24	20151201	99999999	B1 1111 F FIRST DEGREE
STATUTORY SEX OFF		14-27.29	20151201	99999999	B1 1112 F	STAT SEX OFF WITH CHILD <= 15 14-
27.30(A)		20151201	99999999	B1 1113 F	14-27.30(B)	20151201
99999999		C 1115 F	99999999	99999999	14-202.4(B)	20151201 99999999 I 1117
F		INDECENT LIBERTIES STUDENT (F)	14-202.4(A)	19991201	99999999	I 1118 F INDECENT
LIBERTIES WITH CHILD		14-202.1	00000000	99999999	F 1121 F	SEX ACT WITH A STUDENT 14-27.32(A)
20151201		99999999	G 1123 F	99999999	14-27.32(A)	20151201
99999999		H 1127 F	99999999	99999999	14-27.21	20151201 99999999 B2 1129 F
ATMPT 1ST DEGREE FORCE SEX OFF		14-27.26	20151201	99999999	B2 1131 F	FIRST DEGREE FORCE SEX OFFENSE
14-27.26		20151201	99999999	B1 1133 F	14-27.31(A)	20151201
99999999		E 1135 F	99999999	99999999	14-27.31(B)	20151201 99999999 E
1147	F	ATT SEX ACT-SUB PAR/CUSTODIAN	14-27.31(A)	20151201	99999999	F 1150 F
HUMAN TRAFFICKING ADULT VICTIM		14-43.11(A)	20061201	99999999	C 1151 F	HUMAN TRAFFICKING
CHILD VICTIM		14-43.11(A)	20061201	99999999	B2 1152 F	INVOL SERVITUDE ADULT VICTIM 14-
43.12(A)		20061201	99999999	F 1153 F	14-43.12(A)	20061201
99999999		C 1154 F	99999999	99999999	14-43.13(A)	20061201 99999999 D
1155	F	SEXUAL SERVITUDE CHILD VICTIM	14-43.13(A)	20061201	99999999	C 1156 F
SEXUAL ACTIVITY WITH A STUDENT		14-27.32(B)	20151201	99999999	I 1157 F	ATMPT 2ND DEGREE
FORCIBLE RAPE		14-27.22	20151201	99999999	D 1158 F	ATMPT 2ND DEGREE FORCE SEX OFF 14-27.27
20151201		99999999	D 1159 M	99999999	14-27.33	20151201 99999999 A1 1161 F
FAIL REGISTER SEX OFFENDER(F)		14-208.11	19960101	99999999	F 1162 F	SEX OFFENDER
RESIDENCE VIOL		14-208.16(A)	20061201	99999999	G 1163 F	SEX OFFENDER EMPLOYMENT VIOL 14-
208.17(A)		20061201	99999999	F 1164 F	14-208.17(B)	20061201
99999999		F 1165 F	99999999	99999999	14-208.11(A)	20061201 99999999 H

1166 FAIL ENROLL SEX OFFEN SBM PROG 14-208.44(A) 20061201 F 1167 REMOVE/TAMPER SEX OFFEN SBM 14-208.44(B) 20061201 E 1168 FAIL REPRT NEW ADDRESS-SEX OFF 14-208.11(a)(2) 20061201 F 1169 M FAIL PROVIDE INFO/COMPLY SBM 14-208.44(C) 20071201 1 1202 F ATT ROBBERY-DANGEROUS WEAPON 14-87 00000000 D 1220 F COMMON LAW ROBBERY 14-87.1 00000000 G 1221 F CONSP ROBBERY DANGRS WEAPON 14-87 20020105 E 1222 F ROBBERY WITH DANGEROUS WEAPON 14-87 00000000 D 1224 F SAFECRACKING 14-89.1 00000000 I 1226 F ATTEMPTED COMMON LAW ROBBERY 14-87.1 00000000 99999999 H 1299 F ROBBERY - FREE TEXT 14-88 19941001 99999999 D 1305 F FELONY ASSAULT ON HANDICAPPED 14-32.1(E) 00000000 99999999 F 1306 F PATIENT ABUSE AND NEGLECT(F) 14-32.2(A) 00000000 99999999 C,E,F 1310 M ASSAULT INDIV W/ DISABILITY 14-32.1(F) 20181201 99999999 A1 1311 F FEL ASSAULT INDIV W/ DISAB14-32.1(E) 20181201 99999999 F 1315 F ASSAULT ISBI UNBORN CHILD14-23.5(A) 20111201 99999999 F 1316 M BATTERY OF UNBORN CHILD 14-23.6(A) 20111201 99999999 A1 1318 M ASSAULT SCHOOL EMPL/VOLUNT 14-33(C)(6) 19991201 99999999 A1 1322 M ASSAULT BY POINTING A GUN 14-34 00000000 99999999 A1 1323 F ASSAULT BY STRANGULATION 14-32.4(B) 20041201 99999999 H 1324 F MALICIOUS ASSAULT IN SECRET 14-31 00000000 99999999 E 1325 F ASSAULT SERIOUS BODILY INJURY 14-32.4 19970101 99999999 F 1329 M ASSAULT PUBLIC TRANSIT OPERATR 14-33(C)(7) 20041201 99999999 A1 1331 M ASSAULT CO/CAMPUS POLICE OFCR 14-33(C)(8) 20050728 99999999 A1 1336 M ASSAULT AND BATTERY 14-33(A) 00000000 99999999 2 1337 F ASSAULT PHY INJ EMERGENCY PRSN 14-34.6(A) 20111201 99999999 I 1337 F ASSAULT PHY INJ EMERGENCY PRSN 14-34.6(A) 20111201 99999999 I 1339 F ASSAULT PHY INJ LE/PROB/PAR OF 14-34.7(C)(1) 20111201 99999999 I 1341 F ASSAULT PHY INJ DETENTION EMP 14-34.7(C)(2) 20111201 99999999 I 1343 F ASSAULT PHYS INJ NATL GUARD 14-34.7(c)(3) 20151201 99999999 I 1344 F AWDW INTENT TO KILL 14-32(C) 00000000 99999999 E 1346 F AWDW SERIOUS INJURY 14-32(B) 00000000 99999999 E 1348 F AWDWIKISI 14-32(A) 00000000 99999999 C 1350 M ASLT INF SER INJ MINOR PRESENT 14-33(D) 20031201 99999999 A1 1351 M AWDW MINOR PRESENT 14-33(D) 20031201 99999999 A1 1356 F AWDW GOVERNMENT OFFICIAL 14-34.2 00000000 99999999 F 1357 M SIMPLE AFFRAY 14-33(A) 00000000 99999999 2 1358 M ASSAULT - SPORTS OFFICIAL 14-33(B)(9) 00000000 99999999 1 1359 F ASLT FIREARM/DW COMP/CAMP POL 14-34.2 00000000 99999999 F 1360 F MALICIOUS CASTRATION 14-28 00000000 99999999 C 1361 F ASSAULT LEO/PO SER INJ 14-34.7(a) 19971201 99999999 F 1362 F CASTRATION WITHOUT MALICE 14-29 00000000 99999999 E 1363 F ASSAULT NATL GUARD SER INJ 14-34.7(a1) 20151201 99999999 F 1364 F MAIMING WITHOUT MALICE 14-29 00000000 99999999 E 1365 F ASSAULT DETENT EMP SER INJ 14-34.7(b) 19971201 99999999 F 1366 F MALICIOUS MAIMING 14-30 00000000 99999999 C 1368 M SIMPLE ASSAULT 14-33(A) 00000000 99999999 2 1370 F THROWING ACID OR ALKALI 14-30.1 00000000 99999999 E 1372 F ADULTERATED OR MISBRANDED FOOD 14-34.4(A) 00000000 99999999 C 1373 F ASSAULT LEO/PO W/FIREARM 14-34.5(a) 19971201 99999999 E 1374 F ADLTRT OR MISBRAND TO EXTORT 14-34.4(B) 00000000 99999999 C 1375 F ASSAULT NATL GUARD W/FIREARM 14-34.5(a1) 20151201 99999999 E 1377 F EXPLOIT DISABLE/ELDER TRUST 14-112.2(B) 20051201 99999999 F,G,H 1378 F EXPLOIT DISABLE/ELDER CAPACITY 14-112.2(C) 20051201 99999999 G,H,I 1379 F ASSAULT DETENT EMP W/FIREARM 14-34.5(b) 19971201 99999999 E 1380 F ABUSE DISABLE/ELDER SER INJ 14-32.3(A) 19951201 99999999 F 1381 ABUSE DISABLE/ELDER WITH INJ 14-32.3(A) 19951201 H

1382		NEGLECT DISABLE/ELDER SER INJ	14-32.3(B)	19951201		G
1383		NEGLECT DISABLE/ELDER WITH INJ	14-32.3(B)	19951201		I
1386	M	ASSAULT ATTEMPT SERIOUS INJ(M)	14-33(C)(1)	19951201		1
1387	M	ASSAULT INFLICT SERIOUS INJ(M)	14-33(C)(1)	19951201		A1
1388	M	ASSAULT WITH A DEADLY WEAPON	14-33(C)(1)	19951201		A1
1389	M	ASSAULT ON A FEMALE	14-33(C)(2)	19951201		A1
1390	M	ASSAULT ON A CHILD UNDER 12	14-33(C)(3)	19951201		A1
1391	M	ASSAULT GOVT OFFICIAL/EMPLY	14-33(C)(4)	19951201		A1
1393	F	HABITUAL MISDEMEANOR ASSAULT	14-33.2	19951201	99999999	H
1396	F	ASSAULT EMERG PRSNL IBI/WDW	14-34.6(B)	19951201	99999999	H
1397	F	ASSAULT EMERG PRSNL FIREARM	14-34.6(C)	19951201	99999999	F
1399	F	ASSAULT - FREE TEXT	14-34.2	00000000	99999999	F
1399	M	ASSAULT - FREE TEXT	14-34.3	00000000	99999999	1
2020	F	ARSON	14-58	00000000	99999999	D,G
2021	F	BURNING OF A SCHOOL HOUSE	14-60	00000000	99999999	F
2022	F	BURNING BLDG UNDER CONSTRUCT	14-62.1	00000000	99999999	H
2023	F	BURNING CERTAIN BUILDINGS	14-62	00000000	99999999	F
2026	F	FRAUDULENTLY BURNING DWELLING	14-65	00000000	99999999	H
2027	F	FIRST DEGREE ARSON	14-58	00000000	99999999	D
2028	F	SECOND DEGREE ARSON	14-58	00000000	99999999	G
2029	F	BURN CERTAIN PUBLIC BUILDINGS	14-59	19941001	99999999	F
2030	F	BURNING PERSONAL PROPERTY	14-66	19810701	99999999	H
2032	F	BURN CHURCH/RELIGIOUS BLDG	14-62.2	19960621	99999999	E
2099	F	ARSON - FREE TEXT	14-58	00000000	99999999	E
2099	F	ARSON - FREE TEXT	14-58	00000000	99999999	H
2099	F	ARSON - FREE TEXT	14-63	00000000	99999999	H
2099	F	ARSON - FREE TEXT	14-61	00000000	99999999	F
2099	F	ARSON - FREE TEXT	14-59	00000000	99999999	F
2099	F	ARSON - FREE TEXT	14-67.1	00000000	99999999	H
2110	F	EXTORTION	14-118.4	00000000	99999999	F
2151	F	DISCHARGE FIREARM ENCLOSURE	14-34.9	20081201	99999999	E
2155	F	SOLICIT GANG ACTIVITY	14-50.17(a)	20081201	99999999	H
2156	F	SOLICIT GANG ACTIVITY-MINOR	14-50.18(a)	20081201	99999999	F
2162	F	THREAT/DMG DETER GANG WITHDR	14-50.19(a)	20171201	99999999	G
2163	F	INJURE TO DETER GANG WITHDR	14-50.19(a1)	20171201	99999999	F
2164	F	THREAT/DMG PUNISH GANG WITHDR	14-50.20(a)	20171201	99999999	G
2165	F	INJURE TO PUNISH GANG WITHDR	14-50.20(a1)	20171201	99999999	F
2205	F	BREAK/ENTER TERRORIZE/INJURE	14-54(a1)	20131201	99999999	H
2206	F	POSSESSION OF BURGLARY TOOLS	14-55	00000000	99999999	I
2208	F	ATT BREAK OR ENTER BLDG (F)	14-54(A)	20020105	99999999	I
2212	F	BREAKING AND OR ENTERING (F)	14-54(A)	00000000	99999999	H
2213	F	CONSP B&E BLDG-FELONY/LARCENY	14-54(a)	19941001	99999999	I
2216	F	BREAK OR ENTER A MOTOR VEHICLE	14-56	00000000	99999999	I
2217	F	BREAK COIN/CURRENCY MACH (F)	14-56.1	00000000	99999999	I
2220	F	BREAK/ENTER RAILROAD CAR	14-56	00000000	99999999	I
2222	F	BREAK/ENTER TRAILER/AIRCRAFT	14-56	00000000	99999999	I
2223	F	BREAK/ENTER BOAT	14-56	00000000	99999999	I
2224	F	BURGLARY WITH EXPLOSIVES	14-57	00000000	99999999	D
2225	F	BREAK/ENTER PLACE OF WORSHIP	14-54.1(A)	20051201	99999999	G
2226	F	FIRST DEGREE BURGLARY	14-51	00000000	99999999	D
2228	F	SECOND DEGREE BURGLARY	14-51	00000000	99999999	G
2240	F	ATTEMPT FIRST DEGREE BURGLARY	14-51	00000000	99999999	E
2299	F	ATTEMPT SECOND DEG BURGLARY	14-51	00000000	99999999	G

2299	F	BURGLARY - FREE TEXT	14-53	00000000	99999999	D
2299	F	BURGLARY - FREE TEXT	14-54(A)	19941001	99999999	I
2299		PREP BREAK/ENTER MV POSS-2SUB	14-56.4(B)	20051201		I
2304		ORG RETAIL THEFT >20000/LEADER	14-86.6(a1)	20171201		G
2310		LARC MERCHANT EMERGENCY DOOR	14-72.11(1)	20071201		H
2311	F	LARC MERCHANT PROD CODE FRAUD	14-72.11(3)	20071201		H
2313	F	LARC MERCHANT EXCH STOLEN PROP	14-72.11(5)	20171201		H
2314	F	ORG RETAIL THEFT >1500/RECV	14-86.6(A)	20071201		H
2316	F	HABITUAL LARCENY	14-72(B)(6)	20121201		H
2317	F	LAR REMOVE/DEST/DEACT COMPO	14-72.11(2)	20071201		H
2319	F	AID & ABET LARCENY (F)	14-72(A)	20020105		H
2321	F	FELONY LARCENY	14-72(A)	00000000	99999999	H
2323	F	AID AND ABET ARMED ROBBERY	14-87	00000000	99999999	D
2325	F	LARCENY OF A FIREARM	14-72(B)	00000000	99999999	H
2327	F	ATTEMPTED LARCENY (F)	14-72	20020105	99999999	I
2331	F	LARCENY OF CHOSE IN ACTION	14-75	00000000	99999999	H
2333	F	LARCENY BY ANTI-INVNTRY DEVICE	14-72.1(D1)	19971201	99999999	H
2334	F	LARCENY BY EMPLOYEE	14-74	00000000	99999999	H
2335	F	LARCENY BY EMPL >=\$100,000	14-74	19971201	99999999	C
2336	F	LARCENY FROM THE PERSON	14-72(B)(1)	00000000	99999999	H
2337	F	POSSESS STOLEN FIREARM	14-71.1	20020105	99999999	H
2340	F	RECEIVE STOLEN GOODS/PROP (F)	14-71	00000000	99999999	H
2341	F	POSS STOLEN GOODS/PROP (F)	14-71.1	00000000	99999999	H
2345	F	LARCENY OF HORSE/SWINE/CATTLE	14-81(A)	00000000	99999999	H
2347	F	POSS/RCV STOLEN PROP CERT FEL	14-72(C)	20091201	99999999	H
2348	F	LARCENY OF SECRET PROCESS	14-75.1	00000000	99999999	H
2349	F	LARCENY MOTOR VEHICLE PARTS	14-72.8	20091201	99999999	I
2356	F	LARCENY AFTER BREAK/ENTER	14-72(B)(2)	00000000	99999999	H
2360	F	LARCENY OF DOG	14-81(A1)	00000000	99999999	I
2361	F	LARCENY FROM CONSTRUCTION SITE	14-72.6(A)(1)	20051201	99999999	I
2362	F	POS/REC STOLEN PROP CONST SITE	14-72.6(A)(2)	20051201	99999999	I
2363	F	LARCENY OF PINE STRAW	14-79.1	19971201	99999999	H
2365	F	CONSPIRE COMMIT FEL LARCENY	14-72(A)	00000000	99999999	I
2385	F	ALTER/DEST/ETC STOLEN MV/PART	14-72.7(A)	20131201	99999999	G
2386	F	PERMIT PLACE USED CHOP SHOP	14-72.7(A)(2)	20131201	99999999	G
2387	F	PUR/SELL/ETC MV/PART ALT ID	14-72.7(A)(3)	20131201	99999999	G
2388	F	PURCH/DISP/ETC MV/PART CHOP SH	14-72.7(A)(4)	20131201	99999999	G
2391	F	LARCENY OF MOTOR VEHICLE (F)	14-72(A)	00000000	99999999	H
2399	F	LARCENY - FREE TEXT	14-72.7(A)(2)	20071201	99999999	H
2399	F	LARCENY - FREE TEXT	14-72.7(A)(1)	20071201	99999999	H
2399	F	LARCENY - FREE TEXT	14-72.7(A)(4)	20071201	99999999	H
2399	F	LARCENY - FREE TEXT	14-72.7(A)(3)	20071201	99999999	H
2399	F	LARCENY - FREE TEXT	14-72(A)	19941001	99999999	I
2399	F	LARCENY FROM MERCHANT-PR CODE	14-72.11(3)	20071201	99999999	H
2399	F	LARCENY FROM MERCHANT-POST DR	14-72.11(1)	20071201	99999999	H
2399	F	LARCENY - FREE TEXT	14-79	00000000	99999999	H
2399	F	LARCENY - FREE TEXT	14-86.6(A)	20071201	99999999	H
2509	F	POSS 5+ COUNTERFEIT INSTRUMENT	14-119(B)	20021201	99999999	G
2514	F	AID & ABET FORGERY	14-119(A)	20040618	99999999	I
2520	F	FORGERY OF INSTRUMENT	14-119(A)	00000000		I
2524	F	UTTERING FORGED INSTRUMENT	14-120	00000000		I

2527	F	UTTERING FORGED ENDORSEMENT	14-120	00000000	I
2528	F	FORGERY OF ENDORSEMENT	14-120	00000000	I
2529	F	ATTEMPTED UTTERING	14-120	20151001	I
2540	F	FORGERY OF DEEDS OR WILLS	14-122	00000000	H
2599	F	FORGERY - FREE TEXT	14-119(A)	19941001	I
2612	F	FINANCIAL CARD THEFT	14-113.9	00000000	I
2614	F	FINANCIAL CARD FORGERY	14-113.11	00000000	I

2616	FINANCIAL CARD FRAUD (F)	14-113.13	00000000	I 2628	M	FALSE	HOTEL
REGISTRATION	14-186	00000000	2 2631	F	ATT OBTAIN PROP FALSE PRETENSE	14-100	
20020105	D,I 2632	F	OBTAIN PROPERTY FALSE PRETENSE	14-100	00000000	H 2633	
F	OBT PROP FALSE PRET >=\$100,000	14-100	19971201	C 2635	F	IDENTITY THEFT	
14-113.20	19991201	F,G 2637	F	TRAFFICKING STOLEN IDENTITIES	14-113.20A		
20021201	E 2642	F	CARD THEFT W/SCANNING DEVICE	14-113.9(A)(5)	20021201		
I 2670	F	FELONY WORTHLESS CHECK	14-107(D)	00000000	I 2686	F	A&A
OBTAIN PROP FALSE PRETENSE	14-100	20020105	99999999	C,H 2687	F	CONSP	
OBTAIN PROP FALSE PRET	14-100	20020105	99999999	D,I 2699	F	SALES	
DEV/ZAPR/PHANT-WARE VIO	14-118.7(b)	20131201	99999999	H 2699	F	SALES	
DEV/ZAPR/PHANT-WARE VIO	14-118.7(b)	20131201	99999999	H 2699	F	SALES	
DEV/ZAPR/PHANT-WARE VIO	14-118.7(b)	20131201	99999999	H 2699	F	FRAUD	
- FREE TEXT	14-101	00000000	99999999	H 2699	F	APPROP. PARTNER FUNDS	
<100,000	14-97	19971201	99999999	H 2699	F	APPROP. PARTNER FUNDS <100,000	
14-97	19971201	99999999	C 2704	F	EMBEZZLEMENT OF STATE PROPERTY	14-91	
00000000	99999999	F 2705	F	EMBEZ STATE PROP >=\$100,000	14-91		
19971201	99999999	C 2714	F	EMBEZZLEMENT RAILROAD OFFICER	14-94		
00000000	99999999	H 2715	F	EMBEZZLEMENT RR OFF >=\$100,000	14-94		
19971201	99999999	C 2718	F	EMBEZZLEMENT	14-90	00000000	
99999999	H 2719	F EMBEZZLEMENT >=\$100,000	14-90	19971201	99999999	C 2722	F EMBEZZLEMENT-PUB
OFF/TRUSTEES	14-92	00000000	99999999	F 2723	F	EMBEZ PUB OFF/TRST >=\$100,000	14-92
19971201	99999999	C 2799	F	EMBEZZLE - FREE TEXT	14-90	00000000	
99999999	__ 3601	F	DISCLOSE PRIVATE IMAGES/ADULT	14-190.5A(b)	20151201		
99999999	H 3602	M	DISC PRIV IMAGES/MINOR 1ST	14-190.5A(b)	20151201		
99999999	1 3603	F	DISC PRIV IMAGES/MINOR SUBOFN	14-190.5A(b)	20151201		
99999999	H 3605	M	INDECENT EXPOSURE	14-190.9	00000000	99999999	
2 3606	F	INDEC EXPOSURE DEF>=18 VIC<16	14-190.9(A1)	20051201	99999999		
H 3609	F	FELONY DISSEMINATE OBSCENITY	14-190.1	00000000	99999999	I 3610	
F	FIRST DEG SEX EXPLOIT MINOR	14-190.16	20020105	99999999	C 3611		
F	SECOND DEG SEX EXPLOIT MINOR	14-190.17	20020105	99999999	E 3612		
F	THIRD DEG SEX EXPLOIT MINOR	14-190.17A	20020105	99999999	H 3615		
M	DISPLAY MATERIAL HARMFUL MINOR	14-190.14	19941001	99999999	2 3616		
M	DISSEM MTRL/PERFORM HARMFL MIN	14-190.15	19941001	99999999	1 3620		
F	CRIME AGAINST NATURE	14-177	00000000	99999999	I 3622	M	USE OF
PREMISES INDEC EXPOSURE	14-190.9	00000000	99999999	2 3624	M	FORNICATION	
AND ADULTERY	14-184	00000000	99999999	2 3625	F	SOLICIT CHILD BY	
COMPUTER	14-202.3(A)	20051201	99999999	H 3630	M	ATT CRIME	
AGAINST NATURE (M)	14-177	00000000	99999999	1 3631	F	INCEST CHILD <	
13 DEF >= 4	14-178(B)(1)(A)	20021201	99999999	B1 3632	F	INCEST CHILD	
13/14/15 DEF >= 6	14-178(B)(1)(B)	20021201	99999999	B1 3633	F	INCEST CHILD	
13/14/15 DEF > 4<6	14-178(B)(2)	20021201	99999999	C 3634	F	INCEST 14-	
178(B)(3)	20021201	99999999	F 3637	F SEX OFFENDER/CHILD PREMISES	14-208.18(a)	20081201	
99999999	H 3638	F SOLICIT BY COMPUTER/APPEAR	14-202.3(c)(2)	20081201	G 3639	F	SEX OFFR USE
SOCIAL WEBSITE	14-202.5(a)	20081201	I 3640	F	STAT RAPE OF CHILD BY ADULT		
14-27.23	20151201	B1 3641	F	STAT SEX OFF W/CHILD BY ADULT	14-27.28	20151201	
B1 3699	F	SEX OFFENSE - FREE TEXT	14-190.7	00000000	I 3699	F	DISSEM
OBSCENITY TO MINOR <13	14-190.8	19941001	I 3699	F	SEX OFFENSE - FREE TEXT	14-	
190.6	00000000	I 3699	F FAIL INFORM ONLINE ID VIOL	14-208.11(A)(10)	20090501	F 3699	M SEX
OFFENSE - FREE TEXT	14-190.9	00000000	3				
3699	SEX OFFENSE - FREE TEXT		14-190.19	00000000		F	

3699	F M	SEX OFFENSE - FREE TEXT	14-190.5(1)	00000000		1
3699	F	POSS PHOTO IMAGE FROM PEEPING	14-202(G)	20031201		I
3699	M	SEX OFFENSE - FREE TEXT	14-190.5(2)	00000000		1
3804	F BIG		I			
3805	M	CONTRIBUTING DEL OF JUVENILE	14-316.1	00000000	1	
3806	M	TOBACCO VENDING MACH SALE VIOL	14-313(B1)	19971201	2	
3807	M	PURCHASE/RECV CIG/TOBACCO < 18	14-313(C)	19971201	2	
3808	M	SELL/DIS TOBACCO PROD TO MINOR	14-313	19951201	2	
3830	F	CONCEALING BIRTH OF A CHILD	14-46	00000000	99999999	I
3832	M	EXPOSING CHILDREN TO FIRE	14-318	19941001	99999999	1
3834	M	MISDEMEANOR CHILD ABUSE	14-318.2	00000000	99999999	A1
3835	F INT	CHILD ABUSE-SER PHYS INJ	14-318.4(A)	19941001	99999999	D
3836	F FELONY	CHILD ABUSE-PROSTITUTN	14-318.4(A1)	19941001	99999999	D
3837	F FELONY	CHILD ABUSE -SEXUAL ACT	14-318.4(A2)	19941001	99999999	D
3838	F INT	CHILD ABUSE-SER BOD INJ	14-318.4(A3)	19991201	99999999	B2
3840	F FELONY	CUSTODY ORDER VIOLATION	14-320.1	00000000	99999999	I
3841	F NEG	CHILD ABUSE-SER BOD INJ	14-318.4(a4)	20081201	99999999	E
3842	F NEG	CHILD ABUSE-SER PHYS INJ	14-318.4(a5)	20081201	99999999	G
3843	F FAIL	REPORT CHILD DISAPPEAR-F	14-318.5(B)	20131201	99999999	I
3844	M 1	FAIL REPORT CHILD DISAPPEAR-M	14-318.5(C)	20131201	99999999	
3870	F IMPROPER	ENTRY OF DV SHELTER	50B-4.1(G1)	20101201	99999999	H
3871	F DVPO	VIOL DEADLY WEAPON	50B-4.1(G)	20071201	99999999	H
3872	M A1	DV PROTECTIVE ORDER VIOL (M)	50B-4.1(A)	19971201	99999999	
3873	F DV	PROTECTIVE ORDER VIOL (F)	50B-4.1(F)	20020301	99999999	H
3877	M 1	BABYSIT BY/HOME SEX OFNDR	14-321.1(B)	20051201	99999999	
3878	F	BABYSIT BY/HOME SEX OFNDR 2+	14-321.1(B)	20051201	99999999	H
4010	M	AID AND ABET PROSTITUTION	14-204	00000000	99999999	1
4011	M	PROSTITUTION	14-204(A)	20131001	99999999	1
4018	M	SOLICIT CRIME AGAINST NATURE	14-177	00000000	99999999	2
4020	M	SOLICIT PROSTITUTION-M	14-205.1	20131001	99999999	1
4021	F	SOLICIT PROSTITUTION 2ND/SUB	14-205.1	20131001	99999999	H

4022	F SOLICIT PROSTITUTION MINOR	14-205.1	20131001	99999999	G
4023	F SOLICIT PROSTITUTION MNTL DISA	14-205.1	20131001	99999999	E
4024	M PATRONIZE PROSTITUTE ENGAGE-M A1	14-205.2(A)(1)	20131001	99999999	
4025	M PATRONIZE PROSTITUTE PLACE-M A1	14-205.2(A)(2)	20131001	99999999	
4026	F PATRONIZE PROSTITUTE ENGAGE-F	14-205.2(A)(1)	20131001	99999999	G
4027	F PATRONIZE PROSTITUTE PLACE-F	14-205.2(A)(2)	20131001	99999999	G
4028	F PATRONIZE PROST ENGAGE MINOR	14-205.2(A)(1)	20131001	99999999	F
4029	F PATRONIZE PROST PLACE MINOR	14-205.2(A)(2)	20131001	99999999	F
4030	F PROMOTE PROSTITUTION-ADVANCE	14-205.3(A)(1)	20131001	99999999	F
4031	F PROMOTE PROSTITUTION-PROFITS	14-205.3(A)(2)	20131001	99999999	F
4032	F PROMOTE PROST-ADVANCE PRIOR	14-205.3(A)(1)	20131001	99999999	E
4033	F PROMOTE PROST-PROFITS PRIOR	14-205.3(A)(2)	20131001	99999999	E
4034	F PROM PROST MNR/MNT DISA ADV	14-205.3(B)(1)	20131001	99999999	D
4035	F PROM PROST MNR/MNT DISA PROF	14-205.3(B)(2)	20131001	99999999	D
4036	F PROM PROST CNFINE MNR/MNT DISA	14-205.3(B)(3)	20131001	99999999	C
4037	F PROMOTE PROSTITUTION PRIOR CNV	14-205.3(B)	20131001	C	
4038	F PATRONIZE PROST ENGAGE MNTL DI	14-205.2(A)(1)	20131001	D	
4039	F PATRONIZE PROST PLACE MNTL DIS	14-205.2(A)(2)	20131001	D	
4510	T FAIL MOVE OVER INJ PERSON/PROP	20-157(H)	20060701	1	
4511	F FAIL MOVE OVER SER INJ/DEATH	20-157(I)	20060701	I	
4701	F FEL SERIOUS INJURY BY VEHICLE	20-141.4(A3)	20061201	F	
4702	F AGG FEL SER INJURY BY VEHICLE	20-141.4(A4)	20061201	E	
4703	F AGG FELONY DEATH BY VEHICLE	20-141.4(A5)	20061201	D	
4706	F REPEAT FELONY DEATH BY VEHICLE	20-141.4(A6)	20070830		B2

F

4708 FEL HIT/RUN SER INJ/DEATH 20-166(A) 20081201 F 4709 F FEL HIT/RUN SER  
INJ/DEATH RV 1 20-166(E)20081201 F 4710 F FEL HIT/RUN SER INJ/DEATH RV 2 20-  
166(E) 20081201 F 4711 F FEL HIT/RUN INJURY 20-166(A1) 20081201  
H 4712 F FEL HIT/RUN INJURY RV 1 20-166(E)20081201 H 4713 F FEL HIT/RUN  
INJURY RV 2 20-166(E)20081201 H 4714 T DWLR AFT IMPAIRED REV NOTICE 20-  
28(A3)(1) 20151201 1 4723 F PASS STOP SCH BUS-CAUSE DEATH 20-217(G)  
20091201 H 4724 T DWI - AGGRAVATED LEVEL 1 20-138.1(A) 20111201 \_\_\_  
4726 T DWLR IMPAIRED REV 20-28(A1) 20151201 99999999 1 4728  
T AID&ABET DWLR IMPAIRED REV 20-28(A1) 20151201 99999999 1  
5201 M PERMIT CHILDREN USE FIREARMS 14-316 00000000 99999999 2 5205  
M SELL/GIVE WEAPON TO MINOR (M) 14-315(A) 19941001 99999999 1 5206  
F SELL/GIVE HANDGUN TO MINOR 14-315(A1) 19941001 99999999 H 5207 F DAMAGE OCCUPIED PROP EXPLOSIVE  
14-49.1 00000000 99999999 D 5209 F USE EXPLOSIVE DEVICE CHURCH 14-49(B1) 19960621 99999999 E 5210 F  
PURCH FIREARM VIOL DOM ORDER 14-269.8 19951001 99999999 H 5215 F MALICIOUS USE EXPLOSIV INJURY 14-  
49(A) 19990901 99999999 D 5216 F MALICIOUS USE EXPLOSIV DAMG PRP 14-49(B) 19990901 99999999 G 5217  
F DISCHARGE FIREARM ENCL FEAR 14-34.10 20131201 99999999 F 5218 F  
DIS WEAP OCC DWELL/MOVING VEH 14-34.1(B) 20051201 99999999 D 5219 F DIS  
WEAP OCC PROP SER BOD INJ 14-34.1(C) 20051201 99999999 C 5220 F DISCHARGE WEAPON OCCUPIED PROP 14-  
34.1(A) 00000000 99999999 E 5299 M WEAPON OFFENSE - FREE TEXT 14-315.1 19941001  
99999999 1 5309 M HARASSING PHONE CALL 14-196(A)(3) 00000000  
99999999 2 5328 M COMMUNICATING THREATS 14-277.1 00000000 99999999  
1 5337 M CYBERSTALKING 14-196.3 20001201 99999999 2 5338 M  
THREATENING PHONE CALL 14-196(A)(2) 00000000 99999999 2 5339 F  
FELONY STALKING 14-277.3 19921001 99999999 F,H 5345 F FALSE BOMB REPORT  
14-69.1 19971201 99999999 H 5347 F HOAX BY FALSE BOMB 14-69.2  
19971201 99999999 H 5348 M HAZING 14-35 00000000 99999999  
2 5349 F FALSE BOMB REPORT PUBLIC BLDG 14-69.1(C) 19990901 99999999  
G,H 5350 M KEEPING A DISORDERLY HOUSE 14-188 00000000 99999999 2 5351  
F HOAX FALSE BOMB PUBLIC BLDG 14-69.2(C) 19990901 99999999 G,H  
5381 M MISDEMEANOR STALKING 14-277.3A(c) 20081201 99999999 A1  
5382 F FELONY STALKING 14-277.3A(c) 20081201 99999999 H,F 5405 T  
DRIVING WHILE IMPAIRED 20-138.1 19831001 99999999 \_\_\_ 5406 F FELONY DEATH  
BY VEHICLE 20-141.4(A1) 00000000 99999999 D 5443 T MISDEMEANOR  
DEATH BY VEHICLE 20-141.4(A2) 00000000 99999999 A1 5499 T TRAFFIC  
OFFENSE - FREE TEXT 20-166(C)(2) 00000000 99999999 1 5511 T DWI -  
LEVEL 1 20-138.1(A) 19831001 99999999 \_\_\_ 5512 T DWI - LEVEL 2 20-  
138.1(A) 19831001 99999999 \_\_\_ 5513 T DWI - LEVEL 3 20-138.1(A)  
19831001 99999999 \_\_\_ 5514 T DWI - LEVEL 4 20-138.1(A) 19831001  
99999999 \_\_\_ 5515 T DWI - LEVEL 5 20-138.1(A) 19831001 99999999  
\_ 5527 F HABITUAL IMPAIRED DRIVING 20-138.5 19831001 99999999 F 5539  
T OVERTAKEN VEH INC SPEED COLLSN 20-149(B)19951201 1,2 5553 T DWLR VIOL  
RESTORED LIC 20-17.8(F) 20000701 1 5571 T IMPAIRED SUPERV/INSTRUCTION  
20-12.1 00000000 2 5582 T FAIL TO GIVE INFO/AID PER INJ 20-166(B)00000000  
1  
5583 T HIT/RUN FAIL STOP PROP DAMAGE 20-166(C)00000000 1 5584 T  
HIT/RUN LEAVE SCENE PROP DAM 20-166(C)(1) 00000000 1 5599 F TRAFFIC  
OFFENSE-FREE TEXT 20-183.8(C)(3)B 20081001 1 5599 F TRAFFIC OFFENSE-FREE  
TEXT 20-112 19941011 1 5599 F TRAFFIC OFFENSE-FREE TEXT 20-183.8(C)(4)  
20020101 I

F

5599	TRAFFIC OFFENSE-FREE TEXT	20-106	19941011			H	
5610	T	DWI COMMERCIAL VEHICLE	20-138.2			19900901	_
5615	T	COMMERCIAL DWI UNDER INFLUENCE				20-138.2(A)(1)	
19900901	—						
5620	T	COMMERCIAL DWI >=.04	20-138.2(A)(2)	19900901	99999999		—
5621	T	COMMERCIAL DWI SCH I CS	20-138.2(A)(3)	20061201	99999999		—
5622	T	CONSUME ALCOHOL COMM VEH	20-138.2A	19981201	99999999		3
5624	T	CONSUME ALCH SCH BUS/CHILD VEH				20-138.2B	19981201
99999999	3						
5637	F	ELUDE ARREST MV CAUSE DEATH	20-141.5(A)	20051201	99999999		H
5638	F	ELUDE ARREST MV DEATH 2 AF	20-141.5(B)	20051201	99999999		E
5639	F	ELUDE ARREST MV DEATH >=3 AF	20-141.5(B)	20051201	99999999		E
5641	F	FLEE/ELUDE ARREST W/MV (F)	20-141.5(B)	19971201	99999999		H
5642	F	ELUDE ARRST MV 2 AGRVTG FCTRS	20-141.5(B)	19971201	99999999		H
5643	F	ELUDE ARRST MV >=3 AGRV FCTRS	20-141.5(B)	19971201	99999999		H
5645	F	PASSENGER FLEE ACC INJ/DEATH	20-166.2(A)	20051201	99999999		H
5647	T	PASSENGER FAIL GIVE INFO/AID	20-166.2(B)	20051201	99999999		1
5714	M	MISDEMEANOR SECRET PEEPING	14-202	00000000	99999999		A1,1
5715	F	FELONY SECRET PEEPING	14-202	20041116	99999999		H,I
5805	T	DWLR VIOL LDP - IMPAIRED REV	20-28(A1)	20151201	99999999		1
9945	F	FALSE LIEN FILINGS	14-118.6(A)	20121201	99999999		I
9946	F	SIMULATION OF COURT PROCESSES	14-118.1	20121201	99999999		I

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: MOBILE COMPUTER TERMINALS (MCT)**  
**POLICY #: III-6** **EFFECTIVE DATE: 01-01-2019**

## **PURPOSE:**

The purpose of this policy is to establish a procedure Governmentthe use and security of the Phoenix Special Police mobile computer terminals.

## **POLICY:**

Mobile computer terminals provide field officers with access to local, state and national criminal justice computer databases. This technology is a vital resource for improving officer safety, efficiency and productivity. Mobile data also enables officers to communicate directly with each other, the Communications Center, and with other law enforcement agencies using wireless technology. The mobile data system shall be used for official purposes only and in strict accordance with applicable regulations established by the North Carolina State Bureau of Investigations Criminal Information and Identification Section and the Phoenix Special Police Agency Internet Policy.

## **PROCEDURE:**

### **I. SYSTEM ADMINISTRATION**

- A. Mobile Computer Terminal Coordinator will have administrative authority over all access and use of the mobile computer terminals by agency employees.
- B. MCT units and air-cards will be issued to individual authorized employees. MCT units may be utilized by authorized personnel both on-duty and off-duty when completing agency business and/or attending agency authorized training.
- C. Authorized employees will utilize a security password to access local databases and the CIIS System. Employees shall not disclose their password to anyone.
- D. Only IT personnel are authorized to install, delete or modify any software or hardware associated with the mobile computer terminals.
  - i. MCT users will not introduce authorized software programs or other files to the mobile computer terminals.
  - ii. MCT users will not manipulate or alter current software on agency-owned mobile, desktop or hand held computers.

- E. Internet access and email usage is provided for conducting official business and may only be used per Phoenix Special Police Policy, unless instructed to do so in conjunction with a special assignment. Information sent or received by MCT units comes under the North Carolina Public Records Statute and will be considered public record unless it meets specific exceptions spelled out in that statute.
- F. Designated staff may enter, review and monitor information stored on mobile computer terminals at any time without advance notice.
- G. It is the MCT user's responsibility to perform daily basic maintenance to keep the MCT in good working order and to insure the longevity of the MCT.
  - i. Prior to the start of each shift, the officer will use a clean, **DRY SOFT CLOTH**, such as gauze, to clean any dirt or dust buildup from the docking station tray.
  - ii. If the **DRY SOFT CLOTH** does not clean it satisfactorily, contact the MCT Coordinator for further assistance.
  - iii. The motor vehicle will not be operated without the MCT being properly locked in the docking station.
  - iv. Users will not carry the MCT by gripping the display.
  - v. Users will refrain from careless actions that would damage the MCT.
- H. A general problem that does not affect the officer's ability to complete his/her duties must be reported by **email** to the MCT Coordinator.
- I. Any problem that would prevent the officer from completing his/her duties must be reported immediately to their supervisor. If the problem occurs after normal working hours, the supervisor will determine if the "on-call" person for IT should be contacted.
  - i. The supervisor will notify Communications to make them aware the office does not have a functioning MCT at this time. ii. If IT has been notified the supervisor will forward an email to the MCT Coordinator advising them of the problem.

## II. TRAINING AND CERTIFICATION

- A. In-house training will be provided for MCT access of local databases and the use of field reporting features. Staff members designated by the MCT Coordinator will provide mobile data computer training.
- B. Only employees who hold a valid certification from CIIS may log onto CIIS and/or perform CIIS transactions from a MCT.

- C. New employees will be provided training on the use and functions of the MCT during their orientation period.

### **III. SECURITY AND CARE OF EQUIPMENT**

- A. Upon beginning a tour of duty, all officers must inspect the MCT in their vehicle for any signs of damage or disrepair and immediately report any findings to his/her supervisor and to the MCT Coordinator as soon as practical.
- B. Officers must properly log onto both OSSI/MCT and CIIS upon beginning a tour of duty.
- C. CIIS requires that no information from CIIS be displayed or viewed by the public or anyone other than criminal justice employees. This shall also be applicable for OSSI/MCT's.
  - i. All efforts must be made to shield the displayed information.
  - ii. The computer display is not to be viewable to the public either inside or outside of the vehicle, to include passengers and detainees/prisoners.
  - iii. When a vehicle is left unattended or the MCT is out of sight of the operator, the function "Control B" is to be utilized to insure the security of the system.
- D. When officers can predict that they will be out of sight of their vehicles and/or computer, they must secure their vehicles and/or computers to prevent unauthorized access of the terminal.
- E. When off-duty, or when leaving the vehicle for mechanical or radio system repairs, or leaving the vehicle unattended for an extended period, officers are to log off the CIIS/OSSI/MCT.
- F. Registration information and driving histories are accessible on the MCT and criminal histories may become available in the future. Employees must understand that information of this type is restricted to law enforcement/criminal justice personnel and must be for a specific law enforcement/criminal related purpose. The employee requesting the information is responsible for ensuring compliance. Noncompliance will result in disciplinary action and/or termination.
- G. If an employee disseminates criminal/driver history information for reasons other than specified above, the employee may lose their DCI certification. The Phoenix Special Police can be fined and the agencies DCI license may be suspended for a period of time should any violations occur.
- H. Food and liquids must be kept away from the MCT at all times.
- I. Supervisor will inspect each MCT during routine vehicle inspections in addition the MCT Coordinator his/her designee may conduct periodic inspection of all

mobile computer equipment and system components. Inspections will cover both the physical condition of the equipment and its operational status.

#### IV. USE OF MOBILE COMPUTER TERMINAL

- A. Due to the obvious risks associated with attempting to operate a computer terminal while in a patrol environment, officers must exercise the utmost care while using the MCT.
  - i. When the patrol vehicle is in motion, the use should operate the terminal **ONLY** if such operation can be safely accomplished.
  - ii. Single key action commands are acceptable while the vehicle is in motion (i.e. enroute, on scene, etc.).
  - iii. When users can safely focus their attention on the MCT, users are responsible for performing status changes, ending calls, generating report numbers, adding or updating information to CAD narratives as necessary. *(Note: This section does not apply to operation of the MCT by a secondary officer riding as a passenger in the patrol vehicle.)*
  - iv. **Under no circumstances will a MCT be operated while running emergency traffic.**
- B. Officers will receive calls-for-service information through radio dispatch as well as their MCT. Communication over the MCT is not intended to completely replace radio communications, but rather to enhance communications. Because not every officer may have immediate access to a MCT, it is critical that all on duty officers and supervisors be made aware of emergencies and other situations affecting officer safety through radio broadcast.
- C. MCT users that have been assigned to a call-for-service are to review CAD notes upon arrival to the scene which may have been added to the call.
- D. Follow-up or sensitive information about a call may be transmitted to the responding officer(s) or communications center via MCT only if the information does not affect general officer safety.
- E. Self-initiated activities such as vehicle stops, encounters with suspicious persons, and/or vehicles, or any situations concerning officer safety shall be transmitted via the police radio system. The officer will not enter these types of self-initiated activities via their MCT. This function will be done by Communications, enabling the officer to focus on the situation at hand.
- F. Information obtained from the CIIS computer system interface may not be forwarded, copies, distributed or published via any internet file transfer, email, chat group or any messaging system. CIIS inquiry results may not be copied into the Notes Field of CAD.

G. MCT users are to limit messaging features to official business.

- i. **All information transmitted should be treated as if it will become public information.**
- ii. **Any personal and inappropriate messaging may result in disciplinary actions up to termination.**
- iii. CIIS/OSSI/MCT switched messages are logged for administrative review.

## **Section 4: Training and Career Development**

1. [Training](#)
  2. [Promotional Process](#)
  3. [Detention Matriculation](#)
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# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: TRAINING**  
**POLICY #: IV-1** **EFFECTIVE DATE: 01-01-2019**

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**PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities for the training division of Phoenix Special Police.

**POLICY:** It shall be the policy of the Phoenix Special Police to maintain a training division which directs efforts toward the development of new skills, the improvement, updating and recertification or requalification of routine performance skills, and the development of specialized skills, which contribute to career development and an awareness of new techniques and technologies for all of its members.

**PROCEDURE:**

**I. ORGANIZATION**

The training division of Phoenix Special Police will be directed by the Supervisor of Personnel and Training, and/or the Chief's designee.

**II. RESPONSIBILITY**

- A. The training division is responsible and accountable for all training provided to members of the Phoenix Special Police. The training division is accountable for recognizing the training needs of the members of this agency, and for developing, initiating, and/or locating training programs that meet those needs. Training programs shall be developed or presented from various resources, including agency personnel and command staff, community colleges, public and private seminars and classes, and other such sources.
- B. Assignment of individuals to such training shall be coordinated by this division with appropriate supervisory staff, and will be made based on the needs of the agency, its members, and the availability of funding.
- C. Registration, tuition, travel expenses, and other fees and requirements will be coordinated between the training division and the assigned employee(s).

### III. ATTENDANCE

A. Members of Phoenix Special Police & SAS shall attend any training programs to which they may be assigned, unless he/she receives an excused absence. B. Personnel may be excused from assigned training when:

1. The employee is sick or injured to the extent that attendance or participation is not possible or is impractical
2. The employee's attendance in court or other compulsory attendance is required
3. An emergency situation develops requiring the employee's immediate attention
4. The employee has been excused by his/her supervisor

C. Firearm's Training Instructors

1. All instructors will coordinate with the lead firearms instructor on scheduling their instruction time at the range
2. All instructors will contact the lead firearms instructor 24 hours in advance if there is a conflict or reason that they cannot fulfill their commitment to the range

D. Firearm's Training

1. Employees are to report to firearms training on their assigned day.
2. Employees will contact their supervisor 24 hours prior to their assigned training date if they cannot attend. If the absence is approved by a supervisor the employee must notify the lead firearms instructor 24 hours in advance from the assigned training date.
3. Failure to report to assigned firearms training without an approved absence, you will be required to notify the Chief or Director in writing and be subject to disciplinary action.

E. All absences from any Basic Law Enforcement Training class or event must be approved by the School Director.

F. Any member of Phoenix Special Police & SAS who attends a training function is expected to conduct himself/herself in a professional manner while in training and will be held to the same level of professionalism as he/she is while performing his/her daily assignments.

**IV. DRESS CODE**

The dress worn by any member of Phoenix Special Police at a training function will be expected to represent this agency in an appropriate and professional manner, and should be conducive to the type of training being offered.

**V. DOCUMENTATION**

When training is initiated by the training division, the employee's supervisor, or the employee, it shall be the responsibility of the employee to ensure that the training division is notified about the training taken, and that proper documentation is provided to the training division for placement in the employee's training file.

**VI. TRAINING RECORDS**

A. The training division shall update employees' training records following their participation in training program. The record shall contain at a minimum:

1. date of training
2. type of training
3. certificate received (if applicable)
4. attendance
5. test scores (if applicable)

B. The agency will maintain records of each training class it conducts, to include, at a minimum:

1. course content (lesson plans, outlines, syllabus, etc.)
2. names of agency attendees
3. performance of individual attendees as measured by tests or other means

## **VII. BASIC TRAINING FOR SWORN OFFICERS**

- A. The basic curriculum for new law enforcement and s is established by the North Carolina Criminal Justice Commission and the North Carolina Chief's Association Training and Standards Commission.
- B. The Phoenix Special Police requires all newly sworn officers to successfully complete an accredited Basic Law Enforcement Training (BLET) training program prior to routine assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest. This training must be completed within 12 months after employment begins.

## **VIII. FIELD TRAINING PROGRAM**

### **A. Basic Structure**

The field training program is an important adjunct to basic classroom training. All officers graduating from Basic Law Enforcement Training shall be assigned to uniform patrol for field training. Assignment of trainees to divisions other than patrol may be made at the discretion of the Chief. The field training program is structured to continue a new officer's training and development while obtaining much needed practical experience and exposure. During this training process, new officers will be exposed to a variety of calls and experiences in experience and exposure. During this training process, new officers will be exposed to a variety of calls and experiences in different patrol areas. The field training program is structured for a minimum of 16 weeks of training with a field training officer (FTO).

### **B. Field Training Officers**

1. Field training officer (FTO) will be chosen by the Director of the training division based on experience, training, and other appropriate qualifications. Field training officers will use the "Phoenix Special Police Field Training Officer and Evaluation Manual" to govern the field training program for new officers assigned to him/her.
  2. The field training officer will report trainee progress on a daily basis on an observation report at the conclusion of each trainee's shift. An evaluation report shall be submitted to the training division via the FTO's chain of command every week until the field training mode is completed.
  3. Field training officers should identify any areas where a trainee has deficiencies. These areas should be reported up the FTO's chain of command, to the training division, and a plan should be devised to address these deficiencies.
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### **C. Release to Full Duty**

1. At the end of 16 weeks of field training, new officers are eligible for full duty release, upon the concurrence of the FTO, Patrol Supervisor, Director of training, and the Chief.
2. If it is determined that the new officer is not ready for full duty release at the end of the 16 week training program, the field training will continue up until a maximum of 180 days from the date of assignment to the patrol FTO program, or until a period of time determined by the Chief. During this extension of the training program, the FTO, FTO's supervisor, and Patrol Supervisor will meet regularly and discuss the trainee's progress. A determination regarding the employee's release and/or employment status shall be made by the Chief during or at the conclusion of this extended training program.

### **D. Supervisor**

Supervision of the field training program falls within the authority of the training division. Supervision of the field training officers shall remain with the platoon supervisor.

## **IX. LATERAL TRANSFERS**

- A. Experienced sworn officers hired as lateral transfers will be assigned to uniform patrol where they must successfully complete an abbreviated field training program.
- B. Lateral transfers will be assigned to a field training officer when they report to the platoon to which they are assigned. The lateral transfer will be assigned to all patrol areas during his/her training period.
- C. The length of the field training program and conditions for release of experienced officers will be determined by the FTO in concurrence with the Patrol Supervisor, Director of Operations, Director of Training and Chief.
- D. Assignment of experienced officers to divisions other than patrol may be made at the discretion of the Chief.

## **X. SPECIALIZED TRAINING**

Specialized training shall be provided to personnel assigned to the following positions, as soon as practical after being assigned to the position.

- A. Narcotics/Vice Investigations
- B. Field Training Officers
- C. Criminal Investigations

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- D. Domestic Violence

- E. Juvenile Investigations
- F. Crime Scene Investigations
- G. School Resource/DARE
- H. Special Response Team Members
- I. Canine Handlers
- J. Negotiator
- K. Radar Operators
- L. Honor Guard
- M. Gang Unit

## **XI. REMEDIAL TRAINING**

### **A. Supervisor's Responsibility**

1. It is the supervisor's responsibility to determine any existing training needs of personnel within their areas of supervision and to provide or recommend retraining when such action is warranted by circumstances surrounding an employee's inadequate work performance.
2. Prior to recommending remedial training or taking direct action to remedy an employee's training needs, the supervisor will make a reasonable effort to determine the extent of an employee's performance deficiency by direct observation of the employee's performance, through consultation with other agency staff members or by examination of any reports pertinent to the employees performance.

### **B. Remedial Steps**

1. Once it has been determined that an employee's inadequate performance is linked to a lack of required knowledge or skill, the supervisor will, through appropriate channels or means and in coordination with the training division take steps necessary to supply the missing knowledge or develop the employee's skill.
  2. When it is determined that an employee's performance inadequacy is one which, if not corrected, would expose the public to unnecessary danger or the agency to substantial liability, steps to correct the inadequacy shall be taken immediately.
  3. Performance inadequacies which pose no clear and present danger to the public or to the agency will be corrected at the earliest possible opportunity, at the discretion of the effected division, and in coordination with the training division.
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### **C. Other Remedies**

Although remedial training is a viable means of correcting some work-related deficiencies, that process shall not be considered to be the only means available to the agency for coping with an employee's inadequate performance. Other means such as change of assignment, demotion, or termination may be utilized when judged to be more appropriate to the particular circumstances surrounding the inadequate performance.

## **XII. MANDATORY TRAINING**

A. All sworn personnel shall receive mandatory annual retraining as follows:

1. Firearms requalification
2. Use of deadly force
3. Domestic Violence

B. All sworn personnel shall receive mandatory annual in service training. This training shall be completed each year by October 31<sup>st</sup>.

C. All personnel promoted to supervisor shall receive supervisory training by the end of their probationary period of promotion.

D. Supervisors promoted to command status (Supervisors, Directors, Directors, Chief or Director ) shall receive executive development training at the earliest opportunity possible.



# **PHOENIX SPECIAL POLICE & SAS**

**TITLE:**

**PROMOTIONAL PROCESS**

**POLICY #: IV-2**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this standard is to establish guidelines and responsibilities for a promotional process which shall apply to all officers and s of the Phoenix Special Police.

**POLICY:** It shall be the policy of the Phoenix Special Police for the Chief to determine and select all promotions from all qualified applicants at his discretion. The Chief encourages all members of the Phoenix Special Police to develop new skills, expand their knowledge, and assume greater responsibilities in their work, for his consideration during any selection process for which they are eligible.

**PROCEDURE:**

**I. RESPONSIBILITIES**

**A. Chief**

The Chief is responsible for the selection of all promotions from all qualified applicants at his discretion.

**B. Personnel and Training Section**

The Personnel and Training Section is responsible for the implementation and administration of all promotions. This section shall ensure that:

1. A written announcement which specifies any promotional vacancy or position will be posted throughout the Phoenix Special Police, for no less than ten (10) days. Supervisors shall also make oral announcements of such vacancies or positions at squad briefings.
2. All eligible officers will submit letters of interest and qualification to the Training and Personnel Division. Applicants to specialized divisions will be required to meet with the Supervisor of that division. A review of each qualified candidate will be conducted and results forwarded to the Chief for consideration and selection.
3. A closeout date for responses from interested applicants is posted or stated in such announcement.

4. A detailed description of the vacancy or position is provided to interested parties, upon request, explaining:
  - a. salary range
  - b. duties
  - c. responsibilities
  - d. skills knowledge and abilities required for the position

## II. **ELIGIBILITY REQUIREMENTS**

### A. **Officer**

#### 1. **Officer**

- a. **Entry level salary (No BLET)**
- b. **With BLET an additional 4.5%**
- c. **With BLET and 24 months law enforcement experience with another law enforcement agency, an additional 4.5%.**

#### 2. **Officer 2<sup>nd</sup> Class**

**Automatic after 18 months law enforcement experience, with at least 12 months with the Phoenix Special Police and no previous disciplinary actions within 12 months. (Salary Increase: 4.5%)**

#### 3. **Officer 1<sup>st</sup> Class**

**Automatic after 36 months sworn law enforcement experience, with at least 18 months with the Phoenix Special Police and with recommendation and no previous disciplinary action within 12 months. (Salary Increase: 4.5%)**

#### 4. **Investigator (Title)**

**Officers transferring to investigations will receive a title of investigator along with a 4.5% incentive raise. Officers who remain in investigations for five continuous years will be awarded the 4.5% incentive as permanent. Officers who transfer out of investigations for any reason prior to five years in the division will give up the 4.5% incentive pay. Investigator is a title and is separate and independent of rank.**

#### 5. **Field Training Officer (Title)**

**Officers may be selected as Field Training Officers as set out in the guidelines under policy IV-1 Training. After selection and the required training, Officers will receive the title of Field Training**

Officer. While active in the FTO program, Field Training Officers will receive a \$1000 stipend per year.

6. **Specialized Divisions (SVU, CID, SRO, CSI, Civil, Courts, Vice, Gang, Special Ops, Task Forces)**  
Officers who are promoted or transfer to any specialized division are not eligible to apply for promotion or transfer to another division for 24 months, unless agency needs dictate otherwise. Officers may apply for promotions within that division if applicable.
7. **Corporal**  
3 years total law enforcement experience minimum with at least the last 2 years with the Phoenix Special Police and with no disciplinary action within the last 24 months. Not automatic, only when position is available and applied for. (Salary Increase: 4.5%)
8. **Sergeant**  
60 months total law enforcement experience minimum, last 36 months with The Phoenix Special Police and 24 months as a corporal with no disciplinary action within the last 24 months. Not automatic, only when a position is available and applied for. (Salary Increase: 4.5%)
9. **All Lieutenants, Supervisors, Directors, are appointed by the Chief only.**

## **B. Detention Services**

1. **I**
    - a. Entry level salary (No Detention Certification)
    - b. With certification. (Salary Increase 4.5%)
    - c. With certification and 24 months previous detention facility experience. (Salary Increase 4.5%)
  2. **II**  
Automatic after 18 months experience with at least 12 months satisfactory experience with the Phoenix Special Police Detention Division and no previous disciplinary action within the last 12 months. (Salary Increase 4.5%)
  3. **III**  
Automatic after 36 months of experience, with at least 18 months satisfactory experience with the Phoenix Special Police Detention Division and with recommendation and no previous disciplinary action within the last 12 months. (Salary Increase 4.5%)
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4. **Corporal**  
36 months total experience minimum with the last 24 months with the Phoenix Special Police Detention Division and with no disciplinary action within the last 24 months. Not automatic and only when a position is open and applied for.
5. **Sergeant**  
60 months total experience minimum, last 36 months with The Phoenix Special Police Detention Division and 24 months as a Corporal, with no disciplinary action within the last 24 months. Not automatic and only when a position is open and applied for. (Salary Increase 4.5%)
6. All lieutenants, Supervisors and Director are appointed by the Chief only.
7. **Note: Applicants under any disciplinary action at the closeout date for application will be disqualified for promotional consideration by the Chief.**

### III. PROMOTIONAL PROCESS:

- A. Qualified personnel interested in being considered for promotion to the ranks of Corporal or Sergeant must complete and submit a letter of intent by the posted deadline to the Personnel and Training Section, for consideration by the Chief.
- B. The Chief shall promote or appoint an individual to the ranks of Lieutenant and above at his discretion. No letter of interest is required for these positions.
- C. For a vacancy with only one (1) qualified applicant or where no qualified individuals apply, the Chief may reopen the promotional process with different criteria at his discretion.

### IV. RE-APPLICATION

All unsuccessful candidates may apply for the next promotional process for which they are qualified.

### V. CHIEF DISCRETION

The Chief reserves the right to promote at his discretion, when it is necessary for the interest of the Phoenix Special Police, regardless of written policy process.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE:** SAS MATRICULATION  
**POLICY #:** IV-3 **EFFECTIVE DATE:** 01-01-19

**PURPOSE:** The purpose of this standard is to establish guidelines and procedures for the matriculation of Special Armed Officer to a sworn position.

**POLICY:** It shall be the policy of the Phoenix Special Police for the Personnel Division to administer this selection process.

## **PROCEDURE:**

### **I. Selection Process for Sworn Certification for SAS Officer**

The following process will apply to candidates for selection for Basic Law Enforcement Training:

1. is required to have at least two (2) years of active service with Phoenix SAS Agency with no break in service, and;
2. will not be under any probation/suspension for at least one (1) year and will document any disciplinary actions, to include verbal counseling, received during employment.
3. Or these requirements can be waived by direct order of the Chief of Police

### **II. Responsibilities**

1. will request an interview with the Chief
  2. will obtain a Letter of Recommendation from their Supervisor
  3. The candidate will submit a Letter of Intent to their Supervisor.
  4. The Letter of Recommendation must accompany the Letter of Intent
-

### **III. Personnel Division**

1. Supervisor of Personnel will coordinate interviews with qualified candidates with their supervisors.
2. Selections will be made following the interviews for placement in a candidate pool.
3. The Director will maintain a pool of selected candidates for admission to BLET based on a waiting list.
4. The candidate that has been in the pool the longest will be selected for the next available BLET class.
5. Placement into a BLET class is subject to needs of the department and availability of sworn positions.
6. Candidates who have withdrawn or have been removed from consideration due to disciplinary reasons will (if allowed to re-apply) start from the bottom of the list.

## **Section 5: Support Operations**

**1. Special Response Team**

**2. Computers and Other Electronic Communication**

**3. Service Dogs**

**4. Animal Control Services**

**5. Honor Guard/Funeral Services/Color Guard**

**6. SUAS (Drone)**

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: SPECIAL RESPONSE TEAM**  
**POLICY #: V-1 EFFECTIVE DATE: 04/01/2005**

## **PURPOSE**

The purpose of the Phoenix Special Police Special Response Team (SRT) is to preserve life in high-risk situations and assist in handling unusual operational activities in a professional manner that inspires confidence in the community. **This policy is in place in the event Phoenix Special Police must assume the lead role in this particular investigation, or if this agency is assisting other agencies that do not have an existing policy in this matter; however, these cases should as a general rule be handed over to the local governmental agency if possible.**

## **POLICY**

It shall be the policy of the Phoenix Special Police Special Response Team to maintain a readiness to respond to emergency situations that require specialized equipment and personnel and whose members accept and abide by the following core values:

- All operations will be conducted with the highest regard for the preservation of life
- The SRT Team is committed to the safe resolution of all high-risk situations and will approach each situation in a professional and controlled manner, with an emphasis on a negotiated resolution.
- The SRT Team will use all of its available specialized training and equipment to accomplish its mission and will develop the specialized skills of each team member.
- The SRT Team is committed to a controlled, rapid response to high-risk situations in order to gain control and minimize the risk of death or injury to any person.
- Team members approach their duties with a high level of confidence, motivation, flexibility, and patience.
- The SRT Team members acknowledge their dependence upon one another and work as a team in an atmosphere of trust, confidence, and open communication.

## PROCEDURE

All SRT members serve at the discretion of the Chief and Director, and may be relieved of duties as a team member with appropriate justification. Justification for dismissal may include, but is not limited to, inadequate firearms performance, inability to perform required duties and/or essential functions of an SRT member, failure to attend scheduled training, disciplinary violations, or continued failure to respond to incident locations when properly notified.

### I. TEAM MEMBERSHIP

#### A. Composition

The Phoenix Special Police SRT will fall under the Command of the Chief or Director and will consist of:

1. *TEAM COORDINATOR*  
Responsible for overall operations of the SRT Team.
2. *TEAM LEADERS*  
Responsible for designing raid plans for operations, (vice raids, building searches, high risk warrant service, etc.) and for coordinating with the Team Coordinator to schedule team training. Assumes command in the absence of the Team Coordinator.
3. *TEAM MEMBERS*  
Personnel who have been selected to receive advanced training in special weapons and tactics.
4. *TEAM SNIPER*  
Personnel who have received specific training in the art of precision shooting with a weapon designed for that purpose.
5. *TEAM MEDIC*  
Responsible for coordinating with medical personnel (EMS) at the scene. Same should have some type of medical background and be able to provide temporary medical assistance until training personnel arrive.
6. *CRISIS NEGOTIATORS*  
Personnel who have been selected and have received training in hostage/crisis negotiations.

7. *SUPPORT TEAM*

Personnel who have been selected to assist the SRT in a support role as needed.

**B. Selection of Team Members**

The Director of Personnel will distribute a department wide memorandum indicating that the Special Response Team is engaged in a process of selection for team members.

The selection process will follow these steps:

1. Officers interested in participating in the process will submit a letter to the Team Coordinator, listing any prior experience and copies of any training certificates or classes that they have received. Officers must have three years of service in law enforcement, and not be under any disciplinary probation.
2. SRT Team Leaders will review all applicants and complete a preliminary background on all members. The Team Coordinator, Team Leaders, and existing Team Members will review all applicants and make recommendations to the Director of Operations. The Director of Operations will make the selection of applicants that will continue in the application process.
3. The Firearms Training Coordinator will set a date/time for the selected applicants to shoot the BLET firearms course; a score of 95% is required two out of three times. After passing the firearms course, applicants will be required to complete the SRT agility course in the prescribed time. Upon successfully completing both firearms and agility tests, applicants will be scheduled for a psychiatric evaluation.
4. The Director of Operations and Team Members will review all remaining applicants and forward their recommendation to the Chief for final approval.

### **C. Selection of Specialized Positions**

1. *TEAM COORDINATOR*  
Appointed by the Chief or Director.
2. *TEAM LEADERS*  
Appointed by the Director of Operations and the Team Coordinator.
3. *TEAM SNIPER*  
The Team Coordinator, and Team Leaders will select the Team Sniper and forward their recommendations to the Director of Operations for final approval.
4. *TEAM MEDIC*  
The Team Coordinator and team Leaders will select the Team Medic. This person should have some background and training in Emergency Medical Services.
5. *CRISIS NEGOTIATORS*  
Interest applicants will be reviewed by the Director of Operations, Team Coordinator, and/or Team Leaders at the discretion of the Director of Operations. The Director of Operations will select the SRT Crisis Negotiator(s) based on interest, experience, and training.
6. *SUPPORT TEAM*  
Personnel interested in the SRT Support Team should notify the Team Coordinator in writing.

### **II. PROBATION/NEW MEMBER ASSIGNMENTS**

- A. All newly appointed team members shall serve a one-year probationary period. The Director of Operations may remove a team member from SFT at any time during the probationary period, or any extension thereof, for god cause. Input from the Team Members may be considered when and if the decision to remove a member is to be made.
- B. In deploying new team members, Team Leaders will consider whether the member has received required training and displayed proficiency in a particular skill or piece of equipment, prior to assigning the officer to a position during an operation. A member will not be assigned to a task for which he or she has not been trained for or which he or she has not

demonstrated proficiency. Team members are responsible for informing a Team Leader whenever he or she has not been trained for an assigned task.

### **III. OPERATIONAL PROCEDURES**

#### **A. Call-Out**

The ranking Supervisor on the scene of any incident may request the assistance of the Special Response Team. The Supervisor will notify the Patrol Supervisor who will approve the call out of the SRT. The Patrol Supervisor will notify the Chief, Director of Operations of the call out.

#### **B. Deployment Criteria**

The following situations, although not entirely inclusive, may involve utilization of the Special Response Team:

1. *Hostage Incident*  
Any situation where a suspect is holding a person(s) against his or her will, by bodily force or the threat of bodily injury or death.
2. *Barricaded Suspect*  
An armed suspect wanted on criminal charges or for mental commitment proceedings who has assumed a position that provides him or her with significant tactical advantage over officers attempting to make an apprehension.
3. *Suicidal Suspect*  
An armed suspect who appears to be an imminent threat to him/herself or others and has assumed a position which provides him/herself with a significant tactical advantage over officers attempting to make an apprehension.
4. *Search Warrants/Arrest Warrants*  
Situations where armed resistance is likely during the execution of such warrants or where the service of such warrants requires the use of specialized tactics and equipment not available to other officers.
5. *Surveillance/Stakeouts*  
Situations where the crime is a felony or a crime of violence and information exists that the suspect(s) may be armed and the use of specialized tactics or equipment is required.
6. *Woodland Search:*

Circumstances where an armed suspect is wanted on a criminal charge or for mental commitment proceedings and has taken refuge in a wooded or rural area and has been surrounded by other officers.

7. *Civil Disorder/High Risk Demonstrations*  
Any civil disorder where the skills or equipment of the SRT can assist in maintaining peace and order and achieving department objectives, or any high risk demonstration or parade where violence is possible.
8. *Dignitary Protection*  
Whenever a visiting dignitary may require security while in the jurisdiction of the Phoenix Special Police.
9. *Assistance to Other Law Enforcement*  
Any situation where any of the above mentioned conditions exist and any law enforcement agency requests assistance in accordance with state law, or where any federal or state agency requests assistance within the jurisdiction of the Phoenix Special Police. The Chief or his designee, and in accordance with state law, may approve the request for assistance outside the territorial jurisdiction of this Office.

#### **IV. DEPLOYMENT LOGISTICS**

##### **A. Phoenix Special Police Initiated Responses**

When an incident or occurrence falls within, or reasonably appears to fall within, the guidelines listed above for SRT activation, the on-scene supervisor will follow the previously set guidelines.

##### **B. Requests by Other Agencies**

1. When another agency is requesting the assistance of the SRT the same procedures set out in this policy apply. The SRT, when authorized by the Chief or Director of Operations, may respond to a request for such assistance in either a primary or secondary role as needed:
  - a. *Primary Assistance*  
SRT shall assume the primary (entire) responsibility for resolving the situation, and the Phoenix Special Police will assume full command of the incident. The requesting agency must agree to perform the following duties in such instances.

- i. Establish and control the outer perimeter.
- ii. Select a location for and establish a staging area for responding personnel.
- iii. Assign a supervisor or command level officer to the field command post for the duration of the incident.
- iv. Develop all available intelligence relative to the incident.
- v. Begin any necessary evacuations.

b. *Secondary Assistance*

SRT personnel assume a support role for the requesting agency. The requesting agency shall retain operational control of the incident. SRT personnel shall respond to the scene of the incident. SRT Coordinator/Team Leaders shall act as advisor(s) to the requesting agency. The SRT Coordinator shall have discretion to limit the number of team members responding to a request for secondary assistance any direct participation in the operation by the SRT personnel shall be at the discretion of the SRT Coordinator.

- 2. The SRT Coordinator will maintain a written record of all personnel responding to a request for assistance from another agency, including such information as the time and all costs associated with that response. The SRT Coordinator will submit that information to the Director of Operations, who will determine if reimbursement is to be requested from the agency or governmental entity requesting assistance.

**C. Responses By Crisis Negotiators**

Crisis negotiator(s) will respond to all scenes involving hostages, barricaded suspects, suicidal suspects, and/or any other situation directed by the Director of Operations and/or the SRT Team Coordinator. Crisis negotiators will not respond to or take part in any situation without the presence of the Special Response Team, unless specifically so directed by the Director of Operations or the Chief.

**D. Support Unit**

The SRT Coordinator will contact support unit personnel as needed. Consideration will be given to the team needs in determining which support team members will be used. The Team Coordinator will also consider the availability of certain support team members. The Team Coordinator and Team Leaders will assign support unit duties as deemed necessary.

## V. OPERATIONAL AREAS DEFINED

### A. Inner Perimeter

A containment area immediately surrounding the incident location that minimizes and controls movement of a suspect within that area. The inner perimeter should be sufficiently large to present no immediate danger to anyone, but should be as small as possible to ensure control and management of the area.

### B. Outer Perimeter

A large containment area that completely surrounds the inner perimeter and prohibits unauthorized vehicular and pedestrian traffic from reaching the inner perimeter. The outer perimeter should be positioned in a manner to afford protection and safety to anyone outside the perimeter boundaries.

### C. Control Zone

The space between the outer perimeter and the inner perimeter. Officers manning the outer perimeter may allow authorized persons into the control zone for restricted purposes as designated by the officer in charge.

Depending upon the circumstances, unauthorized persons should be evacuated from or secured within the control zone. These may include bystanders, residents, merchants, and others.

### D. Traffic Control Points

Key intersections or other locations that restrict all unauthorized vehicular, and pedestrians traffic from reaching the boundaries of the outer perimeter.

### E. Field Command Post

A temporary location used as the on-scene command center to coordinate the activities of all operational personnel. The field command post should be placed outside the inner perimeter, and preferably inside the control zone. It should include both actual command post facility and staging areas. If at all possible telephone service should be established at the field command post.

## **VI. CRITIQUE AND OPERATIONAL BRIEF**

As soon as possible following the termination of an SRT involved operation, an incident debriefing and critique will be held; all personnel involved in the incident shall be present including participating SRT members and all command, communications, patrol, investigations, and support personnel.

### **A. Initial Report**

An incident report will be completed whenever the SFT responds to an incident. This report will contain all information pertaining to the initial incident until SRT arrival on scene.

### **B. Supplemental Report**

The SRT Coordinator or his designee will complete a supplemental report pertaining to the actions taken by SRT. This supplement will be filed with the original report.

### **C. Use of Force Reports**

The Team Leader will be responsible for filing any use of force forms that pertain to any SRT actions. If a team member is required to use force as a single action, the member will be responsible to fill out a use of force form.

### **D. Raid Plans**

The Team Leaders will be responsible for filling out and attaching copies of the Raid Plan to the original report.

## **VII. TRAINING GUIDELINES**

All SRT members will train a minimum of (6) hours per month. The entire team shall train on appropriate subjects related to the mission of the team. Additional outside and departmental training shall be encouraged for all team members on a continuing basis. The Director of Operations has the authority to change the number of training hours based on the department needs. The Team Coordinator or his designee will document all training; all team training records will be kept for a period of (5) years. All training certificates will be kept in each team member's personnel training files.

**A. Attendance**

All SRT members are required to attend scheduled training sessions. The SRT Coordinator or Team Leaders may make exceptions for team member's attendance based on department needs. It is the team member's responsibility to notify the SRT Coordinator or Team Leader(s) if there is a conflict with attending scheduled training. Unexcused absence from two consecutive training sessions will result in the team member being put on probation and used only in a restrictive purpose. This status will continue until the team member has successfully completed a full training session in which appropriate skill levels have been displayed to the satisfaction of the Team Leaders. Team members will be responsible for making notification

their respective supervisors about any scheduled training session(s).

## **B. Firearms**

### *1. SRT Members*

Members will train/shoot with all assigned weapons on the range a minimum of four (4) times a year. Team members will be required to qualify with each weapon they are authorized to carry at least two (2) times a year. This training is in addition to the department's regular qualification requirements.

### *2. SRT Snipers*

Snipers will be required to train/shoot with assigned sniper weapon a minimum of eight (8) times a year. Snipers will shoot a qualifying course at least twice a year to prove proficiency. Failure to shoot a qualifying score will result in removal from status as a sniper until such time as remedial training has been completed, and a qualifying score has been fired two (2) times.

### *3. Support Team*

Support team members will be required to maintain departmental firearms qualifications.

## **C. Physical Fitness**

SRT members will be required to maintain a certain level of physical fitness this will be the individual member's responsibility. All members will be required to complete the SRT physical fitness standard twice a year.

## **VIII. EQUIPMENT**

- A. All SRT members will be issued the equipment necessary to perform their duties. Team members shall properly maintain all issued gear and ensure that it is kept in proper working order.
  - B. All SRT members shall report to training, and to incident locations, with all issued equipment intact and in proper working condition.
  - C. Optional equipment, or equipment which replicates issued items, may be approved by the SRT Commander. Only equipment that has been previously approved shall be carried.
  - D. SRT members will report any lost, damaged or worn out equipment to the Team Coordinator/Team Leaders.
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# PHOENIX SPECIAL POLICE & SAS

**TITLE: COMPUTERS & OTHER ELECTRONIC COMMUNICATION SYSTEMS**

**POLICY #: V-2**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to ensure proper and professional use of Phoenix Special Police computer system including Internet, email, and all forms of electronic communications made available to employees of the Phoenix Special Police. The intent of this policy is to establish rules and regulations which govern the use of Phoenix Special Police information and electronic communications system.

**POLICY:** Phoenix Special Police computer systems, Internet, email, and all forms of electronic communications are provided for the sole purpose of promoting and supporting the mission, goals, and objectives of the Phoenix Special Police.

## **DEFINITIONS**

- **Computer Systems.** At least one central processing unit (CPU) together with a set related, connected, or unconnected peripheral devices. This definition encompasses any Phoenix Special Police owned fixed or desktop device as well as portable or laptop devices, including mobile data terminals (MDT).
- **Internet.** World communications network that provides for the distribution and sharing of unrestricted public information.
- **Electronic Mail (email).** The electronic transfer of information typically in the form of electronic messages, memoranda, and attached documents or digital pictures from a sending party to one or more receiving parties via an immediate telecommunications system. Electronic mail services, as defined in this policy, not only consist of the use of Agency provided email systems but also include any act of sending and receiving electronic mail.
- **Software.** Publicly or privately designed tools, programs, and/or applications designed to run on computers for the accomplishment of specific functions.
- **Access.** To instruct, communicate with, cause input/output, or otherwise make use of any resource of a computer, computer systems, or computer network.

- **Authorization.** Having the consent of permission of the owner or the person licensed or authorized by the owner to grant consent to access a computer, computer system, or a computer network in a manner not exceeding the purpose or intent for which the consent or permission was granted.
- **Management of Information System (MIS).** The section of Phoenix Special Police Agency government with responsibility for managing and supporting the Phoenix Special Police computer systems.
- **Sensitive Data.** Non-public information as defined by statutes or operational requirements, such as open investigations, personal privacy data, or operational data that, if revealed, might jeopardize personal safety or result in interference with law enforcement.
- **MDT (Mobile Data Terminal).** A portable computer connected by RF radio modem to the Mobile Data Network component of the NC Criminal Justice Information Network (CJIN).

## **PROCEDURE**

### **I. ELECTRONIC COMMUNICATIONS SYSTEMS**

Various “communications systems” may be utilized, or are provided by the Phoenix Special Police for use by its employees. They include:

- A. Computers, computer equipment and systems
- B. Telephones and facsimile devices
- C. Electronic mail (email) systems
- D. Paging Systems
- E. Radios
- F. Mobile Data Computers
- G. Cellular Telephones

### **II. USAGE**

- A. Employees shall use information obtained from the Phoenix Special Police computer systems for official purposes only.
- B. Employees shall not knowingly enter or cause to be entered false information or data in any agency computer system.
- C. Ordinarily, employees should not access or attempt to access communications intended solely for another person unless requested to do so by the recipient. Unless the recipient does not speak or read the language all

communications shall be in English, and no encryption program(s) shall be used without management approval.

- D. Except when incidental to an investigation, or as part of an official inquiry/response, employees are prohibited from using agency communications systems to:
- i. Threaten or intimidate another person
  - ii. Send images that contain nudity, or to send images or words of a prurient or sexually suggestive nature, even if the recipient has consented to or requested such material.
  - iii. Send jokes or comments that tend to disparage a person or group because of race, ethnic background, national origin, religion, gender, sexual orientation, age, verbal accent, source of income, physical appearance of agility, mental or physical disability or occupation.
  - iv. **All communication equipment will be used for official business only.**

### III. COMPUTER SYSTEMS

- A. Only authorized employees of the Phoenix Special Police or its contractors and agents may operate CPUs and related peripheral devices.
- i. Employees shall not access or attempt to access any Phoenix Special Police computer system without being authorized to use the system and assigned a valid password and user identification.
  - ii. Employees shall not use or permit the use of passwords or user identifications assigned to other persons unless there are extenuating circumstances and both parties are aware and agree to the use. In these instances, the original passwords shall be changed as soon as practicable.
  - iii. Employees shall keep their network and application passwords confidential. Passwords must be made available to the immediate supervisors when requested.
  - iv. Employees shall not knowingly enter or cause false information to be entered in any Phoenix Special Police computer system.
- B. Unauthorized copying or unauthorized use of computer software is a violation of State and Federal Law. Copyright law also prohibits loading of

software from one disk to multiple machines unless allowed by a license. The Chief or his designee shall first approve all software used on Phoenix Special Police computer systems.

i. Employees shall not modify, move, or add components (hardware, software, or communications) to any Phoenix Special Police computer resource without approval of the Chief or his designee.

C. Only trained and authorized Phoenix Special Police personnel or authorized MIS services personnel are allowed to work on, repair, or modify any Phoenix Special Police computer equipment.

#### IV. **EMAIL**

Email connectivity is provided to Phoenix Special Police employees for the purpose of supporting the missions, goals, and objectives of the Phoenix Special Police. It is intended to enhance and expedite communications both internally and externally.

A. The content of any message and/or attachment sent over the Internet or via the Phoenix Special Police Agency and/or Phoenix Special Police internal network must be appropriate and consistent with Phoenix Special Police policy subject to the same restrictions as any other correspondence.

B. The sending of a non-agency related message (i.e., a chain letter) intended to generate excessive or multiple transmissions is strictly prohibited.

C. Employees are permitted to utilize email for personal use of a limited basis provided it does not adversely impact the employee's performance of public duties.

D. Employees shall not open email attachments of any kind from unknown or unverifiable sources. Suspicious personal emails shall be immediately deleted (then purged from "trash" or "deleted items" folder) or brought to the attention of MIS.

#### V. **INTERNET**

Internet access is provided to Phoenix Special Police employees for the sole purpose of supporting the missions, goals, and objectives of the Phoenix Special Police, with the following restrictions:

A. Employees shall not download or install any software program, or copy (save) any executable file to a hard drive from the Internet or other source without authorization from the Chief or his designee, and without contacting MIS to perform or assist with the download or installation, if needed.

- B. Employees are prohibited from utilizing Phoenix Special Police computer systems, on or off duty, to access Internet sites which could embarrass and/or have an adverse impact on the Phoenix Special Police or constitute a violation of law.
- C. Prohibited sites include but are not limited to those that promote and/or provide access to adult and/or child pornography, hate groups, and online gambling. Visiting such sites with any Phoenix Special Police computer system will constitute a violation of this policy and may also constitute violations of other Phoenix Special Police policies. Exceptions to this regulation are granted to a member of Internal Affairs when conducting official investigations, inquiries, or random checks to ensure compliance with this policy, and to the investigative unit charged with investigating child pornography. This exception is allowed solely for the purpose of determining the identity of a site and in no way permits interaction. Investigation of such matters privately and/or at home is prohibited. Any such investigation will be conducted only with the approval and knowledge of a supervisor, and will be properly documented.
- D. Employees are permitted to utilize Internet access for personal use on a limited basis provided it does not adversely impact the employee's performance of public duties, generate more than negligible direct measureable cost to the public, or constitute a violation of any of the restrictions of this policy.

## **VI. SECURITY, CONFIDENTIALITY, PRIVACY**

- A. All computerized data may be publicly distributable unless protected by statutes. All electronic messages or files stored on or processed via Phoenix Special Police business communications may be monitored, audited, read, copied, archived, or otherwise accessed and reviewed by designated authorities. Employees have no privacy interests in office computers, computer files, Internet activity, and/or email messages.
- B. Sensitive (non-public) electronic messages shall be prominently marked in the message header or top margin as "Sensitive", "Confidential", "Classified", or other appropriate designation if possible, along with the type of exemption such as Juvenile, Ongoing Investigation, or Privacy Data. Sensitive or Classified data received from other sources should be marked, controlled, and restricted from distribution as required by the owning agency.
- C. Employees shall ensure confidential computer resources and data are protected from unauthorized access, viewing, or tampering. Computer screens shall be oriented to prevent public viewing of these files. Employees

shall log off or use “lock workstation” features if available when absent from their work areas.

- D. Facilities or office areas containing confidential computer resources shall be secured when left empty or unattended.
- E. The Phoenix Special Police reserves the right, without notice, to monitor and/or search telephone conversations, radio conversations, access data or text caches, pager memory banks, email and voice mail accounts, and/or any other employer provided communications system (s), or data produced from any such system (s) whether written, verbal, or electronic in nature.
- F. **All employees are advised that they do NOT have any expectation or rights of privacy when using agency or Agency owned, leased, rented, operated, or controlled computer systems or communication systems.**

# PHOENIX SPECIAL POLICE & SAS

**TITLE:** SERVICE DOGS  
**POLICY #:** V-3 **EFFECTIVE DATE:** 01-01-2019

**PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities for the basic care, operation and deployment of service dogs and their handlers with the Phoenix Special Police. **Phoenix Special Police & SAS will not utilize K-9s specifically for bite work, however sections of this policy will include references to release and bite use of force definitions to educate agency handlers and provide guidance in the event of service dog contact with the public.**

**POLICY:** The Phoenix Special Police recognizes that service dogs are to be regarded as an item of specialty equipment provided by this agency to assist officers to carry out their duties more effectively. Service dog handlers serve first as officers who shall take appropriate action in all situations calling for law enforcement service observed or brought to their attention, and served secondly as a support unit who aid general law enforcement via usage of service dogs in accordance with this policy.

## **PROCEDURE:**

### **I. OWNERSHIP**

Only Phoenix Special Police service dogs will be utilized by this Office. All Phoenix Special Police service dogs will be owned by Phoenix Special Police. The only exceptions to this will be made through a lease agreement or contractual agreement which will be agreed upon prior to any use of the service dog employed with this department.

### **B. Buildings**

1. No service dog will be released into any secured area or building without warnings first being given to any possible occupants. The handler/handler designee shall give such warnings in a manner likely to be heard and understood by any persons.
2. Warnings may be given via a patrol vehicle's public address system, bull horn, or loud speaker; the warning shall identify the agency name and notification that a trained service dog will be released if the occupants fail to surrender according to the handler's instructions. The time in which warnings will be given will be reasonable in

manner so as to let any occupants have a reasonable amount of time to exit the structure or enclosed area before the release of the canine.

3. The service dog handler should make such warnings so as not to threaten or endanger any officer's safety or reveal a secured position of the handler or any officer(s).
4. The warning shall be as follows: "Phoenix Special Police K-9 unit come out now, or a Trained K-9 will be released, he will find you and he will bite you".
5. In addition to making entry to a building after warning's have been given and the K-9 alerts to a closed or locked door inside the building/structure it will be this agencies policy that an additional warning be given before entry is made into that room: (See section iii)

### **III. USES**

#### **A. Authorized**

1. Service dog handlers will keep their service dogs on-leash and under complete control at all times, and will release their dogs (off-leash) while maintaining verbal control, when such release is necessary to:
  - a. Protect a citizen or law enforcement officer from physical attack.
  - b. Search an uninhabited structure or enclosure for the purpose of locating a criminal who poses a threat to an officer or the public if the criminal escapes.
  - c. Guard and/or restrain an arrested person to prevent flight.
  - d. Provide any other appropriate use that is authorized by the Chief or his designee in consultation with the handler.
  - e. Perform SRT operations for which deployment of the service dog is needed and which the commander of SRT, and the Chief or his designee have deemed appropriate in consultation with the handler.

2. Searches of school buildings shall be conducted on lead unless exigent circumstances are present. This determination will be made at the discretion of the service dog handler.

#### **B. Unauthorized**

1. The responding handler may decline to conduct a specific dog operation when, in his/her opinion, such an operation is outside the capacity of the dog or would present an unnecessary and unacceptable level of danger to the handler, dog, or others present. Service dogs shall not be utilized to conduct a search of a person.
2. Handlers shall refrain from any type of demonstrations of the service dog's ability to react, unless in the line of duty, training, or during an authorized demonstration.
3. Service dogs shall not be entered into any show, trial, or breeding program without the express approval of the Chief or his designee.

#### **C. Authority**

1. The service dog handler and dog shall only respond outside of Phoenix Special Police Jurisdiction when authorized by the on-duty supervisor to do so.
2. Due to his/her training and knowledge, the service dog handler will have the final authority in reference to deploying or not deploying a service dog on all service dog calls for service.

### **IV. Traffic Stops**

- A. Service dogs will be utilized on all traffic stops when applicable.
- B. Any traffic stop where it can be shown of recent and/or prior drug history to any occupant of the vehicle where the detention of the vehicle will not be delayed for any longer than to conduct enforcement action for the reason of stop.
- C. If requested by another officer or agency to conduct an exterior sniff of a vehicle it will be the handler's responsibility to obtain the reason for the request of the K-9. It will be the handler's discretion to utilize his service dog.
- D. It will be the policy of this agency that all service dogs be on leash and under the handler's control during the exterior sniffs of any vehicle.

## **V. TRACKING UTILIZATION**

It will be the policy of this agency that in the event of missing persons from elderly to children, suspect jump and runs/or fleeing the scene of a suspected crime that all service dogs be utilized in accordance with the following:

- A. If a track of an elderly person, or a child is requested by our agency or another it will be the duty of the responding handler to advise the supervisor in charge and all parties involved that the service dog is trained to track and apprehend, and that the handler will, to the best of his abilities, not allow the person/child to be bitten by the service dog.
- B. In the event that a person believed to be fleeing to evade capture by our agency or another agency, it will be the handler's responsibility to obtain information about the crime and incident. If the suspect is located on the track, the handler will give announcements before the service dog is released unless circumstances call for immediate apprehension.
- C. It is the policy of this agency that at no time during a tracking incident will a handler allow his service dog to be off leash and away from his control.

## **VI. TRAINING**

### **A. Basic**

Service dog Handlers shall attend a basic service dog school which will include training in suspect search, article search, tracking, and drug detection. Each month the service dog and handler shall receive in-service training (no less than 16 hours for dual purpose dogs and no less than 8 hours for single purpose dogs) evaluated by the K-9 supervisor.

### **B. Recertification**

Service dog handlers and service dogs must attend at least the minimum hours listed in section (a) each month with the K-9 supervisor. Deviations from this requirement must be in writing to the Chief or his designee.

### **C. Other**

- 1. Based on a demonstrated need, the service dog handler and service dog may attend outside training facilities subject to the approval of the Chief or his designee.

2. Use of non-departmental personnel in training sessions must be approved by the Chief or his designee, with the exception of training sessions with the K-9 supervisor.

## **VII. MAINTENANCE AND CARE**

- A. Each handler will feed, water, and keep his/her dog well groomed. The service dog's kennel must be maintained in a clean and sanitary condition. Service dog vehicles and living quarters may be inspected at the discretion of the Chief or his designee.
- B. All service dogs will be examined periodically according to a schedule arranged by the veterinarian selected by the Phoenix Special Police to care for its service dogs. All medical needs will be attended to by this veterinarian. Service dog handlers, in an extreme emergency, may take their animal to the nearest available veterinarian for treatment. In such instances, the Phoenix Special Police veterinarian shall be notified by telephone immediately as to the extent of sickness or injury of the dog.
- C. When a handler spends his/her annual vacation or other time away from home, he/she is encouraged to take their assigned dog with them. During such leave; however, a service dog may be kenneled at the veterinary service provided by the Agency. Similar use may be made of this veterinary service when the handler is sick and unable to care for his/her dog.

## **VIII. EQUIPMENT**

### **A. Basic**

Service dog handlers will be equipped with functional uniforms, vehicles, identification badges, choke collar, leash, and any other items necessary for efficient and effective operation of the service dog program as determined by the Chief or his designee.

### **B. Kennel**

The Phoenix Special Police shall provide a K-9 Castle Kennel. The kennel will have a secured top to prevent the possible escape of the service dog. Also, warning signs will be placed on the exterior of the kennel warning that there is a service dog within the kennel. All service dog handlers are encouraged to utilize the kennel for securing the service dog when not on regular duty with the Phoenix Special Police. The Phoenix Special Police will also provide one outdoor dog house for the housing of the service dog inside the kennel.

## **IX. VEHICLES**

- A. The purpose of the service dog vehicle is to provide a safe and comfortable environment for the service dog and the service dog handler. Each handler will be responsible for the cleanliness of such vehicle.
- B. Each service dog handler shall be assigned an individual patrol vehicle equipped with a special cage in the back for the service dog. Due to its special features the assigned handler is generally the only officer who should drive this vehicle. The vehicle should be stored at the handlers' residence when off duty.
- C. Service dog vehicles will be equipped with the following special equipment:
  - 1. One reversible harness designed for tracking
  - 2. One 30-foot nylon tracking lead
  - 3. One leather agitation muzzle
  - 4. One leather lead
  - 5. One sleeve designed for criminal apprehension training
  - 6. One plastic bowl or similar container used to water the service dog
  - 7. One "bail out" canine deployment device designed to open the vehicle door when the officer is not accessible
  - 8. One "hotdog" temperature monitoring system. This system sounds the vehicle horn when it becomes too hot inside the vehicle for the service dog
  - 9. One set of metal screens designed to cover the rear windows of the vehicle

## **X. IDENTIFICATION**

Service dog handlers shall ensure that their assigned dog wears an Phoenix Special Police service dog identification badge at all times with the following exceptions:

- A. When the service dog is boarded or housed away from the handler or when the service dog is secured in its kennel at the handler's residence.
- B. Where the safety of the service dog or handler may be affected, such as during building searches.

## **XI. BITES/INJURIES**

### **A. Persons**

1. Service dog handlers will immediately notify the on-duty supervisor when the service dog bites or causes injury to any person, regardless of the location of the incident. In all cases where a person is bitten or injured by a service dog assigned to this Office, the handler or on-duty supervisor is responsible to ensure that the victim receives prompt medical attention.
2. Should a bite or other injury be inflicted in the line of duty by a service dog, the handler must immediately notify the on-duty supervisor, and the incident will be evaluated and investigated in compliance with the Phoenix Special Police “use of force” policy and procedure.
3. Should the service dog bite someone off-duty, the incident will be reported fully in writing by the handler, and the supervisor on duty at the time of the incident will be immediately notified to investigate the incident. A report of the incident will then be submitted to the Director for review and determination as to what, if any, further action or investigation is warranted.

### **B. Service Dog**

If a service dog is physically attacked, the animal will defend itself instinctively whether the attacker is a person or another animal. Handlers will discourage persons from attempting to pet, touch or otherwise have any physical contact with their dogs, unless authorized by the handler.

### **C. Handler**

If the service dog handler becomes incapacitated, another handler shall be notified to respond to the scene to secure the dog. When the handler is in need of immediate assistance, officers at the scene shall use all possible means of restraining the dog, without injury to the dog if possible.

## **XII. DOCUMENTATION**

- A. Service dog handlers shall report all injuries and illness suffered by their assigned dog to their immediate supervisor, detailing the nature of the injury or illness and any medical attention received.
- B. Service dog handlers shall be responsible for filing written reports on all service dog uses. Written reports on the use of the service dog shall be submitted in compliance with the Phoenix Special Police's "use of force" policy and procedure any time a service dog is utilized as an implement of force.
- C. All assigned training sessions shall be documented by the handler and the handler shall retain all records. The handler will be responsible for maintaining the original file, and entering training and utilization records of his/her assigned service dog unit. In addition to the handler records, a copy of all training and utilizations will be placed into a separate folder at the Phoenix Special Police to be reviewed by the K-9 supervisor as well as any member of Administration.
- D. A yearly report will be compiled which will summarize the utilizations of the service dog unit. This report should include all misdemeanor arrests, felony arrests, tracks, demonstrations, and calls for service, training dates, and any certifications which were achieved during that calendar year.
- E. A report of records concerning all utilizations of each service dog will be forwarded to the Director by each handler at the end of each calendar year. A report of all records concerning any training of each dog and handler will be forwarded to the Supervisor of Personnel and Training after each training session takes place.

## **XIII. ANNUAL STATISTICAL SUMMARIES**

By calendar year, the K-9 Supervisor shall compile statistical information based on all use of service dog reports received that year. These statistics will be shared with the Chief, the Director, and the Supervisor of Personnel and Training for review and identification of any recurring issues that might exist regarding training needs, equipment needs, and personnel concerns and/or needs.

## **I. PATROL OFFICER PROCEDURES RE: ANIMAL CALLS**

- a.) When encountering aggressive or nuisance animals, officer will contact the animal control office of the local jurisdictions to report same. Officer 's may utilize reasonable force to subdue an aggressive animal to protect themselves or the client/public. However, officer's should take the city or county ordinances of the jurisdiction they are in when deciding to use firearms in resolving incident involving animals.
- b.) Officers are not allowed to use firearms to dispatch injured animals within any jurisdiction that falls within city limits.
- c.) Officers should take into consideration those present when dispatching an injured animal, such as children, media, etc. In most cases it is recommended to contact the animal control offices in the current jurisdiction to remedy the situation.
- d.) If an officer is bitten by an animal in the course of duty, the officer should immediately report this to their supervisor, who in turn should immediately report same to the Chief or Director.
- e.) If an officer is bitten, they should seek immediate medical attention, including preventative measures and screening for rabies.
- f.) A bite report will be filled out by the responding jurisdictional animal control authority, An incident report should be filed by the officer's supervisor.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: HONOR GUARD/FUNERAL SERVICES/COLOR GUARD**  
**POLICY #: V-5** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of the Honor Guard is to provide law enforcement honors in the event of the death of an active or retired full-time or reserve officer and for the special ceremonies determined appropriate by the Chief.

**DEFINITION:** Honor Guard performs ceremonial function of honoring an individual or group, living or deceased, by presenting the American Flag, standing guard, wreath laying, escorting, firing and salutes. Honor Guard also participates in ceremonies such as color guard details, parades and activity with or without the use of national or state colors.

## **PROCEDURES:**

### **I. Organization**

- a. For organization, supervisory and control purposes the Honor Guard Commander reports directly to the Chief or Director .
- b. The Honor Guard will consist of no more than eighteen (18) members, (16) officers, one (1) supervisor and one (1) commander.
- c. The Honor Guard Commander or his designee will be responsible for the overall functions of all Honor Guard ceremonies.

### **II. Selection Process**

- a. Periodically, the Honor Guard Commander or his designee will notify all members of the Phoenix Special Police by memorandum announcing the acceptance of applicants to be part of a “pool” of candidates for selection to the Honor Guard.
- b. All eligible personnel interested in becoming an Honor Guard member shall submit a memorandum outlining his/her qualifications, years of service and the reasons that they are interested in the position. This memorandum will be directed to the Honor Guard Commander or his designee.
- c. When a vacancy occurs, the position will be filled from the applicant pool. The Honor Guard Commander will submit the names of the officers

recommended for appointment to the Chief or Director for approval by the Chief.

### **III. Training**

- a. The Honor Guard will have training sessions on a regular basis. The Honor Guard Commander or his designee will be responsible for providing a schedule of the training dates and making the necessary notifications.
- b. Attendance at team training dates is mandatory for all members. The Commander must approve absences in advance. Any unexcused absences may be grounds for dismissal from the Honor Guard.

### **IV. Equipment**

- a. Each Honor Guard member will be issued a dress uniform to be used solely for Honor Guard ceremonies. The Honor Guard Commander can approve any changes required for specific functions or conditions.
- b. Cleaning and upkeep of gear, uniforms and equipment will be the responsibility of each individual Honor Guard member.
- c. All Honor Guard equipment issued to a member will be returned when the member leaves the Honor Guard team.
- d. Each Honor Guard team member will be awarded a special Honor Guard ribbon for uniform wear.
- e. The M1 Garand rifles that the Honor Guard uses are not owned by this agency but are on permanent loan from US Army TACOM Cycle Management Command. These weapons are to be stored in a appropriate and dignified manner in the Phoenix Special Police weapon storage area along with the .30 caliber blank ammunition used in the rifle ceremonies.

### **V. Documentation**

The Honor Guard Commander or his designee will be responsible for keeping accurate records for all Honor Guard functions and training.

### **VI. Type of Funeral Service**

- a. Death of a law enforcement officer or killed in line of duty.
- b. Death of an off duty law enforcement officer, or civilian office personnel.

- c. Death of a retired law enforcement officer or in good standing.
- d. **Level I**  
The services may include escorts, the posting of flags, guarding the casket, serving as pallbearers, folding the flag, presentation of the flag at the gravesite, firing party detail and playing taps.
- e. **Level II**
  - i. The services may include guarding the casket or serving as pallbearers.
  - ii. Honor Guard members will attend the funeral of any immediate family member of a Phoenix Special Police employee.
  - iii. All requests for the utilization of the Honor guard will be approved by the Chief or his designee. The Honor Guard will follow the Military/Law Enforcement Standard and Protocol for all activities.
- f. **All levels of service are at the discretion of the Chief or his designee. All levels of service will be according to the availability of the Honor Guard members.**

## **VII. DEFINITIONS**

- a. Line of duty death: is the death of an active duty officer by felonious or accidental means during the course of performing police functions. In the event of an active duty officer's death in the line of duty PSPSAS may provide liaison assistance to the immediate survivor's family and provide proper emotional support. Also at the request of the family, the officer may be buried in full uniform and personal equipment which includes the officer badge, identification card and the agency standard issued firearm may be presented to the family at the close of the funeral services.
- b. Survivors: Immediate family members of the deceased officer to include spouse, children, parents, siblings, fiancée and/or significant others.
- c. Immediate family member: Spouse, children, parents

## **VIII. OTHER CEREMONIES**

- a. Conferences and other events in which the Phoenix Special Police is the host sponsor

- b. Other functions requiring the posting of flags or other military honors that are approved by the Chief and his designee
- c. Other Police Memorial Services
- d. When attending out-of-town services it is recommended that a minimum of four (4) Honor Guard members attend
- e. Parades
- f. Any other functions that the Chief or his designee deems appropriate

**IX. SALUTES**

A salute will be rendered by all uniformed officers that are wearing an issued Phoenix Special Police Patrol hat. Any officer not wearing a hat will place his hand over his heart as a flag passes by or the National Anthem is played.



# PHOENIX SPECIAL POLICE & SAS

TITLE: SMALL UNMANNED AIRCRAFT SYSTEMS (SUAS)

POLICY#: V-6

EFFECTIVE DATE: 01/09/2019

**PURPOSE:** To establish the Phoenix Special Police small Unmanned Aircraft System (“SUAS”) program. To assist law enforcement by providing increased situational awareness, enhanced officer safety, and act as a force multiplier to improve operating efficiency. This policy sets forth how the SUAS program will operate aerial platforms in coordination with law enforcement officers conducting a specific mission as guided by the Federal Aviation Administration (FAA) and in compliance with the waivers provided.

**POLICY:** This policy is designed to minimize risk to people, property, and aircraft during the operation of the SUAS while continuing to safeguard the right to privacy of all persons.

## **I. DEFINITIONS:**

Intelligence Unit Sergeant - The individual responsible for reviewing and approving the use of the SUAS in a law enforcement mission. The Intelligence Unit Sergeant has full oversight responsibility of all logistical and administrative elements of SUAS operations.

Pilot in Command (PIC) – The individual responsible for the overall flight operations of a specific mission. This individual shall be a member of the Phoenix Special Police.

Observer – The individual trained to maintain the line-of-sight and 360 degree hazard awareness around the SUAS at all times and assist the PIC in carrying out all duties required for the safe operation of the SUAS.

Camera and Remote Sensing Operator - The individual responsible for the operation of all camera (video and still) and remote sensing functions during SUAS operations.

Defined Incident Perimeter - a location identified via a Very High Frequency Omnidirectional Range (VOR) Radial/Distance Measuring Equipment (DME) fix. The location has a defined perimeter to be determined based on the scope of the operation and a defined operational ceiling at or below 400 feet Above Ground Level (AGL).

SUAS – Small Unmanned Airflight System.

ATC – Air Traffic Control. Closest airport maintaining control of airspace utilized in the SUAS operation

Pre-Flight Briefing – a discussion led by the PIC prior to aircraft launch which shall include but not be limited to:

1. Review of mission goals and methods to achieve goals, including handoff procedures.
2. Review of current and forecasted weather conditions and weather limitations on mission.
3. Review of current Notice to Airmen (NOTAMS) and Temporary Flight Restrictions (TFRs) that have been issued for the proposed flight area.
4. Identification of mission limitations and safety issues such as battery charge, GPS strength, and potential for radio interference.
5. Review of proposed flight area, including maximum ceiling and floor.
6. Review of communication procedures between PIC, Observer, Camera Operator, and other ground support, including the availability of two cell phones to communicate with Air Traffic Control in the event of a fly-away or other flight emergency.
7. Review of emergency/contingency procedures including aircraft system failure, flight termination, divert, and lost link procedures.
8. Review of required video or digital images.
9. Frequencies to be used.
10. Execution of a pre-flight check following the approved checklist.

## **II. QUALIFICATION**

### **A. Aircraft**

1. General Airworthiness: The Intelligence Unit Sergeant shall be responsible for ensuring that the SUAS is maintained and flight ready according to the manufacturer's recommendations and related industry standards. In addition, the Intelligence Unit Sergeant may rely upon the testing data and evaluation data provided by other government agencies, the aircraft manufacturer, and independent testing facilities.
2. Mission Specific Airworthiness: The PIC shall be responsible for ensuring that the SUAS is airworthy prior to each mission. The PIC may rely upon the inspection and reports provided by agency personnel appointed with the responsibility for maintaining the SUAS.
3. Radio Frequency: The SUAS shall use the assigned radio frequencies assigned for the mission through Phoenix Special Police Agency Central Communications (CCOM).
4. Maintenance: The Intelligence Sergeant / designee is responsible for the maintenance of the SUAS, which shall be performed by Intelligence Sergeant / designee specifically trained on the maintenance of the SUAS or by manufacturer certified representatives and personnel. The PIC and/or Observer shall perform a pre-flight and post-flight inspection of the SUAS. Any equipment issues (otherwise known as squawks) shall be entered in the aircraft's squawk log and immediately reported to the Intelligence Unit Sergeant / Designee. It shall be the responsibility of the Intelligence Unit Sergeant / designee to

determine whether the reported squawks or issues need to be corrected prior to the next flight, which will then be documented in the aircraft's squawk log.

5. Software and hardware changes: All changes shall be documented in the unmanned aircraft and ground control station logbooks by persons authorized to conduct UAS maintenance. All previously proven systems, to include payloads, may be installed or removed as required for missions and documented in the appropriate aircraft squawk log. Test flights must be conducted and documented after Director changes in the hardware or software.
6. Storage Transport: The aircraft shall be stored in a secure manner to limit possible damage to the unit while in transit. The SUAS should be secured.
7. Battery Charge: Any components necessitating a charged battery shall be charged in accordance with manufacturer's recommendations. To the extent permissible by manufacturer's recommendations, the SUAS shall be fully charged when not in use. The Lithium-ion Polymer (LiPO) batteries should be charged at the recommended amperage and not exceeded. If the LiPO batteries begin smoking or expanding (puffing) they should immediately be isolated for risk of explosion or fire. Never completely discharge LiPO batteries or they will become unable to hold a charge.

## **B. SUAS Pilot**

Requirements – SUAS Pilots must at a minimum:

1. Have attended an approved Phoenix Special Police basic SUAS operations program.
2. Have passed the initial aeronautical knowledge test (part 107) at an FAA-approved knowledge testing center.
3. Obtain and maintain a North Carolina SUAS pilot permit.
4. Be currently employed by the Phoenix Special Police.

## **C. Observer**

1. Visual observer means a person who is designated by the remote pilot in command to assist with visual operation of the SUAS.
2. If a visual observer is used during the aircraft operation, all of the following requirements must be met:
  - a) The pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must maintain effective communication with each other at all times.

- b) The pilot in command must ensure that the visual observer is able to see the unmanned aircraft in the manner specified in §107.31.
- c) The pilot in command, the person manipulating the flight controls of the small unmanned aircraft system, and the visual observer must coordinate to do the following:
  - 1) Scan the airspace where the small unmanned aircraft is operating for any potential collision hazard; and
  - 2) Maintain awareness of the position of the small unmanned aircraft through direct visual observation.

#### **D. Camera and Remote Sensing Operator**

Camera Operator designated with the camera and sensing equipment operations including recording, video downlinks and storing digital data for evidentiary purposes.

### **III. PILOT TRAINING**

#### **A. Basic Flight Operations Training**

All pilots who will be flying law enforcement missions shall be properly trained by either manufacturer representatives or Phoenix Special Police Instructors which at a minimum have FAA part 107 licensing. Prior to FAA testing the pilot candidate will attend an approved Phoenix Special Police Basic SUAS operator's course and successfully complete this instruction. The SUAS pilots will meet all requirements under Part 107 by the FAA. The pilots will have a current working knowledge of the airspace intended for operations, Air Traffic Control (ATC) communication requirements, specific SUAS aerodynamic factors, and the ability to obtain and interpret weather. All pilots must meet the following flight experience requirements and be current with their flight log entries.

#### **B. Currency Training / Mission Training**

All pilots must have a minimum of three qualifying SUAS flights to include take-offs and landings in the preceding 120 days to be eligible to fly SUAS missions. All pilots must undergo Mission Training to increase specific core competencies in all SUAS operations, systems and roles with conducting a mission in accordance with approved Mission Training Curriculum.

1. In order to accomplish required currency training, pilots shall participate in 24 hours of annual training, at a minimum, as assigned by personnel order.
2. Recurrent training is related to pilots, but includes knowledge of all pertinent SUAS and aviation matters.

3. Members who do not have documented training or flight time for the preceding 120 days shall demonstrate proficiency before performing pilot/observer duties during a mission.
4. Failure to maintain/prove proficiency can result in suspension / removal from SUAS operations.

**C. In-service Training**

1. Each pilot must undergo in-service training yearly to include updated industry standards and field exercises, as well as a review of current case law Governmentthe use of aviation assets as designated by the Intelligence Unit Sergeant / designee.
- 2, Three eight hour days will be planned in January of each year and will be a mandatory training. This training will include but not be limited to all legal updates concerning SUAS, continuing education, mission specific training, training with other special operations units of the Phoenix Special Police.

**IV. FLIGHT CONDITIONS**

- A. Daylight: All SUAS operations shall be conducted during daylight hours.
- B. Night flight is prohibited unless specifically authorized by the FAA waiver or reference to emergency management function / exigent circumstances.
- C. Line-of-sight: All SUAS operations shall be conducted within line-of-sight of the PIC or Observer such that the Pilot or Observer may detect and avoid hazards such as aircraft and property.
- D. Altitude: All flights shall be conducted at less than 400 feet Above Ground Level (AGL), unless otherwise approved by FAA in a waiver. All flights will be conducted under VFR (Visual Flight Rules).
- E. Weather: The PIC shall verify the weather conditions in the immediate area of operations. Local source of weather may be utilized, the internet, phone application, or may be observed on site. This includes calling the closest airport with Automated Weather Observation Systems (AWOS) or Automated Terminal Information System (ATIS) and calling the Flight Service Station (FSS) for a weather report for the area of operations.
  1. A standard Meteorological Terminal Aviation Routine report (METAR) and Terminal Aerodrome Forecast (TAF) report shall be obtained regardless of visibility.

2. The SUAS will not be flown outside the weather minimums identified by the manufacturer or the approved waiver or emergency management exception. The PIC shall have final determination of risk due to weather over any mission.
- F. Heat:** The operational guidelines for heat are less than 110 degrees Fahrenheit (37.77 degrees Celsius) at ground level. Operation in temperatures over this mark should be noted with the air density as obtained from the pre-flight weather report. The battery and length of flight should be adjusted accordingly based upon high humidity and temperature with air density. These local conditions may warrant the PIC opting to not fly based upon these flight conditions
- G. Cold:** The operational guidelines for cold are greater than 0 degrees Fahrenheit (17.77 degrees Celsius) at ground level. Operation in temperatures under this mark should be noted with the air density as obtained from the pre-flight weather report. The battery and length of flight should be adjusted accordingly. Also, if the moisture level is high, conditions should be noted for icing on wings and flight surfaces. These conditions may warrant the PIC opting to not fly based upon these flight conditions.
- H. Wind:** The SUAS will not be operated in sustained winds greater than 15 knots. Wind velocity can be obtained from a hand-held anemometer used at the training location or mission site. General weather information can be obtained from the ATIS and FSS. The PIC may decide that wind conditions at the area of operation are too hazardous and opt to not fly.
- I. Rain, Snow and Fog:** The operational guidelines for these conditions are based upon visibility and operator safety at the local site. The PIC and Observer must adhere to the line-of-sight and VFR weather minimum requirements. Certain SUAS systems are not weather resistant and should not be flown during situations with precipitation.

## **V. MISSION**

- A. Mission Requests:** All requests for SUAS to provide support for a mission shall be forwarded to the Intelligence Unit Sergeant / designee at least 48 hours prior to the mission unless exigent circumstances exist and verbal authorization can be obtained. Verbal authorization in exigent circumstances may be obtained by telephone contact with the Intelligence Unit Sergeant or in his absence the on-call administrator. Considerations for use of SUAS shall include the following:
1. The location of the mission, for purposes of insuring the safety of people and property.
  2. The intended area of operation, for purposes of evaluating the ability to mitigate potential air-to-air conflicts. Such evaluation will consider the current landing patterns at airports in the vicinity. Whenever the approach path of an airplane to a nearby airport would involve flying over the

intended area of operation, such operations shall be coordinated with the appropriate air-traffic control facility.

3. The weather and its potential effect on the aircraft, including the potential to carry the aircraft to an area of air-to-air conflict.
4. The currency of certification and training of the PIC.
5. The potential usefulness of the information gathered by the SUAS versus information gathered through other means.
6. Any other relevant risk factors to successfully complete a risk benefit analysis for the use of SUAS in the specific mission. Risk factors may include but are not limited to tree canopy, distance between buildings, smoke, etc.
7. Strength of radio and GPS signal as indicated on the SUAS.

**B. Personnel Designation:** Once the Intelligence Unit Sergeant / designee has approved the mission request, the Intelligence Sergeant / designee shall identify the PIC, Observer, Camera Operator, and person responsible for controlling access to the take-off and landing site and coordinate with individual(s) requesting the mission. For mission approval there must be at least a PIC and an observer to operate the mission at a minimum. The SUAS shall only be operated by the designated PIC approved for the mission and shall be a member of the Phoenix Special Police.

**C. Pre-flight Preparation:** Before any mission the PIC must conduct a Pre-Flight Briefing.

**D. Scene Review:** The PIC and Observer are responsible for identifying any unsafe conditions at the scene. This includes, but is not limited to:

1. Take-off and landing site: This area should be free of obstructions, items on the ground and debris that may interfere with the rotors. This includes creation of a flight line, from which other law enforcement officers and civilians must remain clear.

2. Flight perimeter: The site must utilize law enforcement officers and standard protocols to minimize civilian traffic or interference during the operation.

3. Safety View: The flight team should identify trees, bushes, power lines, and other potential obstructions and coordinate the pre-flight briefing accordingly.

4. Interference: The flight team should identify Cell Towers, TV and Microwave sources, which might create interference with the flight equipment. The equipment should be tested on the ground to insure proper communications and operation before the flight.

5. Sectional chart: The flight team will maintain a current copy of a VFR Sectional Chart for the area in which flight operations will occur.

6. Urgent SUAS Operations: In case of an active or imminent emergency, operators can contact the Intelligence Sergeant / designee for verbal approval which will be followed with written report of incident as soon as practical upon the completion of the mission.

**E. Documentation:**

1. A copy of the current flight log, squawk log, and Pilot Certifications must be kept with the SUAS at all times. PIC's and Observers must be in possession of their Certificates at all times. PIC is responsible for making sure that all certificates are in the possession of individuals involved in the mission prior to the beginning of the operation.

2. Certificates – All certificates will be copied by the PIC, Observer or any other certified flight attendant to the SUAS and forwarded to the Intelligence Unit Sergeant upon receipt. It is the responsibility of the PIC to ensure that all certifications are valid and up to date prior to operation / mission.

**F. Flight Operations:**

1. All flight operations shall be conducted in accordance with the manufacturer's recommendations.

2. Prior to flight, an Phoenix Special Police approved preflight check list form shall be completed by the PIC. (Form attached to policy)

3. All flights will be recorded from beginning of flight of the SUAS until the landing of the SUAS. Each flight will be recorded on a separate appropriate Micro SD card and will be held in evidence under the OCA number generated prior to the mission by the PIC.

4. The SUAS must operate with position/navigation or anti-collision lights at all required times unless authorized by the FAA waiver or emergency management exception.

5. Launch Site Selection: Site selection shall be driven by safety first and foremost. Selection of launch sites will be considered based upon:
  - a) Ability to maintain adequate buffer zones between aircraft and personnel. The PIC shall maintain a buffer of at least 25 feet for VTOL aircraft between aircraft operations and all non-essential personnel. A designated individual can be identified as a safety officer to ensure the safety of the launch and recovery area.
  - b) No launches shall occur until all environmental assessments have been considered. The PIC has the final authority to abort any launch based upon hazards to the environment, themselves, or other personnel in the area.
  - c) The PIC shall select a launch site that ensures SUAS departures are not over populated areas.
6. Primary & Alternate Landing Sites:
  - a) Primary landing site - Typically the primary landing shall be the same as the launch site. The PIC has final authority for any approaches to the primary site and may wave off any approach deemed unsafe.
  - b) Alternate landing sites - The PIC shall designate at least one alternate landing site. In the event that the primary landing site is deemed unsafe, procedures to utilize the secondary site will be invoked.
7. RTH Programming: Prior to take off, the UAS will be programmed to allow it to return to home if the signal is lost from the transmitter. A designated safe area of at least 25 feet shall be maintained during lift off between SUAS and personnel. When the SUAS is deployed to meet an approved mission task, it shall be recovered within the same general area if possible.
8. Risk to Public: The PIC shall make every effort to ensure that flight operations will not pose any undue risk to the public not directly involved with the effort. The PIC shall have final determination of risk to the public and authority over any launch of his/her own aircraft. In all cases, the SUAS will only be flown over persons that is in accordance of the FAA approved waiver or emergency management exception.
9. Risk to Property: The PIC shall make every effort to ensure that flight operations will not pose any undue risk to any property in the area involved with the effort. The PIC shall have final determination of risk to the property and authority over launch of his/her own aircraft. In all cases, the SUAS will not be flown over property that is in violation of the FAA or state / federal law.

10. Risk to participating personnel: The PIC shall make every effort to ensure that flight operations will not pose any undue risk to the personnel directly involved with the effort. The PIC shall have final determination of risk to the public and authority over any launch of his/her aircraft.

#### G. Emergency Procedures

1. Emergency Exceptions: In case of an in-flight emergency, the PIC is permitted to deviate from the mission to the extent necessary to respond to that emergency. A remote PIC who exercises this emergency power to deviate from the mission, upon FAA request, will send a written report to the FAA explaining the deviation. Emergency action should be taken in such a way as to minimize injury or damage to property. The PIC may optionally designate an “abort site” whereby the aircraft may be “dumped” in an emergency situation. The abort site shall be so far removed as to provide absolute minimal risk to persons or property.
2. Air-to-Air de-confliction: If at any time the PIC and/or Observer believe there is a potential for air-to-air conflict, risk of harm to individuals or property, the PIC shall immediately land the aircraft.
3. Lost Link: In the event of a lost link with the aircraft, lost link procedures shall be executed including RTH operations or the immediate landing of the aircraft. If the aircraft does not immediately execute these orders, the PIC shall notify the appropriate Air Traffic Control (ATC).
4. Lost Communications: The Phoenix Special Police has 800 MHz truncated radio systems with backup systems on NC Viper radio link. In addition, the radio systems can be used line of sight for operations. Should all communication fail between the PIC and Observer, the PIC will consider the manner as a lost link and activate the return to home feature on the system and abort the operation until such time as communications can be reconnected between the PIC and Observer.
5. Lost SUAS Sight: In the event that both crew members lose sight of the aircraft the pilot will initiate a Go-Home on the remote control. The Go-Home protocol is identical to the Loss of Link protocol. Once visual contact with the aircraft is re-established the pilot will take-back the aircraft using the remote control.
6. Fire: SUAS will be flown away from people and property until a safe landing location can be found. A fire extinguisher and first aid kit will be located at the mission site.
7. Loss of Engine: During an engine failure SUAS flight cannot be maintained and the SUAS will make an uncontrolled landing. An announcement will be made to

all crew members of the loss of the flight of the aircraft and to watch for the landing site. One crew member will bring a fire extinguisher to the landing site in case of fire.

8. Unusual Attitude: Onboard stabilization gyros will be allowed to level aircraft before control is resumed by ground control.

9. Fly Away: In an unlikely event of a “Fly Away” scenario, PIC’s will immediately attempt to regain connection and if such does occur, the flight will be discontinued. The SUAS will be landed as soon as possible with emphasis for the safety of the public and property.

#### **H. Storage of Media**

- a) All data images obtained during the course of UAS operation—including those acquired during training events—are the property of the Phoenix Special Police except when the data is obtained at the request and on behalf of another agency and written request is provided to the Sergeant of Intel or the Chief.
- b) All recordings of flights will be stored in accordance to Phoenix Special Police media policy with Evidence Control.

### **VI. PROHIBITED ACTIONS**

**A. Warrantless Search**: The SUAS shall not be operated in violation of the North Carolina and United States constitutions, statutes, or regulations. When a search warrant is required by law and no warrant exception exists, flight is prohibited unless a search warrant signed by an authorized Judicial Official is obtained.

**B. Routine Patrol Operations**: The SUAS shall not be used for Routine Patrol duties unless authorized by the Chief or his designee.

**C. Exceeding Aircraft Limitations**: The SUAS shall not be flown in conditions that exceed the manufacturer’s recommended limitations, including range, ceiling, wind strength, and battery charge.

**D. High Risk Missions**: The SUAS shall not be flown for any mission in which the Intelligence Unit Sergeant / designee or the PIC determines the risk of flying the SUAS outweighs the benefit to the mission. Risks may include hazards to individuals or property on the ground, possible collision hazard with other aircraft, or loss of control of the SUAS.

**E. Spraying and Dropping**: The PIC is prohibited from spraying or dropping anything from the aircraft and carrying hazardous materials unless performed under approval of the FAA by waiver.

**F. Prohibited Airspace:** Operations inside any controlled airspace shall only be performed under approval of the FAA waiver or emergency management exception.

**G. Daisy-chaining Observers:** Unless authorized by the FAA, daisy-chaining Observers to extend line-of-sight is prohibited.

**H. Flying for Compensation:** As a “public aircraft,” flying for compensation or hire is prohibited. Cost reimbursement between government units is permitted.

**I. PIC / Observers** or other members of the flight crew shall not store, transfer, or utilize electronic images and digital imagery for personal use.

## **VII. DOCUMENTATION AND REPORTING**

**A. Flight Documentation:** The PIC or their designee shall complete all department flight documentation including pertinent information about the aircraft, flight conditions, type of mission, and mission parameters. Monthly reports containing the above information or indicating no flights occurred during the month shall be submitted to the FAA through the COA online system by the PIC and a copy of the monthly report provided to the Intelligence Unit Sergeant / designee. The PIC will be responsible for generating an OCA number through the records management system of the Phoenix Special Police and completing a timely and correct report. The PIC will also be responsible for obtaining proper supplements from others involved in the mission. At a minimum the documentation should include the following:

1. Incident Location
2. Copy of Request
3. Narrative of incident
4. Any supplements taken by others involved in the mission
5. Weather conditions
6. Length of mission
7. Results of mission
8. Names of PIC, Observer, and others involved in operation
9. Copies of photographs/video

**B. Incident and Crash Documentation:** The Intelligence Unit Sergeant or his designee, shall be responsible for reporting any incidents or crashes to the FAA through the COA online system and supplying any additional documentation that may be required.

1. The PIC of the SUAS is required to report an accident to the FAA within 10 days if it meets any of the following thresholds:

- a) Serious injury to any person or any loss of consciousness. A serious injury is an injury if a person requires hospitalization, but the injury is fully reversible

(including, but not limited to, head trauma, broken bone(s), or laceration(s) to the skin that requires suturing).

b) Damage to any property, other than the small UA, if the cost is greater than \$500 to repair or replace the property (whichever is lower).

Note: For example, a small UA damages property whose fair market value is \$200, and it would cost \$600 to repair the damage. Because the fair market value is below \$500, this accident is not required to be reported. Similarly, if the aircraft causes \$200 worth of damage to property whose fair market value is \$600, that accident is also not required to be reported because the repair cost is below \$500.

The report may be submitted to the appropriate FAA Regional Operations Center (ROC) electronically or by telephone. Electronic reporting can be completed at [www.faa.gov/uas/](http://www.faa.gov/uas/). FAA Regional Operations Centers Telephone List

[http://www.faa.gov/about/office\\_org/field\\_offices/fsdo/](http://www.faa.gov/about/office_org/field_offices/fsdo/).

The report should include the following information:

1. SUAS remote PIC's name and contact information;
2. SUAS remote PIC's FAA airman certificate number;
3. SUAS registration number issued to the aircraft, if required (FAA registration number);
4. 4. Location of the accident;
5. Date of the accident;
6. Time of the accident;
7. Person(s) injured and extent of injury, if any or known; 8. Property damaged and extent of damage, if any or known; and 9. Description of what happened.

## **VIII. FAA Regional Operations Centers Telephone**

404-305-5156

## Section 6: Evidence and Property

### 1. Evidence / Property Collection, Custody, and Control

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: EVIDENCE/PROPERTY COLLECTION, CUSTODY, & CONTROL**  
**POLICY #: VI-1** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to provide guidelines and standards for the collection, identification, control, transfer and disposition of evidence and property which will ensure the integrity, security, and accountability of all such items and articles received or taken into custody by members of the Phoenix Special Police. **This policy is in place in the event Phoenix Special Police will/must assume the lead role in an investigation. However, Phoenix Special Police should seek to forward jurisdictional authority and chain of custody to the residing local government authority if the scope of the investigation and potential evidence would surpass Phoenix Special Police ability to properly store, secure, and lawfully dispose of the evidence collected in any particular case.**

**POLICY:** It shall be the policy of the Phoenix Special Police to establish procedures for the control of property and evidence which is seized, found, recovered, controlled, and/or maintained by this Agency. Evidence will be collected, preserved, disposed of in compliance with legal requirements, and all evidence and property taken into custody will be properly identified, packaged, secured, and stored. Any changes in the status of evidence or property will be fully documented.

## **PROCEDURE:**

### **I. EVIDENCE/PROPERTY CONTROL SECTION**

#### **A. General Authority/Responsibility**

The Evidence/Property Control Section will be responsible for maintaining control and custody of all evidence in all incidents and investigations of the Phoenix Special Police. The Evidence/Property Manager and any other member(s) of this section will be responsible for the storage and protection of all evidence until its disposal by lawful authority.

#### **B. Evidence/Property Rooms**

1(one) evidence/property room will be established and maintained by the

Evidence/Property Section:

1. A vault will be used to store all drugs, jewelry, monies, firearms, and any other "valuables" which are confiscated or recovered as evidence, which are surrendered for safe-keeping as a result of 50-B

orders or otherwise, which are found by members of this Office, and/or by any other lawful authority. Entry into this vault will require double-keyed entry: one type of key will be maintained by the Evidence/Property manager and by the supervisor of the Crime Scene Investigations Unit, and the other will be maintained by the Supervisor and Director, and Chief or Director . Any entry into this vault will require the signature of both parties making entry, the time and date of entry, and the file number, where applicable, on an "Evidence Room Entry Log," which will be maintained by the Evidence/Property Manager.

2. A bulk evidence storage room will be used to store all other evidence. The Evidence/Property Manager and any other member(s) of this section will be responsible for the maintenance and upkeep of this room, and will have independent keyed access to this room. Entry into this room by any persons other than members of this section will require accompaniment by authorized personnel from the Evidence/Property Section, and will require the signature both parties, the time and date of entry, and the case number where applicable, on an "Evidence Room Entry Log," which will be maintained by the Evidence/Property Manager.

C. Evidence Cash Accountability Register

An "Evidence Cash Accountability Register" will be maintained by the Evidence/Property Manager which documents all entries and withdrawals of any cash monies into the valuables vault by date, case number, description, and amount of the transaction, and which shows the resulting balance on hand in the vault after any such action.

D. Evidence Master File

An evidence master file will be established by the Evidence/Property Control Section, and will be secured within that section's office. That file will be indexed chronologically by OCA number for each case containing evidence being held at the Phoenix Special Police, and each file will contain, as is applicable, the following documents:

1. Evidence Control Forms
2. Evidence transfer of custody receipts to and from law enforcement officers from any evidence
3. Evidence transfer of custody receipts to and from any laboratory personnel
4. Evidence transfer of custody receipts to and from any private citizens (e.g., return of property)
5. Crime laboratory reports.
6. Documentation of the exact location of each piece of evidence in a case

7. Any other documents relating to the evidence in that case.

#### E. Evidence Post Office Box

All evidence submitted to a crime laboratory for analysis will be designated to the returned from the N.C. State Bureau of Investigation (S.B.I.) or other testing facility to a post office box assigned to and controlled only the Evidence Control Section personnel. Upon receipt of evidence from the S.B.I. or other laboratory facility, the evidence package will be appropriately marked with the OCA number, the name or initial of the Evidence Control Section member receiving the evidence, and the date of receipt. Such evidence packages will immediately be placed in an evidence room by Evidence Control Section personnel. The laboratory report and any chain of custody forms accompanying said evidence will be placed in the Evidence Control Section file for the OCA/case number relating to that evidence, and a copy of the laboratory report will be provided to the case investigator/officer pertaining to that evidence by the Evidence Control Section.

## II. EVIDENCE COLLECTION

#### A. OCAA Assignment

Crime Scene Investigations or other Phoenix Special Police personnel at a scene where evidence is being collected will immediately coordinate with the Officer and/or investigation officer on scene to obtain the OCA number for that incident/investigation from Central Communications (“C-Com”), which will be used throughout that case and with any evidence relating to it.

#### B. Packaging and Labeling

##### 1. General

All personnel, whether a member of the Crime Scene Investigations unit or any other division or unit, who take initial custody of any piece of evidence will place the evidence in a container appropriate for that evidence (paper bag, plastic bag, paint can, etc.) or will attach an evidence tag to the evidence if a container is not available or is impractical (e.g., long guns); this officer will identify same with an Phoenix Special Police evidence label or by other means (tag) if such label is not available or practical, which includes at minimum the officer’s name, the OCA number for the incident/investigation relating to that evidence, the time and date taken into custody, a brief description of the contents of the container, and where or from whom that evidence was recovered; all containers will be sealed to the extent that nothing can be added or removed from the package without obvious disruption of the seal or package. Acceptable seals include tape and plastic heat seals.

The recovering officer's initials, at a minimum, must be placed across the seal in addition to the above information being included elsewhere on the container, label, and/or tag.

2. Money

All monies collected as evidence by any personnel in this office will be counted at the time taken into custody by that officer. A second officer- preferably a supervisor, will verify the amount counted, and this second officer's name, date, and time of counting this money will be noted on the evidence currency envelope of other evidence container in addition to the original officer's identifying information. The quantity of each denomination of currency and coinage will be documented on the evidence package. The evidence container will be appropriately sealed, labeled, and identified before submission to Evidence/Property Section personnel. The evidence custodian will not be required to recount the money again after taking custody of same. In these cases, the exact total amount of monies being submitted will be itemized on the Evidence Control Form by the submitting officer.

3. Hazardous Items

All evidence of a hazardous nature will be packaged and stored in a safe manner so as not to harm anyone handling same. Such evidence may include hypodermic needles and other sharp objects, firearms, or items which have been exposed to or contaminated with blood or other body fluids, communicable disease, hazardous chemicals, or combustible materials. Sharp objects should be packaged in a tube or other safe container to prevent punctures or cuts and should be prominently marked "SHARPS" or "HAZARDOUS"; items contaminated with blood or body fluid should be prominently marked "BIOHAZARD" or with a biohazard label.

4. Firearms

All firearms will be submitted UNLOADED unless circumstances exist that would cause unloading the firearm to interfere with the examination of that item as evidence. Any firearms submitted in a LOADED condition will be marked as "LOADED". Whenever possible, semi-automatic weapons will be placed in a "locked open" or "open chamber" condition, with all ammunition clips removed. Magazines and bullets should be packaged separately from the weapon itself. Weapons which need to be examined by a crime laboratory (firearms examination) should not have wires, plastic straps, or other objects placed into their barrels. All firearms should be tagged or labeled individually, and the serial number of each weapon must be listed on the evidence control form.

## 5. Drugs

All controlled substances should be submitted with appropriate packaging and seals as described previously. The evidence label on each package should denote the quantity of controlled substance in the package by weight or quantity (e.g., # of pills), and same must be verified by a witness officer in the appropriate space on the evidence label or package. Plants should be dried before packaging, and green plants should not be placed into plastic bags; a representative sample of plants should be removed and packaged separately for laboratory analysis. Root balls should be removed from plants before packaging, and should not be submitted to the Evidence Control Section. Wrappings or packaging that contain suspected controlled substances which need to be processed for latent prints must be separated prior to submission to the Evidence Control Section and listed as individual items. The Evidence Control Section must be made aware of this request, and will coordinate or assist with the separation of these materials with the submitting officer as needed.

### **III. SUBMISSION TO EVIDENCE/PROPERTY CONTROL SECTION**

#### A. Evidence Control Form

##### 1. General Information

Evidence which is submitted to the Evidence Control Section by any member of this agency will be submitted using an Phoenix Special Police Evidence Control Form (yellow card), which will be filled out by the submitting officer. Mandatory information which must be on this form includes the submitting officer's name, the name of the crime scene investigator, the name of the case/investigating officer, the address of the offense, the circumstances of the seizure, the crime laboratory submission status of the evidence being submitted, the OCA/case number, the exact location where the evidence was recovered, the victim and suspect's name, race, sex, and date of birth, the signature of the officer and the Evidence Control Section member or evidence locker number receiving the evidence, (see "Evidence Locker System") and the date the evidence was submitted. This information will be placed in the appropriate spaces on this form.

##### 2. Evidence Description

A description of the evidence being submitted will also be included in the appropriate spaces on the Evidence Control Form by the submitting officer, which will include a description of the packaging of the evidence as well as the evidence description itself, the location and/or person the evidence was recovered from, and the date of recovery.

3. Item Number Assignment

Evidence listed on the Evidence Control Form should not include any item numbers at the time of submission to the Evidence Control Section unless the submitting officer is certain that he/she is the only individual who has collected and/or submitted evidence in that particular case. Item numbers for each piece of evidence taken into custody in all incidents/investigations will be assigned by the Evidence Control Section, and will be assigned in a chronological order as items are collected and taken into custody by Crime Scene Investigations and/or other Phoenix Special Police personnel. Item numbers which have been appropriately determined will be placed on the evidence label or tag.

4. Correction Notice

In situations where submitting officers do not comply with the procedures outlined in this section regarding packaging, labeling, and/or other submission procedures, a member of the Evidence/Property Control Section will forward a “correction notice” to that officer documenting the area of noncompliance and directing that officer to correct same prior to acceptance of that evidence into the Evidence/Property Control Section. Such corrections shall be made by the submitting officer as quickly as possible. Second notices for uncorrected deficiencies will be forwarded to the officer’s supervisor.

B. Evidence Locker System

1. Evidence Submission

In the event that no member of the Evidence Control Section is available, collected evidence will be placed in an evidence locker, and an Evidence Control Form will be filled out by the officer as described previously in this policy, who will document that the evidence was received by an “evidence locker.” In such instances, the evidence locker number will be noted and placed in the appropriate space on the Evidence Control Form. Whenever evidence containing money, drugs, weapons, jewelry, or other valuables is placed in an evidence locker by any personnel, a witness signature by another officer-preferably a supervisor, shall be entered on the designated portion of the Evidence Control Form.

This form will then be placed in the evidence locker along with the evidence, and the locker will be secured with one of the padlocks provided on these lockers. Only members of the Evidence Control Section will have keys to these padlocks.

## 2. Evidence Removal

Evidence submitted to the Evidence/Property Control Section by any personnel via use of the above described evidence locker system will be removed from these lockers by a member of the Evidence Control Section on the next business day, or at the earliest possible date thereafter. In such instances, the Evidence Control Form with the evidence will be properly identified and signed by the Evidence Control Section member taking custody of the evidence as having been received from "Evidence Locker." The evidence lockers will be inspected daily by a member of the Evidence Control Section for any evidence that has been submitted to the section in this manner.

## IV. SUBMISSION TO CRIME LABORATORY

### A. General

Any evidence from the Phoenix Special Police to be submitted to the North Carolina State Bureau of Investigation (SBI) or other laboratory testing facility will be submitted only by Evidence/Property Control Section personnel unless otherwise authorized by a supervisor. This submission will take place as quickly as is practical and reasonable based on circumstances relating to that evidence and the incident under investigation. Upon receipt of all required evidence standards, when needed, and/or completion of an SBI crime laboratory evidence laboratory within ten (10) business days of receipt of the evidence by the Evidence Control Section unless an extension is authorized by a Supervisor or above-ranking supervisor.

### B. Crime Laboratory Submission Forms

The SBI-5 or other crime laboratory evidence submission forms relating to evidence in an investigation/incident will generally be completed by Crime Scene Investigations Unit and/or Evidence Control Section personnel, in coordination with the case/incident investigator, although the individual case investigator may complete the SBI-5 and submit same to the Evidence Control Section along with the evidence to be submitted. A copy of any such laboratory submission forms showing transfer of custody to crime laboratory personnel will be kept in the Evidence Control Section master file for that case. A copy of same will be provided to the investigator/officer pertaining to that evidence, if requested.

### C. Crime Laboratory Submission Standards

Laboratory submissions will routinely be made to the N.C. State Bureau of Investigation Crime Laboratory. These submissions will follow the guidelines set out in the “North Carolina State Bureau of Investigation Evidence Field Guide.” Submissions to other laboratories will follow the standards and guidelines set out by those facilities.

## **V. EVIDENCE REMOVAL**

### **A. Receipt for Transfer**

1. When any evidence is needed for court, or for any other authorized purpose, the officer in need of such evidence will contact a member of the Evidence Control Section, with as much prior notice as possible, and will provide the OCA number and what evidence is needed. A member of that section will retrieve this evidence and transfer same to the requesting officer using an Evidence Control Form, which will then be returned to the master file for that OCA number. Evidence removed from an evidence room will be returned to an Evidence Control Section member or evidence locker as soon as possible once the purpose for removing this evidence is completed, documenting the return of evidence on an Evidence Control Form.
2. In the event that any such evidence is introduced into evidence during a court procedure, the officer will secure a signed “Receipt for Evidence and/or Property” form from an official of the court (Officer Clerk) documenting transfer of those items entered as evidence during the court proceedings, and will return this form to the Evidence Control Section as soon as possible, which will then be filed in the Evidence Control Section master file for that case.

### **B. Evidence Security**

The officer is responsible for maintaining the security and integrity of any evidence in his or her custody at all times. The officer is responsible for maintaining and documenting a chain of custody on any evidence in his/her possession or control and for returning same to the Evidence Control Section in a timely manner.

## **VI. EVIDENCE DISPOSITION**

### **A. General**

1. The Phoenix Special Police has the ultimate responsibility for disposal and disposition of evidence as mandated by statute, court order, and/or Phoenix Special Police policy. Officers are responsible for requesting court disposition for items that are

involved in their cases. In cases which do not reach judicial authority, the District Attorney may authorize evidence disposition in accordance with North Carolina General Statute 15-11.1(a). With the appropriate authority and documentation, items with no evidentiary value and/or which are unlawful may be destroyed.

2. Items of value will be returned to the rightful owner, as is appropriate, by a member of the Evidence Control Section or by the investigating office, if ownership can be established. The transfer of that evidence will be documented via use of a "Receipt for Evidence and Property" form or an Evidence Control form. Items will be returned to rightful owners when their evidential value has ended, and/or in accordance with authority from the District Attorney or a court order.
3. Items of value for which rightful ownership cannot be established will be sold at public auction in accordance with established procedures for such sales.

#### B. Audit

1. Evidence Control Section personnel will periodically audit evidence being held in the evidence rooms to determine the status of that evidence by distributing to case officers, via their supervisors, an Evidence Status report regarding that evidence. These forms will itemize the evidence being held in a given case by OCA number and other pertinent information and will direct the officer to determine that status of that case as being open (pending investigation or arrest, pending court action, or pending appeal), or closed (by court action, or due to leads exhausted or otherwise exceptionally cleared where no court action is involved). The officer will also be directed to instruct the Evidence Control Section as to the future status of the listed evidence into one of the following categories:
  - a. Destroy
  - b. Sell at public auction
  - c. Hold
  - d. Return to a particular person, with the name, phone number, and address of that individual being given by the officer completing the form.
2. It is the responsibility of the officer, or the officer's supervisor, to complete this form and return same to the Evidence Control Section in a timely manner.

## **VII. FOUND PROPERTY**

### **A. Maintenance and Security**

All found property will be maintained and secured by the Evidence Control Section.

### **B. Submission**

1. Although found property will not be considered to be evidence, found property will still be submitted to the Evidence Control Section using a “Found Property Submission Form” (blue card). Found property may be directly submitted to a member of the Evidence Control Section, or may be submitted via an evidence locker, as is appropriate. Items which are obviously of no value should not be collected or submitted.
2. Additionally, an Phoenix Special Police “Property Report” will be filled out with all found property of value, with the original copy being submitted to the appropriate records clerk and a copy being submitted to the Evidence Control Section, along with the “found property” form used for submitting the property to that section.

### **C. Labeling**

Found property should be clearly marked and labeled as being found property using “found property” tags, labels, and/or envelopes, or by other such means, and should contain identifying information such as the officer’s name, date, and location at which the property which is submitted to the Evidence Control Section, an OCA number will be required in order to provide a tracking system for this property.

### **D. Cataloging**

The Evidence Control Section will design and maintain a system by which to document and catalog all found property in order to allow such property to be located for possible identification by rightful owners. In the event that found property is determined to be evidence, a file will be established using the OCA number relating to that evidence in the same manner as for the evidence procedures described above, and an Evidence Control Form will be generated for this item which will be placed in the file along with any and all other documents as are appropriate.

### **E. Storage**

Found property will be stored within one of the evidence rooms or in some other secure location at the discretion of the supervisor of that section.

F. Disposition/Return to Owner

1. Found property which is properly identified by any citizen may be returned to that individual using a “Receipt for Evidence and/or Property” form to document the transfer, unless circumstances exist which require that the items retained as evidence. Found property that is not identified may be sold at public auction in accordance with established procedures for such sales.
2. Officers shall make the initial attempt(s) to contact owners of any property which is found and which contains some apparent identification of ownership, and shall return such property if such ownership is determined. Follow up attempts will be made as is appropriate and possible by the Evidence Control Section personnel.

G. Seized Items

Property which is lawfully seized but for whom rightful ownership cannot be determined, and for which no evidential value can be established and/or for which no criminal charges can be filed, will be handled in the same manner as “found property”.

**VIII. SURRENDERED WEAPONS**

Weapons, ammunition, and any other property surrendered to the Phoenix Special Police as a result of a 50B domestic violence protective order shall be submitted to the Evidence Control Section by the officer taking custody of such items via use of a “Property Report: which contains the full description, serial number, and any other relevant data of each weapon or item taken into custody. The original copy of this form shall be submitted to the Domestic Violence Unit via a designated location for such reports, and a legible copy of this property report shall be submitted to Evidence Control Section personnel or an evidence locker along with these items, instead of an evidence control (yellow) form. These items shall be individually tagged or labeled to correspond with the property report. A copy of the property report shall also be provided as a receipt to the individual from whom these items were taken.

**IX. SEIZED AND RECOVERED (STOLEN) PROPERTY**

All seized or recovered stolen property will be reported on an Phoenix Special Police “Property Report” (green form), with the original copy being submitted to the appropriate records clerk, and a copy being submitted to the Evidence Control Section along with an Evidence Control Form used to document any of that property which is submitted to the Evidence Control Section.

## **X. PHOTOGRAPHS**

### **A. Submission to Evidence Control Section**

Photographs taken at crime scenes and during other investigative matters by Crime Scene Investigations Unit and other Phoenix Special Police personnel will not be considered as being evidence, but will be handled by the Evidence Control Section. Rolls of film, CDs, memory cards, or other digital media taken by officers will be submitted to the Evidence Control Section using a “film submission” form which will include the appropriate information about the camera used as well as the OCA number, officer’s name, and date taken. This film or other material shall be deposited in the evidence mailbox in an envelope attached to the “film submission” form. No Evidence Control Form is required for submission of film, CDs, or memory cards through the Evidence Control Section for photograph processing purposes.

### **B. Developing and Processing**

1. Digital photographs recorded on memory cards shall be transferred to a CD format prior to submission for processing and the original images should be transferred to a hard drive or other such medium prior to reuse of the memory card.
2. All exposed film, or CDs containing digital images, whether taken by a Crime Scene Investigations Unit member or any other officer, will be submitted by the Evidence Control Section to the SBI laboratory for processing, or elsewhere only when authorized by a Supervisor or above- ranking supervisor.

### **C. Filing**

Photographs developed by the SBI will be returned to the post office box assigned to the Evidence Control Section. All photographs will be filed in order by OCA in an area accessible to the officer/investigator in charge of the incident/investigation relating to the photographs as soon as possible after receipt by the Evidence Control Section. The removal of photographs from this file by any authorized officer should be so noted by a card placed in the location the photographs were removed from. The Evidence Control Section will maintain any returned/processed negatives or CDs in a separate file to be used for this purpose only, which will be indexed by OCA number.

### **D. Requests for Reprints**

Requests for reprints require selection of specific photographs from a contact sheet or group of photographs by the requesting officer, such requests should be addressed to a member of the Evidence Control Section, who will prepare and submit the proper SBI request form and materials.




**EVIDENCE CHAIN OF CUSTODY**

<b>Item Number</b>	<b>Received By</b>	<b>Received From</b>	<b>Date</b>	<b>Time</b>

**FINAL DISPOSITION OF EVIDENCE**

**Item #s**

- Returned to owner
- Destroyed Court order
- Submitted to SBI Weapons Library Investigating officer
- Sold at auction Other
- Other

(describe) \_\_\_\_\_

Released to: \_\_\_\_\_  
*Print and sign name*

Released by: \_\_\_\_\_  
*Print and sign name*

Manner of destruction: \_\_\_\_\_

\_\_\_\_\_

**DISPOSITION PER AUTHORITY OF**

- 
- 
- 

(describe) \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

# EVIDENCE

PHOENIX SPECIAL POLICE

OCA # \_\_\_\_\_ Item # \_\_\_\_\_

Date Recovered: \_\_\_\_\_ Time: \_\_\_\_\_

Offense: \_\_\_\_\_

Officer: \_\_\_\_\_

Victim: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_ DOB: \_\_\_\_\_

Suspect 1) \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_ DOB: \_\_\_\_\_

Suspect 2): \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_ DOB: \_\_\_\_\_

Exact Location & Address of Evidence Found:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evidence Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Weight or quantity of any controlled substance:

\_\_\_\_\_  
Witness: \_\_\_\_\_  
\_\_\_\_\_

Received by: \_\_\_\_\_

From: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received by: \_\_\_\_\_

From: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received by: \_\_\_\_\_

From: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_




**DEPOSITION OF CURRENCY**

**RELEASED**

- To Owner Authority Investigating Officer – Item No.'s \_\_\_\_\_  
Released To \_\_\_\_\_ Released by \_\_\_\_\_ Date/Time \_\_\_\_\_
- To Owner By Court Order – Items No's \_\_\_\_\_  
Released To \_\_\_\_\_
- Other – Item No.'s \_\_\_\_\_  
Released To \_\_\_\_\_ Released by \_\_\_\_\_ Date/Time \_\_\_\_\_

**DISPOSED BY COURT ORDER**

- Returned To Owner – Item No.'s \_\_\_\_\_  
Released To \_\_\_\_\_ Released by \_\_\_\_\_ Date/Time \_\_\_\_\_
- Sold At Auction – Item No.'s \_\_\_\_\_ Date \_\_\_\_\_
- Destroyed – Item No.'s \_\_\_\_\_ Method \_\_\_\_\_ Date \_\_\_\_\_  
Destroyed – Item No. 's \_\_\_\_\_ Method \_\_\_\_\_ Date \_\_\_\_\_  
By Whom \_\_\_\_\_
- Other – Item No.'s \_\_\_\_\_ Date \_\_\_\_\_

Side 1

# PHOENIX SPECIAL POLICE FOUND PROPERTY FORM

Officer \_\_\_\_\_

Case Number \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Property Owner \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Property Found by \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Location Found \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Submitted by \_\_\_\_\_ Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Owner Contacted by \_\_\_\_\_ Date \_\_\_\_\_ Method  Phone  Letter  In Person

## PROPERTY LISTING

ITEM NO..	QUANTITY	DESCRIPTION	ITEM NO.	QUANTITY	DESCRIPTION

Circumstances of Seizure \_\_\_\_\_

Side 2

## FOUND PROPERTY FOLLOW-UP

Owner contacted by \_\_\_\_\_  
Letter  In Person

Date \_\_\_\_\_

Method:  Phone

### RELEASE AND RETURN OF PROPERTY

ITEM NO.	TO	FROM	DATE/TIME	ITEM NO.	TO	FROM	DATE/TIME

### DISPOSITION OF PROPERTY

- Returned to owner – Item No's \_\_\_\_\_  
 Person Receiving \_\_\_\_\_ Released by \_\_\_\_\_ Date/Time \_\_\_\_\_
- Sold At Auction – Item No's \_\_\_\_\_ Date \_\_\_\_\_
- Destroyed – Item No's \_\_\_\_\_ Method \_\_\_\_\_ Date \_\_\_\_\_  
 By Whom \_\_\_\_\_ Authorized by \_\_\_\_\_  
 Witness \_\_\_\_\_ Witness \_\_\_\_\_
- Destroyed – Item No's \_\_\_\_\_ Method \_\_\_\_\_ Date \_\_\_\_\_  
 By Whom \_\_\_\_\_ Authorized by \_\_\_\_\_  
 Witness \_\_\_\_\_ Witness \_\_\_\_\_
- Other – Item No's \_\_\_\_\_ Date \_\_\_\_\_

---

Circumstances of Seizure \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional Information \_\_\_\_\_

# FOUND PROPERTY

## PHOENIX SPECIAL POLICE

Log # \_\_\_\_\_

Case # \_\_\_\_\_

Date \_\_\_\_\_

Owner \_\_\_\_\_

Officer \_\_\_\_\_

Description \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Received by \_\_\_\_\_

From \_\_\_\_\_ Date/Time \_\_\_\_\_

## PHOENIX SPECIAL POLICE PROPERTY REPORT

SURRENDER     
  SEIZED     
  RECOVERED     
  FOUND

Agency	OCR #	Date/Time Reported <sup>24</sup> MO / DAY / YR <span style="float: right;">Hr.</span>	OCA File No.
Owner	Address		Phone
Found in Possession of	Address		Phone
Location from which property was obtained		Collecting Officer	
PROPERTY CONTROL NUMBER	DESCRIPTION OF ARTICLES (Include model, serial no., identifying marks, condition, etc)		PROPERTY VALUE

Narrative

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### CHAIN OF CUSTODY

Property Control No.	Date	Released By	Received By	Purpose of Change Of Custody
		<i>Print Name</i>	<i>Print Name</i>	

		<i>Signature</i>	<i>Signature</i>	
		<i>Print Name</i>	<i>Print Name</i>	
		<i>Signature</i>	<i>Signature</i>	
		<i>Print Name</i>	<i>Print Name</i>	
		<i>Signature</i>	<i>Signature</i>	
OFFICER'S NAME	DATE/TIME SUBMITTED MO DAY YR / /	SUPERVISOR'S NAME	CASE DISPOSITION	PAGE
OFFICER'S SIGNATURE	24 Hr.	CASE STATUS FURTHER INVESTIGATION INACTIVE CLOSED	<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> EXCEPTIONAL CLEARED – ADULT <input type="checkbox"/> EXCEPTIONAL CLEARED – JUV.	OF































			Signature	Signature	
--	--	--	-----------	-----------	--

Receipt For Evidence and/or Property.doc

**PHOENIX SPECIAL POLICE  
EVIDENCE STATUS REPORT**

To: \_\_\_\_\_ From: Evidence/Property Control Section

OCA # \_\_\_\_\_ Type of Offense: \_\_\_\_\_ Date of Offense: \_\_\_\_\_

Victim: \_\_\_\_\_ Suspect: \_\_\_\_\_

The items listed below were submitted to the Evidence/Property Control Section on  
\_\_\_\_\_ (date) by \_\_\_\_\_ (officer).

- |          |          |
|----------|----------|
| 1. _____ | 5. _____ |
| _____    | _____    |
| _____    | _____    |
| _____    | _____    |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

In order to update section records and make appropriate disposition of evidence, please advise the status of the above case. The following information is to be supplied by the above---named investigating officer and returned to the Evidence/Property Control Section before \_\_\_\_\_ (date).

***(The Supervisor of the division presently assigned to this case is responsible for completing or reassigning this form as necessary.)***

**Case Status:**

Open:

- Pending Investigation/Arrest       Pending Court Action       Pending Appeal

Closed:

By Court Action     Leads Exhausted Exceptionally Cleared - No Court Action Involved

**Evidence Status: *List by item #(S):***

\_\_\_\_\_ Destroy

\_\_\_\_\_ Sell at Public Auction

\_\_\_\_\_ Hold

\_\_\_\_\_ Return to: (Name) \_\_\_\_\_ (Phone) \_\_\_\_\_

(Address) \_\_\_\_\_

Officer completing form: \_\_\_\_\_ / \_\_\_\_\_ Date:

\_\_\_\_\_ (ID#) \_\_\_\_\_ (Signature)

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**White:** Return to Evidence/Property Control

**Yellow:** Officer Copy

**Pink:** Evidence/Property Copy

Evidence Status Report.docx

## CORRECTION NOTICE

From: Evidence/Property Manager

To: \_\_\_\_\_ Date: \_\_\_\_\_

On \_\_\_\_\_ you submitted evidence/property under case # \_\_\_\_\_ .

The following problem(s) was found with your submission. Your evidence will not be admitted into the evidence room until this problem(s) is corrected. Please contact me to make the necessary corrections as soon as possible:

- You packaged more than one item in the same container; money and drugs in particular **must** be packaged separately from all other evidence.
- You used the wrong case # or did not list a case # on the evidence submission form
- You did not indicate the net weight of narcotics (including packaging) or number of pills on the evidence container(s) and/or the evidence submission form
- A witness was not indicated on the property/evidence package as to the weight of narcotics or number of pills submitted
- The property/evidence was not properly packaged, identified, and/or sealed
- All of the property/evidence listed on the submission form was not present
- The amount of money listed on the property/evidence envelope or container was not verified and witnessed by a second person
- The property/evidence submission form was not signed and/or dated by you, or other problems with your paperwork were noted
- The evidence form was not witnessed by a second person verifying placement of evidence into an evidence locker
- Evidence has already been submitted under the same case #; you listed item numbers for evidence submitted on the evidence submission form which have already been assigned to previous submissions in this case
- The evidence appears to be appropriate for laboratory examination; no indication whether any processing or submission is requested was noted on your paperwork
- Other: \_\_\_\_\_






## Section 7: Vehicle Operations

1. [Vehicle Pursuits](#)
2. [Emergency Vehicle Operation](#)
3. [Vehicle Lock Outs](#)
4. [Towing, Storage, & Disposition of Vehicles](#)
5. [Vehicle Accidents](#)
6. [In Car Camera Systems](#)

7. 7. [Seat Belts](#)

**PURPOSE:** The purpose of this policy is to establish guidelines concerning vehicle pursuits.

**POLICY:** Vehicular pursuits of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of law enforcement agencies to assist their officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of the Phoenix Special Police to regulate the manner in which vehicular pursuits are undertaken and performed.

**DEFINITIONS:**

- *Authorized Emergency Vehicle:* A vehicle of this agency equipped with operable emergency equipment.
- *Marked Units:* A line enforcement equipped vehicle with uniform Phoenix Special Police exterior markings, equipped with siren, wig-wag headlights, emergency flasher, and rood mounted bar lights.
- *Unmarked Units:* A line enforcement equipped vehicle or any administrative vehicle, any color, with or without uniform Phoenix Special Police exterior markings, equipped with siren, wig-wag headlights, emergency flashers, and interior mounted blue lights.
- *Note: Any SUV whether marked or unmarked will follow the guidelines set forth in this policy for Unmarked Units.*
- *Primary Unit:* The Phoenix Special Police vehicle which initiates a pursuit or any unit which assumes control of the pursuit.
- *Secondary Unit:* Any Phoenix Special Police vehicle which becomes involved as a backup to the primary it and follows the primary unit at a safe distance.
- *Vehicular Pursuit:* An authorized emergency vehicle used in an active attempt by a Officer to apprehend any driver of a motor vehicle who refuses to stop his/her vehicle or who flees from the Officer after being directed to stop with both blue light and siren.
- *Termination of Pursuit:* When officers stop emergency operation of their vehicles and bring their vehicles into compliance with all traffic regulations.

## **GENERAL STATUTES:**

- **N.C.G.S. 20-145: When Speed Limit Is Not Applicable**

The speed limitations set forth in Chapter 20 of the N.C. General Statutes shall not apply to vehicles when operated with due regard for safety under the direction of a law enforcement officer in a chase for the apprehension of persons charged with or suspected of any violations of the law. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

- **N.C.G.S. 20-156: Exemptions to the Right of Way Rule**

The driver of a vehicle upon the highway shall yield the right of way to law enforcement vehicles when the operators of said vehicles are giving a warning signal by the appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet. When blue light and siren are activated, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a steady or flashing red light. This provision shall not operate to relieve the driver of the law enforcement vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of any arbitrary exercise of such right-of-way.

## **PROCEDURE:**

### **I. PURSUIT OPERATIONS**

#### **A. Initiation of Pursuit:**

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly direct to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.

## B. Pursuit Standards:

1. All emergency vehicle operations shall be conducted in strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. Upon engaging in a pursuit, the officer shall notify the emergency communications of the jurisdiction they are in, and notify the local agency of its pursuit, the location, direction, and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the attempted stop. The officer shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions. The officer will also notify Phoenix Special Police Central Communications and a supervisor as soon as possible and notify.
4. When engaged in a pursuit, officers shall not drive with reckless disregard for the safety of other members of the motoring public.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles – a primary and secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.
6. The primary pursuit unit shall become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.
7. Unmarked units involved in pursuits will be replaced by marked units whenever possible based on the availability of marked units. When two marked units have become involved in the pursuit, unmarked units will terminate their involvement, unless otherwise directed by a supervisor.

C. Pursuit Tactics:

1. Officers shall not normally follow the pursuit on parallel street unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage when a marked unit becomes available, unless otherwise directed by a supervisor.

D. **Forcible Stopping of Suspect or Violator Vehicle**

**The use of stop sticks, PIT maneuvers, roadblocks, static or mobile and / or any forcible stopping of a suspect vehicle is not authorized by this agency.**

**II. PRIMARY UNIT RESPONSIBILITIES**

- A. Vehicle pursuits are emergency operations. When initiating the pursuit of a motor vehicle, officers must evaluate existing circumstances and conditions, including:
1. Visibility and weather conditions.
  2. Traffic volume and road conditions.
  3. Seriousness of the suspected violation.
  4. Danger presented to the public if the suspect is not immediately apprehended.
  5. Danger to the public caused by the pursuit.
- B. A pursuing Officer must activate his/her blue light and siren, and notify the telecommunicator of the pursuit, including location and direction of travel and the nature of the violation. The telecommunicator will also be given a description of the fleeing vehicle including the license number, color, make, and model, as well as a description of the occupants, if possible. The blue light and siren will be in continuous operation throughout the pursuit.
- C. A pursuing Officer must give updated location and direction of travel to the telecommunicator as often as possible while still maintaining control of the vehicle.

- D. A pursuing Officer must terminate the pursuit if at any time it appears that the danger to the public because of the pursuit outweighs the danger to the public by allowing the violator to escape.

### **III. SECONDARY UNIT RESPONSIBILITIES**

- A. The first Officer to join the initiating Officer becomes the secondary unit. The secondary unit assumes the responsibility of updating the telecommunicator on the pursuit and coordinating radio traffic concerning the progress of the pursuit.
- B. The secondary unit must maintain a safe following distance and use emergency lights and siren for the duration of the pursuit.

### **IV. SUPERVISORS RESPONSIBILITIES**

- A. A patrol supervisor shall always be the primary supervisor monitoring a pursuit, regardless if the pursuing officer is an investigator, civil officer, transportation officer, or officer assigned to any other division. For the purpose of this policy, the Special Operations and Traffic Enforcement divisions are considered to be patrol units.
- B. Supervisors will monitor all radio traffic.
- C. In allowing a pursuit to continue, the supervisor shall first consider all elements in Section II A of this general order.
- D. Supervisors are required to regulate the number of vehicles in a pursuit in accordance with section I B-5 of this policy, and the conditions under which the pursuit is occurring.
- E. Since supervisors are ultimately accountable, they shall evaluate the nature of the pursuit and make the decision to terminate whenever necessary.
- F. When the pursuing officer has not voluntarily terminated the pursuit, the supervisor assuming command of the pursuit incident is immediately responsible for the incident.

**V. OTHER PERSONNEL RESPONSIBILITIES**

Other officers operating in the field at the time of pursuit shall:

- A. Monitor all radio traffic;
- B. Not engage unless directed to do so by the supervisor in charge;
- C. Stay out of the radio traffic of the pursuit unless urgent circumstances dictate otherwise;
- D. Use another radio channel for normal traffic during the pursuit;
- E. Stay in assigned area unless directed otherwise;
- F. Do not give their location for "FYI" purposes unless directed by the supervisor in charge, or a request comes from the active pursuit vehicles for area assistance.

**VI. COMMUNICATIONS RESPONSIBILITIES**

- A. Upon confirmation that a vehicle pursuit or emergency call is in progress, communications will notify a patrol supervisor and provide the supervisor with the essential information of the incident.
- B. Communications will carry out the following activities during a vehicle pursuit:
  - 1. Receive and record all incoming information;
  - 2. Control all radio traffic;
  - 3. Transfer all other radio traffic to another channel;
  - 4. Coordinate and dispatch back-up assistance at the direction of an appropriate supervisor.
- C. When a pursuit appears to be headed into another jurisdiction, the communicator shall immediately request assistance from the primary law enforcement agency of the other jurisdiction, and shall keep the other agency advised of the status and location of the pursuit.

**VII. TERMINATION OF PURSUIT**

- A. The primary unit must end the pursuit if at any time it appears that the danger to the public because of the pursuit outweighs the danger of allowing the suspect to escape.
- B. The pursuit should also be terminated if, at any time, the Officer feels that his ability to maintain control of his/her vehicle is jeopardized.
- C. In many pursuit situations it is possible for officers to positively identify the suspect through their personal knowledge, the vehicle registration, description of the driver, or some combination of these factors. When a

Officer feels that he can positively identify the fleeing suspect, the pursuit should be ended for safety reasons unless there is greater danger to the public if the suspect is not immediately apprehended.

- D. Supervisors and/or ranking on-duty officers are responsible for ordering that a pursuit be terminated if, at any time, the danger of continuing the pursuit is greater than the danger to the public, if the suspect is not apprehended immediately. Furthermore, a Officer's decision to terminate a pursuit based on safety or other reasons set out in this policy may not be overridden by a supervisor.

#### **VIII. PURSUITS CONTINUING OUTSIDE JURISDICTION**

- A. With supervisory permission, primary and secondary pursuit vehicles may pursue into another jurisdiction as long as communications is notified.
- B. If communications between the pursuit vehicle and this agency is lost but the pursuit must continue, as in the case of a life threatening felony, the officer must re-establish contact with communications as soon as possible by radio, phone or through another agency.

#### **IX. PURSUITS INITIATED BY OTHER AGENCIES**

- A. An officer of this agency may assist in a vehicle pursuit involving another agency as long as that agency requests assistance and the officer has obtained permission from a supervisor.
- B. Only marked agency vehicles equipped with blue lights and siren may assist in pursuits initiated by other agencies, unless directed to do so by a supervisor.
- C. Officers will not become involved, or will terminate their involvement in, pursuits with other law enforcement agencies when the total number of units in the pursuit, or other conditions, violate the requirements of this policy.

#### **X. PURSUITS OFF-ROAD**

- A. Officers shall not pursue any vehicle off-road unless the suspect has committed a serious felony or presents an imminent danger to the public.
- B. The supervisor shall make the decision allowing off-road pursuits to continue or to terminate.

## **XI. DOCUMENTATION**

### **A. Officer Responsibility**

Whenever any officer engages in a vehicle pursuit as is described in this policy, that officer shall file an appropriate incident report. Additionally, an Phoenix Special Police “Vehicle Pursuit Report” form will be completed by the primary pursuit unit, which shall be submitted to his/her immediate supervisor before the end of his/her tour of duty. It is this officer’s responsibility to ensure that this report is accurate and complete and includes all relevant details and circumstances leading to and otherwise regarding the pursuit.

### **B. Supervisor Responsibility**

Any supervisor receiving a “Vehicle Pursuit Report” is responsible for ensuring the form is complete and accurate, and shall then forward same to the Director. This supervisor is also responsible for ensuring that any other Officer(s) who are involved in a vehicle pursuit complete appropriate supplement incident reports detailing their involvement and observations, before the end of their tour of duty, and that copies of these supplements are attached to the Vehicle Pursuit Report” before it is forwarded to the Director of Operations.

### **C. Administrative Review of Pursuits**

All “Vehicle Pursuit Reports” will be reviewed by the Director to ensure compliance with this policy and North Carolina General Statutes. The report will then be forwarded to the Office of Professional Standards.

## **XII. TRAINING**

Officers who drive emergency vehicles for this agency shall be given initial and periodic update training in the agency’s pursuit policy and in safe driving techniques regarding vehicle pursuits.

## **XIII. ANNUAL STATISTICAL SUMMARIES**

By calendar year, the Office of Professional Standards shall compile statistical information based on vehicle pursuit reports received. These statistics will be shared with the Chief and with the Director of Personnel and Training for review and identification of any recurring issues that might exist regarding training needs, equipment needs, and personnel concerns and/or needs.



PHOENIX SPECIAL POLICE

Rank First MI Last Name ID #

Date of Incident

VEHICLE PURSUIT REPORT

OCA #:

Pursuit Unit:

Reason For Initial Contact:

Other:

Chase Vehicle: Marked Unmarked Other Vehicle Identification:

Description of Violator Vehicle:

Violator: Age/DOB Race Sex Unknown

Number of law enforcement vehicles involved Video of Chase: Yes No (Explain in attached narrative) By:

Condition of the Chase

Distance Covered (In Miles) Traffic: Heavy Medium Light Dusk Maximum Speed (MPH) Light Daylight Darkness Dawn Time Expended (Minutes) Road Dry Wet Snow/Ice

Road Class (where chase initiated):

Interstate Local Street US Public Vehicular Area NC RP Private Road/Property RU

Collision Involved

Yes No Total No. Collisions:

Vehicles Involved in Collision (List #'s)

Agency Other Violator 3rd Party

Number of Injuries:

Agency Other Violator 3rd Party P.I. P.I.

Vehicular Force Used

None TDD Effective Yes No Other (# Deployed) (Explain in attached narrative)

Vehicular Force Authorized by Supervisor:

Yes No Authorization Not Requested

**Chase Concluded (Check Only One):**

- Violator Apprehended (without 10-50)
- Violator Apprehended after jump & run (without 10-50)
- Violator Apprehended (after 10-50) (Check appropriate box below)
- Violator Only Involved in Collision
- Violator/SO Vehicle Involved in Collision
- Violator/Allied Agency involved in Collision
- Violator/3<sup>rd</sup> Party Involved in Collision
- Violator/ SO/3<sup>rd</sup> Party Involved in Collision
- Violator/SO/Allied Agency Involved in Collision
- Violator/SO/Allied Agency/3<sup>rd</sup> Party Involved in Collision
- Other
- 
- Violator NOT Apprehended after 10-50 (Check appropriate block above)
- Violator NOT Apprehended after jump & run (without 10-50)

\_\_\_\_\_  
Officer's Signature

**Chase Terminated By:**

- (Complete only if terminated prior to conclusion):
- Primary Unit
- Secondary Unit Supervisor
- Reason For Termination (Check Only One):
- Lost Sight
- Warrants Pending
- Traffic Conditions (i.e. weather, roadway)
- Patrol Equipment Failure
- Patrol Car Collision
- Other Safety Concerns
- Other (e.g. chase crosses Agency line)

(Explain in attached narrative)

\_\_\_\_\_  
Date Submitted

**(OVER)**

**Narrative Statement of Primary Unit (should include the following information)**

1. Day, Date Time and Location of Chase.
2. Initial violation(s) or circumstances which attracted the member's attention – to include request from other agencies.
3. Officer's action(s) including when blue lights/siren were activated and the time communications center was notified of chase.
4. Violator's action(s) including where significant event(s) occurred and describing any vehicular force used.
5. If chase was terminated, explain reasons (traffic conditions, road conditions etc.), how and when the chase was concluded. 6 List any and all charges filed against violator/operator.
7. Name other units involved, if known.

**(Note: a copy of an incident report which includes the above information may be attached to this form in place of a narrative statement)**

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Reviewed by: \_\_\_\_\_  
Supervisor's Name

\_\_\_\_\_  
ID #

\_\_\_\_\_  
Date

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Approved by: \_\_\_\_\_  
Director

\_\_\_\_\_  
ID #

\_\_\_\_\_  
Date

# **PHOENIX SPECIAL POLICE**

## **TITLE: EMERGENCY VEHICLE OPERATION**

**POLICY #: V-II-2**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish employee guidelines for the operation of Phoenix Special Police vehicles.

**POLICY:** The purpose of this policy and procedure is to provide general guidelines to the employees of the Phoenix Special Police for situations in which emergency operations of vehicles is warranted and to state the obligations to public safety of individual officers responding to emergency situations. All employees are expected at all time to drive with due regard for safety and to avoid negligent damage to vehicles of the Phoenix Special Police.

Some law enforcement situations present such a high potential of death or serious injury to innocent citizens that immediate and rapid response is needed. However, this need is balanced by the obligation to protect the general public from any unnecessary risks caused by the vehicle responding to such a situation.

N.C.G.S. 20-156- provides that drivers of vehicles upon highways shall yield right-of-way to police vehicles on official business and which are giving a warning signal by appropriate light and audible siren. This provision shall not relieve the driver of a policy vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of any arbitrary exercise of such right-of-way.

### **Definitions:**

**Emergency:** Any situation needing immediate law enforcement attention due to a present danger to public safety, a need for the immediate apprehension of a violator, or a serious crime in progress.

**Emergency Vehicle:** An authorized law enforcement vehicle equipped with emergency lights and siren that is used to respond to emergencies. The Officer will, however, operate this vehicle with due regard for the safety of others.

**Emergency Operations:** Any operation of an emergency vehicle in which the operator, in the performance of a law enforcement duty, may exceed the normal speed limit or deviate from the outer traffic laws normally applicable to non-emergency vehicles.

## **PROCEDURE:**

### **I. SUPERVISORY RESPONSIBILITIES AND DUTIES:**

- A. The Supervisor on duty on a call-by-call basis will evaluate requests from outside agencies for emergency assistance, i.e.; EMS other law enforcement agencies and fire department.
- B. It shall be the responsibility of any supervisor to direct the responding Officer, through the telecommunicator, to cease emergency operations if it appears that emergency operations are unwarranted or that the risk to the public by emergency operations outweighs the risk of terminating the emergency operations.

### **II. OFFICER RESPONSIBILITIES AND DUTIES:**

- A. Officers will not intentionally exceed the speed limit or deviate from the traffic laws normally applicable to non-emergency vehicles unless they are responding to an emergency or attempting to apprehend a suspect violator of the law pursuant to the Vehicle Pursuit Policy.
- B. It shall be the responsibility of any Officer responding to a call or other situation requiring law enforcement action to make the initial determination as to whether or not the situation calls for the emergency operation of a vehicle. Generally emergency responses are limited to those situations involving crimes in progress of an emergency nature or where there is an imminent threat of violence or danger of personal injury.
- C. Generally, incidents involving non-violent misdemeanors and property damage and incidents of that nature would be excluded from those actually requiring or deserving an emergency response on the part of the Officer.
- D. Any Officer initiating emergency operations of a Phoenix Special Police vehicle will immediately notify the telecommunicator and provide current location and destination or direction of travel as appropriate.
- E. Vehicles engaged in emergency operation are required to use both blue light and siren unless responding to an incident in which a siren could alert a perpetrator(s), in which case extreme caution must be exercised. Any time the blue light and siren have been discontinued, emergency operation will be terminated and all speed and traffic laws must be observed.

- F. This section does not apply to officers “pacing” a vehicle to establish a speeding violation, or to officers conducting surveillance on a suspect vehicle, or when a Officer believes a vehicle is being operated and/or occupied by a suspected dangerous person(s) and such use would present an imminent danger to the Officer or aid in the escaper of a dangerous or wanted person(s).
- G. Due to the possibility of collision from an operator of a responding vehicle not hearing another Officer’s siren over his own siren, no more than two responding units shall be permitted to respond to one location while engaged in emergency operations, unless otherwise authorized by supervisory authority.
- H. Any time a vehicle operator attempts to elude an Officer, the departmental vehicle pursuit policy will be followed.
- I. Officers engaged in emergency operations of a vehicle shall cease exceeding the speed limit and/or deviating from traffic laws normally applicable to nonemergency vehicles when:
  - 1. A supervisor directs a Officer to terminate the emergency operations.
  - 2. The Officer learns that the emergency situation warranting emergency operations no longer exists or that other units have arrived on the scene in sufficient numbers to handle the situation.
  - 3. Traffic, weather, visibility, or other conditions increase the risk of danger to the public using the highways to such a degree that the emergency operations are not longer authorized under the provision of this policy.

# **PHOENIX SPECIAL POLICE**

**TITLE: VEHICLE LOCK-OUTS POLICY #: VII-3**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** To establish guidelines for the Phoenix Special Police for providing assistance unlocking vehicles.

**POLICY:** The Phoenix Special Police will assist civilians with locked vehicles in emergency situations only.

## **PROCEDURE:**

- I. An emergency situation shall be defined in this situation as a child locked inside a vehicle. In some instances, an adult or animal locked in a vehicle may constitute an emergency, based on the circumstances and judgment of the officer.
  - A. Officers may assist civilians by using a “Slim-Jim” or other devices designed to unlock vehicles in emergency situations. Officers should not attempt to open vehicles with side impact air bags.
  - B. Prior to unlocking a vehicle, the officer should, when feasible:
    1. Determine that the person making the request is the owner of the car, or a person that has permission to use the vehicle.
    2. Have the person sign an “Entry Device” form.
  - C. In situations where the Officer believes that serious injury or death of an individual may occur without immediate action, the Officer may take whatever action he/she believes to be necessary to prevent same, without first obtaining any authorization from the owner, wither verbal or written. In such instances, central communications will be alerted to contact appropriate emergency personnel to respond as needed.
  - D. Officers shall not assist citizens with locked vehicles under routine, nonemergency circumstances.





# Phoenix Special Police

## Entry Device Form

I have requested the Phoenix Special Police to use a regulated tool and attempt to gain entry into my vehicle.

By requesting this service, I have agreed that the Phoenix Special Police and/or the Officer will not be held Responsible or Liable for any damage that could or may occur.

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

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OFFICER ASSIGNED \_\_\_\_\_

OWNER/OPERATOR NAME \_\_\_\_\_

VEHICLE TAG # \_\_\_\_\_ STATE ISSUED \_\_\_\_\_

VEHICLE LOCATION \_\_\_\_\_

# **PHOENIX SPECIAL POLICE**

**TITLE: TOWING, STORAGE, AND DISPOSITION OF VEHICLES**  
**POLICY #: V-11-4** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities for the towing, storage, and disposition of vehicles by the Phoenix Special Police.

**POLICY:** It shall be the policy of the Phoenix Special Police to tow vehicles to be searched and/or seized for evidence in a criminal proceeding, that present a road hazard, that are abandoned in a public vehicular area, or on posted client property and/or at the client's request, and/or pursuant to statutory provisions for the forfeiture of a vehicle. It shall also be the policy of this Office that all vehicles which are towed by order by one of its officers will be inventoried, and that the owner, and lienholder if applicable, will be provided with the towing notification information required by North Carolina state law.

## **I. GENERAL AUTHORITY AND RESPONSIBILITY**

Any member of the Phoenix Special Police who orders that a vehicle be towed for any reason other than a mechanical breakdown where the Officer is assisting a motorist will follow the procedures set out in this policy.

### **A. Officers**

1. In any situation where a vehicle is towed as a result of a Officer's action, relevant information concerning the towing-i.e., the time, date, vehicle information, and a towing company identification, should be called in to Central Communications (C-Com) by the Officer for documentation purposes.
2. It is the responsibility of all officers to ensure that both the owner and lien holder of any vehicle towed as a result of their actions be notified and that all activities associated with towing be properly documented and authorized.

### **B. Supervisors**

A supervisor must authorize, in advance, the towing of any vehicle under any of the circumstances outlined in this policy, and must subsequently document that authorization.

## **II. TOWING SERVICES AND STORAGE FACILITY**

### **A. Contract**

1. The Phoenix Special Police may contract with a private individual or company to tow vehicles under certain conditions set out in this policy and in said contract (see “Towing Provisions” section). This contract will be written, and will contain specific conditions and requirements of the contract. The contract will be reviewed near the end of each fiscal year, and may be renewed by the Chief after this review and negotiation with the contractor and/or others as needed.
2. The contractor of any such contract will provide a storage lot for the storage of these towed vehicles, and will be responsible for the security of the vehicles and their keys, contents, and/or other belongings therein.

### **B. Tow Rotation**

The Phoenix Special Police will use a general tow rotation for towing vehicles under certain conditions set out in this policy (see “Towing Provisions” section). These tow facilities must comply with Phoenix Special Police “rotation wrecker service regulations,” which include insurance, storage, equipment, and employee requirements. These regulations, and any inspections needed to insure compliance, will be maintained by the Supervisor of Patrol.

### **C. State Contract**

The Phoenix Special Police will utilize the tow service contracted by the State of North Carolina for vehicles stopped by a Officer which result in being towed and forfeited for impaired driving as is described under North Carolina General Statute 20-28-2.

### **III. TOWING PROVISIONS**

#### **A. Traffic Offenses**

1. If a vehicle is stopped as a result of a traffic offense whereby the driver is taken into custody and no other driver is present, the Officer will use the “consent to tow, remove, or store vehicle or leave vehicle at the scene” portion on the back of the N. C. Uniform Citation form to determine how to remove that vehicle from the location where the traffic stop occurred.
2. If the towing of a vehicle is necessary under this provision whether as a result of the consent of a driver who was taken into custody or under circumstances whereby the Officer is refused permission to move the vehicle to a safe location, the Officer will contact Central Communications (C-Com) to contact the tow service that is next on the general tow rotation list. The Officer will inform the driver that the fee for this towing service, and whatever charges apply for daily storage, will be her/his responsibility, the Officer will provide the driver with the name, and preferably with a card or some form of written identification, of the towing service contacted.
3. In the event that the driver’s license of the individual who has been stopped has been stopped has been revoked due to a previous impaired driving offense and the Officer’s vehicle stop is for impaired driving, the vehicle is subject to impoundment and forfeiture under North Carolina general Statute 20-28-2. In this circumstance, the Officer should contact Central Communications (C-Com) to contact the tow service under state contract for this service.

#### **B. Parked or Abandoned Vehicles**

1. In the event that a vehicle is found parked or abandoned on a public vehicular area or client property which is not an immediate safety hazard, the Officer will tag the vehicle with a green fluorescent label designed for this purpose, and will contact Central Communications (C-Com) to log the time and date of the tagging of this vehicle along with the vehicle’s identification information.

C. Searches

1. In the event that a vehicle is seized and is to be searched, the vehicle will be towed to the storage lot contracted by the Phoenix Special Police, or to another site designated by the investigator, in order for the search to be conducted, unless circumstances justify conducting the search at the site where the vehicle was seized. In these circumstances, Central Communications will be performed by the tow service on general rotation.
2. In all cases where a towed vehicle is searched, a thorough and complete inventory will be conducted and same will be documented. Also, an inventory of any seized property will be completed and maintained by the Officer conducting the search.
3. Arrangements will be made by the Officer with a Crime Scene Investigator, Detective, and/or Vide/Narcotics Officer to conduct this search if needed.

D. Forfeiture

In the event that a vehicle is seized with the intent to proceed with forfeiture actions against it, the vehicle will be towed by the tow company contracted by the Phoenix Special Police and held pending the outcome of these proceedings.

**IV. POST-TOW RESPONSIBILITIES**

A. Inventory

1. In any situation where a vehicle is towed by order of an Officer, a complete and thorough inventory of that vehicle will be completed by the Officer. This inventory should be completed at the location of the vehicle stop if possible, but if not practical, the vehicle should be secured and inventoried at the site where it will be stored as soon as possible after its arrival at the storage site, by the Officer or an assisting Officer.
2. All towed vehicles will be inventoried. If the vehicle that is towed is locked and no keys are available, this fact will be noted on the inventory form, and an inventory will be completed as to what can be seen through the vehicle's windows.

B. Towed Vehicle Report

In all situations where a vehicle is towed as a result of an action by a Officer, that Officer will complete an “Phoenix Special Police Towed Vehicle Report” form which will subsequently be placed in the towed vehicle log book, and which will be maintained in a designated office area in the Phoenix Special Police. This Officer, or a designated records clerk, will make contact with the registered owner of the towed vehicle by sending a copy of this form to the last known address of the registered owner and to the lien holder of that vehicle, if applicable as determined by DMV records, by Certified Mail. The means of contacting the owner and lien holder of any towed vehicle will be documented on this Towed Vehicle Report form, which will be maintained in the towed vehicle log book.

C. Research of Vehicle Status and Condition

Upon seizure of a vehicle for which forfeiture is intended, it will be the responsibility of the case investigator to contact the North Carolina Department of Revenue or any other agency(s), as may be warranted by the circumstances of the investigation, to precede with possible forfeiture proceedings against the vehicle regarding taxes and/or other such issues.

D. Disposition

1. When the search of vehicle information concerning a vehicle that was towed for forfeiture purposes has been completed, and it is determined that forfeiture proceedings against the vehicle will be abandoned, it is the responsibility of the case investigator to contact the contractor holding that vehicle and to authorize the contractor to release the vehicle to the owner and/or lien holder as is appropriate. The contractor is then authorized to begin charging storage fees, but only after contacting the owner and/or lien holder that said vehicle is authorized to be released and notifying same that storage fees will begin thereafter.
2. When vehicles being held for forfeiture purposes are awarded to the Phoenix Special Police by court order or other lawful authority, it is the responsibility of the case investigator to perform and coordinate documentation with the N.C. Department of Motor Vehicles and any other agency(s) necessary to effect that transfer, and to notify the Director or his designee of same in order to add said vehicle to the inventory.

3. When vehicles being held for forfeiture purposes are ordered by the court to be disposed of or handled in some other fashion, such as to be returned to the owner, or to be sold, it is the responsibility of the case investigator to comply with said order as quickly as practical, and to document any and all actions taken to do so.

## PHOENIX SPECIAL POLICE TOWED VEHICLE REPORT

Type of Vehicle:

OCA # \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_

License #: \_\_\_\_\_ Vin #: \_\_\_\_\_

Condition of vehicle when towed (be specific): \_\_\_\_\_

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### Registered Owner of Vehicle: (DMV)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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### Driver of Vehicle: (if not same as registered owner)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

---

### Reason for towing vehicle:

- |   |                                       |                                   |
|---|---------------------------------------|-----------------------------------|
| <input type="checkbox"/> Road Hazard                | <input type="checkbox"/> DWI Seizure  | <input type="checkbox"/> Evidence |
| <input type="checkbox"/> 48 hour rule {GS20-161(e)} | <input type="checkbox"/> Drug Seizure | <input type="checkbox"/> Other:   |
- 

Location where vehicle towed from: \_\_\_\_\_

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### Location where vehicle towed to:

- Phoenix Special Police storage lot
- Wrecker Service Facility: \_\_\_\_\_

Name & Address or Phone #

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### Owner Contacted:

- In person
- Telephone
- Certified Mail

### Lienholder Contacted:

- In Person
- Telephone
- Certified Mail



			<input type="checkbox"/>

Towed Vehicle Report.doc

## **PHOENIX SPECIAL POLICE & SAS**

**TITLE:** **VEHICLE ACCIDENTS**  
**POLICY #: VII-5** **EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish the procedures to be followed by employees of the Phoenix Special Police who are involved in motor vehicle accidents with vehicles that are the property of this Office.

**POLICY:** It shall be policy of the Phoenix Special Police that all accidents involving a vehicle belonging to the Phoenix Special Police, whether occurring on private property or on a public street or roadway, will be investigated by the appropriate agency having jurisdiction. An administrative investigation will also be conducted by a supervisor in all such instances, and where warranted, by the Office of Professional Standards.

**PROCEDURE:**

## **I. EMPLOYEES'S RESPONSIBILITY**

- A. Whenever a vehicle belonging to the Phoenix Special Police is involved in an accident, whether on private property or on a public street or roadway, the involved employee will immediately advise Central Communications (C-Com) and either his/her immediate supervisor or the on duty supervisor of the accident, providing accident location and whether there is any property damage or personal injury involved. Central Communications will notify the appropriate emergency response agency(s) as necessary and will notify the appropriate law enforcement agency to investigate the accident.
- B. Employees will not make any statements of liability to the driver of any other vehicle involved, or to the owner of any property damaged. All inquiries concerning liability will be referred to the Agency Attorney.
- C. The employee will prepare a written statement explaining the circumstances of the accident, and submit it to the investigating supervisor, before ending his/her tour of duty if possible.

## **II. SUPERVISOR'S RESPONSIBILITY**

- A. The employee's immediate supervisor or the on-duty supervisor will proceed to the scene after being contacted by an employee reporting an accident involving a Phoenix Special Police motor vehicle, and will conduct an administrative investigation of the accident regardless of the amount of damage involved.
- B. The investigating supervisor will, as soon as practical, contact the on call Admin Officer and his/her respective Supervisor and brief him/her about the accident.
- C. The investigating supervisor will prepare a memorandum outlining the findings of his/her investigation, which also indicates whether or not these findings show that there was improper driving or fault on the part of the employee.

- D. The Supervisor will complete and submit an Phoenix SPSAS Vehicle Insurance Incident Report, including copies of required estimates, a copy of the accident report of the investigating law enforcement agency, Photographs and any other appropriate attachments to the Chief as soon as possible after the accident occurs.
- E. If the accident results in an injury to an employee, the Supervisor will complete a Supervisor Accident Report

### **III. Drug Test**

- A. A drug test is required of the employee involved in the accident if the following elements are involved.
  - 1. Vehicle accident with another vehicle where employee is at fault.
  - 2. Vehicle accident with Pedestrian
  - 3. Vehicle accident with injury to employee or others
  - 4. Single vehicle accident where the damage is estimated more than a \$1,000.00.
  
- B. A drug test is not required for these following collisions:
  - 1. Deer/Animal strike
  
- C. Employee requiring drug test, the supervisor shall transport the employee to the Employee Clinic if the accident happen between 8 a/m – 5 p/m Monday – Friday. After 5 p/m and weekends employee is to be transported to the Urgent Care.

### **IV. The On Call Admin RESPONSIBILITY**

- a. The on call Admin Officer will ensure that the Chief has been verbally apprised of all accidents as soon as possible.

### **V. Chief of Police RESPONSIBILITY**

- a. The employee's written statement, Phoenix PSPSAS Vehicle Insurance Incident report, and the investigating supervisor's accident investigation memorandum and Photographs will be reviewed by the Director to determine the need for any further investigation by the Office of Professional Standards. The driving history of the employee, any violation of policy Government vehicle operations, and the negligence, if any, by the employee will also be considered during this review.
- b. If a determination is made by the Director that an accident needs to be investigated by the Office of Professional Standards, Supervisor will contact the Chief or Director . This investigation will be conducted in accordance with the "internal affairs/citizen complaint" policy and procedure of this office.
- c. After all reviews and investigations are completed, the findings will be forwarded by the Supervisor to the Chief or Director /Chief for review and a decision on any proposed disciplinary action and/or retraining needs deemed to be appropriate.
- d. The Director will report any accident to the Phoenix Special Police Agency Finance Office no later than twenty four hours after it occurs. If the accident occurred on the weekend same will be reported on the following Monday morning.

## **VIII. ACCIDENT REVIEW BOARD**

All accidents involving a Phoenix Special Police vehicle will reviewed by an Accident Review Board. This review board will be headed by the Director or Chief and will contain four additional personnel from the Phoenix Special Police selected by the Director.

This review board will review all accident and incident reports, and any other reports prepared as a result of the accident, and will make a determination as to whether the accident was "preventable" or "non-preventable." This review board may, at its discretion, contact any individuals involved in the accident, witnesses, or other persons needed to assist them in making this determination.

Upon completion of this review process, a memorandum will be prepared by the Director, which reports the findings and recommendations of the review board. In cases where an accident is determined to have been "preventable", any disciplinary action against the employee and/or documentation in the employee's personnel file will be handled in

accordance with the Phoenix Special Police “Disciplinary Procedure/Rules of Conduct” policy (Policy #II-1) by the Director, with the concurrence of the Chief.

Disciplinary Actions involving “preventable” accidents will be handled as follows:

1<sup>st</sup> Preventable Accident: A memorandum prepared by the Director detailing the preventable accident will be placed in the employee’s personnel file. This memorandum will be distributed to the employee, the employee’s Supervisor.

2<sup>nd</sup> Preventable Accident in 24 months: If the Accident Review Board finds that an employee has been involved in a second preventable accident within 24 months, the employee’s supervisor shall complete a formal performance notation to be placed in the employee’s personnel file.

3<sup>rd</sup> Preventable Accident in 24 months: If the Accident Review Board finds that an employee has been involved in a third preventable accident within 24 months, the employee’s supervisor shall complete at the minimum a written reprimand to be placed in the employee’s personnel file. At his discretion the Chief may recommend an elevated disciplinary action above a written reprimand.

This review board will meet quarterly and will be organized, scheduled, and convened by the Director.

## **Phoenix Special Police**

### *Vehicle Collision Insurance Report (Version 1.0)*

Vehicle collisions should be reported to Finance no later than 24 hours after the incident occurs. If the collision occurred on the weekend or on a holiday it should be reported the next business day.

Please use this form if the incident will require an insurance claim. If there is a police report or estimates available forward those as soon as possible. The information needed below will help the insurance company start the claims process. Complete this form and send it to Finance.

The insurance company requires two estimates for damaged vehicles. There is no need for any more than two.

Basic Information			
Date:		Time:	
Department:		Name of Person Completing Form:	
Location:			
County Vehicle Information			
Year	Make/Mileage	Model	VIN
Driver Information			
Name		DOB	OLN
Others Involved			
Name	Address	Contact Number	Loss Incurred
			<input type="checkbox"/>
Brief Description			

# PHOENIX SPECIAL POLICE & SAS

TITLE: IN CAR CAMERAS  
POLICY#: VII-6 EFFECTIVE DATE: 01/09/2019

**PURPOSE:** To provide policy for the use, management, access, retention, handling, dissemination, storage, and retrieval of audio-visual media evidence recorded by in-car video systems.

## **DEFINITIONS:**

**In-Car Camera (ICC) System** - Audio/video recording equipment designed for fixed installation in patrol vehicles. This operating procedure does not apply to the use of hand held camcorders or audio/video surveillance devices.

**ICC Operator** – A Officer who has received instruction in the operation and use of the specific mobile video recording devices installed in department vehicles, and who is authorized to use such equipment.

**Wireless Microphone Transceiver (WMT)** – An external audio recording device worn by the ICC Operator designed to capture audio recordings taking place outside of the patrol car and when properly synced with the ICC. This device is commonly referred to as a “mic pack”.

**POLICY:** The PSPSAS uses in-car camera systems for the purpose of recording audio and video accounts of events. Events can include, but are not limited to, traffic stops, routine patrol activities, domestics, and other types of disturbances and arrests. Use of the cameras is intended to provide an accurate record of an incident for criminal, investigative and administrative purposes.

## **I. AUTHORIZED USE:**

ICC systems will be used to accomplish legitimate police objectives, including, but not limited to:

- Accurately document events, actions, conditions and statements made during investigative stops, field interviews, arrests and critical incidents.
- To enhance officer reports, collection of evidence and courtroom testimony.
- Reviewing probable cause for arrest, custody procedures, officer and suspect interaction and evidence for investigative purposes.

- Evaluation of officer tactics and field performance and training.

## PROCEDURES

### A. OFFICER RESPONSIBILITIES

1. The care and security of the ICC equipment is the responsibility of the Officer assigned to that vehicle. ICC systems will be maintained and operated according to the manufacturer's instructions and recommendations.
2. Each Officer assigned a digitally equipped vehicle will complete the wireless download of digital data to the secured network at least once a week.
3. All videos will be classified by the Officer and stored as directed by this policy
4. Prior to beginning a tour of duty, the Officer will turn the power on to the system and determine if the ICC system installed is working properly and will immediately notify their supervisor of any malfunction, damage or problem. This includes the front facing camera, the interior microphone, the passenger compartment camera, the camera software installed on the MCT, and the WMT (mic pack).
5. The WMT (mic pack) will be placed on the duty belt at the beginning of the shift.
6. The mic pack has a chargeable battery and it is the responsibility of the assigned Officer to ensure that the body mic is charged prior to each shift.
7. Officers are **required** to have their mic pack "synced" as outlined by the manufacturer's instructions. Failure to properly sync the body microphone will result in the system failing to record a Officer's conversation(s), or any other audio which may have evidentiary value, while the Officer is outside of the patrol vehicle.
8. Officers should avoid placing the mic pack inside a shirt or jacket pocket. Carrying of the mic pack in this fashion can result in undo interference with the audio recording.
9. Any damage or issues with the mic pack or its operation should be brought to the attention of the Officer's immediate supervisor.
10. Officers must make sure that the video camera is properly positioned and adjusted at the correct viewing angle to visibly record the events.

11. Officers will inform their supervisor of any documented sequences that may be of value for training purposes.
12. Officers will officially note in all reports when video/audio recordings have been made with ICC equipment.
13. While engaged in Vehicle Pursuits, Emergency Vehicle Operations, or any activity where recording is mandatory, officers will turn off their factory vehicle radios or any other audio media to prevent distortion while recording the events.

## **B. ACTIVATION AND DEACTIVATION**

1. The ICC equipment used by the PSPSAS is installed and designed to activate automatically when the patrol car's emergency lights and/or siren are in operation. The video system may be activated in one of five ways:
  - a) By activating the overhead lights and/or siren.
  - b) By manually pushing the record button on the camera system or on the officers laptop computer.
  - c) By activating the unit remotely using the WMT (mic pack).
  - d) By front, back or side impact if the Officer is involved in a collision.
  - e) By a predetermined GPS speed of 80 MPH.
  - f) By opening the rear passenger door(s)
    - Right side for single security partitions
    - Both sides for full security partitions
2. The ICC must not be deactivated until the vehicle stop or other enforcement action is completed. The WMT must always be turned on while on duty in order to provide audio recordings as well as video recording during ICC activation.
3. Officers will activate the rear seat interior camera and recording devices when transporting prisoners or suspects. This includes persons in custody for mental commitments.
4. ICC equipment may be manually deactivated during non-enforcement activities such as protecting collision scenes, directing traffic, etc.

### **C. RESTRICTIONS**

1. Officers will not use ICC equipment to make audio/video recordings of other officers or staff without notice.
2. Any Officer who intentionally disables or damages any part of the video recording or transmitting equipment or fails to activate the system as required by this policy will be held accountable and subject to criminal and/or internal disciplinary action

## **III. ACTIONS REQUIRING MANDATORY RECORDING**

### **A. MANDATORY RECORDING**

Officers will remain vigilant in identifying situations which could result in complaints against the Officer, or the Phoenix Special Police. To avoid liability and to allow for quick resolution during allegations and/or complaints, officers engaged in the following situations will automatically activate their in-car cameras (audio and video) and record the encounters. Recording in the following situations is required; however, officers are encouraged to record any encounter between themselves and a citizen where they believe, or have reason to believe video documentation would add an additional layer of protection against false complaints and/or liability.

### **B. INCIDENTS**

The following incidents require mandatory recording by the ICC (If available):

1. Emergency Traffic - Any time an Officer is engaged in running emergency traffic
2. Vehicle Pursuits –Any time an Officer is engaged in a vehicle pursuit
3. Traffic Stops - All contacts with the public during traffic stops will be recorded. A note will be made in the narrative of the report that video was obtained if the traffic stop results in an incident report.

4. In Custody – any time a person is seated, transported, or in custody in the secure area of a patrol vehicle.

To the extent practical without compromising officer safety, the ICC system must be activated in preparation for, when initiating, or under the following circumstances and conditions:

5. Searches of persons– particularly but not limited to members of the opposite sex will be conducted in front of the patrol vehicle in view of the camera with the mic pack activated.
6. Vehicle Searches
7. Arrests

#### **IV. DATA SECURITY/ACCESS CONTROL AND STORAGE/RETENTION SCHEDULE**

##### **A. Data Security and Access Control**

1. Phoenix MIS will be responsible for ensuring security of the data on the network.
2. Digital recordings required by an Officer for a criminal prosecution can be downloaded by the Officer who made the recording, by the Officer’s supervisor, or by administrative technical support. This access is “view only” and the data cannot be edited, copied, or destroyed.
3. Supervisors will have access to review all in-car video data in the “view only” format.

##### **B. Storage and Retention Schedule**

Digital recordings will be maintained on the network server in a secured environment for the designated time based on activation classification. Digital recordings of the following types of incidents/scenes will be classified by the patrol Officer utilizing the table below with the most appropriate classification titles:

##### **Classification Storage Time for patrol function ICC systems:**

Default Rule (unclassified)	120 Days
Internal Investigation	Indefinite
Officer Involved Motor Vehicle Collision	Indefinite
Vehicle Pursuit	Indefinite
Felony Arrest/Investigation	1095 Days

DWI Arrest	1095 Days
Non-Custodial Interview (Patrol)	1095 Days
Custodial Interview (Patrol)	1095 Days
Misdemeanor Arrests	730 Days
Critical Incident	365 Days
Domestic Violence	180 Days
Disturbance	180 Days
Prisoner Transport (General)	180 Days
Prisoner Transport (Opposite Sex)	180 Days
Prisoner Transport (Juvenile)	180 Days
Traffic Stop	180 Days
Field Contact	120 Days
Emergency Response	120 Days
Motor Vehicle Collision (Non-Officer Involved)	120 Days
K-9 Activity	120 Days
Accidental Activation	30 Days
Training	30 Days
Miscellaneous Traffic Activity	30 Days
Funeral Escort	30 Days

\*There are additional classifications not listed that are utilized by other divisions that are not related to ICC systems. Only classifications listed above should be utilized for ICC patrol systems.

## V. DUPLICATION AND DISTRIBUTION OF RECORDINGS

- A. All recordings are the property of the Phoenix Special Police. Officers will not duplicate recordings for personal use.
- B. Recordings that are NOT classified as public record pursuant to North Carolina State Law will only be released to attorneys upon the presentation of a valid order issued by the court that has jurisdiction. The requesting attorney must remit a media storage device for recording purposes. Only those portions of recording relevant to the incident will be reproduced and furnished as ordered.
- C. Any requests from another law enforcement agency will be made to the Chief or Director and must be on letterhead with the chief law enforcement official's signature.
- D. Any portion of a recording that records events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in this State or in the United States or an infraction) is considered a record of a criminal investigation as described in [NCGS 132-1.4](#), and not a public record, as deemed in [NCGS 132-1](#). Recording dissemination will be governed by [NCGS 132-1.4](#).

- E. Any portion of a recording that may be used to subject an employee to departmental disciplinary action is a part of the employee's personnel file as defined in [NCGS 160A168](#), and is open to inspection only as provided by that statute unless otherwise required to be disclosed as evidence in a criminal proceeding.

## **VI. SUPERVISORY RESPONSIBILITIES**

- A. Ensure that all officers are fully trained on the use of in-car cameras and follow established procedures for the use and maintenance of the ICC equipment, handling of video/audio recordings and the of ICC documentation.
- B. Supervisors are responsible for conducting weekly in-car camera video reviews of all officers under their supervision to ensure PSPSAS employees' behavior and performances are in compliance with established policy and procedures. This review should consist of a minimum of two videos per Officer per month. Additionally, these reviews will be documented on the monthly inspection report for each Officer.
- C. Ensure documentation of damaged or nonfunctional ICC equipment is forwarded to the technical service administrator and documented on the monthly inspection report.
- D. Inspect the ICC equipment in the patrol vehicle as part of the routine vehicle inspection.

## **VII. ICC Policy Violations**

Violation of procedures regarding in car camera systems may be punishable under applicable rules in the Disciplinary Procedure/Rules of Conduct section of the Phoenix Special Police policy.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: SEAT BELTS**  
**POLICY#: VII-7 EFFECTIVE DATE 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish guidelines and responsibilities for the use of seat belts.

**POLICY:** All personnel of this Office are referred to N.C. General Statute 20-135A, which requires that seat belts be worn by the driver and front seat occupant(s) “at all times when a vehicle is in forward motion on a street or highway in this State.” Furthermore, the policy of this Office requires that all of its employees “obey all laws and regulations of the United States and of any state and local jurisdiction in which they may be present” (Policy 11-1-14-A). Violation of this policy is a Category violation, and will be handled accordingly. All employees are reminded that none of them are exempt from this statute and policy.

## **Section 8: Operational Procedures**

### **Section 8: Operational Procedures**

1. [Hostage Barricaded  
Persons Situations](#)
2. [Handling and Transport of Persons](#)
3. [Missing Child Investigations](#)
4. [Checkpoints](#)
5. [Suspect Identification Procedures](#)
6. [Domestic Violence](#)

7. **Naloxone**

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: HOSTAGE/BARRICADED PERSON SITUATIONS**  
**POLICY #: VIII-1 EFFECTIVE DATE: 01-01-2020**

## **PURPOSE**

To establish a procedure for responses to calls for service involving hostage or barricaded person(s) situations in order to enhance the overall effectiveness of the Phoenix Special Police operations in such matters.

## **POLICY**

It shall be the policy of the Phoenix Special Police that when a hostage and/or barricaded person situation occurs, the immediate response of specialized personnel is required. The primary goal of a hostage and/or barricaded person situation is the safe release of all hostages and a successful operation without loss of life.

## **PROCEDURE**

These procedures shall be set forth when the Phoenix Special Police is the primary agency in charge of a hostage or barricaded person incident. These procedures are necessary and necessary for the Phoenix Special Police to efficiently deploy and direct its resources and coordinate its efforts with other public safety and public service organizations. The following plan is presented as a broad outline and general guide for the response of this Office to facilitate tactical decision-making and contribute to the resolution of the hostage or barricaded person(s) situation.

### **I. OPERATIONAL PROCEDURES**

The initial steps taken at the site of any unusual occurrence will be those necessary to safeguard lives and property, secure the scene, and restore and maintain order. The response of the first Officer and the first supervisor at such a scene may include but is not limited to the responsibilities discussed in this plan, Until local government agency arrives on scene, at which point scene command is handed over and this agency will assume a support role as needed.

#### **A. Responsibilities of the First Officer on the Scene**

1. Secure and contain the scene if possible. The possibility of extensive injury is usually minimized if the suspect is not allowed to become mobile.

2. Utilize whatever means are available to clear and protect the general public from harms way.
3. Notify local Government agency via 911.
4. Direct all other initial responding units to specific locations to help contain the situation. Notify the shift supervisor and give an update as soon as possible.
5. Evacuate any injured persons if this can be done without exposing existing personnel to undue hazards.

**B. Responsibilities of the First Supervisor on the Scene**

1. Assume command of all law enforcement activities at the scene, If local governmental agency has not arrived.
2. Verify the initial Officer's assessment of the situation and make the request for any support or specialized units needed.
3. Establish a field command post and staging area. Inform communications of this location. (A patrol vehicle can serve as the temporary command post.)
4. Establish a route for all additional support units to arrive so as not to interfere with ongoing operations or get in harms way.
5. Complete the containment of the affected (inner and outer perimeter area as much as possible to ensure the security of person and property in the area.
6. Re-assign all units not responding to the incident area to existing calls or districts for service throughout the jurisdictions.
7. Notify the Director and Chief of the incident as soon as possible.
8. Start a diagram of the area and placement of all units involved in the situation. Begin gathering intelligence about the suspect, if know, and identifying all witnesses.

**C. Responsibilities of the Communications Center**

1. Assist officer on scene with dispatch of local governmental agencies to scene by contacting 911 services.
2. Dispatch support units as requested by the supervisor at the scene.
3. Designate a separate radio channel (that can be recorded) for operations during the incident.
4. When requested to do so by the supervisor in charge of the scene, contact any other agencies and advise them of the situation and request their assistance if it is needed.

**D. Responsibilities of the Special Response Team (SRT)**

1. SRT has the responsibility for the containment and/or removal of any suspects upon deployment; SRT shall be responsible for securing the inner perimeter of a hostile crime scene, deploying chemical agents, suppressing direct gunfire and other imminent threats, entering building, searching for and securing suspects, and otherwise making buildings and crime scenes safe as necessary.
2. Once on the scene, SRT will assemble at their designated area. The SRT Coordinator and Team Leaders will meet with the on-scene supervisor and gather all information about the incident.
3. The SRT Coordinator and Team Leaders will also meet with the Crisis Negotiators Team Leaders and discuss all available information.
4. The SRT Coordinator will go to the command center and take over tactical operations.
5. SRT Team Leaders will brief operators on all information available, and then deploy them to take over security of the inner perimeter. At that time the inner perimeter becomes an SRT responsibility.
6. Patrol officers who are relieved from the inner perimeter will report to the command center for debriefing and/or reassignment.

7. The SRT Team Leaders shall immediately begin to gather intelligence from members at the scene. With all information received they will develop an operational plan.
8. Once the Chief or Director and/or SRT Coordinator has approved the operational plan the Team Leaders will brief the other SRT members.
9. If all negotiations are terminated and all other means are exhausted to resolve the situation peacefully, with the approval of the Chief or his designee, SRT will then execute the operational plan.

**E. Responsibilities of the Crisis Negotiation Team**

1. The Crisis Negotiation Team has the responsibility of starting negotiations with hostage takers or barricaded person(s) as soon as possible in order to slow down the situation, reduce anxiety levels, reduce the threat level, and lead to more rational behavior of suspects. The Crisis Negotiation Team goal is to seek the release of hostages and to have the offender to surrender without the use of force.
2. Once on the scene, the SRT Coordinator will assemble the Crisis Negotiators Team Leaders and the SRT Team Leaders to have both parties discuss all available information. The SRT Coordinator will be the go between for these two groups.
3. Crisis Negotiators will not be in direct communication or contact with SRT Team members. Command Personnel will communicate with the Crisis Negotiators Team leader(s) to determine whether the suspect(s) are trying to comply with the negotiators' requests or trying to deceive them.
4. Crisis Negotiator Team Leader(s) will provide all available information to the Crisis Negotiators.
5. As a rule all demands from the suspects are negotiable except any demands for weapons, for drugs, or for additional hostages or hostage exchanges.

6. Demands for transportation should be avoided. There may be exceptions, such as when there is danger to a large group of persons at the present site, or where movement presents a tactical advantage to law enforcement. A modified/disabled vehicle should be readied to handle this possibility.
7. No demands shall be made on hostage-taker, other, other than to agree to trade the release of the hostages for the perpetrator's safety.
8. The mechanism by which food and water can be provided to the subjects shall be established by the Crisis Negotiators in coordination with SRT Coordinator.
9. If all negotiations are terminated and all other means are exhausted to resolve the situation peacefully, the Crisis Negotiator Team Leader will notify the command center. With the approval of the Chief or his designee, the SRT Team will then execute the operational plan.

**F. Responsibilities of the Public Information Officer (PIO)**

1. Coordinate the department's contact with the news media
2. Schedule press conferences
3. Release statements to the media as is appropriate, such as casualty information, rumor control, and traffic re-route plans
4. The Chief or his designee must approve all press releases

**II. DE-ESCALATION PLAN**

- A. The de-escalation period will be that in which the situation is deemed to be under control and conditions are returning to normal. During the deescalation period, officers will be systematically relieved from their duty assignments in regard to the incident.
- B. The following actions will be taken to de-escalate adverse conditions that may have resulted from the disaster itself or the ensuing response and control by public safety agencies.
  1. Identify areas still affected by the incident.
  2. Establish priorities for restoration of services
  3. Coordinate restoration activities with mutual aid agencies
  4. Provide continued security to designated areas if needed
  5. On duty officers will return to normal duties
  6. Officers called back or held over for duty will be relieved
  7. The command post will be discontinued

### **III. POST-INCIDENT DUTIES AND REPORTS**

- A. Following the de-escalation of the Phoenix Special Police response, certain duties may be required for an additional time. Such duties may include:
  - 1. Continuation of security
  - 2. Additional patrol in affected areas
  - 3. Maintain traffic checkpoints
  - 4. Periodic news media briefings
  
- B. The SRT Coordinator will complete a post-incident report. This report will include all actions taken by the SRT and Crisis Negotiators from the time of arrival until the command post was deactivated.
  
- C. A post incident de-briefing will be required for any response to a hostage or barricaded person(s) incident. This debriefing shall include the following:
  - 1. A meeting will be convened within two weeks of the incident.
  - 2. All directly involved personnel will attend the de-briefing
  - 3. Selected personnel from other involved agencies will be requested to attend if deemed necessary.
  - 4. The identification of training needs and problem areas, as well as any positive areas that were encountered, will be discussed and evaluated.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: HANDLING AND TRANSPORTING OF PERSONS**  
**POLICY #: VIII-2 EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish procedures for the safe and legal handling, searching, and transporting of suspects, prisoners, arrestees, mentally ill persons, and citizens in varying circumstances.

**POLICY:** It shall be the policy of the Phoenix Special Police to provide adequate safety and security for all persons in being transported, as well as for the transportation officer, and the public.

## **PROCEDURE:**

### **I. TRANSPORTATION OFFICER RESPONSIBILITIES**

#### **A. Equipment Inspection**

1. At the beginning of each tour of duty, every officer who may become responsible for the transport of any suspect, prisoner, arrestee, citizen or other must inspect all approved equipment and vehicles for safety and function. Each officer will be responsible for having on his/her person all normally issued equipment and having that equipment in good operational order. This equipment will include but not be limited to issued firearm and restraint devices. Officers shall leave vehicles for subsequent drivers which have been properly searched and checked, maintaining, and in a safe condition.
2. In the event any assigned equipment is found to be in poor condition or is not available for use, the deficiency will be reported to the officer's supervisor and the deficiency corrected prior to assignment, or equipment is replaced. It is the officer's responsibility to properly search and fuel the vehicle prior to use. The operator will also replace any expended supplies and check the oil level of the vehicle prior to use. If the vehicle is not operating properly, the operator will be responsible for having the vehicle turned in for maintenance. Vehicles used for primarily for transporting prisoners (80 percent of their use) must have the driver separated from the prisoner by a safety barrier.

**B. Safety**

In order to maximize officer safety, every officer shall:

1. Prior to transport, transporting personnel shall search suspects, prisoners and arrestees.
2. Transporting personnel shall search transport vehicles prior to and after transporting suspects, prisoners, and arrestees. Searches shall be conducted prior to and after each transport.
3. Care shall be given to searching under seats, behind seats, or any place weapons, evidence, or property may be dropped or hidden.
4. Personnel assigned vehicles which could be used for suspect, prisoner or arrestee transportation shall be searched at the beginning and at the end of each shift.

**C. Transporting and Seating Arrangements**

1. For safety reasons, people being transported must be under observation at all times. Opportunities for escape or attack on the transporting officer must be reduced as much as possible. The suspects, prisoners or arrestees should be made as comfortable as possible, given the length of the trip being made, and yet secured to the maximum degree.
2. Transporting officers shall be seated in a specific location within the vehicle depending upon the number of prisoners to be transported and the number of escort officers used. If only one prisoner is being transported in the rear seat he/she will not be placed directly behind the driver and the hands will be secured behind the back, providing that his/her physical condition will allow it. If two (2) officers are riding in the front seat it shall be the responsibility of the passenger officer to maintain surveillance of the prisoner.
3. When handling combative or dangerous prisoner, two (2) officers will transport, with one (1) officer in the rear, positioned opposite the prisoner, so that his weapon is always away from the reach of the subject being transported. The interior of the transport vehicle will be lighted to facilitate viewing of the prisoner unless safety concerns dictate otherwise. The transporting officers shall not lose sight of the prisoner at any time.

4. Adults and juveniles will not be transported together. Female and male prisoners, suspects and arrestees shall be transported separately. If a female and male are arrested at the same time, for the same incident, they should not be transported to booking or questioning together.
5. When walking a suspect, prisoner or arrestee from one location to another, the officer will walk so the officer's weapon is away from the prisoner. The officer will be close enough to the prisoner to maintain control and prevent attack or escape.
6. The transporting officer will notify communications at the beginning of every and all vehicle transports of citizens, prisoners, suspects, arrestees or others as to the number, gender and destination. If the transport officer feels the transport is a security risk, this information may be relayed by phone.
7. This does not include administrative rides to business meetings when transporting others such as Agency employees. The officer will take the safest, most direct route to the final destination. (Alternative routing is advisable for security risk transports). The officer will be especially watchful of the passengers at all stops that traffic signal or conditions require. No side trips or unauthorized stops will be permitted.
8. No person other than an officer and prisoner will be permitted in a vehicle without prior approval of a supervisor. This does not exclude any person from assisting during an emergency.
9. Any extra weapons or tools that could be used as a weapon by a passenger will be properly secured in the trunk or as far from the passenger as possible.
10. All doors of the transport vehicle will be locked at all times when the vehicle is in transit. The prisoner will be seated in the rear of the vehicle on the passenger side of the vehicle.
11. The second transporting officer will be seated either behind the driver or in the passenger side front seat to face the prisoner as circumstances demand. The second transporting officer shall closely observe the prisoner at all times.

12. When more than one prisoner is transported, the prisoners will be restrained together such as waist to waist chains or “right hand to left hand” transportation.

**D. Meals**

1. During transport of someone in custody, if a meal will be required, the selection of the place where the meal is to be taken is done randomly.
2. Due to the length or timing of the transport, if a meal will be required, the client shall supply a “bag lunch” for each inmate transported.

**E. In-custody Communications**

1. Suspects, prisoners and arrestees are not to speak to anyone during transport. Attorney consultations and meetings are to be conducted at a prearranged site, before or after a transport, not during one.
2. All other communications such as family shall be conducted through detention facility procedures.
3. Due to security and safety considerations, prior to transports, no in custody passenger will be allowed to use the phone or have another communication for them. This includes transports for medical reasons, dentist or other short or long term transports.
4. Inmates, suspects and arrestees found to be in communication with another just prior to any transport, shall have his/her transport delayed by at least four (4) hours; and route of transport changed.
5. This responsibility falls with detention personnel as well as transporting officers.

F. **Prisoner Escape**

It is the responsibility of each officer who takes custody of any prisoner to take all prudent and reasonable action to prevent the escape of anyone in custody.

1. In the event of an escape, officers should consider these factors before taking action:
  - a. The presence of a crowd (the chase of an escapee through a hostile crowd may present a great potential for violence by agitating the crowd than allowing the prisoner to continue to flight).
  - b. The identity of the escapee (if the escapee has been satisfactorily identified and his home address is known, for example, it may be more prudent to await assistance and capture the escapee at a later time than to pursue the escapee into a hazardous situation without backup).
  - c. The seriousness of the charges pending on the escapee.
  - d. Past history of the escapee.
  - e. The safety of the prisoner, public and to the law enforcement personnel.
  
2. Following an escape of a prisoner, unless extraordinary conditions exist, the following procedure will be followed.
  - a. Immediately advise communications an escape has occurred.
  - b. Give location of escape, mode and direction of travel.
  - c. Give complete description of escapee and whether or not he was wearing restraints.
  - d. Time lapse since escape to report.
  - e. Probably destination (if known).
  - f. The crime the escapee was last charged.
  - g. A request for needed equipment, manpower and the location at which the items would be most effective.
  
3. The Officer shall try to immediately apprehend the escapee, unless there are other prisoners being transported. If the Officer is unable to apprehend an escapee, they shall direct other officers to establish an outer perimeter to contain the escapee.

4. Communications shall notify:
  - a. Other appropriate agencies, depending upon the location of the escape
  - b. All available units.
  - c. The on-duty supervisor.
  - d. The Chief.
5. A canine team shall utilize in any instance where the escapee eludes capture by running.
6. If agency communication is out of radio range, the transporting officer shall immediately call the local law enforcement agency and request assistance; the transporting officer shall then immediately contact this agency's communications who will contact appropriate personnel in the agency; communications shall also advise the transporting officer of further instructions.
7. The transporting officer shall prepare and complete an incident report, with a detailed narrative; attach the custody or transport order or any pertinent documentation to the incident report and submit to the Chief or Director as soon as possible.
8. If the escapee is not apprehended in a reasonable amount of time, warrants should be obtained for escape and entered into NCIC as well as a regional broadcast giving all pertinent information.

The Chief or Director will review all escape attempts.
9. If an escape occurs outside Jurisdiction, the actions of the transporting officer will be governed by the procedures and pertinent laws in that jurisdiction.

**G. Destination Process**

1. Upon arrival at the final destination, the transporting officer shall:
  - a. Notify communication of arrival;
  - b. Turn off the transport vehicle;
  - c. Remove the prisoner and lock the transport;
  - d. If the destination normally requires prisoners be placed in a holding cell, this will be completed.

2. Actions at the destination of officers transporting prisoners from one facility to another will include at a minimum:
  - a. Securing firearms for safekeeping in accordance with the receiving facility's policy; (prior to entering areas where prisoners are present, the transporting officer will secure his/her weapon or surrender his/her weapon under the procedure used at the destination).
  - b. Restraining devices shall be removed just prior to placing the prisoner in the cell.
  - c. Deliver documentation to the receiving officer.
  - d. Obtain signature of receiving officer (if applicable).
  - e. Advise receiving agency of potential medical or security hazards.

#### **H. Medical Care Facilities**

1. Prisoners transported to medical facilities will be transported in accordance with procedure applicable to the prisoner's physical injury, illness, and mental or physical impairment as described in this section.
2. Unless otherwise directed by the health care provider, the prisoner will be appropriately restrained and in the view of the transporting officer at all times. If it is deemed necessary to admit a prisoner to a care facility, the Director or Supervisor(s) of the jail must be notified prior to any such action being taken.
  - a. The Detention Supervisor may want to consider getting an inmate's bond unsecured through the court system rather than arraignments for a lengthy stay at the hospital. This can be done prior to transport or at any time by the jail supervisor.
  - b. In the case of a call to a misdemeanor incident, the officer may consider the following actions depending on the seriousness of the situation in which the suspect was involved, the availability of manpower, the situation surrounding the injuries to the suspect, the seriousness of the injuries and the anticipated length of stay in the detention facility:
    - i. The officer may release the suspect at the scene on a citation to appear in court. (If transportation is assigned to the Transportation Division, the officer must contact his/her supervisor to recommend a

citation and not to elect to do this without prior approval).

ii. After transporting to a health facility, the officer may be advised to wait for further information (the length of wait not to exceed sufficient time for the officer to return to his/her work place and/or relieved before the end of the shift).

iii. The officer may be informed to remain with the prisoner if the need is great.

iv. It will be the responsibility of the supervisor to allow for relief of the transportation officer (if possible) before the end of the shift, to notify the supervisor of the following shift of the situation. The transporting officer will notify his/her supervisor when a relief officer has not arrived in sufficient time.

A report will be completed detailing the reasons why the arrestee was transported to the medical facility and the circumstances surrounding any illness or injury. The report will also contain all officers involved with the arrestee, the name and location of the medical facility used, and all other pertinent information surrounding the incident.

c. If a prisoner is charged with a felony is admitted to a health care facility, the supervisor may authorize, depending on the situation:

i. Release of the prisoner at the health care facility without prosecution at this time This only with the permission of the Chief or one of the Director(s).

ii. Assign an officer to remain with the prisoner for expected short term or extremely serious situations.

iii. Processing of the prisoner at the detention or jail facility with proper health facilities.

iv.

## I. **Seatbelts**

1. All personnel in Agency vehicles shall wear seatbelts in accordance with state law and Agency policy.

2. Officers will not transport more prisoners than a vehicle is designed and equipped to transport.

**J. Passenger Capacity/Officer Ratio**

Officers shall transport no more citizens, suspects, prisoners or arrestees than safety allows considering number of officers, size of vehicle and attitude or risk factors of the person(s) being transported.

1. Under normal circumstances:
  - a. One (1) officer shall not transport more than three (3) nonviolent prisoners, suspects or arrestees, and the officer shall be equipped with a shotgun. (Patrol Vehicle)
  - b. Two (2) officers shall not transport more than thirteen(13) suspects or arrestees in the jail vehicle.
  - c. For over thirteen (13) prisoners, the ratio shall not be less than one officer (1) to seven (7) prisoners.
2. Those classified as dangerous, violent, or high risk shall be on a ratio of not less than one (1) officer to one (1) passenger, or two (2) officers to one (1) passenger, depending on the risk. The transport officer shall determine the risk factor, and shall be supplied with information from the detention facility and/or law enforcement personnel on all risk factors.
3. This section includes those transports, short and long term, where officers may be picking up and dropping off prisoners or others at one or several locations.
4. Transports occurring after dusk and before dawn should be considered high risk. See supervisor for advice before taking action that would halt the transport.

**K. Stopping During Transports**

During transportation citizens, arrestees, suspects or prisoners, shall not stop or interrupt their transports.

1. Should an emergency while in transport, the officer shall contact his/her provision of this order will prevent an officer from taking appropriate action in a life threatening emergency occurring during transport. It is emphasized that due care shall be taken to safeguard the well being of anyone being transported as well as to prevent escape of those in custody before leaving the transport vehicle unattended. The precautions to be considered are but not limited to:

- a. Summon assistance immediately
  - b. Park the transport vehicle in a safe location, preferably off the roadway; remove the keys from the transport vehicle once it is safely parked out of traffic;
  - c. Illuminate the interior of the transport vehicle to facilitate viewing of the prisoner(s);
  - d. Lock the transport vehicle;
  - e. Use appropriate emergency lighting to avoid exposing the transport vehicle to traffic hazards and to facilitate location by other emergency vehicles;
  - f. Return to the transport vehicle as soon as assistance arrives and resume the transport as soon as possible;
  - g. If the officer will be away from the transport vehicle for more than two (2) minutes, and the outside temperature is more than 60 degrees F, the officer must return to the vehicle every two (2) minutes to ventilate the vehicle with fresh air, or as often as necessary to keep the inside vehicle temperature under 85 degrees F.
2. If an incident occurs that is not life threatening that a transport officer sees while he is transporting a suspect, prisoners, or arrestee or if the officer receives a request for assistance, he/she shall notify radio communications of the situation or incident to request another officer respond and the transporting officer shall precede with his/her transport.
  3. If an officer is transporting a citizen, and the officer sees an incident occur or receives a request for assistance, if feasible, the officer may terminate the transport by leaving the citizen in a safe location. If leaving the citizen is not feasible, the officer shall proceed with the transport and notify communications to dispatch another officer to the incident.
  4. If an officer leaves a citizen in other than the original destination, the officer shall as soon as possible go back to the location where the citizen was left, and finish the transport. If this is not possible, the officer shall notify communications to dispatch another officer to check on the citizen and/or finish the transport.

**L. Conveying To Jail**

1. Officers arrests shall convey the prisoner or cause him to be conveyed directly from the place of arrest to the Magistrate's Office without delay and shall at no time accompany the arrestee to his/her name, abode, or elsewhere except with the consent of a superior officer.
2. Prior to being transported to the Magistrate's Office, suspects, prisoners or arrestees may be transported to a facility for questioning as per the directions of a detective or supervising officer, or to identification, medical assistance, blood alcohol testing or other official "process" location.

**M. Security Risks**

1. When a suspect, prisoner, or arrestee is considered a "security risk", the transporting officer shall notify his supervisor who will make arrangements for additional officers and/or vehicles to accompany the transport.
2. When a suspect, prisoner, or arrestee is going to court, any personnel knowing or believing the suspect, prisoner, or arrestee a "security risk" shall notify the Court Security Supervisor. The Court Security Supervisor shall notify the president judge prior to court opening, so the judge will have the opportunity to allow or direct the use of restraining devices or add officers for security measures.
3. The detention services court security supervisor shall check prisoner records prior to sending prisoners to court. The detention court security supervisor shall notify the law enforcement court security supervisor of the security risk prisoners being brought to court, on a daily basis prior to court.

**N. In-Custody Passenger's Property**

Once a prisoner had had property taken from him for booking purposes, the prisoner shall not receive his property back at any time until his release from incarceration.

1. When a prisoner is transported from one facility to another, the detention staff as per their policy shall have each prisoner check his own property to ensure the inventory is correct. Then, the detention staff shall turn the property in the bags directly over to the transport officer, who will turn it over to the destination facility. At no time shall prisoners have access to or possession of their property.
2. For all in-custody transports including mental patients, passengers shall be properly searched, and not allowed access to any property. All property shall be placed in either the trunk of the car or if in a van, in the front area on the opposite side of the safety cage.
3. s shall not take custody of inmates from any arresting Officer until that officer has properly searched the prisoner and completed the Phoenix Special Police "Prisoner Property and Custody Control Report" form. 4. For any property kept by this agency from an individual in custody as personal property, evidence, or for any other valid reason, the person the property is kept from shall receive a receipt for that property.

**O. Assistance to Transport Duty**

As with other duties and functions of this agency, all components of the agency are expected to assist with transportation duties when necessary. Patrol, Civil, Investigations, and/or detention personnel may assist the Transportation Division or handle their own transport assignments when transportation officers are busy with other transport duties which may cause the waiting party to wait more than what is reasonable, usually two hours; or any delay involving transport of an ill or injured person needing immediate medical attention; or where the Transportation Division request assistance due to shortage of transport officers, the transport is dangerous, or due to multiple number of passengers.

**P. Special Transport Situations**

1. Transporting Opposite Gender
  - a. The agency does not encourage opposite sex transports, but recognizes there are exceptions. If female officers are available to transport, they will be utilized.

- b. Personnel transporting citizens or arrestees of the opposite sex shall notify the communicator of the time the person is placed into the vehicle, the odometer reading, destination and estimated time of arrival to destination. The information shall be recorded on an OCA card.
  - c. Upon arrival at the destination, the officer shall immediately notify communications of the time and odometer reading.
2. Transporting Handicapped or Mentally Ill
- a. When handling handicapped or physically impaired individuals who are in custody, extra care shall be exercised by the transporting officer. Therefore, exceptions to standard policy may be made.
  - b. Physically impaired prisoners are those prisoners who have obvious physical disabilities or impairments. It is the duty of the transporting officer to treat these individuals with appropriate restraint of action while providing for security and safe transport.
  - c. The transporting officer will determine if a physically impaired prisoner who uses supporting devices (crutches, canes, walkers, etc.) is of such a disposition so as to use the device as a weapon. Normally, the physically impaired prisoner will not be restrained and will be allowed to use supporting devices to move to and from the transporting vehicle. During transport, supporting devices will normally be removed from the prisoner security area. Although the safety of the officer and the transportee is the primary consideration, the dignity of the transportee is a valid concern, as well.
  - d. In the event a physically impaired person is transported, a car rather than a van should be used, because it is easier to get in and out of than a van. Patrol may be used for assistance.
  - e. If a physically impaired prisoner is violent, supporting devices will be removed from his access. If the prisoner is not ambulatory without the devices, that individual will be assisted to and from the transport vehicle by the transporting officer who will take care to ensure that the prisoner will not

escape. It may become necessary to restrain a violent, nonambulatory prisoner and transport that individual to an ambulance and then to a holding facility. In such a case, the officer should follow the policy for ambulance transports of mentally impaired prisoners.

- f. Prior to taking custody of mentally impaired individuals, the transporting officer must make certain he is informed in detail of the following:
  - i. the type of mental disorder and exact type of abnormal behavior displayed by the individual;
  - ii. detailed knowledge of any words, statements or actions that might trigger any abnormal behavior;
  - iii. the disposition toward violence that may suddenly be displayed toward the officer or toward the individual himself;
  - iv. the name, relationship, and location of any person perceived as a threat by the individual; and why that other person is perceived as a threat;
  - v. the name and location of previously visited mental health care facilities;
  - vi. the type, location, and last time known to have taken any medications (take a sample or the prescription bottle if available).
  - vii. the relative ability of the individual to communicate coherently and follow instructions;
  - viii. any real or imagined physical injuries; ix. the circumstances causing the individual to be taken into law enforcement custody;
  - x. anything that might have in the past soothed the individual;
  - xi. the name of any officer who may have had contact with the individual in the past and any information that may have been gained from that encounter
  
- g. Information of the type outlined can govern the transporting officer in the treatment of mentally impaired individuals and preclude the changes for violence. Proper documentation must be present and examined in detail for compliance with existing law prior to any transport. In the absence of proper documentation, the transporting officer must make absolutely certain the situation complies with the requirements of the Health and Human Services of North Carolina.

- h. The transporting officer must take care of the time to make certain the method of restraint chosen is appropriate for any potential conditions presented by the individual. Many forms of mental impairment can cause behavior varying widely and instantaneously. The transporting officer must know the extent to which the abnormal behavior may become violent, produce loss of muscle control, cause a desire for the individual to injure himself/herself or cause convulsive restraint to minimize the chance for injury to the individual, employees and the public.
- i. When deciding what type of restraint is appropriate, the officer should consider what type of transport vehicle would be most appropriate. In most cases, the transport vehicle will be a marked patrol car, a prisoner van, or an ambulance.
- j. In-custody mentally ill passengers may be restrained if they are violent or pose a threat to themselves or others.
- k. If a mentally impaired individual requires medical attention, appears frozen, staring or gazing into space, or needs to be totally immobilized for any reason, the individual should be restrained to a stretcher and transported by ambulance. This will include those who are restrained in a straight jacket.
- l. The individual should be restrained in such a manner that breathing is not impaired and only to the minimum extent preventing the danger of injury to himself or others. When a mentally impaired individual is transported in this manner, an officer should ride in the ambulance with the individual and an officer follow the ambulance in a marked vehicle.
- m. All transports of mentally impaired individuals will be made in compliance with the communication notification rules for the transport of female and juvenile prisoners.
- n. Upon arrival at a mental health facility, the transporting officer will not enter any secure area in possession of a firearm and should use standard procedures for delivering a prisoner to a holding facility.

### 3. **Mental Commitments**

- a. If the patient is a resident of a municipality, that police department shall make the initial pickup with the custody order and transport the patient to Mental Health (8:00 – 5:00 pm) or Phoenix Special Police Regional Medical Center (5:00 pm until 8:00 am) for an evaluation, as per the North Carolina General Statutes.
  - i. If the evaluation determines the patient is not committable, the police will return the patient to place of pickup, or other legal or designated location. ii. If the patient must be transported to another facility, the Transportation Division shall handle the transport.
- b. If the patient is an Phoenix Special Police Agency resident, patrol will make the initial pickup with the custody order and transport the patient to Mental Health or Phoenix Special Police Regional Medical Center for evaluation. Patrol will handle this as a call for service.
  - i. If Mental Health or Phoenix Special Police Regional Medical Center determines the patient is not committable; the patrol officer shall transport the patient back to the place of pickup; or other local or designated location.
  - ii. If the patient must be transported to another facility, the Transportation Division shall handle the transport.
- c. When transporting patients, the transporting officer shall notify communications of the following:
  - i. all arrivals at destinations; ii. all departures; iii. gender of patient; iv. if the patient is violent or not.
- d. If the patient is violent, upon notification by the officer, communications shall call the facility of destination and notify them this agency has a transport enroute who is violent, and request appropriate personnel and restraints be on hand upon arrival.
- e. Officers who transport mental patients must stay with the patient at the facility while the patient is being processed.

Occasionally, a facility may release an officer from waiting for the patient to be processed. If this occurs, this agency is responsible to pick up the patient and transport the patient back to his/her home if the patient is not accepted by the facility.

- f. If a facility calls this agency to pick up a patient for release after treatment, an officer from the Transportation Division should receive the assignment.
- g. If this agency receives a custody order for a patient to be seen at Phoenix Special Police Agency Mental Health for an appointment, and not necessarily committed, an officer from patrol should receive this assignment as a call for service. (The orders are sometimes called out-patient commitment orders).

#### 4. **Transports to Special Events**

- a. Transports to special events are only undertaken with a court order.
- b. When a prisoner needs to attend a special event such as; visiting critically ill persons; attending funerals; or attending the reading of a will; the transport will be handled in such a manner to provide sufficient and an appropriate amount of security to the prisoner, and others while the prisoner is present, balanced by drawing a little attention to the prisoner and security as possible.
- c. If possible, the transport officer should be in plain clothes and in an unmarked vehicle. **No less than two (2) officers shall accompany the prisoner under these circumstances.**
- d. The transport shall be directly from the detention facility to the special event and back to the facility.
- e. Detectives may be asked to assist with the transport or make the transport by utilization of personnel or vehicle(s).
- f. Restraining devices shall be as inconspicuous as possible, keeping the prisoner as secure as possible.

5. **Ambulances**

If a mentally impaired individual requires medical attention, is catatonic or needs to be totally immobilized for any reason, the individual should be restrained on a stretcher and transported in an ambulance. This shall include those who are restrained in a straight jacket.

**II. RESTRAINING DEVICES**

- A. The purpose of restraint devices in prisoner transport situations is to reduce the chance of attack by the prisoner and to reduce the chance for escape. Restraint devices shall not be used as weapons and shall not be applied in such a manner as to cause unnecessary injury to any prisoner. Only those restraint devices approved by this agency will be used by any officer.
- B. The restraint devices approved for use are issued by this agency:
  - 1. handcuffs;
  - 2. leg shackles;
  - 3. prisoner restraint belts/waist chains
  - 4. flex-cuffs
  - 5. locking leg weights.
- C. Normally, restraining devices issued by this agency have the capacity of being double locked. This feature prevents the restraint from pinching or becoming tighter. To prevent unnecessary injury, restraint devices so equipped shall be double locked.
- D. Any restraint device in the possession of any officer not issued by the agency will be submitted for inspection to the squad supervisor and approved prior to use.
- E. All prisoners are to be restrained during transport, with exceptions noted for physically or mentally ill persons, as described in this policy. After applying restraints, but before the transport begins, the transport officer should check the restraints to ensure they are not too tight. Any complaint of pain should be taken seriously. However, restraints shall not be removed after a transport begins unless there is a second officer present to assist, and then only in extreme cases.

- F. Devices such as rope, cord, plastic tubing, tape or other items not normally issued for use as approved restraints shall not be carried or used for restraint purposes.
- G. Passengers shall not be restrained to automobiles during transports; or at any time in such a manner or condition that the passenger's safety is placed at unnecessary risk.
- H. No passenger shall be restrained in such a manner as to restrict breathing or cause choking, for any reason, for any length of time.
- I. When transporting, the person in custody shall be restrained with issued handcuffs in such a manner that the individual is able to sit up in the rear of the vehicle. Should leg restraints be required, only leg shackles, flex-cuffs or other approved leg restrains will be used.

*(Handcuffs with waist chains require cuffing in front.)*

- J. **NOTE:** Removing any flex-cuff type product presents a hazard of cutting the wearer; therefore, flex-cuff restraints will be removed only with approved cutting tools, such as bolt cutter, heavy metal cutters or scissors not having an extremely sharp point. Due to the potential of losing control of the cutting device and injuring the wearer, a knife may not be used to remove flex-cuff products. Detention services shall be responsible for maintaining and having this equipment available.
- K. Except in extreme circumstances no individual will be restrained so that his/her legs and hands will be pulled up behind his back or in such a manner that it will be necessary for the individual to be transported in the prone position. Supervisory approval will be necessary before such transport will be allowed.
- L. Should further restraint be necessary in the patrol vehicle, an additional officer shall be placed in the front seat and should not take his eyes off of the prisoner until the transport has been completed.

### III. VEHICLES USED FOR TRANSPORT

- A. Only marked vehicles shall be used for routine transports, equipped with a security screen or other barrier designed to separate the officer from the passenger, which has had the door handles and window cranks removed or made inoperative.
- B. Vehicles used primarily for transporting prisoners shall be modified to minimize opportunities for the prisoner to exit from a rear compartment of the vehicle without the aid of the transporting officer.
- C. Prisoners may be transported in vehicles not equipped with protective barriers by detectives only. These transports will be in accordance with standard procedures the following exceptions and additions:
  - 1. only when such transportation is made necessary by investigative need; otherwise, a patrol vehicle equipped with a protective barrier will be requested;
  - 2. there will be at least two detectives during any such transportation;
  - 3. the prisoner will be restrained either by handcuffs or by use of an approved prisoner restraint belt with wrist restraints;
  - 4. if the prisoner is an escape risk, the prisoner will additionally be restrained by the use of leg shackles;
  - 5. no more than one prisoner will be transported in a non-screened vehicle at anytime with the exception of juvenile prisoners, in the custody of detectives, who have been charged with non-violent crimes and who are under the age of sixteen (16). (Such juvenile prisoners will also qualify for immediate release to a parent or guardian under existing policy).
- D. In addition to normal patrol vehicle equipment, all vehicles assigned to the transportation division or assigned normally for custody transport shall be equipped with the following:
  - 1. Telephone
  - 2. one complete set of restraints, handcuffs, ankle cuffs, and waist chains.

#### IV. DOCUMENTATION

- A. Transport orders could be one of the following:
1. *Judicial Commitment* – used to transfer a prisoner from one jail type facility to another, must be signed by a judge of district or superior court;
  2. *Writ of Habeas Corpus* – used to obtain jurisdiction over a prisoner in another facility so he/she can be brought back to this jurisdiction for process, must be signed by a judge
  3. *Safe Keeping Orders* – used to transfer prisoners to other facilities for medical reasons (if the prisoner is HIV or TB positive, unstable mental condition, infectious diseases), or security reasons such as escape or suicide risk; must signed by a judge in district or superior court;
  4. *Medical Referral* – used to transport prisoner to medical facilities or doctor’s office for medical appointments, dental appointment, attending to injuries, must be signed by Detention Physicians;
  5. *Petition for Involuntary Commitment and Custody Order* – used for picking up persons suspected of mental illness who are in danger to themselves and/or others, signed by a magistrate.
- B. Information relating to the prisoner’s escape or suicide potential or other personal traits of a security nature shall be included in the documentation accompanying the prisoner during transport. The detention staff will ensure this type information is written of the transport order in red ink.
- C. The transporting officer is to ensure:
1. all names are correct on the papers;
  2. all papers are properly filled out and signed; and
  3. each prisoner has a transport order.

## V. EXTRADITIONS AND LONG TERM PRISONER TRANSPORTATION

A. In the event it becomes necessary for this agency to transport prisoners over long distances, standard transportation procedures will be as follows:

1. Long term transports with one prisoner require no less than two officers.
2. For long term transportation, the prisoner will be restrained by prisoner restraint belt, waist restraints and leg shackles.
3. If meals and rest stops are to be permitted enroute, these stops will be of a minimum duration and at irregular intervals and places.
4. If meals are permitted, precautions similar to those described for rest room stops will be followed; (it is recommended that if practical, the
5. During any stops, the prisoner will be accompanied at all times by at least one officer.
6. No longer term transports will be conducted without at least two officers as transporting officers; (or a second vehicle to follow)
7. If the prisoner is allowed to use the rest room during any stop, an officer will examine the facility for security and potential escape routes prior to the entry of the prisoner.
8. If necessary, one hand will be released from the restraint while the other hand remains restrained.
9. The leg shackles will also remain in place.
10. At least one officer of the same sex as the prisoner shall remain with the prisoner and keep the prisoner **in view at all times**.
11. The second officer will provide security against escape from a location which will be determined by the condition.
12. If aircraft transportation becomes necessary, federal regulations will be followed.
13. The prisoner will be further restrained by being handcuffed to one of the transporting officers prior to arriving at the airport, through, after leaving the destination airport.
14. The prisoner will not be seated next to an emergency exit of the aircraft.
15. The officer should make arrangements to be seated with the prisoner prior to general boarding of other passengers, and select a seating location as remote as possible from other passengers.
16. Officers are reminded that long term transportations are extremely dangerous and present great opportunity for escape since these situations usually involve the most wanted and dangerous prisoners. All precautions should be taken and the officer must remain alert at all times.

- B. Vehicles with more than 70,000 miles on the odometer or high maintenance vehicles of any mileage shall not be utilized on long term transport.
- C. Officers making long term transports not to include overnight trips shall be given at least \$30.50 or enough money in cash for a meal for him/her and passengers or for other emergencies that may arise.
- D. Officers transporting overnight shall be given an appropriate amount of money to accommodate their needs prior to the transport.
- E. s are to ensure prisoners scheduled for a long term transport shall be fed a full meal within an hour of leaving prior to the transport.

## **VI. IDENTIFICATION**

- A. When a prisoner is transported from one facility to another, it is imperative the transport officers have positive identification on the prisoner. The transport officer is to visually check each prisoner's ID card picture with the prisoner's face, and the name on the ID card to the accompanying transport documentation.
- B. Prior to transporting any prisoner, mental patient or citizen, the transporting officer shall ascertain positive identification of the person being transported. The officer shall ensure all necessary documents and commitment papers accompany the prisoner or mental patient.
- C. If positive identification is questionable, on-duty detention supervisor shall assist the transport officer in identifying the prisoner through jail records or other resources.

## **VII. GUIDELINES FOR PRISONER SEARCHES**

- A. The purpose of prisoner search is to provide for the detention of weapons, contraband, evidence, and items which might be used to aid an escape or used to engender anyone. Each officer taking custody of a passenger is required to complete a search which is as thorough as circumstances permit.
- B. It is required that all items in the possession of in-custody passenger be thoroughly examined. Any item described in this paragraph, shall be removed from the passenger and disposition of the property will be made in accordance with applicable agency or detention facility policy. Any handbag, luggage, pack, duffle bag or other container in the possession of an in-custody passenger will be removed, thoroughly searched and retained by the officer during transport.

C. It is the policy of this agency that all searches and restraining will be accomplished as humanely as possible with the safety of the person in custody, the public and the officer under consideration at all times. Any use of force beyond the absolute minimum required in searching and restraining is strictly prohibited.

D. **In Custody Searches**

1. When a person comes into custody of an officer, that person will be as thoroughly searched as conditions permit. As in all situations, certain factors must be considered by the officer taking the person into custody when deciding the extent to which a search will be conducted. These factors include but are not limited to:
  - a. the gender and age of the person in custody.
  - b. the gender of the officer making the search.
  - c. the crime with which the person is charged or the reason for custody.
  - d. the disposition toward violence displayed by the person in custody.
  - e. the urgency of the situation or the presence of a crowd or other safety factors.
  - f. the conditions present in the area in which the person is being taken into custody, and.
  - g. the physical condition of the person in custody.
2. Factors that will not be considered are:
  - a. the statement of another officer that the person in custody has already been searched.
  - b. the fact that the person in custody has been in custody of another law enforcement officer or has been incarcerated in a holding facility, and
  - c. the fact that the officer taking the person into custody has watched the person being searched by another.

E. **Types of Searches**

Since people are taken into custody under varied conditions, the type of search selected by the officer must be appropriate for the existing situation.

1. *Wall Searches*: In a wall search, the person is placed in a position in which the body is extended at an angle between a vertical object such

as a wall or tree, with his feet on the ground, with the hands placed palms open on the vertical object.

2. *Kneeling Search:* In the kneeling search, the person is to kneel with arms extended to the sides with palms open and the legs crossed over ankles. Once it appears that no weapons are in the prisoner's hands, the prisoner will place the hands behind the back and cross them at the wrist. The kneeling search is generally used when a suitable object is not available for a wall search.
3. *Prone Search:* A prone search should be used when the situation calls for maximum security while searching. The person should lay face down with his head turned away from the officer. The person should spread his/her legs as far apart as possible. The person should place his/her hands behind his/her back, crossed at the wrist with the palms open and facing up.
4. *Multi-Suspect Searched:* There are two types of multi-searches; those with a guard officer and those without. Anytime there are more persons to be searched than officers, a multi-suspect search is recommended. The multi-suspect search without a guard officer is not actually a search. When there is a situation in which the number of subjects is far greater than the number of officers before searching, the subjects may either be laid side by side as in a prone search or placed in a cross body stack. A cross body stack is **not** recommended unless the situation is volatile or attempted escape is probably.

The multi-suspect search with a guard officer is used when the number of officers present creates sufficient safety for a search of the subjects to be performed. In this type search, a guard officer will be stationed at a location at least ten feet away from the closest suspect. The searching officers should approach from the subject's side away from the guard officer. Care will be taken at all times by the search officers not to move between the suspect and the guard officer. The subjects will be laid side by side at a safe distance apart during these searches.

5. *Cursory Searches "Pat downs":* Pursuant to interviews or as circumstances warrant, officers may conduct pat down searches of suspects. This is only done for officer safety.

This is done by the officer patting the outside of the suspect's clothing.

This also includes a “lunge area” around the suspect, as described by current law.

**F. General Search Procedure**

1. The person should normally be turned with his/her back to the officer.
2. The officer should remain a safe distance from the person while the prisoner assumes the proper position.
3. The officer should remember to be in a position to prevent escape at all times.
4. The officer should closely observe the subject before approaching to see that the hands are open and clear and to look for any unusual bulges in the subject’s clothing that might be a weapon or contraband.
5. If the subject is holding anything, the subject should be instructed to place or drop the item while facing away from the officer and to step back from the item. \*After the subject assumes the proper position, the officer should approach cautiously from the rear if possible.
6. The officer should place appropriate restraint devices on the subject before the search commences to ensure the safety of the subject, the officer and the public.
7. While searching the subject, the officer should gain a hold to control the person’s movement.
8. The officer should attempt, at all times, to keep his head and body behind the body of the subject to lessen the chance of attack.
9. The subject will have appropriate restraint devices applied prior to being placed in the transport vehicle unless specified otherwise in this section.

**VIII. TREATMENT OF SUSPECTS, PRISONERS, ARRESTEES**

- A. Suspects, prisoners and arrestees, and mentally ill citizens shall be treated in a fair humane manner. Personnel shall not strike or use any other form of physical force on another except when reasonably necessary to prevent an escape, or in self-defense, or in the prevention of violence to a third party.
- B. Personnel may use force to prevent the malicious destruction of Agency property, prevent the commission of a crime; prevent inmates from making incendiary devices; prevent inmates from hurting themselves such as cutting wrists or hangings; to enforce court orders; or produce inmates for the court.
- C. Safeguarding Persons: Personnel shall be cautious in the arrest and/or detention of suspects, prisoners, and arrestees and others. Officers shall take all necessary precautions for the safety and protection of such persons in order to prevent an escape, or the carrying of weapons on the person after

arrest/detention, or injury to themselves or any other persons, or damage to property.

- D. Safeguarding Property: Members shall take reasonable steps in protection personal property a person may have in his/her possession or under his/her control at the time of arrest/detention or facility transfers.
- E. When to Search: Pursuant to arrest, officers shall search the subject carefully and shall immediately take possession of all weapons, evidence or contraband.
- F. Confiscated property shall be properly stored in accordance with agency policy and procedure.
- G. Officers shall search a suspect, prisoner or arrestee or others in custody **every time** a person is placed in their custody.
- H. Officers at their discretion make cursory searched of suspects or interviewees looking for weapons for the purpose of officer safety, as circumstances warrant.
- I. Search of Female by Male Officers
  - 1. Females should not be searched by male officers unless an immediate search under one of the following conditions appears to be necessary:
    - a. when there is reason to believe the person has in her possession a weapon, a poison, drugs or other like means of causing imminent death or injury to herself or to another, or
    - b. when there is explainable suspicion to believe stolen property is hidden about the person and there is exigent circumstances that it may be disposed of or destroyed.
  - 2. Searches in such emergencies should be made with all possible regard for decency and with a female witness.
  - 3. **Note:** Searches conducted by female officers of males shall be made with all possible regard for decency and with a male witness if possible.
- J. Security of Weapons: Officers shall not place weapons or objects adaptable for use as weapons and capable of inflicting bodily injury or permit such

weapons or objects to remain unattended in any location of place normally accessible to someone in custody of the general public.

## **IX. INTERROGATION**

- A. Except where specifically warranted or directed to do so, transporting officers shall not interrogate or question arrestees, suspects or prisoners while being transported.
- B. A male officer shall not interrogate a female subject or be alone in an interrogation room or place unless he is being observed directly or there is visibility into the room through a glass, or open door or surveillance equipment is operating.

## **X. HEALTH RISKS**

- A. Suspects, prisoners, arrestees, citizens, mentally ill persons or others are considered health risks and all necessary precautions taken if:
  - 1. the person encountered is known to have a contagious condition; or
  - 2. has sores, wounds, or any type body fluid about his/her person;
- B. The officer shall decontaminate all exposed restraining devices, equipment and him/herself prior to going back in service. This includes handcuffs, vehicle seats/passenger compartments, clothing, etc., and all cleanup equipment and items must be properly disposed of.

# PHOENIX SPECIAL POLICE & SAS

TITLE: MISSING CHILD INVESTIGATIONS  
POLICY #: VIII-3 EFFECTIVE DATE: 01-01-2019

## PURPOSE

The purpose of this policy is to establish procedures and guidelines for locating, returning, or determining the well-being of missing children. This shall include children who are considered runaway, abandoned, abducted or any other missing status- **This policy is in place in the event Phoenix Special Police must assume the lead role in this particular investigation, or if this agency is assisting other agencies that do not have an existing policy in this matter; however, these cases should as a general rule be handed over to the local governmental agency if possible.**

## POLICY

The Phoenix Special Police recognizes that missing children are of great concern to the community. This agency holds that every child reported as missing will be considered at risk until significant information to the contrary is confirmed. The agency's prompt and professional response to a missing child report can have a positive effect on the case and the community; therefore, it is the policy of this Office to thoroughly investigate all reports of missing or unidentified children.

## DEFINITIONS

- *Missing Child:* A person who is younger than eighteen (18) years of age, **and** whose whereabouts are unknown to his or her parent, guardian, or responsible party.
- *Unusual Circumstances:* Missing child who is thirteen (13) years of age or younger, **or** whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk, **or** who is believed to be one of the following:
  - Out of "zone of safety" for his or her age, developmental stage, and/or physical condition. The zone of safety will vary depending upon the age of the child. For example, for an infant the zone of safety would include the presence of an adult or custodian, or the crib or stroller in which they were placed. For a school age child, the zone of safety might be the immediate neighborhood or the route taken to school.
  - Mentally diminished.

- Drug dependent, including both prescription and illicit substances.
  - A potential victim of foul play or sexual exploitation.
  - In a life-threatening situation.
  - Absent from home for more than twenty-four (24) hours before being reported to the police as missing.
  - Believed to be with adults who could endanger his or her welfare.
  - Is absent under circumstances inconsistent with established patterns of behavior.
- *Non-family Abduction:* A child who is taken by an unknown individual, through force or persuasion, usually in furtherance of additional victimization.
  - *Family Abduction:* A non-custodial family member flees with a child, usually in direct violation of a court-ordered custody arrangement.
  - *Runaway:* A child, often a teenager, who leaves home voluntarily for a variety of reasons.
  - *Lost or otherwise missing:* A child who becomes separated from parents or caretakers under circumstances not indicating the likelihood of an abduction or voluntary absence.
  - *Thrown-away:* A child whose caretaker makes no effort to recover a child who has run away, or who has been abandoned or deserted.

## **PROCEDURE**

### **I. OVERVIEW**

- A. For the purpose of this procedure, a missing child is defined as any person under the age of eighteen (18) whose location is not know, including any child who may have run away from home, who may have been taken away by their non-custodial parent, or whose whereabouts is otherwise uncertain.
- B. If it is determined that unusual circumstances are involved in the report of a missing child, a thorough investigation, including the use of all appropriate resources, will commence immediately. If appropriate, existing interagency response protocols should be activated including the use of Amber Alert, the

National Center for Missing and Exploited Children (NCMEC), and the National Crime Information Center (NCIC) and N.C. Division of Criminal Information (DCI) computer systems.

## **II. CENTRAL COMMUNICATIONS RESPONSIBILITIES**

Upon receiving a report that a child cannot be located, the telecommunicator who receives the report shall be responsible to:

- A. Obtain as much information about the situation as possible.
- B. Immediately dispatch an officer to the scene of the report.
- C. Notify the on-duty supervisor.
- D. Transmit the appropriate lookouts to surrounding areas.

## **III. INITIAL OFFICERS' RESPONSIBILITIES**

The initial responding officers must take certain specific actions immediately. These actions include:

- A. Respond promptly to the scene of the report. Even if the assigned officer has already been provided with such information, it would still be inappropriate to delay response to the scene to circle through parks or playgrounds. Unless in immediate response to the child's safety or directed by a supervisor, these activities can be handled by other patrol units.
- B. Interview parent(s) or person making the initial report.
- C. Obtain description of the missing child and a recent photograph.
- D. Verify that the child is in fact missing. First responders should never assume that searches conducted by distraught parents and others have been performed in a thorough manner. A search of the home should be conducted even if the child was last seen elsewhere. Officers should be advised that small children may and refuse to answer people calling their name. The physical search should start with the home of the missing person, and spiral outward. Special attention should be paid to enclosures like refrigerators and parked vehicles where limited breathing air may place the child at even greater risk. In the case of older children, the officer should ask if parents have checked with the child's friends or perhaps overlooked or forgotten something the child may have said that would explain the absence.
- E. Notify supervisor and surrounding units of the status and description.
- F. Confirm the child's custody status. Questions regarding whether the reporting party has full legal custody, or if the non-custodial parent has been contesting custody, or if the missing child expressed a wish to live with the other parent, may help an officer gain important insight into the case.
- G. Identify circumstances of the disappearance. The initial officer should ascertain whether the circumstances surrounding the child's disappearance

are such that a heightened level of response is warranted. If “unusual circumstances” exist, as previously defined in this policy, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing child’s safety in mind and act accordingly.

- H. Determine when, where, and by whom the child was last seen. This information will be used to determine factors such as abduction time, windows of opportunity and information verification. Comparison of information gathered from the reporting party, witnesses, and other sources may prove vital to case direction.
- I. Interview the individual(s) who last had contact with the child, or advise an additional officer to conduct the interview. While seeking information about the child’s appearance, demeanor and actions, officers should be alert to contradiction or evasiveness by the witness, especially if these statements cannot be readily substantiated.
- J. Identify the child’s zone of safety for his or her age and developmental stage. This zone may define the first search zone. Responding officers should attempt to determine how far the child could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation.
- K. Make an initial determination of the type of incident. Officers must be cautious in “labeling” or classifying a missing child case, since the classification process will affect the way in which initial information or evidence is gathered. Even if first indications suggest a “less urgent” incident, officers should consider all possibilities until the case category is clearly determined.
- L. Obtain a description of the suspected abductor(s) and other pertinent information. Officers should record witness information immediately, not only for general investigative use, but also before witnesses forget, or speak to others who may confuse or make suggestions about what was actually observed. If the abduction scene involves a business or other public place, officers may be able to supplement witness information with video from security cameras that might provide crucial information about suspects, vehicles, and circumstances. In the case of a suspected family abduction, the reporting party may have photographs of the abductor or other information.
- M. Provide detailed descriptive information to communications for broadcast updates.
- N. Identify and interview everyone at the scene.
- O. Secure and safeguard the area as a potential crime scene. Establish control over the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence. In addition, external crime scenes, the child’s home, and particularly his or her bedroom, should be secured and protected until evidence and identification material are collected.

- P. Prepare necessary reports. Information gathered by the first responding officer may be instrumental in the eventual case solution. To record this important information, officers should prepare a chronological account to their involvement and actions in the case from time of assignment to the point of dismissal. Reports should include everything, not just those events that seem to have a direct bearing on the case.

#### IV. ON-DUTY SUPERVISOR'S RESPONSIBILITIES

- A. Contact on-call Administrator and Supervisor of Crime Investigation Division (CID).
- B. Contact Crime Scene Investigation (CSI) and Detective on-call personnel.
- C. Contact the SBI regional office.
- D. Obtain a briefing from the first responding officer and other personnel at the scene. The briefing should allow the supervisor to determine the scope and complexity of case and develop an appropriate response. The briefing should be conducted away from the family, friends, or any other non-police personnel. Private briefings will allow officers to speak freely about the events and to pass along initial impressions and opinions that might be misconstrued by others.
- E. **Determine the correct NCIC Missing Person File category and ensure that a notification is promptly transmitted.** *Note: The National Child Search Assistance Act of 1990 mandates law enforcement's immediate response to reports of missing children and the prompt entry of descriptive information into the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) Missing Person File.*
  - 1. There are 5 categories within the Missing Person File that apply to children. They are disability, endangered, involuntary, juvenile, and catastrophe. Simply because the child is younger than 18 does not require that the juvenile category be used.
  - 2. The circumstances of the disappearance should govern category selection. (Note: NCIC suggests that family and non-family abductions be entered in the involuntary category. Runaways are most commonly entered in the juvenile category unless unusual circumstances exist.)
- F. **Determine if the case meets alert criteria for Amber Alert.** A request for activation of an Amber Alert must be made as soon as possible after the abduction is reported (within four hours of abduction is ideal).
  - 1. There is a confirmed child abduction, **and**
  - 2. The circumstances surrounding the abduction indicate that the child is in imminent danger of harm or death, **and**

3. The child is 17 years of age or younger, **and**
4. There is enough descriptive information to believe that an immediate broadcast alert will help recover the child.

- G. **Contact the National Center for Missing and Exploited Children (NCMEC) 24 hour Hotline at 1-800-THE-LOST.** This organization will assist local law enforcement agencies with missing child cases requiring an emergency response in many ways and at no cost, such as case management and analysis, imaging and identification services and other technical assistance, photo/poster preparation and distribution, television public service announcements, family advocacy and reunification services, and prosecutorial assistance. “Project Alert” provides retired law enforcement officers who volunteer their skills and time to assist investigators when needed, and “Team Adam” provides specially trained volunteer consultants to assist and advise law enforcement agencies and service as a daily liaison with NCMEC concerning the progress of investigations.
- H. Determine if additional personnel and resources are needed to assist in the investigation. Mobilize all resources available that could be of help in locating the subject. Resources to consider include:
1. Coordinating with the Department’s PIO for contacting the news media and asking for a camera crew and/or reporter;
  2. Requesting assistance from the fire department, public works department and other resources to aid in a search.
  3. Requesting assistance from other law enforcement agencies.
  4. Requesting a law enforcement canine unit, when appropriate.
  5. Requesting law enforcement air support to assist in a search.
  6. Requesting search assistance from volunteer groups.
- I. Establish a command post. As a general rule, the command post should be close enough to the center of activity to facilitate control and coordination, but sufficiently part to allow a free exchange of ideas among responders. Using the victim’s home as a command post is not recommended.
- J. Organize and coordinate search efforts. Determine the child’s safety zone and begin a perimeter search in that area. Expand the perimeter if the initial search is unproductive. A supervisor may appoint a search operation coordinator who can oversee the search effort so that the supervisor can remain available to manage the entire operation.
- K. Establish a liaison with the missing child’s family. This task may be passed on to the juvenile detective upon their arrival.

- L. Ensure that all departmental policies and procedures are observed.
- M. Verify child's missing status by assigning personnel to make immediate checks of the child's school, local commercial establishments frequented by the child, and friends' homes.

## **V. INVESTIGATOR'S RESPONSIBILITIES**

- A. Obtain a briefing from agency personnel at the scene. This briefing should be conducted prior to interviews with family members of the missing child or witnesses who may have been identified during the initial stage of the case. Its objective is to assist the detective in formulating an effective interview strategy.
- B. Verify the accuracy of all descriptive information. The verification process should include all details developed during the preliminary investigation. During the interview process the detective should be alert to the facts or statements that conflict with those gathered by the first responder.
- C. Conduct neighborhood investigation. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all persons within the abduction zone who may provide information related to the incident. Investigators should use a standardized set of questions to insure completeness and uniformity of information and facilitate establishment of a database to track leads. Records should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. The juvenile detective or designee shall be responsible for providing officers with uniform checklist and neighborhood canvas question forms.
- D. Obtain a brief history of recent family dynamics. Information about the family from family members, neighbors, teachers, classmates and witnesses can offer valuable insight. Background checks on family members should also be obtained and evaluated.
- E. Explore the basis for conflicting information. After preliminary investigations have been completed, officers should "compare notes" with detectives and the first responder to identify and work through conflicting information. This collaborative evaluation will provide the investigative staff with a solid foundation upon which to structure the direction of the case.
- F. Implement effective case management.

- G. Evaluate the need for additional resources and specialized services.
- H. Update descriptive information. If it appears that the case will not be resolved promptly, investigators should ensure that the descriptive records, especially that entered into the DCI/NCIC Missing Person File, is updated to include scars, marks, tattoos, fingerprints, entail characteristics, along with additional articles of clothing, jewelry, or unique possessions.
- I. Determine past runaway behavior, presence of behavioral problems, indicators of abusive relationships at home.
- J. Provide the parent(s) or legal guardian with the 24-hour State of North Carolina Clearinghouse for Missing and Exploited Children.
- K. Notify the Department of Social Services (DSS). The investigator should request access to any relevant information on the missing child, including: whether or not there is an active case; the name of any case worker; any previous missing incidents; any previous

## **VI. FOLLOW-UP INVESTIGATION**

- A. If a missing child is not immediately located, the Lieutenant of the Criminal Investigation Division (CID) will be responsible to assign appropriate personnel to conduct a follow-up investigation.
- B. The investigating officer will request that all parents/guardians complete a CVSA or polygraph examination. A similar request may also be made to other relatives or persons who last saw the missing child.
- C. The investigating officer will continue to make reasonable efforts to acquire additional and ongoing information about the missing child following transmittal of the initial information available, and promptly integrate any additional information acquired into the DCI/National Crime Information (NCIC) computer systems.
- D. When a missing child has not been located within seven (7) days after the date on which the missing child report was filed, the investigating officer shall request the dental records of the missing child from the missing child's parents or guardian. The dental records shall then be entered into the CDI/NCIC computer system.
- E. Continue to utilize the resources of the National Center for Missing and Exploited Children (NCMEC); this organization has the ability and expertise to review and evaluate long-term cases and offer suggestions and strategies

as to new or different approaches that might be implemented in the ongoing investigation.

## **VII. LOCATION OF MISSING CHILD**

- A. When a missing child has been located, the investigating officer will verify that the located child is, in fact, the reported missing child.
- B. The investigator will immediately set up an interview with the child. The interview will be conducted in person (not by phone) to ensure the well being of the child, to gain intelligence about possible predators, and to prevent future episodes. The interview will be documented in the case file. “Crossroads” will be utilized if possible.
- C. The investigator should arrange for intervention services if needed. During the verification interview, the officer should be alert for indications that additional services may be needed before the child can safely remain with the family. These services may include mental and/or physical health examinations and arrangements for family counseling.
- D. All outstanding notifications shall be cancelled, including DCI/NCIC Missing Person file entry.
- E. All supplemental reports will be completed, including a supplemental report that describes the child’s activities while missing and the circumstances of the recovery/return.



# **PHOENIX SPECIAL POLICE & SAS**

**TITLE:** CHECKPOINTS  
**POLICY#:** VIII-4 **EFFECTIVE DATE:** 01-01-20

**PURPOSE:** The purpose of this policy is to establish guidelines and procedures for members of the Phoenix Special Police to conduct suspicion less seizures of vehicles at vehicle checking stations (checkpoints).

**Phoenix Special Police will only participate as part of a mutual aid request from a qualified agency. All officers will follow the lawful instructions of the requesting agency supervisor. This section is intended to educate and establish this agency's minimum standards and expectations regarding officer conduct/safety, public/client safety, and the lawful/responsible execution of his or her duties while participating within the scope of a mutual aid request.**

**POLICY:** It shall be the policy of the Phoenix Special Police that all stations will be conducted in accordance with state and federal law and that the site for every checkpoint will be selected with due regard for the safety of all motorists and officers operating the checking station.

## **PROCEDURE:**

### **I. REQUIREMENTS FOR ALL CHECKING STATIONS**

- A. The site for every checking station shall be selected with due regard for the safety of motorists and the members operating the checking station. Sufficient distance must be provided to allow a motorist traveling at the speed limit to stop his/her vehicle in a normal manner under the existing conditions. No checking station shall be conducted without at least two uniformed members present and at least one marked Phoenix Special Police vehicle.
- B. All checking stations shall be marked by signs and/or activated emergency lights, marked Phoenix Special Police vehicles parked in conspicuous locations, or other ways to ensure motorists are aware that an authorized checking station is being conducted. Blue lights, on at least one Phoenix Special Police vehicle, shall be operated at all times.
- C. With the exception of Special Operations checking stations, all checking stations shall provide for the stopping of every vehicle. Individual members

shall not vary from this policy, except that the member in charge of the checking station may allow variance from this requirement if traffic congestion or other factors are creating a hazard. The member in charge may then authorize all vehicles to pass through the checking station until there is no longer a hazard. The member in charge is authorized to terminate a checking station at any time a determination is made that this operation is creating a hazard.

- D. Checking stations shall be operated so as to avoid unnecessary traffic congestion and delay to motorists.
- E. Adequate area must be available off the traveled portion of the highway to allow for the safety of motorists when enforcement action is taken.
- F. Phoenix Special Police vehicles must be parked to allow access to the highway for pursuit in any direction.

## II. STANDARD CHECKING STATION

- A. Members may conduct checking stations to determine compliance with motor vehicle laws. Examples for which this type of checking station may be used include verification of drivers' licenses, vehicle registration checks, insurance checks, seat belt compliance checks and driving while impaired checks.
- B. All standard checking stations, day or night, shall be approved, in writing, by a Phoenix Special Police supervisor or their designee. A supervisor or designee shall designate the purpose, location and approximate time of operation of the checking station. The placement of check points should be random or statistically indicated, and, unless statistically indicated, supervisors or their designees shall avoid placing checking stations repeatedly in the same location or proximity. Supervisors or their designees shall use a **Checking Station Authorization Form**, a copy of which is attached to this policy for reference, to document authorization of such checkpoints.
- C. A supervisor or designee who authorizes establishment of a checking station shall specify on the Checking Station Authorization Form whether drivers shall be asked to produce a driver's license, proof of registration, insurance information, or any combination thereof. The driver of every vehicle stopped shall be asked to produce the document(s) specified and members of this agency working the checking station shall have no discretion to deviate from this pattern unless the member has some reasonable suspicion to investigate further.

- D. If a member determines there is a reasonable suspicion to believe that a driver of other vehicle occupant has violated a provision of N.C.G.S. Chapter 20 or any other provision of law, the member may detain the driver or occupant for a reasonable period of time in order to investigate further.
- E. Regardless of the designated purpose of the checking station, the operator of any vehicle stopped at the checking station may be requested to submit to an alcohol screening test under N.C.G.S. 20-16.3 if, during the stop, the member determines the driver has previously consumed alcohol or has an open container of alcoholic beverage in the vehicle. Members may consider the results of any alcohol screening test or the driver's refusal to take an alcohol screening test in determining if there is reasonable suspicion to investigate further.
- F. Specific written directions may be provided for a particular checking station. When issued by a supervisor or their designee, these written directions shall be considered additional policy for that particular checking station.
- G. Standard checking stations shall comply with the United States and North Carolina Constitutions and shall be conducted in accordance with the provisions of N.C.G.S. 20-16.3 A.

### **III. INFORMATIONAL CHECKING STATION**

- A. Members may conduct informational checking stations for the purpose of seeking motorists' assistance in solving a crime. This type of checking station may be appropriate in case involving death or serious injury and where motorists may be able to provide pertinent information to help identify the offender or otherwise provide pertinent information related to the death or injury.
- B. A supervisor or designee shall approve in advance an informational checking station. The authorizing supervisor or designee shall designate the purpose, location and approximate time of operation of the informational checking station. This authorization does not have to be in writing but the informational checking station must be conducted in accordance with this policy.
- C. Because an informational checking station is not designed to determine whether a vehicle's occupants are violating a provision of the motor vehicle law, drivers shall not be asked to produce a drivers' license or any other documentation. If, however, during the course of the stop a member determines there is reasonable suspicion to believe that a driver or other

vehicle occupant has violated a provision of N.C.G.S. Chapter 20 or any other provision of law, the member may detain the driver or occupant for a reasonable period of time in order to investigate further and the operator of any vehicle may be requested to submit to an alcohol screening test under N.C.G.S. 20-16.3 if, during the stop, the member determines the driver has previously consumed alcohol or has an open container of alcoholic beverage in the vehicle.

#### **IV. SPECIAL OPERATIONS CHECKING STATION**

- A. The Chief or his designee may approve a Special Operations checking station when it is determined that a Special Operations checking station may likely result in the apprehension of a suspect who poses a danger to life and property or the rescue of a hostage or abducted person. The Special Response Team may also be deployed to a Special Operations checking station. This authorization does not have to be in writing but the checking station must be conducted in accordance with this policy. The authorization should include the location, equipment, time, and operation of the Special Operations checking station.
- B. When a suspect sought to be apprehended by the Special Operations checking station has a hostage or abducted person in the vehicle or the member reasonably believes a hostage or abducted person is in the vehicle, the priority shifts from apprehending the suspect to preserving the life of the hostage or abducted person.
- C. Members operating a Special Operations checking station shall position themselves and their Phoenix Special Police vehicles in a manner that will provide a tactical advantage and maximize officer safety.
- D. Members shall wear their body armor at all times while operating the Special Operations checking station.
- E. Supervisors should closely monitor the Special Operations checking station for the purposes of ensuring officer safety and updating information.

#### **V. MULTI-AGENCY CHECKING STATION**

Checking stations involving other agencies or law enforcement officers not employed by the Phoenix Special Police must be approved by the Chief or his designee and conducted in accordance with the provisions of this policy. Law enforcement agencies assisting the Phoenix Special Police in a multiagency checking station, where the assisting agency does not have territorial jurisdiction,

must have a mutual aid assistance agreement in place with the Phoenix Special Police.

## **VI. PREPARATION**

When a checkpoint has been authorized, the officer-in-charge shall:

- A. Hold a briefing prior to the beginning of the operation for all participating officers, during which the purpose, specific rules, location, and duration of the checkpoint will be stated, and an opportunity for questions by participants will be given.
- B. Consider the following:
  - 1. Area chosen, based on the frequency and nature of vehicle accidents, street configuration, traffic volume, and other such factors
  - 2. Estimated traffic conditions during the checkpoint
  - 3. Likelihood of Chapter 20 violations
  - 4. Convenience/inconvenience to the general public
  - 5. Assignments for all involved officers
  - 6. Any necessary contingency planning
  - 7. Provisions and guide lines for pursuing and stopping vehicles, issuing citations, conducting field sobriety testing, and making investigative detentions and arrest
- C. Ensure that an adequate number of personnel are assigned to the operation.
  - 1. *Note:* Normally, one officer per lane of travel is sufficient unless the volume of traffic indicates the need for additional officers. When deemed necessary, there should be at least one officer designated as a pursuit vehicle.
- D. Advise Central Communications of the operation's time, location, and the radio numbers of the officers assigned to the operation. Radio contact with Central Communications shall be maintained throughout the checkpoint as is feasible and necessary.
- E. Assure that all participating officers are in full dress uniform and have all necessary equipment, to include:
  - 1. Hat
  - 2. Reflective vest
  - 3. Protective vest

4. Citation book
5. Flashlight
6. Flares and traffic cones (as needed)

**F. VEHICLE PURSUITS**

If an officer must leave the area of the checkpoint location to pursue a vehicle which appears to be avoiding or attempting to elude the checking station, the officer shall follow the standard vehicle pursuit policy and procedure requirements of this agency.

**VII. PROHIBITED LOCATIONS**

Normally, checkpoints will not be located in the immediate vicinity of a Director business, hospital, or other institutions between the hours of 0700 to 0900 and 1600 to 1800, Monday through Friday, or near a religious institution during worship hours.

**VIII. REPORTS AND AUTHORIZATION FORM DISTRIBUTION**

Supervisors in charge of a checkpoint, or their designee, will be responsible for ensuring that all necessary forms and reports are completed by the participating officers and that same are routed properly to the appropriate personnel for recordkeeping and informational purposes. The original copy of the Checking Station Authorization form shall be forwarded to the Supervisor of Patrol, who shall maintain these forms and make copies of same as needed for court and/or public records request purposes.



**PHOENIX SPECIAL POLICE STANDARD VEHICLE  
CHECKING STATION AUTHORIZATION FORM**

Member(s) is (are) authorized to conduct a Checking Station as follows:

<b>Primary Purpose</b>				
<input type="checkbox"/> Driver's License	<input type="checkbox"/> Registration	<input type="checkbox"/> Seatbelt	<input type="checkbox"/> Insurance	<input type="checkbox"/> DWI

<b>Location</b>

<b>Alternate / Secondary Location</b>

<b>Checking Station</b>	
Date:	
Time:	

The minimum number of members required to be present to conduct the Checking Station is \_\_\_\_\_ based upon the location, date, and time of the Checking Station.

<b>Member shall ask the driver of every vehicle for the following:</b>		
<input type="checkbox"/> Driver's License	<input type="checkbox"/> Registration	<input type="checkbox"/> Insurance

<b>Additional Specific Checking Station Instructions</b>

Vehicle Checking Stations shall be operated pursuant to Policy # VIII-4, Phoenix Special Police Policy and Procedure Manual.

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Authorizing Supervisor Signature

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Date

Checking Station Authorization Form.doc

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: SUSPECT IDENTIFICATION PROCEDURES**  
**POLICY#: VIII-5 EFFECTIVE DATE: 02/15/2007**

**PURPOSE:** The purpose of this policy is to establish guidelines for members of the Phoenix Special Police to conduct suspect identification procedures.

**POLICY:** During the course of an investigation, it may become necessary to conduct procedures that allow victims, witnesses, and/or undercover officers to identify the perpetrator(s) of crime(s) being investigated. Several different methods, such as Showups Photographic Lineups, and Physical Lineups are utilized to accomplish this. It shall be the policy of the Phoenix Special Police to establish which allow such procedures to be conducted in a fair, consistent, and impartial manner in order to provide the greatest accuracy, validity and reliability as possible or such procedures.

## **PROCEDURE:**

### **I. SHOWUP PROCEDURES**

A showup is the presentation of a suspect to an eyewitness of a crime, usually a short time and in close proximity to where and when the crime was committed. A photo lineup is preferable to a showup; however, in the event a showup is conducted the following guidelines should be followed:

- A. Showups should only be used when circumstances require the prompt display of a single suspect to a witness. In such instances, the suspect should be encouraged to consent to voluntary detainment to participate in a live lineup, or to consent to being photographed for use in a photo lineup.
- B. Showups should only be conducted when a suspect matching the description of the perpetrator is located in close proximity in time and place to the crime. A description of the perpetrator should be documented prior to the showup.
- C. The victim/witness should always be transported to the location of the detained suspect for a showup presentation.
- D. Showups should not be conducted with more than one witness present at a time.
- E. If there are multiple witnesses and one witness makes an identification during a showup, the remaining witnesses should be utilized for another identification procedure.

- F. Words or conduct of any type that may suggest to the witness that the individual being shown to him/her is or may be the perpetrator should be carefully avoided.
- G. Witnesses should be given a cautionary instruction that the individual being shown may not be the perpetrator.

## **II. PHOTOGRAPHIC (PHOTO) LINEUP PROCEDURES**

A photographic lineup is the presentation of a series of photographs to a victim or witness in an attempt to identify the perpetrator of a criminal act. In utilizing the photo lineup, officers should make every effort to insure that the selection and presentation of photographs to victims and witnesses is done in a fair and impartial manner. Officers should be adequately prepared to explain the preparation and presentation of such lineups. The following policy shall be followed during this procedure:

- A. A photo lineup shall consist of a minimum of six photographs. One photograph will be of the suspect; the remaining five photographs will be used as “fillers”.
- B. The primary source for photo lineups will be the Phoenix Special Police jail database; when feasible other databases or sources may be used when necessary or more practical.
- C. No more than one suspect photograph will be used in a lineup at a time. If a case involves more than one suspect, a separate photo lineup must be created. When showing a new suspect, using the same “filler” photos in lineups shown to the same witness will be avoided.
- D. In all photo lineups physical features of each filler should be similar to the suspect’s description, such as race, hair, skin color and skin tone. There should not be any marking or notations on a photograph that would make it stand out from other photographs in the lineup.
- E. Photo lineups must be reviewed for consistency and accuracy by a supervisor before it is shown to a victim or witness. Supervisors will indicate that the lineup has been reviewed on an Phoenix Special Police Victim/Witness Photo Lineup Advisal Form.

- F. The individual conducting the photo lineup will not know the identity of the suspect. The investigating officer will supply the suspect and filler photos to the presenter. This is called a double-blind procedure, and is done to reduce misidentifications due to unintentional influences by the presenter.
  
- G. Photographs shall be presented to witnesses sequentially, rather than simultaneously. Sequential presentation requires each photo to be presented to a witness separately and in a previously determined order, not simultaneously or all at once.
  
- H. After the victim/witness has had an opportunity to view a photograph and has notified the officer as to whether the photograph presented is that of the offender, that photograph will be removed before another photograph is presented.
  
- I. If the victim/witness does not make an identification, the presenter may ask “*Would you like to look at the lineup again?*” It is permissible to show the lineup again, in which case it shall be documented in the case that the victim/witness did not make an identification in the first presentation, and that the lineup was presented a second time.
  
- J. If the victim/witness does ask to see one specific photo a second time, such is permissible but must be documented. If the victim/witness asks to see more than one photo from the lineup again, the entire lineup shall be presented a second time.
  
- K. The officer presenting the lineup must adequately explain the lineup process to the victim/witness prior to the presentation of any photographs. To accomplish this, the officer shall utilize an Phoenix Special Police Victim/Witness Photo Lineup Advisal Form. When this form has been read to the victim/witness, the time, date, presenter’s name, the victim/witness’s name and the location where the photo lineup was presented (Phoenix Special Police, victim/witness residence, etc.) will be noted on this form.
  
- L. The victim/witness will indicate on the Phoenix Special Police Victim/Witness Photo Lineup Advisal Form whether they were or were not able to identify the suspect by initialing the form in the appropriate space. The presenting officer may ask the victim/witness to describe his/her

certainty about any identification that is made and should record that victim/witness's exact response on the advisal form and in a supplemental report to follow the identification procedure.

- M. When the lineup process is completed, the presenting officer will note the beginning and ending times and indicate same it on the advisal form.
- N. In the event that more than one suspect exists, a separate photo lineup will be created for each suspect. If multiple lineups are presented to a victim/witness, this procedure will be repeated for each viewing.
- O. If more than one victim/witness exists, a separate photo lineup will be presented to each. Victims/witnesses are not permitted to view lineups at the same time.
- P. Officers should not allow the victim/witness to discuss the identification procedure with anyone else before, during or after the lineup procedure.
- 1. Officers shall not make any comments, gestures or statement that could in any way influence the outcome of the lineup process.
- Q. After photographs in any photo lineup have been viewed by any victim or witness, whether a positive identification is made or not, the lineup photos shall each be marked by the presenting officer denoting the order in which they were shown. In the event that a positive identification was made, the victim/witness shall not the date and time the identification was made, and place his/her signature on the reverse side of the suspect photograph identified by him or her.
- R. The original of all photo lineups used with all victims and/or witnesses during an investigation will be submitted into evidence, regardless of whether a positive identification was made or not. A "working copy" of any lineup used during an investigation may be made to assist the investigating officer(s) with that investigation, but may not be used with any victim or witness.

- S. Separate photo lineups may be constructed using copies of the same suspect and “filler” photographs for different victims and/or witnesses; all such lineups presented for viewing shall be marked and placed into evidence as described above.
- T. The person that constructs the photo lineup, as well as the person that presents the lineup, must submit a supplemental report documenting their involvement in the lineup procedure.
- U. Victims/witnesses will not be told if they identified the correct suspect, as such, could interfere with future identification procedures.
- V. Any lineup presentation made by any member of this agency at the request of an outside agency will be conducted in accordance with this policy.

### **III. PHYSICAL LINEUP PROCEDURES**

A physical lineup is the presentation of several individuals to a victim or eyewitness of a crime, in an attempt to identify the perpetrator of a criminal act. Physical lineups shall always be conducted in conjunction with a representative of the District Attorney’s Office. The following guidelines should be used in conducting a physical lineup:

- A. At least six persons-one suspect and five “fillers”, will participate in this type of lineup. All participants will be of the same race and sex and shall be similar in height, weight, hair color, hair style, facial hair, and clothing. Other characteristics such as glasses shall also be taken into consideration. Participants who know, or could be known, by witnesses will not be used.
- B. All physical lineup procedures will be documented by videotape and logged as evidence in the case. The Crime Scene Investigation Unit will assist in the photographic documentation of such lineup procedures, which will consist of frontal and profile photographs of all participants and videotaping of the entire procedure.
- C. Only one suspect will be used in a physical lineup at one time. If a case involves more than one suspect, a separate physical lineup must be created.

- D. Physical lineups will be reviewed for consistency and accuracy by a supervisor and a representative from the District Attorney's Office before being presented to a witness.
- E. The presenting officer shall be certain to adequately explain the physical lineup process to the victim/witness prior to its presentation. To accomplish this, this officer shall utilize the Phoenix Special Police Victim/Witness Physical Lineup Advisal Form. When the explanations have been read to the victim/witness, the time, date, officer's name, and location at which the physical lineup is presented, shall be noted on this form.
- F. The person conducting the physical lineup shall be independent of the investigation and should not know the identity of the suspect. This is called a *double-blind* procedure, and is done to reduce misidentifications due to unintentional influences by the presenter.
- G. Individuals shall be presented to witnesses sequentially-i.e. one at a time, and not simultaneously. Sequential presentation requires each person to be presented to the victim/witness separately, in a previously determined order.
- H. The suspect should be allowed to choose his/her position in the lineup. If he/she will not choose a position, then this will be done at random; a suspect shall never be placed in the first position of a lineup, however.
- I. Any "filler" participants must not indicate which person the suspect is. Use of police personnel in the lineup should only be used as a last resort.
- J. Participants may be asked to repeat certain words or phrases that were spoken during the crime, but all words and phrases must be consistent by the participants.
- K. The victim/witness will indicate on the Phoenix Special Police

Victim/Witness Physical Lineup Advisal Form whether he/she was or was

not able to identify the suspect by initialing this form in the appropriate space. When the physical lineup process is complete, the presenting officer will indicate such on this form.

#### **IV. RIGHTS OF PARTICIPANTS IN LINEUPS**

- A. Show-ups should only be used when circumstances require the prompt display of a single suspect to a witness, e.g., when not enough probable cause exists for detention long enough to construct a complete physical lineup, or when public safety concerns exist.
- B. Suspects who are not in custody must consent to voluntary detainment to participate in a live lineup, or to being photographed for use in a photo lineup. In such instances, a written consent indicating that this subject is a willing participant in the lineup or photographic session without promises, threats, pressure, or coercion must be obtained which is signed and dated by the suspect. If a non-custodial suspect refuses to participate in a lineup or have his/her photograph taken, a non-testimonial order of identification or search warrant, must be obtained in order to carry out this procedure with that suspect.
- C. No person has a right to have a lawyer present at any photographic identification procedure.
- D. Certain rights are afforded to suspects who are required to stand in a physical lineup. If a suspect has been arrested, he/she must be advised of his/her right to counsel during the lineup procedure. If such a custodial suspect agrees to participate in a physical lineup, a consent form should be obtained. However, suspects who are in custody cannot refuse to participate in a lineup, and can be required to talk, walk, stand, wear particular clothing or disguises, or to make certain gestures that were observed during the crime. Due process requires that if one participant is required to do, say, or act in a certain manner, all participants must do the same thing. Attorneys will be permitted to observe such lineup procedures and may give counsel and advice to a client before such procedures, but will not be allowed to interfere with the lineup procedure itself once it has begun.

#### **V. IDENTIFICATION OF SUSPECTS DURING UNDERCOVER OPERATIONS**

- A. During undercover operations, the investigating (case) officer is responsible for having the suspect of a drug or other contraband purchase identified by

the undercover officer on the same day as the purchase, or as soon after the purchase as is possible. This identification will be made by a photographic or personal viewing of the suspect by the undercover officer.

- B. Further identification of the suspect by the undercover officer will be made on the day of the arrest of the suspect. This identification will be made in person either directly face to face or via a one-way mirror or other means of concealed viewing, as is necessary and appropriate in the judgment of the supervisor of this operation.
- C. No person has a right to have a lawyer present at any photographic identification procedure.
- D. Certain rights are afforded to suspects who are required to stand in a physical lineup. If a suspect has been arrested, he/she must be advised of his/her right to counsel during the lineup procedure. If such a custodial suspect agrees to participate in a physical lineup, a consent form should be obtained. However, suspects who are in custody cannot refuse to participate in a lineup, and can be required to talk, walk, stand, wear particular clothing or disguises, or to make certain gestures that were observed during the crime. Due process requires that if one participant is required to do, say, or act in a certain manner, all participants must do the same thing. Attorneys will be permitted to observe such lineup procedures and may give counsel and advice to a client before such procedures, but will not be allowed to interfere with the lineup procedure itself once it has begun.

## **VI. IDENTIFICATION OF SUSPECTS DURING UNDERCOVER OPERATIONS**

- A. During undercover operations, the investigating (case) officer is responsible for having the suspect of a drug or other contraband purchase identified by the undercover officer on the same day as the purchase, or as soon after the purchase as is possible. This identification will be made by a photographic or personal viewing of the suspect by the undercover officer.
- B. Further identification of the suspect by the undercover officer will be made on the day of arrest of the suspect. This identification will be made in-person either directly face to face or via a one-way mirror or other means of concealed viewing, as is necessary and appropriate in the judgment of the supervisor of this operation.

- C. The investigating (case) officer will be responsible for insuring that a photograph of any suspect arrested as a result of an undercover operation is made on the day of the arrest of that suspect, and that a copy of this photograph is placed in the investigative file until such time that the case is properly adjudicated.
- D. In circumstances in which the suspect is arrested and the undercover officer is not available and/or in which the investigating officer(s) for the undercover operation was not aware or notified of such arrest(s) until a later date (e.g.,  
  
where the suspect was arrested in another jurisdiction, or was arrested on a warrant which had been placed in this agency's "hot file"), it shall be permissible for the undercover officer to identify the suspect from a photograph made at the time of his/her arrest.
- E. The investigating (case) officer will be responsible for submitting supplemental report into the case file documenting the date, time, and results of these identification procedures by an undercover officer.
- F. In situations in which a photographic identification of a suspect is made by an undercover officer, notations will be made on the photograph identified by the undercover officer as to the date and time of the identification, the case file (OCA) number, and the signature or initials of the undercover officer and the case officer. This photograph will be retained in the case officer's investigative file until such time that the case is properly adjudicated.
- G. Confidential, reliable, informants (cri) who are utilized in undercover operations to establish probable cause for the arrest of suspects shall follow the same restrictions and requirements as are set out in this policy regarding photographic lineup procedures when photographs are used for the purpose cri identifying a suspect, and shall follow the same procedural restrictions and requirements regarding direct or indirect in-person viewing of suspects when that means of identifying a suspect by a cri is utilized.

**PHOENIX SPECIAL POLICE**

**Victim/Witness Photo Lineup Advisal Form**

I am about to show you a series of photographs. The person who committed the crime we have discussed may or may not be included. I do not know whether the person being investigated is included in this series or not. Even if you do identify someone during this procedure, I will continue to show you all of the photographs in this series.

Keep in mind that features such as hairstyles, beards and mustaches can easily be changed and that the skin complexion of persons can look different in photographs.

You should not feel like you have to make an identification. This procedure is important to this investigation whether or not you identify someone.

The photographs will be shown to you one at a time and are in no particular order. Take as much time as you need to look at each photograph. After each photograph, I will ask  
*“Is this the person you saw \_\_\_\_\_, Yes or No?”*  
(Insert Crime)

Because you are involved in this ongoing investigation, in order to prevent damaging the investigation you should not discuss this identification procedure or its results with anyone other than the officers involved with this investigation.

*“I have read these instructions, or they have been read to me, about the way this lineup procedure will be conducted. I understand these instructions and I will follow them while reviewing the photographs which will be presented to me.”*

Victim/witness (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Presenting officer (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Investigating officer (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Reviewing Supervisor (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

**PHOENIX SPECIAL POLICE**

Lineup presentation beginning time: \_\_\_\_\_ ending time: \_\_\_\_\_

Positive identification made:  Yes  No

OCA # \_\_\_\_\_

Victim/Witness Photo Lineup Advisal Form.doc

**Victim/Witness Physical Lineup Advisal Form**

I am about to show you a series of individuals. The person who committed the crime we have discussed may or may not be included. I do not know whether the person being investigated is included in this series or not. Even if you do identify someone during this procedure, I will continue to show you all of the individuals in this series.

Keep in mind that features such as hairstyles, beards and mustaches can easily be changed.

You should not feel like you have to make an identification. This procedure is important to this investigation whether or not you identify someone.

The individuals will be shown to you one at a time and are in no particular order. Take as much time as you need to look at each one. After each individual, I will ask

*“Is this the person you saw \_\_\_\_\_, Yes or No?”*

If you answer “yes” I will then ask you *“Can you describe how sure you are?”*  
(Insert Crime)

Because you are involved in this ongoing investigation, in order to prevent damaging the investigation you should not discuss this identification procedure or its results with anyone other than the officers involved with this investigation.

*“I have read these instructions, or they have been read to me, about the way this lineup procedure will be conducted. I understand these instructions and I will follow them while reviewing the individuals who will be presented to me.”*

Victim/witness (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Presenting officer (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

**PHOENIX SPECIAL POLICE**

Date \_\_\_\_\_ Time \_\_\_\_\_

Investigating officer (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Reviewing Supervisor (printed name) \_\_\_\_\_ (signature) \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

Lineup presentation beginning time: \_\_\_\_\_ ending time: \_\_\_\_\_

Positive identification made:  Yes  No

OCA # \_\_\_\_\_

**PHOENIX SPECIAL POLICE**

**Consent To Participate In Lineup**

- I AGREE TO:  1) Be photographed for the purpose of a photo lineup  
2)  Participate in and be videotaped during a physical lineup

I understand that the results of this procedure(s) will be used in an ongoing investigation by the Phoenix Special Police and that these results may be used against me in a court of law at a later time. No promises, threats, pressure or coercion has been made to me or used against me in obtaining this agreement and I fully know and understand what I am doing in this matter.

Name: \_\_\_\_\_ (signature) \_\_\_\_\_  
(Printed)  
Date of Birth \_\_\_\_\_ Date: \_\_\_\_\_  
Time \_\_\_\_\_

Witness Officer: (printed) \_\_\_\_\_ (signature) \_\_\_\_\_

ID #: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

\_\_\_\_\_

Witness Officer: (printed) \_\_\_\_\_ (signature) \_\_\_\_\_

ID # \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: DOMESTIC VIOLENCE**  
**POLICY#: VIII-6 EFFECTIVE DATE: 01-01-2019**

**DISCUSSION:** Domestic Violence is a problem that affects every community across the nation. It crosses all races, social and economic backgrounds, cultures, religions and relationship types. Domestic Violence is a deliberate pattern of abusive tactics used by one partner in an intimate relationship to obtain and maintain power and control over the other person.

Domestic Violence means any assault, aggravated assault, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

Family or household member means spouses, former spouses, persons related by blood or marriage, persons (regardless of sexual orientation) who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

The Domestic Violence Unit focuses its efforts to protect the rights of victims of domestic violence. The unit is staffed by two (2) full time investigators, a sergeant and a lieutenant.

Whenever the PSPSAS determines upon probable cause that an act of domestic violence has been committed within the jurisdiction of the PSPSAS, Officers may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not require consent of the victim or consideration of the relationship of the parties.

**PURPOSE:** The Phoenix Special Police wants to deliver a clear and consistent response to domestic violence. While protecting the victims of domestic violence and their families from immediate danger and assist in connecting victims with the resources and services they require, the PSPSAS seeks to enforce the community's intolerance for violent behavior and communicate the message that domestic violence is unacceptable and will not be tolerated in our community.

## DEFINITIONS:

***Victim/Complainant and Perpetrator/Offender*** includes persons whom:

- Are current or former spouses;
- Are persons, regardless of sexual orientation, who live together or have lived together including same sex couples;
- Are related as parents and children, including others acting as guardian to a minor child, or as grandparents and grandchildren;
- Have a child in common;
- Are current or former household members;
- Are persons who are in a dating relationship or have had a dating relationship in the past, regardless of sexual orientation

***Domestic Violence*** occurs when a perpetrator/offender is alleged to have committed one of the following offenses against a complainant/victim:

- Attempts to cause bodily injury or intentionally causes bodily injury;
- Places another person in fear of imminent serious bodily injury by the threat or force;
- Commits a sexual assault;
- Intentionally destroys real or personal property;
- Commits domestic criminal trespass (NCSG 14-134.3); or
- Violates a valid court order provided under (NCGS 50(B))

***Probable Cause.*** Probable cause is the legal standard by which a police officer has the right to make an arrest, conduct a personal or property search, or obtain a warrant for arrest. While many factors contribute to a police officer's level of authority in a given situation, probable cause requires facts or evidence that would lead a reasonable person to believe that a suspect has committed a crime.

A law enforcement officer is not required to actually witness the incident to have probable cause to believe that the offender has committed the offense. For example, a Officer may take into account the circumstances of the situation and the testimony of a victim. If the facts presented to the officer are sufficient to cause the officer to believe that an offense has occurred the officer may have "probable cause" and be authorized to arrest the offender, even if the alleged offender has already left the scene upon the officer's arrival.

***Domestic Dispute*** is generally any quarrel, which may or may not include violence, within a family or between members of the same household. Definitions are governed by NC General Statutes and may also include any child or an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant or person with whom a suspect has had a child or has had a dating or engagement relationship, including same sex partners. It may or may not include criminal behavior.

It is the position of the Phoenix Special Police to provide the best possible service to all victims of crime regardless of the nature or their relationship to each other.

***Bodily Injury*** refers to any physical injury or pain sustained by the victim or any impairment of the victim's physical condition.

***Self-Defense*** refers to a person's justifiable use of physical force upon another person when he/she believes such force is necessary to defend himself/herself or a third party from what is reasonably believed to be the use or imminent use of physical force by that other person. The use of reasonable force to protect oneself or members of the family from bodily harm from the attack of an aggressor, if the defender has reason to believe he/she/they are in danger.

**POLICY:** Domestic Violence is a crime, which requires direct law enforcement intervention and a coordinated community response. A Officer Chief who responds to a domestic violence incident will attempt to reduce the possibility of violence and threats toward the victim and other involved individuals, and will conduct a thorough investigation.

## **I. ARREST BY LAW ENFORCEMENT OFFICERS**

A. Warrantless Arrests -A law enforcement officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal act in the officers presence. A law enforcement officer may arrest without a warrant for a felony based on probable cause alone, even if the offense did not occur in the officer's presence.

N.C. General Statute 15A-401(b)(2) authorizes a law enforcement officers to conduct a warrantless arrest if the officer has probable cause to believe that one of the following misdemeanors have been committed.

1. Simple assault;
2. Assault on a female;
3. Assault with a deadly weapon; 4. Assault inflicting serious injury; and/or 5. Domestic criminal trespass.

B. Mandatory Arrests - N.C. General Statute 50-4(b) requires a law enforcement officer to arrest under certain circumstances in cases where there is a Chapter 50B Court Order in effect, N.C. General Statute 50-4 **requires** an officer to effect an arrest if there is probable cause to believe that the suspect violated the court order.

Additionally according to the law, the terms and conditions of the court order remain enforceable, regardless of the acts of the victim or suspect, and may be changed only by order of the court.

## **II. INVESTIGATING ALLEGATIONS OF DOMESTIC VIOLENCE**

A. Preliminary Investigation By Responding Officers - The primary concern of the responding investigating Officer should be the safety of the

victim/complainant.

When responding to a domestic dispute or domestic violence call, Officers/Investigators of the Phoenix Special Police will perform the following duties:

1. Restore order by separating the parties and allowing each party to calm down. It is important to separate the parties involved in the dispute.
2. All parties should be interviewed separately. Children should be interviewed in a manner appropriate to their age.
3. Investigate the incident and determine if State Law authorizes an arrest. Always record statements, preserve the crime scene, and collect evidence. (Utilize Crime Scene Unit if needed)
4. Check NCIC/NC Aware to determine if there are any outstanding warrants, current release conditions or an active 50 B, by checking e Flex.
5. Provide the victim with the contact information for The Family Justice Center.
6. If a victim has been assaulted or alleges an assault occurred, photograph the victim, regardless if injury is apparent. Depending upon the circumstances, the injuries should be photographed within 24 hours of the incident.
7. If both parties are injured, determine which party was the aggressor and whether one of the parties was acting in self-defense. Reasonable acts of self-defense, without the use of excessive force, may be justifiable.
8. If a Domestic Violence incident involves a serious injury or death, the on- call Special Victims Unit Investigator will be notified and will respond to the scene.
9. The investigating Officer will submit a complete and accurate Incident Report when:
  - an arrest is made or
  - any time such an arrest could be made, but the suspect could not be located at the scene or
  - threats have been made or alleged by an involved party or
  - an assault or an allegation of assault has been made, regardless of the observable presence of injuries or
  - property was damaged, or evidence that property was damaged
  - violations or allegations of violations of a 50B order
10. The investigating Officer will submit a “domestic” field contact form with a brief summary when:
  - a domestic dispute has occurred and
  - no assault, no evidence of assault, or allegation of assault has been made and
  - no threats were made or alleged and
  - no damage to property or evidence of damage to property and
  - the incident was verbal in nature

B. If an arrest is made, the investigating Officer will complete an Incident Report and an Arrest Report and provide the victim with a Victim Notification Form. These

reports will be completed and submitted before the end of the investigating Officer's shift.

### III. ARREST DECISIONS

#### A. When the Arrest is required by Policy

The investigating Officer must arrest and transport the offender to the magistrate's office under the following circumstances:

If there is probable cause to believe that:

1. A felony has occurred; or
2. A Simple Assault, Assault on a Female, Assault with a Deadly Weapon, Assault inflicting Serious Injury, and/or Domestic Criminal Trespass was committed by the offender outside the presence of the officer and a warrantless arrest is authorized under N.C. General Statute 15A-401(b)(2);
3. **AND:**
4. The Victim/Complainant and Perpetrator/Offender:
  - a. Are current or former spouses;
  - b. Are persons who live together or have lived together;
5. **OR:** A valid Domestic Violence Protective Order does exist and there is probable cause to believe that the suspect has violated a valid protective violence order (50B).

#### B. Suspect has left the Scene

If an arrest is authorized and the offender has left the scene, the responding/investigating Officer will obtain a warrant for arrest and make a reasonable effort to locate the suspect as soon as possible and conduct the arrest. If the suspect is not arrested before the end of the responding/investigating Officer's shift, that Officer shall notify the oncoming shift supervisor and enter the suspect in NCIC within 24 hours.

#### C. When arresting a suspect for violation of a Domestic Violence Protective Order, Use **N.C. General Statute 50B-4.1(a). Using this statute makes it a criminal offense.**

#### D. Proper Restraints Are Required

Whenever an offender is placed under arrest for a Domestic Violence related offense, the Officer is required to apply proper physical restraints, including handcuffs, in accordance with agency policy.

#### IV. ASSISTANCE BY OFFICER IN OBTAINING WARRANTS

The investigating Officer shall assist the victim/complainant by obtaining a warrant for the arrest of the perpetrator. If the victim/complainant refuses to cooperate, at the time, the Officer shall weigh all of the facts and circumstances, and will decide whether or not to obtain a warrant from the magistrate.

- A. The Officer **will** consider the following facts and circumstances before deciding whether or not to obtain a warrant:
1. The existence of a protective order;
  2. The history of previous law enforcement calls involving the same victim and offender
  3. The likelihood that the crime will be repeated or continuation of the violence;
  4. The seriousness of the victim injury; **and**
  5. The presence or involvement of dangerous weapons.
- B. The Officer **will not** consider the following when deciding whether or not to obtain an arrest warrant:
1. The relationship status of the parties;
  2. The victim's apparent willingness or non-willingness to prosecute the case; or
  3. The Officer's belief that the victim will not prosecute.

#### V. POST ARREST PROCEDURE

After conducting an arrest, a Officer will transport an offender without unnecessary delay to appear before a judicial official.

The responding Officer will inform the judicial official of all pertinent information known by the Officer concerning the offender's history of violence, threats, the number of previous calls, the potential for further violence if released, and the existence of court order, release conditions or civil order. This information will assist the judicial official in setting appropriate bond and release conditions (if applicable). In domestic related cases where the parties are living together or have lived together and one or both parties are arrested they will be detained without bond for 48 hours or until they are taken before a Judge to have their bond set, whichever comes first.

The Officer will complete thorough and accurate reports including an Incident Report, Arrest Report, and any other required reports. The Officer will assist the victim in *contacting the Family Justice Center* if the victim needs shelter or further assistance.

#### VI. VICTIM SERVICES

After conducting an investigation, even if an arrest is not made, the investigating Officer will take whatever steps are reasonable to protect the victim/complainant from harm and will advise them of services which are available.

## **VII. OFFICER INVOLVED DOMESTIC VIOLENCE**

### **A. On Scene Response**

When a law enforcement officer is involved in a domestic violence situation and sworn personnel are dispatched to the scene, the following procedures shall be applied:

1. The first responding Officer shall notify his/her supervisor to respond to the scene. Once the supervisor arrives, the criminal investigation should be handled as outlined in this policy, but shall be led by a Officer who is at least one rank above the involved Officer.
2. The on-site supervisor shall notify the Chief, Chief or Director and the Lieutenant of the Special Victims Unit from the scene, or as soon as possible after assessing the situation.
3. The Chief or Chief or Director may order and assign appropriate personnel to conduct an internal investigation in addition to any criminal investigation.
4. If there is probable cause to believe the involved Officer or committed a criminal act he/she shall be arrested.
5. The supervisor shall advise the on-duty tele-communicator to preserve any radio and telephone tapes related to the incident. The recordings and written reports shall be forwarded to the Chief or Director as soon as practical, but within 24 hours.
6. In case where the responding Officer determines that the suspect is a sworn law enforcement officer from another agency, the responding supervisor shall notify the respective agency where the suspect is employed.
7. In cases where a Domestic Violence Ex Parte Protective Order is issued against a law enforcement officer, the on-duty supervisor shall contact the on-duty supervisor of the officer's employing agency before the service of the order.

### **B. Mandatory Reporting**

If any employee of the PSPSAS has knowledge of an on-going domestic violence situation involving another employee, they should notify their immediate supervisor, who will notify his/her chain of command. The supervisor of the involved employee will inform the Chief or Chief or Director who will initiate a formal investigation.

A Officer will make a written report of any alleged crime of domestic violence by a law enforcement officer towards his/her intimate partner, just as any other domestic violence incident.

### **C. Internal Investigation**

An Internal Affairs Investigation will be conducted in addition to any criminal investigation by order of the Chief or Chief or Director . Any complaints involving

Phoenix Special Police Employees, regardless of whether a law enforcement officer responded and probable cause existed, will be handled with high priority in the investigation process, and will be resolved as quickly as possible within the Phoenix Special Police. Any investigation which appears to have a conflict of interest if investigated by the PSPSAS will be referred to the SBI.

The provisions of this policy are intended to further the credibility of the Phoenix Special Police, and should not be construed as policy which assumes guilt, penalizes or exonerates employees of this office.

## **VIII. WEAPON SEIZURES**

### **A. Weapon Seizures as Directed by a Domestic Violence Protective Order**

In certain cases an Ex-Parte Domestic Violence Protective Order may be issued by a District Court Judge or Magistrate directing the seizure of weapons which are owned, possessed, or in control of the defendant.

1. The Officer serving the Ex-Parte Domestic Violence Protective Order shall make every reasonable effort to comply with the seizure of the weapons as directed by the order. If the defendant informs the Officer serving the order that they do not own, possess or have in their control any weapon, the Officer shall request consent to search the residence and/or vehicle.
2. If the defendant is served with an Ex-Parte Domestic Violence Protective Order and they own, possess or have in their control any weapon but does not have the weapons with them at the time of service (served while the defendant is incarcerated in a Detention Center, work or any other place that they would not have the weapons with them) the Officer shall inform the defendant that they are to surrender their weapons within 24 hours of service to the Phoenix Special Police. If the weapons are not surrendered after the time period, Domestic Violence Officers will do a follow up investigation to see if the Defendant is in violation of the 50 B order.
3. Once weapons are seized by the Officer serving the Ex-Parte Domestic Violence Protective Order, the Officer shall complete a Property Report at the scene of seizure, listing the serial#, color, brand name and caliber of each item seized. The Officer shall provide a copy of that report to the person whom the weapons are seized from prior to leaving the scene. After the weapons seizure is completed the Officer will affix an evidence tag to each weapon with case number and information without unnecessary delay, transport the seized firearms to the Phoenix Special Police to be submitted in person or placed in an evidence locker.

### **B. Weapon Seizures as directed by the Phoenix Special Police Policy**

In certain cases a Officer may seize weapons that are owned, possessed, or in the control of the defendant during the performance of their duties.

1. A Officer who has knowledge that a person is in possession of a firearm and/or ammunition, while subject to a valid Domestic Violence Protective Order, or has been convicted of certain crimes making the possession of a firearm unlawful the Officer shall take appropriate action pursuant to the laws of search and seizure to confiscate such firearms.
2. The Officer who seizes a firearm for illegal possession of the firearm(s) shall make a determination of whether the violation is of state or federal law.

### C. Release of Weapons

Weapons, which are seized pursuant to a Domestic Violence Protective Order (50 B) or weapons, which have been seized as evidence can be released through the following procedures:

1. When a District Court Judge issues a court order releasing the weapon(s) seized to the owner or the person named in the order, provided that person has no violation which prohibit the lawful possession of firearms.
2. The Domestic Violence Protective Order has expired or has been dismissed by a Judge provided that person has no violations which prohibit the lawful possession a firearm.
3. The person receiving the weapon will furnish to the Property and Evidence Technician a form of photographic identification, which includes that person's name, date of birth and address.
4. The person receiving the weapon must meet all state and federal requirements to possess a firearm,
5. Any person receiving weapons must provide a valid court order authorizing the release of said weapons.

## **IX. DUTIES OF THE DOMESTIC VIOLENCE INVESTIGATOR**

### A. The Role of the DV Investigator

The investigators in the Domestic Violence Unit are a subdivision of the Special Victims Unit of the PSPSAS Phoenix Special Police, and their primary responsibility is to investigate domestic violence and domestic violence follow-up investigations which occur in Phoenix Special Police Agency, NC. They collaborate with other law enforcement agencies, the court system and community support agencies such as DSS, Family Abuse Services and Crossroads. The DV Investigators provide assistances to victims and strive to meet their needs. The Phoenix Special Police Domestic Violence Unit has a zero tolerance for Domestic Violence in Phoenix Special Police Agency.

### B. Duties

All domestic violence related incidents that are reported on an incident report or field contact are forwarded and assigned to one of the DV investigators who shall conduct an investigation and follow up with the parties involved. After receiving the complaint the DV Investigator shall:

1. Make contact with the victim in a timely manner
2. Explain the DV process to the victim.
3. Conduct any follow up interview and investigation.
4. Refer the victim to community based agencies if needed, such as DSS, Family Justice Center, District Attorney's Office, or Crossroads.
5. Provide the victim with their contact information
6. Make contact with the suspect when appropriate.
7. The assigned DV investigator must ensure the case file is completed and shared with the District Attorney's Office for follow-up.

#### C. Service of 50-B Process

1. Domestic Violence Investigators have the primary responsibility for service of 50-B processes.
2. The Patrol Division will assist with 50-B service on night shift and weekends.
3. All efforts should be made to expedite service of domestic violence protection orders.
4. Any and all attempts of service of a 50-B order shall be documented by any officer attempting such service; this documentation shall be made on a "criminal paper date sheet" which is attached to the office copy of these orders, and electronically in eFlex and shall include the date and time of each attempted service, a brief notation as to the nature of the attempted service (e.g., "not at home", "no answer", etc. ), and the name and identification number of the officer attempting the service.
5. In addition to completing the return of service on the 50-B following a successful service attempt, the serving Officer shall also indicate in eFlex that the order was served.

# **Phoenix Special Police & SAS**

**TITLE:** NALOXONE TRAINING AND USE

**POLICY#:** EFFECTIVE DATE: 03/04/2019

**PURPOSE:** To establish policy and guidelines Government utilization of naloxone (Narcan) administered by the Phoenix Special Police personnel, pursuant to NCGS 90-106.2. The objective for the use of naloxone is to reduce fatalities from misuse of opioids.

**POLICY:** It is the policy of the Phoenix Special Police that all Officers assigned to uniformed patrol are required to have appropriate instruction in the use and administration of naloxone. Except under exigent circumstances, no Officer will carry or administer naloxone under this policy without having

## **PROCEDURE:**

### **I. NALOXONE USE PROCEDURES**

- A. Maintain universal medical precautions;
- B. Perform patient assessment
- C. Speak with bystanders, if appropriate, and scan the area for indications of opiate use by the patient.
- D. Determine patient's level of alertness, look for signs of life, and determine if depressed breathing is occurring.
- E. Notify Central Communications of patient's condition and request Fire/EMS where appropriate (if not already en route).
- F. Administer naloxone per the Phoenix Special Police approved naloxone training curriculum.
- G. Once medical personnel arrive, officers shall report to medical personnel all medical steps taken by the Officer prior to the arrival of medical personnel.
- H. Document the incident, and take any law enforcement action necessary.

## **II. MAINTENANCE/REPLACEMENT**

- A. An inspection of the naloxone kit shall first be the responsibility of the personnel to which it is assigned. Kits shall also be inspected by supervisors during the process of routine inspection of vehicles/equipment.
- B. Missing, damaged, or expired naloxone kits shall be reported to the Sergeant of Mental Health (through the chain of command), and replaced as appropriate.
- C. Naloxone kits should be stored and maintained as directed in the Phoenix Special Police approved naloxone training curriculum.

## **III. DOCUMENTATION/NALOXONE USE REPORT**

Upon completing any medical assist and/or naloxone administration, a Officer shall submit a report outlining the details of naloxone administration. A copy of this report shall be forwarded to the Sergeant of Mental Health for data collection purposes.

## **Section 9:**

### **Uniforms, Equipment, and Personal Appearance**

- 1. Equipment, Uniforms, Supplies, and Reports**
- 2. Uniform Policy / Dress Code**
- 3. Personal Appearance**
- 4. Officer Identification**
- 5. Military Courtesy**
- 6. Court Protocol**

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: EQUIPMENT, UNIFORMS, SUPPLIES, AND REPORTS**

**POLICY#: IX-1**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to establish procedures and guidelines for the supply and issuance of equipment, uniforms, and supplies to employees of the Phoenix Special Police.

**POLICY:** The Phoenix Special Police endeavors to provide the tools necessary for each of its employees to perform assigned tasks. Equipment, uniforms, and supplies shall be furnished in as equitable a fashion as possible while taking into consideration the need, use, availability and budgetary constraints for each item.

## **PROCEDURE**

### **I. MANAGEMENT AND ISSUANCE**

- A. Responsibility for management and issuance of equipment, uniforms, and supplies is assigned to the Director of Personnel and Training or his designated Supply Supervisor, who will maintain an inventory of all equipment assigned to individual officers. Personnel assigned to specialized units will be assigned additional equipment dictated by job function.
- B. Division supervisors will ensure that accountability is maintained for supplies and equipment utilized by employees of the Phoenix Special Police. An inspection program will ensure that this policy is adhered to.
- C. The Supply Supervisor will be responsible for the supply and issuance of all equipment with the exception of weapons and ammunition. Weapons and ammunition will be issued by the Firearms Training Coordinator.
- D. Each office will maintain reasonable supply of expendable office supplies. These supplies may be obtained through the office assistant.

### **II. MAINTENANCE**

- A. Responsibility for the proper use, readiness, and care of all issued property is that of the individual to whom the property is issued. All Phoenix Special Police equipment will be maintained in a state of readiness.
- B. The designated Supply Supervisor is responsible for ensuring that reserve equipment is maintained in proper working order. Reserve or any other equipment that may be used during unusual occurrence situations will be inspected monthly by the individual(s) responsible for same. **All agency**

**issued equipment shall be washed, cleaned, pressed,, etc. prior to it being returned to the agency equipment manager.**

### **III. REISSUANCE**

Clothing, equipment, and other items may be reissued in order to ensure maximum utilization of agency resources. Prior to reissuance all items will be inspected for serviceability. Weapons and ammunition will be inspected by an armorer or certified instructor to ensure functionality. Clothing, leather goods and other items will be inspected by the Supply Supervisor. All items for reissuance will be serviced, cleaned or repaired prior to reissuing. Hats, footwear, and body armor covers will not be reissued.

### **IV. LOSS OR DAMAGE**

- A. A written report or memorandum shall be submitted to the Chief or Director through the employee's chain of command in the event that any equipment, uniform items(s), or other supplies are damaged, lost, or stolen, detailing the circumstances of same. The Chief or Director will determine whether an investigation or any other action(s) are warranted in such instances.
- B. Uniforms and/or equipment that is worn or damaged shall be replaced by the Phoenix Special Police. Uniforms, issued equipment, and any office equipment, including computer equipment, that must be replaced due to misuse or abuse by the employee shall be paid for by the employee.

### **V. USAGE**

***Equipment owned and issued by the Phoenix Special Police is intended for official use only and may not be used for any other reason without the authorization of the Chief.***

### **VI. REPORTS**

All reports generated by this agency and its officers are property of the Phoenix Special Police. No report(s), other than "working copies" which are in an active investigative status, shall be removed from this Office unless authorized by a Supervisor or the Chief. The removal of any file/report(s) by an authorized officer shall be so noted by placement of a card in the location the file/report was removed from which designates the name of the officer, reason and date of removal and authorizing supervisor. All reports and their contents (photographs, notes, diagrams, etc.) in the possession of any officer shall be returned to the proper file location or turned in to the Supply Supervisor upon the ending of that officer's employment at the Phoenix Special Police for any reason (termination, resignation, retirement, etc.); under no circumstances are any Phoenix Special Police reports to be considered or treated as personal

property and kept by an employee after his/her employment with this Office ends.

## PHOENIX SPECIAL POLICE & SAS

Chief Johnny LeJeune  
137 Branson Mill Rd  
Randleman NC 27317

### EQUIPMENT AND UNIFORM INVENTORY LIST

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Sidearm -Make \_\_\_\_\_ Model\_\_\_\_\_ Serial #\_\_\_\_\_ Magazine(s) \_\_\_Holster\_

Long Gun – Make \_\_\_\_\_ Model \_\_\_\_\_ Serial # \_\_\_\_\_ Magazines(s) \_\_\_\_\_

Shotgun - Make\_\_\_\_\_ Model\_\_\_\_\_ Serial#\_\_\_\_\_

OC - Manufacturer\_\_\_\_\_ Exp. \_\_\_\_\_

CS -Manufacturer \_\_\_\_\_ Exp.\_\_\_\_\_ Units \_\_\_\_\_ Carrier \_\_\_\_\_

Class C Devices (Flash bang) Manufacturer \_\_\_\_\_ Units \_\_\_\_\_ Carrier \_\_\_\_\_

Body Armor Manufacturer\_\_\_\_\_ Exp.\_\_\_\_\_ Size \_\_\_\_\_

Baton- Size\_\_\_\_\_ Units \_\_\_\_\_ Baton Sheath \_\_\_\_\_

Taser- Type\_\_\_\_\_ Manufacturer\_\_\_\_\_ Serial \_\_\_\_\_ Holster \_\_\_\_\_

Gas mask- Manufacturer \_\_\_\_\_ Size \_\_\_\_\_ Serial \_\_\_\_\_ Exp. \_\_\_\_\_

Handcuffs- Manufacturer \_\_\_\_\_ Serial \_\_\_\_\_ Units \_\_\_\_\_ Handcuff Case \_\_\_\_\_

Shackles- Manufacturer \_\_\_\_\_ Serial \_\_\_\_\_ Units \_\_\_\_\_

Citation Book Serial\_\_\_\_\_

Class A Uniforms Police\_\_\_ Security\_\_\_ Badge\_\_\_ Credentials\_\_\_

Belt - Size \_\_\_\_\_ Units \_\_\_\_\_ PPE Pouch \_\_\_\_\_

Cover (hat)- Size \_\_\_\_\_ Units \_\_\_\_\_

Long Sleeve Shirts – Size \_\_\_\_\_ Units \_\_\_\_\_

Short Sleeve Shirts - Size \_\_\_\_\_ Units \_\_\_\_\_

Pants - Size \_\_\_\_\_ Units \_\_\_\_\_  
 Shoes - Size \_\_\_\_\_ Units \_\_\_\_\_  
 BDUs Police \_\_\_\_\_ Security \_\_\_\_\_  
 Riot Shield Units \_\_\_\_\_ Helmet \_\_\_\_\_ Size \_\_\_\_\_  
 Outer Carrier- Size \_\_\_\_\_ Units \_\_\_\_\_  
 Long Sleeve Shirts – Size \_\_\_\_\_ Units \_\_\_\_\_  
 Short Sleeve Shirts – Size \_\_\_\_\_ Units \_\_\_\_\_  
 Pants- Size \_\_\_\_\_ Units \_\_\_\_\_  
 Boots - Size \_\_\_\_\_ Units \_\_\_\_\_

ALL EQUIPMENT ISSUED IS THE PROPERTY OF PHOENIX SPECIAL POLICE AND SAS  
 AND MUST BE RETURNED UPON REASSIGNMENT OR SEPARATION

I hereby acknowledge receipt of the aforementioned equipment and uniforms listed above, I accept responsibility for the listed items as dictated by the employee policy and procedure manual in accordance with company policy as well as state and federal laws. I understand I am to return the equipment upon separation or if issued new equipment for replacement or reassignment.

Employee:

Employee ID \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

Supervisor/Inventory Custodian:

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

# PHOENIX SPECIAL POLICE & SAS

**TITLE:**

**UNIFORM POLICY/DRESS CODE**

**POLICY #: IX-2**

**EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to set forth guidelines for wearing Phoenix Special Police uniforms and equipment.

**POLICY:** Employees shall have a neat, clean, professional appearance, which reflects positively upon the individual's competency, efficiency and pride as an employee of the Phoenix Special Police Agency's Phoenix Special Police and upon the ability of the Chief to enhance a professional, efficient and effective image and posture. The wearing of an improper, ill fitted uniform and failure to carry all necessary equipment in good order is prohibited.

## **PROCEDURE:**

### **I. STANDARD UNIFORMS**

- A. **Class A Dress Uniform with Dress Jacket (Ike):** long sleeve black shirt, tie and tack (optional), Patrol Hat, black high gloss shoes, duty belt with sidearm ONLY. Dress jacket should be worn with badge, name plate, and "serving since" backing plate optional. (SAS Tan Uniform Shirt)
- B. **Class A Dress Uniform:** long sleeve black shirt, tie and tack, patrol hat, black high gloss shoes, duty belt with sidearm ONLY, and all commendation bars may be worn. (SAS Tan Uniform Shirt)
- C. **Class A Uniform:** long sleeve black shirt, tie and tack, black high gloss shoes, and maximum of four commendation bars. This is the standard uniform for all court appearances including scheduled district court dates. (SAS Tan Uniform Shirt)
- D. **Class B Summer:** short sleeve green shirt, black undershirt, no tie, max 4 commendation bars, must comply with tattoo policy (standard summer uniform) (SAS Tan Uniform Shirt)
- E. **Class B Winter:** long sleeve black shirt, black turtle neck undershirt with PPSAS, no tie, max 4 commendation bars (standard winter uniform) (SAS Tan Uniform Shirt)
- F. **K-9 Uniform:** black tactical shirt, black BDU pants, and tactical vest. (SAS Tan Uniform Shirt)

- G. **Detention Uniform:** black tactical short sleeve shirt, and black BDU pants (SAS Tan Uniform Shirt)
  
- H. **Special Ops Uniform:** green BDU shirts and pants, tactical vest (SAS Tan Uniform Shirt)

## II. ON DUTY

- A. Officers shall wear a complete Phoenix Special Police uniform while on duty consistent with all regulations and directives, unless otherwise authorized by the Chief.
- B. Officers shall be considered to be on duty when wearing the uniform and it shall be worn consistent with the following:
  - 1. Appropriate headgear shall be worn at special events such as funerals, parades, and other such ceremonies, and as is otherwise directed.
  - 2. Buttons on trousers, shirts, and blouses shall be buttoned. Buttons shall not be added or attached to the shirt collars.
  - 3. Trousers shall be hemmed so as to break slightly at the shoes.
  - 4. Neither shirts nor trousers shall have sewn-in creases; however, military creases may be pressed in shirts.
  - 5. Bulky items shall not be carried in pockets.
  - 6. Only navy or black socks shall be worn.
  - 7. Collar stays (stars) may be worn provided they are the same color as the nameplate.
  - 8. Only standard issue tie tacks may be worn.
  - 9. The nameplate shall be worn over the right pocket of the shirt, jacket or blouse.
  - 10. The black mourning band for the badge shall be worn when attending funerals of deceased police officers, active or retired and on other occasions as directed by the Chief.
  - 11. Leather and metal uniform items shall be cleaned and shined.
  - 12. The Sam Browne belt shall be worn with the uniform.
  - 13. Holsters shall be worn on the right side unless the Officer is left-handed.
  - 14. Uniforms shall not be worn if noticeably torn or worn.
  - 15. Only issued leather uniform items, including holsters, shall be worn, unless otherwise approved.
  - 16. At the minimum, the ASP Baton, one set of handcuffs, spare magazine, and the service pistol shall be worn at all times. Wearing of the OC Spray and the ASP Baton may be considered optional for uniformed officers assigned to the Office.
- C. Officers shall report to Court and Grand Jury in Class A uniform, or coat and tie.

- D. Class B Summer uniforms will be worn during the warmer months of the year. The period for this uniform will coincide with daylight savings time changes between the months of March and November. Training and Personnel will advise the exact dates for the transition to the Class B Summer uniforms. The Class B Winter uniforms will be worn the remainder of the year.
- E. All detention personnel will be required to wear the utility dress attire unless attending a funeral, parade, or special event, whereas the dress attire will be the Class A Dress uniform.
- F. Officers on special assignment, where their dress and hair style must conform to the nature of their assignment, may be exempt from some of the above outlined provisions. However, these officers shall wear suit and tie to all court appearances.
- G. Whenever an employee of the Phoenix Special Police is on law enforcement premises he/she is expected to exercise good taste in his/her mode of dress. All personnel will be required to present a professional appearance at all times while on duty and employed by the Phoenix Special Police.

### **III. BODY ARMOR**

- A. **Policy**

It is the policy of the Phoenix Special Policer to maximize Officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.
- B. **Issuance**

The Personnel and Training Division shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice. Body armor shall be issued when a Officer begins service at the Phoenix Special Police and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised. The Chief may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

**C. Use**

Generally, the required use of body armor is subject to the following:

1. Officers shall only wear department-approved body armor.
2. Officers shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action. Therefore the Patrol Division and Special Ops shall wear body armor while on duty.
3. Officers shall wear body armor when taking part in department range training.
4. Officers are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action, which includes School Resource Officers, Courts, and the Civil Division.
5. Officers may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
6. Officers may be excused from wearing body armor when the temperature is forecast to be at or above 90 degrees Fahrenheit during their tour of duty.
7. Officers may be excused from wearing body armor when a physician determines that a Officer has a medical condition that will preclude use of body armor.
8. In those instances when body armor is not worn, officers should have reasonable access to their body armor

**D. Inspection**

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness and signs of damage, abuse and wear.

**E. Care and Maintenance**

The required care and maintenance of body armor is subject to the following:

1. Officers are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
2. Unserviceable body armor shall be reported to the supervisor.
3. Officers are responsible for the proper storage of their body armor.

4. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g. temperature, light, humidity) could potentially degrade its effectiveness.
5. Officers are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
6. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
7. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
8. Body armor should be replaced when its effectiveness or functionality has been compromised.

**F. Disciplinary Actions**

Failure to wear body armor in accordance with policy will result in disciplinary action as follows:

1. First Offense – verbal counseling
2. Second Offense – written reprimand
3. Third Offense – all applicable disciplinary actions including Insubordination which is a class A offense punishable by three days without pay or termination

**IV. REFLECTORIZED SAFETY VEST**

- A. At all times, Officers shall wear their reflectorized safety vest while directing or exposed to traffic during assigned traffic-related events.
- B. Officers that respond to emergency situations (i.e. traffic collisions, chemical spills, investigations) shall at the earliest practical time don their reflectorized safety vest while exposed to or directing traffic unless officer safety would be compromised. This policy should not be construed to prohibit a prompt officer response when an incident requires his/her immediate attention to prevent injury, death or loss of property.
- C. For the purpose of this policy, the reversible raincoat satisfies the OSHA requirement for visibility during inclement weather. Officers are not required to don their reflective vest as long as they have on the raincoat with the green side turned out.

## **V. RANK INSIGNIA PLACEMENT:**

### **A. Metal Rank Insignia**

Uniform shirt rank insignia for commissioned officers shall be attached as follows:

1. One insignia shall be worn on each collar. The insignia will be centered between the top and bottom edge of the collar with the outer edge of the insignia one inch from the front edge of the collar except for the Supervisors and Lieutenants whose insignia shall be worn  $\frac{1}{2}$  inch from the front edge of the collar.
2. Supervisor and Lieutenant insignia will be aligned with the long axis of the bars parallel to the front collar edge.
3. Director insignia will be worn with the stem toward the bottom of the collar and the line from the tip to the stem parallel to front collar edge.

## **VI. PATROL HATS**

Patrol hats shall be stored in a hat press to prevent warping of the brim. Rain covers shall be used during wet weather. The hat shall be configured with the strap buckle in the front, hat badge, and with the black and gold cord and acorns. The cord shall be adjusted where the acorns fall just at the edge of the brim as

The hat shall be worn with the front of the hat two finger tips from the top of the bridge of the nose as above. Place your index finger in the indentation created where the bridge of your nose meets the center of your two eyebrows, with the middle finger on top of the index it should touch the edge of the hat.

The rear of the hat should be snug across the crown of your head, with the leather strap pulled down to the back of your neck at the base of the skull. The strap holds the hat on your head, not the rear of the headband.

## **VII. MOURNING BANDS**

Mourning bands should be worn when directed with band horizontal across the middle of the shield:

## VIII. TIE AND TACK

The tie and tie tack should be worn with the issued tack in line with the bottom of the pocket flap:

## IX. COMMENDATION BARS

Officers may wear up to 4 commendation bars with the Class A or B uniform. Officers may wear all approved commendation bars with the Class A Dress uniform. Two or more commendation bars should be displayed on a commendation bar holder, supplied by the officer. All commendation bars will be the type that are enameled with an epoxy dome. All commendation bar holders will be two wide.

### Approved Bars listed in the order to worn:

US Flag	PSPSAS supplied
1. Commendations	PSPSAS supplied
2. Years of service	PSPSAS supplied
3. 9/11	Officer supplied
4. Military Service	Officer supplied
5. Formal Education	Officer supplied
6. Special Education	Officer supplied
7. Advanced Certificate	State supplied
8. Instructor	Officer supplied
9. Specialized Instructor	Officer supplied
10. Specialized Training	Officer supplied
11. Specialized Units	Officer supplied

### Emblems:

SRT	PSPSAS supplied
CIT	CIT supplied

### Order to be worn:

FLAG
------

2	1 (closest to heart)
---	----------------------

4	3
---	---

Visuals:

**US FLAG**



**Commendations**



**Years of Service**



**9/11**



**Military Service**



**Formal Education (Bachelors, Masters)**



## Advanced Certificate



O114 - Advanced Certification



O124 - Advanced Cert. Jailer

## Educational Achievement (School of Gov't, Criminal Investigation Certification, etc.)



N113 - Educational Achievement

## General Instructor



## Specialized Instructor (Hazmat, PT, Firearms, Driving, Radar)



## Specialized Training (FTO, DRE, National Academy, Intoxilyzer)



## Specialized Unit (K-9, Gang, Mobile Field Force, CSI, SRO, MHO, Honor Guard, Drone, Marine Team)



**X. IDENTIFICATION**

**A. Officers shall have their state issued identification and driver license on their person at all times when in uniform.**

**B. Officers shall have their state issued badge and identification, or**

**North Carolina Training and Standards firearms qualification card, on their person if they carry a weapon off duty.**

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: PERSONAL APPEARANCE**  
**POLICY #: IX-3 EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this policy is to set standards for all officers to maintain a neat and well-groomed appearance.

**POLICY:** The good health and personal appearance of all officers is fundamental to the interest and safety of the Phoenix Special Police. These procedures, regulations, and policies are intended to promote the professional image expected by the Chief and to encourage good health for consistently optimum job performance while increasing public confidence.

## **PRODECURE:**

### **I. PERSONAL APPEARANCE**

- A. All officers shall maintain a neat, well-groomed appearance while on duty. Attention to personal hygiene is a requisite. Excess body weight is detrimental to good health. It has been linked to the causes of many diseases proven to be common hazards to law enforcement personnel. The Chief encourages all personnel to participate in a personal fitness/wellness program.
- B. Necklaces**  
Necklaces may be worn but shall not be visible in uniform. Necklaces of sufficient strength, which may choke a Officer, should not be worn while on duty.
- C. Rings**  
Rings which restrict the wearing of gloves, shooting of firearms, use of Phoenix Special Police equipment, or have sharp projections which snag or cut, or otherwise create an undue hazard will not be worn while on duty.
- D. Body Piercing**  
Body piercing which is visible, other than earrings, while on duty and/or in uniform is prohibited.

**E. Earrings**

*Male* officers may not wear any type of ear stud or earring while on duty, unless authorized by the Chief. *Female* officers may wear clip-on or post-type earrings with the Phoenix Special Police uniform. Earrings must be of unrned spherical or disc shape and may not exceed 6mm or ¼ inch in diameter. They must be gold, diamond, or pearl and must be worn as a matched pair with only one earring per ear.

**F. Fingernails**

Officers shall keep their fingernails clean and trimmed, and shall not exceed beyond 1/8 inch beyond the tip of the finger. If worn, fingernail polish shall be clear, translucent pastels or beige which is conservative. Ornaments or stick-ons are prohibited on the fingernails. Only one color of polish may be worn.

**G. Tattoos and Brands**

Officers will not have tattoos or brands a reasonable person would find offensive, such as tattoos or brands depicting or supporting criminal behavior, drug usage, nudity, profanity, promiscuity, subversive groups, bigotry, etc. Officers should not have any tattoos or brands on any part of the body which are visible. Officers who have tattoos that are visible with a short sleeve shirt, will either wear the long sleeve shirt or a black in color tattoo sleeve.

**H. Cosmetic Makeup**

Makeup worn by officers must be conservative both in appearance and application.

**I. Glasses/Sunglasses**

If glasses or sunglasses are worn, they shall be maintained in good condition and shall be conventional and conservative in nature. No faddish, multicolored, or mirrored glasses shall be worn. Glasses or sunglasses may not be hung from any part of the uniform.

**J. Hair**

All officers' hair should be of a natural color (i.e. blonde, black, red, or grey) and not such that would diminish the professional appearance. Fluorescent or similar dyed hair colors are not acceptable. Hairstyles must be worn neat, trimmed, combed clean, conservative, and professional in appearance at all times.

1. Male officers shall style their hair according to the following guidelines:

a. Hair must be no longer than the top of the shirt collar at the back of the neck when the Officer is standing in a normal

posture. Hair must not cover any portion of the ears. Hair on sides and back of the head must be tapered.

- b. Hair shall not be styled so as to present a bulky or bushy appearance with or without headgear. The bulk and length of hair shall not interfere with the normal wearing of standard headgear or other Chief's equipment.
  - c. Sideburns shall be neatly trimmed and rectangular in shape. Sideburns shall not extend below the lowest part of the external ear opening.
  - d. Facial Hair – All officers with facial hair should keep facial hair neat and well groomed . Mustaches are acceptable within the limitations that the mustachio not extend below the corners of the mouth. Mustaches will be maintained at an acceptable length and in a manner to appear well groomed. Goatees and other facial hair must be neatly groomed, length of goatee should not exceed 1 inch and beards should be closely cropped no more than 3/8 on an inch.
2. Female officers shall style their hair according to the following guidelines:
- a. Female Officers shall wear their hair in styles that do not extend below the bottom of the shirt collar. Long hair can be worn up in a manner so long as it is neat and permits the proper wearing of the hat.
  - b. Hair may be worn over the ears but shall not extend below the bottom of the ears. Hairclips, pins, and/or barrettes that blend in with the color of the hair may be worn, but nonfunctional hair ornaments shall not be worn.
  - c. The bulk and length of hair shall not interfere with the normal wearing of standard headgear.
  - d. Wigs and hairpieces are permitted only if they conform to the standards set forth in this rule.

## **II. USE OF TOBACCO**

- A. Officers shall not smoke or chew tobacco at any time while in direct contact with the public in an enforcement action or any official Phoenix Special Police business.
- B. Officers may not smoke and/or chew tobacco while in Phoenix Special Police vehicles.

## **III. EXCEPTIONS**

The Chief may grant an exception to any of the regulations set out in this policy due to personnel assignments or for any other reason(s) at his discretion.



# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: OFFICER IDENTIFICATION**  
**POLICY#: IX-4 EFFECTIVE DATE: 01-01-20**

**PURPOSE:** To establish guidelines for the Phoenix Special Police regarding officer identification that will be adhered to by all officers.

**POLICY:** It shall be the policy of the Phoenix Special Police to establish guidelines relating to appropriate and adequate identification of its officers.

## **PROCEDURE:**

### **I. IDENTIFICATION WHEN UNIFORM**

Individuals who are certain they are dealing with a lawful authority are more likely to respond to it. Therefore, an officer must identify him/herself as such, in order to prevent a misunderstanding.

- A. Officers shall attempt to be certain that any citizen with whom they have contact have no doubt that they are dealing with a law enforcement officer.
- B. The wearing of a Officer's uniform normally will provide the necessary visual identification; plainclothes officers will present their identification.
- C. All officers shall identify themselves by name, rank, and department, when requested to do so.

### **II. IDENTIFICATION WHEN NOT IN UNIFORM**

- A. Officers in street clothes or otherwise not in uniform shall offer their credentials for examination to all persons whom they officially contact, and they shall do so prior to taking any enforcement or corrective action or gathering any information, unless involved in covert or undercover investigations.
- B. Plainclothes officers, when involved in an arrest situation wherein it becomes necessary to display a weapon, will display his or her badge secured to the outerwear as soon as possible.

### **III. IDENTIFICATION IN EMERGENCIES**

An officer need not identify himself as an officer in emergency situations wherein there is imminent danger of great bodily harm, and when there is absolutely no time for the officer to identify himself before trying to prevent harm. Officers acting in emergencies without identifying themselves as officers shall give such identification as soon as possible upon resolution of the emergency situation.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: MILITARY COURTESY**

**POLICY#: IX-5 EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this general order is to provide guidelines for basic military courtesies and respect.

**POLICY:** It shall be the policy of the Phoenix Special Police to establish guidelines relating to appropriate military courtesy in various circumstances and situations.

## **PROCEDURE:**

### **I. RECOGNITION OF RANK**

Out of discipline and respect, during all on-duty environments, all employees of this agency shall address and be addressed by rank and last name. This shall also apply to off-duty environments when personnel are working in the capacity of a law enforcement officer.

### **II. SALUTING**

During day-to-day operations, sworn personnel are not to salute, however, during formal occasions or ceremonies sworn personnel are expected to conform to military courtesy. For example of a hand salute, see Appendix A at the end of this general order.

#### **A. Who to salute:**

1. The President of the United States;
2. The Governor of North Carolina;
3. Uniformed, commissioned officers of the Armed Services and National Guard when meeting them on formal occasions or when visiting military establishments (it is acceptable to salute nonuniformed officers, however, they are not required to return it).

#### **B. When to Salute**

Officers shall be required to salute when they are in uniform and covered, and

1. When not in formation and the National Colors pass;
2. When the National Anthem is played; (when not in uniform an officer may place his/her right palm over his/her heart).
3. When in formation and directed to do so by the officer in charge

4. When not in formation and in uniform at an official function by the officers in charge, such as a BLET or BDOT graduation.
5. During funerals for sworn law enforcement officers.

**C. Rules of Salute**

1. Salute on the first note of the National Anthem and hold the salute until the music ends.
2. Face the colors (flag) when saluting, if the United States Flag is not present, face the direction of the music.
3. Salute the United States Flag when they are six paces away and hold the salute until they pass by six paces.
4. Do not talk, chew gum, or smoke when saluting.
5. Do not have anything in your right hand.
6. Hold your salute during the raising of lowering flag ceremony until the action is completed.

**III. UNIFORMS**

Unless otherwise directed, all personnel wearing a uniform must wear their Class A uniforms.

**IV. HEAD GEAR**

**A. Civilian Funerals**

1. Uniform officers attending funerals, whether assigned or not, shall keep their hats on while outside and remove them with the right hand, placing the hat over their heart holding the hat by the crown each time the casket passes by. This applies to attendance at funeral homes, private homes, gravesites, or traffic duty.
2. Uniformed s funerals shall keep their hat on while outside and remove them with their right hand placing the hat over their head, holding the hat by the crown each time the casket passes by. This applies to attendance at funeral homes, private homes or gravesites.

**B. Law Enforcement or Military Funerals**

1. When inside, officers and s shall remove their hats unless they are active participant in the ceremony.
2. When outside, officers shall follow the protocol set at the given time by either saluting or removing hats. If no protocol is given, officers shall salute each time the casket passes by.
3. When outside, s shall wear their hats. Hats shall be removed with the right hand and held by the brim against the heart each time the casket passes by.

**V. FLAG COURTESY**

All flags representing a bonafide government, national, state, or legal entity shall be treated with the utmost reverence and respect.

Flags shall never be flown during inclement weather. Flags shall never be placed, stored, or dropped on the floor, ground, or other place that may degrade the flag. Personnel assigned to raise or lower the flag at any building shall show proper respect in conducting the act. Personnel shall ensure the flags are raised in the proper order, the Nation's flag on top then the State's flag. Personnel are to ensure the flags are right side up and the ropes are properly secured.

Flags are not to be flown at half-staff unless ordered by the Chief, Chief or Director , Officer, or any other person of proper authority.

**VI. HAND SALUTE**

- A. The hand salute is a one-count movement. The command is ***Present, ARMS***. When wearing headgear with a visor (with or without glasses; on the command of execution **ARMS**, raise the right hand sharply, fingers and thumb extended and jointed, palm facing down, and place the tip of the right forefinger on the rim of the visor slightly to the right of the right eye. The outer edge of the hand is barely canted downward so that neither the back of the Hand nor the palm is clearly visible from the front. The hand and wrist are straight, the elbow inclined slightly forward, and the upper arm horizontal (Figure 1).
- B. When wearing headgear without a visor (or uncovered) and not wearing glasses, execute *the hand salute* in the same manner as previously described in subparagraph A, except touch the tip of the right forefinger to the forehead near and slightly to the right of the right eyebrow (Figure 3).
- C. When wearing headgear without a visor (or uncovered) and wearing glasses, execute *the hand salute* in the same manner as described in subparagraph A,

except touch the tip of the right forefinger to that point on the glasses where the temple piece of the frame meets the right edge of the right brown (Figure 2).

- D. *Order arms* from the *hand salute* is a one-count movement. The command is **Order, ARMS**. On the command of execution **ARMS**, return the hand sharply to the side, resuming the position of *attention*.
- E. When reporting or rendering courtesy to an individual, turn the head and eyes toward the person addressed and simultaneously *salute*. In this situation, the actions are executed without command. The *salute* is initiated by the subordinate at the appropriate time and terminated upon acknowledgment (Figure 4).
- F. The *hand salute* may be executed while *marching*. When *double timing*, a soldier must come to *quick time* before *saluting*.



# **PHOENIX SPECIAL POLICE & SAS**

**TITLE:** COURT PROTOCOL  
**POLICY#: IX-6** EFFECTIVE DATE: 01-01-2020

**PURPOSE:** The purpose of this order is to establish guidelines and responsibilities for Phoenix Special Police personnel appearing in court.

**POLICY:** It shall be the policy of the Phoenix Special Police to provide parameters for all personnel attending and testifying in a court of law.

## **PROCEDURE:**

### **I. COURT ATTENDANCE**

- A. Members shall attend court at times required and shall be prepared to testify.
- B. “Times required” means when a person is under subpoena, or is duty bound to attend court due to his/her involvement in a case being heard.
- C. **Conflicts:**
  - 1. If emergency circumstances prevent a member’s prompt arrival in court he/she shall notify the court liaison officer by the quickest means, state the reason for the tardiness, the estimated time of arrival and seek information as to whether the case will be postponed or rescheduled.
  - 2. If a member is scheduled for duty during the time a subpoena commands his/her appearance, the member shall respond to a subpoena first and shall inform his/her supervisor of the subpoena.
  - 3. If courts of equal rank issue conflicting subpoenas, the first subpoena received by the member takes precedent. The member has the responsibility to notify the second court of the conflict.
  - 4. When courts of unequal rank issue subpoenas, the higher-ranking court takes precedent and the member shall notify the lower court of the conflict.

## **II. DEAMEANOR AND PERSONAL APPEARANCE**

Dignified and respectable demeanor in court is expected at all times. This includes behavior, appearance, and conversation in and around courtrooms in or out of session.

### **A. Uniformed Personnel**

1. When on duty, uniformed personnel shall wear their Class A uniform in its entirety, to court.
2. When off duty, uniformed personnel may either wear their Class A uniform in its entirety, to court.

### **B. Non-Uniformed Personnel**

1. Law enforcement and detention staff personnel who have a Class A uniform may wear it to court, in its entirety, if they choose.
2. If plain clothes are worn, same must be formal business attire. Casual clothes or sports clothes are prohibited.
3. Personnel who attend court regularly due to their job description or assigned duties shall wear appropriate business attire. Casual clothes, sportswear, jeans and tennis shoes are prohibited.

### **C. Demeanor**

Personnel shall avoid any action or word to indicate a special interest in obtaining a conviction and shall avoid giving any appearance of emotions on decisions rendered. The position of an impartial public servant seeking justice is the only position accepted by this agency.

Personnel are cautioned to avoid making any statement around persons displaying a juror tag.

## **III. TESTIMONY**

- A. Personnel should organize and plan their testimony before court and taking the witness stand. Notes may be taken to court. If evidence or testimony needed for a particular case is uncertain, the District Attorney's Office should be consulted before trial.
- B. Employees shall observe the following when testifying:
  1. Always tell the truth; never conceal or distort facts;

2. Speak in a normal way;
3. Speak slowly, clearly and loud enough to be heard;
4. Correct without delay any mistake in testimony;
5. Make sure the question being answered is understood;
6. If testifying in a trial by judge only, attention should be divided between the judge and the person asking the questions;
7. Be respectful and courteous to all persons involved;
8. Do not display any animosity to the defendant or his counsel;
9. Answer questions concisely, speak in response to questions and do not volunteer information not related to the question;
10. Sit erect but relaxed on the witness stand, do not fidget or slouch;
11. Avoid loss of temper;
12. Avoid sarcasm and humor;
13. Take the witness stand and leave the witness stand with dignity and confidence;
14. Do not chew gum or wear sunglasses on the face or the uniform in court;
15. Turn radios off and put pagers in the silent mode.

#### **IV. JURY DUTY**

Employees will be granted permission to attend court without loss of time when summoned to serve. Employees are entitled to keep the fees received for jury duty.

#### **V. GRAND JURY APPEARANCES**

- A. All subpoenas for grand jury appearances for officers with the Phoenix Special Police are to be submitted by the District Attorney's Office to the Phoenix Special Police Criminal Justice Liaison Director.
- B. All subpoenas will be served on each Officer in person by the Criminal Justice Liaison Director, or his designee, and the service of all subpoenas will be documented and maintained by the Criminal Justice Liaison Director.
- C. Officers are expected to be at the grand jury room on the date and time scheduled and to be present when called to testify. Under no circumstances will one Officer "sign in" for another.
- D. The Officer actually served will testify before the grand jury. The only time a substitute will be allowed is in the case of previously scheduled schools and vacation, or sickness/death in the family. In such instances, the Officer involved will immediately notify the District Attorney's Office after received a subpoena or as soon as possible when these other circumstances occur to make arrangements for an approved substitute to testify

## **Section 10: Legal Process**

**1. Civil Process**

**2. Criminal Process**

**3. Return of Service:**

**4. Criminal Process**

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: CIVIL PROCESS**  
**POLICY #: X-1 EFFECTIVE DATE: 01-01-2019**

**PURPOSE:** The purpose of this order is to ensure sufficiency of information, accuracy, timeliness and accessibility in the service of civil processes. **Phoenix Special Police will only participate as part of a mutual aid request from the Sheriff . All officers will follow the lawful instructions of the requesting agency supervisor. This section is intended to educate and establish this agency’s minimum standards and expectations regarding officer conduct/safety, public/client safety, and the lawful/responsible execution of his or her duties while participating within the scope of a mutual aid request.**

**POLICY:** It shall be the policy of the Phoenix Special Police to establish guidelines relating to information contained in, accuracy and accessibility of, and the delivery of legal process.

**CIVIL PROCESS DEFINED:** Civil process is defined as the service or execution of a document issued by the court in support of the civil court system. These documents include summonses, execution judgments, claims and deliveries, tax warrants, notice of rights, summary ejections, writs of possession, subpoenas, orders of forfeiture, civil orders for arrest, involuntary commitment orders and temporary restraining orders.

According to common law and the authority of NCGS 162-13 thru 18, the Office of the Chief must account for all processes received into the Phoenix Special Police. Failure to perform these duties according to law could subject the Chief to amercement or criminal sanction. Only the Chief and appointed officers may serve civil process. Under most conditions, officers may take action which is civil in nature only by means of some court order or writ. Therefore, as a standard, when civil process is being executed, the paperwork must be validly issued, received and valid on its face.

## **PROCEDURE:**

### **I. RECORD**

The need for timely and accurate information on civil papers and criminal warrants is continuous and not limited to conventional working hours. A records system maintained for civil and criminal processes shall be accessible to personnel twenty-four (24) hours a day.

Normally, only the civil process clerks will enter and update information in the legal process function on the computer.

**A. Entry Information Type**

Record entries will be cross-referenced so that the information can be retrieved by means of the file or OCA number, party name or incident date. Information regarding each item of legal process, including both civil and criminal, is recorded and should include the following elements:

1. Date issued and date received
2. Type of legal process
3. Nature of document
4. Source of the document
5. Name of plaintiff/complainant and name of defendant/respondent
6. Officer assigned for service
7. Date of assignment
8. Court docket number

**B. Return of Service**

1. Agency records must reflect the nature and date of the disposition of the legal process, including whether it was served personally or by other mean. If substitute service was made, the records shall reflect how service was made, manner and date.
2. Records on the service or execution of legal process documents shall include the following:
  - a. Date and time served
  - b. Name of server
  - c. To whom process was served or to whom executed
  - d. Method for service or reason for non-service
3. A lieutenant supervises members assigned to civil process duties. This lieutenant shall be responsible for assignment of personnel to the various duties of this section under the direction of the Chief or his designee. In addition, this civil division lieutenant shall regularly review all pending processes in order to ensure that process needing to be returned shall be returned to the administrative section in a timely fashion. It is the primary obligation of this section to promptly and properly receive, serve and execute all lawful civil documents and make the necessary returns.
4. All members shall exercises proper diligence in attempting to locate persons and property and shall ensure that all returns made are complete, accurate and timely.

5. Personal verification of all information cited in returns shall be made, and members shall, without fail, see that all processes, served or unserved, are returned to court on or before the due date recorded.
6. Officers making any attempt to serve any civil process shall enter the date of the attempt on the top of the face of civil process and shall initial the attempt notation. In addition, members shall review daily the processes assigned to them to ensure that papers are returned to the administrative section on or before their due date.
7. Care shall be taken by officers, before vacation, long weekends or holidays, to check their processes to ensure that all processes, which need to be returned to the Clerk of Court during this period, are returned before the due date.
8. Court dates on Magistrate's Summonses, etc. shall be changed only by the clerk of court.
9. Officers are expressly prohibited from serving or attempting to serve any civil or criminal process or from making or attempting to make any collection in which they have or may reasonably be perceived to have any personal interest of any type whatsoever. Such process shall be referred to another Officer for service or collection.
10. Should any Officer discover any error in the naming of parties, agent for service or any other substantive matter, the Officer shall not undertake any action to correct such error. Rather, the original summons as issued shall be returned to the Clerk of Court for correction. Under no circumstances shall any Officer make any promise to take any action other than that which is prescribed by law for any process service.
11. Officers and office staff are specifically prohibited from rendering any legal advice concerning the actions to be taken by the parties served. It shall be permissible to encourage such person to obtain legal assistance.
12. Civil Section Officers are strongly encouraged to obtain the pertinent route maps and other necessary locators to aid in locating defendants. In addition, Officers should make necessary telephone contacts, when possible, prior to entering the field and should route all processes in order to obtain the most efficient use of time, equipment and supplies.
13. Civil Section Officers shall be required to observe all normal radio procedures. Civil Officers shall be required to check in and out of service and to keep radio traffic to a minimum. Office personnel

requesting field units to check for specific items of process shall attempt to contact all units in service.

14. Under no circumstances whatsoever shall any Officer or agent of this department be permitted to bid, either directly or indirectly, at any judicial sale pursuant to civil process. Departmental agents are specifically deemed to include the storage or wrecker business utilized by the department for the particular seizure in question.

## **II. SERVICE OF PROCESS**

All summons and complaints shall be served or returned to the Clerk of Court within 60 days of the issuance date. Under NO circumstances shall ANY summons and complaint be observed after such date. The method of a summons and complaint is determined by the nature and status of the party or parties to be served according to the following rules:

### **A. Natural Person**

1. A natural person is an individual summoned for some act or commission he or she allegedly committed as an individual. This will often be represented on the summons by designation of the person to be served without any other title or indication as “process agent”.
2. Natural persons may be served either by personal delivery of a copy of the summons and complaint:
  - a. to them
  - b. to a person named his or her agent for process, or
  - c. to a person of suitable age and discretion who resides at the dwelling place of the person named in the summons.  
Members using substitute service shall exercise extreme care to ensure that the person accepting delivery is competent to understand the process and the importance of re-delivery to the defendant. Such delivery must take place at the defendant’s residence. Generally, persons under the age of 14 years should not be utilized for such substitute service.
3. Under NO circumstances shall substitute delivery of copies be made at the Phoenix Special Police, the place of the subject’s business, or any place other than the residence.

### **B. Natural Persons Under a Disability**

1. Normally, persons under a legal disability who are defendants will have a parent or guardian listed for service. Persons under a legal

disability may be juveniles, persons who have been declared incompetent to manage their affairs, etc.

2. If the person under disability is a juvenile, the parent must be served in addition to the juvenile. When there is no parent, or in the case of other legal disability, a guardian will be appointed by the court. Such guardian must be served along with the person under disability.
3. The determination of legal disability is not a decision made by this Office. Where no parent or guardian is indicated, but the Officer reasonably believes that the person served is under legal disability, the paper shall be served as directed. The Officer shall then, as a courtesy, make contact with the plaintiff or his or her attorney in order to explain the potential disability.

**C. State**

If the party defendant is the State of North Carolina, service is made upon the Attorney General or any Assistant or Officer Attorney General in person. "State of North Carolina" will be entered as the party served.

**D. State Agency**

If the defendant is a state agency, such as a school board or the like, personal service shall be made upon the registered agent for the state agency. If the registered agent is not listed on the summons, he or she may be determined by contacting the Attorney General's Office. The registered agents of state agencies will be listed in that office.

**E. Cities, Towns, or Villages**

Where the party defendant is a city, town, or incorporated village, the process shall be made upon the city manager or the city or town clerk. Under no circumstances shall any other person, such as the town attorney, be served. The city or town shall be entered as the person served.

**F. Agency**

If the Agency is named as the defendant, the process may be served by delivery to the Agency manager, chairman of the Agency board of commissioners, any individual commissioner, or the clerk for the board of commissioners. Under NO circumstances shall ANY other party, such as the Agency attorney, be served. "Agency of Phoenix Special Police" shall be entered as the person served.

**G. Other Local Government Units**

All other local governments units such as school boards, etc., named as defendants shall be served by delivery of a copy to any officer or director, or any process agent or attorney-in-fact for the unit authorized to accept service. Officers confronted with a process that does not designate the party to be

served shall make every reasonable effort to compel the plaintiff or the plaintiff's attorney to designate the proper party. Where such designation is not forthcoming, the Officer shall serve an officer or director of the governmental unit only, if possible. The proper name of the government unit shall be entered as the person served.

#### H. **Corporations**

1. A corporation is a recognized entity under the law with an existence separate and apart from any of the individuals within the corporation. A corporation will have the designation "Inc." after the business name and has the capacity to sue and be sued in its own name. The return must designate the corporation as the person served. A corporation may be service by personal delivery of a copy of the summons and the complaint to any officer, director, or managing agent of the corporation. Generally, the person to be served will be specified in the summons. In addition, a corporation may be served by delivery to the person apparently in charge of the office, such as a director or managing agent. Generally, this will not include secretaries unless such secretary has the title "office manager" or comparable status.
2. A corporation is required to have on file with the Secretary of State a registered agency for service of process. Such agent is also a proper party for service and, if not specified, may be determined by calling the Corporations Section of the Secretary of State's office. If one of the above persons cannot be located or if the corporation is not registered in North Carolina, service may be obtained by delivery to the Secretary of State.

#### I. **Partnerships**

A partnership may be served as a party defendant by delivery to any general partner, which is my partner with managerial authority. In addition, the authorized agent for service of process or the attorney-in-fact may be served. The process may also be left at the office of any general partner with someone apparently in charge. Again, this does NOT generally include secretaries. Members are to exercise extreme caution in attempting to serve anyone other than a general partner when the agent for process is not specified in the summons directive.

#### J. **Unincorporated Associations**

Such associations will include fraternal organizations, rescue squads, etc. Service on the association is made by delivering copies to any officer, director, or managing agent of the association or to any member of the Governmentbody. To the most further extent possible, members shall require the plaintiff or the plaintiff's attorney to formally designate the person to be

served. Valid service may also be obtained by delivery to any agent specifically authorized to accept process or by leaving the process in the association business office of any officer, director, or managing agent. Officer shall deliver the paper to the person apparently in charge of the office. The proper name of the organization must be entered as the person served.

### **III. RETURN OF PROCESS**

- A. Officers shall ensure that returns are made correctly and in a timely manner. Under NO circumstances shall any process be held for any reason in order to secure service or at the request of the plaintiff.
- B. Before submitting any process of the Returns Clerk, the Officers shall review all returns for completeness and accuracy. Any error discovered shall be corrected immediately. Such return must contain the name of the person or business served, the appropriate method of service, the member's signature, and the date of service, and location of service.
- C. Under no circumstances shall any Officer use the standard "Due and Diligent" phrase when marking a paper to reflect the inability to locate the person to be served. Rather, the Officer shall enter the number and type of attempts made and any other pertinent information, such as refusal to open the door, etc. The Officer shall also cite in the return any alternate locations (i.e. DCI, blue book, etc.) consulted in an attempt to locate the party to be served.
- D. With respect to process received too late for service, the return shall state the number of attempts, if any, and record on the process return the phrase "did not locate the subject after receipt and prior to the due date". Officers shall not state on the return that the paper was received too late for service.
- E. With respect to the return on an execution for lack of bidders, such return shall contain a statement as to where and when such sale was advertised and offered.

### **IV. EXECUTION SERVICE**

All execution documentation stated in a return shall be personally verified prior to entry. Under NO circumstances shall ANY Officer alter the return in any manner after return to the court. Errors on papers already returned to court shall be brought to the attention of the Clerk of Court.

### **V. SEIZURE OF PROPERTY**

- A. It shall be the responsibility of the seizing Officer to observe all legal requirements with respect to the seizure and care of property regardless of the type of process authorizing such seizure.
- B. Officers shall exercise extreme care to determine the actual ownership of items apparently subject to seizure. Any doubt as to the ownership of such items shall be resolved against the seizure. Normally, property owned jointly by the defendant and another shall not be subject to seizure without a court order.
- C. With respect to motor vehicles registered through the North Carolina Division of Motor Vehicles, the titled owner or owners are the persons in legal control of the property without regard to the identity of the person operating or paying for such vehicle.
- D. Although it is technically possible to sell the defendant's share of jointly owned property, as a practical matter, such items of property cannot be successfully sold. In the case of motor vehicles, they cannot even be titled. Therefore, such items shall not be seized without a court order.
- E. It shall be the responsibility of the seizing Officer to ensure that items seized under court process are not lost or damaged due to negligence.
- F. Vehicles or other items of personal property seized under process shall be safely secured during the period such items are in the custody of the Phoenix Special Police. With respect to seizure of real property, the Officer is authorized to require the plaintiff to advance the necessary expenses of any reasonable security measure, including the posting of a guard.
- G. Seized Property Storage: All property seized per court order shall be turned over to the plaintiff at the time of seizure if possible.
- H. If this is not allowable by law as in the case of a Claim and Delivery, the property will be tagged with a white property sheet and placed in a secure area. A copy of the property sheet will be attached to the Court Order and signed by the person receiving the property upon release. The order and property release will be returned together to the clerk's office.
- I. Under NO circumstances shall the plaintiff or any other party be permitted to take custody of or provide security for any items in the custody of this Office pursuant to seizure under court process.
- J. Prior to making any seizure of mobile homes, the Officer shall ensure that the Agency property taxes have been paid and the appropriate receipt issued.

- K. Any question concerning the property of any seizure or the method of storing or securing such property shall be immediately referred to the Officer's supervisor for resolution.
- L. No levy shall be made upon the assets of any natural person unless the required exemptions hearing has been conducted or until it has been determined and ruled that the defendant is entitled to no exemptions under Chapter 1C of the General Statutes.
- M. Where an attachment or other seizure process exists against the property of a business, the business itself shall not be padlocked without the express prior approval of the supervisor and legal advisor. Generally, it is permissible only to remove sufficient assets to satisfy the debt.
- N. All fees shall be collected in advance pursuant N.C.G.S. 7A-311. This can be waived only in the event that the plaintiff is a government agency.

## **VI. MAGISTRATE'S SUMMONS**

- A. Magistrate summonses should be served 2 days before the date of hearing on the paper. Without exception, the process must be returned to the Clerk of Court before the close of business on the last business day before the hearing.
- B. Except as provided below for magistrate summonses for ejectment when no money judgment is claimed, the method of service is the same as for a summons and complaint.
- C. If the magistrate summons is for ejectment and it does not contain a claim for monies due, the member shall attempt to make personal service. If this fails, the summons may be posted in a conspicuous place on the property.
- D. Failure to satisfy the personal requirements for personal service where a money judgment, as well as a summary ejectment for possession, is included in the magistrate summons **AUTOMATICALLY DEFEAT THE PLAINTIFF'S CLAIM FOR DAMAGES.**
- E. When the magistrate's summons does not contain a claim for money, or when the money claim is abandoned after issuance of the summons, the Officer is still required to exercise due diligence in attempting personal service. Only after normal attempts to obtain personal service have failed is alternate service valid. However, after the normal efforts to locate the person have failed, it is permissible for the Officer to affix the summons and complaints to the premises.
- F. Officers utilizing this form of service shall ensure to the greatest extent possible that the summons is attached to the premises in a reasonably

permanent and conspicuous manner. If it becomes reasonably apparent during the course of attempting personal service that the person cannot be located and the summons contains a claim for money, then posting the summons on a conspicuous place on the premise may complete service.

- G. Under NO circumstances shall the member change the paper to “possession only”.

## **VII. TAX ATTACHMENTS**

There is no time specified for service of tax attachments. Therefore, it should normally be treated as a 30-day process. A tax attachment shall be served by personal delivery to the defendant taxpayer.

## **VIII. TAX GARNISHMENT**

The time period on a tax garnishment is not specified. Therefore, it should normally be treated as a 30-day process. It should be served by delivery to the garnishee as specified in the regulation Governmentgarnishment.

## **IX. TAX FORECLOSURE**

The tax foreclosure is served in the same way as a summons and complaints. However, this is a 60-day process.

## **X. SPECIAL PROCEEDINGS**

- A. Special proceedings have the appearance of a regular summons and complaint with the exception of the designation “special proceedings” in the title of the case. Such cases involve suits to partition property, contesting of wills, etc.
- B. The statute concerning service of special proceedings provides that the plaintiff may request immediate service. Therefore, under normal circumstances, such processes should be served as quickly as possible upon the assumption that such request has been made.
- C. In any event, the member must return such papers to the Clerk of Court within 30 days of issuance. The method of service of special proceedings is the same as for a summons and complaint. A special criterion for legal return of service is that the respondent in the proceeding must sign the return as being served.

## **XI. EJECTMENT**

- A. In addition to the notice mailed from the office, the Officer shall post a copy of the notice on the property.

- B. At the time of ejection, a qualifying landlord is to be granted the option of recalling the execution, continuing with the set out, or simply changing the locks. This election shall be executed in writing, signed by the plaintiff and a copy returned with the execution.
- C. If the padlocking option is chosen, the Officer shall supervise the changing of the locks and shall then return the execution to the Clerk of Court.
- D. Officers are prohibited from giving landlords advice as to which option to utilize or what to do with small amounts of property left on the premises. Similarly, officers shall not attempt to value any such property.

## **XII. USE OF FORCE**

- A. Generally, any use of force in serving civil process shall be prohibited. If service cannot be obtained without the use of force against either persons or property, such process shall be returned unserved and with the appropriate return statement.
- B. If the Officer cannot enter onto the premises peacefully, he/she shall not enter at all except as provided below. In case of doubt as to authority to use force, or in any event where further attempts would reasonably appear to result in the likelihood of violence against the member, the member shall withdraw and make the appropriate return.
- C. Use of force is authorized under the law for execution of a claim and delivery under limited circumstances. However, prior to attempting such levy, the member shall have satisfied him or herself as to the particularity of the description of the property and shall have identified the property subject to seizure by peaceful means.
- D. Force may not be used merely to identify property subject for seizure. However, when the Officer has unmistakably identified the property subject to seizure, he/she may use only the amount of force reasonably necessary to effect entry onto the premises and to seize such property after a public demand for delivery of the property has been made and refused.
- E. Officers may also lawfully use the degree of force reasonably necessary to gain entry onto the premises and to remove property subject to a summary ejection. This shall be done only upon actual possession of the order in ejection and only to the degree necessary to place the plaintiff in possession of the premise. In the Officer's discretion, he may consider options other than an immediate use of force, such as (1) seeking to invoke the court's contempt jurisdiction under G.S. 5A-11, (2) applying for a criminal arrest warrant for resisting, delaying or obstructing officers pursuant to G.S. 14223, or (3) seeking supplemental court orders authorizing specific law

enforcement action to gain access to the premises and/or to forcibly remove the tenant (“Order in Aid of Possession”. The office may find it advisable to enlist the help of landlord or landlord’s attorney with respect to options (1) & (2).

- F. Nothing in this section shall be construed as requiring the Officer to expose him or herself to danger in the collection of a debt or as prohibiting the member from protecting him or herself from actual attack to the extent authorized by the law.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE:** CRIMINAL PROCESS  
**POLICY #:** X-2 **EFFECTIVE DATE:** 01-01-2019

## **PURPOSE:**

The purpose of this order is to establish guidelines and responsibilities for the service of criminal process.

## **POLICY:**

It shall be the policy of the Phoenix Special Police to process and attempt service of warrants for arrest, criminal summons, citations, orders for arrest, show cause orders, notices, fugitive warrants, subpoenas, and other criminal processes sent to the Phoenix Special Police for service.

## **PROCEDURE:**

### **I. ORIGINS AND TYPES OF CRIMINAL PROCESS**

- A. The Warrant Control Section and Civil Process Division receive all criminal papers that arrive at the Phoenix Special Police. These criminal papers come from:
  - 1. Clerk of Court
  - 2. Magistrates
  - 3. Probation and Parole
  - 4. The public
  - 5. Other jurisdictions
  
- B. Criminal papers include
  - 1. Warrants for arrest (WFA);
  - 2. Criminal summons
  - 3. Citations
  - 4. Orders for arrest (OFA)
  - 5. Show cause orders
  - 6. Notice of hearings
  - 7. Fugitive warrants (Governor's warrants) and
  - 8. Subpoenas – District Criminal or Superior Criminal, in person or to produce documents

- C. All criminal papers received for service will be stamped with the date and time the paper is received. All papers, when received, will have a court docket number assigned to them.

## **II. RECORD OF CRIMINAL PROCESS**

- A. Criminal process information will be entered into the computer tracking system and shall include the following information:
  - 1. Date issued
  - 2. Name of defendant
  - 3. Address
  - 4. Date of birth, if known
  - 5. Social Security number, if known
  - 6. Race and gender
  - 7. Phone number, if known
  - 8. Operator's license number
  - 9. Type of bond and amount (if applicable)
  - 10. Type of paper
  - 11. Court records number (CR Number) and
  - 12. Area assigned.
- B. Once the assigned area receives the paper for service, the processing of same will be worked according to agency policy, and state and federal laws for prompt service.
- C. All papers for service will be researched for telephone numbers, correct addresses or whatever other information may facilitate service.

## **III. TERRITORIAL LIMITATIONS UPON EXECUTION**

- A. An officer having a warrant for arrest in his/her possession may arrest the person named or described therein at any time at any place within Phoenix Special Police Agency, and anywhere in the state in cases of felony offenses, which occurred in Phoenix Special Police Agency.
- B. If service of process takes an officer out of the Agency, protocol contact shall be made to the local agency of destination unless waived for good reason by a Director or above of this agency.

## **IV. TIME REQUIREMENTS FOR EXECUTION**

- A. Criminal summons, warrants, and orders for arrest will be served within 180 days or returned to the Clerk of Courts office to be re-issued for another 180 days, if the CSC so desires.

- B. Subpoenas for witnesses will be served in person or by telephone before the date the person is to appear in court as a witness. Subpoenas to produce documents will be served in person only, before the date to produce.
- C. Citations, show cause orders and notices all have court dates set, before which service must be completed.

**V. STATUTORY PROVISIONS**

- A. **Summoning Aid (N.C.G.S. 15A-405)**  
Private persons may assist law enforcement officers in effecting arrests and preventing escape from custody when requested to do so by the officer.
- B. **Issuance of Summons in Lieu of Arrest (N.C.G.S. 15A-302)**  
An officer may issue a citation in lieu of arrest to any person who he/she has probably cause to believe has committed an infraction or misdemeanor.
- C. **Use of Force (N.C. G.S. 15A-401)**  
A law enforcement officer is justified in using force upon another person when to the extent that he/she reasonably believes it is necessary to effect an arrest and in accordance with this agency's "Use of Force" policy.
- D. **Execution of Criminal Process Without a Warrant (N.C. G.S. 15A-401)**
  - 1. An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.
  - 2. An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a felony or has committed a misdemeanor and will not be apprehended unless immediately arrested or may cause physical injury to him/her or others, or will cause damage to property unless immediately arrested.

**VI. SERVICE OF CRIMINAL PROCESS IN FOREIGN JURISDICITON**

- A. Criminal process directed to the Phoenix Special Police for service, which cannot be served because the person named, is not found in Phoenix Special Police Agency and there is no indication where the person may be found shall be returned to the issuing court with annotation to that effect. If a defendant cannot be found in Phoenix Special Police Agency but information is developed that the defendant named in the process is located in another jurisdiction, the process shall be returned to the point of origin with the information attached which

will enable the receiver to forward the process to the proper agency for service.

- B. An exception to this policy would be that information has been developed where the defendant has been located in a neighboring Agency and can be apprehended immediately with the assistance of a neighboring agency under mutual aid. Mutual aid must exist.

## **VII. PRIORITIES FOR SERVICE OF OUTSTANDING ARREST WARRANTS**

Rapid service of criminal papers is the ultimate goal for all processes. Officers are to give emphasis on warrants where the person named has failed to appear in court, or the person represents a danger to others.

## **VIII. RECORD OF SERVICE/OTHER DISPOSITION**

### **A. Attempts of Service**

The officer(s) assigned paper for service shall record each attempt of service showing the date, time, officer's number, and reasons for non-service on the paper or attachment.

### **B. Service of Papers (In-Agency)**

Once the paper has been served, the following necessary information will be recorded in the warrant control system.

1. Date and time of service; and
2. Name of server

After service, all papers from out-of-Agency sources will be returned by mail.

*Note:* A copy of the arrest sheet and copy of the warrant are to be turned over to the Records Clerk.

### **C. Papers Sent Out-of-Agency**

If any criminal paper received is to be sent to another agency, the Warrant Control System will reflect:

1. Date sent to agency; and
2. Name of the agency where paperwork was forwarded

**D. Return of Unserved Papers**

1. In the event a paper is to be returned to the place of origin of the Clerk of Court unserved, the Records Clerk will indicate in the Warrant Control System:
  - a. Method of service (unserved)
  - b. Date returned to Clerk's Office
  - c. Agency returned to
  - d. Name of Officer returning paper; and
  - e. Reason paper is returned to court unserved.
  
2. The Warrant Control System will then reflect the file as being inactive.

# **PHOENIX SPECIAL POLICE & SAS**

**TITLE: RETURN OF SERVICE:**

**CRIMINAL PROCESS**

**POLICY #: X-3**

**EFFECTIVE DATE: 01-01-19**

## **PURPOSE:**

This policy is implemented for personnel to comply with North Carolina General Statute 15A-310 (d)(2), which requires the return of unserved warrants and orders for arrest at the end of 180 days.

## **POLICY:**

It shall be the policy of the Phoenix Special Police for its employees to comply with North Carolina law regarding the return of unserved warrants and orders for arrest.

## **PROCEDURE:**

- All criminal processes logged in this agency shall have a “Criminal Paper Date Sheet” form attached by the Records Clerk. All attempts of service including dates, time and officer’s call number shall be documented on this form.
- If the defendant is believed to be out of our jurisdiction, the officer attempting service will write a return on the criminal process and forward it to the Records Clerk of the Phoenix Special Police. In the event there is no information leading to the arrest or whereabouts of the defendant within 180 days of the issue date, the criminal process will be returned to the agency’s Records Clerk with the appropriate notations on the attempted service form.
- The Records Clerk will make proper notation in the computer records system, and then return the unserved warrants and orders for arrest to the issuing court. In the event the defendant is located, the Supervisor on duty will retrieve the criminal process from the Clerk’s Office, if possible, and give it to the arresting officer.

**Section 11: ( RESERVED) Administrative Orders**

