

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
<b>Chapter 1</b>	<b>Law Enforcement Role and Authority</b>	
<b>Date Initially Effective: 09/30/94</b>	<b>By the Order Of:</b>  <b>Mark Holtzman, Chief of Police</b>	
<b>Date Revised: 11/20/16</b>	<b>Date Reissued: 2/16/17</b>	<b>Page 1 of 30</b>

The purpose of this directive is to establish guidelines and formulate policy for the role of the Greenville Police Department, the limits of its authority, and to provide authorized methods that may be needed when officers are responding to resistance and aggression.

As the Department defines its role, two (2) broad purposes are served:

1. Employees are made aware of the actions and attitudes expected of them and can act without hesitation in accordance with Department policies and procedures
2. Members of the public are provided with a general standard by which they can measure the performance of the Department.

This directive sets forth the enforcement policy of the Department, defines the limits of individual discretion, and provides the guidelines for the exercise of such discretion.

### **1.1.1 OATH OF OFFICE AND CODE OF ETHICS**

CALEA Standard: 1.1.1, 1.1.2

Prior to assuming status as a sworn police officer, each new employee is required to take an Oath of Office (Attachment A). The Oath will be administered by the Clerk of Superior Court, or other appropriate official, and must be signed, notarized, and kept as part of the official records of the Greenville Police Department.

All sworn police officers of the Greenville Police Department shall abide by the Greenville Police Department's Code of Ethics (Attachment B).

Each civilian employee shall abide by the Civilian Law Enforcement Professionals Code of Ethics (Attachment C)

The Greenville Police Department mandates that ethics training shall be conducted biennially for all personnel.

### **1.1.2 LIMITED ENGLISH PROFICIENCY**

It is the policy of the Greenville Police Department to take reasonable steps to provide timely, meaningful access to all agency programs, activities and services to Limited English Proficient (LEP) persons. Departmental personnel will provide language assistance services to individuals who either request or require them.

For the purposes of this portion of the policy, the following definitions are applicable:

- Interpretation: The process of converting a spoken or signed communication from one language to another.
- Limited English Proficient (LEP): Those individuals whose primary language is not English, and/or those individuals who have a limited ability to read, write, speak or understand English.
- Primary Language: The language that an individual is most proficient in.

- Translation: The process of converting written text from one language into written text in another language.

### **Interpreting Services**

When considering the need for interpreting services, employees will assess the seriousness of the matter, including the nature of any potential criminal charges and try to ascertain an individual's primary language to determine available resources in order to facilitate effective communication. Employees have the following options available to them:

- If a Greenville Police Department bilingual employee is on-duty and available to assist with either interpretation or translation, they should be the primary source for assistance.
- If no Greenville Police Department bilingual employee is available, telephone contact should be made with the "Language Line" a contracted interpreter service.
  - Contact with the "Language Line" can be made via the assistance of telecommunicators or through direct telephone contact by the employee.
  - Upon contacting the "Language Line" employees will provide the Client #, the agency name, the language needed, and the employee's personal code (badge #).
  - Prior to providing the phone to the LEP individual, employees should brief the interpreter with details of the interaction and the specific information that needs to be provided to the LEP individual.
- If neither of these options provides the needed service, additional resources may be consulted with the approval of the on-call command staff member.

### **Translations Services**

Translation for major case investigations will be determined on a case by case basis by the Bureau Commander of the affected bureau.

Agency personnel should thoroughly document the use of another officer or the "Language Line" for interpretive services, and/or if translation services are utilized each time their assistance is required; either in the call for service (if no case report is generated) or in the case report.

## **1.1.3 CRIMINAL JUSTICE AND SOCIAL SERVICE DIVERSION PROGRAMS**

### **CALEA Standard 1.1.3**

The Greenville Police Department encourages its personnel to use established criminal justice and social service programs designed to divert individuals from the criminal justice system when such programs effectively accomplish Department objectives. The Greenville Police Department recognizes and supports criminal justice diversion programs established and coordinated by Pitt County Department of Social Services, Pitt County Courts, and other similar service agencies.

## **1.1.4 CONSULAR NOTIFICATION**

### **CALEA Standard 1.1.4**

Whenever a foreign national is arrested or detained in the United States, there are legal requirements to ensure that the foreign national's government can offer consular assistance. The foreign national has the right of consular notification and access. This notification may be made orally or in writing.

In most cases, the foreign national then has the option to decide whether to have consular representatives notified of the arrest or detention. In other cases, however, the foreign national's consular officials must be notified of an arrest and/or detention regardless of the foreign national's wishes. Whenever a foreign national is taken into

custody, the officer should determine whether consular notification is at the option of the foreign national or whether it is mandatory.

The United States Department of State provides information and instructions regarding consular notification requirements. Information and instructions regarding consular notification are available as follows:

- Consular notification placards are posted in the police headquarters building.
- Consular notification instruction cards are provided to all police officers.
- U.S. Dept. of State Consular Notification and Access Manuals are available at police headquarters.
- U.S. Dept. of State, State Department Operations Center can be contacted at (202) 647-4415 and for urgent assistance outside normal business hours at (202) 647-1512.
- A GPD Consular notification wall placard is posted next to the GPD fingerprint instrument at PCDC,

If the arrestee/detainee chooses to exercise this right, the arresting/detaining officer will inform the appropriate foreign consulate or embassy and document that notification.

Chapter 61 establishes procedures for handling traffic law violations committed by foreign diplomats and consular officials.

### **1.2.1 LEGALLY MANDATED AUTHORITY AND CONSTITUTIONAL RIGHTS**

CALEA Standard 1.2.1, 1.2.2, 1.2.3

#### **Legally Mandated Authority**

Title 5, Chapter 1, Section 5-1-2 of the Code of Ordinances of the City of Greenville, grants the Chief of the Greenville Police Department authority to supervise and control the police force. Employees of the Greenville Police Department represent the legal will of the State of North Carolina and the City of Greenville. The Greenville Police Department has only one category of sworn personnel with arrest powers. Sworn officers should understand the limitations that have been imposed on the Greenville Police Department through law; as well as know and understand the laws and principles that they are sworn to uphold.

In addition to their authority within the corporate limits of the City of Greenville, police officers have arrest and enforcement authority as directed by statutory or common law within one (1) mile of the corporate limits and all property owned or leased by the city wherever located. Unless prohibited by statute or authorized by other policy or directives, police officers have the authority to enforce the laws of the State of North Carolina and the ordinances of the City of Greenville within the city's jurisdictional authority.

#### **Legal Authority to Carry and Use Weapons**

North Carolina General Statue 17c creates the North Carolina Criminal Justice Education and Training Standards Commission and establishes responsibilities for the Commission in the administration of a program of basic law enforcement training, instruction, and evaluation. The Commission sets professional standards for persons who seek to become or are serving as officers in the criminal justice system.

This course of instruction developed by the North Carolina Criminal Justice Education and Training Standards Commission requires training and proficiency in the use of weapons by law enforcement personnel in the performance of their duties. A minimum firearm proficiency level is required for certification as a law enforcement officer. The Commission further requires annual in-service firearms training and establishes annual minimum qualifications for firearm proficiency. Failure to meet the requirements of annual in-service firearms qualifications may result in the suspension of an officer's certification, thereby suspending the employee's legal authority to carry and use a weapon in the performance of their duties.

North Carolina General Statue 14-269 permits the carrying of concealed weapons by law enforcement personnel while in the discharge of their duties and in an off-duty capacity under certain conditions.

The authority to carry and use weapons shall at all times comply with applicable federal and state laws and all policies and procedures of the Department. The "Law Enforcement Officers Safety Act of 2004" (18 USCS 926B)

permits a qualified law enforcement officer, carrying the photo ID issued by his or her law enforcement agency, to carry a concealed firearm anywhere in the United States. Officers shall, however, obey local prohibitions against the carrying of concealed weapons including but not limited to prohibitions involving the consumption of alcohol or on private property where the owner imposes such prohibitions and state or public property, such as a courthouse.

No other Police Department personnel are authorized to carry or use firearms in the performance of their duties.

North Carolina General Statute 15A-401 provides for the use of force, including deadly force, and establishes the provisions under which progressive levels of force may be used.

### **Constitutional Requirements**

From the beginning of an investigation through its conclusion, Greenville Police Officers shall conduct themselves in a manner to protect the constitutional rights of those being investigated, including but not limited to:

- Statements, whether verbal or written shall be obtained voluntarily and without coercion.
- When an individual is arrested, the suspect shall be transported without unreasonable delay to an appearance before the judicial official having jurisdiction over the offense.
- Custodial interviews or questioning shall be conducted in compliance with *Miranda v. Arizona*.
- Questioning will cease once a suspect requests the presence of counsel and may resume after counsel has been contacted and consents to a resumption of the interview for the offense identified.

Greenville Police Department personnel shall not purposely seek pre-trial publicity in an attempt to prejudice a trial. Chapter 54 of the Greenville Police Department's Policy and Procedures Manual provides guidelines for the release of information to the public.

## **1.2.2 PROCESSING FOR SEARCH, SEIZURE, AND ARREST**

CALEA Standard: 1.2.4, 1.2.5, 74.3.1

### **Search and Seizure/Arrests**

The procedures for search and seizure, and/or arrest, with or without a warrant, are governed by North Carolina General Statutes 15A, Subchapter II, Articles 9-15 and 15A Subchapter IV, Article 20.

### **Search Warrants**

A search warrant is a court order and process directing a law enforcement officer to search designated premises, vehicles, or persons for the purpose of seizing designated items and accounting for any items so obtained to the court that issued the warrant. An item is subject to seizure pursuant to a search warrant if there is probable cause to believe that it:

- Is stolen or embezzled;
- Is contraband or otherwise unlawfully possessed;
- Has been used or is possessed for the purposes of being used to commit or conceal the commission of a crime; or
- Constitutes evidence of an offense or the identity of a person participating in an offense.

Each application for a search warrant must be made in writing upon oath or affirmation. Any law enforcement officer acting within his/her territorial jurisdiction may execute a search warrant, when their investigative authority encompasses the crime or crimes involved.

The officer(s) executing a search warrant must activate their body worn camera, if issued, and give appropriate notice of their identity and purpose to the person to be searched or the person in apparent control of the premises to be searched. If it is unclear whether anyone is present at the premises to be searched, the officer must give notice in a manner likely to be heard by anyone who is present.

When executing a warrant, an officer may force entry into a premise or vehicle when the officer has previously announced identity and purpose and based on the totality of the circumstances, the officer has reasonable

suspicion that admittance is being unreasonably denied or delayed. Entrance or access to occupied premises or vehicles may occur when the officer has probable cause to believe that giving notice would endanger the life or safety of any person.

The scope of the search may be only such as is authorized by the warrant and is reasonably necessary to discover the items specified.

### **Seized Vehicles or Property**

Upon seizing items, pursuant to a search warrant or consent search, an officer must complete and sign an Inventory of Seized Property as outlined by N.C.G.S. 15A-257. The inventory shall include a listing of the items taken and the name of the court by which the warrant was issued. If the items were taken from a person, the inventory must be given to that person. If items were taken from a place or vehicle, the inventory must be given to the owner or person in apparent control of the premises or vehicle if the person is present; or if he is not, the officer must leave the receipt in the premises or vehicle from which the items were taken. A copy of the inventory should be included with the Incident Report. A Property Disposition form must also be completed and submitted to the Magistrate. The Property Disposition Form must contain a detailed description of all items seized.

During the execution of a search warrant if the officers involved in the search discover items not identified in the search warrant, they may seize the items found if:

1. The officer had a right to be in the place or location where the item was discovered
2. The item or contraband was discovered inadvertently
3. It was immediately apparent to the officer that the items observed were evidence of a crime or contraband.

Pursuant to N.C.G.S. 15A-258, seized property must be secured in the Property and Evidence Unit pending the appropriate disposition. Any items seized by the officer during an inventory search which subsequently becomes evidence of a crime, must be logged as evidence and also turned over to the Property and Evidence Section, in accordance with departmental policy and procedure, for potential analysis and/or submission in a subsequent prosecution.

### **Search and Seizure by Consent**

Pursuant to N.C.G.S. 15A-221 and 15A-222, a law enforcement officer may conduct a search and make seizures, without a search warrant or other authorization, if consent to the search is given. The consent needed to justify a search and seizure must be given:

- By the person to be searched;
- By the registered owner of a vehicle to be searched or by the person in apparent control of its operation and contents at the time the consent is given;
- By a person who by ownership or otherwise is reasonably apparently entitled to give or withhold consent to a search of premises.

Additionally, the consent must be:

- Voluntarily (e.g. clear, specific, and unequivocal).
- The search shall be limited by the scope of consent.
- The search cannot exceed, in duration or physical scope, the limits of the consent given (e.g., if person withdraws consent, the search must stop; if a person allows only a search of the trunk, the officer cannot search the interior of the car)

### **Vehicle and Person Searches**

Consent for ALL vehicle and person searches require ONE of the following:

- A second officer to witness consent given orally, or
- The recording, by body-worn camera or mobile video recorder, of both the consent given orally and the subsequent search.
- Documentation of the consent to search by use of the GPD Consent to Search form.

***All vehicle and person searches require the completion of a Field Contact Form in the records management system for every individual searched or the individual authorizing the vehicle search.***

### **Search of a Residence**

Consent searches and authorization for all searches of a residence shall be documented on the GPD Consent Search Form. Forms are required to be submitted to records for documentation with the associated case/incident number.

After meeting the requirements for a consent search, the officer can proceed with the search, providing:

- That if at any time after the search has begun the person revokes or limits the scope of the consent originally given; the officer will immediately stop and search no further.
- If consent is revoked withdrawn or modified, the officer should document the details and circumstances surrounding the revocation, withdrawal or modification of the scope of the consent.
- If consent is revoked, withdrawn or modified, and the officer has sufficient articulable facts to obtain a search warrant, the officer may use the facts and items seized to form the basis of the affidavit and search warrant request.
- If consent is revoked, withdrawn or modified, the search must cease immediately, until such time as the officer seeks and obtains a search warrant after the consent is revoked, withdrawn or modified.

Although officers are not required to conduct searches within the plain view of suspects, those who have the authority to grant or revoke consent should be in a position to communicate a revocation, withdrawal or modification of the consent should they so desire.

Absent other legal justification, any related search should be discontinued at any point that consent is revoked, withdrawn or modified, even if the revocation, withdrawal or modification is made by a different party, who is at the scene and who also has lawful authority to authorize the search.

Officers should be aware that overuse of the consent to search can negatively impact the department's relationship with the community.

### **Stop and Frisk**

An officer may affect a brief investigatory stop of an individual where the officer has reasonable, articulable suspicion that a crime may be underway. A reasonable articulable suspicion requires the stop be based on specific and articulable facts, as well as the rational inferences from those facts, as viewed through the eyes of a reasonable, cautious officer, guided by his experience and training. Reasonable, articulable suspicion requires only a minimal objective justification and is something more than unparticularized suspicion or hunch. During the investigatory stop, the officer may conduct a limited pat down or frisk of an individual they have reason to believe is armed. If, in the course of such a frisk, they feel an object which they reasonably believe to be a dangerous weapon, the officer may take possession of that object. When seizing something other than a weapon in this type of search, the officer must be able to articulate that upon immediately touching the object, they had probable cause to believe the object was contraband or knew it to be contraband per se. If the officer needs to manipulate the object in order to reveal its identity, the object cannot be seized.

Field Contact forms must be completed anytime an individual is subject to:

- A stop based on reasonable suspicious
- Probable cause stops relating to investigations
- Anytime a frisk or pat-down search is conducted
- When a consent for illegal contraband is conducted

**Warrantless Vehicle Searches**

Officers may make a limited warrantless search of a vehicle without consent or a corresponding search warrant when they need to determine ownership of the vehicle, i.e. theft or vandalism.

Greenville Police Department officers may only perform warrantless searches of vehicles as allowed or authorized by statutory authority and prevailing case law. As held in *Arizona v. Gant*, police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest.

**Crime Scene Searches**

A police officer's search of a crime scene shall be limited by the following factors:

- The consent given by the owner of the premises which contains the crime scene
- The search is only permitted in areas necessary to discover or disclose evidence or contraband of the crime that has been committed at that scene
- The exigency of the search to prevent further harm to the general public or the persons present in the premises
- As limited by a search warrant
- Contraband in plain view

**Urgent Necessity**

When an officer reasonably believes that doing so is urgently necessary to save life, prevent serious bodily harm, or avert or control a public catastrophe, the officer may take one or more of the following actions:

- Enter buildings, vehicles, and other premises without first obtaining a search warrant or consent;
- Limit or restrict the presence of persons in premises or areas;
- Exercise control over the property of others

**Exigent Circumstances**

A search may be conducted without a search warrant only if the officer has probable cause to believe evidence exists and that undue delay in obtaining a search warrant would lead to destruction or movement of the evidence.

**Other Searches and Seizures**

A law enforcement officer may search the person of one whom they have lawfully arrested as an incident of arrest. In the course of a search incident to arrest, an officer may lawfully take, from the person arrested, any property which such person has and/or which is connected with the crime charged or which may be required as evidence thereof.

**Non-Testimonial Identification**

A Non-Testimonial Order is an investigative procedure authorized by N.C.G.S. 15A-271 which can be used to identify a perpetrator of a crime. It can also be used to exclude an individual from the pool of suspects.

Under this article, an officer may make application to a judge for an order requiring suspects to submit to certain nontestimonial identification procedures such as:

- Fingerprints
- Measurements
- Urine, Saliva, and/or hair specimens
- Voice and/or handwriting samples
- Photographs
- Line-ups

Unless superceded by statute or court decision, a search warrant is also required before obtaining blood from a suspect. Chapter 61 addresses obtaining blood samples for violations of implied consent offenses.

**Arrest**

Under the authority of N.C.G.S. 15A, Subchapter IV Article 20, a police officer may arrest a person pursuant to the existence of a valid arrest warrant. Under the cited authority, an officer having a warrant in their possession may arrest the person named on or described in the warrant at any time and at any place within the officer's jurisdiction. An officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in their possession, may arrest the person named in the warrant at any time. The officer must inform the person arrested that the warrant has been issued and serve the warrant on the person as soon as possible. This applies even when the arrest process has been returned to the Office of the Clerk of Court.

In some circumstances, an officer may arrest prior to obtaining a warrant if probable cause exists. Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion, but less than proof beyond a reasonable doubt, that would lead a prudent person to believe a crime has been committed, or is about to be committed. These circumstances are:

- Any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.
- Any person who the officer has probable cause to believe has committed a felony or a misdemeanor and will not be apprehended unless immediately arrested, or may cause physical injury to himself or others, or damage to property unless immediately arrested.
- Any person who the officer has probable cause to believe has committed a misdemeanor under North Carolina General Statutes 14-72.1 (larceny of property) and 14-134.3 (Domestic Criminal Trespass).
- Any person who the officer has probable cause to believe has committed an offense under North Carolina General Statute 50B-1, Domestic Violence, when the offense includes parties who are spouses, former spouses, persons of the opposite sex who live or have lived together, are related as parents and children or grandparents, have a child in common, are current or former household members, or are persons of the opposite sex who are in a dating relationship.

When making an arrest, a law enforcement officer must:

- Identify themselves as a law enforcement officer unless their identity is otherwise apparent
- Inform the arrested person that they are under arrest
- Inform the arrested person of the reason for the arrest, unless the cause appears to be evident

An arrest is complete when the person submits to the control of the arresting officer who has indicated their intention to arrest, or the arresting officer, with intent to make an arrest, takes a person into custody by the use of physical force. After the arrest is completed, the arresting officer will take the arrestee, without unreasonable delay, before a judicial official. When the arrest is made prior to obtaining a warrant, the officer shall swear to or affirm the facts supporting the probable cause for arrest.

**Charging and/or Arresting Juveniles**

Greenville Police Department's Policy and Procedures Manual, Chapter 44, addresses procedures for charging and or arresting juvenile.

**Immunity**

Greenville Police Department's Policy and Procedures Manual, Chapter 61, addresses procedures for handling individuals having immunity from arrest.

**1.2.3 ALTERNATIVES TO ARREST****CALEA STANDARD 1.2.6**

Under the authority of the Chief of Police, police officers may exercise discretion in certain situations to the extent that an alternative to arrest may be employed to resolve the situation. Warnings, referrals, informal resolutions, summons, and citations shall be considered approved alternatives to arrest. Alternatives to arrest must respect the rights of the parties involved and must accomplish a police purpose. Alternatives to arrest may include, but are not limited to, the following:



### Citations and Summons

These are enforcement procedures that constitute alternatives to arrest solely by the fact that they may be used to preclude physical custody or are less severe enforcement options. Citations may also be used as an enforcement option for traffic and equipment violations.

### Pro Citation Based Initiative

The Greenville Police Department recognizes the benefits of a pro citation based initiative over that of physical arrest for a variety of reasons. As such, the Greenville Police Department hereby adopts the practice and procedure for officers to issue citations in lieu of physical arrest for common misdemeanor criminal offenses as listed unless one of the following conditions apply:

- The officer is unable to verify the identity of the individual
- The officer has reason to believe the individual will not appear in court
- The officer believes the individual will, or is likely to continue the behavior or actions for which they are being charged, or the subject is a repeat or habitual offender
- The misdemeanor charge is a lesser charge of a larger criminal investigation

Examples of misdemeanor offenses include but are not limited to:

- Larceny
- Shoplifting
- Simple Possession of Marijuana
- Possession of Drug Paraphernalia
- Simple Affray
- Simple Assault
- Intoxicated and Disruptive
- Minor Misdemeanor Traffic Offenses
- Disorderly Conduct
- Trespassing
- Damage to Property
- Misdemeanor Alcohol Violations

### 1.2.4 DISCRETION

CALEA Standard: 1.2.7

A decision not to arrest when there are grounds for arrest is, at times, considered good law enforcement practice. Public empathy can be enhanced by the careful use of discretion and potential ill will can be avoided.

It is the policy of the Greenville Police Department that any decision by a law enforcement officer not to arrest should be made only after careful consideration of the following:

- The arrest would cause a greater risk of harm to the general public than not arresting the offender
- The arrest would cause harm to an offender who poses no threat of danger to the public
- The seriousness of the crime committed

Should questions arise concerning a particular situation, the police officer involved should confer with a supervisor.

### 1.2.5 RECORDING ARREST INFORMATION

CALEA Standard 1.2.5

### Preparing Reports

Arrest reports are required for all arrests made by departmental personnel. The Arrest Report is designed for recording single or multiple charges on each person arrested. It is not necessary to complete one form per arrest when the date of arrest is the same.

When a juvenile has been arrested or otherwise processed by the Department and released to the parents, a Juvenile Contact Report shall be completed. If a juvenile is charged with a crime, the officer must notify the juvenile's school administration and document the conversation in the case report and narrative. Once the juvenile is arrested the officer must contact the school administration to provide a follow-up on the case and document the follow-up contact in the arrest report and narrative.

### **Fingerprinting and Photographing**

North Carolina General Statute 15A-502 authorizes photographs and fingerprints to be taken of individuals charged with a felony or misdemeanor when the individual is arrested or placed in the detention facility; or convicted and imprisoned; or convicted of a felony. Individuals who are arrested and do not possess valid identification and are charged with impaired driving or driving while license revoked, if the revocation was for impaired driving, shall be fingerprinted and photographed.

It shall be the duty of the arresting agency to require a person charged with the commission of a felony to be fingerprinted and submit those fingerprints to the State Bureau of Investigation.

Fingerprints and photographs are not taken for individuals charged with a Class 2 or 3 misdemeanors under Chapter 20 of the General Statutes, "Motor Vehicles", except when no valid identification is presented. This statute does not prevent the use of photographs, videos, or fingerprints to show a condition of intoxication or for other evidentiary use. Statute 7B-2102, however, does authorize the taking of photographs and/or fingerprints of juveniles ten (10) years of age or older who have committed a non-divertible offense and are in the physical custody of law enforcement.

The Department's computerized Records Management System maintains current demographic and descriptive information and photographs of individuals arrested and/or photographed pursuant to an arrest.

## **1.2.6 STRIP AND BODY CAVITY SEARCHES**

### **CALEA Standard 1.2.8**

Although highly intrusive, strip and body cavity searches may sometimes be necessary to protect the safety of officers, civilians, and other prisoners and to detect and seize evidence of a crime. Such searches shall be conducted only with proper legal authority and justification and in accordance with Department policy and procedures. An officer must obtain and document consent in accordance with policy or have a search warrant issued in order to conduct a strip search unless exigent circumstances make it impractical to obtain a warrant. Examples of such exigent circumstances include:

- The evidence would be destroyed or would dissipate while the officer sought a warrant
- Failure to immediately obtain the evidence would present a serious threat to the safety of any one of the persons involved in the search or arrest

A **Strip Search** shall be defined as any search of an individual where there is a direct observation of the suspect's private areas or exposure of their private areas (State v. Jones) to permit the visual inspection of skin surfaces, including genital areas. Strip searches may be conducted after authorization from a supervisor under the following conditions:

- Only when an individual is under arrest or has been otherwise legally detained.
- When one of the following exists:
  - Probable cause to believe that the individual is concealing weapons, contraband or evidence
  - Consent has been documented or
  - A search warrant has been issued.
- Arrestees will not be subjected to a strip search for any offense unless specific factors are present which establish reasonable belief that the search will uncover a weapon or contraband.
- Within a secure facility or in a private room within a building and under conditions providing privacy from all but those authorized to conduct the search.
- Conducted only by designated Department personnel of the same sex as the person being searched.

A **Body Cavity Search** shall be defined as any search involving not only visual inspection of skin surfaces, but also the internal physical examination of body cavities. Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the subject is concealing a weapon, evidence, or contraband within a body cavity the following procedures shall be followed:

- Body cavity searches shall be performed pursuant to a search warrant.
- Body cavity searches shall be performed only by a qualified physician, or other medically trained personnel directed by a physician.
- An officer of the same sex as the person being searched will be present when the search is conducted.
- Body cavity searches shall be performed with due recognition and regard for privacy and hygiene concerns.

All searches shall be conducted with regard to safety, legal seizure of evidence, and in a manner to be considered reasonable and legal by applicable judicial authorities. Additionally, all incidents specifically dealing with a strip search or a body cavity search will be documented in the case investigation. The report at a minimum shall include:

- Justification for the search
- Whether pursuant to a search warrant or consent
- Identity and role of person(s) present during the search
- Narrative of how the search was conducted
- Supervisor granting authorization

### 1.2.7 BIASED POLICING

#### CALEA Standard 1.2.9

The Greenville Police Department recognizes the value of criminal profiling as a useful tool to assist law enforcement officers in carrying out their duties. Officers are prohibited, however, from practicing bias based profiling in any manner. This includes the use of bias policing in traffic contacts, field contacts, and in asset seizure and forfeiture efforts.

Biased policing is the selection of an individual for enforcement action based in whole or in part on a trait common to a group without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, or any other identifiable characteristics. Enforcement personnel will receive regular training on issues involving biased policing and the legal facets as outlined in Greenville Police Department's Policy and Procedures Manual Chapter 33.

Any complaint of biased policing shall be investigated by the Office of Internal Affairs as outlined in Greenville Police Department's Policy and Procedures Manual Chapter 52. The Internal Affairs Annual Summary of Internal Affairs Complaints shall include an administrative review of agency practices on biased policing, to include citizen complaints or concerns, field contacts, arrests, consent searches and asset seizure and forfeiture efforts.

### 1.3.1 AUTHORIZED DUTY WEAPONS

#### CALEA Standard: 1.3.9

Greenville Police Department employees are only authorized to carry and use weapons, lethal and non-lethal, issued by the Department unless otherwise approved by the Chief of Police or designee (Attachment D). Officers may carry a non-issued pocket knife.

#### Department Issued Handgun

Greenville Police Officers are required to carry their department issued handgun while on duty. Exceptions, such as special covert situations that may require an undercover officer to be unarmed, may be authorized by the Chief of Police or his designee. Officers on duty carrying department issued handguns or other approved and concealed handguns shall carry their badge and their police issued credentials.

Uniformed officers are required to carry their department issued handgun with attached tactical accessory light and appropriate issued holster. Tactical accessory lights are to be used for approved tactical operations only. The only acceptable grip is the original manufacturer's stock grip. The ranking Firearms Instructor may approve other grips, such as oversized stock grip for police officers with large hands, to correct a shooting problem. Bone, pearl, decorator, or target grips are not authorized.

Sworn Officers who wear plain clothes while on duty may request to carry a personally owned duty weapon, once approved by the lead firearms instructor and upon qualifying on the primary firearms qualification course. Personally-owned duty weapons must be double-action or safe-action and no less than a 9mm caliber. Revolvers are not an approved option. Officers must request permission to carry a different weapon with the understanding that the cost of the weapon and the holster are the responsibility of the individual officer. Duty holsters for all personally owned weapons must be a commercially available holster. Plain Clothes Officers who report to work in uniform must carry the department issued firearm with attached tactical accessory light and issued holster.

Police officers shall be armed with an approved firearm at all times when operating a police vehicle.

### **Department Issued Shotgun**

The Department will provide the necessary training for all police officers in firearms safety and use of the shotgun. The shotgun is not intended to replace a police officer's duty weapon, but should be considered a supplementary weapon for use as particular situations dictate, e.g., searches for dangerous suspects, stakeouts, building searches, etc.

Shotguns may be issued to police officers upon request and as permitted by availability. Shotguns carried by the Greenville Police Officers will be the type issued by the Department or a personally owned shotgun of the same type. Personally-owned shotguns must be approved by a Department Firearms Instructor. Officers must meet mandatory qualification requirements to carry a shotgun.

If carried in the passenger compartment of the police vehicle, the shotgun shall be secured in the shotgun lock. If the vehicle is not equipped with a shotgun lock, the shotgun shall be secured in the trunk of the vehicle.

The only ammunition approved for duty will be that specified and issued by the Department. When carried in the police vehicle, the shotgun will be loaded in the "cruiser safe" position with ammunition loaded in the magazine tube, no rounds in the chamber, and the safety on. All loading and unloading will be performed outside of buildings and cars. At the termination of any situation that required loading a round into the shotgun chamber, the police officer will:

- Point the weapon in a safe direction (away from buildings and people)
- Ensure the safety is on
- Remove the round from the chamber and return it to the magazine tube
- Ensure the shotgun is loaded in the "cruiser safe" position (safety on – no round in the chamber)

At the end of the tour of duty or anytime the shotgun must be unloaded completely, the police officer will:

- Point the weapon in a safe direction (away from buildings and people)
- Ensure the safety is on
- Partially open slide and make sure the chamber is empty
- Remove shells from the magazine tube by use of the shell catch

Rounds should never be cycled through the chamber to unload the shotgun.

At the end of the tour of duty the police officer shall remove the shotgun from the patrol vehicle and the shotgun shall be stored in a secured location.

**Department Issued Rifles**

Rifles carried by Greenville Police Officers will be the type issued by the Department or a personally owned rifle of the same type which has been approved by the Chief of Police or designee. Department owned rifles will be issued to selected police officers. When carried in the police vehicle, rifles shall be stored by securing the rifle in the trunk of the police vehicle in the rifle case or in the vehicle's rifle/shotgun locking rack (if so equipped). During storage, the rifle shall be placed on safe with the bolt closed, magazine inserted, and chamber emptied. Two fully-loaded magazines will be stored with the rifle in the case.

The Department will provide the mandatory training to the selected police officers prior to being issued a rifle. The rifle is not intended to replace the police officer's duty weapon, but should be considered a supplementary weapon for use as particular situations dictate, e.g. building searches, searches for dangerous suspects, K-9 tracks, perimeter security, high risk traffic stops, active shooter situations, or other occurrences as approved by the Chief of Police or his designee. The only ammunition approved for Departmental rifles will be that issued by the Department. Upon deployment, the officer shall ensure the rifle is loaded with a round in the chamber. Administrative loading and unloading shall be done outside of buildings and vehicles. At the termination of any situation that required loading a round into the chamber, the police officer will:

- Ensure safety is on
- Point the rifle in a safe direction (away from buildings and people)
- Release the magazine
- Remove the round from the chamber and return it to the magazine
- Ensure the chamber is empty, release the bolt, and close the dust cover
- Re-insert the magazine
- Properly secure in vehicle

At the end of the tour of duty the police officer shall remove the rifle from the patrol vehicle and the rifle shall be stored in a secured location.

**Authorized Reserve Officer Handguns**

The Greenville Police Department Reserve Officer Program requires Reserve Officers to carry the department-issued handgun.

**Other Issued Weapons**

The Emergency Response Team will be responsible for the maintenance and use of chemical munitions and other specialized equipment at the direction of the Chief. The Emergency Response Team Leader will be responsible for ordering chemical munitions and disposing of outdated munitions. The decision to use chemical munitions will be made by Command personnel. All other special purpose weapons authorized for use shall be identified and issued under the direction of the Chief of Police.

**Less-Lethal Weapons**

The Greenville Police Department has authorized the use of the expandable baton, OC spray, and the TASER as non-lethal weapons that a police officer may carry while on duty. Police officers are only authorized to carry Department issued OC Spray, expandable batons, and TASERs. Police officers are prohibited from carrying or using blackjacks, saps, weighted gloves, bludgeons, metal knuckles, switchblade knives, and "Nanchaku". Police officers may carry a standard pocketknife.

**Ammunition**

Police officers will carry only Department issued ammunition in their duty weapons. While on duty, uniformed officers shall carry the minimum number of rounds of ammunition needed to fully load their issued handgun and two extra magazines.

Police officers assigned to non-uniform positions or officers working off duty or extra duty jobs are required to carry, at a minimum, their fully loaded department issued or approved handgun. All police officers are responsible for the condition of their duty ammunition and must replace duty ammunition annually.

## **Maintenance and Inspection of Weapons**

### **Operating Condition**

Police officers shall keep all Department issued firearms clean and in good operating condition at all times. They shall regularly inspect all firearms carried on duty for residue, corrosion, or other signs of deterioration.

### **Cleaning**

Police officers will clean all department issued firearms as soon as possible after they have been discharged, unless otherwise approved by a unit/shift commander.

### **Inspection**

Prior to initial issue, re-issue and during weapons qualification all department firearms will be inspected by a certified armorer and documented on the departmental inspection checklist.

In the event a department-issued weapon is determined to be damaged, or otherwise not in proper working condition, corrective measures will be taken immediately. If a Department armorer can repair the weapon, such repairs will be made and the weapon returned to the officer. If it is not possible to make the repairs quickly, the officer will be issued an alternate weapon until repairs can be made. The officer will be required to qualify with the alternate weapon prior to returning to duty.

Unit supervisors will conduct inspections of duty weapons to verify compliance with the provisions of this directive. Personnel are prohibited from unholstering any firearm or other weapon for inspection by anyone, except upon demand of a superior or inspecting police officer, or in the performance of their official duties.

### **Security**

Police officers are personally responsible for the security of firearms maintained in their custody and control. All weapons will be removed from the assigned patrol vehicle when the vehicle is left for maintenance or repair of any type.

### **Primary and Secondary Weapons**

A personally owned firearm may be carried by sworn officers in plain clothes as approved by the Chief of Police or designee. Additionally, a secondary firearm may be carried as a backup weapon. Secondary weapons must be at least .32 caliber. No Derringers or similar weapons are permitted.

The firearms instructor will ensure at the time of qualification that all firearms:

- Comply with the provisions of this policy
- Are of a quality which make them appropriate as primary and secondary firearms, and
- Are apparently in a safe condition to use.

All weapons and ammunition must be registered with the Training Section on the appropriate State of North Carolina qualification form and be approved by lead firearms' instructor. No secondary weapon may be carried unless the police officer has qualified with the weapon as required by the Criminal Justice Training and Standards Commission. Officers may qualify with, and receive approval for, no more than three total weapons. Ammunition for personally owned weapons shall be provided by the police officer, must be jacketed hollow point ammunition and must not be a "reload". Each individual police officer is responsible for the maintenance and repair of his or her personal weapon(s) and ammunition.

Secondary weapons will be carried in a concealed and safe manner at all times. Secondary weapons, carried as a backup, will be used only when the primary weapon (duty weapon) is inaccessible. To avoid any possible mistake, ammunition for secondary weapons will not be carried in issued duty ammunition pouches, magazines, or magazine holders. The Chief of Police may prohibit the carrying of secondary weapons in any circumstances deemed appropriate.

## Concealed Handguns While Off Duty

Police officers are not required to carry weapons while off duty, but may elect to do so. Police officers who elect to carry their service weapon or other approved handgun while off duty will be required to have in their possession the department issued credentials. Officers are recommended to also carry their badge, especially while inside the agency's jurisdiction. Any police officer that elects not to carry a handgun while off duty shall not be subjected to disciplinary action if an occasion should arise in which he or she could have taken police action if they were armed

While off duty, no police officer of the Greenville Police Department will wear a weapon in such a manner so as to attract attention or be in open view of the public.

If in the course of an internal investigation, the Chief of Police or a designee requests a police officer to provide any primary or secondary weapon or ammunition for scientific examination or other purpose relevant to the investigation, the police officer shall provide such weapon or ammunition as requested. Failure to comply may result in termination from employment.

### Restrictions for Off Duty Officers outside the Territorial Arrest Jurisdiction

An off-duty officer who is outside the territorial arrest jurisdiction of this department:

- Cannot possess a concealed handgun while consuming any amount of alcohol or while under the influence of alcohol, or any medicine or other substance that impairs mental or physical capabilities, nor shall a concealed handgun be carried for a period of eight (8) hours after the most recent consumption of alcohol or impairing substances.
- Cannot use any force, deadly or non-deadly, or take any action to enforce the criminal law, or prevent a crime from occurring, unless a private citizen is authorized under North Carolina law to take the same action under identical circumstances.
- Cannot carry any concealed handgun while off duty, inside or outside territorial arrest jurisdiction, while on probation, while suspended, or while specifically ordered or restricted by any superior officer of this agency.
- When carrying a firearm outside of the State of North Carolina, officers must comply with the laws concerning off duty police officers of that particular state when choosing to carry a firearm in an off-duty capacity.
- Must carry Departmental credentials at all times a concealed handgun is carried off duty, inside or outside territorial arrest jurisdiction. It is recommended that officers also carry their badge.
- Can only carry a concealed handgun with which they have qualified through the Greenville Police Department, unless the individual is carrying the weapon under the regulations and permit of a 'concealed carry' law.

### 1.3.2 WEAPONS PROFICIENCY, TRAINING, AND QUALIFICATIONS

CALEA Standard: 1.3.10, 1.3.11

Greenville Police Department personnel are only allowed to carry authorized weapons for which they have been approved to carry and which they have demonstrated appropriate proficiency.

## Annual Firearms Qualifications

All Department personnel authorized to carry lethal weapons will qualify to Departmental standards on the firing courses identified in this directive. Qualification courses will be completed using ammunition that is the ballistic equivalent of the authorized round used for each weapon. All weapons qualifications will be based on courses of fire designed and monitored by an instructor certified by State of North Carolina standards.

All officers are required to qualify as follows:

- Duty Weapon Annually on daytime course  
Annually on nighttime course
- Secondary Weapon Annually on daytime course  
Annually on nighttime course

- Shotgun                      Annually on daytime course  
                                     Annually on nighttime course
- Rifle                            Annually on daytime course  
                                     Annually on nighttime course

Only personnel demonstrating proficiency with the duty weapon, by meeting the requirements of the Department's mandated qualification course, will be allowed to carry that weapon. Any police officer that fails to meet Departmental standards of qualification will have his or her police powers suspended immediately by written notification from the Chief of Police or his designee. Documentation will be added to the officers file as part of his or her annual evaluation.

The police officer will not return to normal duty and will remain assigned to the range until a written status change is made. The officer will be provided remedial training by a Certified Firearms Instructor which will include a review of basic shooting skills and shooting drill in order to identify and correct deficiencies. At the completion of remedial training, the officer will be required to successfully complete the qualification with the weapon to document satisfactory performance before returning to normal duty.

If the officer fails the attempt to requalify, a fitness for duty test will be conducted at the direction of the Chief of Police. A second remedial training and re-qualification attempt will be completed subsequent to the fitness for duty test. If the officer fails at this stage, notification will be made to the Chief of Police where it will be handled as a 'work performance' issue, subject to termination of law enforcement duties

Officers who score below 80% with their service handgun during mandatory qualification classes will be required to attend two (2) additional range training days each year until their score improves at a subsequent mandatory qualification course. All Police Officers are permitted and encouraged to practice with their issued weapons on their off-duty time to maintain proficiency and improve qualification scores. This could include the practice of drawing the weapon from the holster at home with an empty weapon or actual range firing practice with their duty weapon at a facility approved for gunfire. For voluntary practice, the Police Department does not provide off duty practice ammunition and officers will not be compensated for time spent at a firing range during scheduled time off. Officers need not obtain permission to practice with their duty weapon, but must keep in mind that all safety rules recognized during departmental training should also be applied during off duty practice.

### **Training and Proficiency Monitoring and Documentation**

These general requirements are to be followed, unless otherwise specified by the Chief of Police. The Firearms Instructor shall:

- Provide training, technical assistance, weapon inspections, range qualification schedules, and other services relating to the shooting qualification program, which are consistent with the position description of the Training Coordinator and the goals of the shooting program;
- Complete a Weapons Qualification Report whenever a police officer qualifies on a course of fire as designated in this directive;
- Maintain complete control and supervision of all personnel while on the range;
- Notify the appropriate Bureau Commander of any police officer experiencing difficulty in qualifying;
- Consult with the appropriate supervisor to determine the training measures needed to develop the shooting ability of the police officer in question to Departmental standards;
- Restrict access to any weapons that a police officer fails to qualify with under Departmental standards;
- Notify the Chief of Police through the chain of command of any police officer who fails to qualify;
- Maintain completed Weapons Qualification Report in each police officer's training file.

The Training Coordinator shall prepare a report, due annually in January, which contains the following:

- A review of the Training Coordinator's log to determine which police officers need additional training and to initiate appropriate training measures
- A review of the Weapons Qualification Program, including the use of less-lethal weapons. The review will recommend changes as necessary to ensure the program achieves training and qualification standards consistent with current legal requirements.



**Less-Lethal Weapons Proficiency**

All agency personnel authorized to carry weapons shall receive annual in-service training and shall demonstrate proficiency with less-lethal weapons. Demonstrated proficiency with less-lethal weapons shall consist of at least the same minimum requirements existing at the employee's entry level. Employees who fail to demonstrate proficiency shall not be returned to duty with that weapon until such time as proficiency is demonstrated and documented.

**In-Service Training – Response to Resistance and Aggression**

All agency personnel authorized to carry and use weapons shall receive annual in-service training on the Department's Response to Resistance and Aggression policies. In addition to annual in-service training, RRA training shall include legal and legislative updates, shift briefings and training memorandums.

The formal annual RRA training shall include at a minimum:

- Familiarization of officers with legal justifications for and obligations of using the various types of force;
- Discussion of appropriate use of the different types of force and the force continuum;
- Importance of thorough documentation of any response to resistance and aggression; and
- Familiarization of officers with rights, duties, and obligations of using force as a private citizen

The Greenville Police Department does not authorize the use of neck restraints or similar weaponless control techniques as a routine response to resistance aggression (RRA). Annual in-service RRA training will include the progression of force to include verbal, physical, non-lethal, and lethal.

**1.3.3 RESPONSE TO RESISTANCE and AGGRESSION (RRA)**

CALEA Standard: 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5

For the purposes of this directive, the following definitions apply:

**Active Resistance:** This means that the subject is making physically evasive movements to defeat the officer's attempt to arrest or gain control including, but not limited to, bracing, antagonizing, pushing, striking, kicking, or verbally signaling along with physical actions of the intent to avoid or prevent from being taken into custody or retained in custody.

**Deadly Force:** Deadly force is that force that is intended to or likely to inflict serious bodily injury or death.

**Excessive Force:** Excessive force is any force that is unreasonable or unnecessary under the circumstances. Excessive use of any type of force is never called for or appropriate and will not be tolerated.

**Force:** Force is any degree of conduct beyond mere restraint.

**Imminent/Immediate Threat:** Imminent threat is quantified by the courts as a reasonable belief that there is an immediate probability of an act or consequence occurring. Taken in the context of this section, the focus rests on subjective evaluation of whether a suspect's actions, if allowed to continue unchecked, are likely to result in death or serious bodily injury to a police officer or third person.

**Lawful Arrest:** A lawful arrest is one that is supported by probable cause and conducted in accordance with prevailing interpretations of the law.

**Mere Restraint:** Mere restraint is the physical limitation of a person's freedom to come and go as that person desires. Whether scuffling, holding, or similar actions qualify as mere restraint depends on the circumstances of a specific situation.

**Necessary Force:** Necessary force is the minimum amount and degree of force sufficient to achieve a legitimate police objective. The kind and amount of force necessary and reasonable for self-defense and control of an aggressive suspect will not be the same for all police officers. Differences in police officer size,

strength, skill level, defensive equipment, experience, and the number of police officers involved, may justify different kinds and levels of force in overcoming a threatening suspect.

**Non-Deadly Force:** Less-lethal force is force that is not reasonably likely to cause death or serious bodily harm. Police canines are considered a form of less-lethal force.

**Physical Force:** Physical force may be deadly or non-deadly force. Physical force may take many forms, including the use of hands, less-lethal weapons, or even deadly force. Striking of any kind, as well as forms of restraint in which injury occurs, shall be considered the use of physical force. The pointing of any firearm directly at any person or the use of Chemical Mace or OC spray shall be deemed the use of physical force. For the purposes of this policy, physical force is any degree of physical action beyond mere restraint.

**Reasonable Belief:** Reasonable belief depends specifically on when the facts or circumstances known to the police officer, or which should be known, are such as to the cause the courts (whether Judge alone or jury) or an ordinary and prudent person to act in a similar way under similar circumstances.

**Response to Resistance/Aggression (RRA):** An authorized use of force response to any resistance and/or aggression that is restricted to that which is both reasonable and necessary under certain circumstances which are outlined below in the *General Policy*.

**Serious Bodily (Physical) Injury:** A bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

### General Policy

Police officers will only respond to resistance and acts of aggression in a manner necessary and reasonable under the circumstances to control a situation, effect an arrest, overcome resistance to an arrest, to gain control of a subject or protect themselves or others from bodily harm. In considering the force to be used, the officer will consider the severity of the crime at issue, whether the individual(s) poses an immediate threat to the officer or others including the individual, and whether the individual is actively resisting arrest or attempting to evade arrest. When it becomes necessary to use force, only the amount of force necessary to overcome resistance or control the situation shall be used. Any force used must be in direct proportion to the resistance of the individual or suspect so that the officer can control the situation and prevent harm or injury to the individual, officer, and others. No police officer may use excessive or unreasonable force toward any person, whether that person is a suspect or not.

In situations where the subject is mentally ill, or shows behavior that may indicate a mental illness, EMS may be called to transport a subject. If there are no commitment papers and/or the person has not demonstrated intent to harm themselves then officers are not authorized to physically force a subject to be transported by EMS, even if a doctor has ordered EMS to transport.

The response to resistance and aggression by police officers of the Greenville Police Department will be progressive in nature whenever possible. This may be in the form of the following:

- De-escalation Tactics and Techniques
- Less-lethal Physical Force (Primary or Intermediate Force)
- Deadly force

Force shall not be used in a punitive manner and police officers will discontinue its use when the reason that justified its use no longer exists. At any time deadly or less-lethal force is used against an individual and the individual claims injury, whether or not that injury is apparent to the officer or officers involved, the involved officer will immediately request an EMS response to the scene. The involved officer will render first aid to the individual until the arrival of EMS unit.

Greenville Police Department Animal Protective Services Officers are not certified as law enforcement officers. However, they may be authorized to carry less-lethal weapons including OC spray and impact weapons to provide

protection in the performance of their duties against aggressive animals. They are not authorized to use a *baton* against humans; however, they may use the *OC spray only* in a defensive manner against a human. If any non-sworn employee feels threatened or otherwise believes some type of force may be necessary, they should request a police officer to respond. Animal Protective Services Officers using OC spray as a defensive weapon against a human shall complete a Response to Resistance and Aggression (RRA) Report.

### **Use of De-escalation Tactics and Techniques**

When time and circumstances reasonably permit, officers shall use de-escalation tactics in order to reduce the need for force. De-escalation tactics and techniques are actions used by officers that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

Officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis

An officer's awareness of these factors should then be balanced against the facts of the incident facing the officer in order to decide which tactical options are the most appropriate to bring the situation to a safe resolution.

Mitigating the immediacy of a threat gives officers time to utilize other options and/or call for additional officers or specialty units. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

Options available may include:

- Placing physical barriers between an uncooperative subject and an officer
- Decreasing the exposure to potential threat by using
  - Distance
  - Cover
  - Concealment
- Communication from a safe position intended to gain the subject's compliance
- Avoidance of physical confrontation, unless immediately necessary
- Department specialty units:
  - Crisis Intervention Team (CIT) Officers
  - Crisis Negotiation Team (CNT) Officers
  - Officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject

**Use of Verbal Force**

In dealing with individuals, each employee must attempt to inspire respect and generate the cooperation and approval of the public. Employees will be courteous and civil in their relationships with the public. The manner in which an employee speaks can be an effective means of exerting verbal force in order to control a situation. Verbal force may be in the form of warnings, advice, or persuasion. Volume and tone control in and of itself may be progressive in nature depending upon the circumstances. By using reasonable and necessary verbal force, employees may not have to resort to the use of other forms of force.

**Use of Less-Lethal Physical Force**

Use of reasonable physical force is justified when the officer reasonably believes that force is necessary under the circumstances to take an individual or suspect into custody where the individual or suspect is actively resisting and/or there is an immediate threat of harm to the officer or others.

Any employee that has occasion to use any physical force to any extent other than a crowd-restraining action, a blocking action where there is no bodily contact with the baton, or a “move-along” or “come-along” technique, will make a complete written report to his or her supervisor on the Response to Resistance and Aggression (RRA) Report.

**Primary Force**

Primary force involves actual physical bodily contact with a person and forcibly subduing that individual until resistance is overcome. Primary force excludes the use of weapons or objects that could be used as weapons. In no instance, will employees use primary force in excess of that which is reasonable and necessary to lawfully and properly neutralize an unlawful assault or overcome resistance by a person being taken into custody.

**Intermediate Force**

Intermediate force is the use of less-lethal weapons against a person to forcibly subdue that individual with the assistance of these weapons until resistance is overcome. These weapons should be employed in a manner that is consistent with the resistance that the officer is attempting to overcome.

Approved GPD less-lethal weapons include:

- OC-Spray
- TASER
- Expandable Baton
- Police Canine
- Specialized weapons assigned to ERT
- Specialty Impact Munition

**Oleoresin Capsicum (OC) Spray**

OC-Spray is an aerosol spray designed to incapacitate a resisting subject(s) so that they may be taken into custody. The Greenville Police Department only issues and authorizes the use of non-flammable OC spray. If OC spray has been used against an individual, the individual will be provided appropriate post-exposure materials and assistance as soon as the scene is secured and officer safety and the safety of bystanders is no longer a concern. If the individual continues to complain following post-exposure assistance, the officer will immediately request an EMS response to the scene. Prior to carrying OC-Spray, officers must be certified in its use.

The mere presence of a crowd or failure of the group to disperse upon immediate command of a police officer shall not justify the deployment of OC spray into a gathering of people. Justified use of OC spray in crowd control situations are listed below:

- The crowd is agitated or growing agitated and actively voices intent to not disperse and their actions lead the officer to believe that allowing the crowd to remain would result in property damage or injury to themselves or others
- The crowd is actively engaged in fighting or agitating language that is about to erupt into fighting or a riotous situation
- The crowd is actively engaged in damaging property or attempting to injure others.

A detailed Response to Resistance and Aggression (RRA) Report will be submitted anytime OC spray is used.

## **TASER**

The TASER is an electronic control device that can be used to control or subdue those individuals that an officer can articulate as being violent or potentially violent, and, when deadly force does not appear to be justified and attempts to subdue the subject by other conventional tactics have been, or likely will be, ineffective in the situation. Officers must be trained in the use of the TASER before being authorized to carry a TASER and must attend annual recertification training after the initial training. Officers who are trained and equipped with a TASER may use the TASER in lieu of, or in conjunction with, non-flammable OC-Spray, such as issued to Greenville Police, to control violent or potentially violent individuals.

Under no circumstance will the TASER be used at the same time or in conjunction with OC-Spray when the OC user is a law enforcement officer with any agency other than the Greenville Police Department. Prior to using the TASER, the officer should ensure that there are no flammables present. If an individual has been sprayed with OC-Spray by a law enforcement officer, other than a Greenville officer prior to our arrival, the TASER device shall not be deployed.

No policy or guideline can anticipate every situation that officers might face, but in general terms, officers may consider using the TASER when they can reasonably articulate grounds to arrest or detain a subject and the subject has demonstrated that he or she will likely use force to resist the arrest or detention, or is otherwise violent or potentially violent. Decisions to use the TASER must be based on the totality of circumstances known to the officer at the time of the incident and the force options reasonably available to the officer.

The TASER shall not be used to subdue or control a handcuffed subject unless there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the suspect *or* the officer feels that the use of the TASER is necessary to prevent serious injury to the officer, detainee, or others. Examples of such a situation may include, but are not limited to:

- The suspect is punching, kicking, biting
- Lesser force options are ineffective or likely to be ineffective
- Circumstances are tense, uncertain, and rapidly evolving
- The suspect is involved in an activity that could result in serious injury to him/her (violently banging their head on the patrol vehicle cage, running into traffic, etc.)

A detailed Response to Resistance and Aggression (RRA) Report and a download of the TASER will be submitted anytime the TASER is used. If the TASER is used to control or detain a handcuffed subject, the RRA report must include the officer's justification for deploying the TASER.

At any time the TASER is deployed against an individual, the officer(s) involved will provide appropriate first aid assistance and may request an EMS response to the scene if necessary. Officers are allowed to remove TASER barbs from an individual unless the TASER barb is in the face, neck, head, or any other sensitive area. If the officer believes an EMS response is more appropriate, then the officers shall request an EMS response in these situations or if the individual who has been TASED requests that EMS respond.

TASERS that experience a problem should be returned to a TASER Instructor who will inspect it. If the TASER needs to be returned to the TASER manufacturer then an online repair form is completed, an RMS tracking number obtained, and the TASER is packaged and returned. The return is documented on a TASER log. If an officer's TASER is returned due to a problem, the officer is temporarily reassigned another TASER if one is available, otherwise the officer must wait for the return of their TASER.

In addition to a download after every response to resistance and aggression situation all TASERS shall be downloaded and inspected semi-annually by the Patrol Division Shift Sergeants.

**Expandable Baton**

The expandable baton is a defensive weapon and may only be used as such. It is effective in open areas, for crowd control, for “come-along” techniques, and as a visual deterrent. Except in deadly force situations, the expandable baton should never be used to strike a person about the head or neck. The mechanical application of the baton, or any other weapon or tool, to physically open or enter the mouth of an individual is prohibited.

Prior to carrying the expandable baton, all enforcement personnel must be certified in its use and attend recertification annually thereafter.

A detailed Response to Resistance and Aggression (RRA) Report will be submitted anytime the baton is used.

**Police Canine**

The police canine is also considered a form of intermediate force. Canine officers may deploy their canine in accordance with Greenville Police Department’s Policy and Procedures Manual Chapter 41.

A detailed Response to Resistance and Aggression (RRA) Report will be submitted anytime the police canine is used.

**Use of Deadly Force**

***A police officer may use deadly force only when that officer reasonably believes that the action is in defense of human life, including the officer’s own life, or in the defense of any person, including him or herself, in immediate, imminent danger of serious bodily injury. A police officer will fire his or her weapon under these circumstances only as a last resort, and, where practicable, will first give a verbal warning. Excessive use of any type of force will not be tolerated.***

**Prohibitions**

- Deadly force will not be used when less force would be sufficient to affect an arrest.
- Deadly force will not be used when there is substantial danger of innocent bystanders being injured.
- Firing into buildings, doors, windows or other openings when the target is not clearly identifiable is prohibited.
- Police officers will not discharge a firearm at or from a moving vehicle except as a necessary measure of self-defense or defense of another when the suspect is using deadly force.
- The use of the tactical light on the department issued firearm for any purpose other than that considered being a deadly force situation or tactical building/area search where a deadly force situation may arise is strictly forbidden and will be considered “gross negligence”.

**Suspects Resisting or Fleeing Arrest**

Deadly force may be used only when necessary or appears to be reasonably necessary to:

- Protect against deadly force that the arrestee is using to resist arrest
- Take into custody, or keep in custody, a person who is either using a deadly weapon in an attempt to escape, or presents an imminent threat of death or serious physical injury to others unless apprehended immediately

**Warning Shots**

The discharge of a firearm for the purpose of a “warning shot” is prohibited without exception.

**Animals**

The killing of an animal is justified under the following circumstances:

- Self-defense
- To prevent imminent death or serious injury to the police officer, other people, or animal
- When the animal is so sick or badly injured that humanity requires its relief from further suffering and an Animal Protective Services Officer is not immediately available, and with the approval of a supervisor

**Medical Aid**

In all instances where an officer responds to resistance with lethal or less lethal force, as soon as is practical, the officer will provide appropriate first aid or contact an EMS unit to respond for such purpose.

**1.3.4 REPORTING REQUIREMENTS FOR RESPONSE TO RESISTANCE/AGGRESSION**

CALEA Standard: 1.3.6, 1.3.7, 1.3.13

Response to resistance reports (RRA) should be completed no sooner than 24 hours after the incident has occurred to allow for accurate recall of the incident. Reports must be submitted to an officer's supervisor within 72 hours of an incident unless authorized by supervisory personnel at Lieutenant or higher.

**Deadly and Less-Lethal Weapons**

Any employee that has occasion to use any physical force to any extent other than a crowd-restraining action, a blocking action where there is no bodily contact with the baton, or a "move- along" or "come-along" technique, will make a complete written report to his or her supervisor on the Response to Resistance and Aggression (RRA) Report.

A RRA Report shall be completed by the employee and submitted to an on-duty supervisor in the following instances:

- A police officer discharges a firearm other than in training, for recreational purposes, or during the euthanasia of a sick or injured animal as addressed in 1.3.1.
- Any action by any employee resulting in or is alleged to have resulted in an injury or death to the person(s) arrested or other person(s); or injury to the employee.
- An employee applies any physical force.
- An employee applies any force through the use of lethal or less-lethal weapons.

Additional documentation is required in the following circumstances:

- Photograph of the arrestee in all circumstances where an RRA is completed
- Photograph of any injuries sustained by an officer during a use of force incident
- Video footage from a BWC used by either the arresting and/or assisting officer. All video should be downloaded to a DVD and included with the RRA by the arresting officer

Command Staff will be notified immediately when there is a police firearms discharge or an employee action that results in death or a serious injury. Reports from the Firearms Discharge Investigative Team and the Response to Resistance and Aggression (RRA) Report shall serve as the required written reports.

The on-duty supervisor receiving an RRA report shall review for accuracy and policy compliance. The supervisor shall note any written comments or recommendations, then sign and date in the appropriate location. Supervisors shall submit the form and all required documentation to the Office of Internal Affairs within 24 hours after having completed the approval process.

The RRA report will be logged into tracking software utilized by the Office of Internal Affairs. A review of the incident will be conducted by the Office of Internal Affairs. Once completed, the Office of Internal Affairs will forward to the appropriate Bureau Commander and Chief of Police for final review. If a determination is made that the incident requires additional investigation, an internal investigation number will be assigned to the RRA report.

In the event any of the instances cited above occur while the employee is off duty, the employee shall immediately notify the supervisor on duty. The on-duty supervisor will gather pertinent facts and make the necessary notifications.

**Annual Analysis of Incidents**

The agency will conduct an annual analysis of all Response to Resistance and Aggression incidents and corresponding policies and practices. The Office of Internal Affairs will prepare the analysis for review by the Chief of Police.

**1.3.5 FIREARMS DISCHARGE TEAM**

The Firearms Discharge Investigative Team assists the Office of Internal Affairs with the investigation of every officer involved shooting. In order to remain above reproach and as a matter of policy, the Department recognizes the need for an external investigation usually conducted by the State Bureau of Investigation. However, the need for an internal investigation is still necessary. Employees involved in a shooting are required to comply with all aspects of both the external and internal investigation.

**Selection/Replacement Process**

The Firearms Discharge Investigative Team shall be comprised of eight full-time team members. Team members are required to commit to a two-year assignment to the team.

Selection of team members will be made based on nominations from the Field Operations Bureau, the Criminal Investigations Bureau, and the Administrative Services Bureau. Each Bureau will present, in writing, a list of their nominations. The final selection of team members will be made by the Chief of Police based on recommendations from the team. Probationary police officers are not eligible for this team.

**Activation**

In the event of a firearms discharge involving an employee, the Watch Commander on duty will be responsible for the notification of the Office of Internal Affairs. The members of the Firearms Discharge Investigative Team will be notified by the Office of Internal Affairs and advised where to assemble.

**Criminal Investigation**

A criminal investigation and the internal investigation may be conducted simultaneously, but independently of each other.

**Forensics**

The Forensics Services Unit will be responsible for processing the scene and providing copies of all reports and photographs to the Firearms Discharge Investigative Team and the officer(s) assigned to conduct any criminal investigation.

**Team Responsibilities**

The Firearms Discharge Investigative Team acts under the authority of the Chief of Police and, as such, compliance shall be provided with any part of the investigation by all members of the Greenville Police Department. Firearms Discharge Investigative Team members involved in the investigation will be assigned to the Office of Internal Affairs until the investigation is complete.

The Firearms Discharge Investigative Team will interview persons having information on the incident outside the presence of any member of the criminal investigation team. While information developed by the criminal investigation team may be provided to the Firearms Discharge Investigative Team, any compelled statements or evidence developed by requiring police officer cooperation with the Firearms Discharge Investigative Team may not be disclosed to the criminal investigation team.

The investigation of a shooting, or discharge of an employee's firearm, will focus on determining the following points:

- Whether the shooting was within policy, in violation of policy, or accidental
- Whether or not the incident was avoidable



- Any possible training considerations raised
- The quality of supervision
- Development or recognition of possible employee behavior patterns to aid in determining current or possible future City liability

A written report will be presented to the Chief of Police by the Firearms Discharge Investigative Team at the conclusion of their investigation. The report shall include relevant facts and circumstances surrounding the incident and a conclusion as to whether or not the discharge violates an agency directive. While making no specific disciplinary or personnel recommendations, the report will address the points outlined previously. The accompanying documents (lab reports, witness statements, etc.) will also be attached to the completed investigation for examination by the Chief of Police.

### **1.3.6 TEMPORARY REMOVAL FROM LINE DUTIES**

CALEA Standard: 1.3.8

Any Greenville Police Department employee, acting in an official capacity, whose actions or response to resistance or aggression results in a death or serious physical injury shall be removed immediately from any line duty assignment pending an administrative review of the incident. The City of Greenville Employee Assistance Program (EAP) and/or other counseling services will be offered to any employee(s) involved in such a situation. Temporary removal from line duties may also result from other types of critical incidents or traumatic situations, such as serious motor vehicle crashes, at the discretion of the Chief of Police.

### **1.3.7 POLICY DISTRIBUTION**

CALEA Standard: 1.3.12

All personnel authorized to carry lethal and less-lethal weapons shall be instructed in the Department's policies and procedures regarding the use of any type of force, both lethal and less-lethal, before they are authorized to carry a weapon. The issuance of the RRA policy and the corresponding instruction of all portions of these policies shall be documented.



## Oath of Office

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Police Officer, so help me God.

You have taken an oath of office but as a law enforcement officer additional trust has been placed in you, please repeat after me.

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; that I will faithfully and impartially execute the duties of my office as a law enforcement officer according to the best of my skill, abilities, and judgment; so help me, God.

\_\_\_\_\_  
Signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Deputy/Asst/Clerk of Superior Court  
District/Superior Court Judge

Attachment A



## Law Enforcement Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulation of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption of bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession law enforcement.

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Signature

Date: \_\_\_\_\_

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Personnel / Recruitment

Attachment B

North Carolina  
County of Pitt  
City of Greenville



**Civilian Law Enforcement Professionals Code of Ethics**

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will remain professional in the face of conflict, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions.

I recognize the position of my office as a symbol of professionalism and integrity, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement civilian service. I will never engage in acts of corruption and bribery, nor will I condone such acts by others. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

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Signature

Date: \_\_\_\_\_

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Personnel / Recruitment

Attachment C

**Greenville Police Department Authorized Lethal and Non-Lethal Weapons Systems Inventory****Weapon – Specifications**

Handgun – Glock Model 17 9mm ACP Handgun

Handgun – S&W .357 cal. Revolver – Used for Simunitions

Handgun – S&W .38 cal Revolver- Used for Simunitions

Shotgun – Remington Model 870 12 gauge pump shotgun

Shotgun – Mossberg 500 12 gauge –Less-Lethal munitions

Shotgun – Mossberg 590 12 gauge

Shotgun – H&K Super 90 12 gauge shotgun

Rifle – Ruger AC 556 .223 cal.

Rifle – Remington 700 308 cal.

Rifle – Bushmaster .223 cal.

Rifle – H&K MP-5 9mm

Rifle – Rock River Arms. 5.56

Rifle– Smith & Wesson M&P TS 15

Taser – X-26

Taser – X2

OC Spray – Vexor V7 1 oz. can

OC Spray – Fox Lab 2 oz. & 16 oz. can

OC Spray – Def Tech Mark 9 12 oz. can

Baton – ASP Expandable Baton

Baton – Monadnock Expandable Baton

K-9's – 4 Belgian Malinois and 2 Sheppard

Gas Gun – L8 37 mm

Gas Gun – 37 mm single shot- 1 Fed Labs & 1 Def Tech

Gas Gun – 37 mm single shot

Gas Gun – 40 mm single shot

Gas Gun – 40 mm Penn Arms multi-launcher

Gas: Indoor Options

Hand:

CTS 5430 (CS) / 5440 (OC) Launchable Flameless expulsion

CTS 6340 O OCV Aerosol Grenade

CTS 6343 OC/CS Aerosol Grenade

12ga:

CTS 2430 (CS)/2440 (OC) Powder Barricade Penetrating

37mm:

CTS 3330 (CS)/3340 (OC) Liquid Barricade Penetrating

CTS 3431 (CS)/3441(OC) Powder Barricade Penetrating

Gas: Outdoor Options

Hand:

CTS 5210 White Smoke

CTS5231 Triple Phaser CS smoke

CTS 8210 White/Green Smoke

ALS G978 Tactical Pocket White Smoke 978R=Red

ALS G272 continuous discharge CS smoke  
ALS G273 Tri-Action CS Smoke  
CTS 5230 B Baffled Riot CS Smoke  
CTS 5230JL Jet-Lite CS smoke  
CTS 6211 White Smoke Triple Phaser

Gas:

37MM  
ALS 7797 white Smoke  
CTS 3230 Riot CS Smoke Projectile

Distraction Device – Bore Thunder 12-gauge Round

Distraction Device – #25 Flash Bang

Distraction Device – 09NR Flash Bang

Impact Munitions

12ga:

Hydro-Kinetic ALS 1200  
Hornets nest ALS 1204  
HV=USN/DOD version  
Pen prevent ALS 1212  
Triton 1212T  
CTS2550 Single Rubber Baton  
CTS 2552 Sting Ball Rubber Pellet  
CTS 2581 Super Sock  
Pepperball launcher and munition

37mm:

Pen Prevent ALS3704

40mm:

R.E.A.C.T. ALS4006D  
CTS 4557 Foam baton

Less Lethal – Hornets Nest Stun Grenade

Less Lethal – 37 mm/ 40 mm SIM (Specialty Impact Munition)

Less Lethal – 1204 Hornets Nest 12 gauges Round

Less Lethal – 12-gauge SIM (Specialty Impact Munition)

Ammunition:

Speer 9mm ACP 124gr+P GDHP

Federal Premium Controlled Flight 12 gauge 2 ¾ 9 pellet 00b

Federal Premium 12 gauge 2 ¾ 1 ounce Maximum Hydra-shok Hollow Point Reduced Recoil slug

Speer .223 64gr. GDSP