

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: Rules of Conduct</b>	<b>EFFECTIVE DATE: 9/27/2010</b>
<b>SUBJECT: Rules of Conduct</b>	<b>LAST REVISION DATE: 2/15/2016</b>

## I. RULES OF CONDUCT

**The Asheville Police Department's Mission Statement and Guiding Principles are adopted as the general standard of conduct for employees of the Asheville Police Department. The Asheville Police Department is committed to excellence through our Guiding Principles of Integrity, Fairness, Respect, and Professionalism.**

### A. Integrity (I)

1. **Compliance to Rules and Policies** - Employees shall comply with all City of Asheville Personnel Policies and Asheville Police Department Rules of Conduct, general orders, policies, and procedures. Supervisors of the Asheville Police Department shall be held to a higher standard regarding the understanding and adherence to the Departmental Rules of Conduct. Ignorance of these Rules of Conduct or any other Departmental or City regulations, directives, orders, procedures or policies shall not be considered as a justification for any such violation.
2. **Conformance to Laws** - Employees shall obey the laws of the United States of America and of any state and local jurisdiction in which they are present.
3. **Associations and Establishments** - Employees shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest or incarceration by this or another criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example persons whom they know, should know or have reason to believe are involved in criminal activity), except as necessary to the performance of official duties or where unavoidable because of familial relationships. Except in the performance of official duties, employees shall not knowingly visit, enter or frequent any establishment, premises or location where federal, state or local laws are routinely violated.

Whenever a potential conflict of interest exists with a complainant, suspect, witness, defendant, prisoner or other person who is involved in a case which the employee is handling, or where personal or familial relationships involving persons under investigation may interfere, impede or create the appearance of a conflict of interest or impropriety, the employee shall notify their immediate supervisor.

4. **Reporting Violations of Laws, Ordinances, Rules or Orders** - Employees who are aware of violations of laws, ordinances, general orders, special orders, or rules of conduct by other employees shall report the violation to their immediate supervisor.
5. **Games of Chance** - Employees shall not engage in any game of cards or other game of chance in any public place, in any City building while on duty, or under any

circumstances where such participation might cause embarrassment to the Department.

6. **Soliciting, Accepting Gifts, Gratuities** - Employee shall not accept or solicit any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty. Employees shall not use their official position to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or other favors. "Badge Flashing" is strictly prohibited for any of these purposes.
7. **Commercial Testimonials** - No employee shall personally endorse or permit his name or photograph to be used to endorse any product or service that refers to his position or employment with the department without permission from the Chief of Police. This includes but is not limited to tow services, repair firms, attorneys, bail bondsmen or other technical or professional services.
8. **Abuse of Position** - No employee shall use his official position, identification or badge to obtain personal benefit from employees of lesser rank or position, obtain a privilege not otherwise available to him, or avoid the consequences of illegal acts. Employees shall not use their official position to threaten intimidate or harass individuals or groups or for malicious prosecution.
9. **Removal of Official Documents** - No employee shall remove any official police documents or evidence from the department except for a legitimate police purpose.
10. **Dissemination of Information** - Employees shall treat the official business of the Asheville Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended.
11. **Truthfulness** - Employees shall be truthful at all times except when deception is required to conduct a lawful investigation. Reports and other records completed by employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered any inaccurate, false or improper information. Employees shall not enter into contracts or complete applications that are knowingly inaccurate as a private citizen or within the scope of duty.
12. **Reporting Criminal Violations** - Any employee charged with any criminal violation, to including a criminal summons, arrest warrant, and/or traffic citation, shall immediately inform his supervisor who will notify the Chief through the chain of command.
13. **Evidence and Property** - All evidence and property shall be delivered to the approved evidence section storage area as dictated by departmental policy as soon as practicable but no later than the end of the employee's work shift. No employee shall convert to his/her own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action except in strict accordance with established procedures.

## B. **FAIRNESS (F)**

1. **Prejudicial Attitude** - No employee will display an attitude of prejudice toward any person or group because of their race, religion, ethnic background, sex or sexual orientation.
2. **Directing** - Supervisors shall give directions to their employees in a clear, concise and professional manner. Employees who are given an order which is in conflict with a previous order, rule, regulation, procedure, or policy shall respectfully inform the supervisor issuing the order of conflict. If the supervisor issuing the order does

not alter or retract the conflicting order, the order shall stand. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, procedure or policy previously issued. No employee shall be required to obey any unlawful order. The responsibility for refusing to obey any lawful order rests with the employee and shall require justification of action. An order given under emergency circumstances shall not require an explanation prior to execution.

3. **Personal Bias** - Employees shall not allow personal prejudices or bias to influence any personnel or departmental decision.
4. **Equal Treatment** - Supervisors shall treat personnel under their command in an impartial fashion without regard to age, sex, sexual orientation, religion, nationality, race, socio-economic status, disability or political affiliation.

## C. **RESPECT (R)**

1. **Courtesy** - Employees shall be courteous when dealing with members of this Department, the City, and the public. Employees shall avoid harsh, violent, profane or insolent language and remain calm regardless of provocation.

Each employee and volunteer is issued an identification card with a representative photograph and the following identifying information: Name, Date of Birth, Height, Color of Hair and Eyes, Employee Number, Title/Rank. Employees are required to carry on their person the identification card while performing official work. Sworn personnel are required to carry the identification card when carrying or wearing the badge.

At any time during the course of the work day, to include over the telephone, a request for identification to include name, rank, or identification card is made, all employees and volunteers will comply. If a request is made for personnel numbers, all employees and volunteers will comply. The only exception will be for officers assigned to an undercover status.

2. **Conduct toward Supervisors and Subordinates** - Each employee shall treat supervisors, subordinates, and associates with respect, courtesy, and civility.
3. **Authority of Temporary Officers/Supervisors** - Any employee assigned as a temporary supervisor shall have the same authority, duties, and responsibilities as if promoted to that position except as limited by policy. Field Training Officers and Instructors are considered the first line supervisor in the trainee/cadet's chain of command. Personal relationships whether opposite or same sex, between supervisors and subordinates is prohibited by City of Asheville Nepotism Policy, section E-3.
4. **Rumors** - If a supervisor hears a rumor, he shall quell the rumor by determining the validity of such rumor through the chain of command. It is a supervisor's responsibility to determine the accuracy of rumors and inform employees of the facts.
5. **Offices/Work Areas** - Each employee shall maintain his office, locker, desk, and departmental vehicle in a reasonably neat, clean and orderly condition. Employees have no reasonable expectation of privacy with regard to City of Asheville property. These places are subject to inspection.
6. **Civil Suits** - Any employee filing a civil suit to collect damages resulting from an occurrence that took place while the employee was engaged in the performance of

his duties must advise the Chief of Police, in writing, before filing such suit.

7. **Release of Telephone Numbers** - No employee of the Department will release to the public or any public agency personal information of any employee of the Department without authorization from a supervisor, to include but not limited to home telephone number, personal cellular phone number, home address, etc.

#### D. **PROFESSIONALISM (P)**

1. **Unbecoming Conduct** - Employees shall conduct themselves at all time in a manner that reflects favorably on the Department. Unbecoming conduct may include any action that reflects discredit upon the Department or impairs the operations of the Department. Employees must scrupulously avoid any conduct that compromises the integrity of themselves or the Department.

The Asheville Police Department does not prescribe employee conduct off duty per se. However, any conduct or activity on or off the job that affects the employee's credibility, effectiveness, performance, or ability to fully carry out the responsibilities of an Asheville Police Department officer, and any conduct or activity that is prejudicial to the interests, reputation, or operations of the Asheville Police Department and the City of Asheville are subject to disciplinary action up to and including termination. Examples include but are not limited to, the use of technology such as social networking sites and how they are used, as it applies to your role as a police officer or non-sworn employee, cellular phone use, and the use of department supplied uniforms and equipment.

2. **Unsatisfactory Performance** - Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain the highest standards of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of laws required to be enforced; the failure to conform to work standards established for the employee's rank grade or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absence without leave.
3. **Insubordination** - Employees shall promptly obey any lawful orders of a supervisor. This will include orders relayed from a supervisor by an employee of the same or lesser rank or position.
4. **Use of Force** - Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and departmental procedures.
5. **Interference** - Employees shall not interfere with cases assigned to or initiated by other members of the Department except by authorization of a supervisor.
6. **Consumption of Intoxicants** - No employee shall consume alcohol while on duty, on call, in uniform without the authorization of the Chief of Police. On-call is defined as when the employee is scheduled for possible call-out and is being paid on-call pay.

No sworn or non-sworn employee shall report for regularly scheduled duty with any alcohol in his system or while impaired by any substance. An employee who has consumed alcohol or any impairing substance and is called out due to an emergency or special case will advise the on-duty supervisor of his physical condition at the time of the call out. No employee shall operate a City vehicle while impaired by the use of alcohol or drugs.

7. **Selling Alcoholic Beverages** - No sworn employee shall engage in the act of selling or vending alcoholic beverages, either directly or indirectly. This does not include instances such as a private gathering where alcohol is served in the home of an employee, friend, or family member.
8. **Responsibilities of Duty** - Employees shall report for duty at the time and place required by the department. Employees shall be physically and mentally fit to perform their duties. Judicial subpoenas, when properly and legally serviced, shall constitute an order to report for duty.

Each employee shall perform required or expected duties promptly. A supervisor who fails to direct, supervise, or correct subordinates will be in violation of this rule. No employee shall engage in any activity or personal business which would cause him to neglect or be inattentive to duty.

No employee shall leave his assignment or post without first securing permission from his supervisor or without just cause.

Employees shall not sleep on duty. Employees witnessing any employee sleeping shall report the violation to their immediate supervisor. Any employee unable to maintain a proper level of alertness due to fatigue or illness shall contact a supervisor immediately for further direction.

9. **Refusal to Work** - No employee shall engage in any strike. A "strike" includes the concerted failure to report for duty; willful absence from one's position; stoppage of work; abstinence in whole or in part from a full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in condition, compensation, rights, privileges, or obligations or employment.
10. **Completion of Reports** - Each employee shall submit required reports by the end of his scheduled work hours unless authorized and documented by a supervisor.
11. **Assistance to Others** - Employees shall take appropriate police action to aid a fellow law enforcement officer, employee or citizen, who is exposed to danger, is in a situation of impending danger, becomes suddenly ill, is the victim of an accident or loss of memory, or is incapacitated in any other way.

Employees shall assist members of the public who request information about locations of buildings, streets, or other places, and shall answer such inquiries clearly, precisely, and as helpfully as possible.

12. **Supervisory Cooperation** - Supervisors shall give full cooperation to other supervisors and staff personnel during the performance of their duties. They shall support departmental programs and goals to the best of their ability, avoiding any action that would tend to undermine any program, goal, policy or procedure.
13. **Identification as Police Officer** - An officer, not in uniform, shall identify himself by displaying his official identification card and badge before taking police action. **If it is impractical under the circumstances identification shall be made as soon as possible.**
14. **Court Appearances** - Prompt attendance at a court or judicial hearing as required by subpoena or at the direction of a supervisor is an official duty assignment and appearance is mandatory. Permission to omit this duty must be obtained from the District Attorney handling the case or other competent court officials and the

courtroom supervisor. An employee shall wear either the official police uniform or appropriate civilian attire such as a coat and tie for men and appropriate dress suit or pantsuit for women. Each employee shall present a neat and clean appearance and avoid mannerisms which might imply disrespect for the court.

15. **Testifying for Defendant** - An employee who is subpoenaed or requested for the defense in a trial, hearing, internal board, or against the municipality or department shall immediately notify the Chief of Police upon receipt of the subpoena or request.
16. **Civil Actions Involving Employees** - No employee shall testify or give a deposition or affidavit in a civil action as a result of his position with the City unless subpoenaed. Upon receipt of a subpoena for a civil proceeding, an employee shall notify his supervisor. No employee shall enter into a financial understanding for appearance as a witness except in accordance with current policies and with approval of the Chief of Police. This section is not intended to restrict an employee from exercising his personal rights through the court system.
17. **Driver's License** - An employee required to operate a City vehicle in the course of his regular duties must be qualified, licensed and maintain an acceptable driving record. The employee must carry a valid North Carolina driver's license at all times when operating a City vehicle or when operating his personal vehicle on City business.
18. **Residency and Telephone** - An employee is required to maintain and reside in their reported residence. This residency requirement must be met by the employee's by the six month date of employment.. In addition, an employee is required to have an operative telephone in his place of residence that is a cell phone or land line registered to and paid for by the employee. If a cell phone is the primary phone, then it must remain turned on at all times. A department issued cell phone does not meet the requirement. An employee's street address will be listed in the Department directory. A Post Office Box address does not meet the requirement.

Employees must notify their immediate supervisor and the Chief of Police of any change of address or telephone number within 48 hours after the change has been made. Also, all employees are required to furnish their supervisor with emergency telephone numbers when different from home phone numbers.

19. **Requirements Regarding Information and Communication** - Employees shall be responsible during each daily tour of duty for reading and reviewing internal department communications. This includes: Personnel Orders, Training Orders, Special Orders, Policy Memorandum, Wanted notices, Work Schedules, Electronic Mail, Voice Mail or any other pertinent information.
20. **Off-Duty Police Actions** - Officers shall not use their police powers to resolve personal grievances (e.g. those involving the officer, family members, relatives or friends) except under circumstances that would justify the use of self defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would require law enforcement intervention.

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# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 1 – Department Organization

**Original Issue:** 3/16/2012

**Policy:** 100 – Vision, Mission, and Principles

**Last Revision:** 10/14/2016

**Previously:** Code of Ethics

Mission and Guiding Principles



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## CONTENTS

### POLICY STATEMENT

#### 100.1 VISION STATEMENT

#### 100.2 MISSION STATEMENT

#### 100.3 GUIDING PRINCIPLES

#### 100.4 LAW ENFORCEMENT CODE OF ETHICS

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to clearly state the role of the department in the community. This directive defines the department's role, states the values to which all personnel must adhere, and forms a basic foundation for all department policies and procedures.

### 100.1 VISION STATEMENT

The Asheville Police Department is committed to being the leading professional, progressive, and community focused police department in the State of North Carolina by promoting the highest standards of performance, best practices, and accountability that reflect our values and those of the community we serve.

We are united in partnership with our community and city in our commitment to addressing crime, violence, and quality-of-life issues through modern, evidence based strategies integrated with proven problem solving tactics and adherence to the principals of community policing.

The Asheville Police Department is accountable to protect our citizens by enforcing the laws of the State of North Carolina and upholding the United States Constitution through fair and impartial policing, treating all individuals with dignity and respect.

We strive to hire, retain, and promote the most talented and loyal officers and staff who demonstrate the highest level of integrity and dedicated to our profession by ensuring access to training, development and advancement opportunities, providing clear communication of our expectations, and rewarding innovation and commitment to duty.

## 100.2 MISSION STATEMENT

We provide the highest level of police services in partnership with the community to enhance the quality of life. We provide public safety and maintain order, enforce the laws of North Carolina, uphold the United States Constitution and support National security. We adhere to the guiding principles of integrity, fairness, respect, and professionalism.

“In partnership with the community, while affording dignity and respect to all persons, our mission is to maintain order and improve the quality of life of the citizens we serve. We work to fulfill our mission in a manner that inspires public trust and reflects our commitment to preserving life, protecting property, and safeguarding the rights of all.”

## 100.3 GUIDING PRINCIPLES

- *Integrity* - Integrity is our foundation. We are honest, compassionate, trustworthy, objective, and accountable in performing our duties and responsibilities. We have the courage to do what is morally, ethically, and legally right regardless of personal, professional, or organizational risk.
- *Fairness* - We treat everyone impartially without favoritism or bias.
- *Respect* - We treat everyone with dignity and courtesy without prejudice. We cultivate a community that aspires to the same level of respect for all.
- *Professionalism* - We deliver quality services through cooperation and open communication. We continually improve our knowledge, skills, and competencies to maintain confidence and public trust.

## 100.4 LAW ENFORCEMENT CODE OF ETHICS

All personnel must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest standards of professionalism. The department requires all personnel to abide by the 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 regulations 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 with 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 police service. I will never engage in acts of corruption or 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 to my chosen profession . . . law enforcement.

BY ORDER OF

A handwritten signature in black ink, appearing to read 'Tammy Hooper', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 1 – Organizational Structure

**Original Issue:** 12/1/1992

**Policy:** 101 – Department Structure

**Last Revision:** 2/16/2017

**Previously:** 1010 – Command and Control



## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

101.1 ORGANIZATIONAL STRUCTURE

101.2 ADMINISTRATION BUREAU

101.3 PROFESSIONAL STANDARDS SECTION

101.4 FINANCIAL SERVICES SECTION

101.5 OPERATIONS BUREAU

101.6 ORGANIZATIONAL CHART

## ASSOCIATED DIRECTIVES

[Policy 102 – Command and Control](#)

[Organizational Chart](#)

## INTRODUCTION

To achieve and maintain high standards of excellence, the department's organizational structure must comply with the basic organizational principals of unity of command, organization by function, delineation of responsibility, and delegation of authority.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to ensure the department is organized in such a manner as to promote the greatest efficiency of operation, management, accountability, and public service.

## RULES AND PROCEDURES

### 101.1 ORGANIZATIONAL STRUCTURE

The Chief of Police serves as the Chief Executive Officer for the department. The department is organized into two (2) main bureaus, the Administration Bureau and the Operations Bureau. See the [organizational chart](#) for a visual representation of department divisions. The Chief of Police

may assign other duties to each organizational component as required. The listed functions are not intended to be all inclusive. [11.1.1]

## **101.2 ADMINISTRATION BUREAU**

- A. The Administration Bureau provides management, logistical, employee, and support services for the department. Recruitment and Career Development ensures departmental personnel comply with all required training standards and provides career development opportunities for employees. Support services such as Property and Evidence, Records, and Communications are vital to the operation of the department. The planning and crime analyst components help ensure department operations are continually reviewed and enhanced. The Administration Bureau consists of two (2) divisions, the Special Services Division and the Administrative Services Division.
- B. The Special Services Division includes:
  - 1. Planning and Evidence Section
    - a. Evidence Unit
    - b. Honor Guard
  - 2. Recruitment and Career Development Section
    - a. Recruitment Unit
    - b. Career Development Unit
- C. The Administrative Services Division includes:
  - 1. Communications Section
  - 2. Records Unit
  - 3. Law Enforcement Technology Unit
  - 4. Crime Analysis Unit

## **101.3 PROFESSIONAL STANDARDS SECTION**

The Professional Standards Section is responsible for internal affairs investigations as well as accreditation services. Accreditation maintenance ensures continual adherence to best practices set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA) as well as policy maintenance and review. The Professional Standards Section reports directly to the Chief of Police.

## 101.4 FINANCIAL SERVICES SECTION

The Financial Services Section is responsible for all financial matters, including department budgets, grant management, resource and equipment administration, and purchasing. The Financial Services Section reports directly to the Chief of Police and consists of the [Logistics and Business Services Units](#).

## 101.5 OPERATIONS BUREAU

- A. The Operations Bureau oversees all direct law enforcement response, including patrol operations, the investigations division, and specialty teams. This includes administration of select support units, such as the Forensics and Victims Services Units. The Operations Bureau consists of two (2) Divisions, the Investigations and Support Operations Division and Patrol Operations Division.
- B. The Investigations and Support Operations Division includes:
  1. Criminal Investigations Section
    - a. [General Investigation Units](#)
    - b. [Major Case Unit](#)
    - c. [Special Investigations Unit](#)
    - d. Forensic Services Unit
    - e. Victim Services Unit
  2. The Special Operations Section
    - a. Buncombe County Anti-Crime Task Force (BCAT)
    - b. Drug Suppression Unit (DSU)
    - c. [Community Services Unit](#)
    - d. Emergency Response Team
    - e. Crisis Negotiation Team
  3. [Traffic and Animal Services Section](#)
    - a. Traffic Safety Unit
    - b. Buncombe County DWI Task Force
    - c. Animal Services Unit

d. Hazardous Devices Team

C. The Patrol Operations Division includes:

1. Patrol Districts (Adam, Baker, and Charlie)

2. Edward Section

a. Downtown Unit

b. Public Housing Unit

**101.6 ORGANIZATIONAL CHART**

The [organizational chart](#) shows in graphic form the overall structure of the department and reflects the formal lines of authority and communication. It is available to all employees, and will be reviewed and updated as needed. The Special Services Division will maintain a current version of the organizational chart. [11.1.2]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 1 – Organizational Structure

**Original Issue:** 12/1/1992

**Policy:** 102 – Command and Control

**Last Revision:** 5/31/2016

**Previously:** 1010 – Command and Control



## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

102.1 AUTHORITY AND RESPONSIBILITIES OF COMMAND

102.2 COMMAND PROTOCOLS

102.3 SPAN OF CONTROL

102.4 UNITY OF COMMAND

102.5 OBEDIENCE TO ORDERS

102.6 CONFLICTING ORDERS OR DIRECTIVES

102.7 UNLAWFUL ORDERS

## ASSOCIATED DIRECTIVES

[Policy 101 - Department Structure](#)

[Policy 1100 – Critical Incident Response](#)

## INTRODUCTION

This policy sets guidelines to delineate the department’s philosophy of command protocol, adherence to the chain of command, and channels of authority. This directive applies to all department members.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to operate in a structured environment of command protocol, with adherence to the philosophies of unity of command, delegation of authority, and chain of command.

## RULES AND PROCEDURES

### 102.1 AUTHORITY AND RESPONSIBILITIES OF COMMAND

- A. The Chief of Police is vested by the City Council, through the City of Asheville Charter, with the authority and responsibility for command of the management, direction, and operations of the department. Authority to act on behalf of the Chief of Police may be delegated, but the responsibility for those actions rests with the Chief of Police. [12.1.1]

- B. All department members are vested with responsibility and commensurate authority at every level. No member will be assigned responsibilities without being given adequate authority to carry out those responsibilities. [11.3.1 a]
- C. Supervisory members are accountable for the performance of members under their immediate control, just as all members are held accountable for the use of delegated authority, as well as the failure to use it. [11.3.1 b] [11.3.2]
- D. Personnel are assigned to Bureaus, Divisions, and work units based upon the needs of the department and at the discretion of the Chief of Police. Reassignments are not considered transfers as they occur within the department and do not constitute a change in rank or job classification.

## 102.2 COMMAND PROTOCOLS

- A. In the event of a scheduled absence of the Chief of Police, the Chief will designate an individual to assume the authority vested in the position. In the event the Chief of Police is unable to make such a designation, the senior Deputy Chief will assume command of the department. [12.1.2 a]
- B. Prior to the absence of any Deputy Chief, Division Commander, Section supervisor or Unit supervisor, the supervisor will designate an employee to assume the duties during the supervisor's absence. If the Deputy Chief, Division Commander, Section supervisor, or Unit supervisor is unable to designate someone to assume the duties, the following order of command succession will apply:
  - 1. The ranking member in the chain of command below the absent commander or supervisor.
  - 2. The ranking member with the most time in grade in the chain of command below the absent commander or supervisor.
  - 3. The ranking member with the most time in grade and the most time in service in the chain of command below the absent commander or supervisor. [12.1.2 d]
- C. During exceptional situations, such as natural disasters, disturbances, or other critical incidents or unusual occurrences, members will comply with the command protocols of the established Incident Command System. [12.1.2 b]
- D. When members from various components are involved in a single operation, command protocol requires the commander or on-scene supervisor of the component with responsibility for the operation, or the Chief's designee, to be in command. [12.1.2 c]

### **102.3 SPAN OF CONTROL**

Whenever possible, the number of members under the immediate control of any given commander or supervisor for normal day-to-day operations will be minimized in order to provide for effective, direction, coordination, and control of members.

### **102.4 UNITY OF COMMAND**

- A. The department fully promotes unity of command to include that each member will be accountable to only one supervisor at any given time. [11.2.1]
- B. Each member will be responsible or accountable to an immediate line supervisor, except when working on a special assignment, incident, extra duty, or temporarily assigned to another department component. In these cases, the member will be accountable to the first-line supervisor over that department component, assignment, event, duty, or incident.
- C. Each department component will be under the direct command of only one supervisor, as specified in [Policy 101 – Department Structure](#). [11.2.2]
- D. It is recognized that there may be times when a supervisor must give a lawful command to a member or component that is outside of the normal chain of command. In these cases, the order will be obeyed.

### **102.5 OBEDIENCE TO ORDERS**

Members will promptly obey any lawful written or verbal order or directive of a supervisor or any member who is serving in the capacity of a superior, including any order relayed from a supervisor by a member of the same or lesser rank. Failure to obey is subject to disciplinary action. [12.1.3]

### **102.6 CONFLICTING ORDERS OR DIRECTIVES**

Members receiving conflicting orders will advise the person issuing the conflicting order of the previous instructions. The responsibility for countermanding the first order rests with the person issuing the second order. The employee will obey the second order. [12.1.3]

### **102.7 UNLAWFUL ORDERS**

- A. Members will not knowingly issue any order which is in violation of any law, ordinance, or departmental rule.
- B. No member will be required to obey any order which is contrary to any law, ordinance, or departmental rule. Responsibility for refusal to obey rests with the member and he or she will be required to justify any action or inaction. Members receiving any unlawful order will report this fact, in writing, to the next higher level of command as soon as possible. Reports will include the facts of the incident and the action taken.



BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 2 – Administration

**Original Issue:** 12/1/1992

**Policy:** 200 – Written Directive System

**Last Revision:** 3/18/2016

**Previously:** 1001 – Written Directives



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

200.1 AUTHORITY TO ISSUE WRITTEN DIRECTIVES

200.2 POLICY DEVELOPMENT

200.3 FORMAT AND ORGANIZATION

200.4 DISTRIBUTION

200.5 CIVIL AND CRIMINAL LIABILITY

## ASSOCIATED DIRECTIVES

[Policy 205 – Accreditation Management](#)

## INTRODUCTION

This written directive system has been established to provide department members with a clear understanding of the constraints and expectations relating to the performance of their duties. The intent of this policy is to provide all employees with access to these directives so they may stay informed of departmental rules and regulations, operational procedures, and other relevant guidelines.

## POLICY STATEMENT

This policy outlines the written directive system for the Asheville Police Department (APD). Employees will follow all policies, procedures, and regulations outlined in department written directives. [12.2.1]

## DEFINITIONS

**Policy:** a written directive that is a broad statement of department principles which may include department procedures, rules, and regulations.

**Instructional Material:** written materials used to instruct employees on relevant law or operational procedures.

**Memorandum:** a means of relaying information of a specific nature which may be utilized for interim implementation of policy or procedural changes.

Standard Operating Procedure (SOP): a written directive designed to clarify department policy or establish specific procedures that are not addressed in department policy. SOPs may include manuals outlining detailed procedures.

Written Directive: any written document used to guide or affect the performance or conduct of department members, including but not limited to, city and department policies, procedures, rules, regulations, memorandums, personnel orders, and instructional materials.

## **RULES AND PROCEDURES**

### **200.1 AUTHORITY TO ISSUE WRITTEN DIRECTIVES**

- A. The ultimate authority within the department for establishing written directives is the Chief of Police. The Chief of Police is vested with the authority to issue, modify, or approve all department written directives, providing that such directives are not inconsistent with those of the City of Asheville, the Civil Service Board, or State or Federal law. [12.2.1 b]
- B. Department policies may only be issued by authority of the Chief of Police.
- C. The following types of directives may be issued by Bureau Commanders to employees under their command without approval from the Chief of Police; however, development and distribution of these directives must be coordinated with the department's Accreditation Manager: [12.2.1 c,i]
  - 1. Memoranda that do not affect existing department directives
  - 2. Standard operating procedures specific to an organizational component
- D. Memoranda affecting existing directives or department standard operating procedures will be submitted to the Accreditation Manager to be forwarded to the Chief of Police for review prior to issuance.
- E. Instructional materials will be issued, maintained, and distributed by the Recruitment and Career Development Section.

### **200.2 POLICY DEVELOPMENT**

- A. The written directive system used by the department provides direction to employees in the performance of their duty and is in a continual process of evaluation. Employees who see a need for change or improvement in a department policy or procedure are encouraged to submit proposals. The processes for revising and developing department policies and procedures is as follows: [12.2.1 e]
  - 1. Proposals revisions must be submitted through the employee's chain of command to the Accreditation Manager for consideration.

2. The Accreditation Manager will ensure that proposals are in compliance with applicable accreditation standards and do not conflict with any existing written directives. [12.2.1 i]
  3. The Accreditation Manager will incorporate suggestions or tailor proposals to meet formatting requirements.
  4. If appropriate, the proposal will be submitted to executive staff and the department's general counsel for review. Additional City of Asheville employees or department members may be included in the review process as needed.
  5. After the review period, the Accreditation Manager will review received feedback and submit the complete proposal to the Chief of Police.
  6. The Chief of Police has the authority to accept, modify, or reject the directive as proposed and may resubmit proposed directives for additional review as necessary.
- B. The Chief of Police retains full authority to adopt new department policies and procedures, or to revise or revoke any department policy and procedure, at his or her discretion.

### **200.3 FORMAT AND ORGANIZATION**

- A. To provide clear and understandable direction, department policies and standard operating procedures will have a standard heading and format. These documents will contain specific elements to communicate their content. When applicable, these specific elements will include: [12.2.1 d]
1. Title Header: the title, policy number, original issue date, and effective date.
  2. Introduction: a statement of the purpose and intent of the directive.
  3. Policy Statement: a general statement of agency principles on specific issues that provide a framework for the procedures, rules, and/or regulations. [12.2.1 f]
  4. Definitions: statements clarifying specific terms used in the document.
  5. Procedures: approved steps and methods for handling, responding, or completing a specific task or department activity. [12.2.1 h]
  6. Rules and Regulations: a set of specific guidelines to which all employees must adhere. [12.2.1 g]
- B. Prior to issuance, all policies, standard operating procedures, and memoranda affecting policy and procedure must be indexed by the Accreditation Manager. [12.2.1 e]

- C. Any specific removal date will be designated on the document. If no removal date is assigned, the department directive will remain in effect until rescinded by the Chief of Police.
- D. Indexed department directives will be reviewed by Professional Standards Section at least every three (3) years or sooner if the need arises.
- E. The Accreditation Manager will conduct an annual review of indexed directives for compliance with applicable accreditation standards. Changes will be implemented as necessary following established procedures.
- F. Outdated department directives may be purged by order of the Chief of Police. [12.2.1 e]

#### **200.4 DISTRIBUTION**

- A. The Accreditation Manager will place all new or revised policies, standard operating procedures, and memoranda affecting policy or procedures into the electronic storage system, notify affected department members, and assign to employees for digital signature as necessary. [12.2.2 a]
- B. The Professional Standards Section will maintain a master copy of the department policy manual in electronic form. Electronic copies will be stored in the online documentation system in a secure tamper-proof read only format. The electronic system provides each employee immediate access to the department's policy manual. [12.2.2 b]
- C. Employees are required to read and electronically sign all assigned directives within fourteen (14) days of assignment on the system, unless prevented by vacation, illness, extended leave, or other reasonable limitation. Supervisors are responsible for ensuring employees under their command have read and electronically signed all assigned documents. [12.2.2 c]
- D. Supervisors are encouraged to review relevant new or revised department directives with employees during regular roll call meetings.

#### **200.5 CIVIL AND CRIMINAL LIABILITY**

All directives are for internal use only and do not enlarge an employee's civil or criminal liability. Directives should not be construed as creating a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 2 - Administration

**Original Issue:** 12/1/1992

**Policy:** 202 – Planning & Research

**Last Revision:** 11/1/2016

**Previously:** 1010 – Command and Control

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

202.1 PLANNING AND RESEARCH FUNCTIONS

202.2 DEPARTMENT MULTI-YEAR PLANNING

## ASSOCIATED DIRECTIVES

[Policy 1401 – Staff Inspections](#)

## INTRODUCTION

The purpose of this directive is to establish guidelines for planning and research functions within the Asheville Police Department.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to utilize effective, ongoing planning and research activities. Planning and research is necessary for the department to continually improve internal processes and provide efficient law enforcement services to the community.

## RULES AND PROCEDURES

### 202.1 PLANNING AND RESEARCH FUNCTIONS

- A. The Planning and Evidence Section is an organizational component within the Special Services Division responsible for conducting research and developing the short and long range plans for the department. [15.1.1]
- B. The planning functions of the Planning and Evidence Section include, but are not limited to the following: [15.1.1]
  1. Developing short and long range plans for the department, to include review and compilation of the department's strategic plans;
  2. Preparing special studies and reports; and
  3. Staff inspections as outlined in [Policy 1401– Staff Inspections](#).

C. Planning functions which are the responsibility of every major component within the department include, but are not limited to, the following: [15.1.1]

1. Budget development;
2. Strategic and tactical operations management;
3. Forecasting and planning studies; and
4. Information management.

## **202.2 DEPARTMENT MULTI-YEAR PLANNING**

A. By July, the department will produce a comprehensive multi-year strategic plan that will include the following components: [15.1.3]

1. Long-term goals and operational objectives;
2. Anticipated workload and population trends;
3. Anticipated personnel levels;
4. Anticipated capital improvements and equipment needs; and
5. Provisions for review and revision as needed.

B. The updated plan is to be published by the start of each fiscal year and made available to all department members. [15.2.1]

C. The Planning & Evidence Section Commander will facilitate a progress review of efforts made toward attainment of goals, strategies, and objectives as noted in the department's annual strategic plan and individual action plans for bureaus and divisions. [15.2.1]

1. Bureau and Division Commanders are responsible for follow-up assessments to be submitted to the Planning & Research Section by the end of each fiscal quarter. [15.2.2]
2. Planning and Evidence is responsible for compiling quarterly progress reports as well as producing the annual report at the end of the fiscal year noting what goals, strategies, and objectives were accomplished during the year.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 2 – Administration

**Original Issue:** 6/15/1994

**Policy:** 205 – Accreditation Management

**Last Revision:** 1/12/2018

**Previously:** 1015 – Accreditation Management

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

205.1 BASIC PROCESSES AND RESPONSIBILITIES

205.2 PROOFS OF COMPLIANCE

205.3 ACCREDITATION TRAINING

## ASSOCIATED DIRECTIVES

[Policy 200 – Written Directive System](#)

## INTRODUCTION

The Asheville Police Department is committed to providing the best possible police service to its citizens. The Commission on Accreditation for Law Enforcement Agencies (CALEA) has developed professional standards of performance designed to assist the organization with this goal. The department endorses and meets these professionally recognized standards which are consistent with its mission and responsibilities.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to maintain a system that ensures periodic reports, reviews, and other activities mandated by law enforcement accreditation standards are accomplished and that all department members are familiar with and support the accreditation process.

## DEFINITIONS

Accreditation: a certification process in which an agency meets a body of professional standards as demonstrated through a formal inspection or audit by the authority granting the certification.

Accreditation Manger: a department member assigned to the Professional Standards Section who is primarily responsible for the daily monitoring and management of the accreditation processes.



Proofs of Compliance: documentation verifying the agency accomplished mandated activities as described in written directives or accreditation standards.

## **RULES AND PROCEDURES**

### **205.1 BASIC PROCESSES AND RESPONSIBILITIES**

- A. All department members are responsible for accomplishing and accurately documenting their assigned duties in compliance with applicable accreditation standards and as outlined in department written directives. [11.4.3]
- B. All supervisors are responsible for ensuring that employees under their command comply with applicable accreditation standards and provide the required written documentation in a timely manner as prescribed by the standard or policy to ensure uninterrupted compliance. [11.4.3]
- C. The Accreditation Manager is responsible for assisting all components with maintaining ongoing compliance and ensuring proofs of compliance are maintained and available for inspection during accreditation on-sites.
- D. Division Commanders will be responsible for familiarizing themselves with accreditation standards which pertain to their area of responsibility.

### **205.2 PROOFS OF COMPLIANCE**

- A. The Accreditation Manager is responsible for collecting and assimilating the required proofs of compliance into their appropriate paper/electronic file folders.
- B. All employees notified that items are due are responsible for complying with the requirement within a reasonable amount of time.
- C. Some reports are written to document incidents covered by an accreditation standard that rarely occur or are difficult to locate. Supervisors, through the normal course of fulfilling their duties, should identify the reports required as proofs of compliance and forward the information to the Accreditation Manager. [11.4.3]
- D. Employees generating reports of analysis, audits, reviews, or activities required by policy or accreditation standards are responsible for gathering required signatures, maintaining the original document, and forwarding a copy of the signed document to the Accreditation Manager. Documents, written documentation, and signatures may include electronic or hard-copy materials. [11.4.3]

**205.3 ACCREDITATION TRAINING**

- A. Employees assigned to the Accreditation Management position will complete specialized training in the area of accreditation within one year of being assigned. [33.5.4]
- B. The Accreditation Manager is responsible for providing appropriate training to other department members assigned to the accreditation process. [33.5.4]
- C. All newly hired employees will receive familiarization training on the accreditation program and process within thirty (30) days of hire or within thirty (30) days after completing Basic Law Enforcement Training. The Career Development Unit and Professional Standards Section are responsible for ensuring this training is properly administered. [33.5.3 a]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 2 – Administration

**Original Issue:** 11/3/1993

**Policy:** 207 – Department Forms

**Last Revision:** 6/30/2017

**Previously:** 1250 – Departmental Forms

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

207.1 ADMINISTRATION

207.2 FORM DEVELOPMENT AND CONTROL

## ASSOCIATED DIRECTIVES

### INTRODUCTION

The purpose of this policy is to establish a procedures for the development, modification, approval, and access to department forms.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to ensure accountability for forms used regularly by department employees.

### RULES AND PROCEDURES

#### 207.1 ADMINISTRATION

- A. The Special Services Division will be responsible for the development, modification, and review of department forms and ensuring the most updated versions of forms are available for use.
- B. The Special Services Division will provide assistance as requested in development, design or modification of department forms.

#### 207.2 FORM DEVELOPMENT AND CONTROL

- A. Employees who see a need for a new form or modification to an existing department form will prepare an example and forward their recommendations through their respective chain of command to the Division Commander for approval.

- B. After approval by the issuing Division Commander, all new or revised forms must be forwarded to the Special Services Division for review, numbering and cataloging prior to distribution.
- C. Any form generated by the City of Asheville, the North Carolina State Bureau of Investigation (NC SBI), the State of North Carolina, or any federal agency which may be used by department employees is exempt from agency numbering requirements. Examples include SBI laboratory request forms, or NC Department of Motor Vehicle forms.
- D. Department forms will be made available to all department employees.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 3 – Code of Conduct

**Original Issue:** 6/1/1996

**Policy:** 302 - Uniform Standards

**Last Revision:** 1/29/2018

**Previously:** 1120 – Uniform Standards

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

302.1 DEPARTMENT UNIFORMS

302.2 STANDARD EQUIPMENT

302.3 STANDARD UNIFORM PROTOCOL

302.4 ASSIGNMENT BASED UNIFORMS

302.5 UNIFORM ACCESSORIES

302.6 INSIGNIA

302.7 BUSINESS ATTIRE

302.8 BALLISTIC VESTS

## ASSOCIATED DIRECTIVES

[Policy 303 – Grooming and Appearance](#)

[Policy 2000 - Awards](#)

## INTRODUCTION

The purpose of this directive is to establish rules and regulations governing the wearing of police uniforms and related equipment. The Asheville Police Department recognizes the personal appearance of its employees has a direct impact on public confidence and thereby on the ability of personnel to perform their official duties.

## POLICY STATEMENT

All employees are representatives of the Asheville Police Department (APD) and, in that capacity, must present a professional image to the public. Therefore, it is the policy of the department that only authorized equipment and apparel will be used and/or worn and such issued apparel will be maintained in a neat and clean fashion at all times.

## RULES AND PROCEDURES

### 302.1 DEPARTMENT UNIFORMS

- A. All employees (sworn or non-sworn) will appear for duty neat, clean, and orderly.

- B. All employees, except as noted, are to wear the regulation uniform while on duty or wherever representing the department. [22.1.6]
- C. The department uniform will not be worn off duty except as follows:
  - 1. Acting as a representative of the department in an official capacity;
  - 2. Performing authorized extra duty employment; or [22.2.5 b]
  - 3. Reporting to or returning home from duty.
- D. When worn off duty, items that openly display department logos must be worn with discretion and not conflict with the [City of Asheville Ethics Policy](#) or uniform standards.
- E. While performing secondary employment assignments only Class A or Class B uniform protocols are permitted unless otherwise authorized.
- F. Uniformed employees will not use or wear non-issued equipment or clothing without authorization from the Chief of Police or designee unless otherwise permitted by department policy. [41.3.4]
- G. Employees attending district court may wear the uniform of the day or business attire.
- H. Upon separation from employment, all issued uniforms and equipment must be returned to the department.
- I. Polo shirts issued to officers as part of a uniform must have a cloth badge and the officer's name affixed and clearly displayed.

### **302.2 STANDARD EQUIPMENT**

- A. Unless otherwise specified, officers will wear the following issued equipment with uniform varieties:
  - 1. Issued or approved alternate firearm and holster
  - 2. Two (2) handgun magazines and holders
  - 3. Handcuffs with pouch
    - a. Officers may carry a maximum of two (2) sets of handcuffs on the Sam Brown Belt
    - b. Department issue pouch is open or closed style; however, personally owned single snap leather handcuff straps may be used
  - 4. Taser (if assigned)
  - 5. Radio/holder
  - 6. Glove pouch
  - 7. Stinger flashlight
  - 8. O/C spray
  - 9. ASP baton
  - 10. Department issued cell phone

- B. The issued tourniquet and holder are recommended to be carried on the person, and may be worn in a manner chosen by the officer to maintain a professional appearance.
  - 1. On-body tourniquet wear is optional; however, they must be available in patrol vehicles at all times.
  - 2. On-body wear of tourniquet is mandatory for high risk incidents, such as execution of search warrants or ERT operations.
- C. Officers may wear a rifle magazine and holder (20 round) and second handcuff case ([approved model](#)) with pouch if desired.
- D. Officers in special assignments may wear uniform and equipment items in an alternate manner as appropriate to their assignment and approved by the Division Commander.
- E. Due to safety concerns, employees requiring use of suspenders may purchase a covert harness for uniformed duty. The covert harness is to be worn under the shirt, lessening the chance it will be used in an assault.
  - 1. Workers Comp required issuance of a harness must be processed through the City of Asheville Health Services and Risk Management.
  - 2. Medically required issuance of a harness (non-workers comp) may be filed with personal insurance and is to be purchased by the employee.
  - 3. Employees may contact the Logistics Unit to coordinate any needed uniform alterations to accommodate a harness. Employees requesting a harness for convenience or comfort will be responsible for the cost of the harness and uniform alterations.

### **302.3 STANDARD UNIFORM PROTOCOL**

- A. Reference [Section 302.6](#) for guidance on insignia placement for all uniform protocols.
- B. Executive staff dress uniform is worn for special events, ceremonies, or as otherwise designated by the Chief of Police. The executive staff dress uniform consists of:
  - 1. Dress jacket
  - 2. White long-sleeved dress shirt
  - 3. Blue tie with APD badge tie tac
  - 4. Dress trousers with accent stripe
  - 5. Uniform shoes
  - 6. Dress Cap

- C. The Class A uniform is considered to be the dress uniform and worn for special events, ceremonies, funerals, superior court, or as otherwise designated by the Chief of Police. The Class A uniform consists of:
1. Standard issue long sleeve uniform shirt
  2. Uniform trousers
  3. Uniform shoes or boots
  4. Tie with APD badge tie tac
  5. Leather duty gear/equipment
  6. Dress Cap (as directed)
- D. Although the Class A uniform may be worn for patrol functions, the Class B uniform is considered the standard issued uniform to be worn for routine daily duties by designated officers. The Class B may be worn in one of the following varieties:
1. Standard issue short sleeve uniform shirt, with an open collar and no tie with only the top button unbuttoned, standard uniform trousers, shoes or boots, and leather duty gear/equipment. The issued ball cap is optional.
  2. Standard issue long sleeve uniform shirt with open collar, wearing a mock turtleneck/turtleneck (navy or black) or t-shirt (white, black, or navy) underneath the uniform shirt, uniform trousers, shoes or boots, and leather duty gear/equipment. The issued sweater, with or without a tie, is optional.
- E. The Class C uniform is considered standard wear for training and may be worn for other assigned duties as directed. The Class C uniform consists of:
1. Khaki 511 or TruSpec alternate duty pants
  2. Navy short sleeve or long sleeve polo shirt
  3. Duty gear/equipment as required by assignment/training.
- F. Uniformed non-sworn employees are to wear a variant of the Class C uniform which clearly distinguishes them from sworn officers as follows:
1. Communications, Property & Evidence, Forensic Services, and Animal Services: Charcoal short or long sleeve tactical ripstop shirt and black ripstop tactical trouser.
  2. Park Wardens: Yellow moisture wicking polo in short or long sleeves and navy alternate duty 511 or TruSpec duty pants.



### 302.4 ASSIGNMENT BASED UNIFORMS

- A. Bicycle Uniform: Yellow and navy moisture wicking shirt in short or long sleeves, navy bike shorts or lightweight bike trousers, padded inner shorts, black athletic shoes, issued yellow and navy bike jacket, bike gloves, bike helmet; and nylon web duty gear/equipment.
- B. Cadet: Khaki 511 or TruSpec alternate duty pants, navy polo with patch only (no badge), black boots, leather duty gear, and [polymer](#) training gun; or other appropriate BLET uniform required by a hosting institution.
- C. Canine Officer: Navy 511 or TruSpec tactical pants [and shirt](#), cloth badge and name tape, navy jump suit, issued winter jacket, issued rain jacket, black gloves, issued uniform boots; and nylon web duty gear/equipment.
- D. Crisis Negotiation Team: OD green 511 or TruSpec tactical pants, desert tan short sleeve polo or black long sleeve polo, and CNT issued jacket.
- E. Drug Suppression Unit: Standard issue Class A, Class B, or navy 511 TruSpec tactical pants [and shirt](#) and nylon web duty/gear equipment.
- F. DWI Task Force: Black 511 or TruSpec style alternate duty pants and shirt. Patches will be worn as follows: APD patch on the left sleeve, NC DWI Task Force patch on the right sleeve, and the United States flag patch above the name insignia. A nylon or leather duty belt may be worn at the discretion of the member and in accordance with this policy.
- G. Emergency Response Team: OD green 511 or TruSpec alternate duty pants and shirt. Other specialized wear will be in accordance to [Policy 1103 – Emergency Response Team](#) as approved by the ERT Commander and Investigations and Operations Support Division Commander.
- H. Hazardous Devices Team: OD green 511 or TruSpec alternate duty pants and shirt. Other specialized wear will be in accordance to [Policy 1101 – Hazardous Devices Team](#) as approved by the HDT Commander and Investigations and Operations Support Division Commander.
- I. Motorcycle Officer: Open or full face helmet with radio communications, standard uniform trousers, reflective rain jacket with back, shoulder, and elbow padding, knee length riding boots (black in color), standard uniform shirt, full finger gloves, standard issue leather duty gear/equipment.
- J. Public Housing Unit: Standard issue Class A, Class B, or navy 511 or TruSpec alternate duty pants [and shirt](#), and nylon web duty/gear equipment.

- K. Property & Evidence (sworn): Navy 511 or TruSpec alternate duty pants, short or long sleeve navy polo shirt, and web duty/gear equipment.
- L. Traffic Safety Unit: Navy jumpsuit with soft badge and officer's name is authorized when reconstructing vehicle crash scenes.

### **302.5 UNIFORM ACCESSORIES**

A. Headgear:

1. The issued 5-Star dress hat will be worn outdoors with Class A uniforms during formal events as directed by the Chief of Police.
2. Department issued toboggans may be worn during inclement or cold weather.
3. Department issued ball caps may be worn at the discretion of members.

B. Sunglasses: Officers will not wear sunglasses which are colored or designed in such a manner as to detract from the uniform. Brightly colored frames and mirrored lenses are prohibited. Sunglasses accessories such as headbands are to be black in color and conservative in nature.

C. Jackets and Sweaters: Uniformed employees may wear department issued jackets and sweaters during cold or inclement weather.

D. Rain Gear: Department issued rain gear may be worn as needed during inclement weather.

E. Uniform Tie: The APD badge tie tac will be worn in the center of the tie between the third and fourth buttons.

F. Badge:

1. Uniformed officers will wear their department issued badge when in uniform indicating appropriate rank.
2. Officers working in staff or administrative positions must wear a badge displayed on a belt, neck chain, or pocket.

G. Shoulder Patch: The authorized department patch will be worn on both sides of all issued uniform shirts, [with the exception of training polos](#). Department approved specialty unit patches may be worn dependent on assignment.

H. Gloves:

1. Search gloves must conform to the following guidelines:
  - a. Gloves must be black in color. Any brandings or logos will not be reflective or brightly colored.
  - b. Gloves cannot be leaded, have hardened knuckles or any other type of armoring.
2. Officers working uniformed patrol may wear non-department issued gloves, subject to approval, that meet all department requirements. [41.3.4]
3. Latex or nitrile gloves should be worn when necessary to protect employees from health hazards.
4. Reflective gloves may be worn when directing traffic.
5. At any time during the year, officers assigned to motorcycle or bicycle duty may wear gloves while operating a department motorcycle or bicycle, writing citations, or performing other duties related to motorcycle or bicycle operations. These gloves may be fingerless at the officer's discretion.

I. Footwear:

1. Shoes or boots worn by uniform officers will be of black, smooth, highly shined leather without ornamentation. Shoes may be a low quarter shoe with round toe, patrol boots with semi-round toe, or military style boots without steel toe or ornamentation. Sharp or pointed toe, western-styled boots, or riding heels are not permitted. Trouser legs will be worn on the outside of the boots.
2. Officers assigned to motorcycle duty will wear English style field or riding boots with a round toe and block heel. Trouser legs will be worn inside the boot.
3. All employees wearing a department uniform will wear black or navy blue socks.
4. Employees wearing shorts as part of their uniform will wear short athletic socks.

J. Duty Gear:

1. Department authorized duty gear for officers will be black and consist of Sam Brown style equipment belt, safety firearm holster for all handguns, handcuff case, ammunition carriers, and ASP baton holder.
2. Executive staff wearing the dress uniform blazer will wear black leather or Garrison belt that will substitute for the standard Sam Brown style equipment belt.

3. Administrative staff may wear the Garrison belt in lieu of the Sam Brown belt with the duty handgun and holster.

### **302.6 INSIGNIA**

- A. The badge will be worn above the left breast pocket. It will be kept clean and untarnished. The “serving since” ribbon plate showing the member’s most recent department hire date will be attached to the name tag with attached accreditation emblem and will be worn centered above the right breast pocket.
- B. Department and technical award ribbons will be worn according to [Policy 2000 – Awards](#).
- C. Sergeant chevrons will be worn centered on the crease of the sleeve, ¼ inch below the department patch.
- D. Executive staff dress jackets will be worn with gold stripes denoting rank on each sleeve and include five (5) stripes for Chief of Police, four (4) stripes for Deputy Chief, and three (3) stripes for Captain.
- E. One service stripe/star will be issued for every five (5) years of service for officers as follows:
  1. Officers: Gold hash stripes will be issued for winter jackets and affixed to the left sleeve just above the top of the cuff.
  2. Executive Staff: Gold stars will be issued for uniform dress jackets and affixed to the left sleeve horizontal above the top rank stripe.
- F. Collar pins respective to rank will be worn on the collar 1/4 inch above the seam as follows:
  1. Sworn officer: APD collar pins, silver in color
  2. Sergeant: APD collar pins, gold in color
  3. Lieutenant: single bar, gold in color
  4. Captain: double bar, gold in color
  5. Deputy Chief: oak leaf, gold in color
  6. Chief: eagle, gold in color

### **302.7 BUSINESS ATTIRE**

- A. Civilian employees who are not required to wear uniforms will conform to standards normally worn by office personnel (non-casual), unless otherwise directed. The employee’s immediate supervisor will determine if attire is appropriate and professional.
- B. Denim/jeans of any color will not be worn unless approved by the Chief of Police.

- C. Shoes must be professional in nature.
- D. Officers assigned to the Criminal Investigations Section, [Buncombe County Anti-Crime Taskforce \(BCAT\)](#), [Drug Suppression Unit \(DSU\)](#), and Professional Standards Section will be provided a clothing stipend twice per year in January and July. The stipend will be prorated according to the time in the assignment. [\[22.1.6\]](#)
- E. Sworn administrative staff with the option of plain clothes assignments will be provided a clothing stipend once a year in January. The stipend will be prorated according to the time in the assignment. [\[22.1.6\]](#)
- F. Business attire for non-uniformed male officers is either: business suit or sport coat; dress shirt and tie, dress slacks, and dress shoes; or polo shirt and dress slacks.
  - 1. Collarless shirts of any kind/type will not be worn.
  - 2. Ties must be of a conservative and contemporary length, width, design, and color.
- G. Business attire for non-uniformed female officers is either: dress suit/pant suit; dress pants and blouse, and dress shoes or dress boots; or polo shirt and dress slacks.
- H. Officers in a plainclothes assignment will carry their approved duty firearm, handcuffs, and badge while on duty, and will do so in a manner that will not bring undue attention to such equipment. Officers may also carry O/C spray and/or an ASP baton.
- I. Officers in plainclothes assignment will maintain appearance, apparel, equipment, accessories, and leather goods to the same standards as required of uniformed members.
- J. When officers who normally work a plainclothes assignment are working in uniform they must meet the same uniform and equipment standards set for uniformed officers.
- K. During a police raid or other police emergency officers in a plainclothes assignment will wear soft body armor and tourniquet with their badges or police identification in obvious view.

### **302.8 BALLISTIC VESTS**

- A. The department provides ballistic vests to all officers. [\[41.3.5\]](#)
- B. All uniformed officers are required to wear ballistic vests during their tour of duty while engaged in field operations. This requirement includes uniformed officers engaged in extra-duty secondary employment. [\[41.3.5\]](#)
- C. Ballistic vests will be worn by officers engaged in pre-planned, high-risk, and/or tactical situations. Examples include, but are not limited to: planned search warrant execution, drug raids, and serving felony arrest warrants. [\[41.3.6\]](#)

- D. Officers will be instructed in the care and cleaning of ballistic vests and will be held responsible for proper maintenance.
- E. Any damage to the ballistic vests or other unsafe condition will be reported to the officer's immediate supervisor for appropriate action. Officers must report any condition where the ballistic vest no longer fits properly as the result of a gain or loss of body weight.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 3 – Code of Conduct

**Original Issue:** 6/1/1996

**Policy:** 303 – Grooming and Appearance

**Last Revision:** 3/18/2016

**Previously:** 1120 – Uniforms and Equipment



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

303.1 GENERAL PROVISIONS

303.2 HEAD HAIR

303.3 FACIAL HAIR

303.4 FINGERNAILS

303.5 JEWELRY

303.6 COSMETICS

303.7 DENTAL ORNAMENTATION

303.8 PERSONAL HYGINE

303.9 TATTOOS AND BODY MODIFICATION

## ASSOCIATED DIRECTIVES

[Policy 302 - Uniform Standards](#)

## INTRODUCTION

This policy provides grooming and appearance standards for department members. For information regarding uniform standards refer to Policy 302 – Uniform Standards.

## POLICY STATEMENT

This policy provides officers with department requirements for on-duty appearance related to grooming and personal hygiene. Professional appearance of Asheville Police Department (APD) employees furthers the goals of the department by projecting a positive and professional image to the public. A positive image also reflects an employee's sense of pride, self-confidence, and command presence, which can enhance overall effectiveness.

## DEFINITIONS

**Body Piercing:** holes intentionally made in parts of the body other than the earlobes in order to insert rings or other decorative objects.

## **RULES AND PROCEDURES**

### **303.1 GENERAL PROVISIONS**

- A. Exceptions to grooming and appearance standards may be made for officers working undercover assignments or in other specialized assignments as authorized by a Division Commander or above.
- B. The Chief of Police or designee has final authority in determining acceptable standards for employee grooming and appearance.
- C. Transgender employees will be held to the grooming standards of their gender expression.
- D. Violations of this policy may be considered personal conduct violations under applicable City and department policies.

### **303.2 HEAD HAIR**

- A. Hair may be artificially colored but must be conservative in shade, mimic a naturally occurring human hair color, and must not detract from the department's professional image. ~~Multiple colors are prohibited.~~
- B. Wigs or hair pieces are permitted if they conform to the above standards for natural hair.
- C. Hair will not be cut or shaved so that letters, wording, designs, logos or symbols are visible.

#### **303.2.1 Uniformed Employees**

- A. Males – hair will be worn no longer than the top of the shirt collar at the back of the neck when standing with the head in normal position. The hair must be clean, neat, and combed. The bulk or length of the hair must not interfere with the normal wearing of all standard head gear.
- B. Females – hair must be clean and neat. Hair will not be worn longer than the bottom of the shirt collar at the back of the neck when standing with the head in normal position. Hair may be cut short to conform or longer hair may be fastened up to meet this standard. The bulk or length of the hair will not interfere with the normal wearing of all standard head gear.

#### **303.2.2 Non-Uniformed Employees**

- A. There are many hairstyles which are acceptable for sworn and non-sworn employees who do not wear uniforms. Hair must be kept neat and clean and the length and bulk of the hair will not be excessive or present a ragged, unkempt, or extreme appearance and must reflect favorably upon the department.



### 303.3 FACIAL HAIR

- A. Sideburns (all male employees) – sideburns may not extend in length below the bottom of the ear. They are to be neatly trimmed, not brushed nor flared. Sideburns will be cut level when the head is held in the position of attention. The width of the sideburns may not be more than 1-1/4<sup>th</sup> inch.
- B. Facial Hair (officers) – officers will be clean shaven, except they may wear mustaches which follow the natural curve of the mouth but do not extend below the lower lip line and beyond the edge of the mouth.
- C. Facial Hair (non-sworn employees) – beards and goatees, if worn, will be neat and well-trimmed.

### 303.4 FINGERNAILS

- A. Fingernails will be clean, neatly trimmed, and kept to a reasonable length.
- B. Visible nail polish will be clear or otherwise conservative may be worn by female employees and will not detract from the uniform.
- C. Jewelry or ornamentation on fingernails is prohibited.

### 303.5 JEWELRY

- A. Uniformed employees may wear jewelry which is not gaudy and does not detract from the uniform.
- B. Rings are limited to two per hand (wedding and engagements rings worn together are considered as one). Rings, especially those on the trigger finger(s), must not interfere with safe and proficient operation of weapons.
- C. Bracelets are limited to one per arm (with the exception of medical alert bracelets) that is of conservative size and appearance, does not include charms or other attachments, and would not interfere with duty requirements or create a safety risk.
- D. Necklaces and neck chains of small diameter are permitted if they do not hold multiple or lengthy attachments, can be worn under the officer's uniform, and would not create a safety risk.
- E. Female officers may wear one post style earring in each ear while on duty. Earrings are to be no larger than one-quarter inch (1/4") in diameter and conservative in style. Earrings are prohibited for male officers while on duty or in uniform.
- F. Body piercings other than pierced ears for females may not be visibly ornamented while on duty.

### **303.6 COSMETICS**

Makeup will be conservative and natural looking and applied so as to blend with skin tone. Heavy makeup for eye lids and face is not permitted, nor are false eyelashes.

### **303.7 DENTAL ORNAMENTATION**

- A. The use of gold, platinum, silver, or other veneer caps for the purpose of ornamentation is prohibited.
- B. Teeth, whether natural, capped, or veneered, will not be ornamented with designs, logos, jewels, initials, etc.,
- C. Unnatural shaping of teeth for non-medical reasons is prohibited.

### **303.8 PERSONAL HYGINE**

- A. Employees are expected to maintain their personal hygiene in a manner that does not negatively affect co-workers or citizens in the workplace.
- B. Complaints regarding an employee's personal hygiene should be brought to the appropriate supervisor's attention, preferably in writing, for appropriate action. Supervisors should first meet with the affected employee privately to discuss the complaint and to allow the employee the opportunity to correct the deficiency.

### **303.9 TATTOOS AND BODY MODIFICATION**

- A. Tattoos, brandings, or intentional scarring will not be visible to the public. Tattoos, brands, or intentional scars will be covered by all employees when representing the department by uniform, business attire or other appropriate covering.
- B. Tattoos, branding, or intentional scarring are not permitted on the face, neck, ears, scalp, or hands. Exceptions may be made for female employees with permanent makeup (e.g., eyeliner, lip liner) that is conservative and natural looking.
- C. Tattoos, brandings, or intentional scarring that are gang related; that convey sexual, racial, religious, ethnic, or related intolerances; or that portray derogatory or offensive characterizations contrary to the values of this department are prohibited.
- D. Intentional, non-medical body modification that cannot be concealed or eliminated is prohibited. Examples may include split tongues, gauged piercings, and facial implants.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 4 - Law Enforcement Role & Authority **Original Issue:** 12/1/1995

**Policy:** 400 - Authority, Jurisdiction & Mutual Aid **Last Revision:** 1/25/2016

**Previously:** 1130 – Mutual Aid

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

400.1 AUTHORITY AND JURISDICTION

400.2 CONCURRENT JURISDICTION

400.3 MUTUAL AID

## ASSOCIATED DIRECTIVES

[Policy 1100 – Critical Incident Response](#)

## INTRODUCTION

This directive is meant to establish guidelines for the role of the Asheville Police Department, the limits of its authority, and matters related to mutual aid assistance.

## POLICY STATEMENT

It is the policy of the Asheville Police Department to delineate its members' duties, limits of authority, and responsibilities for those situations where sworn members are required to act in an official capacity or are performing official duties, including in instances of mutual aid and within concurrent jurisdictions.

## DEFINITIONS

[Concurrent Jurisdiction:](#) Enforcement authority shared by two or more law enforcement agencies at a particular location or on a particular subject matter.

[Exclusive Jurisdiction:](#) Enforcement authority granted to only one law enforcement agency at a particular location or on a particular subject matter.

[Mutual Aid:](#) A temporary request of services, personnel, and/or equipment between emergency services agencies to augment the capability of locally available resources.

## **RULES AND PROCEDURES**

### **400.1 AUTHORITY AND JURISDICTION**

- A. [N.C.G.S. § 160A-285](#) authorizes law enforcement officers to enforce all state laws, city ordinances or regulations, and to serve criminal and civil processes that may be directed to them by the General Court of Justice. [1.2.1]
- B. All law enforcement personnel, prior to assuming sworn status, must take an oath of office to enforce the laws of the State of North Carolina, the ordinances of the City of Asheville, and to uphold the Constitution of the State and North Carolina and the Constitution of the United States. [1.1.1]
- C. The legally authorized geographical area for law enforcement services by members of the Asheville Police Department is limited to the corporate city limits, one mile outside the corporate limits of the city, and on all property owned by the city wherever located. [Members may refer to maps available to them or inquire through the Communications Center to confirm if a specific location is within the corporate limits.](#) [2.1.1]
- D. [Members are responsible for being familiar with the general boundaries of the City of Asheville. Citizens with requests for law enforcement services outside the city limits are to be referred to the appropriate agency, unless exigent circumstances require immediate attention under a Mutual Aid agreement or a request for assistance is received from another law enforcement agency.](#)
- E. [Members are to familiarize themselves with and have a working knowledge of laws of the State of North Carolina and Ordinances of the City of Asheville which they are required to enforce. Members are authorized to make only those arrests, searches, and seizures which they know, or should know, are legal and in accordance with departmental procedures.](#) [1.2.1]
- F. [Members should employ every lawful means at their disposal in the investigation, arrest, and prosecution of any person observed or known to be violating or to have violated any statute or any ordinance pertaining to criminal matters, traffic offenses, or vice activities.](#)

#### **400.1.1 Discretion**

[Members are authorized to make discretionary decisions within their lawful span of authority. Members have the discretion not to arrest except for offenses and violations in which the suspect, by law, must be arrested. The use of discretion includes the use of alternatives to arrest.](#) [1.2.6] [1.2.7]

## **400.2 CONCURRENT JURISDICTION**

- A. It is the duty of each member of the department to assist other law enforcement agencies in executing their duties within the jurisdictional limits of the City of Asheville. This assistance will not violate the policies, procedures, rules, and regulations of the department. Members will notify Communications when providing such assistance. [2.1.2]
- B. Real property that is leased by the U.S. Government within the corporate limits of Asheville is subject to concurrent jurisdiction by the Asheville Police Department and federal officers. Most parcels of post office property fall into this category.
- C. Real property that is owned by the U.S. Government in Asheville is subject to exclusive jurisdiction of federal officers, with the exception of the Veterans Affairs (VA) Hospital property which is subject to concurrent jurisdiction, with the VA Police assuming primary responsibility for all law enforcement activities. A federal agency may request specific assistance from an Asheville Police Department officer on federally owned property, at which time the jurisdiction becomes concurrent until assistance is no longer appropriate (e.g. the Federal Courthouse).
- D. The Asheville Police Department has concurrent jurisdiction with state law enforcement officers within the city limits. The Chief of Police may enter into an agreement with a state law enforcement agency that specifies responsibility for the preliminary investigation of certain offenses on parcels of property under the direct control of those agencies.
- E. The Asheville Police Department has concurrent jurisdiction with Buncombe County law enforcement officers within the city limits.
- F. There are multiple agencies with jurisdictions that border the City of Asheville, providing them with concurrent jurisdiction one mile within the Asheville City Limits. Examples include the Biltmore Forest Police Department, Fletcher Police Department, and Woodfin Police Department.
- G. Certain agencies have jurisdiction on property owned or leased by that agency or parent company within the Asheville City Limits; examples include the Asheville Buncombe Technical College Police, Biltmore Estate Police, and Norfolk Southern Railway Police.

## **400.3 MUTUAL AID**

[N.C.G.S. § 160A-288](#) and [N.C.G.S. § 90-95.2](#) authorize law enforcement agencies to provide temporary assistance to another agency while enforcing the laws of North Carolina. The department may enter into mutual aid agreements with other municipal, county, and state law enforcement agencies.

#### **400.3.1 Mutual Aid Requests by Another Agency**

- A. The department may fulfill requests for mutual aid from any city, town, or county police or sheriff's department, local ABC officers, campus law enforcement agency, campus company police agency or airport police, as long as the request does not significantly impact the delivery of police services to the citizens of Asheville. This response may include personnel, vehicles, radios, and/or other police services.
- B. Requests must be made in writing by the head of the requesting agency or designee. When the request is urgent, a DCI message will initially satisfy this requirement; however, a formal written request from the agency head must be sent as soon as practical. [2.1.3 c,d]
- C. Members receiving a mutual aid request from another law enforcement agency will immediately notify a Deputy Chief, Division Commander or Watch Commander who will evaluate the request. The only exception to this procedure will be an emergency request requiring immediate response to prevent loss of life or serious injury. All notifications will then be made as soon as practicable.
- D. Members assigned to another agency under mutual aid provisions will be subject to lawful operational commands of supervisors of that agency. Personnel and administrative control, including compensation of the officers, will be retained by the lending agency.

#### **400.3.2 Mutual Aid Requests by the Department**

- A. All requests for mutual aid to assist the Asheville Police Department, including assistance from state or federal law enforcement, will be made by the Chief of Police or designee pursuant to [N.C.G.S. § 160A-288](#). [2.1.3 d]
- B. In the event of critical incidents that require non-law enforcement assistance beyond the capabilities of City resources, Buncombe County Emergency Services will be contacted to serve as the primary coordinator for local, state, and federal resources. [2.1.4]
- C. In the event the Mayor of Asheville issues a proclamation declaring a state of emergency, the Mayor may request the assistance of the North Carolina National Guard through the Office of the Governor. [2.1.4]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 3 – Code of Conduct

**Original Issue:** 5/10/2002

**Policy:** 304 – Unbiased Policing

**Last Revision:** 2/14/2018

**Previously:** 1038 – Bias Based Profiling



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

304.1 FAIR AND EQUAL TREATMENT

304.2 COMPLIANCE AND ANALYSIS

304.3 TRAINING

## ASSOCIATED DIRECTIVES

### INTRODUCTION

The purpose of this policy is to emphasize this department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing police services. Maintenance of public trust and confidence in law enforcement is critical to effective policing and is achieved largely through fair and equitable treatment of the public. This is a basic requirement of law enforcement and the right of all persons in our society.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that all person having contact with members of this department will be treated in a nonpartisan, fair, equitable, and objective manner, in accordance with law, and without consideration of their race, color, national origin, or other individual characteristics or distinctions as defined in this policy.

### DEFINITIONS

Biased Policing: discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of members towards classes of individuals or persons based on individual demographics.

Bias-Based Policing: also referred to in some instances as "profiling", includes but is not limited to prejudicial decisions affecting individuals in classes protected by federal and state law. It also includes, for example, persons with whom members have such personal involvement that they cannot act impartially, as defined herein.

Fair and Impartial Treatment: the belief that persons, irrespective of race or other distinctions, will be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.

Individual Demographics: for the purposes of this policy, personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status.

Police Services: actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public.

## **RULES AND PROCEDURES**

### **304.1 FAIR AND EQUAL TREATMENT**

- A. Bias-based profiling is prohibited both in enforcement of the law and delivery of police services. Law enforcement actions include, but are not limited to, traffic contacts, field contacts, and asset seizure and forfeiture efforts. [1.2.9 a]
- B. Members will strive to take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances.
- C. Sworn members may not consider individual demographics when performing law enforcement duties or delivering police services except when such characteristics are part of a specific subject description.
- D. Unless exigent circumstances exist, members will not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the member's objectivity may be, or may appear to be, compromised. In situations where the member is personally involved, he or she will summon other members for assistance.



### 304.2 COMPLIANCE AND ANALYSIS

- A. Department members who witness or who are aware of instances of bias-based policing will report the incident to a supervisor.
- B. The department takes seriously allegations of bias-based profiling. All such complaints will be forwarded to the Professional Standards Section for investigation.
- C. Any department member who engages in bias based profiling will be subject to disciplinary action up to and including termination.
- D. The Professional Standards Section will maintain data relating to complaints of bias based policing, including citizen concerns and any corrective actions taken. Information will be provided to the Chief or designee by April 30<sup>th</sup> of each year for administrative review, problem identification, and development of appropriate corrective actions. [1.2.9 c]

### 304.3 TRAINING

- A. Affected department personnel will receive initial and annual training in bias based policing issues, including legal aspects. [1.2.9 b]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 4 - Law Enforcement Role & Authority    **Original Issue:** 12/1/1992

**Policy:** 401 - Firearms

**Last Revision:** 6/30/2017

**Previously:** 1080 – Firearms Qualifications

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

401.1 DEPARTMENT ISSUED FIREARMS

401.2 ALTERNATE DUTY & SECONDARY FIREARMS

401.3 OFF-DUTY HANDGUNS

401.4 AMMUNITION [1.3.9 B]

401.5 FIREARM ATTACHMENTS

401.6 FIREARMS QUALIFICATIONS

401.7 FIREARM MAINTENANCE

401.8 FIREARM SAFETY

401.9 SERVICE WEAPON AWARDS

APPENDIX

## ASSOCIATED DIRECTIVES

[Policy 402 – Use of Force](#)

[Lead and Hearing Conservation Testing](#)

## INTRODUCTION

The purpose of this policy is to provide officers with guidelines associated with the use, maintenance, and safety of authorized firearms and the qualification requirements related to them.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that officers will adhere to the requirements established herein in order to ensure the safe handling and use of firearms.

## DEFINITIONS

[Alternate Duty Weapon](#): a personally owned firearm meeting specifications set forth in this policy and authorized by the department to be carried as the officer's primary service handgun or rifle.

Authorized Weapon: any make, model, or caliber firearm that meets the department's requirements and specifications as outlined in this policy, and that has been formally approved by the department's Range Master and the Chief of Police or designee for use by officers.

Primary Service Weapon: the firearm authorized by the department to be carried as part of the service uniform or by plainclothes officers.

Secondary Weapon: any authorized handgun other than the primary service handgun that is carried while on-duty in an approved concealed manner.

## **RULES AND PROCEDURES**

### **401.1 DEPARTMENT ISSUED FIREARMS**

- A. Officers are required to carry an authorized firearm when operating a police vehicle whether on or off-duty.
- B. Each sworn officer will be issued a department handgun and rifle unless the officer chooses to carry an alternate duty weapon as their primary service handgun/rifle.
- C. The authorized department issued primary service handguns are as follows: [1.3.9 a]
  - 1. Glock Model 19 9mm semi-automatic pistol for all officers.
  - 2. Glock Model 21 .45 caliber semi-automatic pistol for Emergency Response Team (ERT) members.
  - 3. Glock Model 26 and Model 43 9mm semi-automatic pistol for Buncombe County Anti-Crime Task Force (BCAT) members, [the Drug Suppression Unit](#), and [Executive Staff](#).
- D. The standard department issued rifle is a semi-automatic carbine AR-15.
- E. [The Chief of Police may authorize alternate department issued firearms and/or ammunition for undercover operations, specialized units or individual officers as necessary.](#) [1.3.9 a]  
[1.3.9 b]

### **401.2 ALTERNATE DUTY & SECONDARY FIREARMS**

- A. Officers choosing to carry an alternate duty [or secondary](#) firearm must use, train, and qualify with the firearm(s) according to all standards outlined in this policy.
- B. A Firearm Authorization Request Form must be completed and approved before an officer may carry an alternate duty [or secondary](#) firearm.

- C. All alternate duty **and secondary** firearms must be inspected by a certified North Carolina law enforcement firearms instructor prior to qualification and the inspection documented on the Firearm Authorization Request Form. [1.3.9 c] [41.3.4]
- D. Authorized alternate duty handguns for uniformed officers are as follows: [1.3.9 a]
  - 1. Glock 17 9mm
  - 2. Glock 22 .40 caliber
  - 3. Glock 23 .40 caliber
  - 4. Glock 21 .45 caliber
- E. Alternate duty handguns for officers in plain clothes assignments must be a 9mm, .40 caliber or .45 caliber. [1.3.9 a]
- F. Alternate duty rifles must be a semi-automatic carbine AR-15 **factory built by a reputable manufacturer, approved by the range master**, and meet the following requirements: [1.3.9 a]
  - 1. Be configured as LEO carbine or equivalent
  - 2. Have a standard barrel length of 14’’-20’’ (no bull barrels)
  - 3. A maximum 30 round magazine
  - 4. Have an attached tactical sling
  - 5. Only have standard attachments, except where approved and allowed per this directive (see [Section 401.5](#))
- G. Secondary handguns must be a revolver or semi-automatic pistol of one of the following calibers, and may be equipped with an approved laser sighting system: .32 caliber, .380 caliber, .38 Special, 9mm, .40 caliber, .357 caliber, or .45 caliber. [1.3.9 a]
- H. Magazines for alternate duty **and secondary firearms** cannot exceed the standard issue magazine for the full size caliber model.
- I. Holsters for authorized alternate duty and secondary handguns will be provided by the officer at his/her expense, must be approved by a firearms instructor, and the holster/approval documented on the Firearm Authorization Request Form prior to use. Additionally, holsters must meet the following requirements:
  - 1. Alternate duty handgun holsters and magazine cases for uniformed officers must be the same make and model as issued by the department.

2. Alternate duty handguns for plainclothes assignments must be carried in a holster with a retention device.
3. Secondary handguns must be carried in a holster concealed on the person of the officer.

#### **401.3 OFF-DUTY HANDGUNS**

- A. Off-duty officers [who do not hold a valid a North Carolina concealed handgun permit and are carrying a concealed weapon under the law enforcement exception outlined in N.C. Gen. Stat. § 14-415.25](#) will only carry a department authorized firearm. Authorized off-duty firearms must meet all requirements outlined in this policy, to include qualification requirements.
- B. Officers carrying a concealed handgun [not authorized by the department](#) as a holder of a North Carolina concealed handgun permit will be acting as a private citizen in any incidents occurring with regard to the use of the firearm.
- C. Officers [requesting department authorization for an off-duty firearm must complete and obtain approval on a Firearm Authorization Request Form.](#)
- D. [Department authorized](#) off-duty handguns must be a revolver or semi-automatic pistol of one of the following calibers, and may be equipped with an approved laser sighting system: .32 caliber, .380 caliber, .38 Special, 9mm, .40 caliber, .357 caliber, or .45 caliber. [1.3.9 a]

#### **401.4 AMMUNITION [1.3.9 b]**

- A. Officers will only carry and use ammunition types authorized by the department unless the Chief of Police grants approval for an exception and the officer qualifies with that ammunition type. [1.3.9 b]
- B. The authorized ammunition for department issued primary service handguns and alternate duty handguns are as follows:
  1. Speer 124+P for 9mm;
  2. Speer 165 gr for .40 caliber; and
  3. Speer 230 gr for .45 caliber.
- C. Ammunition carried in department duty and authorized alternate duty rifles must be 55gr.
- D. Ammunition for alternate duty firearms, [secondary handguns, and authorized off-duty handguns must](#) be provided by the officer at their own expense [and must meet all department specifications.](#)

- E. Ammunition carried for authorized secondary and off-duty handguns must be of the same brand and type as department issue, or factory manufactured ammunition with similar ballistic characteristics to the department issue.
- F. Alternate factory manufactured rounds with similar ballistic characteristics as the department authorized ammunition may be approved by a firearms instructor.
- G. All ammunition must be approved by the Range Master and documented on the Firearm Authorization Request Form.
- H. Officers will be issued fresh duty ammunition for department issued firearms during the officer's first scheduled qualification each year. Firearms instructors will dispense replacements for defective or depleted ammunition when necessary.

#### **401.5 FIREARM ATTACHMENTS**

- A. Tactical light attachments are allowed on authorized firearms after successful qualification using the light and approval from the firearms instructor conducting the training.
- B. Only the following tactical sights are allowed for authorized rifles: Trijicon, EOTech, Aimpoint, Primary Arms, Vortex, and Sig Sauer. Rifles must have iron sights in the event the tactical sight fails. No magnification or standard style scopes or laser sights are allowed.
- C. All attachments must be approved by a firearms instructor at the time of qualification and documented on the Firearm Authorization Request Form.

#### **401.6 FIREARMS QUALIFICATIONS**

- A. At least once each calendar year, all sworn officers must qualify with each authorized firearm and be instructed in laws and department policy and procedures relating to the use of force. [1.3.12] [33.5.1]
- B. Only sworn officers who have successfully passed firearms qualification and training on the department's use of force directives will be authorized to carry a firearm. [1.3.10]
- C. All firearms qualification courses must be approved by the North Carolina Criminal Justice Education Training and Standards Commission (CJETSC). [1.3.11 a]
- D. The Chief of Police or designee will designate a NC CJETSC certified firearms instructor as the Range Master for each training session.
- E. All officers are required to meet established proficiency standards with all authorized firearms. The minimum successful qualifying score for day and night fire is 70%. Any qualifying score under 80% will require the officer to attend a firearms session scheduled by the Career Development Unit for skills improvement prior to the next department firearm training session.

- F. During each session, a maximum of three (3) successive attempts to qualify will be permitted. The first attempt that results in a qualifying score will satisfy the requirements and the officer may not attempt any further qualifications for that course of fire.
- G. Officers who fail to qualify with the primary service weapon or any firearm that is otherwise required for the officer's duty assignment will be relieved of those firearms, placed in an assignment that does not require an officer to be armed or to take enforcement actions, and be subject to the following requirements:
  - 1. The officer's **Bureau, Division and Section Commanders** will be notified and will promptly arrange with the Career Development Unit for formal remedial firearms training not to exceed eight (8) hours. **This training does not preclude an officer from engaging in informal practice or training sessions. [1.3.11 c]**
  - 2. **The officer will be given three (3) additional attempts to re-qualify within a reasonable period of time. If the officer fails to re-qualify within the given attempts, a written report will be forwarded to the officer's Bureau, Division and Section Commanders to include recommendations for corrective action.**
- H. Any officer who fails to qualify with a firearm that is not required for the officer's duty assignment will not be permitted to carry that firearm. The officer may remain on duty if qualified with the primary duty handgun.
- I. The Recruitment and Career Development Section will maintain qualification records as required by the North Carolina CJETSC. [1.3.11 b]

#### **401.7 FIREARM MAINTENANCE**

- A. Authorized firearms must be maintained in a clean and safe operating condition and will be inspected by the firearms instructor at the time of qualification. All firearms must be cleaned and maintained in the manner prescribed by the manufacturer and as instructed by department firearms instructors. [1.3.9 c]
- B. Each officer will be responsible for the condition and care of firearms assigned to them.
- C. The Logistics Unit will maintain an up to date inventory of all department issued service weapons and document weapons issued and changes in assignment. [1.3.9 e]
- D. Supervisors **or designees (Weapon Maintenance Officers)** will conduct an inspection of all firearms issued to and carried by officers under their direct supervision at least once a month for cleanliness, proper lubrication, authorized attachments, and functionality.
- E. Defective, unsafe, or unauthorized firearms will be reported to a department armorer or firearms instructor immediately.

- F. If a department issued firearm is deemed to be unsafe it [will be turned in to Logistics](#) for repair by a department armorer immediately. If the firearm cannot be repaired immediately, the Logistics Unit will make arrangements for another duty weapon to be issued to the officer until repairs can be completed. [1.3.9 d]
- G. Repairs or alterations to department owned firearms will be made only by an armorer employed or authorized by the department.
- H. [Modifications to any department authorized firearm requires approval from a department designated armorer.](#)

#### **401.8 FIREARM SAFETY**

- A. All authorized weapons must be carried in a safe and secure manner as approved by the department. [1.3.9 f]
- B. Rifles must be carried in a secure rack as provided in patrol vehicles, with the magazine loaded, one round in the chamber, and the safety engaged. [1.3.9 f]
- C. [Officers must report, in writing, to their immediate supervisor any use of prescription drugs or other medication or any physical ailment or injury that they reasonably believe could impair their ability or judgment to use a firearm.](#)
- D. [Officers will be responsible for the secure storage of their duty weapons and any other personally owned firearms when not in their personal \(immediate\) possession. Officers should be cognizant of safe weapon storage at all times. Safe storage may include the use of use of trigger locks, safes, gunlock boxes, or other means.](#)
- E. Firearms will not be stored in patrol vehicles [after duty hours](#) or in personally owned vehicles except for temporary storage when other options for safekeeping are not available, or if authorized by the department.
- F. At no time is any firearm to be carried, displayed, handled or otherwise used in a careless or reckless manner - [any such use of a firearm will constitute grounds for discipline.](#)

#### **401.9 SERVICE WEAPON AWARDS**

- A. Pursuant to [N.C. Gen. Stat. § 20-187.2](#), a retiring officer in good standing may be awarded the issued service handgun and official credentials consisting of a “retired” wallet badge, case, and identification card indicative of rank.
- B. The retiring officer must have completed 20 years of service with the City of Asheville and meet the requirements under the North Carolina Retirement System for Local Law Enforcement Officers.



1. If an officer retires on a service related disability with less than 20 years of service with the City of Asheville, the officer **may** be awarded the service handgun and official credentials as outlined above.
  2. Officers retiring with 10 to 20 years of credible service with the City of Asheville may request the award of the service handgun at the cost of \$200 or fair market value, whichever is less.
  3. Any retirements, other than service related disability, under 10 years may request the award of the service handgun at a cost of fair market value.
  4. Non-physical service related disability retirements will be evaluated based on individual circumstances with a determination to be made by the Chief of Police.
- C. A valid North Carolina gun permit, as issued by the officer's county of residence, or a valid North Carolina concealed carry permit must be provided to the department prior to receipt of the service handgun.
- D. The Chief of Police may award the service handgun and official credentials to the surviving family of a deceased officer upon receipt of a valid North Carolina gun permit as issued by the county of residence. If the surviving family member is a resident of a state other than North Carolina, the transaction will be processed by the City of Asheville Legal Department according to Federal law regarding the transfer of firearms.

BY ORDER OF



Tammy Hooper  
Chief of Police

**APPENDIX**

**Authorized Weapons and Ammunition Chart**

<b>Department Issued Handguns</b>		
Make/Model/Cal	Authorized to Carry	Ammunition
Glock 19 9mm	All Sworn Officers	Speer 124+P 9mm
Glock 21 .45	Emergency Response Team	Speer 230 gr for .45
Glock 26 9mm	BCAT / DSU / Executive Staff	Speer 124+P 9mm
Glock 43 9mm	BCAT / DSU / Executive Staff	Speer 124+P 9mm
<b>Department Issued Rifle</b>		
Semi-Auto carbine AR-15		55gr

<b>Alternate Duty Handguns (Uniformed)</b>		<b>Alternate Duty Handguns (Plain Clothes)</b>	
Make/Model/Cal	Ammunition	Caliber	Ammunition
Glock 17 9mm	Speer 124+P for 9mm	9mm	Speer 124+P for 9mm
Glock 22 .40	Speer 165 gr for .40	.40 caliber	Speer 165 gr for .40
Glock 23 .40	Speer 165 gr for .40	.45 caliber	Speer 230 gr for .45
Glock 21 .45	Speer 230 gr for .45		
<b>Alternate Duty Rifles</b>			
Model		Ammunition	
<u>Semi-Auto Carbine AR-15</u> -LEO carbine or equivalent -Standard barrel length of 14-20” -A maximum 30 round magazine -Attached tactical sling -Only have standard attachments (except where otherwise approved)		Same brand and type as department issue or factory manufactured ammunition with similar ballistic characteristics to department issue.	

<b>Off-Duty &amp; Secondary Handguns</b>	
Authorized Calibers	Ammunition
.32, .380, .357, .38 special, 9mm, .40 or .45 (revolver or semi-automatic)	Same brand and type as department issue or factory manufactured ammunition with similar ballistic characteristics to department issue.

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 4 – Law Enforcement Role & Authority    **Original Issue:** 9/1/1993

**Policy:** 402 – Use of Force

**Last Revision:** 10/9/2017

**Previously:** 1030 – Use of Force

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## CONTENTS

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

402.1 DE-ESCALATION

402.2 USE OF FORCE

402.3 USE OF LETHAL FORCE

402.4 RESTRICTIONS ON THE USE OF LETHAL FORCE

402.5 RENDERING AID

402.6 REPORTING REQUIREMENTS

402.7 LETHAL FORCE & SERIOUS INJURY INCIDENT RESPONSE

402.8 TRAINING

## ASSOCIATED DIRECTIVES

[Policy 401 - Firearms](#)

[Policy 403 – Less Lethal Weapons](#)

[SOP 3002 - Blue Team Reports](#)

## INTRODUCTION

The Asheville Police Department is committed to preserving and protecting all lives and to upholding our community's values while inspiring mutual respect and public trust. Policing, at times, requires that officers may need to exercise control of a violent or resisting subject or a subject experiencing a mental or behavioral crisis. This policy provides officers with clear guidelines for the use of force in the performance of their official duties and seeks to ensure that these guidelines are consistently implemented.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that officers use only the force that is, under the circumstances, objectively reasonable, necessary, and proportional to the threat or resistance of a subject. Officers must perform their duties professionally, with respect for others, and in a manner which endeavors to protect and preserve life.

## DEFINITIONS

Choke Hold: a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation. This does not include vascular neck restraints.

De-escalation Techniques: techniques that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance.

Lethal Force: any force that creates a substantial risk of causing death or serious bodily injury.

Controlled Directed-Fire: targeted fire that is controlled and deliberate based on a reasonable belief that a lethal threat is present. Controlled directed fire is only authorized when there is an immediate danger to human life from indiscriminate shooting by a suspect in order to protect citizens and/or officers.

Less Lethal Force: force employed that is neither likely nor intended to cause death or serious bodily injury.

Objectively Reasonable: the reasonableness of a particular use of force based on the totality of the circumstances known by an officer at the time of the use of force. Circumstances may include, but are not limited to: the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Physical Force: any physical strike, instrumental contact with a person or any significant physical contact that restricts movement of a person. This term does not include escorting or handcuffing a person with no or minimal resistance.

Proportional Force: application of force which reflects the circumstances, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject presents.

Serious Physical Injury: an injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long term loss or impairment of the functioning of any body part or organ.

## RULES AND PROCEDURES

### 402.1 DE-ESCALATION

A. Prior to using force, when safe and without compromising law enforcement objectives, officers will use de-escalation techniques to attempt to slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution. De-escalation techniques may include, but are not limited to:

1. Mitigating the immediacy of the threat by containing or reducing exposure by moving to a safer position;

2. Establishing communication from a safe position;
  3. Use of verbal techniques to promote rational decision making; and/or
  4. Avoidance of physical confrontation, unless immediately necessary.
- B. When safe and feasible, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors such as, but not limited to: a medical condition, mental impairment, developmental disability, language barrier, influence of drug or alcohol use, perceived age, and/or a behavioral crisis.

#### **402.2 USE OF FORCE**

- A. [N.C. Gen. Stat. § 15A-401](#) grants law enforcement officers the right to use force in achieving lawful objectives. All officers should clearly understand that the policy of this department is more restrictive than the referenced statute.
- B. Officers must only use the amount of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject. Any use of force that is objectively unreasonable or unnecessary may subject officers to disciplinary action, up to and including dismissal, as well as civil and criminal liability. [\[4.1.1\]](#)
- C. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable or necessary under the circumstances must, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers must promptly report these observations to a supervisor.

#### **402.3 USE OF LETHAL FORCE**

- A. Law enforcement officers are authorized to use lethal force upon another person when it appears to be reasonably necessary to: [\[4.1.2\]](#)
  1. Protect the officer or another person from what is reasonably believed to be the use or imminent use of lethal physical force.
  2. To prevent the escape from custody of a person the officer reasonably believes is attempting to escape by means of a deadly weapon, or who by his/her conduct or any other means indicates that he/she presents an imminent threat of death or serious physical injury to others unless apprehended without delay.
  3. [Stop an immediate life-endangering threat in order to protect others.](#)
  4. [Stop the threat while advancing to or retreating with individuals when facing overwhelming gunfire.](#)

- B. Prior to the use of lethal force, where safe and feasible, officers will identify themselves as a law enforcement officer and order the subject to stop the activity which authorizes the use of lethal force.

#### **402.4 RESTRICTIONS ON THE USE OF LETHAL FORCE**

- A. Officers will not use lethal force to subdue persons whose actions are a threat only to property or against persons whose conduct is a threat only to themselves.
- B. Officers will not fire any weapon from or at a moving vehicle except to counter an imminent threat of death or serious physical injury to the officer or another person and no other means are available at that time to avoid or eliminate the danger. Officers will consider the following factors in determining whether shooting at or from a moving vehicle is justified:
  - 1. An occupant of the vehicle is using or threatening to use lethal force by a means other than the vehicle.
  - 2. The vehicle is being operated in a manner deliberately intended to strike a person.
  - 3. All other reasonable means of defense (including taking cover or moving out of the path of the vehicle or other evasive action) have been exhausted, are not practical or are not present.
- C. Warning shots are prohibited. [\[4.1.3\]](#)
- D. Officers will avoid the use of the following unless lethal force is reasonably believed to be necessary within the guidelines and in compliance with law and this directive:
  - 1. Choke holds; and/or
  - 2. Strikes with an instrument other than hands or fists above a person's shoulders.
- E. Where lethal force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control and according to guidelines in [Policy 403 – Less Lethal Weapons](#). [\[4.1.4\]](#)
- F. Officers are permitted to euthanize a seriously injured or diseased animal with a firearm as a compassionate measure with the prior approval of a supervisor.

#### **402.5 RENDERING AID**

- A. Following any use of force, [and/or apprehension](#) when safe to do so officers will evaluate the subject for injuries and render appropriate medical aid within their training as soon as practical. [Officers will observe the subject for any possible changes.](#) [\[4.1.5\]](#)

- B. Officers must immediately request an ambulance, paramedics or other appropriate medical personnel for all subjects who show signs of injury or complain of injury following any use of force [and/or apprehension](#). [\[4.1.5\]](#)

#### **402.6 REPORTING REQUIREMENTS**

- A. Any department member involved in a use of force or injured prisoner incident must notify a supervisor as soon as practical.
- B. A department Blue Team report must be completed for the following:
  - 1. Whenever a department member's actions results in, or is alleged to have resulted in, the injury or death of another person. [\[4.2.1 b\]](#)
  - 2. Whenever a department member applies force through the use of a lethal or less lethal weapon. [\[4.2.1 c\]](#)
  - 3. Whenever a department member applies physical force as defined in this policy. [\[4.2.1 d\]](#)
  - 4. Whenever an officer discharges a firearm (on-duty, off-duty, or engaged in secondary employment) other than for authorized training or recreational purposes. [\[4.2.1 a\]](#)
- C. Officers may be required to submit a Blue Team report at the direction of a supervisor.
- D. A supervisor will respond to the scene of all reportable incidents involving a use of force to conduct a preliminary investigation and collect supplemental documentation to be attached to the associated Blue Team report. This includes, but may not be limited to:
  - 1. Obtaining or attempting to obtain a statement from the subject of the force or injury and all witnesses at the scene; and
  - 2. When applicable, photographing all areas of contact located on the subject to document the injuries or lack of injuries.
- E. Notification, reporting, and review procedures for Blue Team reports are specifically addressed in [SOP 3002 - Blue Team Reports](#). All reported use of force incidents will be reviewed by the employee's designated chain of command and the Professional Standards Section. [\[4.2.2\]](#)
- F. Annually, the Professional Standards Section will conduct an analysis of all Blue Team reports related to uses of force to ensure department practices are non-discriminatory and reveal any necessary training or policy modifications. [\[4.2.4\]](#)

#### 402.7 LETHAL FORCE & SERIOUS INJURY INCIDENT RESPONSE

- A. The Chief of Police or designee will request the NC State Bureau of Investigation (SBI) to investigate any incident where an APD officer is involved in a use of force that results in death or serious physical injury of any person.
- B. Any employee whose actions or use of force results in serious physical injury or death to another person will be placed on administrative leave/duty by the Chief of Police or designee pending an investigation of the incident. [\[4.2.3\]](#)
  - 1. Following any investigation(s), the officer may not return to any assignment that requires the carrying of a firearm without a written statement from Employee Assistance Network (EAN) declaring the officer's ability to do so.
- C. Any officer whose actions or use of force results in the death of another person must attend a preliminary counseling session coordinated with the EAN. Officers whose actions or use of force results in serious physical injury to another person will attend such sessions as determined by the Chief of Police or as requested by the officer. Officers must attend all subsequent counseling sessions as recommended by the EAN.

#### 402.8 TRAINING

- A. All department members approved to carry a department-authorized lethal or less lethal weapon must demonstrate proficiency with the weapon and be issued copies of, and instructed in, the department's use of force policies and de-escalation techniques before carrying such a weapon. [\[4.3.2\]](#) [\[4.3.4\]](#)
- B. All officers will receive annual in-service training on the department's use of force policies and de-escalation techniques. [\[4.3.3\]](#)
- C. All weapons proficiency training must be monitored by a certified weapons instructor. Firearms proficiency requirements are outlined in [Policy 401 – Firearms](#). [\[4.3.3 a\]](#)

BY ORDER OF:



Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 4 – Law Enforcement Role & Authority    **Original Issue:** 9/1/1993

**Policy:** 403 – Less Lethal Weapons

**Last Revision:** 5/5/2017

**Previously:** 1030 – Use of Force

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

403.1 GENERAL PROVISIONS

403.2 LESS LETHAL-FORCE AUTHORIZATION

403.3 EXPANDABLE BATONS

403.4 OC SPRAY

403.5 ELECTRONIC CONTROL WEAPONS

403.6 SPECIALTY LESS LETHAL WEAPONS AND MUNITIONS

403.7 TRAINING AND PROFICIENCY

403.8 INSPECTION, RECORDS, AND INVENTORY

## ASSOCIATED DIRECTIVES

[Policy 402 – Use of Force](#)

[SOP 3002 - Blue Team Reporting](#)

## INTRODUCTION

Police officers, who during the course of their duties, may have to exercise control of persons who are violent, resistive, or experiencing a crisis. Less lethal weapons are an essential tool for officers to safely resolve situations in a manner that reflects the department's commitment to preserving and protecting all lives. The purpose of this directive is to provide officers with clear guidelines for the use of department approved less lethal weapons in the performance of their official duties.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to provide clear regulations for the use of less lethal weapons. This directive applies to all members of the department authorized to carry less lethal weapons in the performance of their official duties. [1.3.4]

## DEFINITIONS

[Electronic Control Weapon \(ECW\)](#): a weapon that uses electricity to override voluntary motor responses or apply pain in order to gain compliance or overcome resistance.

Impact Projectiles: projectiles designed to incapacitate a subject with a minimal potential for causing death or serious physical injury when compared to conventional projectiles when used in accordance with agency policy and training guidelines (e.g., bean bag rounds).

Less Lethal Force: force which is neither likely nor intended to result in serious physical injury or death. This includes any physical force used to control, restrain, or overcome the resistance of another.

Lethal Force: any use of force that creates a substantial risk of causing death or serious bodily harm.

OC Spray: an aerosol spray weapon system containing a powerful inflammation agent (Oleoresin Capsicum).

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

## **RULES AND PROCEDURES**

### **403.1 GENERAL PROVISIONS**

- A. Sworn officers are authorized by the Chief of Police to carry and/or utilize authorized less lethal weapons and munitions in the performance of their duties. [1.2.2]
- B. All uses of force must follow guidelines in [Policy 402 – Use of Force](#), to include, when safe and feasible, the use of de-escalation techniques prior to a use of force.
- C. Officers will begin medical observation and evaluation of individuals as soon as practical following any use of force action. Officers will render aid within their training and/or request emergency medical services for all subjects who complain of injury, or show signs of injury as a result of any use of force action. [1.3.5]
- D. A use of force report must be completed each time any less lethal weapon is used in accordance with department reporting guidelines outlined in [Policy 402 – Use of Force](#) and [SOP 3002 - Blue Team Reporting](#). [1.3.6 c]

### **403.2 LESS LETHAL-FORCE AUTHORIZATION**

- A. Sworn officers are authorized to use physical and/or less lethal force that is objectively reasonable in order to: [1.3.4]
  - 1. Protect themselves and/or others from harm;
  - 2. Lawfully take a subject into custody, to include involuntary commitment orders;

3. Detain an individual reasonably suspected of unlawful behavior;
  4. Prevent the escape of an individual who is in custody or lawfully detained; and/or
  5. Control a combative or resistant individual who is in custody or lawfully detained.
- B. Approved non-sworn employees are authorized to use less-lethal force through the use of department approved OC spray only as a means of self-defense or when necessary to prevent injury to another person.
- C. Authorized use of a department police canine is addressed in [Policy 2230 – Canine](#).

#### **403.3 EXPANDABLE BATONS**

- A. The department approved impact weapon for carry and use in the performance of duty is the expandable baton. [1.2.2] [1.3.9 a]
- B. An expandable baton will not be used to intentionally strike any person in the head, spine, neck, kidney, or groin area unless circumstances would justify the use of lethal force.

#### **403.4 OC SPRAY**

- A. Non-sworn employees may be authorized for carry of OC spray as approved by the Chief of Police.
- B. Whenever practical, reasonable, and safe officers should issue a verbal warning prior to using OC spray on a person. [1.3.4]
- C. All OC canisters will be carried in a proper receptacle when not in use. No changes, alterations, modifications or substitutions will be made to the issued OC spray.
- D. Officers may assist in the decontamination of an individual exposed to OC spray as outlined in training.
- E. Officers will remain alert to any indications that the individual needs medical care. This includes, but is not limited to: breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems, or if the individual requests medical assistance, the officer will immediately summon medical aid. [1.3.5]
- F. Officers **should** not utilize OC on any individual who the officer knows, or has reason to believe, suffers from any medical conditions that would be aggravated by the exposure (e.g. asthma or bronchial diseases).

#### **403.5 ELECTRONIC CONTROL WEAPONS**

- A. The Electronic Control Weapon (ECW) is generally authorized to be used in circumstances where: [1.3.4]

1. Grounds to arrest or detain for a criminal offense are present and/or a valid involuntary commitment order has been issued on the subject;
  2. The subject's actions cause a reasonable officer to believe that there is an immediate risk of injury to the officer or another person; and
  3. It is reasonably likely that deploying the ECW will alleviate the danger.
- B. The ECW will not be used on those who passively resist, and absent exigent circumstances, should not be used on any subject who:
1. Is handcuffed, absent overtly assaultive or violently resistive behavior that cannot be reasonably controlled by other readily available means;
  2. Is in the presence of an environment known by the officer to be flammable or explosive;
  3. The officer has a reasonable belief may fall resulting in death or serious injury, and the circumstances presented do not justify that risk;
  4. Is reasonably believed to be pregnant based upon physical appearance;
  5. Is operating a motor vehicle, motorcycle, bicycle, or similar conveyance while it is motion; and/or
  6. Presents a danger only to themselves.
- B. When using the ECW as a response option, officers will:
1. Evaluate whether the use of the ECW is reasonable, based on all circumstances, including the subject's age and physical condition.
  2. Take special care to avoid hitting a subject with ECW probes in sensitive tissue areas such as the head, face, neck or genitalia.
  3. Give or attempt to give a verbal warning to the subject of the weapon, prior to deployment, except when such warning would compromise the safety of any individual; and
  4. Use the ECW in the manner in which they were trained. The number and duration of cycles will be limited to the minimum activations reasonably necessary to place an individual into custody.
- C. Officers should not intentionally deploy more than one ECW at a time against a subject.
- D. After deployment, ECW darts may be removed from the subject as outlined in training, and in accordance with the following guidelines:

1. ECW probes will be removed at the earliest opportunity;
  2. Only a certified ECW operator or medical personnel may remove the probes. Darts in sensitive body areas (e.g., eye, face, head, breasts, genitals) or those that cannot be easily removed will only be removed by medical personnel; and
  3. The cartridge, wire leads, darts, and AFIDs will be collected and secured as evidence. ECW probes that strike a person's body will be considered a biological hazard.
- E. Officers will summon first responders or emergency medical personnel to evaluate all subjects who have received an ECW application. Subjects who have received an ECW application will be transported to a medical facility for examination if any of the following occur: [1.3.5]
1. The individual is hit in a sensitive body area;
  2. The officer has difficulty removing the probes;
  3. The individual does not appear to recover in a reasonable period of time after being exposed as determined by the officer following guidelines taught in training;
  4. The individual has been exposed to more than three (3) five (5) second ECW cycles;
  5. The individual has been exposed to the effects of more than one (1) ECW device; and/or
  6. The individual has exhibited signs of 'excited delirium' as outlined and defined in training, prior to and/or after ECW exposure.
- F. All officers issued a department ECW must upload ECW data as outlined in training:
1. Before the end of the shift in which an ECW is deployed or activated;
  2. During regular equipment inspections (at a minimum, monthly); and/or
  3. At the direction of a supervisor.

#### **403.6 SPECIALTY LESS LETHAL WEAPONS AND MUNITIONS**

- A. Any department authorized specialty less lethal or munitions weapons may only be carried by officers who have satisfactorily completed training and demonstrated proficiency in their use. Authorized specialty less lethal munitions and weapons include: [1.3.10]
1. Pepperball gun;
  2. Impact projectiles (e.g., bean bag rounds);

3. 37/40 mm launched chemical munitions; and
  4. Hand held canisters/devices for chemical (other than O/C) deployment.
- B. Where possible, deploying officers should inform other personnel in the immediate vicinity that impact rounds or chemical munitions will be deployed.
  - C. Deployment of specialty less lethal munitions or weapons will be at the direction of a supervisor unless it is reasonably likely that failure to take immediate action would result in serious injury or death to the officer or another person.
  - D. Impact projectiles will not be used to intentionally strike any person in the chest, spine, head, and/or neck areas unless circumstances would justify the use of lethal force. Sensitive areas should not be intentionally targeted (e.g., groin area).
  - E. Types and specifications for authorized specialty less lethal weapons assigned to the Emergency Response Team (ERT) or Crowd Control Team will be maintained by the team Commanders.

#### **403.7 TRAINING AND PROFICIENCY**

- A. All officers will be issued a copy of this policy. Training in the content and intent of this policy will be accomplished and acknowledged prior to personnel being authorized to carry less lethal weapons. [1.3.12]
- B. Officers authorized to carry a department approved ECW must demonstrate proficiency with the ECW at least once annually. [1.3.11]
- C. Officers authorized to carry less lethal weapons other than an ECW (e.g. OC spray, impact weapons, specialty munitions) must demonstrate proficiency at least once every two (2) years with each weapon they are authorized to use. [1.3.11]
- D. Instruction and qualification for all department authorized less lethal weapons must be provided by a certified weapons instructor. [1.3.11 a]
- E. Officers who fail to demonstrate proficiency with any less lethal weapon issued to them will complete remedial training and will no longer be authorized to carry the weapon until such time as proficiency is demonstrated and documented. [1.3.11 c]
- F. It will be the responsibility of the Recruitment and Career Development Section to schedule proficiency training for officers in accordance with this directive and to ensure such training is appropriately documented. [1.3.11 b]

**403.8 INSPECTION, RECORDS, AND INVENTORY**

- A. All less lethal weapons must be inspected by a qualified weapons instructor or armorer to ensure the weapon is safe, functional, and operational before issuance for use. This inspection may occur during the required certification and re-certification training sessions. [1.3.9 c]
- B. Officers will regularly inspect all issued less lethal weapons in accordance with training. Less lethal weapons that are defective, expired or otherwise determined to be unsafe must be promptly reported to a supervisor. [1.3.9 d]
- C. The Logistics Unit will maintain a listing of all department approved less lethal weapon specifications as well as a complete inventory of all less-lethal weapons issued for official use by officers. [1.3.9 a,e]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 5 – Law Enforcement Operations

**Original Issue:** 1/24/2005

**Policy:** 501 – Crisis Intervention

**Last Revision:** 7/13/2016

**Previously:** 1412 – Mental Health Issues



## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

501.1 RECOGNIZING ABNORMAL BEHAVIOR

501.2 ASSESSING RISK

501.3 RESPONSE GUIDELINES

501.4 DE-ESCALATION

501.5 SUPERVISOR RESPONSIBILITIES

501.6 NON-SWORN EMPLOYEE RESPONSIBILITIES

501.7 TRAINING

## ASSOCIATED DIRECTIVES

[Policy 402 – Use of Force](#)

[Policy 502 – Involuntary Commitments](#)

## INTRODUCTION

This policy provides guidelines for law enforcement responding to or encountering situations involving persons displaying behaviors consistent with mental illness or in crisis.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that all department members will attempt to safely resolve situations involving individuals who are reasonably believed to be affected by mental illness or in crisis. The department will make every effort to de-escalate these situations safely for all individuals involved when reasonable, practical, and consistent with established safety priorities.

## DEFINITIONS

**Mental Illness:** (1) when applied to an adult, illness which so lessens the capacity of the individual to use self-control, judgement, and discretion in the conduct of his/her affairs and social relations to make it necessary or advisable for him/her to be under treatment, care, supervision, guidance, or control (2) when applied to a minor, a mental condition, other than



mental retardation alone, that so lessens or impairs capacity to exercise age adequate self-control and judgment in the conduct of his/her activities and social relationships so that he/she is in need of treatment.

Person in Crisis: a person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including mental illness or a traumatic event or experience. Any individual can experience a crisis reaction regardless of previous history of mental illness.

## **RULES AND PROCEDURES**

### **501.1 RECOGNIZING ABNORMAL BEHAVIOR**

- A. Department members are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are indicative of persons in crisis or with mental illness, with special emphasis on those that suggest potential violence and/or danger.
- B. The following are generalized signs and symptoms of behavior that may suggest a person is in crisis or has a mental illness, although officers should not rule out other potential causes such as reactions to alcohol or psychoactive drugs of abuse, temporary emotional disturbances that are situational, or medical conditions: [41.2.7 a]
  - 1. Strong and unrelenting fear of persons, places, or things;
  - 2. Extremely inappropriate behavior for a given context;
  - 3. Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation;
  - 4. Abnormal memory loss related to such common facts as name or home address (although these may be signs of other physical ailments such as injury or Alzheimer's disease);
  - 5. Delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am a God") or paranoid delusions ("Everyone is out to get me");
  - 6. Hallucinations of any of the five senses (e.g., hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors);
  - 7. The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time; and/or

8. Manic behavior, which may include accelerated thinking and speaking, unrealistic and grandiose beliefs about one's abilities or powers, rapid talking, highly distractibility, and/or delusions and/or hallucinations.

### **501.2 ASSESSING RISK**

A. Officers may use several indicators to assess whether a person who reasonably appears to be in crisis or mentally ill represents potential danger to themselves or others. These include the following:

1. The availability of any weapons.
2. Statements by the person that suggest that he or she is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, create a more complete picture of the potential for violence.
3. A personal history that reflects prior violence under similar or related circumstances. The individual's history may already be known to the officer, or family, friends or neighbors might provide such information.
4. The amount of self-control that the person has, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of self-control *may* include:
  - a. Extreme agitation
  - b. Inability to sit still or communicate effectively
  - c. Wide eyes and rambling thoughts and speech
  - d. Clutching oneself or other objects to maintain control
  - e. Begging to be left alone
  - f. Offering frantic assurances that everything is alright

### **501.3 RESPONSE GUIDELINES**

A. An officer responding to a call involving a person in crisis should consider the following steps: [41.2.7 c]

1. Assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
2. Request backup and specialized resources as deemed necessary (e.g., Crisis Intervention officers, Mobile Crisis, or a Crisis Negotiation Team member).

3. If it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
  4. If feasible, and without compromising safety, eliminate emergency lights, flashing lights, bright lights, and sirens.
  5. Secure the scene and clear the immediate area as necessary.
  6. Determine the nature of any crime.
  7. Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
  8. Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- B. Nothing in this policy will be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis or with mental illness, see [Policy 402 – Use of Force](#).

#### **501.4 DE-ESCALATION**

- A. Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.
- B. Once it is determined that a situation involves someone in crisis or with mental illness, and immediate safety concerns have been addressed, responding officers should be aware of the following considerations and should generally:
1. Evaluate safety conditions;
  2. Introduce themselves and attempt to obtain the person's name;
  3. Be patient, polite, calm and courteous;
  4. Speak and move slowly in a non-threatening manner; and/or
  5. Demonstrate active listening skills.
- C. Responding officers generally should not:
1. Use stances or tactics that can be interpreted as aggressive;
  2. Allow others to interrupt or engage the person;
  3. Corner a person who is not believed to be armed, violent or suicidal; and/or

4. Argue, speak with a raised voice or use threats to obtain compliance.

#### **501.5 SUPERVISOR RESPONSIBILITIES**

- A. Whenever possible, a supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:
  1. Attempt to secure appropriate and sufficient resources;
  2. Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care;
  3. Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring;
  4. Ensure that all reports are completed and that incident documentation uses appropriate terminology and language; and/or
  5. Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **501.6 NON-SWORN EMPLOYEE RESPONSIBILITIES**

- A. Non-sworn or clerical department members may be required to interact with persons in crisis or with mental illness in an administrative capacity, such as dispatching, records requests, and animal control issues.
- B. All department members will treat all individuals equally and with dignity and respect.
- C. If a non-sworn employee believes that he/she is interacting with a person in crisis or with mental illness, he/she should proceed patiently and in a calm manner.
- D. Non-sworn employees should be aware and understand that the person may make unusual or bizarre claims or requests.
- E. If a person's behavior makes the employee feel unsafe, the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the employee to believe that the person may be harmful to themselves or others, an officer should be immediately summoned for assistance.

**501.7 TRAINING**

- A. In order to prepare department members who, during the course of their duties, may have to deal with persons in crisis or with mental illness, the department will provide mental illness and/or basic de-escalation training to all employees.
  - 1. The Recruitment & Career Development Section will ensure all entry level employees receive documented training on mental illness. [41.2.7 d]
  - 2. The Recruitment & Career Development Section will ensure all department members receive documented annual refresher mental illness training. [41.2.7 e]
- B. The department encourages employees to attend advanced Crisis Intervention Training whenever possible.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 5 – Law Enforcement Operations

**Original Issue:** 3/15/1997

**Policy:** 502 – Involuntary Commitments

**Last Revision:** 7/13/2016

**Previously:** 1411 – Involuntary Commitments



## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

502.1 GENERAL GUIDELINES

502.2 VOLUNTARY ADMISSIONS

502.3 INVOLUNTARY COMMITMENTS

502.4 EMERGENCY COMMITMENTS

502.5 TRANSPORTATION

502.6 CRIMINAL OFFENSES

## ASSOCIATED DIRECTIVES

[Policy 501 – Crisis Intervention](#)

[Policy 1030 – Use of Force](#)

[TASER Use Memorandum](#)

## INTRODUCTION

This policy establishes procedures for assisting individuals seeking voluntary admission to a mental health facility, as well as guidelines for involuntary and/or emergency commitments for individuals requiring hospitalization due to mental illness or substance abuse. [74.2.1]

## POLICY STATEMENT

It is the policy of the Asheville Police Department to assist individuals with mental illness or substance abuse problems in obtaining treatment by encouraging voluntary admission to a treatment facility. It is also the policy of this department to assist with and/or initiate involuntary or emergency commitment of the mentally ill or substance abuser who is dangerous to themselves or others.

## DEFINITIONS

[Dangerous to Self:](#)

- 1) The individual has acted in such a way as to show:

- a. That they would be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in the conduct of their daily responsibilities and social relations, or to satisfy their needs for nourishment, personal or medical care, shelter, or self-protection and safety; and
  - b. There is a reasonable probability of their suffering serious physical debilitation within the near future unless adequate treatment is given. A showing of behavior that is grossly irrational, of actions that the individual is unable to control, of behavior that is grossly inappropriate to the situation, or of other evidence of severely impaired insight and judgement creates reasonable inference that the individual is unable to care for themselves; or
- 2) The individual has attempted or threatened suicide and there is a reasonable probability of suicide unless adequate treatment is provided; or
  - 3) The individual has mutilated or attempted to mutilate themselves and there is reasonable probability of serious self-mutilation unless adequate treatment is provided.

Dangerous to Others: within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

Mental Illness:

- 1) When applied to an adult, illness which so lessens the capacity of the individual to use self-control, judgment, and discretion in the conduct of his/her affairs and social relations to make it necessary or advisable for him/her to be under treatment, care, supervisor, guidance, or control.
- 2) When applied to a minor, a mental condition, other than mental retardation alone, that so lessens or impairs capacity to exercise age adequate self-control and judgment in the conduct of his/her activities and social relationships so that he/she is in need of treatment.

Substance Abuser: an individual who engages in the pathological use or abuse of alcohol or other drugs in a way or to a degree that produces an impairment in personal, social, or occupational functioning. Substance abuse may include a pattern of tolerance and withdrawal.

24-hour Facility: a facility which provides a structured living environment and services for a period of 24 consecutive hours or more with the primary purpose of providing services for the care, treatment, habilitation or rehabilitation of the mentally ill, mentally disabled, or substance abusers.

## **RULES AND PROCEDURES**

### **502.1 GENERAL GUIDELINES**

- A. A supervisor's approval is required before serving custody orders.
- B. Any officer responding to a call involving an individual that an officer reasonably believes may have a mental illness should consider, as time and circumstance reasonably permit, conflict resolution and de-escalation techniques and community or other resources available to assist in dealing with mental health issues (see [Policy 501 – Crisis Intervention](#)).
- C. Officers will use best judgment to determine if an individual is in need of emergency services based on factors such as:
  - 1. The person appears to be an imminent danger to themselves or others.
  - 2. The person appears to be unable to care for themselves. They are unable or refuse to accept intervention that would meet minimum needs for food, clothing, shelter or physical well-being.
  - 3. The person appears to be suffering substantial mental deterioration and exhibits an inability for reasonable comprehension and normal adjustments in life style.

### **502.2 VOLUNTARY ADMISSIONS**

- A. Officers will attempt to seek non-arrest resolutions in cases involving individuals suffering from mental illness or in crisis whenever possible. Referral to appropriate facilities on a voluntary basis is the desired result. [1.2.6]
- B. Officers should refer persons who appear to be in need of mental health treatment and do not pose an imminent danger to themselves or others to a mental health facility or, when necessary, provide a family member or other responsible person with the information necessary to secure the needed assistance.
- C. Referrals within the city can be made via the [Communications Section](#) who can contact on-call regional and area providers for assistance. Persons who are or have been under the care of a private physician should be referred to that physician. [41.2.7 b]

### **502.3 INVOLUNTARY COMMITMENTS**

- A. In accordance with [N.C. Gen. Stat. § 122C-261](#) and [N.C. Gen. Stat. § 122C-281](#) any person, including an officer, may initiate commitment proceedings if they have knowledge that an individual is:
  - 1. Mentally ill and dangerous to self or others; or



2. Mentally ill and in need of treatment to prevent further disability or deterioration which could lead to the individual being a danger to self or others; or
  3. A substance abuser who is dangerous to self or others.
- B. In appropriate cases, officers should encourage family members or other responsible persons with knowledge of the individual to initiate involuntary commitment proceedings; however, if family members or other responsible parties are unable or unwilling to assist, the officer will proceed in accordance with this policy.
1. Officers may not detain an individual to allow another officer, family member, or other responsible person to obtain an involuntary commitment order unless other permissible grounds for detaining the individual exist.
  2. If an officer is on scene with an individual who cannot be safely released while an involuntary commitment order is sought due to the subject posing a threat to themselves or others officers should proceed with an emergency commitment as outlined in [Section 502.4](#).
- C. The person initiating involuntary commitment proceedings must appear before an appropriate clerk or magistrate to execute an affidavit and to petition for the issuance of a custody order.
- D. Officers can only take an individual into custody within 24 hours of the issuance of a commitment order issued by a clerk or a magistrate. [74.2.1]
- E. Upon arrival at the facility, the officer will present the individual and papers to the available Buncombe County Sheriff's Deputy, qualified physician, or charge nurse to initiate evaluation proceedings. The examining physician may recommend the following:
1. To commit the individual for in-patient treatment; or
  2. Release the individual to family, friends, or others with a recommendation for out-patient treatment; or
  3. Release the individual without treatment.
- F. Whether the individual is committed or released, the officer must execute the reverse side of the original and copy of the custody order and return the original to the magistrate or clerk's office. [74.2.1]
- G. If the individual is committed, the following documents will be left with the appropriate hospital staff:
1. Copy of the petition
  2. Copy of the properly executed custody order

- H. Until commitment proceedings are finalized, under no circumstances will an officer leave an individual with facility staff in an unsecured area within that facility, when in the opinion of the officer and/or supervisor, the individual is exhibiting behavior that is violent or reasonably expected to become violent.
- I. During the admission process the examining physician may recommend the person for outpatient treatment. In this case, the transporting officer must return such released patients to their residence, the residence of a consenting person, or other safe location within the City as necessary.

#### 502.4 EMERGENCY COMMITMENTS

- A. Per N.C. Gen. Stat. § 122C-262, emergency commitment procedures are available in those circumstances where an officer is confronted by an individual who requires immediate hospitalization to prevent harm to themselves or others.
- B. Officers taking individuals into emergency custody must immediately transport them directly to a mental health facility for examination.
- C. **Before or during transport to the hospital, the Mission Hospital Behavioral Health Intake Clinician (BHIC) must be contacted at (828) 213-8977, notified of the transport, and provided with requested and available information.**
- D. If the examining physician finds the individual to be mentally ill and dangerous to self or others and in need of treatment, he must so certify in writing. The notarized physician's certificate will serve as the custody order. Appearance before a magistrate is not required.
- E. If the examining physician finds the individual to be a substance abuser, appearance before a magistrate is required. Appearance before a magistrate must be by the officer or petitioner who accompanied the respondent to the hospital. Another officer will be required to stand by with the respondent until the petitioning officer returns with a custody order.

#### 502.5 TRANSPORTATION

- A. APD officers are only responsible for the transport of individuals with valid involuntarily commitment orders residing in or taken into custody within the city limits, and only to a treatment facility within the city limits of Asheville.
- B. Whenever feasible, officers who serve an involuntary commitment order will advise the individual that they are not under arrest for a criminal violation, but are being taken into temporary custody for their own safety and that of others. The officer must transport the individual to the designated facility for examination by a physician or eligible psychologist without unnecessary delay. [74.2.1]

- C. To the extent feasible, officers who transport an individual for the purpose of examination, treatment or commitment will be the same sex as the individual.
- D. Officers may use reasonable force as permitted by [Policy 1030 – Use of Force](#) to restrain the individual if it appears necessary to protect themselves, the individual, or others.
  - 1. Officers should, however, bear in mind that individuals taken into custody pursuant to this policy are not under arrest, and have usually not committed a crime. As such, the use of Tasers and other less lethal, but still escalated, methods of overcoming resistance should only be employed when necessary to prevent serious injury to officers and third parties, and only to protect the life of the mentally ill individual.
- E. The transporting officer should have the Communications Section notify the receiving facility of the estimated time of arrival, the level of cooperation of the transported individual, and whether any special medical care is needed.
- F. If the individual requires transport in an ambulance or other medical transport vehicle and the safety of any person, including the transported individual, requires the presence of an officer during the transport, the officer will accompany the individual.

#### **502.6 CRIMINAL OFFENSES**

- A. Officers investigating a person who is suspected of committing an infraction, and who is being taken into custody on an involuntary commitment, should resolve the criminal matter by issuing a citation, as appropriate.
- B. When an individual who may qualify for an involuntary commitment has committed a serious criminal offense that would normally result in an arrest and appearance before a magistrate, the officer should:
  - 1. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the involuntary commitment.
  - 2. With supervisor approval, the officer should follow steps outlined in this policy. If the petition is denied, the officer will consult with a supervisor as to the criminal charges.
  - 3. Thoroughly document in related reports the circumstances that indicated the reason the individual qualified for an involuntary commitment.
  - 4. At the conclusion of any involuntary commitment proceeding, consult with the appropriate supervisor as to the criminal charges.

BY ORDER OF

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 5 – Law Enforcement Operations

**Original Issue:** 5/31/2016

**Policy:** 507 – Serious Incident Notification

**Last Revision:** N/A

**Replaces:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

507.1 INITIAL NOTIFICATIONS

507.2 ADMINISTRATIVE NOTIFICATIONS

507.3 COMMAND NOTIFICATIONS

507.4 SCHOOL NOTIFICATIONS

## ASSOCIATED DIRECTIVES

[Policy 1100 - Critical Incident Response](#)

## INTRODUCTION

This directive is in place to make sure that each department member has an understanding of notification procedures to be followed in cases involving serious crimes and critical incidents. Notification procedures ensure that proper consultations take place in determining the need for appropriate or additional resources to address the incident at hand. A further goal is to make certain that actions are properly authorized and command staff members are able to make informed judgments and comment.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to keep commanders and supervisors informed of unusual events and to ensure specific police department and city officials are notified about serious crimes and critical incidents.

## DEFINITIONS

Administrative Notification: immediate and direct notification to the Chief of Police and Bureau Commanders regarding a sensitive department related serious incident.

Critical Incident: an occurrence or event, natural or human-caused, which requires an emergency response to protect life or property.

Command Notification: an electronic text notification containing information concerning a serious or critical incident likely to generate significant media attention or public concern.

School Notification: notification to public/private schools, daycares, colleges or universities upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff.

Serious Crime/Incident: a situation that is significant and has potential for an important or dangerous result.

## **RULES AND PROCEDURES**

### **507.1 INITIAL NOTIFICATIONS**

- A. In most cases, the first stage of the notification process will begin when the scene supervisor requests notification of department members who will be actively involved in conducting the investigation or controlling the scene.
- B. The scene supervisor will notify the on-duty Watch Commander of the serious or critical incident. The Watch Commander will decide if any further notifications are necessary.
- C. If further notifications are initiated, the Watch Commander will follow the procedures below to make needed notifications to police, city or school officials.
- D. The Watch Commander or designee will ensure notifications are made to specific members in the event of a serious or critical incident dependent upon the circumstances. The Watch Commander will either personally make necessary notifications, specifically designate another member to make them, or initiate wider notifications via the Communications Section.
- E. If the incident is of a nature likely to require the sustained or on-going response of more than one agency, Incident Command system protocol should be initiated and contact will be made with Buncombe County Emergency Services for coordination of the multi-agency response, see [Policy 1100 – Critical Incident Response](#).

### **507.2 ADMINISTRATIVE NOTIFICATIONS**

- A. The on-duty Watch Commander or designee will initiate immediate and direct notification to the Chief of Police and Bureau Commanders in the event of department related serious incidents of a sensitive nature.
- B. Incidents requiring immediate administrative notification include, but are not limited to, the following: [11.4.5]
  - 1. Serious illness or injury to any department member;
  - 2. Department members involved in any shooting;
  - 3. Death or serious injury of a prisoner while in custody of the department;
  - 4. Incidents involving contact with City Council members;

5. Any criminal charge against a department member. [52.2.2]
- C. Additional command or staff notifications will be authorized at the discretion of the Chief of Police or Bureau Commanders. Watch Commanders should use their best judgment when deciding to issue an administrative notification.

### **507.3 COMMAND NOTIFICATIONS**

- A. If a situation requires immediate notification of executive staff members a command notification may be initiated. The on-duty Watch Commander or designee will immediately initiate a command notification for any incident likely to generate significant media attention or public concern, with the exception of incidents in section 507.2.
- B. Incidents requiring a command notification include those that including the following elements:
1. Homicide or suspicious death;
  2. Major fire or hazardous material incident;
  3. Hostage or barricade situation;
  4. Commercial robbery or any robbery involving serious injury;
  5. Felonious assault involving firearms;
  6. Transportation accidents, vehicular, air, rail, water, etc., that results in serious injuries, death or extensive property damage;
  7. Natural or man-made disasters that result in injuries, death, or extensive property damage;
  8. Serious civil disorders within the city;
  9. Department issued AMBER or SILVER alerts; and
  10. Incidents of a scale that necessitate sustained response by multiple city agencies.
- B. A comprehensive list cannot be provided, therefore command notifications should be authorized anytime the Watch Commander judges a situation to require a command notification.
- C. Command notifications will be initiated via Everbridge or, if necessary, through the Communications Section.
- D. The Watch Commander will provide, at a minimum, the following information in the notification:
1. Type of Incident;

2. Location of Incident; and
  3. Responsible Watch/Incident Commander.
- E. Command notifications are to be distributed to a pre-defined contact group, to include executive staff and the department's Public Information Officer.

#### **507.4 SCHOOL NOTIFICATIONS**

- A. School notifications will be requested through the Communications Section as soon as the investigating officer or scene supervisor confirms the existence of a significant emergency or dangerous situation involving an immediate threat to the health and safety of public/private schools, colleges, universities or daycares.
- B. School notifications will be made to any affected school facility within the city limits of Asheville. Notifications may be issued to schools within proximity to the city limits when necessary; however, the local law enforcement agency must be concurrently notified.
- C. The Communications Section will ensure notification is made in a timely manner to the affected school's safety officials (e.g., school resource officers, school resource officer supervisor, and campus police/security) and/or other responsible facility authority.
- D. Notification circumstances include, but are not limited to, the following:
  1. Homicides;
  2. Robberies or violent assaults;
  3. Gun discharges (shots fired);
  4. Any threat real or perceived that could affect student safety;
  5. Circumstances that would affect bus routes;
  6. Emergency situations that occur near pick-up or drop-off times.
- E. A command notification will be sent in any situation involving a school notification or lock-down.

BY ORDER OF:



Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 5 – Law Enforcement Operations

**Original Issue:** 8/30/2016

**Policy:** 509 – Body-Worn Cameras

**Last Revision:** N/A

**Previously:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

509.1 ACTIVATION OF BODY-WORN CAMERAS

509.2 GUIDELINES FOR USE OF BODY-WORN CAMERAS

509.3 RECORDING OFFICER RESPONSIBILITIES

509.4 SUPERVISOR RESPONSIBILITIES

509.5 LAW ENFORCEMENT TECHNOLOGY RESPONSIBILITIES

509.6 DEPARTMENT REVIEW

509.7 DISCLOSURE & RELEASE OF RECORDINGS

509.8 STORAGE AND RETENTION

## ASSOCIATED DIRECTIVES

[Policy 704 - Mobile Video Equipment](#)

## INTRODUCTION

This policy is intended to provide employees with instruction on when and how to use body-worn cameras so that officers may accurately document public contacts, arrests, and other incidents while attempting to solve violations of the law and otherwise serve the public interest.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that officers activate body-worn cameras when such use is appropriate for the proper performance of their official duties and where consistent with this policy and the law. [41.3.8 a]

This policy does not govern the use of in-car recording systems, surreptitious recording devices used in undercover operations, or the interception of electronic communications for lawful authorized investigative purposes. This policy will apply when officers are on-duty and/or engaged in secondary and extra duty employment.

## DEFINITIONS

Body-Worn Camera: an operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of

law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement personnel has with others.

Disclose or Disclosure: to make a recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the department. This term does not include the release of the recording.

Personal Representative: a parent, court-appointed guardian, spouse, or attorney of a person whose image or voice is in the recording. Personal representatives for a deceased person whose image or voice is in the recording also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney; or the parent or guardian of a surviving minor child of the deceased.

Recording: for the purposes of this policy, a visual, audio, or visual and audio recording captured by a body-worn camera when carrying out law enforcement responsibilities. As used in this policy, this term does not include any video or audio recordings of interviews regarding professional standards investigations or interviews or interrogations of suspects or witnesses.

Release: to provide a copy of a recording.

## **RULES AND PROCEDURES**

### **509.1 ACTIVATION OF BODY-WORN CAMERAS**

- A. Officers will activate the body-worn camera to record all contacts with citizens in the performance of official duties. Unless otherwise noted in this policy, body-worn cameras will be activated in the following situations, regardless of whether they involve citizen contact: [41.3.8 b]
1. Upon arrival at all dispatched calls;
  2. When conducting or supporting a traffic stop;
  3. When approaching suspicious persons or vehicles;
  4. During transport and processing of prisoners (except proceedings conducted before Buncombe County magistrates);
  5. While operating a vehicle with any emergency equipment activated;
  6. During the initial inventorying of seized monies or any high value property (e.g. firearms and drugs);
  7. During any other investigative or enforcement encounter; and/or
  8. At any other time at the officer's discretion, if not otherwise prohibited elsewhere in this or any other directive.

- B. Once activated, the body-worn camera will remain on and activated until the officer's direct participation in the incident that caused the activation has concluded unless otherwise allowed by this policy. [41.3.8 b]
- C. Officers should inform subjects they are being recorded unless doing so would be unsafe, impractical, or impossible.
- D. At no time is an officer expected to jeopardize his/her safety in order to activate a body-worn camera, however, the body-worn camera should be activated as directed by this policy as soon as practical.
- E. If an officer fails to activate the body-worn camera, fails to record the entire contact or interrupts the recording, the officer will document and notify their supervisor why a recording was not made, was interrupted, or was terminated.
- F. Officers should be aware of certain circumstances where operating the body-worn camera may not be appropriate. In these circumstances officers may decline to activate or may deactivate the body-worn camera, however, the incident must be appropriately documented and reported to the officer's supervisor. Examples of such situations include, *but are not limited to*: [41.3.8 b]
  - 1. In a hospital emergency room or other area(s) where patients are actively receiving treatment;
  - 2. At the request of crime victims;
  - 3. Where footage might reveal the identity of a child victim or witness; and/or
  - 4. When meeting with undercover officers or confidential informants.
  - 5. Other situations where the use of a body-worn camera would undermine a valid and articulable law enforcement objective.
- G. In any event, officers will activate their body-worn cameras if any encounter turns adversarial, unless doing so would jeopardize the officer's or the public's safety.

#### **509.2 GUIDELINES FOR USE OF BODY-WORN CAMERAS**

- A. Officers assigned body-worn cameras and their supervisors must be trained in their use prior to deployment. [41.3.8 f]
- B. Officers will ensure that sound producing non-law enforcement related devices (e.g. music on radios) within police vehicles are turned off when the recording mode of the body-worn camera is activated so as not to hinder audio recording quality.
- C. When an officer has an in-car camera and body-worn camera, both systems will be utilized in accordance with this policy and [Policy 704 - Mobile Video Equipment](#).
- D. When determining whether to record interviews with witnesses and members of the community who wish to share information, officers should consider both the evidentiary

value of the recording and the subject's comfort with being recorded. To better capture evidence, officers should record such interviews.

1. If a person will not talk unless the camera is turned off, officers may decide that obtaining information is more important than recording and deactivate the camera. All such instances must be appropriately documented and reported to the officer's supervisor.
- E. Officers may not record judicial proceedings conducted by Buncombe County magistrates or in any Buncombe County district or superior court unless expressly allowed by the presiding judicial official.
- F. Officers will not record other department or City of Asheville employees during non-enforcement related activities unless lawfully authorized by the Chief of Police.
- G. Officers are prohibited from using department-issued body-worn cameras for personal use, and are prohibited from making personal copies of recordings.
- H. Officers are not permitted to use any non-department issued body-worn cameras under any circumstances.
- I. Recordings will not be used for the purpose of embarrassment or ridicule of any person.
- J. Body-worn camera equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the City of Asheville.

### **509.3 RECORDING OFFICER RESPONSIBILITIES**

- A. It is each officer's responsibility to ensure that their assigned body-worn camera is charged and in good working order. Prior to going into service, each officer will test the body-worn camera in accordance with manufacturer specifications and department training. Testing includes, but is not limited to: [41.3.8 e]
  1. Confirming that the body-worn camera is functioning properly;
  2. Verifying the body-worn camera has adequate power; and
  3. Ensuring that the body-worn camera is properly placed/affixed for optimal use.
- B. At the end of an officer's shift, the body-worn camera will be secured and set for charging in accordance with manufacturer specifications and department training.
- C. All officers will download all recordings from their assigned body-worn camera and upload to the central system no later than the end of each shift.
  1. Officers will inform their supervisors if exigent circumstances prevent downloading recordings at the end of a shift. Files must be downloaded before the end of the next shift absent extreme circumstances and with a supervisor's written permission.

2. Each file downloaded will contain information related to the date, the body-worn camera identifier and the assigned officer.
  3. In the event of an officer-involved shooting, in-custody death or other incident involving an officer that results in serious bodily harm or death, a supervisor will immediately take physical custody of the involved officer's body-worn camera and assume responsibility for downloading any recordings.
- D. Officers will ensure recordings are categorized and tagged at the time they are downloaded. Recordings should be classified according to the type of event or incident captured in the footage, and when applicable, properly labeled for retention as evidence.
  - E. Body-worn cameras will be removed from service any time an officer discovers a malfunction. Any and all technical or mechanical issues with an officer's body-worn camera, including running out of power, must be reported to a supervisor as soon as reasonably possible and documented in writing.
  - F. Officers will note in incident, arrest, or any other relevant paperwork when recordings were made during an incident. For example, any incident that is recorded with a body-worn camera will be documented in the officer's report if a report is created, or if a traffic citation is issued, the officer will make a notation on the citation indicating that the incident was recorded. [41.3.8 c]
  - G. Body-worn camera recordings are not a replacement for written reports. Officers should continue to prepare reports in the same manner as prior to implementation of the body-worn camera system. Officers *will not* substitute "refer to video" for a detailed and thorough report. Recordings should be a representation of what is written in the report, but cannot be used in lieu of portions of the narrative.
  - H. Officers are encouraged to inform their supervisor of any recordings that may be of value for training, commendation purposes or for any other legitimate department or city purpose. [41.3.8 c]

#### **509.4 SUPERVISOR RESPONSIBILITIES**

- A. Supervisors will ensure that officers utilize assigned body-worn cameras in accordance with all applicable policies and procedures.
- B. During monthly inspections, supervisors will inspect body-worn cameras to ensure equipment is operating properly and that officers are utilizing body-worn cameras appropriately and in accordance with training and this policy. [41.3.8 e]
- C. Supervisors will ensure that the Law Enforcement Technology Unit is notified of any body-worn camera equipment that is out of service due to malfunctions or other problems, and will follow-up as necessary to ensure the problem is remedied in a timely manner.
- D. Supervisors may identify any areas in which additional training or guidance is required. [41.3.8 f]

## 509.5 LAW ENFORCEMENT TECHNOLOGY RESPONSIBILITIES

- A. The Law Enforcement Technology Unit will be responsible for the following:
1. Conducting monthly random **reviews**. At least two (2) officers from each **Section or District** will have portions of their body-worn camera footage accessed and reviewed for compliance with this policy and the law. These **reviews** will be documented on reports to the **Administrative Services Manager**. [41.3.8 g]
  2. Routine review of recordings to confirm proper classification and tagging of videos, and to ensure evidence is properly classified and tagged with appropriate dates, times, case numbers, and users.
  3. Maintaining user accounts and permissions for body-worn camera systems.
  4. Providing technical support for cameras, chargers, mounts and other equipment; including ordering, storing, and distributing replacement parts. This includes on-call technical support when necessary.
  5. Evaluation of the system on an ongoing basis to gather data regarding the program, service levels, reliability, and maintenance, making recommendations when necessary.
  6. Ensuring appropriate training is provided to officers and supervisors prior to the use of assigned devices. [41.3.8 f]

## 509.6 DEPARTMENT REVIEW

- A. Digital recordings may be reviewed by supervisors in an officer's chain of command, the Chief of Police, members of the Professional Standards Section, the City Attorney's Office, or any other person designated by the Chief of Police as allowed by law.
- B. Officers may access and review recordings from their assigned body-worn camera when preparing written reports or statements of events to help ensure the accuracy and consistency of accounts, except when the officer's access to recordings has been limited or restricted in accordance with this policy.
- C. To prevent damage, original recordings will not be viewed on any equipment other than equipment authorized by the Chief of Police or their designee.
- D. The Chief of Police, the Professional Standards Commander or any supervisor may limit or restrict any department employee from viewing recordings; such recordings would include, but are not limited to, recordings related to an officer involved shooting, in-custody death or any instance where an employee is accused or suspected of criminal wrongdoing or violating department policy.
- E. Each January, to ensure compliance with this policy and all applicable laws and regulations, the Professional Standards Section will arrange for an audit of the department's

use of body-worn cameras conducted in accordance with procedures established by the City's Internal Auditor. [41.3.8 g]

### **509.7 DISCLOSURE & RELEASE OF RECORDINGS**

- A. The guidelines for disclosure and release outlined below will be effective as of October 1<sup>st</sup>, 2016.
- B. Recordings made using body-worn cameras pursuant to this policy are department records and will not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in any manner other than as stated in this policy, without prior written authorization from the Chief of Police or designee.
- C. The department may disclose recordings to persons outside the agency pursuant to a written request to the Chief of Police that identifies the activity with reasonable particularity sufficient to identify the recording. Such requests may only be considered if made by a person whose image or voice is in the recording or:
  - 1. A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure;
  - 2. A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording;
  - 3. A personal representative of a deceased person whose image or voice is in the recording; or
  - 4. A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.
- D. Upon receipt of a written request for disclosure of a recording, within three business days, the Professional Standards Commander must either disclose the portion of the recording relevant to the person's request or notify the requester of the department's decision not to disclose the recording. In denying such a request, the following factors may be considered (N.C. Gen. Stat. § 132-1.4A(f)):
  - 1. If the person requesting the disclosure of the recording is a person authorized to receive disclosure;
  - 2. If the recording contains information that is otherwise confidential or exempt from disclosure or release under State or federal law;
  - 3. If the disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
  - 4. If disclosure may harm the reputation or jeopardize the safety of a person;
  - 5. If disclosure would create a serious threat to the fair, impartial, and orderly administration of justice; and/or

6. If confidentiality is necessary to protect either an active or inactive internal or criminal investigation or potential internal or criminal investigation.
- E. When disclosing recordings, the department may disclose only those portions of the recording that are relevant to the person's request. Persons to whom such disclosure is made are prohibited from recording or copying the recording.
- F. The release of recordings outside of the agency, which are not to a district attorney's office or another law enforcement agency for law enforcement purposes (e.g., to seek public assistance in identifying suspects), requires a court order. Department members must obtain permission from the Chief of Police prior to requesting a court order for release of recordings outside of the agency. The City Attorney's Office will be contacted for assistance in obtaining the appropriate court orders.

#### **509.8 STORAGE AND RETENTION**

- A. All recordings will be retained for at least the minimum time provided in the North Carolina Municipal Records Retention and Disposition Schedule published by the North Carolina Department of Cultural Resources. [41.3.8 d]
- B. All recordings not flagged for retention will be retained for a maximum of sixty (60) days after they are created.
- C. Unless stated otherwise in this policy, it is the recording officer's responsibility to ensure that recordings useful for the investigation and prosecution of violations of the law are flagged for retention beyond sixty (60) days.
- D. Any recording not already flagged by an officer may be flagged for retention by any supervisor or the Law Enforcement Technology Unit.
- E. Requests for deletion of portions of recordings (e.g. in the event of an accidental personal recording) must be submitted in writing and approved by the Chief of Police or their designee.

BY ORDER OF:



Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 5 – Law Enforcement Operations      **Original Issue:** 12/1/2015

**Policy:** 510 - Recording Devices                      **Last Revision:** N/A

**Previously:** N/A



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## CONTENTS

ASSOCIATED DIRECTIVES

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

510.1 GENERAL PROCEDURES

510.2 RESTRICTIONS ON USE OF RECORDING DEVICES

510.3 USE OF RECORDING DEVICES

510.4 CITIZEN RECORDING OF POLICE ACTIVITY

## ASSOCIATED DIRECTIVES

[Policy 1240 - Arrests](#)

## INTRODUCTION

This directive is in place to provide guidelines for the use of all audio and video recording devices by the members of the Asheville Police Department as well as guidance for situations in which employees are being recorded by members of the public or the media.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to establish clear guidelines for the use of audio/video recording devices as well as department response to audio/video recordings of police activity. Members of the public have an unambiguous First Amendment right to record police activities in public places, as long as their actions do not interfere with a department member's duties or safety. Members should assume that they are being recorded at all times when on duty in a public space.

## DEFINITIONS

Media: the storage source for visual or audio recordings, whether by film, analog, or digital means.

Personal Recording Device: any audio or video device, individually owned or possessed, that was not issued by the department or City of Asheville.

Recording: capturing of images, audio, or both, by means of a video camera, cell phone, audio recorder, or other device.

## **RULES AND PROCEDURES**

### **510.1 GENERAL PROCEDURES**

- A. Department issued or approved recording devices may be used by members to accurately document circumstances and/or statements made during the performance of their police duties.
- B. Members may use devices issued to them (e.g. mobile phones), by virtue of their assignment and when approved for official use.
- C. All criminal investigation interview rooms have been equipped with department approved audio/visual recording and visual monitoring equipment. Such equipment must be utilized in accordance with [N.C.G.S. § 15A-211](#).
- D. The retention of any recording or image made by employees, in their official capacity, is governed by the provisions of the Municipal Records Retention and Disposition Schedules and North Carolina statute.
- E. The status of the member (not the ownership of the device making the recording) governs the ownership of recordings. Any recording made or received by a member in connection with the transaction of public business will be the property of the department.
- F. Any recording that would be considered evidence will be maintained in an unedited format and retained following all established rules of evidence.

### **510.2 RESTRICTIONS ON USE OF RECORDING DEVICES**

- A. The use of personally owned recording devices in connection with the transaction of department or public business is prohibited except in exigent circumstances.
- B. Without the permission of the Chief of Police members may not surreptitiously record audio, video, or images of any other department member, City of Asheville employee, or official.

### **510.3 USE OF RECORDING DEVICES**

- A. Anytime a recording device is used the member must document the fact that the recording(s) exist in the incident or other appropriate report.
- B. Whenever possible, members initiating a recording will record the entire conversation or contact.

- C. If a member fails to record an entire conversation or contact, the member will note the failure, with an explanation, on the incident or other appropriate report. This will not apply if the contact is a non-reportable incident.

## **510.4 CITIZEN RECORDING OF POLICE ACTIVITY**

### **510.4.1 Recording of Police Activity**

- A. When encountering a citizen using a recording device, members must not threaten, intimidate or discourage citizens from recording police activities or intentionally block or obstruct recording devices; however, members are not required to move or position themselves for the convenience of recording.
- B. Citizens, who are lawfully in public spaces or locations where they have a legal right to be present, such as their home, place of business, or the common areas of public and private facilities and buildings, have a right to record and photograph members discharging their duties, subject only to narrow, legitimate and reasonable restrictions in accordance with the law.
- C. Citizens recording police activities must conduct themselves in the following manner:
  1. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging a member with questions or interruptions. However, the fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not in itself justify a member taking corrective or enforcement action or ordering that recording be stopped, as this is an infringement on an individual's right to protected speech.
  2. Persons recording may not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
  3. The actions of the recording party must not jeopardize the safety of department members, victims, witnesses, or third parties and cannot violate the law, or incite others to violate the law.

### **510.4.2 Arrests**

- A. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to taking enforcement action.
- B. An arrest of a person who is recording department members in public must be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or an arrest, and does not, in itself, provide sufficient grounds to sustain a charge of resisting, delaying or obstructing a public officer pursuant to [N.C.G.S. § 14-223](#). An arrest of an individual does not provide an exception to the search warrant requirement justifying a search of the individual's

recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files, absent exigent circumstances, requires a search warrant.

- C. A supervisor or commander should be requested at the scene anytime a situation exists where an individual recording police activity is going to be, or will most likely be arrested, or when recording equipment may be seized.

#### **510.4.3 Confiscation of Recording Devices and Media**

- A. The recording equipment of an individual may not be confiscated unless the person has been arrested. Members may not order a person to show recordings that have been made of enforcement actions or other police operations.
- B. If there is probable cause to believe that evidence of a serious crime has been recorded, members should do the following:
  - 1. Ask the person in possession of the recording if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence. Absent exigent circumstances, members may not search or seize a recording device without obtaining consent or a warrant.
  - 2. If a member believes that exigent circumstances justify a warrantless examination or confiscation of a recording device, the City Attorney should be contacted, if practical.
  - 3. Exigent circumstances may exist in the following circumstances:
    - a. When there is a reasonable belief that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained.
    - b. When there is a reasonable belief that the immediate viewing of the recording is necessary to prevent death or serious bodily harm of another before a warrant can be obtained.
  - 4. Whenever a recording device or media is seized without a warrant, the seized item will be held no longer than reasonably necessary to obtain a warrant and download the recording.
  - 5. Members must not delete or destroy any of the recordings or photographs located on the recording device or media.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 5 – Law Enforcement Operations

**Original Issue:** 1/29/2018

**Policy:** 511 - Naloxone (Narcan)

**Last Revision:** N/A

**Previously:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

511.1 TRAINING

511.2 NALOXONE DEPLOYMENT

511.3 DOCUMENTATION OF USE

511.4 STORAGE AND INSPECTION

## ASSOCIATED DIRECTIVES

### INTRODUCTION

This policy establishes guidelines for the use of naloxone (Narcan) used by department members in order to reduce fatal opioid overdoses.

### POLICY STATEMENT

It is the policy of the Asheville Police Department to provide naloxone kits to designated and appropriate personnel whose duty functions may include first aid response to victims of opioid overdoses. Personnel issued naloxone kits must be properly trained in its deployment, use, and documentation.

### DEFINITIONS

Naloxone: a drug used to counter the effects of opioid overdose by blocking the effects of opiates on the body. Naloxone is commonly known by the brand name Narcan.

### RULES AND PROCEDURES

#### 511.1 TRAINING

- A. Naloxone will be deployed to select members of the department who have received the mandatory training curriculum.

- B. The training curriculum will be provided by the department and will follow naloxone protocols developed and/or approved by Buncombe County Emergency Medical Services (EMS).
- C. Employees assigned naloxone:
  - 1. Must be certified in cardiopulmonary resuscitation (CPR); and
  - 2. Receive annual refresher training on the use of naloxone.

### **511.2 NALOXONE DEPLOYMENT**

- A. Officers encountering a potential or actual drug overdose must immediately request a response by EMS.
- B. Employees who administer naloxone must notify EMS or AFD personnel that naloxone was administered, and remain with the subject to whom naloxone was administered until EMS or Asheville Fire Department (AFD) personnel arrive and assume care of the subject.
- C. Employees issued naloxone must follow the protocol for administering naloxone as outlined in department training, to include maintaining universal precautions.
- D. Once administered, the kit will be considered contaminated. Officers may request assistance from available on-scene EMS personnel to dispose of the contaminated kit or the employee must dispose of it in an approved biomedical waste container in accordance with department policy.

### **511.3 DOCUMENTATION OF USE**

- A. When naloxone is administered, the employee must generate a report including, at a minimum, the following:
  - 1. Basic biographical information of the individual;
  - 2. A description of the individual's condition;
  - 3. The individual's behavior before and following the use of the naloxone;
  - 4. The fact that naloxone was administered;
  - 5. The medical response, to include any hospital transports and the outcome of the medical response; and
  - 6. Narcotics or other contraband seized.

- B. Employees must forward the report to the department's Naloxone Coordinator for statistical purposes and submission to the NCHRC and the Buncombe County EMS Peer Review Committee.

#### **511.4 STORAGE AND INSPECTION**

- A. Employees will be responsible for inspecting the naloxone kit assigned to him/her at the beginning of each shift. Employees must inspect for signs of damage and ensure the kit is not expired.
- B. Kits found to be damaged or nearing expiration will be submitted for replacement to the department Naloxone Coordinator.
- C. The department Naloxone Coordinator is appointed by the Chief of Police and is responsible for:
  - 1. Maintaining a written inventory documenting the quantities and expirations of naloxone supplies.
  - 2. Distributing naloxone kits as necessary to trained employees.
  - 3. Maintaining a log documenting the issuance of naloxone.
  - 4. Receiving and replacing any damaged or expired naloxone kits.
  - 5. Collecting and submitting naloxone utilization reports to the North Carolina Harm Reduction Coalition (NCHRC) and maintaining a file on naloxone applications by department members.
  - 6. Representing the department at monthly Buncombe County EMS Peer Review Committee meetings.
  - 7. Submitting an annual report on the utilization of naloxone to the Chief of Police on or before January 31<sup>st</sup> each year.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 6 – Arrest Procedures

**Original Issue:** 9/29/2015

**Policy:** 606 – Strip & Body Cavity Searches

**Last Revision:** N/A

**Previously:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

606.1 STRIP SEARCHES

606.2 BODY CAVITY SEARCHES

## ASSOCIATED DIRECTIVES

[1240 - Arrest](#)

## INTRODUCTION

The purpose of this policy is to provide department members with guidelines for determining if, and under what conditions, the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

## POLICY STATEMENT

The use of strip searches and body cavity searches of persons under arrest may, under certain conditions, be necessary to protect the safety of officers, civilians, and persons in police custody, to detect and secure evidence of criminal activity, and to safeguard the security, safety, and related interests of the Asheville Police Department (APD). Recognizing the intrusiveness of these searches on individual privacy, it is the policy of the department that such searches be conducted only with proper authority, justification, due recognition and deference for the human dignity of those being searched, and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

## DEFINITIONS

**Strip Search:** A search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any skin surfaces typically covered by undergarments including genital areas, breasts (in the case of females) and buttocks.

**Field Strip Search:** A strip search occurring at any location other than the Buncombe County Detention Facility.

**Body Cavity Search:** A search involving the internal physical examination of body cavities.



Body Cavities: A person's ear canals, navel, nostrils, rectum, stomach, and vagina.

## **RULES AND PROCEDURES**

### **606.1 STRIP SEARCHES**

#### **606.1.1 Reasonable Suspicion**

Individuals arrested for traffic violations and other minor offenses of a nonviolent nature will not be subject to strip searches unless the arresting officer has articulable, reasonable suspicion to believe that the individual is concealing evidence or weapons. Reasonable suspicion may be based upon, but is not limited to, the following: [1.2.8a]

- A. The nature of the offense charged;
- B. The arrestee's demeanor;
- C. The circumstances surrounding the arrest;
- D. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses;
- E. The discovery of evidence of a major offense in plain view or in the course of a search incident to the arrest;
- F. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.

#### **606.1.2 Strip Search Procedures**

Strip searches may be conducted only in accordance with the following procedures:

- A. Officers will take appropriate hygienic and safety precautions such as the use of latex gloves and/or other personal protective equipment.
- B. At least two officers, including the officer conducting the search, but not more than two unless absolutely necessary, will be present at the time of the search. Officers present during the search will be of the same gender as the person to be searched.
- C. All searches of transgender persons will be performed by officers of the gender requested by the transgender person. If the person refuses or is unable to specify a gender preference, then the search will be performed by officers of the same gender as the person's apparent gender presentation. If the transgender person refuses or is unable to specify a gender preference, and officers are unable to ascertain an apparent gender presentation, the person will be searched by one female and one male officer. [1.2.8b]
- D. Searches are to be conducted under conditions that provide privacy from all but those necessary to conduct the search. [1.2.8b]

- E. Field strip searches will be conducted only with explicit approval from a supervisor and only when exigent circumstances exist that may place the life of officers or others at risk.
- F. Except for field strip searches conducted in accordance with Section 606.1.2(E) of this policy, strip searches will be conducted at the Buncombe County Detention Facility.

### **606.1.3 Post Search Responsibilities**

Following a strip search, the officer performing the search will complete an incident or other appropriate report that includes, at a minimum, the following:

- A. Date and place of the search;
- B. Identity of the officer conducting the search;
- C. Identity of the individual searched;
- D. The basis for the officer's reasonable suspicion that the individual was concealing evidence or weapons;
- E. Those present during the search;
- F. A detailed description of the nature and extent of the search;
- G. Any evidence or weapons found during the search.

The officer will notify the Professional Standards Unit of the strip search by email to include the case number of the incident. [1.2.8c]

### **606.2 BODY CAVITY SEARCHES**

Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures will be followed:

- A. The suspect will be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.
- B. The officer will consult with their immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant will recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature, poses a threat to the safety of officers, civilians, the person to be searched, or to the security of any detention facilities.
- C. If probable cause exists for a body cavity search an affidavit for a search warrant will be prepared that clearly defines the nature of the alleged offense and the basis for the officer's probable cause. [1.2.8b]

- D. On the basis of a search warrant a body cavity search will be performed only by a physician or by other medically trained personnel under a physician's supervision. An officer of the same sex as the persons searched will observe the search. Where the person to be searched is transgender, the observing officers' gender will be determined according to the guidelines contained in section [606.1.2\(C\)](#) of this policy.
- E. Absent exigent circumstances requiring a body cavity search take place elsewhere, such searches will be conducted at a medical facility equipped to handle emergencies.
- F. The officer will complete an incident report and comply with information requirements specified in Section [606.1.3](#) of this policy. The officer must also attach a copy of the signed search warrant to the report.
- G. The officer will notify the Professional Standards Unit of the body cavity search by email to include the case number of the incident. [1.2.8c]

BY ORDER OF:



Tammy Hooper  
Chief of Police  
9/29/2015

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 7 – Vehicle Operations

**Original Issue:** 6/7/2013

**Policy:** 702-Department Motor Vehicle Collisions

**Last Revision:** 3/18/2016

**Previously:** 2320-A-Departmental Motor Vehicle Collisions



---

## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

PROCEDURES

702.1 GENERAL PROCEDURES

702.2 EMPLOYEE RESPONSIBILITIES

702.3 SUPERVISOR RESPONSIBILITIES

702.4 CRASH INVESTIGATOR RESPONSIBILITIES

702.5 COLLISION FACTOR SCALES

702.6 PERSONNEL ACTIONS

702.7 APPEAL PROCESS

## ASSOCIATED DIRECTIVES

[Policy 1022 - Discipline](#)

[Policy 2320 - Crash Investigations](#)

[SOP - Blue Team Reports](#)

[City of Asheville Corrective Action & Discipline Policy](#)

[City of Asheville Drug & Alcohol Free Workplace Policy](#)

[City of Asheville Vehicular Safety Policy](#)

## INTRODUCTION

The purpose of this directive is to outline the procedures to be used in reporting and investigating motor vehicle collisions involving employees operating a departmental or other assigned vehicle.

## POLICY STATEMENT

Sworn and non-sworn employees of the Asheville Police Department (APD) must operate departmental or other assigned vehicles in a safe, efficient, and professional manner while obeying all traffic laws. In an effort to minimize the frequency of motor vehicle crashes involving departmental vehicles, the department will hold accountable employees who are involved in a preventable motor vehicle collision. The department will strive to correct any identified driving related deficiencies through additional training, guidance, counseling, and if appropriate, disciplinary measures.

## DEFINITIONS

Motor Vehicle Collision: an event that results in death, injury, or property damage directly attributable to an impact from a motor vehicle.

Preventable Collision: a motor vehicle collision that occurred because the driver failed to do everything that they reasonably could have done to avoid it.

Non-Preventable Collision: a motor vehicle collision involving an operator who did not violate any traffic law, who operated the motor vehicle with due care, and whose actions did not contribute in any way to the motor vehicle collision.

Injury: injury to any person caused directly or indirectly by, or aggravated by, a motor vehicle collision.

Extenuating Circumstances: factors outside the motor vehicle operator's control leading up to or attending the motor vehicle collision which tend to mitigate or reduce the operator's culpability.

## PROCEDURES

### 702.1 GENERAL PROCEDURES

- A. Per the [City of Asheville Vehicular Safety Policy](#), all City owned vehicles involved in a motor vehicle collision will be investigated by law enforcement. This includes vehicles which are leased or borrowed for use by the agency and its personnel or any other vehicle operated in the performance of the employee's duties.
- B. A motor vehicle collision involving non-ranking or non-sworn department employees will be investigated by an on duty supervisor unless otherwise noted in this policy.
- C. A motor vehicle collision involving a department supervisor will be investigated by an officer of equal or higher grade or the supervisor of the Traffic Safety Unit. If no personnel of equal or higher grade are available to conduct the investigation, the North Carolina State Highway Patrol (NCSHP) will be contacted and requested to investigate the crash.
- D. The Traffic Safety Unit or NCSHP must be requested to investigate the collision if:
  1. There is evident injury to any person; or
  2. The responding supervisor estimates property damage to total over \$10,000.
- E. The NCSHP must be contacted to investigate the collision if:
  1. The collision involves a death; or
  2. There is suspicion the involved employee is impaired.

- F. Enforcement guidelines will be the same for department members as they are for the general public. The investigating officer will initiate any necessary enforcement action.
- G. All departmental motor vehicle collisions require the completion of a North Carolina DMV Form 349. Those crashes deemed “non-reportable” by the State of North Carolina will be labeled as “non-reportable” at the top of the report.

## **702.2 EMPLOYEE RESPONSIBILITIES**

- A. Any department employee involved in a motor vehicle collision while operating a department vehicle, regardless of duty status, injury, or amount of damage, must immediately report the accident to an on duty patrol supervisor.
- B. Department employees will make no written or verbal statements regarding the fault or cause of the crash except to the investigating officer, supervisor, risk manager, or other appropriate department or City official except where required by law.

## **702.3 SUPERVISOR RESPONSIBILITIES**

- A. An on duty sworn supervisor will respond to the scene of all departmental motor vehicle collisions to ensure that a thorough crash investigation is initiated, including a complete motor vehicle crash report, eyewitness interviews, photographs, measurements, and any additional collection of evidence.
- B. The responding supervisor is responsible for the following:
  - 1. Conducting the crash investigation or contacting the Traffic Safety Unit or NCSHP per Section 702.1(C-E).
  - 2. Ensuring a Forensic Services Technician, Patrol Forensics Officer, or Traffic Safety Unit officer is notified, responds, and collect photographs.
  - 3. Ensuring the involved employee completes post-accident testing procedures as outlined in the [City of Asheville’s Drug and Alcohol Free Workplace Policy](#).
  - 4. Notifying the owner of any property damaged in a motor vehicle collision involving any department vehicle. This notification, or the attempt, will be documented in the Blue Team report.
- C. The responding supervisor must complete a collision packet documenting the motor vehicle collision. This packet and its attachments will include, at a minimum:
  - 1. [Employee Involved Collision Cover Sheet](#);
  - 2. A complete and accurate DMV-349 collision report;
  - 3. A memorandum outlining the circumstances surrounding the collision;

4. Worker's Compensation paperwork (to include the [City of Asheville Injury/Exposure Form](#)), if applicable;
  5. Statements from all witnesses and involved parties;
  6. Post-accident testing documentation;
  7. Damage estimate from the City of Asheville's Fleet Division;
  8. Color photographs; and
  9. Any other relevant information or documents.
- D. The collision packet will be forwarded via Blue Team through the involved employee's chain of command. Supervisors in the employee's chain of command are responsible for reviewing the collision packet to ensure all appropriate investigate measures were taken and necessary documentation is included. The originals of all documentation will be forwarded to the appropriate Human Resources personnel.
- E. The Chief of Police or designee will determine when and how the City Attorney's Office and City Manager will be notified of department motor vehicle collisions.
- F. The Chief of Police or designee will notify Risk Management of all department vehicle collisions.

#### **702.4 CRASH INVESTIGATOR RESPONSIBILITIES**

- A. The officer assigned to investigate a department motor vehicle collision will complete the DMV-349 collision report prior to ending their shift. If additional follow up is needed, a preliminary report will be submitted and supplemental reports will be filed as needed.
- B. The investigating officer will make a determination and assign the appropriate factors as to:
  1. Whether the crash was preventable or non-preventable on the part of the employee;
  2. Causative factor(s) involved;
  3. Injury factors involved;
  4. Damage factors; and
  5. The existence of any extenuating circumstances
- C. If the collision is investigated by a member of the Traffic Safety Unit, they will complete the DMV-349 and forward it and all relevant information to the responding supervisor directing the incident.

- D. If the collision is investigated by NCSHP, an APD supervisor (at the Chief’s discretion) will request a copy of the DMV-349 from the NCSHP once completed.

**702.5 COLLISION FACTOR SCALES**

**702.5.1 Injury Factor**

The most serious injury resulting from the motor vehicle collision will be used to determine the injury factor. Injury to the responsible employee will not be used to calculate the injury factor. Choose one based on the most serious injury sustained as a result of the motor vehicle collision:

<b>Point(s)</b>	<b>Injury</b>
0	<b>No evident injury</b> No visible or evident injury
1	<b>Evident injury or complaint of injury</b> Injury which is evident or reported at the scene, for example: pain, bruises, swelling, limping, or soreness. Such injuries would not prevent the person from carrying on his/her normal activities.
3	<b>Disabling injury</b> An injury obviously serious enough to prevent the person from performing normal activities. For example: broken bone(s), significant bleeding, or unconsciousness.
5	<b>Fatal injury</b>

**702.5.2 Damage Factor**

- A. The damage scale will be determined by combining the value of all damaged vehicles and/or property involved.
1. Cost of damage to city owned vehicles will be determined by repair estimates obtained through the City of Asheville’s Fleet Division and not the estimate stated in DMV Form 349.
  2. Cost of damage to private party vehicles will be determined by Risk Management and not the estimate stated in DMV-349 report.
- B. Choose one based on the combined total estimate of damage as a result of the motor vehicle collision:

<b>Point(s)</b>	<b>Damage</b>
0	\$999.99 or less
1	\$1,000 to \$6,000
2	\$6,001 to \$12,000
3	\$12,001 to \$18,000
4	\$18,001 to \$24,000
5	\$24,001 to \$30,000
6	Over \$30,000



**702.5.3 Causative Factors**

Causation factors will be determined by the investigating officer utilizing codes provided by the DMV-349 collision report. Choose one based on the most serious causative factor contributing to the motor vehicle collision:

Point(s)	Causative Factors
1	Improper backing Driver inattention
2	Improper turn Improper passing Improper lane change
3	Drove left of center Follow too close Fail to reduce speed Fail to yield right-of-way Mechanical/equipment defect known to driver Too fast for road conditions
4	Disregard signal or stop sign Texting while driving
5	Excessive speed Aggressive driving

**702.5.4 Additional Factors**

- A. Prior Preventable Accidents – One point (1) will be added for each preventable accident occurring within the past three years.
- B. Extenuating Circumstances – One point (-1) will be subtracted for an extenuating circumstance as assigned by the investigating officer for a maximum of one (-1) point. Examples of possible extenuating circumstances include:
  - Debris on roadway
  - Animals/pedestrians on roadway
  - Road defects
  - Police related distractions such as gunshots, screaming, weapons present, officer in need of assistance on scene, etc.
  - Actions taken to prevent a more serious collision
  - Weather
- C. Good Driving Incentive – One point (-1) will be subtracted for each consecutive three year period with no preventable accidents for a maximum of two (-2) points.

**702.6 PERSONNEL ACTIONS**

- A. The following will be used as a guideline for personnel actions resulting from preventable motor vehicle collisions. Any final decision regarding discipline resulting from a motor vehicle collision is completely within the Chief of Police’s discretion.
- B. In the instance of a score of ten (10) or greater on the following scale, serious injury or a human fatality, the Chief of Police will determine the appropriate action, which may include discipline up to and including termination.
- C. [Employees receiving a score of zero \(0\) on the following scale will receive verbal counseling to be documented in the collision packet.](#)
- D. Point Scale:

Total Points	Personnel Action(s)
1-3	Coaching Session*
4	Documented Verbal Warning
5	Written Warning**
6	Written Warning 8 hour suspension***
7	Written Warning** 16 hour suspension*** Loss of take home vehicle for 15 calendar days
8	Written Warning** 24 hour suspension*** Loss of take home vehicle for 30 calendar days
9	Written Warning** 32 hour suspension*** Loss of take home vehicle for 3 calendar months
10	Written Warning** 40 hour suspension*** Loss of take home vehicle for 6 calendar months Possible termination

\*Coaching Sessions are not considered discipline under the City of Asheville Corrective Action and Discipline Policy.

\*\*Appropriate level of written warning will be determined based on employee’s previous disciplinary history and the severity of any policy violations.

\*\*\*Suspension hours will be proportionately adjusted for employees who work 1950 hours per year.

- E. In accordance with the [City of Asheville Overtime Policy for Exempt Employees](#), exempt staff who receive disciplinary suspension will not be suspended for periods of less than one work week.
- F. Discipline may include temporary suspension of City driving privileges.

- G. Employees who lose take home vehicle privileges per this policy will not use their assigned vehicle or any other departmental vehicle for commuting back and forth to work, for voluntary overtime purposes or for extra duty assignments (including secondary employment). Loss of take home vehicle privileges will be measured in consecutive calendar days/months.
- H. In accordance with the progressive discipline system outlined in the [City of Asheville Corrective Action & Discipline Policy](#), a Final Written Warning may be issued in conjunction with other disciplinary action(s). Factors considered for issuance of a Final Written Warning include the severity of any policy violation(s), the previous number of disciplinary actions, and the amount of time since the last disciplinary violation.

### **702.7 APPEAL PROCESS**

An employee who disagrees with the crash investigation or subsequent personnel or disciplinary action may request a meeting with the Chief of Police or elect to file an appeal using the grievance process as outlined in the [City of Asheville Personnel Policy](#).

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 7 – Vehicle Operations

**Policy:** 704 – Mobile Video Equipment

**Previously:** 1801 – Mobile Video Equipment

**Original Issue:** 4/15/2001

**Last Revision:** 11/22/2016



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

704.1 GENERAL OPERATION

704.2 PRE-VEHICLE OPERATION

704.3 RECORDING ACTIVATION

704.4 RECORDING DEACTIVATION

704.5 DATA MANAGEMENT

704.6 EQUIPMENT

704.7 TRAINING

## ASSOCIATED DIRECTIVES

[Policy 509 – Body Worn Cameras](#)

[Policy 510 – Recording Devices](#)

[Mobile Video Recording Request Form \(A-5\)](#)

## INTRODUCTION

This policy establishes guidelines for officers utilizing mobile video recording equipment installed in department vehicles (or dashboard cameras). The use of this equipment assists officers in documenting evidence from both traffic and non-traffic related investigations.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that mobile video recording equipment will be utilized to assist in documenting officer contact with violators and to serve as an impartial witness to events as they occur. Officers will record all events in accordance with this directive and maintain the video and audio records as evidence for criminal prosecution or administrative consideration. [41.3.8 a,c]

## DEFINITIONS

Mobile Video Recording (MVR) Equipment: a device or system installed or used in a department vehicle that electronically records images or audio depicting interaction with others by law enforcement personnel. This term does not include body-worn cameras.

Recording: for the purposes of this policy, a visual, audio, or visual and audio recording captured by MVR equipment operated on behalf of the department when carrying out law enforcement responsibilities.

## RULES AND PROCEDURES

### 704.1 GENERAL OPERATION

- A. Officers assigned MVR equipment are responsible for maintaining the equipment in the condition in which it was issued.
- B. Officers must operate the MVR equipment according to manufacturer and department recommendations. Officers will not alter or tamper with any MVR equipment or its configuration.
- C. Unless there is a mechanical failure, MVR systems must be powered on at all times and ready to record during operation of an MVR equipped vehicle.
- D. Supervisors are responsible for ensuring officers under their command follow established procedures for the use and maintenance of MVR equipment and completion of all MVR documentation.
- E. Wireless microphones must be worn by officers while operating a vehicle with MVR equipment. Officers will not deactivate the audio recording device while the MVR equipment is recording.
  1. Microphones must be worn on the belt inside of a black leather pouch or inside of a shirt pocket to ensure adequate audio quality. Officers will not carry the wireless microphone transmitter in their pants pocket.
  2. Officers are responsible for ensuring that the wireless microphone transmitters are placed in the charger prior to completing their duty shift.
- F. MVR equipment is designed to automatically power off fifty (50) minutes after the vehicle's engine is turned off, however, officers may choose to manually power off MVR systems if the vehicle will be unattended for an extended period of time.

## 704.2 PRE-VEHICLE OPERATION

- A. Prior to operation of an MVR equipped department vehicle, officers must do the following:
1. Determine if the MVR equipment is functioning properly. If there is an equipment malfunction, the officer must immediately report the issue to their supervisor. [41.3.8 e]
  2. Ensure there is adequate file storage capacity to complete their tour of duty. **If the available memory is not sufficient, officers will upload stored data to create adequate memory space.** [41.3.8 d]
  3. Check that the camera is positioned and adjusted to record events properly.
  4. Log-on to the MVR system with their individually assigned log-in credentials as soon as possible.
  5. **Verify the system is displaying the correct date and time during initial log in.**
  6. **Activate and synchronize the wireless microphone with the MVR system as soon as possible.**
- B. After long periods of inactivity, MVR systems may automatically power off. Officers will ensure the system is powered on and they are logged in before resuming operation of the vehicle.

## 704.3 RECORDING ACTIVATION

- A. MVR equipment will automatically begin recording when **certain conditions are met**, and may also be manually activated by officers as necessary. The MVR record feature is activated by the following methods: [41.3.8 b]
1. Turning on a vehicle's emergency equipment lights for longer than three (3) seconds will activate the front facing camera and wireless microphone transmitter.
  2. Traveling faster than seventy (70) miles per hour will automatically activate the front facing camera.
  3. **Manual activation from the in-car touch-screen monitor/display will activate the front facing camera and/or rear camera.**
- B. Officers may **manually activate** MVR equipment to record **information or events such as, but not limited to**, the following:
1. The reason for current or planned enforcement action(s);
  2. The actions of suspects during interviews or when placed in custody;

3. The circumstances at crime scenes or other events such as the confiscation and documentation of evidence or contraband; and/or
  4. The audio portion of a conversation with a citizen.
- C. Officers must ensure non-police related electronic devices within the vehicle (e.g., music radio) are turned low or off when the in-car audio system is activated. This does not apply to police radios. Other noise such as wind or road noise from an open window should also be limited if possible.
- D. Officers should, whenever safe and reasonably possible, maintain the event/person to be recorded within the MVR system's cone of vision and within 250 feet of the MVR system's recording capability.

#### 704.4 RECORDING DEACTIVATION

- A. MVR equipment recording a vehicle stop or other enforcement action must not be deactivated until the action is completed, including any transport of prisoners. [41.3.8 b]
- B. Stopping an active recording is only permitted when there is no longer any reasonable likelihood of **creating a recording** that is evidentiary (criminal actions, crime scenes, statements by or to a suspect/victim/witness, etc.) or procedural (searches, arrest process/transport, police vehicle response, police vehicle accident, etc.) in nature. [41.3.8 c]
- C. Intentional deactivation, obstruction, shielding, or any interference with the MVR system during incidents where the use of the MVR equipment is required may be cause for disciplinary action.
- D. Officers may deactivate an MVR **recording** while stationary during non-investigative activities. Officers should carefully consider deactivation of recording and be prepared to justify the deactivation.
- E. Officers will verbally confirm (**record**) their intention to deactivate any MVR recording prior to doing so.
- F. Once a recording has been stopped, **it is the officer's responsibility to ensure that the recording is properly categorized as outlined in training**. Proper categorization is crucial in maintaining records in accordance with the records retention requirements, criminal discovery purposes, for civil matters that may arise, and administrative purposes.
1. If no event type is selected, the default event type allows for a recording retention of **sixty (60) days** before the recording is deleted. [41.3.8 d]
  2. **Any recording not already flagged by an officer may be flagged for retention by a supervisor or the Law Enforcement Technology Unit.**

## 704.5 DATA MANAGEMENT

- A. Officers must download all recordings from their assigned MVR equipment and upload to the central system no later than the end of their assigned work cycle (typically every Sunday, Tuesday, and Thursday shift for Patrol officers), except for the following circumstances:
  - 1. Recordings of critical incidents or uses of force will be downloaded/uploaded before the end of the shift in which the incident occurred.
  - 2. In the event of an officer-involved shooting, in-custody death, or other incident involving a department member that results in serious bodily harm or death, the officer's supervisor will assume responsibility for downloading/uploading any recordings.
- B. Officers will inform their supervisor if exigent circumstances prevent downloading/uploading recordings according to this policy. Files must be downloaded/uploaded before the end of the officer's next work shift absent extreme circumstances and with a supervisor's written permission.
- C. Officers are encouraged to inform their supervisor of any recordings that may be of value for training, commendation purposes or for any other legitimate department or city purpose. [41.3.8 c]
- D. The Law Enforcement Technology Unit is responsible for conducting monthly random reviews of mobile video footage from at least two (2) officers from each Section or District to ensure compliance with this policy. Documentation of these reviews will be provided in monthly reports to the Administrative Services Manager. [41.3.8 g]
- E. All audio/video recordings created by department MVR systems are city property and will be safeguarded and protected according to city and department policy. [41.3.8 d]
- F. Procedures for disclosure and release of MVR recordings will follow all procedures as outlined in [Policy 509 – Body Worn Cameras](#) section 509.7.
- G. Department members may request MVR recordings for investigative, discovery, or other appropriate purposes. Internal requests will be made via a completed [Mobile Video Recording Request Form \(A-5\)](#) e-mailed through the officer's chain of command to the Section Commander. Approved requests will be forwarded to the Law Enforcement Technology Unit or Records Unit personnel for processing. [41.3.8 c]
- H. All recordings will be retained for at least the minimum time provided in the North Carolina Municipal Records Retention and Disposition Schedule published by the North Carolina Department of Cultural Resources. [41.3.8 d]



#### **704.6 EQUIPMENT**

- A. Only department approved MVR equipment may be utilized. The use of personally owned cameras or recording equipment is prohibited.
- B. Officers must immediately report any issues involving malfunctioning, broken or missing MVR equipment to their immediate supervisor. Supervisors will in turn notify the Law Enforcement Technology Unit by e-mail to provide the vehicle number and a detailed explanation of the malfunction, broken or missing equipment. [41.3.8 e]
- C. Installation and repairs will be coordinated by the Law Enforcement Technology Unit.

#### **704.7 TRAINING**

- A. All officers assigned to operate a vehicle with MVR equipment will be trained in the proper operation of the equipment and this policy prior to operating the vehicle. [41.3.8 f]
- B. Supervisors will be provided training for the process of reviewing videos by the Law Enforcement Technology Unit. [41.3.8 f]
- C. The Law Enforcement Technology Unit will coordinate with the Recruitment and Career Development Section to provide officers initial or additional training in the system.

BY ORDER OF



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 8 – Patrol Operations

**Policy:** 801 – Missing Persons

**Previously:** 1380 – Missing Persons

**Original Issue:** 6/1/1994

**Last Revision:** 11/1/2016



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## CONTENTS

ASSOCIATED DIRECTIVES

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

801.1 MISSING PERSON REPORTS AND CLASSIFICATIONS

801.2 INITIAL REPORT TAKING

801.3 NCIC ENTRY AND DISSEMINATION

801.4 AMBER ALERTS

801.5 SILVER ALERTS

801.6 MISSING PERSON INVESTIGATIONS

801.7 LOCATED MISSING PERSONS

## ASSOCIATED DIRECTIVES

### INTRODUCTION

This policy establishes guidelines to be followed for handling reports and investigations of missing persons.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that all reports of missing persons be given full consideration and attention by employees of this department to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy; and that particular care be exercised in instances involving missing or unidentified children and those who may be mentally or physically impaired.

### RULES AND PROCEDURES

#### 801.1 MISSING PERSON REPORTS AND CLASSIFICATIONS

- A. [There is no waiting period for reporting a missing person.](#) Missing person reports will be taken immediately upon receipt.

- B. Officers must respond to missing person calls where there are suspicious circumstances, the missing person is under the age of eighteen or the individual may be deemed critically missing as defined below.
- C. A person may be declared *missing* when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.
- D. An individual may be considered *critically missing* when meeting the above criteria and who, among other possible circumstances: [41.2.5 g]
  - 1. May be the subject of foul play;
  - 2. Because of age (young or old) may be unable to properly safeguard or care for himself/herself;
  - 3. Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
  - 4. Is considered potentially dangerous to themselves or others; and/or
  - 5. May have been involved in an accident or natural disaster.
- E. If a department member receives a report indicating an individual is *critically missing*, they will immediately notify an on-duty supervisor to ensure appropriate actions are taken. [41.2.5 g] [41.2.6 b]

### **801.2 INITIAL REPORT TAKING**

- A. The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate an appropriate response. Examples of this type of information includes the following: [41.2.5 a]
  - 1. Name, age, and physical description of the subject and relationship of the reporting party to the missing person.
  - 2. Time and place of last known location and identity of anyone accompanying the subject.
  - 3. The extent of any search for the subject.
  - 4. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior, patterns, habits or plans.
  - 5. The current physical or mental condition of the individual, to include any medical conditions requiring time sensitive treatment or medications.

6. If the missing person is a juvenile, the inquiry should also determine if the juvenile is critically missing or if an AMBER Alert is necessary, including if the juvenile: [41.2.6 c]
  - a. Is or may be with any adult who could cause him/her harm; or
  - b. May have been the subject of a parental abduction and is in danger.
- B. In situations involving a lost child, elderly person or missing person where an immediate search is required, Asheville Fire and Rescue will be requested to coordinate search efforts. [41.2.5 f][41.2.6 c]
- C. The report taker must document the exact date and time the mandatory minimum information required for a National Crime Information Center (NCIC) entry is obtained in the incident report. Minimum information required for entry into NCIC is as follows:
  1. Name;
  2. Date of birth;
  3. Physical identifiers: race, height, weight, eye color, and hair color;
  4. Date of last contact; and
  5. Case number (OCA).
- D. Missing persons must be entered into NCIC immediately once the minimum mandatory data is obtained.**

### **801.3 NCIC ENTRY AND DISSEMINATION**

- A. Per N.C.G.S. § 143B-1015, missing person reports made by a parent, spouse, guardian, legal custodian, or person responsible for the supervision of the missing individual must be immediately entered into the national missing persons file. [41.2.5 c]
  1. Upon collection of the information for NCIC entry, the investigating officer must contact the Communications Section, request entry into the missing persons file, and provide Communications with all necessary information. [41.2.6 f]
  2. If medical or mental conditions are present which are relevant to facilitating the safe return of a missing person, the investigating officer must obtain an appropriate signed waiver or other legal authorization before dissemination of such information in the NCIC entry.
  3. Once entered into NCIC, the Communications Section must immediately inform all on-duty officers of the missing person report via a BOLO and initiate a statewide broadcast (via a DCI message addressed to routing list “MISSPER”) to

all appropriate law-enforcement agencies and the NC Center for Missing Persons.  
[41.2.5 b][41.2.6 c]

4. All NCIC transactions concerning the missing person must be appropriately documented in the department's Records Management System.

#### **801.4 AMBER ALERTS**

- A. Officers will notify the North Carolina Center for Missing Persons (NCCMP) as soon as practicable to activate the state's AMBER alert system when the report of a missing juvenile meets the following criteria ([N.C.G.S. § 143B-1021](#)): [41.2.5 d][41.2.6 d]
  1. The child is 17 years of age or younger;
  2. The abduction is not known or suspected to be by a parent of the child, unless the child's life is suspected to be in danger of injury or death;
  3. The child is believed to:
    - a. have been abducted, or
    - b. be in danger of injury or death
  4. The child is not a runaway or voluntarily missing; and
  5. The abduction has been reported to and investigated by a law enforcement agency.
- B. The investigating officer must notify and obtain approval from the on-duty Watch Commander prior to submitting a request for the activation of an AMBER Alert.
- C. To request an AMBER Alert, the NCCMP must be contacted and provided with all requested information and documentation, to include the appropriate signed waiver for dissemination of information in the NCIC entry. The NCCMP will make the final decision for activation of the AMBER Alert system based on the established criteria or other considerations.

#### **801.5 SILVER ALERTS**

- A. Officers will notify the NCCMP as soon as practicable to activate the state's SILVER Alert system when a missing person meets the following criteria: ([N.C.G.S. § 143B-1022](#)): [41.2.5 d]
  1. The person is believed to be suffering from dementia, Alzheimer's disease, or a disability that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation regardless of age;

2. The person is believed to be missing, regardless of circumstance; and
  3. A legal custodian of the missing person has submitted a missing person's report.
- B. The investigating officer must notify and obtain approval from the on-duty Watch Commander prior to submitting a request for the activation of a SILVER Alert.
- C. To request an SILVER Alert, the NCCMP must be contacted and provided with all requested information and documentation, to include the appropriate signed waiver for dissemination of information in the NCIC entry. The NCCMP will make the final decision for activation of the SILVER Alert system based on the established criteria or other considerations.

### **801.6 MISSING PERSON INVESTIGATIONS**

- A. Ongoing investigations of missing persons may include, but are not limited to, the following actions: [41.2.5 f][41.2.6 e]
1. Contacting local hospitals and medical examiner's office for injured or deceased persons fitting the description of the missing person.
  2. A thorough check of the location where the missing person was last seen, and interviews, as appropriate, with persons who were with the individual or who may work in or frequent the area.
  3. Conducting interviews with any additional family, friends, work associates, schoolmates, and teachers, as appropriate.
  4. When appropriate, completion of the NCIC missing person data packet for persons missing over ninety (90) days.
- B. Decisions to use local media to help locate missing persons will be made via the department's Public Information Officer with the approval of the District Commander and the missing person's family. [41.2.5 b][41.2.6 d]

### **801.7 LOCATED MISSING PERSONS**

- A. Whenever possible, reports of located missing persons will be verified by contact with the missing person or via a received DCI "Locate" notification from another agency. These contacts should be documented within the Records Management System.
- B. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals will: [41.2.6 e]
1. Advise them that they are the subject of a missing person investigation;

2. Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
  3. Make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person. [41.2.5 e]
- C. In all cases, reporting parties will be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts should be honored.
- D. In cases involving juveniles or mentally or physically disabled persons, officers must ensure that the individual receives any necessary medical attention and that parents, guardians and/or the reporting party are notified as soon as possible. [41.2.6 f]
- E. Upon location of a missing person, appropriate actions will be taken to remove the associated missing person file entry or deactivate NCCMP alerts. [41.2.5 c]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 9 – Criminal Investigations

**Original Issue:** 9/1/1992

**Policy:** 900 – Investigations Administration

**Last Revision:** 8/28/2017

**Previously:** 3001 – C.I.D. Administration



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

900.1 GENERAL ADMINISTRATION

900.2 PRELIMINARY INVESTIGATIONS

900.3 CASE SCREENING SYSTEM AND ASSIGNMENT

900.4 FOLLOW-UP INVESTIGATIONS

900.5 CASE MANAGEMENT

900.6 COLD CASE INVESTIGATIONS

900.7 FRAUD AND IDENTITY CRIMES

## ASSOCIATED DIRECTIVES

[Policy 906 - Eyewitness Identification](#)

[Policy 903 - Interview and Interrogations](#)

[City of Asheville Electronic Records and Imaging Policy](#)

## INTRODUCTION

The purpose of this policy is to ensure the efficient and effective management of the department's criminal investigation function. This policy is intended to provide administrative guidance that identifies responsibilities relative to the investigative process for patrol and investigative components of the department.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to manage criminal investigations in an effective and efficient manner by coordinating the efforts of patrol and other investigative organizational components.

## DEFINITIONS

[Cold Case](#): a criminal investigation, typically related to a serious crime, which has remained unsolved for an extended period of time. [42.2.7 a]



Preliminary Investigation: the preliminary crime-scene investigation and recording of information.

Primary Investigator: the officer assigned primary responsibility and accountability for an investigation.

## **RULES AND PROCEDURES**

### **900.1 GENERAL ADMINISTRATION**

- A. The Criminal Investigations Section Commander is responsible for ensuring an on-call schedule for investigators is maintained for after normal business hours or weekends. This will include an after-hours investigator, on-call investigator, and on-call Criminal Investigations Section supervisor. This schedule must be available to, at a minimum, Division Commanders, Criminal Investigations Section personnel, and the Communications Section. [42.1.1]
- B. Detectives and Criminal Investigations supervisors will periodically attend roll call briefings for patrol officers to facilitate the exchange of information and enhance interdepartmental relationships. [12.1.4] [42.2.3]

### **900.2 PRELIMINARY INVESTIGATIONS**

- A. Patrol officers will pursue preliminary investigations to the full extent of their available time and investigative training. In most minor property crimes, patrol personnel should assume responsibility of the crime scene and conduct any on-scene and follow-up investigation that may be deemed necessary. [42.1.4]
  - 1. The preliminary investigation will, whenever practicable, be completed by the end of the shift in which it occurs. The shift supervisor will review, approve as appropriate, and forward the preliminary investigative report to Criminal Investigations as soon as practicable.
  - 2. When circumstances prevent the timely completion of the report, the supervisor will ensure that a draft report of the incident is completed, thereby ensuring that Criminal Investigations is aware of the incident and has the necessary information to initiate a timely follow-up investigation if warranted.
- B. Detectives are responsible for conducting follow-up investigations of felony crimes such as, but not limited to: homicides, arson involving death, assaults where there is serious injury or a likelihood of death, armed robberies, rape, felony child abuse, kidnapping, home invasions, or as assigned by an investigations supervisor. [42.1.4]
- C. Activities during the preliminary investigation will focus on the protection of persons, collection of evidence, apprehension of criminals at or near the crime scene, and solving

the reported crime. Officers should act in accordance with training and as appropriate to the situation. Basic steps for conducting preliminary investigations may include the following:

1. Protect life, render aid, secure and protect the scene as well as evidence.
  2. Determine if an offense has actually been committed, and if so, the exact nature of the offense.
  3. Observe all conditions, events, and remarks made by subjects at the scene. This also includes relaying pertinent information to Communications, such as descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles. [42.2.1 a]
  4. Locate and identify witnesses who may have observed the incident. [42.2.1 b]
  5. Determine the identity of the suspect or suspects.
  6. Maintain and protect the crime scene and arrange for the collection of physical evidence. [42.2.1 c]
  7. Interview the complainant, victim, witnesses, and suspects if such statement can be obtained legally. Statements taken during a preliminary investigation can significantly enhance the quality of a follow-up investigation. [42.2.1 d]
  8. Accurately and completely record all pertinent information on the incident report.
- D. A Criminal Investigations Section Supervisor will be notified if there is a need for immediate investigation at the crime scene via a request from the Watch Commander or by a patrol supervisor as circumstances dictate. Requests for investigative assistance at the crime scene should be based on the following primary factors:
1. The seriousness or complexity of the crime;
  2. Where a lead requires immediate attention;
  3. The dangerousness of the crime scene;
  4. Level of patrol officer expertise in crime scene processing and the availability of appropriate crime scene processing equipment for photography, evidence collection, and related tasks; and/or
  5. Where the crime may serve as a link to another crime.

### **900.3 CASE SCREENING SYSTEM AND ASSIGNMENT**

- A. Criminal Investigations Section supervisors are responsible for screening cases and making case assignments within the department's Record Management System (RMS) based on solvability factors which include, but are not limited to: [42.1.2]
1. The suspect can be named/identified, the address of the suspect is known, and/or the suspect can be located;
  2. The license plate number of a vehicle used in the crime is known and/or the vehicle can be identified;
  3. There is traceable property;
  4. A significant modus operandi could be developed;
  5. It is reasonably suspected that there was a limited opportunity to commit the crime which indicated a possible suspect or group of suspects;
  6. There is reason to believe that the crime would arouse such public interest that public assistance could lead to case resolution; and/or
  7. There are reasons to believe that further investigative effort would lead to the solving of the crime.
- B. Cases that do not meet any of the prior listed requirements may be assigned as volunteer cases. If a volunteer obtains additional information that creates a greater likelihood of solving the case, it may be reassigned by a Criminal Investigations Section supervisor to a detective for follow-up.
- C. Factors considered in making case assignments include the type of assignment (robbery, assaults, homicide, sex crimes, etc.), special skills or training, other law enforcement expertise, or similar factors, and the current workload.

### **900.4 FOLLOW-UP INVESTIGATIONS**

- A. Activities included in follow-up investigations may include but are not limited to any or all of the following in the order deemed appropriate:
1. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations. [42.2.2 a]
  2. Conducting additional interviews and interrogations with victims, witnesses, or suspects. [42.2.2 b]
  3. Seeking additional information from uniformed officers, informants, other detectives, crime analysis, etc. [42.2.2 c]

4. Planning, organizing, conducting searches, and collecting physical evidence. All such searches must be in accordance with applicable search and seizure laws to render the evidence admissible in court for prosecution. [42.2.2 d]
  5. Identifying and apprehending suspects. [42.2.2 e]
  6. Determining involvement of suspects in other crimes through interviews, laboratory examinations, crime analysis, etc. [42.2.2 f]
  7. Checking suspects' criminal histories. [42.2.2 g]
  8. Preparing cases for court presentation and assisting in their prosecution. [42.2.2 h]
- B. All investigative follow-up actions are to be thoroughly documented on a supplemental report by the investigating officer as soon as possible after completion.
- C. Whether the case follow-up is conducted by a uniformed officer or detective, it is the responsibility of the primary investigator to ensure the victim is contacted within two (2) working days, if practical, after the report of the original incident and preliminary investigation.
1. After contact is made the case may be cleared, inactivated and/or suspended if no additional information or leads exist.
  2. If the victim cannot be contacted, no less than three (3) attempts must be made to contact the victim before the case may be cleared, inactivated and/or suspended.

#### **900.5 CASE MANAGEMENT**

- A. All supervisors are responsible for monitoring the RMS case status control system for those cases assigned to officers under their supervision.
- B. All assigned cases are to be formally reviewed at least monthly. [42.1.3 a]
- C. On all cases in which investigative activities are on-going, a case file will be maintained electronically within the RMS system by the primary investigator in accordance with established department directives. The case file should contain, at a minimum: [42.1.3 c] [82.3.5]
1. Preliminary investigative reports;
  2. Any statements by victims, witnesses, and suspect(s);
  3. Any results of any examinations of physical evidence; and
  4. All other reports and records needed for investigative purposes.

- D. Officers are responsible for maintaining security of all case documentation. Accessibility to paper and electronic files is limited to individuals on a legitimate need to know basis. [42.1.3 d]
- E. Specific criteria will be used for inactivating investigative efforts. The Criminal Investigations Section Sergeants or Lieutenant may suspend investigative efforts based on the following: [42.1.2]
1. All leads have been exhausted;
  2. Unavailability of investigative resources (on high priority cases this must be fully documented);
  3. The degree of seriousness; and/or
  4. Cannot currently locate victim.
- F. One of the following administrative designations must be assigned to each case: [42.1.3 b]
1. Further Investigation: the case has been assigned to a detective and investigative efforts are underway, or indicates criminal case where evidence exists to indicate that a crime exists and that the suspect has not been identified, arrested, or the case has not been exceptionally cleared.
  2. Cleared by Arrest (Closed): a criminal case and subsequent investigation results in at least one person involved in the commission of the offense being charged and arrested.
  3. Inactive: all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion. Investigative efforts have been suspended, but may be resumed should additional evidence become available.
  4. Inactive with Warrant: a criminal case and subsequent investigation results in at least one person charged with the commission of the offense; however, all available leads to locate the charged person have been exhausted.
  5. Exceptionally Cleared: a criminal case and subsequent investigations has definitely established the identity of the offender; there is enough information to support an arrest, charge, or turning over to the court for prosecution; the exact location of the offender is known so that the subject could be taken into custody; and there is some reason outside of law enforcement control that precludes arresting, charging, and prosecuting the offender.
  6. Unfounded: it is determined that the complaint is false, without merit, or occurred in another jurisdiction.

- G. Upon clearing, inactivating and/or suspending a case the investigating officer will complete a supplemental report documenting the facts surrounding the case status. The primary investigating officer is responsible for notifying the victim that the case has been inactivated. [42.1.2]
- H. Criminal investigation case files will be retained in compliance with applicable retention schedules. Electronic storage and retention of case file documents will be handled in accordance with City and department directives. [42.1.3 e]

#### **900.6 COLD CASE INVESTIGATIONS**

- A. A cold case may be held for reasons such as available technology is currently inadequate to analyze available evidence, uncooperative or unavailable witnesses, or a lack of leads.
- B. The Criminal Investigations Section Commander may periodically evaluate and assign cold cases based on, but not limited to, the following considerations: [42.2.7 b]
  - 1. Legal considerations, such as changes to the statutes of limitation;
  - 2. Technological considerations, such as the nature and condition of evidence and the advancement of technology or forensic techniques;
  - 3. Practical considerations, such as the availability of witnesses or if new leads or information has been received on a case; and/or
  - 4. Resource considerations, such as time, money, and personnel available for investigation and forensic analysis.
- C. Investigators assigned to a cold case will document any investigative activities in accordance with standard department case management practices. [42.2.7 c]

#### **900.7 FRAUD AND IDENTITY CRIMES**

- A. Department personnel will take reports for reported cases of financial fraud and identity crimes. Reporting procedures for victims of identity theft or fraud will be handled similarly to any other incident report.
- B. Employees taking identity theft reports should take steps to provide information and assistance to victims. This may include, but is not limited to:
  - 1. Referring the victim to available online resources for information;
  - 2. Directing the victim to the proper agency if the crime occurred outside of the department's jurisdiction; and/or

3. Referrals to other agencies to follow-up with, such as the victim's financial institution, the Federal Trade Commission (FTC) or other law enforcement agencies such as the Federal Bureau of Investigation (FBI) or State Bureau of Investigation (SBI).
- C. Investigators assigned to fraud or identity crime cases should contact any state and/or local law enforcement agencies where the victim has filed an identity theft report or where there is an indication that the identify theft occurred to coordinate investigative efforts.

BY ORDER OF



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 9 – Criminal Investigations

**Original Issue:** 9/1/1992

**Policy:** 903 – Interviews and Interrogations

**Last Revision:** 8/28/2017

**Previously:** 3001 – C.I.D. Administration



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

903.1 VICTIM/WITNESS INTERVIEWS

903.2 SUSPECT INTERROGATIONS

903.3 INTERVIEW AND INTERROGATION RECORDINGS [42.2.8 E]

903.4 ROOM SECURITY AND SAFETY

## ASSOCIATED DIRECTIVES

[SOP 3001 – Juvenile Secure Custody](#)

## INTRODUCTION

The purpose of this directive is to provide general procedures for conducting interviews and interrogations during criminal investigations.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) that interviews and interrogations will be conducted in accordance with established procedures to ensure that all statements or confessions are given freely and voluntarily and with due consideration for individual's rights. All officers must understand and follow this policy in order to observe due process rights of suspects. [1.2.3]

## DEFINITIONS

**Custodial:** situations where the individual is under arrest or when a reasonable person in the suspect's position would feel that his or her freedom has been restricted to the degree consistent with a formal arrest.

**Electronic Recording:** an audio and visual recording that is an authentic, accurate, unaltered record.

**Interrogation:** the formal, systematic, and intensive questioning of a person arrested for or suspected of committing a crime. This also includes any words or actions by officers that they should know are reasonably likely to elicit an incriminating response.



Interview: a non-accusatory interaction designed to gather information and learn more about the details of an incident.

Non-Custodial: situations where the individual is not in custody and is free to leave at any time nor has his or her freedom been restrained to a degree associated with a formal arrest.

Secure Facility/Interview Room: interview rooms or areas that can be locked to prevent exit.

## **RULES AND PROCEDURES**

### **903.1 VICTIM/WITNESS INTERVIEWS**

A. Interviews are conducted to seek information from the victim or a witness(es) of a specific incident. Officers should adhere to the following procedure when conducting interviews:

1. The officer should interview witnesses as soon as practical, and, if possible, in private.
2. The officer should be careful not to lead the witness by asking questions which imply the answer or offer an answer.
3. Officers should allow the witness to continue his/her narrative of the event in an uninterrupted manner before asking specific questions.
4. Questions are to be stated simply and clearly in a systematic and chronological order.
5. In certain instances, it may be appropriate to require a written and/or taped statement from a witness.

### **903.2 SUSPECT INTERROGATIONS**

A. Prior to any custodial interrogation, the suspect will receive a Miranda warning. This must occur at the time of the initial interrogation, prior to any subsequent interrogations, and prior to resuming questioning after any significant time lapse. All Miranda warnings will be given from the appropriate form and include the date and time of the warning. [1.2.3]

B. It is extremely important that all constitutional requirements be safeguarded:

1. Coercion or intimidation to obtain a confession will not be tolerated from any officer.
2. Appearance before a magistrate should be made within a reasonable time after arrest.
3. Prior to any custodial questioning, or questioning of a person who can reasonably assume they are in custody, the suspect will be advised of his Miranda rights.

4. If legal counsel is requested, no in custody interrogation will take place in the absence of that legal counsel.
- C. Officers attempting to conduct an interrogation with a developmentally disabled or mentally ill individual should contact a supervisor. It is important to establish if the person has the capacity to understand their Miranda rights. [41.2.7 c]

### **903.3 INTERVIEW AND INTERROGATION RECORDINGS [42.2.8 e]**

- A. Custodial interrogations of juveniles or any person in a criminal investigation related to any Class A, B1, or B2 felony, and any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury must be electronically recorded, and all provisions outlined in N.C.G.S. § 15A-211 followed.
- B. Officers are not required to record non-custodial interviews with suspects, witnesses, or victims during the initial interview phase of an investigation but may do so where deemed necessary in accordance with law and departmental policy.
- C. If electronic recordings cannot be captured due to equipment failure, lack of suspect cooperation, or for other reasons deemed pertinent to successful interrogation by the primary investigator, the basis for such occurrences will be documented. This includes, but is not limited to, spontaneous declarations or other statements not elicited by police questioning.
- D. Transporting officers need not refrain from questioning a suspect who has indicated a willingness to talk either at the scene or en-route to the place of detention; however, officers will not purposefully engage in custodial interrogations in order to avoid the requirement for electronic recording.
- E. Recorded interrogations will be recorded in their entirety, starting with the interrogator's entrance into the interview room and concluding upon departure of the interrogator and suspect. Recordings must clearly show the interrogator and the person in custody.
- F. Each recording will include the administration of Miranda warnings, even if the recording is a follow up to a prior interview or the suspect has been previously Mirandized.
- G. Any lapse in the recording for comfort breaks or other reasons will be accounted for on the recording and do not constitute an "interruption". The record will reflect the starting time of the recess and the resumption of the interrogation. During a short recess, the recording may continue without interruption.
- H. Recording attorney-client conversations is prohibited where an expectation of privacy would reasonably exist.

- I. At the conclusion of the interrogation, the interrogator will state that the interrogation is concluded and note the date and time of termination. The recording will continue until all parties have left the interrogation room.
- J. All recordings will be governed by this department's policy and procedures for the handling and preservation of evidence.

#### 903.4 ROOM SECURITY AND SAFETY

- A. Police personnel utilizing Criminal Investigations interview/interrogation rooms will adhere to all departmental safety guidelines relating to custodial and non-custodial interviews and interrogations.
- B. Weapons are prohibited in all interview/interrogation rooms. Officers must **safely** secure their firearms in the designated lockbox **or in a locked office** before entering an interview/interrogation room. [42.2.8 a]
- C. All suspects, witnesses, and victims will be searched for weapons prior to entering the interview/interrogation rooms and polygraph room. **Any articles removed will be returned upon conclusion of the interview unless illegal in nature.** [42.2.8 b]
- D. The number of officers present during an interview/interrogation should be kept to a minimum with consideration for the needs of a particular interview/interrogation including the necessity of interpreters, additional security, multiple agency investigations, and officers present at the request of the person being interviewed/interrogated. [42.2.8 c]
- E. Officers conducting interviews/interrogations will afford reasonable comfort breaks, **access to restrooms**, and water for persons being questioned. [42.2.8 g]
- F. No suspect will be handcuffed to any object in the interview room.
- G. Each interview and interrogation room will be equipped with necessary furnishings and safety precaution devices **including at a minimum, a table, chair(s), and audio recording equipment ready for use.** Officers requiring assistance may do so verbally, via radio or cellular phone, or by activating emergency buttons in interview rooms (where equipped). [42.2.8 d,f]

BY ORDER OF



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 9 – Criminal Investigations

**Original Issue:** 5/31/2016

**Policy:** 906 – Eyewitness Identification

**Last Revision:** N/A

**Previously:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

906.1 RULES FOR EYEWITNESS IDENTIFICATION

906.2 LINEUP PROCEDURES

906.3 SHOW-UP PROCEDURES

906.4 IDENTIFICATION PROCEDURE DOCUMENTATION

## ASSOCIATED DIRECTIVES

[Policy 3001 – C.I.D. Administration](#)

## INTRODUCTION

This policy establishes guidelines for eyewitness identification procedures, including the use of photographic line-ups, live line-ups, and show-ups.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) for officers to maximize the reliability of identifications, minimize unjust accusations against innocent persons, and establish reliable evidence. All eyewitness identification procedures utilized by the department must comply with [N.C.G.S. § 15A-284.52](#).

## DEFINITIONS

**Eyewitness:** a person whose identification by sight of another person may be relevant in a criminal proceeding.

**Filler:** a person or photograph of a person who is not suspected of an offense and is included in a lineup.

**Independent Administrator:** a lineup administrator who is not participating in the investigation of the criminal offense and is unaware of which person in the lineup is the suspect.

**Lineup:** a photo lineup or live lineup.

Lineup Administrator: the person who conducts a lineup.

Live Lineup: a procedure in which a group of people is displayed to an eyewitness for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

Photo Lineup: a procedure in which an array of photographs is displayed to an eyewitnesses for the purpose of determining if the eyewitness is able to identify the perpetrator of a crime.

Show-up: a procedure in which an eyewitness is presented with a single live suspect for the purpose of determining whether the eyewitness is able to identify the perpetrator of a crime.

## **RULES AND PROCEDURES**

### **906.1 RULES FOR EYEWITNESS IDENTIFICATION**

- A. Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer's opinion will be informed of this restriction. A witness who has taken part in an identification procedure must not be permitted to state conclusions within earshot of another person who is about to be, or has been, a viewer of the identification procedure. [42.2.9 f]
- B. Each witness must view any identification procedure separately. Witnesses will not be permitted to communicate with each other until all identification procedures are completed, and should be instructed not to discuss their identifications with anyone else. [42.2.9 c] [42.2.10 c]

### **906.2 LINEUP PROCEDURES**

The procedures below will be adhered to when conducting photographic or live lineups.

#### **906.2.1 Lineup Administration**

- A. Lineups must include a minimum of six (6) individuals, to include one suspect and five (5) fillers. Only one suspect will be included in a lineup. Fillers must generally resemble the eyewitnesses' description of the perpetrator, while ensuring that the suspect does not unduly stand out from the fillers. In addition: [42.2.9 a]
  - 1. All fillers selected will resemble, as much as practicable, the eyewitness's description of the perpetrator in significant features, including any unique or unusual features.
  - 2. If the eyewitness has previously viewed a photo lineup or live lineup in connection with the identification of another person suspected of involvement in the offense,

the fillers in the lineup in which the current suspect participates must be different from the fillers used in any prior lineups.

- B. Photographs of the suspect used in a photo array must be contemporary, and to the extent practicable, resemble the suspect's appearance at the time of the offense. [42.2.9 a]
- C. Writings or information concerning any previous arrest, indictment, or conviction of the suspect must not be visible or made known to the eyewitness.

### **906.2.2 Conducting a Lineup**

- A. All lineups should be conducted as soon as possible after the occurrence of the incident.
- B. An independent administrator must conduct live lineups. Independent administrators should conduct photo lineups whenever possible. In situations where an independent administrator is unavailable to conduct a photo lineup, an alternative method approved by the North Carolina Criminal Justice Education and Training Standards Commission may be utilized, such as:
  - 1. The "folder method" described below; or
  - 2. An automated computer program that can automatically administer the photo lineup directly to the eyewitness and prevent the administrator from seeing which photo the witness is viewing until after the procedure is complete.
- C. Whenever practical, a video record of live identification procedures will be made. If a video record is not practical, the reasons must be documented and an audio record must be made. If neither a video or audio record are practical, the reasons must be documented and the lineup administrator must make a written record of the lineup. [42.2.9 b]
- D. Before a lineup, the eyewitness must be instructed that: [42.2.9 d]
  - 1. The perpetrator might or might not be presented in the lineup;
  - 2. The lineup administrator does not know the suspect's identity;
  - 3. The eyewitness should not feel compelled to make an identification;
  - 4. It is as important to exclude innocent persons as it is to identify the perpetrator; and
  - 5. The investigation will continue whether or not an identification is made.
- E. Receipt of eyewitness identification instructions must be acknowledged in writing, and if possible, such acknowledgment should be written on the [Eyewitness Identification Instructions Form](#). If the eyewitness refuses to sign, the lineup administrator must note the refusal and will also sign the acknowledgement. [42.2.9 d]

- F. Individuals or photos must be presented to witnesses sequentially, with each individual or photo presented to the witness separately, in a previously determined order, and removed after viewing before the next individual or photo is presented. If there are multiple eyewitnesses, the suspect will be placed in a different position in the lineup or photo array for each eyewitness. [42.2.9 a,c]
- G. In a live lineup, any identifying actions, such as speech, gestures, or other movements must be performed by all lineup participants.
- H. Only one suspect shall be included in a lineup.
- I. Nothing may be said to the eyewitness regarding the suspect's position in the lineup or regarding anything that might influence the eyewitness's identification.
- J. All witnesses must be separated in order to discourage witnesses from conferring with one another before or during the procedure. Each witness shall be given instructions regarding the identification procedures without other witnesses present.
- K. The administrator of identification procedures must seek and document a clear statement from the eyewitness, at the time of the identification, and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given lineup is the perpetrator. [42.2.9 e]
- L. If an eyewitness identifies a person as the perpetrator, the eyewitness will not be provided any information concerning the person before the administrator obtains the eyewitness's confidence statement about the selection. There shall not be anyone present during the live lineup or photographic identification procedures who knows the suspect's identity, except the eyewitness and counsel as required by law. [42.2.9 e,f]

### **906.2.3 Alternative Photographic Lineup Procedure: Folder Method**

- A. If an independent administrator is not available and the investigator, or any administrator who knows the identity of the suspect, is required to perform the photo array, a Folder System alternative will be used for the presentation, according to the following procedure:
  - 1. Prior to presenting the photo array and out of the presence of the person who will view the photographic lineup, the suspect and filler photographs should be placed into individual folders.
  - 2. The administrator must shuffle the folders until he/she does not know which folder the suspect photograph is in; once this is accomplished the folders should be numbered sequentially and kept in order.
  - 3. Seat the witness at a desk or table or otherwise provide a comfortable environment. The administrator should position their self-close enough to the witness to verbally

communicate with him/her but must be in a place where the witness will be able to open a folder and look at the photograph without the administrator being able to see the photograph.

4. Without looking at the photograph in the folder, the administrator will hand each folder to the witness individually. Each time the witness has viewed the contents of the folder, the witness should return the folder to the administrator. The order of the folders should be preserved, in a facedown position, in the event the witness desires to view the lineup a second time.

### 906.3 SHOW-UP PROCEDURES

- A. An officer may conduct a show-up whenever a suspect matching the description of the perpetrator is located in close proximity in time and place to the crime, or there is a reasonable belief that the perpetrator has changed his or her appearance in close time to the crime, and only if there are circumstances that require the immediate display of a suspect to an eyewitness. [42.2.10 a]
- B. When conducting a show-up officers must:
  1. Document the witness's description of the perpetrator prior to conducting the show-up procedures, and **photograph the suspect(s) to preserve a record of the suspect's appearance at the time of the show-up.** [42.2.10 g]
  2. If there are multiple suspects, separate the suspects and conduct independent show-up procedures.
  3. Transport the witness to the location of the suspect whenever possible, rather than bringing the suspect to the witness. [42.2.10 b]
  4. Caution the witness that the person he or she is about to see may or may not be the perpetrator and that the investigation will continue whether or not an identification is made. The witness should never feel compelled to make an identification. [42.2.10 d]
  5. Document a clear statement from the eyewitness, **at the time of the identification, and in the eyewitness's own words**, as to the eyewitness's confidence level that the person identified at is the perpetrator. If the witness makes an identification, do not confirm or corroborate the identification before obtaining a confidence statement after the selection. [42.2.9 e] [42.2.10 d, f]
  6. Photograph a suspect at the time and place of the show-up to preserve a record of the appearance of the suspect at the time of the show-up procedure.



C. When conducting a show-up officers must not:

1. Conduct show-ups when the suspect(s) are in patrol cars, handcuffed, or physically restrained by police officers, unless necessary due to safety. If the suspect is handcuffed, measures will be taken to conceal this fact from the witness when possible;
2. Require show-up suspects to put on clothing worn by, speak words uttered by, or perform other actions of, the perpetrator;
3. Use a photograph to conduct the show-up.

**906.4 IDENTIFICATION PROCEDURE DOCUMENTATION**

A. All information regarding any identification procedure will be documented in the officer's written report, to include: [42.2.9 g] [42.2.10 g]

1. All identification and non-identification results obtained during the identification procedure, signed by the eyewitness, including the eyewitness's confidence statement;
2. The words used by the eyewitness in any identification, including words that describe the eyewitness's certainty of identification; [42.2.9 e][42.2.10 e]
3. Names of all persons present;
4. Date, time, and location;
5. Whether it was a photo lineup or live lineup and how any photos or individuals were presented in the lineup;
6. Description of any actions or procedures employed while conducting the identification; and
7. If applicable, the sources of all photographs or persons used. In a photo lineup, the photographs themselves must be included. In a live lineup, a photograph or other visual recordings of the lineup that includes all persons who participated must be included.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 10 – Vice and Organized Crime

**Original Issue:** 6/1/1994

**Policy:** 1002 – Confidential Informants

**Last Revision:** 2/20/2017

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1002.1 RECRUITMENT AND USE CONSIDERATIONS

1002.2 GENERAL GUIDELINES

1002.3 MONETARY PAYMENTS

1002.4 CONFIDENTIAL INFORMANT RECORDS

1002.5 SECURITY AND DISCLOSURE OF RECORDS

1002.6 DEACTIVATION AND TERMINATION

## ASSOCIATED DIRECTIVES

[Policy 1003 – Confidential Funds](#)

[Confidential Informant Packet](#)

## INTRODUCTION

This policy provides protocols and guidelines for department use of confidential informants.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to use confidential informants to aid in the investigative process. It is the highest priority of APD, in operational decisions and actions, to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public.

## DEFINITIONS

[Confidential Informant \(CI\)](#): an individual, who, in an arrangement with law enforcement authorities, agrees to serve in a clandestine capacity to gather information for those authorities on suspected criminal activity or known criminal operatives in exchange for compensation or other consideration.

[Confidential Informant File](#): a file maintained in order to document all information that pertains to confidential informants.

Handler: the officer primarily responsible for supervision and management of a CI.

## **RULES AND PROCEDURES**

### **1002.1 RECRUITMENT AND USE CONSIDERATIONS**

- A. All officers involved in the use or recruitment of confidential informants must be trained in related Asheville Police Department policies and procedures.
- B. CIs will not be used without authorization of the department through procedures identified in this policy, to include an assigned control number and approval of the Special Operations Section Commander.
- C. Confidential informants will only be handled by the Criminal Investigations or Special Operations Sections.
  - 1. Uniformed officers will not work with confidential informants or attempt to use them without involvement of an assigned Criminal Investigations or Special Operations Section officer.
  - 2. If a uniformed officer has the potential to develop a CI based on an investigation, the officer will forward this information to the Special Operations Section Commander for development and potential assignment.
- D. When determining whether a person is suitable to serve as a confidential informant, at a minimum, the following factors will be considered:
  - 1. The person's age and maturity;
  - 2. The risk the person poses to adversely affect a present or potential investigation or prosecution;
  - 3. Whether the person is a substance abuser, has a history of substance abuse or if the person is in a court-supervised drug treatment program;
  - 4. The risk of physical harm to the person, his or her immediate family, or close associates as a result of providing information or assistance, or upon the disclosure of the person's assistance; [42.2.6 f]
  - 5. Whether the person has shown any indication of emotional instability, unreliability or furnishing false information; and
  - 6. The person's criminal history or prior criminal record.
- E. No informant under the age of eighteen (18) years of age will be used for any reason. [42.2.6 h]

- F. If the individual is on supervised probation or parole, the assigned handler must coordinate with the informant's probation or parole officer to ensure the use of the informant does not interfere with the individual's release conditions.

## 1002.2 GENERAL GUIDELINES

- A. CIs are assets of the department, not the individual handler.
- B. CIs will not be used to gather information about individuals who are not otherwise under investigation or suspicion of criminal conduct unless such information can be verified independent of the CI.
- C. When considering whether to utilize CIs, and in actually doing so, officers should not:  
[42.2.6 g]
  - 1. Use an informant if they can obtain the same results by other means;
  - 2. Divulge any more information to an informant than necessary;
  - 3. Make any promises or "deals" with an informant that cannot be fulfilled;
  - 4. Meet a confidential source at a location where the informant will be exposed; and/or
  - 5. Fail to consider the motive and interest of an informant when estimating reliability.
- D. Prior to being utilized, all CIs must sign and abide by the provisions of the department informant agreement. The primary officer handling the CI must discuss each of the provisions of the agreement with the CI, particularly:
  - 1. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon.
  - 2. Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations.
  - 3. Informants are prohibited from engaging in actions or activities that could be deemed entrapment. The meaning of the term and implications of such actions will be explained to each CI. For instance, CIs will not participate in actions that encourage, persuade, or otherwise motivate a person to engage in criminal activity that the person would have otherwise been unlikely to commit.
  - 4. Every reasonable effort will be taken to ensure the confidentiality of the informant but, upon judicial order, he or she may be required to testify in open court.
- E. No member of this department will knowingly maintain a social relationship with CIs or otherwise become personally involved with CIs beyond actions required in the performance of duty. [42.2.6 g]

- F. Officers will not solicit, accept gratuities from, or engage in any private business transaction with a CI.
- G. All meetings with CIs will be conducted in private and with another officer present. Each meeting with a CI must be documented and subsequently entered into the CI's file. [42.2.6 g]

### **1002.3 MONETARY PAYMENTS**

- A. Authorized officers may pay approved confidential informants for information or services they provide in relation to a criminal investigation. The criteria to be used in determining whether payment should be made include the quality of the information or service in terms of usefulness to the investigation, whether an arrest can be made, and whether a search warrant can be obtained. [42.2.6 e]
- B. There are no prescribed payment schedules established by the department; however, all fees and rewards paid to CIs must be commensurate with the value of the information or assistance provided to the department.
- C. All CI payments must be approved in advance and accounted for per [Policy 1003 – Confidential Funds](#).
- D. The Special Operations Section Commander will ensure that the process for authorization, disbursement, and documentation of CI payments, as well as the accounting and reconciliation of confidential funds, is consistent with department and City policy.

### **1002.4 CONFIDENTIAL INFORMANT RECORDS**

- A. The Special Operations Section Commander will be responsible for developing and maintaining a master informant file and indexing system as well as ongoing maintenance of all informant files. Maintenance of files includes periodic review of source activity, the filing of activity forms, security of records, and compliance with all applicable records retention schedules. [42.2.6 a,c][82.3.5]
- B. The contents of each confidential informant file will include, at a minimum (see [Confidential Informant Packet](#)): [42.2.6 b]
  - 1. A control number issued in sequential order on a yearly basis in two parts – the first year documented and the assigned sequential number, e.g., “2015-08” (indicating the eighth source to begin work in 2015);
  - 2. Name, aliases, date of birth, social security number, residential address, telephone number, place of employment, and if applicable, any gang affiliations;

3. Height, hair color, eye color, race, gender, scars, tattoos, or other distinguishing features;
  4. Photograph of the informant;
  5. Biographical information and fingerprint card;
  6. Criminal history, if any, including any court-imposed restrictions and statuses;
  7. Summaries or briefs on information provided by the CI and their subsequent reliability;
  8. If known to the officer, whether the informant is currently assisting another law enforcement agency, and if so, the department and officers involved;
  9. Name of officer initiating use of the informant and any subsequent handlers;
  10. Payment history and information; and
  11. Copies of all related, executed forms and authorizing documentation, to include a copy of the signed informant agreement.
- C. Informant files should be reviewed and updated by the CI's handler each time a CI is utilized.
- D. Informant files may be used for the following purposes:
1. Provide a source of background information about the informant;
  2. Provide a complete history of the information received from the informant;
  3. Enable supervisory review and evaluation of information given by the informant;
  4. Minimize incidents that could be used to question the integrity of investigators or the reliability of the CI; and
  5. Help prevent unwanted duplicate uses of the same CI by officers in this department.

### **1002.5 SECURITY AND DISCLOSURE OF RECORDS**

- A. Informant files will be maintained in a separate and secured area in the Special Operations Section. The Special Operations Section Commander will ensure that information concerning informants is strictly controlled and distributed only to officers and other authorities who have a need and a right to such information. [42.2.6 c]
- B. All such records are subject to inspection by the Investigations and Operations Support Division Commander. The Special Operations Section Commander must approve all other requests prior to review of an informant file.

- C. Officers will not remove, copy or disseminate information from an informant file. All informant files will be reviewed only in designated areas and returned as soon as possible to their secure file location.
- D. Officers must carefully avoid providing details of CI actions or involvement in arrest reports and other documents available to the public. Confidential informants referred to in official department reports should never be referred to by name. When necessary, the use of control numbers will be used in lieu of referencing a name. [42.2.6 d]
- E. Officers leaving employment with the department have a continuing obligation to maintain as confidential the identity of any CI and the information he or she provided unless obligated to reveal such identity or information by law or court order.

#### **1002.6 DEACTIVATION AND TERMINATION**

- A. A confidential informant may be deactivated for lack of activity or other reasons. CIs may be deactivated for the following reasons:
  - 1. If they remain inactive for two (2) years; or
  - 2. By written request submitted by the investigating officer or a supervisor to the Special Operations Section Commander.
- B. A deactivated informant may be considered for future use. If considered for reactivation, the informant packet must be updated. Once approved by the Special Operations Section Commander, the confidential informant will be reassigned the original control number.
- C. If continued use of a confidential informant would be detrimental to the goals of the department and/or safety of its officers, or when a confidential informant is found to be unreliable and, in the opinion of the officer or a supervisor, the confidential informant should not be used further, their continued use will be terminated.
- D. Officers must submit a written request to the Special Operations Section Commander detailing the reasons for termination of a CI. Upon approval, the confidential informant's control number will be marked and separated from the active confidential informant files.
- E. A listing of terminated informants will be maintained in the master informants file and updated as necessary.
- F. Terminated informants are not eligible for future consideration.
- G. The files of deactivated and terminated informants will be maintained by the Special Operations Section Commander under the same security measures as active informant files.

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 10 – Vice and Organized Crime

**Original Issue:** 6/1/1994

**Policy:** 1003 – Confidential Funds

**Last Revision:** 2/20/2017

**Previously:** 1640 - Informants

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1003.1 RESPONSIBILITIES OF FUND CUSTODIANS

1003.2 UTILIZATION OF CONFIDENTIAL FUNDS

1003.3 WITHDRAWALS AND EXPENDITURES

1003.4 AUDITS

## ASSOCIATED DIRECTIVES

[Policy 1002 - Confidential Informants](#)

## INTRODUCTION

The purpose of this policy is to establish accounting and control procedures for the department's confidential funds.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to maintain stringent control over all confidential funds used by the agency, and to ensure that the funds are only used for authorized purposes.

## DEFINITIONS

**Confidential Fund:** a structured fund managed within the department which provides officers with investigative expense monies to support ongoing criminal investigations, most often relating to controlled substances and organized crime.

**Confidential Fund Custodian:** the officer(s) or unit responsible for dispensing and monitoring the use of confidential investigative funds by officers.

**Confidential Funds:** monies disbursed from the investigative fund that are to be used solely for the purchase of confidential information, services related to confidential informants, evidence, or other uses as prescribed by this policy.

## **RULES AND PROCEDURES**

### **1003.1 RESPONSIBILITIES OF FUND CUSTODIANS**

- A. When staffing changes occur, the Investigations and Support Operations Division Commander will submit to the Special Operations Section Commander a memorandum listing the names of confidential funds custodians authorized to make withdrawals from confidential funds. [17.4.2 c,e]
- B. Confidential Fund Custodians have the following responsibilities with respect to the department's confidential funds: [17.4.2 a,e]
  - 1. Maintenance of funds in accordance with all appropriate laws and procedures;
  - 2. Proper disbursements and deposits;
  - 3. Bookkeeping procedures;
  - 4. Secure maintenance of a file containing copies of all relevant fund transaction documents; and
  - 5. Purging of confidential fund records in accordance with state records retention provisions.

### **1003.2 UTILIZATION OF CONFIDENTIAL FUNDS**

- A. Confidential Fund Custodians are authorized to make disbursements from confidential funds only to authorized personnel for specific purposes. These include: [17.4.2 c]
  - 1. Payments made directly to active, documented confidential informants or sources as specified in [Policy 1002 – Confidential Informants](#);
  - 2. Expenses incurred by an active, documented confidential informant or source, which are authorized by the fund custodian;
  - 3. Expenditures for authorized undercover operations, special investigations and other criminal investigations; and
  - 4. Flash rolls and buy money for authorized, legitimate investigations.
- B. Confidential Fund Custodians are not permitted to make disbursements from the confidential fund to him/herself.
- C. Confidential fund transaction records and other documentation are to be stored in a secure location. Access to these records will be restricted in accordance with applicable state laws, city ordinances, and department rules or procedures on record storage. [17.4.2 d]

### 1003.3 WITHDRAWALS AND EXPENDITURES

- A. Prior to the issuance of any money from confidential funds, the officer must submit a written request for funds to the Fund Custodian.
- B. Confidential fund expenditures require approval based on the following thresholds: [17.4.2 c]
  - 1. Expenditures more than \$100 must be approved by the requesting officer's supervisor.
  - 2. Expenditures more than \$250 must be approved by a Division Commander.
  - 3. Expenditures more than \$500 must be approved by a Deputy Chief of Police.
  - 4. Expenditures of \$1,000 or more must be approved by the Chief of Police.
- C. Numbered receipts are to be used whenever a confidential informant and/or confidential source receives money. [17.4.2 b][42.2.7 e]
  - 1. Receipts must indicate the date, case number, the amount paid or spent, the purpose of the payment, the investigator's name and signature, and a witnessing officer's name and signature.
  - 2. Pre-signed receipts obtained from an informant are strictly prohibited.
  - 3. Confidential informants who refuse to sign a required form will not be provided with any funds.

### 1003.4 AUDITS

- A. To ensure the continued integrity of confidential funds, the Investigations and Operational Support Division Commander or designee is responsible for conducting a quarterly internal audit and providing a written report of expenditures to the Chief of Police or designee. [17.4.2 f]
- B. At least annually an unannounced external audit will be conducted on the department's confidential fund accounts by the Fiscal Services Manager or designee. [17.4.2 f]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 10 – Vice, Drugs, & Organized Crime    **Original Issue:** 6/1/1994  
**Policy:** 1004 – Seizure and Forfeiture            **Last Revision:** 4/17/2017  
**Previously:** 1300 – Seizure & Forfeiture

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## CONTENTS

INTRODUCTION  
POLICY STATEMENT  
DEFINITIONS  
RULES AND PROCEDURES  
1004.1 ASSET SEIZURE  
1004.2 MAINTAINING SEIZED PROPERTY  
1004.3 ADMINISTRATIVE RESPONSIBILITIES  
1004.4 DISPOSITION OF FORFEITED PROPERTY

## ASSOCIATED DIRECTIVES

[SOP 3004 – Asset Seizure & Forfeiture](#)

## INTRODUCTION

This policy establishes guidelines and procedures for the seizure of assets exclusively for forfeiture; to provide for the management, control, and processing of seized assets which are pending civil forfeiture proceedings; and to provide procedures regarding the disposition of seized assets.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to maintain, control, and store in and approved manner, all seized motor vehicles and assets awaiting forfeiture proceedings and ensure accurate records and civil process documents are completed and maintained.

## DEFINITIONS

Fiscal Agent: the person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized by any forfeiture proceedings.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Asset Forfeiture Coordinator (AFC): the department member, assigned by the Chief of Police, who is responsible for reviewing all forfeiture cases and acting as the liaison between the department and other governmental agencies and appropriate courts.

Property Subject to Forfeiture: includes items subject to forfeiture as identified by statute which may include property, cash, or assets.

Seizure: the act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

## **RULES AND PROCEDURES**

### **1004.1 ASSET SEIZURE**

- A. When applicable, property subject to forfeiture may be seized by any law enforcement officer in the following circumstances:
1. Upon process issued by any district or superior court having jurisdiction over the property; or
  2. When the seizure is incident to an arrest or a search under a search warrant; or
  3. When the property subject to seizure has been the subject of a prior judgement in favor of the State in a criminal injunction or forfeiture proceeding.
- B. Major North Carolina statutes enforced by the department in which property or currency is subject to seizure and forfeiture include, but are not limited to:
1. Controlled substances, money, raw material, products, equipment, property used as a container and all conveyances related to illegal substances ([N.C.G.S. § 90-112](#));
  2. All conveyances used to unlawfully conceal, convey, or transport property in violation of specified theft crimes ([N.C.G.S. § 14-86.1](#));
  3. A motor vehicle driven by an impaired driver with a revoked license or driving without a valid license and no insurance ([N.C.G.S. § 20-28.3\(a\)](#));
  4. A motor vehicle driven by an impaired driver if the driver is a habitual violator ([N.C.G.S. § 20-138.5\(e\)](#));
  5. A motor vehicle involved with a felony speeding to elude charge= ([N.G.G.S. § 20-28.3\(a1\)](#));
  6. A motor vehicle involved with a pre-arranged speed competition charge ([N.C.G.S. § 20-141.3](#));
  7. All conveyances, containers, equipment or ingredients used in violation of Alcoholic Beverage Control (ABC) laws. ([N.C.G.S. § 18B-504\(a\)](#))

- C. Federal seizures and forfeitures will be conducted in accordance with procedures provided in [SOP 3004 – Asset Seizure & Forfeiture](#).
- D. Seizures may be made only upon review and approval of a supervisor and in coordination with the department’s Asset Forfeiture Coordinator (AFC).
- E. All seizures of property or currency that are subject to forfeiture under state or federal law will be reported to the AFC by the end of the next business day following the seizure.
- F. Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.
- G. No conveyance should be seized which is in an obvious state of disrepair or appears to be worth less than fair market value; or which has a significant lien or other security interest by an innocent party. A determination will be made by the AFC in cases where there is a question as to the suitability of a conveyance for forfeiture proceedings.
- H. Seized vehicles will be towed to an appropriate storage facility and the keys stored and turned into Property & Evidence in accordance with department policy.

#### **1004.2 MAINTAINING SEIZED PROPERTY**

- A. The AFC and Evidence Manager are responsible for ensuring compliance with the following:
  - 1. All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
  - 2. All property received for forfeiture is checked to determine whether the property has been stolen.
  - 3. All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
  - 4. Property received for forfeiture is not used unless the forfeiture action has been completed.
  - 5. Forfeitable property is retained until such time as its use as evidence is no longer required.

#### **1004.3 ADMINISTRATIVE RESPONSIBILITIES**

- A. Generally, the responsibilities of the AFC include (see [SOP 3004 - Seizure and Forfeiture](#)):

1. Serving as the liaison between the department and other governmental agencies, courts, and legal counsel ensuring prompt legal review of all seizures;
  2. Maintaining records and tracking of all department seizures and forfeitures;
  3. Ensuring compliance with applicable state and federal regulations relating to seizures and forfeitures;
  4. Working with officers and supervisors to maintain overall accountability, tracking, reporting, and management of seized property;
  5. Remaining familiar with current regulations and processes related to both State and Federal forfeitures, and being available as a resource to department members for these processes.
- B. The Fiscal Agent is responsible for the monitoring, accounting, and management of department equitable sharing and seizure fund accounts in compliance with all applicable State and Federal regulations. This includes, but is not limited to:
1. Ensuring separation and appropriate accounting of federal equitable sharing funds;
  2. Monitoring the authorization and use of forfeiture funds in compliance with State and Federal regulations;
  3. Arranging required external account audits when required by federal law;
  4. Organizing and maintaining forfeiture proceed accounting records according to applicable records retention requirements.

#### **1004.4 DISPOSITION OF FORFEITED PROPERTY**

- A. No department employee may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use.
- B. No department employee involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

BY ORDER OF:



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1023</b>	<b>EFFECTIVE DATE: 5/15/1994</b>
<b>SUBJECT: Polygraphs</b>	<b>LAST REVISION DATE: February 21, 2011</b>

**I. Policy Statement:**

The polygraph examination is a valuable investigative aid as used in conjunction with, but not as a substitute for, a thorough investigation. The polygraph may be employed, consistent with this policy, to verify, corroborate or refute statements; obtain additional investigative leads; narrow or focus criminal investigations; serve to screen candidates for positions with this or other criminal justice agencies; and assist in the conduct of internal police investigations, among other authorized purposes. [42.2.8](#)

**II. Definitions:**

A. Polygraph:

The polygraph is an instrument that records certain physiological changes in a person undergoing questioning in an effort to obtain truth or deception. A polygraph simultaneously records a minimum of respiratory activity, galvanic skin resistance or conductivity, and cardiovascular activity.

**III. Procedures:**

A. Requesting Polygraph Examinations

1. Following approval by their immediate supervisor, employees of this agency may request a polygraph examination from this agency's authorized polygraphist. [32.2.5](#), [42.2.8](#)
2. Polygraph examinations may be authorized when consistent with state law and agency policy. Situations in which authorization may be requested and approved include, but may not be limited to the following:
  - a. Assisting with Asheville Police Department criminal investigations;
  - b. an element of a background investigation of a candidate for a sworn or civilian position in this agency;
  - c. requests from other authorized criminal justice agencies; and
  - d. assisting with Asheville Police Department internal investigations.
3. The polygraph should not be used to verify a victim's allegation without sufficient grounds for suspecting that the victim has given false or misleading statements.
4. Requests for polygraph examinations from another law enforcement agency pursuant to an internal investigation must be in writing and be approved by this agency's Chief of Police or his designee.



5. Submission to a polygraph examination must be a voluntary action with the exception of employees of this agency formally directed to take an examination as part of an internal investigation. In all other cases, polygraph examinations shall not be administered without the subject's written approval, waiver or other instrument as required by law.

#### B. Preparing for Polygraph Administration

1. The requesting officer is responsible for providing the examiner with all pertinent information concerning the case. This information includes but may not be limited to the following:
  - a. Information obtained in the investigation that supports and justifies the use of the polygraph;
  - b. Copies of crime/offense reports and investigative reports;
  - c. Evidence available and withheld from the subject;
  - d. background information on the subject to be examined, to include criminal record and possible motivation;
  - e. Any statements made by the subject, complainants and witnesses to include alibis; and,
  - f. Newspaper articles or other general information concerning the case.
2. If the subject is hearing impaired or does not speak English, the officer will help make arrangements for a sign language interpreter or translator as determined by the polygraph examiner.
3. Officers will not interrogate a subject just before he is to take a polygraph.
4. Officers shall not attempt to explain procedures that will be used in the examination but shall advise subjects that these will be explained fully by the examiner. Subjects will be advised of the following:
  - a. The examination is voluntary, unless otherwise provided by this policy in cases of internal affairs;
  - b. Results of the examination are not acceptable in a court of law unless all parties agree in advance; and,
  - c. Results of the polygraph examination, taken alone, do not provide substantiation for a criminal charge.
5. Should the subject be late for or cancel the appointment, the requesting officer shall immediately notify the polygraph examiner.
6. The polygraph examiner shall be solely responsible for authorizing any persons inside the examination or observation rooms.

#### C. Conducting Polygraph Examinations

1. Only fully trained polygraphists or intern polygraphists under their direction are authorized to administer polygraph examinations.
2. The polygraph examiner shall make such inquiries of the subject's health, medical history and/or use of medications as necessary to determine his ability to take the examination. Polygraph examinations shall not be conducted on any person who the

examiner reasonably believes to be physically or emotionally unsuitable for testing. This may include, but is not limited to, persons with heart conditions, women who are pregnant and individuals taking certain types of medication that may interfere with test results. When in doubt, the examiner may seek guidance from medical or psychological professionals as authorized by this agency and/or request the examinee to obtain a medical certificate from an appropriate health care provider.

3. An examiner shall not conduct a polygraph examination upon a subject if it is felt for any reason that an unbiased examination cannot be given.
4. An examination shall cease immediately if requested by the subject.
5. Prior to the test, the examiner shall explain the polygraph procedure to the subject and prepare him for the examination.
6. The examiner shall independently interpret the chart tracings and render an opinion on findings that includes, but is not limited to, one of the following conclusions:
  - a. No deception indicated;
  - b. Deception indicated; or,
  - c. Inconclusive.
7. The polygraph examiner shall determine if additional polygraph examinations are necessary and appropriate.

#### D. Pre-Employment Examinations

1. The polygraph examiner shall review all relevant applicant screening reports, applicant personal history summaries and background investigations prepared by this agency before conducting the examination.
2. Pre-employment polygraph examinations shall be scheduled by authorized members of this agency's personnel authority or by the polygraph examiner, according to established agency policy.
3. Polygraph examinations shall not be used as the sole determinant of suitability for employment.
4. Polygraph examinations of female candidates for employment will be video taped.
5. Candidates shall be provided with a list of question areas that may be used in the examination.

#### E. Equipment and Record Keeping

1. The polygraph examiner is responsible for the maintenance, safekeeping and integrity of the polygraph equipment.
2. The polygraph examiner shall provide such summary activity or statistical reports as may be directed by the Chief of Police.
3. Unless otherwise provided in this policy or by state law, the polygraph examiner shall maintain copies of each polygraph report, together with polygraph charts and all allied papers, for a period of five years and indefinitely in capital offenses.
4. The results of all pre-employment examinations--including chart tracings, polygraph reports and related examination results--shall be maintained in a secure storage location, separately from criminal polygraph files. Duration of storage and

stipulations for release of this information shall be governed by state law or the policy of this agency.

F. Examination Rooms

1. Tests and interviews shall be conducted in a clean, neat environment free from audible and visual distractions.
2. Certificates, diplomas and the like shall be displayed so as not to be in the sight of subjects during testing.
3. Examiners will be neat and well-groomed, and will dress in a manner consistent with standards of the professional business community.
4. Duty uniforms, badges and other emblems of authority shall not be worn. This does not include departmental identification cards, where required.
5. Service weapons may be worn if required but should not be openly displayed

G. Equipment

1. Polygraph instruments used shall be of commercial manufactures and shall have no fewer than three functioning recording channels.
2. Calibration:
  - a. Calibration charts and/or maintenance logs shall be maintained at the instruments location or with case files.
  - b. Calibration checks of instruments should be conducted at least twice per month and whenever the instrument is moved to a different location.

- H. Polygraphists are encouraged to participate in career development opportunities and are required to participate in professionally recognized annual in-service training.

**Accreditation Reference:**

This policy covers the following accreditation standards: [32.2.4](#) [32.2.5](#) [32.2.6](#) [42.2.8](#) [52.1.7](#)

*Comment: GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender.*

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1024</b>	<b>EFFECTIVE DATE: 10/23/2008</b>
<b>SUBJECT: Attendance</b>	<b>LAST REVISION DATE:</b>

**I. Introduction:**

The Asheville Police Department maintains an internal system of policies and directives that have effect within the Department. The City of Asheville also has a system of policies and directives that have effect throughout city government. All city policies have effect throughout the Police Department. A department may need to expand a City policy to make it fit the unique circumstances surrounding the provision of its unique services. It is imperative that Police Department employees be properly compensated. There are different funding sources for compensation and accountability is critical. It is also equally imperative that personnel be adequately rested to perform the responsibilities of their position. Proper timekeeping practices are critical to the management of the organization.

**II. Policy:**

City policy number 47, the "Attendance Policy", has full effect within the Police Department. In addition to its provisions the following requirements apply to Police employees:

- A. Sworn employees must personally contact the on duty supervisor in their district or work unit, or the senior supervisor on duty if their own district/unit does not have a supervisor on duty. This contact must be by personal phone call if the employee anticipates being absent from work for any reason not already pre-approved. This notification must be made at least one hour prior to the employee's scheduled reporting time.
- B. Communications employees must personally contact their own supervisor and provide notice of an absence. If a Telecommunicator cannot contact their own supervisor, they must notify the on duty supervisor in Communications. This notification must be made at least one hour prior to the employee's scheduled reporting time.
- C. All time and attendance forms will be completed on the computer which will automatically tally the information. The time forms will be maintained on the desktops in each work unit.
- D. All time and attendance forms, after being completed, will be printed, signed by the employee and forwarded to the designated supervisor of the district/unit. The form will be reviewed and signed by the supervisor prior to being turned in to the time keeper. All forms will be turned in to the APD timekeeper no later than 0800 hours on Monday following the end of the work cycle.
- E. The department will use a standard time and attendance form to include the following information:
  - 1. Regular APD scheduled hours
  - 2. APD Augment hours

3. APD Grant hours
4. Non APD secondary employment hours including start and end time
5. reason for APD overtime
6. Secondary employment location/event
7. APD vehicle use for non APD secondary employment
8. APD On Call hours
9. Vacation hours
10. Sick hours
11. Comp hours
12. Holiday hours

Civilian employees will be governed by City Policy 47 with no special provisions.

*Comment: GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender.*

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1032</b>	<b>EFFECTIVE DATE: 11/1/1993</b>
<b>SUBJECT: Vehicle Pursuits</b>	<b>LAST REVISION DATE: February 2, 2011</b>

**I. Introduction:**

Vehicle pursuits create a risk of injury to the suspect, officer and third parties. There must be an acceptable balance between the capture of fleeing suspects and the responsibility of law enforcement to protect the general public from unnecessary risks. Officers must continually weigh the necessity for apprehension against the probability of apprehension and the potential damage, death, or injury that could result from the pursuit. [41.2.2](#)

**II. Policy Statement:**

It is the policy of the Asheville Police Department to conduct vehicle pursuits in a safe and prudent manner consistent with federal, state and local laws.

**III. Definitions:**

- A. **District Commander:** The lieutenant or acting lieutenant in charge.
- B. **Primary Unit:** The police unit that initiates pursuit or assumes responsibility.
- C. **Pursuit:** An active continuing attempt by officers to apprehend a suspect who is operating a motor vehicle while trying to avoid capture.
- D. **Tire Deflation Devices (TDD) or Stop Sticks:** Forcible stopping devices specifically designed to puncture the tires of a fleeing vehicle causing the tires to deflate in a controlled manner and render the vehicle incapable of further operation. TDD is the only authorized forcible stopping technique.
- E. **Violent Felony:** A felony involving the commission of a violent act or when there is reasonable cause to believe that serious physical injury or death might be inflicted upon another person.

**IV. Procedures:**

A vehicle pursuit maybe initiated when the officer reasonably believes that the suspect has committed, attempted to commit or is in the process of committing a violent felony, and an articulable threat to human life exists. The officer must balance the need to apprehend the subject versus the risks associated with a pursuit. The officer and supervisors must continue to rethink this analysis throughout the pursuit. When the risk associated with the pursuit exceed the need to apprehend, the pursuing officers shall break off the pursuit.

- A. When deciding to initiate a pursuit, the officer will consider the following:
  - 1. Weather, road and visibility conditions - rain, snow, fog, narrow roads, repairs in progress, restricted visibility due to buildings, curves and hills all increase the risk of an accident;

2. Density of vehicular and pedestrian traffic at the time and place of the pursuit as the pursuit continues over time and distance - heavy traffic of commercial centers, schools, hospitals at certain times or days of the week increases the risks associated with a pursuit;
  3. The condition of the law enforcement vehicle and the officer's ability to control the vehicle at pursuit speeds - brakes fade, steering or suspension defects, lack of familiarity with the vehicle, lack of driving experience increase the risks associated with the pursuit;
  4. The familiarity of the pursuing officer with the area, the surrounding roads, and the approach of major intersections normally subject to heavy traffic or the presence of turning vehicles - lack of familiarity of the area makes it more difficult to anticipate approaching traffic hazards increasing the risks associated with the pursuit.
- B. In weighing the decision to pursue, the officer and supervisor should also consider the likely harm from not apprehending the suspect as soon as possible. These considerations include the following when applicable:
1. The danger to the public created by the suspect's driving including indication that the suspect may be impaired or is willing to inflict serious injury on others in the course of the pursuit - impaired or reckless and threatening driving by a suspect increases the need to apprehend immediately;
  2. Whether the crime the suspect is believed to have committed is a violent felony and an articulable threat to human life exists - serious crime with an articulable and imminent threat to human life increases the need to apprehend a suspect;
  3. Whether the suspect has been identified and can be apprehended later;
  4. Whether the suspect can be apprehended at a later time with little risk of more violence or danger to the public;
  5. Whether the suspect has been identified by using the prima facie rule of evidence in G. S. 20-141.5(c); and
  6. Whether the pursuit will likely be successful in apprehending the suspect, given all the factors of the pursuit - a pursuit with little chance of stopping the suspect should cause the officer to terminate the pursuit.
- C. When engaged in pursuit, officers shall not drive with reckless disregard for the safety of others.
- D. Immediately upon initiation of a vehicle pursuit the officer will notify communications of the pursuit and provide the following information:
1. location and direction of travel;
  2. the offense for which the suspect is wanted;
  3. the vehicle description;
  4. the license tag number;
  5. number of occupants and description; and
  6. speeds involved.

7. Describe the suspect's driving.  
This information will be updated as changes occur during the pursuit.
- E. Upon notification of a vehicle pursuit and initial information, support officers will position themselves in areas to assist with traffic to lessen the danger. Support officers need to keep radio transmissions to a minimum.
- F. Unless ordered by the supervisor, no more than three marked police vehicles shall become actively involved in any single pursuit. If an unmarked vehicle is the primary unit, as soon as a marked unit becomes involved, the marked unit shall become the primary unit. Once a second marked unit becomes involved in the pursuit, the unmarked vehicle shall discontinue involvement in the pursuit and comply with the posted speed limit. Unmarked units shall not become involved in a pursuit under any circumstances if they are not equipped with an operational blue light and siren. This includes law enforcement vehicles from another agency. This shall be governed by a Memorandum of Understanding for the purpose of reducing liability for all of our agencies. The secondary unit will be in a support role to the primary unit, as necessary, but not limited to communications transmissions. A third unit, preferably a supervisor or assigned by a supervisor, will function as a support unit in the event of a crash or if the suspect vehicle attempts to discard contraband or evidence of a crime. All other personnel shall stay clear of the pursuit. [41.2.2](#)
- G. Pursuing vehicles will use all emergency warning devices including blue lights and siren while in active pursuit. [41.2.3](#)
- H. Officers will use extreme caution when pursuing another vehicle through traffic control devices. Pursuing vehicles shall, if necessary, come to a complete stop in order to safely negotiate passage. Remember, you are only requesting the right of way when using blue light and siren in accordance with North Carolina General Statutes 20-156 (b)
- I. Officers shall not attempt to overtake or pass a pursued vehicle unless authorized by the district commander.
- J. In a motor vehicle accident involving a police vehicle, the operator of the nearest secondary or support unit shall stop and render all necessary assistance.
- K. In a motor vehicle accident involving the pursued vehicle, officers will immediately notify Communications of the accident location and, if possible, the extent of the injuries involved.
- L. When notified of a vehicle pursuit, Communications personnel shall take the following actions:
1. clear the radio channel to all but those officers involved in the pursuit;
  2. notify the district commander and sergeants of the pursuit;
  3. record all incoming information from the pursuing officers;
  4. conduct warrant checks, DCI and DMV checks, and other necessary records checks; and
  5. notify adjoining jurisdictions if the pursuit appears to be headed into another jurisdiction.
- M. During a pursuit, the District Commander or the first responding sergeant shall take immediate responsibility for the pursuit. He will weigh all potential dangers then make the decision as to whether to continue the pursuit. The sergeant should limit the number of



pursuing vehicles to three (see section 6 above), and limit the responding units to those in the adjacent patrol areas. The District Commander or sergeant will monitor all communications and *may* terminate the pursuit at any time.

N. A pursuit may be terminated:

1. The primary pursuing unit shall continually reevaluate and assess the pursuit situation including all of the initiating factors. The primary pursuing unit shall terminate the pursuit whenever he reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. If, in the opinion of the sergeant or district commander, there is an unreasonable danger to the public or to the involved officers if the pursuit continues;
3. when there is a vehicle equipment failure; or
4. the pursued vehicle's location is no longer known.

O. A pursuit termination does not prohibit the police vehicle from continuing to follow the vehicle as long as the police vehicle is operated in full compliance with all traffic laws and regulations. Officers may continue driving in the area in which the suspect was last seen for the purpose of providing high visibility presence for the motoring public. This will be done without any emergency equipment activated. Officers shall obey all traffic laws during this period. High visibility presence by officers in this area may deter potential criminal activity by the suspect and could serve to alert the remainder of the public about potential dangerous driving in the area.

P. In the event another agency enters the City of Asheville and is in active pursuit, the district commander *may* authorize units to respond pursuant to the restrictions in this policy and any existing mutual aid agreements. City of Asheville officers will terminate their involvement upon reaching one mile outside the city limits unless a mutual aid request is made by the head of the pursuing agency or his designee, or continued pursuit is consistent with stipulations contained in an existing mutual aid agreement. City of Asheville officers shall adhere to all Asheville Police Department policies and procedures at all times during pursuit outside the Asheville jurisdiction.

Q. The use of Tire Deflation Devices (TDD) shall be governed by sound professional judgment, procedures outlined in this policy and in accordance with procedures established by the Asheville Police Department during training for these devices. Prior to utilizing TDD, members shall have completed training on the use of these devices.

R. All of the following criteria shall be met prior to the use of TDD:

1. There is reasonable cause to believe the suspect has committed an offense justifying his/her arrest;
2. The member attempting to apprehend the suspect has given notice of command to stop the suspect by blue lights and siren;
3. The suspect ignores the efforts and warnings obvious and visible to a reasonable person in the suspect's position;
4. Officers utilizing TDD shall consider the following prior to utilization of TDD:
  - a. An effective and safe location for the placement of TDD.
  - b. Deployment locations should have reasonable good sight distances to enable the member deploying the devices to observe the chase and other traffic as it

approaches.

5. Deployment shall not occur on:
    - a. Curves
    - b. Bridges
    - c. Locations where reasonable judgment under the circumstances would dictate avoidance.
  6. Traffic, construction, special events, and/or activities may create situations where the use of the device would be inappropriate.
  7. Possible damage to the public, private property, and other assisting units and equipment shall be considered.
  8. TDD shall not be deployed to stop two or three wheeled vehicles.
  9. Chasing vehicles shall coordinate with the officers and/or agencies deploying the devices or assisting in the chase in order to assure the safe and effective use of the devices.
    - a. When the decision is made to deploy the devices, chasing units shall notify the member deploying the device as far in advance as possible of the necessity of their use.
    - b. The member deploying the devices shall be in a position at a predetermined location in sufficient time for proper deployment. All chasing units shall be notified when the device is in place. Direct contact with other agencies should be made to advise of the deployment.
    - c. After deploying the stop sticks, all persons at the scene should immediately seek protection.
    - d. Once TDD has been deployed pursuing officers shall decrease their speed in order to avoid striking the devices
    - e. Officers deploying the devices shall be responsible for securing them immediately after use. This includes searching the immediate area where the devices were used and collecting any spikes or points which may have become detached.
  10. If an Asheville Police Department vehicle is the primary vehicle in a chase involving another agency and a decision is made to deploy stop sticks, the local agency shall be informed of the deployment whenever practicable.
  11. TDD may be used to prevent stationary vehicles from being moved in an attempt to flee a scene.
  12. Officers in chases involving TDD shall indicate such use on the Pursuit Report.
- S. The primary officer will complete the Pursuit Report before the end of the shift during which the pursuit occurred. All levels in the chain of command will review the pursuit report and forward to the Chief of Police. The crash, pursuit and Use of Force Review Committee will review all pursuit reports as well.
- T. The Professional Standards Investigator will compile an annual report detailing all pertinent data analyzing any trends that might indicate policy revisions or training issues. The report shall be submitted to the Chief of Police by January 31 of each year.

**Accreditation References:**

The following accreditation standards are met in this policy: [41.2.2](#) ,[41.2.3](#)

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END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1033</b>	<b>EFFECTIVE DATE: 2/1/1995</b>
<b>SUBJECT: Searches and Raids</b>	<b>LAST REVISION DATE: January 20, 2012</b>

**I. Introduction:**

**The 4th Amendment to the United States Constitution protects citizens against unlawful and unreasonable seizures of property by governmental officials.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to conduct raids, searches, and seizures in strict compliance with both statutory and Constitutional law.**

**III. Definitions:**

- A. **Consent Search:** Search of a person, premises, or vehicle conducted with the permission of the individual to be searched or who is in control of the premises or vehicle.
- B. **Raid:** An operation designed to accomplish a police objective for instance the search of a premises, arrest of persons, or seizure of contraband or property.
- C. **Search Warrant:** A court order and process directing a law enforcement officer to search designated premises, persons, or vehicles for the purpose of seizing designated persons or items.

**IV. Procedure:**

- A. Search warrant affidavits must comply with North Carolina General Statute 15A-244 and contain the name and title of the applicant; articulation of probable cause to believe that items subject to seizure under North Carolina General Statute 15A-242 may be found in or upon the place, vehicle, or person to be searched; and a request that the court issue a search warrant directing a search for and the seizure of the items in question.
- B. Before submission to a magistrate, the search warrant affidavit should be read and reviewed by officers other than the author and by a supervisor. Addresses and descriptions of residences, buildings, or vehicles, should be verified by an officer other than the author. All affidavits should include independent validation of informant information.
- C. Prior to the execution of the search warrant, the officer in charge of the search shall conduct a pre-search briefing that includes: location of the search; supervisor in charge of the search and individual responsibilities; a diagram of the location, layout, and entry points; identity of known hazards; specific tactics; officer assignments if forced entry becomes necessary; radio frequency to be used; and equipment to be used. One officer involved in the search shall be in uniform.
- D. Search warrants shall be executed within 48 hours of issue. Any warrant not executed in that time frame must be returned to the magistrate's office with the appropriate section completed stating the reason the warrant was not served.

officer shall immediately cease the search unless exigent circumstances exist. If there is sufficient probable cause to believe the search should continue, the officer must obtain a search warrant. The Consent to Search Form shall be maintained by the officer obtaining it with his case notes.

- M. A Division Commander or his designee may authorize a "raid" of an area, business, residence to accomplish a police objective. Prior to conducting a raid, the officer in charge must submit a written plan to his division commander. The written plan shall also contain:
1. a method for familiarizing the officers with the objective and details of the operation, the neighborhood, and target area; [43.1.6c](#)
  2. operational procedures for observation, arrest, surveillance, and high-risk entries; [43.1.6d](#)
  3. the means of both routine and emergency communications; [43.1.6f](#)
  4. selection of equipment or vehicles; [43.1.6g](#)
  5. provisions for relief, backup security, and perimeter protection for officers; [43.1.6h](#)
  6. provisions for maintaining overall confidentiality and cover; [43.1.6j](#)
  7. provisions for obtaining authorization for the operation and use of force; [43.1.6k](#)
  8. designation of a single person as supervisor and coordinator; [43.1.6l](#)
  9. provisions for maintaining close supervision of the operation; [43.1.6m](#)
  10. procedures for making contact with suspects; [43.1.6n](#)
  11. provisions for searching for and seizing evidence and/or contraband; [43.1.6o](#)
  12. provisions for requesting medical assistance; [43.1.6p](#)
  13. provisions for obtaining coordination and assistance from others both inside and outside the agency. [43.1.6q](#)
- N. The completed plan must be kept on file by the Division Commander until any criminal case arising from the raid is disposed of or for one year whichever is longer.
- O. The raid commander shall prepare the following documentation and submit it to his division commander:
1. an inventory of seized items, a copy of which must be furnished to the owner or person in control of the premises; and
  2. a raid summary detailing the raid, listing persons arrested, and including a news release.
- P. Any physical force used against another person during a raid must comply with the Use of Force Policy ([APD Policy #1030](#)).

#### **Accreditation Reference:**

This policy covers the following accreditation standards: [43.1.6](#)

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- E. Before executing the search warrant, the officer must give notice of identity and purpose to the person to be searched, the owner of the premises, or the person in apparent control of the premises unless the officer has reason to believe it would endanger human life or safety. An officer may break and enter any premises when necessary to execute a search warrant if the executing officer has announced his identity and purpose and reasonably believes admittance is being denied, unreasonably delayed, or that the premises is unoccupied; or delay would result in the wanton destruction of evidence of a serious crime.
- F. Officers shall conduct the search in a manner that, as much as possible, leaves the premises or building in relatively the same condition as it was found. Two officers shall search each room or person listed on the warrant.
- G. An officer may enter private premises or vehicles owned by persons named on an arrest warrant if the officer has in his possession a warrant for arrest of the person; the officer has probable cause to believe the person is present; and the officer has given notice of his authority and purpose unless the officer has reason to believe giving notice would endanger human life or safety.
- H. If the person named on the arrest warrant is in a private premises other than that listed on the arrest warrant, officers have consent from the person with legal control of the premises, a search warrant for the premises, or exigent circumstances permitting entry without a search warrant. Exigent circumstances may include the likelihood that a dangerous criminal suspect will escape apprehension unless immediate action is taken to arrest; or an arrest has started outside the premises and the suspect flees into the premises; or persons are likely to be killed or seriously injured unless immediate action is taken.
- I. Officers may enter a premise without a warrant if there is probable cause to believe that critical evidence of a serious or violent crime is located within the premises and that delaying entry would result in the destruction or removal of evidence unless immediate action is taken. The officers shall make entry only to secure the premises while awaiting the arrival of a search warrant.
- J. In the event an officer believes forcible entry is justified but not immediately required, he shall request that a supervisor be dispatched to the scene. The supervisor shall determine if probable cause exists and a search warrant is necessary and make the decision on forcible entry of the premises. In emergency situations, these procedures may be handled by phone.
- K. Any forcible entry shall be reported on Internal Incident Report. The report should contain the name of the person sought, any criminal charges involved, location, officers involved, damages incurred, probable cause for forced entry; and the supervisors' recommendations. Officers shall take photographs of any damages and attach them to the Internal Incident Report. No employee, except the Chief of Police or his designee, shall make any statement regarding the department's liability for damages resulting from the forcible entry.
- L. An officer may request a consent search of a person, vehicle, or property. When conducting a consent search of a premises, person, or vehicle, the officer must obtain consent freely and without coercion, either verbally or written. Both written and verbal consent to search are acceptable. Written consents will be documented on a Consent to Search form with the signature of the person giving consent. ***If consent is verbal, the officer will document the consent in the officer narrative of the incident report, felony papering CAD notes, etc.*** The consent to search must be given either by the person to be searched or a person who by reason of ownership, possession, or control is legally entitled to give or withhold permission to search. A consent search shall not exceed the duration or scope of the consent given. The person giving consent may withdraw that consent at any time. The

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1034 - Emergency Driving</b>	<b>EFFECTIVE DATE: 12/1/1999</b>
<b>SUBJECT: Emergency Driving</b>	<b>LAST REVISION DATE: July 11, 2011</b>

**I. Introduction:**

**Emergency operation of police vehicles in necessary in certain situations. Officers must balance this necessity against the potential damage, death, or injury that may result from it. This policy provides guidelines for the emergency operation of police vehicles.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department that employees operate emergency vehicles in a safe and prudent manner consistent with North Carolina law and local ordinances. [41.2.1](#)**

**III. Definitions:**

- A. ***Emergency Response:*** Response to calls for service where the police vehicle is operated at a speed greater than the speed limit or in a manner that would normally be a violation of traffic laws such as entering an intersection against the traffic signal.
- B. ***Routine Response:*** Response to calls for service where the police vehicle is operated within the traffic laws of the State of North Carolina, and is of a defensive and prudent nature.

**IV. Procedures:**

- A. An emergency is any situation reasonably perceived to require immediate police attention due to a present danger to public safety, a need for the immediate apprehension of a violator, or a serious crime in progress. Examples of an emergency include, but are not limited to: personal injury accidents, felonious assaults, and robbery alarms.
- B. Officers are expected to use discretion when determining if routine response or emergency response is required. The condition of traffic and roadways can help determine response, recognizing that it is often faster to follow traffic laws in a routine response, when the call is actually of an emergency nature. Officers shall use blue light and siren when involved in emergency response. Exceptions to this are:
  - 1. when overtaking or following a vehicle to establish violations of law; or
  - 2. observing vehicles operated or occupied by known offenders or dangerous persons; or
  - 3. when use of the blue light and siren would present an imminent danger to the officer or alert the suspect to the officer's presence prematurely.

Officers must exercise extreme caution in these situation and utilize all emergency equipment at the first practical opportunity.

- C. In some situations, such as hostage situations, robbery alarms, burglaries in progress, or violent crimes in progress, responding officers should discontinue the use of the siren at some distance prior to arrival so that the suspect will not be alerted to the police presence.
- D. During emergency responses, officers shall stop or slow at all intersections with a traffic control device and ensure that it is safe to proceed through the intersection. This applies to each subsequent police vehicle coming to the intersection even after the first police vehicle has successfully negotiated passage. It should be noted that the blue light and siren are a request for right of way only!
- E. Once attempts to elude the officer are made by the operator of a suspect vehicle, the [Asheville Police Department Pursuit Policy \(#1032\)](#) shall take precedence.
- F. Officers shall constantly evaluate the situation, and balance the need for the emergency driving against the risk it involves. All supervisors are responsible for monitor compliance with this policy.

**Accreditation References:**

The following accreditation standards are met in this policy: [41.2.1](#)

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END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1036</b>	<b>EFFECTIVE DATE: 9/14/1999</b>
<b>SUBJECT: Warrantless Searches</b>	<b>LAST REVISION DATE: January 19, 2011</b>

**I. Introduction:**

There are many situations where officers may conduct searches of persons, vehicles, or property without first obtaining a warrant. The department is responsible for ensuring that these searches are conducted in full compliance with all constitutional and statutory requirements.

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to conduct all warrant less searches in full compliance with all constitutional and statutory requirements.**

**III. Procedures:**

- A. An officer may request a consent search of a person, vehicle, or property. When conducting a consent search of a premises, person, or vehicle, the officer must obtain consent freely and without coercion, either verbally or written. Both written and verbal consent to search are acceptable. Written consents will be documented on a Consent to Search form with the signature of the person giving consent. ***If consent is verbal, the officer will document the consent in the officer narrative of the incident report, felony papering CAD notes, etc.*** The consent to search must be given by either the person to be searched or a person who by reason of ownership, possession, or control is legally entitled to give or withhold permission to search. A consent search shall not exceed the duration or scope of the consent given. The person giving consent may withdraw that consent at any time. The officer shall immediately cease the search unless exigent circumstances exist. If there is sufficient probable cause to believe the search should continue, the officer must obtain a search warrant. The Consent to Search Form shall be maintained by the officer obtaining it with his case notes. [1.2.3a](#)
- B. According to the requirements in Terry v. Ohio, an officer may briefly detain a person whom they reasonably suspect is involved in criminal activity, and may conduct a limited search for weapons based on a reasonable, articulable suspicion that the person may be "armed and dangerous". An officer must be able to point to "specific and articulable facts" that would indicate to a reasonable person that a crime has been, is being, or is about to be committed. ***This is a pat-down for weapons only based on the specific facts related to the suspicion of weapons, and is and is not a full search of the person.*** [1.2.3b](#)
- C. An officer may conduct a warrant less search of a vehicle any time the officer has ***probable cause*** to believe that a crime is being committed in the vehicle or that evidence of a crime exists in the vehicle and the vehicle is on a street, highway, or public vehicular area. Under the motor vehicle exception defined by the United States Supreme Court, a search warrant is only necessary if the vehicle is parked on private property within the curtilage. [1.2.3c](#)

- D. At the scene of a crime on private property, officers may conduct an initial protective sweep for victims and suspects and then secure the scene. Evidence in plain view during this initial sweep may be noted and seized, if an exigent circumstance requiring seizure exists. Better practice is to leave the evidence in place, note it, and use the observation to furnish probable cause for a search warrant. Before any further searches or processing the crime scene can occur, officers must obtain either consent from the person in legitimate control of the property or a search warrant. [1.2.3d](#)
- E. Officers may conduct warrant less searches of persons or property where exigent circumstances exist and there is not enough time to obtain a search warrant. ***Officers must still have enough probable cause to obtain a search warrant, but doing so would result in destruction or removal of evidence or injury to a person.*** Some examples of exigent circumstances would be a weapon thrown down on a playground where a child might pick it up; entry into a residence in response to cries for help, etc. [1.2.3e](#)
- F. Whenever an officer directs that a vehicle be towed, he shall conduct an inventory of the vehicle's contents and complete a Vehicle Tow-In and Storage Report. The white copy goes to the wrecker driver, the pink copy to Centralized Records Unit, and the yellow copy to owner or driver of the vehicle. The inventory will include all items of removable personal property worth more than ten dollars and items that could be easily stolen. The wrecker operator shall verify the items on the storage report. The storage report is the record of the inventory. Upon receipt of the vehicle and contents, the wrecker company assumes all liability for it. If the vehicle owner or operator cannot assume responsibility for an animal in the vehicle, the towing officer shall contact communications who will contact the on duty Animal Services Officer. He will note this action on the storage report. [1.2.3f](#)
- G. Other situations may arise that require officers to make a warrant less search. Officers should always consider whether probable cause exists for the search and whether there is time to obtain a search warrant. ***Except for the circumstances noted in the policy, better practice is to get a search warrant.*** [1.2.3g](#)

**Accreditation Reference:**

This policy covers the following accreditation standards: [1.2.3](#)

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END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1050</b>	<b>EFFECTIVE DATE: 12/1/1992</b>
<b>SUBJECT: Employee Evaluations</b>	<b>LAST REVISION DATE: March 25, 2011</b>

**I. Introduction:**

**The Asheville Police Department uses a competency based performance evaluation system. The system uses a numerical scale to assess the professional attributes of employees.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to fairly appraise all department employees.**

**III. Procedures:**

- A. The Chief of Police is the final authority on all employee performance evaluations. The performance of each employee shall be evaluated by his immediate supervisor on an annual basis. If the employee's immediate supervisor is absent for an extended period of time or otherwise unable to complete the evaluation, the supervisor assuming his duties shall complete it. All ratings must have justifying documentation. Supervisors shall only evaluate employees on performance during the period since the last rating.
- B. Each supervisor should submit a performance evaluation package for each employee under his control six weeks prior to the employee's review date. The package will be reviewed by each level in the employee's chain of command. Each supervisor shall meet with employees under his control prior to the employee's annual performance review date to review the evaluation package. This review shall include:
  1. the results of the performance evaluation;
  2. level of performance expected and rating criteria for the new evaluation period; and,
  3. career counseling relative to the topics of advancement, specialization, and training using the APD Career Development Form.
- C. The employee may enter any comments about the evaluation in the employee comments section of the form. A copy of the evaluation package will be given to the employee.
- D. The supervisor will rate the employee's performance according to criteria that are specific to the position occupied by the employee during the rating period.
- E. If, during the review period, the employee works for more than one supervisor, the employee's immediate supervisor at the end of the review date will be the primary rater. All supervisors that had immediate control of the employee during the review period will review the performance appraisal, make comments and sign the appraisal form.
- F. Each new employee will be evaluated quarterly until completing probation, from his date of hire. After this, the employee will receive his performance evaluation annually on this date.

- G. Each supervisor shall review his employees' performance regularly to determine his progress. When an employee's performance is not satisfactory, the supervisor will advise the employee in a timely manner prior to the annual evaluation in writing and discuss improvement steps.
- H. During the annual performance review of each supervisor, his supervisor shall evaluate him on the quality of ratings given employees.
- I. Anytime an employee contests a performance appraisal, the employee's supervisor shall notify the Division Commander through the chain of command. In an effort to resolve the issue, each level in the chain of command will review the appraisal with the employee. The Chief is the final authority on all appraisals. Employees may appeal the Chief's decision through the City of Asheville grievance procedure.
- J. The immediate supervisor of any probationary employee shall submit progress information quarterly to the commander evaluating the employee's performance and progress. A copy will be furnished to the employee and a copy placed in the employee's performance evaluation file.
- K. The City Department of Human Resources will permanently maintain the original of all employee performance appraisals. A copy will be maintained in the employee's personnel file in the Asheville Police Department while he is employed. On leaving employment the department file is forwarded to Human Resources. The retention of these records is governed by the ***Municipal Records Retention And Disposition Schedule*** issued by the Department Of Cultural Resources, Division of History and Archives of the State of North Carolina.
- L. All supervisors shall receive rater training prior to completing performance appraisals. The office of Recruitment and Career Development shall schedule the training for new supervisors.

**Accreditation Reference:**

This policy covers the following accreditation standards: [35.1.1](#) [35.1.2](#) [35.1.3](#) [35.1.4](#) [35.1.5](#) [35.1.6](#) [35.1.7](#) [35.1.8](#) [35.1.9](#) [35.1.10](#) [35.1.11](#) [35.1.12](#) [35.1.13](#) [35.1.14](#)

*Comment: GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender.*

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1061</b>	<b>EFFECTIVE DATE: 5/1/1993</b>
<b>SUBJECT: Line Inspections</b>	<b>LAST REVISION DATE: April 15, 2011</b>

**I. Definitions:**

- A. **Line Inspections:** Inspections conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected.

**II. Procedures:**

- A. The supervisor or commander of each unit shall inspect their unit for the personal appearance of employees; use, condition, and maintenance of equipment; adherence to agency policies and procedures; and the status and condition of the physical facilities under their control.
- B. Supervisor or commanders may conduct line inspections as frequently as necessary, but at least monthly.
- C. The supervisor in charge of the component shall conduct the inspections and insofar as possible, correct any deficiencies.
- D. The supervisor shall inspect the following areas, at a minimum:
1. neatness, cleanliness, and adherence to the Uniform Policy ([APD Policy #1120](#));
  2. all equipment assigned to the component for serviceability and damage, including vehicles as listed in the Vehicle Equipment and Operations Policy ([APD Policy #1282](#));
  3. adherence to Asheville Police Department policies and procedures; and
  4. the physical facilities under their control for cleanliness, damage, usability, and safety hazards.
- E. Each division commander is responsible for follow-up on deficiencies. They shall conduct the follow-up within one week after receiving the inspection report. The division commander will ensure that all deficiencies are corrected as soon as possible.

**Accreditation Reference:**

This policy covers the following accreditation standards: [53.1.1](#)

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<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1074</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Field Training Program</b>	<b>LAST REVISION DATE: December 22, 2014</b>

**I. Introduction:**

**The Asheville Police Department's Field Training program is designed to produce highly trained and motivated police officers. It also enhances the overall efficiency and effectiveness of the Department and enhances the climate of professionalism.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to provide a standardized field training program for entry level officers.**

**III. Procedures:**

- A. Each entry level sworn officer shall participate in a field training program of at least 16 weeks, except as noted in this policy. The field training program will take place after the successful completion of Basic Law Enforcement School (BLET). [33.4.3a](#)
- B. At the end of the sixteen week training period the department may require the officer to participate in up to four weeks of remedial training. The remedial training shall cover the identified deficiencies of the trainee.
- C. At the discretion of the Chief of Police, experienced officers coming to work for the Asheville Police Department as a sworn officer from another agency may participate in a shorter program than new trainees. However, the new officer shall participate in at least 8 weeks of field training.
- D. The Recruitment and Career Development Section shall oversee the field training program. A Field Training Officer (FTO) committee will be composed of the Patrol Operations Commander, the Recruitment and Career Development supervisor; one District Commander, one Field Training Sergeant, and two Field Training officers.
- E. The Asheville Police Department Field Training Manual lists the duties of field training officers. The Chief shall announce any openings for field training officers on a memorandum to all sworn personnel. The memorandum shall list the position requirements. Interested officers must submit an application to the Field Training Program Committee appointed by the Chief. Each supervisor in the employee's chain of command must favorably endorse the application. The committee shall select new field training officers based on qualifications detailed in the Field Training Manual and this policy. [33.4.3b](#)
- F. Each FTO shall be supervised by a field training sergeant who is assigned to the district the officer is working. The Patrol Operations Commander shall appoint the field training sergeant upon suggestion by the District Commander for that district. The sergeant's qualifications, duties, and responsibilities are detailed in the Field Training Manual. [33.4.3c](#)

- G. Applicants for Field Training Officers must attend and successfully complete a basic field training officer course and periodic FTO update training as necessary. [33.4.3e](#)
- H. Each District Commander shall assign a field training officer to each trainee assigned to their district. If possible the trainee should be rotated to other districts on a limited basis and different beats of the City to acquaint the trainee with the City's geography. The department shall rotate each trainee consistent with guidelines in the Field Training Manual. [33.4.3f](#)
- I. Each Field Training Officer shall rate his trainee daily on a Weekly Observation Report. Field Training Officers shall rate the trainee on a scale of 1 to 3, as stipulated in the Field Training Manual. Field Training Sergeants can require a Daily Observation report if an FTO is filling in for another FTO or if a problem area has been identified. Field Training Officers shall also complete the Daily Call Log daily. The Field Training Sergeant of the district shall review and approve the reports and submit them to the District Commander. The Field Training Sergeant shall review each trainee's Field Training Manual on a weekly basis. [33.4.3.g](#)
- J. In January of each year, each Field Training Sergeant shall complete a FTO Appraisal on each Field Training Officer under his command. He shall submit the appraisal through the chain of command to the Patrol Operations Commander. The Patrol Operations Commander shall provide a copy to the Recruitment and Career Development Commander. Also in January of each year the District Commander shall complete an FTO Appraisal on each active Field Training Sergeant under his command. He shall submit the appraisal through the chain of command to the Patrol Operations Commander. The Patrol Operations Commander shall provide a copy to the Recruitment and Career Development Commander.
- K. Only the Chief of Police has the authority to terminate a trainee's employment. A trainee may be recommended for termination at any time during his or her probationary period. When recommending a trainee for termination, the following should be considered:
  - 1. gross incompetence;
  - 2. insubordination;
  - 3. liability to the City;
  - 4. inability to perform the job in a satisfactory manner; and/or
  - 5. behavior which places himself or others in unnecessary danger. [33.4.3h](#)
- L. Documentation of the behaviors justifying termination must accompany any recommendation for termination. Field training officers or sergeants shall submit any recommendation for termination on an Assignment Recommendation Form through the chain of command to the Patrol Operations Commander.
- M. An FTO or FTS can be removed by the Chief of Police or Division Commander upon recommendation to the District Commander or Recruitment and Career Development Commander.

**Accreditation Reference:**

This policy covers the following accreditation standards: [33.4.3](#)

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END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1075</b>	<b>EFFECTIVE DATE: 1/2/2007</b>
<b>SUBJECT: Annual Leave</b>	<b>LAST REVISION DATE: December 22, 2014</b>

**I. INTRODUCTION:**

**The annual leave benefit provided to employees by the City of Asheville gives employees the opportunity to take time away from work for rest and relaxation and then return to work refreshed. The purpose of this policy is to ensure the method of granting annual leave is consistent and fair for all employees.**

**II. POLICY:**

**Annual leave will be used for rest and relaxation, illness or medical/dental appointments when sick leave is exhausted, adverse weather conditions or other reasons deemed appropriate by the employee and approved by supervisors.**

- A. The Recruitment and Career Development Section will distribute annual leave sign up sheets to all work units during December of each calendar year.
- B. Department annual leave schedules will be governed by rank and time in grade.
- C. Only one employee in the work unit (shift and team) will be approved to take annual vacation at any specific time to ensure adequate staffing levels. In the event an employee is reassigned to a different work unit, the employee's approved vacation will be honored.
- D. An employee may initially sign up for no more than two consecutive weeks of annual leave based on time in grade and leave hours available.
- E. For those wishing to split their time, the list will be circulated through the work unit again, up to four times. An employee may then sign up for up to two consecutive weeks of yearly annual leave. Employees may only sign up for one time period during each circulation. Example: If an employee signs up for Christmas week he/she cannot sign up for Thanksgiving or any other holiday week during the first circulation. He/she could, however, sign for two consecutive weeks at Christmas or Thanksgiving.
- F. If an employee has accrued additional vacation time from previous calendar years, he/she may sign up for additional leave at the district or work unit level.
- G. Employee annual leave schedules will be approved by the employee's immediate supervisor and forwarded through the chain of command.
- H. Annual leave will be scheduled at a time consistent with the operating needs of the department. No annual leave will be approved during the Annual Holiday Parade. This includes regular scheduled duty or event duty.
- I. Employees serving a probationary period following initial appointment may accrue annual leave but will not be permitted to take annual leave during their probationary period unless

in an emergency situation. Such requests must be approved through the chain of command.

**Accreditation References:**

Standard [22.2.1](#)

END OF DOCUMENT

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 11 – Special Operations

**Original Issue:** 8/1/2003

**Policy:** 1100 – Critical Incident Response

**Last Revised:** 2/14/2018

**Previously:** 1601 – Incident Command System

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## CONTENTS

ASSOCIATED DIRECTIVES

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1100.1 INCIDENT COMMAND SYSTEM ACTIVATION

1100.2 INCIDENT COMMAND

1100.3 OPERATIONS SECTION

1100.4 PLANNING SECTION

1100.5 LOGISTICS SECTION

1100.6 FINANCE/ADMINISTRATION SECTION

1100.7 EMERGENCY MOBILIZATION LEVELS

1100.8 MOBILIZATION PROCEDURES [46.1.3 C]

1100.9 TRAINING AND PREPARATION

## ASSOCIATED DIRECTIVES

[Policy 400 – Authority, Jurisdiction, and Mutual Aid](#)  
[Incident Command System Flowchart](#)

## INTRODUCTION

The following guidelines are established to provide for organized and orderly response to demands that exceed the routine response capabilities of on-duty members, either in expertise or manpower. Critical incident response should follow the structure of the National Incident Management System, of which the Incident Command System is a component. There are numerous special operations, emergencies, and unexpected situations which may require a concentration of resources and specialized expertise not achieved through conventional response methods.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to adopt the provisions of the National Incident Management System (NIMS) in advanced planning for and in approach to critical incidents. All major incident responses, regardless of whether they are routine or emergency in nature, will adhere to NIMS protocols.

## DEFINITIONS

After Action Report: a compiled report containing information and analysis of the response to incidents requiring implementation of an incident management system.

All Hazard Plan: a written plan containing general objectives reflecting the overall strategy for responding to and managing critical incidents.

Command Post: a centralized base of operation established near the site of an incident at which primary command functions are executed.

Event Operational Guideline/Incident Action Plan: the overall plan for management of an incident, which may include the identification of operational resources and assignments.

Incident Command System: a system for command, control, and coordination of a response that provides a means to coordinate the efforts of individual persons and agencies as they work towards stabilizing an incident while protecting life, property, and the environment.

Incident Commander: the authority on scene that assumes the command functions of a critical incident.

Unified Command: during a multi-jurisdictional incident a representative from each affected organization appoints a representative to be a liaison for the agency's interests within the established Incident Command System.

## RULES AND PROCEDURES

### 1100.1 INCIDENT COMMAND SYSTEM ACTIVATION

- A. The Incident Command System (ICS) facilitates organization, control, effective use of personnel, and resources of agencies working to stabilize an incident. The ICS designates a clear point of control and may be expanded or contracted to meet the situation. Not all components of the ICS need to be activated when the system is in operation.
- B. A single command should be used when the incident is a law enforcement operation within the department's jurisdiction. The most qualified ranking supervisor on the scene will be designated as the Incident Commander and have overall responsibility for the incident.
- C. A unified command system should be used when the incident is within a single jurisdiction and more than one agency shares management responsibility or when it is multi-jurisdictional in nature. A representative from each affected organization will be appointed to represent that agency's interest and contribute its resources for the purpose of incident stabilization and management. [46.1.3 e]
- D. The ICS should be implemented in response to situations that require coordination and control of personnel and/or equipment beyond the scope of routine response including, but not limited to, the following: [46.1.10 c]

1. Incidents involving multiple agencies;
  2. Multi-jurisdictional incidents;
  3. Large pre-planned special events, such as parades or other large gatherings;
  4. When an emergency situation or major crime warrants increasing the number of responding personnel by activating additional members or components of the department.
- E. The ICS should also be considered for use in response to department calls for service which requires response of numerous department members, units, or specialty teams, for example hostage/barricaded subjects, homicides, and special operations. [46.1.3 a]

### **1100.2 INCIDENT COMMAND**

- A. The Incident Commander sets objectives and priorities and has overall responsibility for the incident or event. The Incident Commander may designate staff to manage components of the ICS as needed.
- B. As an incident grows, Incident Command may be transferred as needed to the most qualified person on scene. A change in commander requires a full briefing for the incoming Incident Commander and notification to the Communications Unit that a change in command is taking place.
- C. The Incident Commander will:
1. Activate the ICS after evaluating and assessing the incident.
  2. Establish a command post. [46.1.3 b]
  3. Be responsible for overall direction and deployment of department members necessary to restore order, to include designating members to assume the duties of section chiefs for operations, logistics, planning, and finance as needed.
  4. Establish a staging area, if necessary. [46.1.3 f]
  5. Coordinate overall emergency activities.
  6. Obtain support from other agencies, if necessary, and coordinate department activities with outside agencies. [46.1.3 d]
  7. Ensure designation of a Public Information Officer (PIO) to sustain media relations. The PIO is responsible for providing information deemed in the interest of the public. Media briefings will be conducted as necessary and may include, but are not limited to: [46.1.3 g] [46.1.10 a]
    - a. Imminent or present danger

- b. How and where to obtain assistance
  - c. Other special protection or recovery information
  - d. Casualty figures
  - e. Property damage reports
  - f. Declaration of a State of Emergency
  - g. Termination of a State of Emergency. [46.1.10 a]
8. Maintain the safety of all members. [46.1.3 h]
  9. Maintain command of the members responding to the incident.
  10. Prepare a documented [After Action Report](#) [46.1.3 i]

### 1100.3 OPERATIONS SECTION

- A. The Operations Section Chief is responsible for conducting tactical operations to carry out the Incident Action Plan, developing tactical objectives, and organizing and directing resources. These responsibilities may include:
  1. Establishing perimeters and ensuring that proper security measures have been taken to control points of entry and exit. [46.1.4 a] [\[46.1.10 d\]](#)
  2. Conducting evacuations. Should circumstances of an incident require the evacuation of persons from an area, officers will conduct such action with the safety of the citizens in mind. [46.1.4 b] [\[46.1.10 d\]](#)
  3. Maintaining command post and scene security. [46.1.4 c]
  4. Providing for detainee transportation, processing, and confinement. [46.1.4 d]
  5. Coordinating traffic control. [46.1.4 e]
  6. Direct handling of investigations, surveillance, missing persons, juveniles, and follow-up investigations of crimes committed during or resulting from the occurrence. [46.1.4 f]

### 1100.4 PLANNING SECTION

- A. The Planning Section Chief is responsible for developing the action plan to accomplish the objectives, collecting and evaluating information and maintaining resource status. These responsibilities include:
  1. Preparing a documented incident action plan in the form of an [Event Operational Guideline](#). [46.1.5 a]
  2. Gathering and disseminating information and intelligence. [46.1.5 b]
  3. Identifying anticipated equipment and manpower needs.
  4. Providing periodic predictions on incident potential.

5. Maintaining the maps used during the critical incident.
6. Planning post-incident demobilization. [46.1.5 d]

### **1100.5 LOGISTICS SECTION**

- A. The Logistics Section Chief is responsible for all of the service and support needs of an incident including obtaining and maintaining essential personnel, facilities, equipment and supplies. These responsibilities include:
  1. Communications. [46.1.6 a]
  2. Securing vehicles for necessary transportation and keep a record of assignments and availability. [46.1.6 b]
  3. Coordinating medical support. [46.1.6 c]
  4. Coordinating for specialized team and equipment needs. [46.1.6 e]
  5. Coordinating for meals and similar services for personnel assigned to the incident as needed for the duration of the occurrence.
  6. Establishing and maintaining contact with the utilities companies for repair or installation of telephone and electrical power lines.
  7. Coordinating the removal of wrecked or disabled department vehicles to approved maintenance facilities.
  8. Obtaining special equipment and emergency supplies as needed from available government resources. [46.1.6 d]

### **1100.6 FINANCE/ADMINISTRATION SECTION**

- A. The Finance Section Chief is responsible for on-site financial management to include: monitoring costs, procuring special equipment, contracting with vendors, making cost estimates of alternative strategies. These responsibilities include:
  1. Recording personnel time. [46.1.7 a]
  2. Establish a shift schedule to utilize manpower in the most effective manner, if necessary.
  3. Procuring additional resources. [46.1.7 b]
  4. Recording expenses. [46.1.7 c]
  5. Documenting injuries and liability issues. [46.1.7 d]

### **1100.7 EMERGENCY MOBILIZATION LEVELS**

- A. The following guidelines are established to promote orderly response to demands that exceed the routine response capabilities of on-duty police personnel, either in expertise or

manpower. For all mobilizations the on-duty Watch Commander will assume the duties of the Incident Commander until relieved by competent authority. [46.1.3 c]

- B. Level 1 mobilization is the primary stage of mobilization for serious incidents or unusual occurrences. Level 1 should be implemented whenever an incident generates response demands which exceed response capabilities of on-duty personnel, or a situation exists that inhibits or severely burdens routine police response. This response is also appropriate when specialized expertise is needed rather than additional members.
  - 1. Implementation of Level 1 mobilization may include the activation of the mobile command post and/or specialized teams.
  - 2. Level 1 mobilizations will be authorized by the Incident Commander. [46.1.3 c]
  - 3. The following information should be conveyed to the Communications Unit whenever a callout involves the Emergency Response Team, Hazardous Devices Team, or Crisis Negotiations Team:
    - a. Special team to be contacted;
    - b. Staging location;
    - c. Radio talk group to be used;
    - d. Nature of callout;
    - e. Any other information relevant to the incident (including any specialized equipment necessary).
- C. Level 2 mobilization is an extension of Level 1 mobilization. Level 2 mobilization is intended to make available to the Incident Commander additional personnel assets, regardless of whether these personnel possess specialized skills.
  - 1. Level 2 mobilizations may be authorized by the Incident Commander and without having previously implemented a Level 1 Mobilization.
  - 2. Implementation of Level 2 mobilization may include activation of off-duty investigators or patrol division members.
- D. Level 3 mobilization is an extension of Level 2 mobilization and occurs when service demands exceed the response capabilities of the Asheville Police Department. Level 3 mobilizations will utilize the personnel and expertise of outside agencies working in conjunction with department members.
  - 1. Level 3 mobilizations will be authorized by a Bureau Chief or by the Chief of Police.
  - 2. The Chief of Police or designee may request the assistance of other municipal, state, or federal agencies according to [Policy 400 - Authority, Jurisdiction, & Mutual Aid](#). [46.1.3 d] [46.1.10 b]



3. Level 3 mobilization will likely involve coordination with Buncombe County Emergency Services.

#### **1100.8 MOBILIZATION PROCEDURES [46.1.3 c]**

- A. In the event that a mobilization is initiated, the Communications Unit will be contacted by the Incident Commander and a notification should be issued.
- B. Mobilization of department components of Section or higher should begin at the highest point in the chain of command. Division supervisors may be requested to assist in mobilizing their personnel. All mobilized members will be under the direction and control of the incident commander.
- C. Any member receiving mobilization instructions will consider the instructions a direct order.
- D. Any member making contact with another member for purposes of mobilization will provide the following information:
  1. Nature of the event;
  2. Staging instructions;
  3. Name of officer in charge;
  4. Any specialized equipment necessary;
  5. Radio talk group to be used (if applicable).

#### **1100.9 TRAINING AND PREPARATION**

- A. The Investigations and Operational Support Division Commander or designee is responsible for planning the department's response to critical incidents. The Commander or designee will serve as an advisor to the Chief of Police or Incident Commander prior to, during, and after a critical incident. The Commander or designee will also develop and maintain plans, resource lists, and other related information to assist during a critical incident. [46.1.1]
- B. The Tactical Unit Commanders or their designee will conduct a quarterly documented inspection of special weapons, chemical agents, and equipment designated for use in critical incidents or response. [46.1.8]
- C. Affected department personnel will receive documented annual training on the department's all hazards plan, to include the Incident Command System. [46.1.9 a]
- D. Biennially, a tabletop of full-scale exercise will be conducted and documented to assess the department's capabilities with the all hazards plan and Incident Command System. [46.1.9 b]
- E. The Recruitment and Career Development Section will ensure that any promoted member will receive the next appropriate level of incident command training during the promotion field-training program.

- F. [After Action Reports](#) serve as a best practice and means of evaluating training needs for critical incident response and preparation. The Investigations and Operational Support Division Commander or designee will use after action reports to prepare an annual review of policy and training needs by January 31 for the previous year. [\[46.1.10 e\]](#)

BY ORDER OF:



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1100</b>	<b>EFFECTIVE DATE: 12/1/1992</b>
<b>SUBJECT: Property &amp; Evidence Control</b>	<b>LAST REVISION DATE: December 12, 2013</b>

**I. Introduction:**

**The Asheville Police Department has custody and control of property received as found, recovered, or evidence. This policy establishes a strict standard of securing, handling, and disposing of property.**

**The Chief of Police will appoint an Evidence/Property Manager and an Evidence/Property Technician who will have custody of the designated property reception and storage areas. The Evidence/Property Manager is accountable for all items of found, recovered or evidentiary property submitted to the Property Control system or stored in the designated storage areas.**

**II. Procedures:**

**A. Storage Areas:**

1. The permanent property storage area in the department is the main property room. The hours of operation of the main property room will be posted in a conspicuous place.
2. The designated areas for the temporary storage of property and evidence are the following:
  - a. Property Room Annex 1, for sensitive items (money, guns, drugs) and items that will not fit into a locker;
  - b. Property Room Annex 2, for non-sensitive items and items that will not fit into a locker;
  - c. Property Room Annex 3, for evidentiary vehicles;
  - d. Drying Annex, Annex 4, for drying evidentiary property referenced by body fluids; and,
  - e. Forensic Services Office and Laboratory.

**B. Access Control**

1. The only persons authorized unaccompanied access to permanent storage areas are the Property and Evidence Manager and Property and Evidence Technicians.
2. Persons authorized accompanied access to permanent storage areas by signing in and out with the Property and Evidence Manager are restricted to those having legitimate business relative to stored property. These persons must log in and out each and every time they enter any of the permanent storage areas. The Evidence/Property Manager or a Technician must remain with them at all times

while they are in the storage area. No other persons may enter any of the permanent storage areas without the express written permission of the Chief of Police or the Special Services Division Commander.

3. Only the Chief of Police, Criminal Investigations Section supervisors, and the employees assigned to the Forensic Services Unit may have unrestricted access to the Forensic Services Office and Laboratory.
4. Criminal Investigations Section Supervisors will have access to Annex 3 for vehicle storage in the event that the Forensic Technician is unavailable to provide the access to Annex 3.

C. Property Submission:

1. All property taken into custody by any employee of the Asheville Police Department shall be turned into an authorized property storage facility as soon as possible. The collecting employee must submit all property prior to the end of the tour of duty during which it was collected.
2. The employee collecting and submitting the property is responsible for determining whether the property should be in police custody; determining classification of the property; and completing all required paperwork.
3. The employee taking custody of the property shall complete a written report that is a computer generated voucher for the property being submitted. This includes all property, even if it is only collected and held temporarily by the Forensic Services Unit for evidence processing. The employee shall submit the completed report (all three copies) with the property. Any property submitted for Forensic Services processing will be submitted with a completed Crime Scene Search Report. The employee will submit the Crime Scene Search Report directly to Forensic Services. All currency seized as a part of an investigation will be photographed and a copy of the photograph (s) forwarded to the District Attorney's (DA) office as part of the DA papering summary
4. The submitting employee shall place the property in one of the designated storage areas. During normal duty hours, employees should submit the property directly to the main property room.
5. If the main property room is closed the employee will need to secure the property in Annex 1 or 2. Employees will secure property appropriate for Annex 3 and the Drying Annex directly to the Annex for processing. The key card system will record the date, time and individual entering the annex. No money, guns or drugs will be secured in Annexes 2, 3 or the Drying Annex. If the Evidence Unit is closed and the submitting employee feels that the sensitive items being submitted will not fit in a locker in Annex 1 or a locker in the Drying Annex if the sensitive item (s) has body fluids on them that need to dry, the Evidence/Property manager or a Evidence/Property Technician should be called out so the property can be secured in the main property room.
6. When submitting property to Annex 1 the submitting employee will enter Annex 1 and package the property that is to be submitted. The property, along with a copy of the Property and Evidence voucher, will then be placed in a locker and the lock, which is permanently affixed to the locker, will be used to secure the locker. When submitting property to Annex 2 the submitting employee will use their key card to access the annex, place their property, along with a copy of the Property and Evidence voucher, on the Annex 2 floor. When submitting Annex 3 the submitting employee will access the garage door with their key card, place the vehicle, property

report and wrecker receipt in the annex. When submitting property to the drying annex the employee will access the annex with their key card, place the property, along with a copy of the of the Property and Evidence voucher, in a vented locker for drying and secure the locker with a lock which is permanently affixed to the locker.

7. A secure refrigeration unit is located in Property Room Annex 1 for items requiring refrigeration. The refrigeration unit is built so that items placed into it cannot be retrieved without a key. The Property/Evidence Manager will have the only keys to the refrigeration unit. The submitting employee will tape the Property and Evidence voucher to the item and place it in the refrigeration unit.
8. Employees shall not submit any item that is highly flammable, extremely toxic or explosive, or items that contain highly flammable, extremely toxic or explosive substances. The only exceptions to this are the gasoline in the tanks of vehicles stored for evidence processing in Annex 3, small arms ammunition, Class C pyrotechnics and evidence from fire scenes in an approved storage container.
9. When property contains a flammable liquid (gasoline, kerosene, etc.), the employee will transfer the liquid into a federally approved safety storage container located in Annex 2. The container and property, along with the Property and Evidence voucher will be maintained in Annex 2. The Evidence/Property manager will properly dispose of the liquid.
10. Any employee collecting or seizing explosive materials, other than Class C pyrotechnics or small arms ammunition, shall notify the highest ranking field supervisor on duty. The supervisor will have Communications contact the department's Hazardous Devices Team for disposal of the explosives. The explosives will be held at the scene until the Hazardous Devices Team take possession of the explosives. Under no circumstances will these explosives be transported in a police department vehicle. The date, time, name and signature of the person taking custody of the explosives will be noted on a property report. The completed property report will be submitted to the Property Control Section where the information from the Property Report will be entered into RMS.
11. Employees will weigh narcotics or dangerous drugs in tablet or capsule form to the nearest 10th of a gram and count the number of tablets, capsules, or dosage units. The only exception to this is drugs still in the manufacturer's intact sealed tamper proof protection packaging. Scales are permanently placed on the evidence-packaging table in Annex 1. The Evidence/Property Manager or a Evidence/Property Technician will check and calibrate these scales at least once a month. The Evidence Unit will keep the results of this calibration for a minimum of two years.
12. Employees will package all narcotics or dangerous drugs so that no part of the drugs will be lost with regular handling. They shall seal the packages and mark them in such a manner that any tampering will be evident. Employees will complete and submit a property report form with the narcotics or dangerous drugs.
13. An SBI Request for Examination (SBI-5 Form) must accompany any narcotics or dangerous drugs submitted to the State Bureau of Investigation (SBI) laboratory for analysis. The employee collecting and submitting the evidence will complete the form.
14. Employees will appropriately package all evidence. Collecting employees are responsible for correctly executing and attaching evidence labels to each item. The label will contain the submitting employee's name and personnel number, case

number, date and time of submission, a chain of evidence listing, and the submitting employee's signature. The Property/Evidence Manager will add the property control number to the label.

15. Before collecting any found item of property, the employee will determine that the item does have some value. The guideline for determining value is the value it would have for the average person. Items that are worthless or that appear to have been discarded should not be collected. Department employees shall not collect items of lost property that have been left behind by patrons of commercial establishments. These items are the responsibility of the establishments where they were left. The only exception to this will be items which present a hazard to the public (firearms, explosives, hazardous materials and the like items) and contraband items. Contraband property which is found shall be submitted to Property/Evidence. This type of property should be destroyed as soon as possible unless needed for evidence.
16. If the owner of the found property is known or can be located before the end of the collecting employee's tour of duty, the property should be returned to the owner by the collecting employee. The employee will complete a Property Report Form, note in the narrative that the property is being returned to the owner, and have the owner sign that he has received the property. The completed form shall be submitted to the Evidence Unit to be entered into RMS.

D. The Evidence Unit will keep records on each piece of found or evidentiary property for which they are responsible. These records will include location of the property, description of the property, submitting employee's name and personnel number, case number, time and date received, time and date released, amount of the property, chain of custody, and final disposition.

E. Processing of Property:

At the beginning of each working day, the Property/Evidence Manager or a Technician will remove all property from the temporary storage areas to a permanent storage area. As each item is removed a record will be initiated for that item and a sequential property control number assigned. The only exceptions to this will be the following:

1. Vehicles or items that are too large or present a hazard may be kept in Annex 2 or 3 until arrangements can be made for permanent storage.
2. Evidence that needs to dry (bloody clothing, etc.) can be kept in the Drying Annex until it can be properly packaged and stored.
3. Items being processed as evidence may be temporarily kept in the Forensic Services Unit or the office of the Computer Forensics Investigators in CID. "Temporarily" means only for the length of time necessary to process the evidence. Evidence other than latent fingerprint lift cards and photographs will be held in the Forensic Services Unit only as long as necessary to develop and preserve the evidence. As soon as the evidence is processed it must be submitted to the Property Control System for proper storage. This section is intended for the Forensic personnel only. All others should submit their property to the Evidence/Property Section initially. The Forensics personnel will then check it out of the Evidence/Property Section for processing and then check it back in to the Evidence/Property section for storage.

F. Physical Security:

1. The Property Room will be secured and a log will be maintained. The log will contain information on any persons, other than the Property/ Evidence Manager or

the Evidence/Property Technicians, who enter the storage areas. The log will contain the name of person, date and time of entry, reason for entry, the person's signature, and the Property/Evidence Manager's signature. The Evidence Unit will maintain this log for a period of two years.

2. The Property Room, the Forensic Services Office, and the Forensic Services Laboratory will be equipped with a monitored alarm. The alarm will be active whenever authorized personnel do not occupy these areas. The Evidence/Property Manager and the Forensics Section Supervisor will test the alarms at least once every month and document the results. At least once every quarter the alarm code will be changed.
3. All jewelry, precious metals, gemstones, money and negotiable securities shall be stored in a vault (located in the property room) specifically designated for these items and kept separate from other classifications of property. Property Control will deliver items to the Clerk of Superior Court, as required by law, on the first day after receipt that the Clerk's office is open for business.
4. All firearms will be stored in a separate area of the Property Room. Within this separate storage areas firearms must be separated into those owned by the Asheville Police Department and those that are non-departmental property.
5. All narcotics and dangerous drugs will be maintained in a vault (located in the Property Room) specifically designated for these items and kept separate from other classifications of property.
6. Refrigerated and frozen storage is provided in the Property Room for perishable items. Blood Alcohol kits do not have to be refrigerated.
7. Officers may check evidence out of the Property Storage areas when needed for court cases. In all such cases, the Evidence/Property Manager will check out the property using the property module in the computer to record the transaction. The log entry will contain the employee's name, case number, date and time, description of evidence. The employee taking custody of the evidence shall keep it in his possession at all times until either the court takes custody of the evidence or it is checked back into a property storage area.
8. All narcotics and dangerous drugs, weapons and explosives real or synthetic used by K-9 Unit personnel for training purposes must be maintained in a secure area. Narcotics will be signed in and out in accordance with [Policy 2230- Canine](#). When the training narcotics are no longer of use to the K-9 Unit, the K-9 officer will complete a Property and Evidence Voucher and turn in the narcotics to the Evidence Unit for destruction.

G. Property Disposal:

1. Evidence may be released or disposed of with the approval of the District Attorney's Office, with a court order, or when the court has entered a disposition for the evidence. Upon approval by the District Attorney evidence in pending cases will be photographed and returned to the true owner or possessor.
2. Concerning the release of firearms and ammunition, citizens will NOT be allowed to possess both within the Municipal building; therefore they must be packaged and released separately. Once one or the other has been returned to the property owner, they must leave the premises temporarily to secure the item before returning to retrieve the other. If an issue arises whereby the citizen does not have a place to secure their property, an APD officer or Property Control Specialist may escort them

outside the building before returning all items. Any unclaimed ammunition no longer needed for a court case will be placed with other discarded ammunition to be destroyed by the department's Hazardous Devices Team.

3. Found property may be released to the true owner or true possessor of the property. The true owner or possessor must furnish identification and proof that they are the true owner or possessor. Whenever an item is subject to conflicting claims of ownership and no one can show true ownership, the property may not be released in the absence of a court order. The Property/Evidence Manager will maintain a copy of the court order.
4. Property may be disposed of after the satisfaction of all legal requirements. The property may be disposed of by auction, destruction, or other means as dictated by the North Carolina General Statutes and the Policies and Procedures of the Asheville Police Department. The Evidence/Property Manager shall satisfy all legal requirements in regard to advertising, notices, etc. Property designated for destruction upon receipt of notice from the District Attorney will be disposed of within six months.
5. Persons (other than Asheville Police Department employees) finding property, where the true owner or possessor cannot be located, may lodge a claim for the property. The person wishing to claim the property must contact the Property Control Section stating their wish to claim the property. Property Control shall make a reasonable effort to find the true owner or possessor of the property before releasing the property to the claimant. They shall document all efforts to contact the true owner and keep the documentation for a minimum of two years. The property must be held for at least 60 days to allow the Evidence/Property Manager time to locate the true owner or possessor. If the true owner or possessor cannot be located, the property may be given to the claimant. The claimant must sign the property report form stating that the property was received. The only exception to this procedure are firearms. These may only be released to the true owner or possessor.
6. The department may sell found property that is not claimed. The property must have been unclaimed by the true owner or true possessor for at least 180 days (60 days for bicycles) from the date of receipt of the property by the Property Control Section. The Property Control Representative must publish a notice of unclaimed property in a local newspaper after the expiration of the 180 day period. The notice must state a brief description of the property; the fact that the listed items are in the custody of the Asheville Police Department; that any person who may have or claim any interest in the property must report that claim to the department within 30 days of the date of the publication of the notice; and that any unclaimed property will be sold or otherwise disposed of.
7. After the expiration of the 30 days, the property may be sold (the department may donate bicycles to charitable organizations). The Evidence/Property Manager must advertise the sale of the unclaimed property through a "Notice of Sale". The "Notice of Sale" must be published at least 10 days prior to the sale, must specify the time and place of the sale, and must contain a sufficient description of the property to be sold. Additionally, the "Notice of Sale" must be published at least one time in a local newspaper; be posted at the main door of the Buncombe County Courthouse; be posted at three other public places within Buncombe County. After all of these requirements have been met, the property will be sold at public auction to the highest bidder.
8. All proceeds from the sale will be first used to pay the costs and expenses of the sale and all other necessary expenses as set forth in NCGS 15-15. Any remaining



proceeds will be turned over to the treasurer of the Buncombe County Board of Education to be transferred to the City School Fund.

H. Inspections:

1. The Property and Evidence Section Commander and the Chief of Police will conduct inspections of the Property Control system. They shall inspect for cleanliness, compliance to policy and procedures, protection of the property from damage, maintenance of accountability for stored property, prompt disposition of property with no further value, and security measures. They shall also conduct a random sample audit of items received by the Property Control System since the last inspection. A report documenting the inspections will be furnished to the Evidence/Property Manager and the Accreditation Manager to be maintained in a file. Any problems noted will be reported to the Chief of Police. The Section Commander will conduct this inspection quarterly. The Chief, or designee will conduct an unannounced inspection/audit annually. The Chief's designee must be the rank of Lieutenant or above.
2. The audit listed in this section will be conducted whenever a new Evidence/Property Manager is appointed according to Appendix I in the CALEA standards manual. In the case of the appointment of a new Evidence/Property Manager, both the incoming and outgoing Evidence/Property Managers will be present for the inspection unless circumstances preclude the outgoing manager participating. A report documenting the inventory will be furnished to the incoming Evidence/Property Manager and the Accreditation Manager to maintain in a file.

**Accreditation References:**

This policy covers the following accreditation standards: [84.1.1](#), [84.1.2](#), [84.1.3](#), [84.1.4](#), [84.1.5](#), [84.1.6](#).

*Comment: GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender*

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1101</b>	<b>EFFECTIVE DATE: 3/25/2002</b>
<b>SUBJECT: Computer Search and Seizure</b>	<b>LAST REVISION DATE: April 20, 2011</b>

## I. INTRODUCTION

The increasing involvement of computers and high tech devices in criminal activity means that law enforcement must be prepared to seize and recover computer equipment in investigations. Computers and high tech devices may be contraband, fruits of the crime, a tool of the offense or a means of storing information concerning criminal activity. It is imperative that seizures involving computers and high tech devices be conducted in compliance with established constitutional law, policies and in accordance with best practices and guidelines.

*Due to the complexities of all aspects of computer and high tech devices search and seizure and the volatile nature of electronic evidence, all questions, issues and concerns should be addressed with the Department Computer Forensics Analyst or members of the Computer Crimes Unit prior to any actions performed by first responders.*

## II. PROCEDURE

### A. Initial Scene Scan

1. As with all crime scenes, officer safety should be the first concern. After securing the scene, ensure that the suspect is removed from the computer and power supply and is not allowed access to them. If the computer to be searched is on a network, ensure that all computers on the network are secured and that no one is allowed access to these computers until the crime scene search is completed.
2. Regardless of the power status of the computer, remove any external communications devices (modems, routers or switches) or network cables from the computer. NOTE: cellular telephones and other smart devices can be used as "hot spots" or internet access devices for computer laptops.
3. If the computer is turned off, do NOT switch it on. Note that a black screen saver or a computer's "sleep mode" may give a false impression that the computer is turned off. Instead, look for lights on the computer case to indicate power status.
4. If the computer is turned on, the officer, investigator or technician should photograph or make note of what appears on the monitor screen, including documents, open programs, and/or images. A computer actively operating has the potential to hold important evidence in volatile memory. Volatile memory is information that is stored in a temporary state and may be lost with a computer shutdown. For this reason, the Department Computer Forensic Analyst or Computer Crimes Unit Investigators should be contacted in the event that an operating computer is encountered during a search.

5. In the event of active digital evidence destruction - If at any point while securing the computer, the officer, investigator or technician believes that evidence may be being destroyed on a desktop PC, a "hard shut-down" should be employed. A hard shut-down is when the power cable is pulled from the back of the computer. The date and time of the hard shut-down should be recorded in any notes being taken at the crime scene.

Indications of data destruction include, but are not limited to, the following:

- a. Data deletion program running;
  - b. Disk wipe program running;
  - c. Windows Add or remove programs dialog box open or application running;
  - d. Windows Disk Defragmenter dialog box open or application running; or
  - e. An unusual delay in the shut down of the computer.
6. In the event of networked computer (s) - If computers are connected to an external network, safely remove any computer to be searched from the network. Because unplugging a suspect computer from a network can cause data loss and damage to the network, assistance in safely removing the computer from the network should be sought from the System Administrator as long as the System Administrator is not a suspect in the case. If the System Administrator is a suspect in the case, assistance should be sought from other personnel knowledgeable in the network's operations.
  7. In all instances, should questions arise, the Department Computer Forensics Analyst or designee should be consulted for guidance.

#### B. Scene Assessment and Search

1. Scene Assessment: Document the condition of all relevant computers with notes and/or photographs. Note the hardware connections to the computer, including mouse, keyboard, phone cable, network cable, external data storage drives, print devices, scanners, other peripheral devices, etc.
2. Scene and Suspect Search: The suspect, area around the computer and wider crime scene should be searched for the following items.
  - a. Other digital evidence such as smart devices, digital cameras, video recorders, CD/DVD duplicators or labelers, GPS devices, mobile telephones, web cameras, gaming devices and external communication devices.
  - b. Removable storage media such as personal servers, external hard drives, loose (disconnected) internal hard drives, CD's, DVD's, removable media (floppy disk, etc.) flash memory cards and devices, multimedia cards, memory sticks, thumb drives, and mp3 players.
  - c. Passwords, account numbers, login names, user ID's, or other pertinent information that may be written down. Also search for diaries or notebooks with notations that may be related to this type of information. Note: passwords are often written down and kept within close reach of computers and high tech devices by the user.
  - d. "Hard copy" evidence contained don/in peripheral devices such as print devices, fax machines, and scanners.

- e. Software or hardware manuals, owners' guides, quick set-up guides, etc.
  - 3. In all instances, should questions arise, the Department Computer Forensics Analyst or Computer Crimes Unit Investigators should be consulted for guidance.
- C. Evidence Packaging and Transport
- 1. Evidence Seizure:
    - a. Computers, cellular telephones and other high tech devices contain components that are extremely sensitive to electro-static discharge (ESD) and other influences, including magnetic influence, radio transmissions, water and other liquids, heat and cold. Care should be taken in all cases to protect seized items from exposure to damaging influences. Should questions arise, the Department Computer Forensics Analyst or designee should be consulted for guidance.
    - b. The power cable to the seized computer should be seized and packaged with the seized computer.
    - c. The seizure of keyboards, mice, monitors, and peripheral devices that do not store data (e.g. print devices, scanners, speakers, web cams, modems, wireless routers) is left to the discretion of the officer, investigator or technician. However, the officer, investigator or technician should document what devices were present and not seized in the event that their later seizure becomes necessary. This documentation should include all identifying characteristics for the item: type, version, produce name, produce number and serial number.
    - d. Seized computers and other high tech devices should be marked and packaged in the following manner:
      - i. Assign an individual number to each cable attached to the back of the computer and list those numbers and their corresponding cables in the officer, investigator or technician notes (example: 1-keyboard; 2-mouse).
      - ii. If the cable is to be seized along with the computer, write each cable number on two stickers. Wrap the first sticker securely around the cable that it identifies. Place the second sticker across the cable's connection port on the back of the seized computer. A sticker marked "MTY" should be placed across each connection port on the back of the seized computer that had no cable attached to it at the time of the seizure.
      - iii. If the cable is not seized along with the computer, do not place a sticker around the cable. Instead place a sticker with the cable number across that cable's connection port on the back of the seized computer. A sticker marked "MTY" should be placed across each connection port on the back of the seized computer that had no cable attached to it at the time of the seizure.
      - iv. Evidence tape should be placed across each drive slot in such a way that media can neither be removed nor added without breaking the tape.

- v. Evidence tape should be placed across each end of the computer's power cable in such a way that the cable cannot be plugged into the wall or plugged into a computer without breaking the tape.
  - vi. Evidence tape should be placed across the computer case in such a way that it cannot be opened without breaking the tape (e.g. taping the locking rings together, taping the removable case cover shut, etc.).
  - vii. The computer and power cable should be bagged in paper or wrapped in paper, sealed, and marked consistent with [policy 1100, Evidence and Found Property](#), for securing and handling of evidentiary property. To reduce the possibility of exposure to ESD, items containing electronic evidence may be packaged in electro-static resistance anti-static bags, if available.
  - viii. If the computer and/or power cable has been contaminated with body fluids or any other hazardous material, the outer packing should be marked appropriately.
- e. Seized Cellular Telephones
- i. Seized cellular telephones should be marked in the same manner a seized computer and high tech devices (refer to [policy number 1100, Evidence and Found Property](#)).
  - ii. If the cellular telephone is on, do not turn it off. Data can be lost. If the cell phone is off, leave it off. If at all possible, seize any charging equipment that is available and keep the item charged. If a charger is not available, contact the Department Computer Forensics Analyst as appropriate charging equipment may be available.
  - iii. Cellular telephones and other communication devices often contain additional storage media. Maintain the media with the device and ensure its safe handling and packaging as outlined above. a way that media can neither be removed or added without breaking the tape.
2. Evidence Transport:
- Place the computer (and monitor if applicable) on the floor of the vehicle, not on the seat, to minimize the potential for damage. DO NOT place the computer or any data storage devices near magnets, radio transmitters or areas where exposure to extreme heat, cold or liquids is possible.
3. In all instances, should questions arise, the Department Computer Forensics Analyst or Computer Crimes Unit Investigator should be consulted for guidance.

**Accreditation Standard:**

This policy covers the following accreditation standard: [83.2.5](#)

END OF DOCUMENT

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 11 – Special Operations

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**Policy:** 1101 – Hazardous Devices Team

**Last Revision:** 2/20/2017

**Previously:** 1610 – Hazardous Devices Response

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1101.1 TEAM MISSION AND RESPONSIBILITIES

1101.2 TEAM ORGANIZATION

1101.3 MEMBER SELECTION PROCESS

1101.4 TRAINING

1101.5 EQUIPMENT

1101.6 TEAM VEHICLES

1101.7 EXPLOSIVES

1101.8 HDT ACTIVATION

1101.9 OPERATIONS AND DOCUMENTATION

## ASSOCIATED DIRECTIVES

[Policy 400 – Authority, Jurisdiction, & Mutual Aid](#)

[Policy 1100 - Critical Incident Response](#)

[SOP 3100 – Bomb Threat Response](#)

## INTRODUCTION

The Asheville Police Department is committed to maintaining a team of highly trained explosive ordnance technicians who follow established guidelines to provide for the safest possible resolution to incidents involving explosives and improvised explosive devices, and other related incidents involving potentially explosive materials.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to maintain, train, and equip specialized units within the department and provide guidelines for maximum efficiency of operation and safety. This policy provides guidelines for organization, administration, and utilization of the Hazardous Devices Team (HDT).

## DEFINITIONS

Bomb Technician: a sworn officer who has successfully graduated from the Federal Bureau of Investigation's (FBI) Hazardous Devices School and who holds current FBI bomb technician certification.

Bomb Threat: a written, verbal, telephonic, or electronic communication that announces the placement or presence of an explosive device in a specified or unspecified location.

Hazardous Device: a device, which when assembled or placed is capable of causing bodily injury, or damage to property, by the action of any person making contact with such a device subsequent to the assembly or placement.

## RULES AND PROCEDURES

### 1101.1 TEAM MISSION AND RESPONSIBILITIES

- A. The Hazardous Devices Team (HDT) is established to assist in the resolution **including, but not limited to**, the following types of situations:
1. Situations in which an item, suspicious in nature, may pose a potential explosive or hazardous threat to life and/or property.
  2. Situations where hazardous devices or booby-traps are known or believed to be present.
  3. Situations involving any type of explosive device manufactured, improvised or any type of military ordnance which is a potential safety hazard and represents a threat to life and/or property.
  4. Any situation where one of the following represents a threat to life or property:
    - a. Device(s) used for the purpose of igniting or causing a fire;
    - b. A chemical or compound which possesses explosive properties; and/or
    - c. Pyrotechnics, fireworks, or ammunition which require special handling.
  5. Emergency Response Team operations in which the HDT would provide explosive security, breaching, robotic operations, and any special assignment as deemed appropriate and approved by the Chief of Police or designee.
  6. The investigation of any situation in which an explosive or incendiary device, a weapon of mass destruction or any hazardous device has been used or may be used, to include an incident in which there has been an explosion or fire and investigative assistance is requested.

## 1101.2 TEAM ORGANIZATION

- A. The Hazardous Devices Team is led by the HDT Commander as appointed by the Chief of Police. The HDT Commander is responsible for daily operational and administrative functions of the unit. **The HDT Commander must be certified as a bomb technician.**
- B. The HDT Commander is responsible for the following:
  - 1. Providing the Communications Section an accurate on-call roster and contact information for department bomb technicians.
  - 2. Ensuring mandatory and approved training is conducted and attended by team members.
  - 3. Maintaining a six-month training schedule to be distributed to all team members and their supervisors to minimize scheduling conflicts for other mandatory trainings.
  - 4. Monitoring APD's explosives magazine to include security, inventory, and accountability.
  - 5. Tracking and ensuring each team member has necessary and appropriate equipment. [46.2.3]
- C. Removal from the HDT is at the discretion of the Chief of Police.

## 1101.3 MEMBER SELECTION PROCESS

- A. To be considered eligible to participate in the Hazardous Device Team selection process officers must meet, **at a minimum**, the following criteria: [46.2.2]
  - 1. Meet FBI Bomb Data Center application requirements;
  - 2. Be able to safely operate oversized vehicles;
  - 3. Be able to perform activities requiring manual dexterity;
  - 4. Be able to perform activities in confined spaces; and
  - 5. Not have any conflicting duties, to include current assignment to the Emergency Response Team, Crisis Negotiation Team, Crowd Control Team, or as a patrol canine handler.
- B. Additional requirements may be outlined on the selection process announcement.
- C. Sergeants and above are not eligible for non-supervisory openings on the HDT.



- D. HDT selection processes will be announced to all sworn officers by the Recruitment and Career Development Section.
- E. Once eligibility to participate is determined, the selection process will include, at a minimum, a panel interview, a physical examination, and physical assessment test. [46.2.2]
- F. Once the process is complete the Recruitment and Career Development Section will submit a banded list to the Chief of Police for review and final selection(s).
- G. After selection and prior to attending the FBI Hazardous Devices School, the officer must pass a FBI medical examination and a security clearance to continue to be eligible for the position. [46.2.2]

#### 1101.4 TRAINING

- A. Each prospective bomb technician must complete a Hazardous Materials Technician certification course lasting no less than forty (40) hours prior to application to the FBI's Hazardous Devices School.
- B. Each prospective bomb technician will apply to and satisfactorily complete the FBI's Hazardous Devices School to remain on the team. [33.6.1 a]
- C. Training sessions are considered a duty for HDT members who will be excused from their regularly assigned units to attend mandatory training whenever possible.
- D. A minimum of sixteen (16) hours training per month is required for all certified bomb technicians. Certified and prospective team members must attend a minimum of 80% of scheduled team training sessions. [33.6.1 c]
- E. Annually, certified team members will complete a minimum of one training course of forty (40) or more hours related to hands-on explosives, hazardous devices, or hazardous materials to comply with federal standards.
- F. Each certified bomb technician must attend the FBI Hazardous Devices School refresher course every three (3) years. [Application for recertification must be made before the certification expiration date.](#) [33.6.1 b]
- G. Each technician will maintain an active membership in a professional association, [such as the International Association of Bomb Technicians and Investigators \(IABTI\)](#), as to avail themselves of current trends and changes in the industry.
- H. Every three (3) years between recertification, each technician [should](#) participate in at least one advanced training program [related to hazardous devices response](#).
- I. Team training will be documented in activity reports submitted to the U.S. Bomb Data Center and will be updated prior to the next month's training date. [Copies of all training activity reports will be forwarded to the Special Operations Section Commander and the Recruitment and Career Development Section.](#)

- J. All training records must be maintained so as to be available for inspection by the Investigations and Support Operations Division Commander and Operations Bureau Commander.

### **1101.5 EQUIPMENT**

- A. Equipment will be maintained in working condition. Shortages and malfunctioning equipment will be reported to the HDT Commander or Special Operations Section Commander immediately.
- B. The HDT Commander will provide recommendations for necessary specialized equipment needs. Equipment issued to every HDT member will include, at a minimum: [46.2.3]
  - 1. Ballistic eye protection;
  - 2. Clothing that presents a low likelihood of generating a static charge;
  - 3. An EOD specific multi-tool that has at a minimum: pliers, primer punch, wire cutter, and cap crimper;
  - 4. Heat resistant gloves; and
  - 5. An AVON gas mask.
- C. An equipment database must be maintained by the HDT Commander or designee, to include all team equipment. Team issued equipment and uniforms must be approved by the Investigations and Support Operations Division Commander and Operations Bureau Commander.
- D. An up-to-date and accurate log must be maintained on all stocked or kept explosives and munitions.
- E. Records of yearly fit testing for each team member's issued AVON gas mask will be maintained by the HDT Commander.

### **1101.6 TEAM VEHICLES**

- A. The HDT has special purpose vehicles specifically assigned for team use at agency emergency response missions, training missions, and other approved special events. [41.1.3 a]
- B. Only designated HDT members will be allowed to operate the response vehicle or have unrestricted access to the interiors. [41.1.3 b]
- C. HDT members must maintain the response vehicle in a state of readiness, fueled, and ready for immediate use. [41.1.3 c]

- D. All HDT members are responsible for keeping HDT response vehicles in working order.
- E. HDT members will maintain no less than one primary HDT response vehicle equipped, at a minimum, with the following: [41.1.3 d]
  - 1. Bomb disposal robot;
  - 2. Computerized radiography type x-ray;
  - 3. Demolition equipment;
  - 4. Vault, day boxes, and cap box;
  - 5. PAN disruptor and various explosive tools;
  - 6. EOD9 and SRS5 bomb suits; and
  - 7. Hand tools.
- F. The HDT may maintain secondary response vehicles which will be equipped, at minimum, with the following:
  - 1. PAN disruptor and various explosive tools;
  - 2. Demolition equipment;
  - 3. Vault, day box, and cap box;
  - 4. EOD9 or SRS5 bomb suit; and
  - 5. Hand tools.

### **1101.7 EXPLOSIVES**

- A. The HDT Commander will be responsible for the security and accountability of APD held explosives and may designate a limited number of officers to have access to these explosives for training, investigative, or operational purposes. Only certified HDT members will have access to the APD magazine containing explosives.
- B. HDT members will follow all Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF&E) and FBI guidelines when requesting and storing explosive materials.
- C. The magazine must be inventoried by HDT according to all applicable Federal and BATF&E guidelines. [84.1.4]
- D. Homemade explosives or commercial primary explosives may not under any circumstances be stored within APD's explosives magazine.
- E. Explosives for operational or investigative purposes will be obtained from established commercial explosives vendors.
- F. Per BATF&E guidelines, HDT members who maintain a secondary response vehicle may keep a small cache of explosives not to exceed ten (10) pounds for the purpose of rapid response while on-call. This cache must be stored within a secured day box in a locked vehicle vault.

- G. When not in use for training, investigative, or operational purposes, the explosives will be secured in a day box either in a lockable compartment of a response vehicle or in a vault in the trunk of the HDT vehicle.

### **1101.8 HDT ACTIVATION**

- A. The HDT's operational considerations for each activation will be based on the following priorities:
  - 1. Public safety;
  - 2. Safety of officers on the scene (including the bomb technician);
  - 3. Protection and preservation of public and private property;
  - 4. The collection and preservation of evidence; and
  - 5. The restoration of public services.
- B. Basic principles for responding to all calls will consist of the following:
  - 1. Technicians are not to 'hand enter' pipe bombs;
  - 2. A HDT operation must include two (2) certified bomb technicians with essential safety equipment;
  - 3. Only HDT members, or those requested by the unit, will be permitted within the bomb disposal operation perimeter;
  - 4. Scene security and maintenance of the operation perimeter must be provided for the bomb technicians during an operation; and
  - 5. Paramedics and emergency fire personnel should be present when the HDT responds to the scene of a suspicious item that requires the use of the bomb suit or is deemed a life threatening situation.
- C. HDT will not be requested to respond to locations involved in a bomb threat where no suspicious package or hazardous device has been located, however, bomb technicians will be requested by the Incident Commander to search locations if there is probable cause to believe the location has been booby trapped.
- D. In a situation which requires immediate attention (e.g. found explosives, a suspected explosive device, a post blast incident) the Watch Commander may place the HDT on standby. Activation of the HDT must be approved by the Investigations and Support Operations Division Commander. [46.2.1 c]

- E. Situations where there is sufficient time to make preparations for the event are considered planned deployments. Examples of these events include VIP/Dignitary protection, special assignments, events, or planned emergency response team deployments. [46.2.1 b,c]
  - 1. Should a supervisor deem it necessary to request HDT support for such an operation, a request should be submitted to the Team Commander and Special Operations Section Commander for consideration.
  - 2. Where practical, the HDT Commander will be notified by the requesting supervisor at least twenty four (24) hours before the planned deployment.
  - 3. HDT members whose primary event assignment is as a bomb technician will not be utilized for secondary duties such as crowd or traffic control to ensure their immediate availability.
- F. Mutual aid requests involving the use of the HDT will follow [Policy 400 – Authority, Jurisdiction, & Mutual Aid](#).

#### **1101.9 OPERATIONS AND DOCUMENTATION**

- A. Upon arrival at a scene HDT members will comply with the established incident command structure. The Incident Commander will ensure coordination and cooperation between all activated tactical teams and other operational components at the scene. [46.2.1 d,e]
- B. At the conclusion of an operation, team members will ensure that all equipment has been accounted for and properly stored. A debriefing will be conducted as soon as practical. The primary technician will ensure a department incident report, internal incident report, or supplemental report is completed.
- C. All incidents and activities must be forwarded by the primary technician on scene within 48 hours to the U.S. Bomb Data Center. These reports will be maintained by the HDT Bomb Arson Tracking System (BATS) account manager and forwarded to the Investigations and Support Operations Division Commander and Operations Bureau Commander.
- D. HDT incident and activity reports will include, at a minimum, the following:
  - 1. The nature of the incident and its location;
  - 2. Call out information, to include all dates and times;
  - 3. A threat assessment and assigned level (low, medium, high);
  - 4. A count of items expended: including munitions, explosives, and any damaged or missing equipment;
  - 5. Photographs;

6. A count of team members, technician's roles, and the down range times;
  7. A summary of the incident to include actions taken by the unit, if any;
  8. Tools, robot, and/or containment vessel utilization;
  9. Protective gear worn, with an explanation; and
  10. Professional or expert opinion if possible based on all observed and documented facts.
- E. Reports will be made available to all bomb technicians, the Special Operations Section Commander, Division Commanders, Bureau Commanders, and the Chief of Police. Relevant investigators will be granted access should the case require follow-up.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 11 – Special Operations

**Original Issue:** 6/1/1994

**Policy:** 1102 – Crisis Negotiation Team

**Last Revision:** 2/20/2017

**Previously:** 5020 – Crisis Negotiation Team

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1102.1 TEAM MISSION AND RESPONSIBILITIES

1102.2 TEAM ORGANIZATION

1102.3 MEMBER SELECTION PROCESS

1102.4 TRAINING

1102.5 EQUIPMENT

1102.6 CNT ACTIVATION

1102.7 TEAM OPERATIONS

## ASSOCIATED DIRECTIVES

[Policy 400 – Authority, Jurisdiction, & Mutual Aid](#)

[Policy 1100 - Critical Incident Response](#)

[SOP 3002 - Blue Team Reports](#)

## INTRODUCTION

Hostage situations, armed, barricaded subjects, terrorist activities, and other potentially deadly crisis situations are an ongoing and evolving problem for law enforcement agencies nationwide. It is imperative for the department to maintain a team of skilled members to work in conjunction with tactical teams in order to organize and negotiate a resolution to critical incidents whenever possible.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to maintain a Crisis Negotiation Team trained and equipped for the purpose of de-escalating crisis situations such as hostage incidents, barricaded suspects, and suicidal persons, through the use of negotiations and de-escalation techniques.

## DEFINITIONS

Barricaded Subject: any individual who has taken a position in a physical location, most often a structure or vehicle, (fortified or not) that does not allow immediate police access, and who is refusing police orders to exit. A barricaded subject may be believed to be a threat to commit serious bodily injury or death to themselves, hostages, officers, or others in the community.

High-Risk Warrant Service: the service of search or arrest warrants where the warrant service threat assessment recommends the use of tactical teams.

Hostage Situation: the holding of any person(s) against their will by force or threat of force, expressed or implied.

## RULES AND PROCEDURES

### 1102.1 TEAM MISSION AND RESPONSIBILITIES

- A. The Crisis Negotiation Team (CNT) will provide crisis intervention strategy and negotiation skills whenever possible to save the lives of all people involved in critical incidents.
- B. The broad operational parameters of the Crisis Negotiation Team are:
  - 1. The CNT will strive to maximize safety for the public, those directly involved in critical incidents, and law enforcement officers.
  - 2. The CNT will maintain a professional atmosphere and strive to develop public confidence in the Asheville Police Department.
  - 3. The CNT will have primary responsibility to assist officers with calls for service that include critical incidents, suicide intervention, or other situations that may require negotiations or other communication skills.
  - 4. The CNT will provide information and assistance to the Incident and Tactical Commanders during critical incidents.

### 1102.2 TEAM ORGANIZATION

- A. The Crisis Negotiation Team (CNT) is led by the CNT Commander as appointed by the Chief of Police. The CNT Commander is responsible for the daily operational and administrative duties of the team.
- B. The CNT Commander reports to the Special Operations Section Commander and is responsible for the following:



1. Providing the Communications Section an accurate on-call roster and contact information for all CNT members.
2. Ensure mandatory and approved training is conducted for all team members.
3. Maintain a six-month training schedule to be distributed to all team members and their supervisors to minimize scheduling conflicts for other mandatory trainings. Efforts should be made to coordinate with other Specialty Teams to avoid overlap of training days.
4. Inspecting and evaluating team performance to ensure departmental and divisional standards are met.
5. Tracking and ensuring each team member has necessary and appropriate equipment. [46.2.3]

C. Removal from the Crisis Negotiation Team is at the discretion of the Chief of Police.

### **1102.3 MEMBER SELECTION PROCESS**

- A. To be considered eligible to participate in the Crisis Negotiation Team selection process officers must meet, **at minimum**, the following criteria: [46.2.4]
  1. Possess effective verbal, listening, and problem solving abilities;
  2. Not have any conflicting duties, to include current assignment to Hazardous Devices Team, Emergency Response Team or as a patrol canine handler; and
  3. Not have received any sustained allegation of excessive force during three (3) years of employment immediately prior to application.
- B. Additional requirements may be outlined on the selection process announcement.
- C. Sergeants and above are not eligible for non-supervisory openings on the CNT.
- D. CNT selection processes will be announced to sworn officers by the Recruitment and Career Development Section.
- E. Once eligibility to participate is determined, the selection process will include, at a minimum: [46.2.4]
  1. A panel interview; and
  2. A scenario based exercise to evaluate verbal, listening, and problem solving abilities.
- F. Once the selection process is complete, a banded list will be prepared by the Recruitment and Career Development Section and submitted to the Chief of Police for final selection(s).

- G. Selected candidates must submit to a psychological screening conducted by a psychologist or psychiatrist licensed in the state of North Carolina. The choice of psychologist or psychiatrist is at the discretion of the department.

#### **1102.4 TRAINING**

- A. Prior to being utilized as negotiators, selected candidates will attend and successfully complete a basic hostage negotiation course or other applicable and approved courses as directed by the Chief of Police or designee. [33.6.1 a]
- B. A minimum of four (4) hours training per month will be conducted for all certified negotiators, unless, in the event of extenuating circumstances, such training is not feasible. [33.6.1 b]
- C. Team members must attend a minimum of 80% of team training sessions.
- D. Training sessions are considered a duty for CNT members, and every effort will be made to excuse members from regular assignments to attend.
- E. Team training will be documented in activity reports updated prior to the next month's training date and sent to the Special Operations Section Commander and Recruitment and Career Development Section.
- F. All training records will be maintained so as to be available for inspection by the Operational Support Commander & Operations Bureau Commander.

#### **1102.5 EQUIPMENT**

- A. Team equipment will be maintained in working condition. Shortages and malfunctioning equipment will be reported to the CNT Commander or Special Operations Section Commander immediately.
- B. Communications equipment will be checked, at a minimum, quarterly to determine if it is operational and easily accessible. [46.1.8]
- C. The CNT has a special purpose vehicle specifically assigned for team use for department approved assignments. Use of the CNT vehicle will follow the guidelines below: [46.1.3 a]
  - 1. Only designated CNT members will be allowed to operate the response vehicle or have unrestricted access to the interiors. [46.1.3 b]
  - 2. CNT members will maintain the response vehicle in a state of readiness, fueled, and ready for immediate use. [46.1.3 c]

## 1102.6 CNT ACTIVATION

- A. Generally, the Crisis Negotiation Team may be used to address the following types of incidents:
1. Barricaded subjects;
  2. Hostage situations;
  3. Suicidal individuals (imminent danger situations);
  4. High risk warrant executions;
  5. Emergency Response Team call-outs; and/or
  6. Any call that has potential to become violent or extraordinary in nature.
- B. In a situation which requires immediate attention (e.g. hostage/barricaded subject) the Watch Commander has the authority to place the CNT on stand-by. Activations of the CNT must be approved by the Investigations and Support Operations Division Commander. [46.2.1 c]
- C. Situations where there is sufficient time to make preparations for an event are considered planned deployments. These include high-risk search warrants, arrest warrant service, or special events. [46.2.1 b,c]
1. Should a supervisor deem it necessary to request CNT support for such an operation, their request should be submitted to the Team Commander and Special Operations Section Commander for consideration.
  2. Activations of the CNT must be approved by the Investigations and Support Operations Division Commander.
  3. Where practical, the CNT Commander will be notified by the requesting supervisor at least twenty-four (24) hours before the planned deployment.
  4. Mutual aid requests involving the use of the CNT will follow [Policy 400 – Authority, Jurisdiction, & Mutual Aid](#).

## 1102.7 TEAM OPERATIONS

- A. Upon arrival, Crisis Negotiation Team members will comply with the established incident command structure. The Incident Commander will ensure coordination and cooperation between all activated tactical teams and other operational components at the scene. [46.2.1 d,e]

- C. Whenever possible, CNT members will not negotiate with current or former department members or the immediate family of current or former department members in crisis. External local certified negotiators should be requested to respond (i.e. Buncombe County or locally available SBI/FBI negotiators).
- D. At the conclusion of an operation, team members will ensure that all equipment has been accounted for and properly stored.
- E. A debriefing will be conducted as soon as practical. The primary negotiator will ensure all necessary documentation is completed.
- F. After every activation and training exercise a department after action report and/or other appropriate report will be completed and submitted to the Special Operations Section Commander to be forwarded to the Division and Bureau Commanders, see [SOP 3002 - Blue Team Reports](#).

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 11 – Special Operations

**Original Issue:** 8/1/1994

**Policy:** 1103 – Emergency Response Team

**Last Revision:** 2/20/2017

**Previously:** 5010 – Emergency Response Team

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1103.1 TEAM MISSION AND RESPONSIBILITIES

1103.2 TEAM ORGANIZATION

1103.3 MEMBER SELECTION PROCESS

1103.4 TRAINING

1103.5 EQUIPMENT

1103.6 ERT ACTIVATION

1103.7 TEAM OPERATIONS

## ASSOCIATED DIRECTIVES

[Policy 400 – Authority, Jurisdiction, & Mutual Aid](#)

[Policy 1100 – Critical Incident Response](#)

[SOP 3002 - Blue Team Reports](#)

## INTRODUCTION

The Emergency Response Team is necessary to protect the lives of innocent citizens and police officers, as well as suspects. The presence of a highly skilled, highly trained police tactical unit has been shown to substantially reduce shooting incidents and the risk of injury and loss of life to innocent citizens, police officers and suspects.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to establish procedures that provide a rapid, organized, and disciplined response of specially trained officers to high risk incidents. The department is committed to select, train, equip, and maintain an effective Emergency Response Team.

## DEFINITIONS

Barricaded Subject: any individual who has taken a position in a physical location, most often a structure or vehicle, (fortified or not) that does not allow immediate police access, and who is refusing police orders to exit. A barricaded subject may be believed to be a threat to commit serious bodily injury or death to themselves, hostages, officers, or others in the community.

High-Risk Apprehension: the arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high.

High-Risk Warrant Service: the service of search or arrest warrants where the warrant service threat assessment recommends the use of tactical teams.

Hostage Situation: the holding of any person(s) against their will by force or threat of force, expressed or implied.

## RULES AND PROCEDURES

### 1103.1 TEAM MISSION AND RESPONSIBILITIES

- A. The mission of the Emergency Response Team (ERT) is to conduct police special operations where appropriate and requested. Police special operations consist of, but are not limited to, hostage situations, barricade situations, sniper situations, high-risk apprehension, high-risk warrant service, personal protection details, supporting special events, special assignments, prisoner security, rapid response, and response to acts of terrorism.

### 1103.2 TEAM ORGANIZATION

- A. The Emergency Response Team (ERT) is led by the ERT Commander as appointed by the Chief of Police. The ERT Commander is responsible for the daily operational and administrative duties of the team.
- B. In the absence of the ERT Commander, the senior ERT team leader will carry out the duties and responsibilities of Commander.
- C. The ERT Commander reports to the Special Operations Section Commander and is responsible for the following:
  - 1. Providing the Communications Section an accurate on-call roster and contact information for ERT members;
  - 2. Developing training and ensuring mandatory training is conducted for team members;

3. Maintaining a six (6) month training schedule to be distributed to all team members and their supervisors to minimize scheduling conflicts for other mandatory trainings;
  4. Maintaining an ERT training file containing activity reports and training accomplishments of all team members;
  5. Monitoring and tracking equipment security, inventory, and accountability; and
  6. Ensuring each team member has necessary and appropriate equipment. [46.2.3]
- D. Removal from ERT is at the discretion of the Chief of Police.

### **1103.3 MEMBER SELECTION PROCESS**

- A. To be considered eligible to participate in the ERT selection process, officers must meet, **at a minimum**, the following criteria: [46.2.2]
1. Have no sustained allegations of excessive force during three (3) years of employment immediately prior to application; and
  2. Not have any conflicting duties, to include current assignment to the Hazardous Devices Team, Crisis Negotiation Team, Crowd Control Team, or as a patrol canine handler.
- B. Additional requirements may be outlined on the selection process announcement.
- C. Sergeants and above are not eligible for non-supervisory openings on the ERT.
- D. ERT selection processes will be announced to sworn officers by the Recruitment and Career Development Section.
- E. Once eligibility to participate as an ERT member is determined, **the selection process will include, at a minimum**: [46.2.2]
1. A physical assessment;
  2. A firearms qualification and combat course; and
  3. A panel interview.
- F. Once the process is complete, **a banded list will be produced by Recruitment and Career Development Section and given to the Chief of Police** for review and final selection(s).
- G. Each new team member will submit to a psychological screening conducted by a psychologist or psychiatrist licensed in the state of North Carolina. The choice of psychologist or psychiatrist is at the discretion of the department. [46.2.2]

### **1103.4 TRAINING**

- A. The ERT Commander will develop training consistent with national standards **for submission to the Special Operations Section Commander and Investigations and Support**

Operations Division Commander for approval. Training must incorporate current standards relating to safe conduct and the development of scenario-based exercises. This will include, but not be limited to: [33.6.1 a]

1. Designation and delineation of critical skills;
  2. Required internal certification processes; and
  3. Development of minimum training hour requirements based on identified critical skills.
- B. Training sessions are considered a duty for ERT members who will be excused from their regularly assigned units *whenever possible* to attend mandatory training. *Team members must attend a minimum of 80% of scheduled team training sessions.* [33.6.1 b]
- C. *The ERT Commander will coordinate monthly trainings for all ERT members unless in the event of extenuating circumstances such training is not feasible.*
- D. Each ERT member must annually complete the North Carolina Police Officer Physical Abilities Test (POPAT) *to current state standards.*
- E. Each team member must qualify with all weapons *that are assigned for their use:*
1. The day and night handgun and rifle courses will be the same as those for the rest of the department.
  2. The minimum qualification score for any ERT member is 95% on each course of fire.
    - a. If an ERT member fails to qualify with 95% or higher, then that team member will make an *immediate* second attempt to meet the minimum score.
    - b. If the ERT member fails to qualify after the second attempt, remedial training will be administered. *Until remedial training is completed, the member will be prohibited from active deployment and will not receive on-call compensation.*
    - c. *The Special Operations Section Commander and the Investigations and Support Operations Division Commander will be notified of any instance where a team member requires remedial firearms qualification training.*
    - d. Continued failure to achieve the minimum score may result in removal from the team.
- F. *Copies of training records and qualification scores will be submitted to the Special Operations Section Commander and the Recruitment and Career Development Section.*
- G. *All training records must be maintained so as to be available for inspection by the Investigations and Support Operations Division Commander and Operations Bureau Commander.*



## 1103.5 EQUIPMENT

- A. Each team member will be issued or have access to necessary equipment. [46.2.3]
- B. Team members will maintain their individual agency-issued equipment and weapons, unless instructed otherwise.
- C. Equipment will be maintained in clean, functional condition. Shortages and unserviceable equipment will be reported to the ERT Commander or Special Operations Section Commander immediately.
- D. An up-to-date and accurate log will be maintained on ERT chemical munitions. [1.3.9 e]
- E. An equipment database will be maintained by the ERT Commander or designee and will include all team equipment (not individual or basic issue equipment).
- F. The following equipment will be stored in a secure location and be available for ERT members trained in its use: [46.2.3]
  - 1. Ballistic shields
  - 2. Breaching equipment
  - 3. Assault ladders
  - 4. Generator
  - 5. Outdoor lighting and accessories
  - 6. Tactical camera
  - 7. Thermal imaging camera
  - 8. Rappelling and rescue gear
  - 9. Medical supplies
  - 10. Special weapons (e.g. sniper rifles, selective fire and suppressed weapons)
  - 11. Riot control agents and launchers
  - 12. Less lethal impact munitions and launchers
  - 13. Pyrotechnic distraction devices
- G. The ERT has special purpose vehicles specifically assigned for team use at agency emergency response missions, training missions, and other special events and necessary, as approved by the ERT Commander, Special Operations Section Commander, Division Commander, Deputy Chief, or Chief of Police. [41.1.3 a]
- H. Only designated sworn ERT members will be allowed to operate the response vehicle or have unrestricted access to the interiors. [41.1.3 b]
- I. ERT members must ensure the response vehicles are in a state of readiness, fueled, and ready for immediate use. [46.1.3 c]

### 1103.6 ERT ACTIVATION

- A. ERT activations take precedence over all other assignments within the department.
- B. ERT medics or other medical personnel must be present for ERT deployments.
- C. Situations requiring the utilization of the ERT may include, but are not limited to, the following:
  - 1. A suspect has committed a criminal act or is experiencing a dangerous mental crisis, believed to be armed, and has refused, or it is believed likely will refuse, to submit to arrest or custody;
  - 2. A suspect is believed to have taken hostage(s);
  - 3. As a result of an incident or occurrence, advanced mobilization of department resources has been activated;
  - 4. A completed threat assessment recommends activation; and/or
  - 5. By the nature of an incident, an unacceptable risk is posed to officers or the public.
- D. In a situation which requires immediate attention (e.g. hostage/barricaded subject or active shooter situations) the Watch Commander has the authority to place the ERT on stand-by. Activations of the ERT must be approved by the Investigations and Support Operations Division Commander. [46.2.1 c]
- E. Situations where there is sufficient time to make preparations for the event are considered planned deployments. These include high-risk search warrants, arrest warrant services, or other pre-planned events. [46.2.1 b,c]
  - 1. Should a supervisor deem it necessary to request ERT support for such an operation, their request should be submitted to the ERT Commander or Special Operations Section Commander for consideration.
  - 2. Activations of the ERT must be approved by the Investigations and Support Operations Division Commander.
  - 3. Where practical, the ERT Commander will be notified by the requesting supervisor at least twenty four (24) hours before the planned deployment.
- F. Mutual Aid requests involving use of the ERT will follow [Policy 400 – Authority, Jurisdiction, & Mutual Aid.](#)

### 1103.7 TEAM OPERATIONS

- A. Upon arrival, Emergency Response Team members will comply with the established incident command structure. The Incident Commander will ensure coordination and cooperation between all activated tactical teams and other operational components at the scene. [46.2.1 d,e]
- B. At the conclusion of an operation, team members will ensure that all equipment has been accounted for and properly stored. A debriefing will be conducted as soon as practical.
- C. After every activation and training exercise a department after action report or other appropriate report will be completed and submitted to the Special Operations Section Commander to be forwarded to the Division and Bureau Commanders, see [SOP 3002 - Blue Team Reports](#).
- D. The ERT Commander or designee will complete and maintain operations plans and after-action reports for all planned deployments to be utilized for training and assessment purposes.

BY ORDER OF:



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1110 - Department Property</b>	<b>EFFECTIVE DATE: 12/1/1992</b>
<b>SUBJECT: Department Property</b>	<b>LAST REVISION DATE: January 15, 2010</b>

**I. Introduction:**

The Asheville Police Department is accountable for the use of the property and equipment with which it is entrusted. The department should account for inventory, issuance, maintenance, and disposition of property and equipment.

**II. Policy Statement:**

It is the policy of the Asheville Police Department that all departmentally owned property be strictly accounted for. To accomplish this, employees will adhere to the procedures outlined in this policy.

**III. Definitions:**

- A. **Fixed Asset:** Any acquisition by the city through any means (purchase, donation, construction, etc.) that has a useful life of more than one year and an initial cost or value of \$5,000 or more.
- B. **Issue Equipment:** All items of departmental property issued to employees and for which they are personally responsible. These include uniforms, issued weapons, leather gear, and other equipment issued to an individual employee.
- C. **Consumable Supplies:** Those items of short term duration which are used up during the normal course of departmental business. These include, but are not limited to, office supplies, first aid supplies, vehicle flares, clothing, etc.
- D. **Non-issued Equipment:** That equipment used by employees that is not issued to an individual employee.

**IV. Procedures:**

- A. All items of Asheville Police Department property, other than issue equipment and consumable supplies, which are considered to be fixed assets, will be assigned an asset number by the staff located at the City's Finance Department. This number will be attached to the property assigned. The Police Department will comply with the City of Asheville's fixed asset program.
- B. A fixed asset inventory listing will be maintained by the Logistics Unit. This listing will contain: the type of property and description, the asset number, and the location of the property.
- C. A complete inventory of all items on the fixed asset inventory will be conducted by Logistics Unit at least once each year. The Logistics Unit will inspect each item of listed property and verify the information on the fixed asset inventory as well as determine the

operational readiness of the equipment. Any discrepancies will be noted and sent to the Division Commanders and the Chief of Police through the chain of command.

- D. The Logistics Unit will maintain an inventory of equipment having value. This will list department owned property issued to each individual employee that is not consumable. The employee to whom the property is issued is responsible for the maintenance of that property.
- E. All items of non-issued or stored departmental property will be inspected by the Logistics Unit at least once every twelve months. The inspection will check for serviceability. Any exceptions or problems noted will be forwarded to the Administrative Services Manager who will notify the appropriate Division Commander.
- F. Patrol and CID Vehicle Control Officers (VCOs), on a monthly basis, will conduct an inventory of the supplies needed to restock the vehicles with emergency supplies and parts for basic maintenance.
- G. Individuals who have vehicles personally assigned to them should contact their VCO reference for restocking any needed supplies for their vehicles.

**Accreditation Reference:**

The following accreditation standards are addressed in this policy: [17.5.1](#) [17.5.2](#) [17.5.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1121 - Ceremonies &amp; Funerals</b>	<b>EFFECTIVE DATE: 12/1/1992</b>
<b>SUBJECT: Ceremonies &amp; Funerals</b>	<b>LAST REVISION DATE: December 1, 1998</b>

**I. Introduction:**

The Asheville Police Department has a legitimate interest in showing respect and honor towards a deceased officer or during a formal event. Therefore, guidelines must be placed on those who formally represent the department.

**II. Policy Statement:**

It is the policy of the Asheville Police Department that official funerals and ceremonies involving department members be conducted in a professional manner.

**III. Definitions:**

- A. **Preparatory Command:** States the movement to be carried out and mentally prepares the officer for it's execution.
- B. **Command Of Execution:** Follows the preparatory command which states the movement. The command of execution tells when the movement is to be carried out. (See Preparatory Command)
- C. **Fall In:** The command given to officers to have the officers form in ranks at attention.
- D. **Attention:** To assume this position, bring the heels together in line with the toes pointing out equally, forming an angle of 45 degrees. Keep the legs straight with knees slightly bent. Hold the body erect hips level, chest lifted, and the shoulders square. The head and face are to be held to the front with the chin drawn in to hold the head vertical. The arms are straight at the side, but without stiffness. Curl the fingers so that the tips of the thumbs are alongside and touching the first joint of the forefingers. Keep the thumbs straight along the seam of the pants with the first joint of the fingers touching the pant.
- E. **Salute/Present Arms:** The hand salute is a one count movement. When wearing head gear with a visor, on the command of execution "ARMS", raise the right hand sharply, fingers and thumb extended and joined, palm facing down, and place the tip of the right forefinger on the rim of the visor slightly to the right of the eye. The outer edge of the hand is barely canted downward so that neither the back of the hand nor the palm is clearly visible from the front. The hand and wrist are straight, the elbow inclined slightly forward, and the upper arm horizontal.
- F. **Order Arms:** Upon the command of execution "arms", the hand is returned from the position of salute sharply to the side resuming the position of attention.
- G. **Parade Rest:** Parade rest is commanded only from the position of attention. On the command of execution "REST", move the left foot about 10 inches to the left of the right foot. Keep the legs straight without locking the knees. Simultaneously, place the hands at

the small of the back and below the pants belt. Keep the fingers of both hands extended and joined interlocking the thumbs so that the palm of the right hand is outward. The head and eyes are in the same position as in attention and the officer is to remain quiet.

- H. ***At Ease:*** At the command 'AT EASE" the officer may relax and may move keeping the right foot in place.
- I. ***Dismissed:*** The command given upon completion of the assignment. Officers may leave the area.
- J. ***Under Color:*** When bearing the American Flag.
- K. ***Under Arms:*** When bearing a firearm.

#### IV. Procedures:

- A. It shall be the responsibility of the Chief of Police, his designee or the senior ranking uniformed officer on the scene to act as Ceremonial Commander and to take charge of a ceremony or a funeral. The Chief of Police or his appointee shall make every effort to inform all employees of their participation in the funeral. The Chief of Police or his designee has the responsibility of notifying the Commander of the Honor Guard when they are needed for ceremonies or funerals.
- B. It is the responsibility of the officer in charge of a funeral to offer the family or relative's of a deceased officer assistance in making arrangements if the department has chosen to have an active part in the funeral and has been requested by the family.
- C. Officers attending a ceremony or a funeral as a unit shall arrive (30) minutes prior to the occasion.
- D. ***The Chief of Police or his designee shall make the decision as to whether to attend the service armed.*** Normally, attendance at services held in churches is carried out unarmed and without the equipment belt except in the case of declared emergency. Officers who wear their equipment belt as the primary belt shall remove their holster when disarming is required. The honor guard shall remain armed and under cover at all times.
- E. The hand salute will be given as follows from the position of attention during the playing of the National Anthem, the raising or lowering of the American Flag, and during the playing of taps. During the passing of a military honor guard under color, in a parade, at a ceremony, or a funeral the salute shall be presented 6 paces prior to the passing of the honor guard and held for 6 paces after. The salute shall only be given only to the first set of colors in the parade or ceremony. Only the position of attention shall be held at all other passing of colors. During long periods of attention especially during hot weather, officers should slightly relax their muscles and slightly bend their knees.
- F. The officers dress for ceremonies and funerals shall be consistent with [Asheville Police Department Policy #1120 \(Uniforms And Equipment\)](#). The dress uniform shall be the winter (Class A) uniform for Lieutenants, Sergeants, and Line Officers. The dress uniform for Command Officers shall consist of command hat, white dress shirt, dark blue trousers, dark blue tie, and, in winter, the dark blue command jacket.
- G. Upon entering and leaving a chapel officers shall remove their cover and place the headgear under their left arm, crown facing left and the bill facing forward, with hand down, thumb and index finger along the seam of the pants. Upon leaving the church or chapel, the attending officers shall form in columns at the exit where the casket will be loaded in the hearse or at any other location designated by the ceremonial commander.

- H. Officers assigned to intersections along the processional route shall come to attention as the hearse passes.
- I. The order of procession for officers shall be by column (s) as follows for both ceremonies and funerals:
1. The Honor Guard;
  2. highest ranking officer;
  3. departments command staff;
  4. other uniformed officers;
  5. plain clothes officer; and
  6. other department employees.
- J. Graveside services shall be as follows for deceased officers:
1. At the place of internment the ceremonial commander shall have the officers, "[FALL IN](#)", at a place designated by the ceremonial commander.
  2. It shall be the responsibility of the ceremonial commander to evaluate the geography of the site and the number of officers present in order to place the officers in columns to allow for proper organization and movement.
  3. Once properly assembled and adjacent to the site of internment the following shall apply:
    - a. The ceremonial commander shall place personnel at "[PARADE REST](#)". Upon the casket or the family of the deceased approaching the gravesite personnel shall be placed at "[ATTENTION](#)". If the deceased is an active duty officer or if the casket is flag draped the ceremonial commander shall issue the command "[PRESENT ARMS](#)". This command shall be maintained until the casket is placed at the site of internment, Then the commands "[ORDER ARMS](#)" and then "[PARADE REST](#)" shall be issued.
    - b. If the casket is not that of an active officer or flag draped, the ceremonial commanders shall issue the command "[ATTENTION](#)" and remain at attention until the casket is at the site of internment. The ceremonial commander will then issue the command "[PARADE REST](#)".
  4. All officer shall remove their headgear and place the headgear over their heart during prayer with the exception of officers under arms.
  5. During the playing of taps and/or firing of weapons all uniformed officers shall come to attention and salute. At the conclusion of taps and/or firing of weapons officers shall order arms and come to parade rest.
  6. At the conclusion of the service the ceremonial commander shall call the detail to "[ATTENTION](#)" while the family of the deceased leaves the site of internment. Once the family has left the immediate area the ceremonial commander shall issue the command "[DETAIL DISMISSED](#)".
- K. The black badge band shall be worn only to mark the passing a President of the United States, a Governor of the State of North Carolina, or an active duty police officer. The passing of other officials may be marked by the wearing of the black badge band only upon written order of the Chief of Police.



- L. The period of mourning for an officer killed in the line of duty or who dies as a result of injuries received in the line of duty shall be seven days. The period of mourning for an active officer who dies not in the line of duty shall be until midnight the day of the funeral. There will be no official mourning period in the event of death of a retired officer. During any period of mourning by the department, the Flag will be flown at half mast and uniformed officers will wear a black band over their badge.
- M. All promotion ceremonies will be held in City Council chambers. All duty command staff shall attend promotional and graduation ceremonies and swearing in of Asheville police trainees occurring within our jurisdiction and shall wear the command staff dress uniform. Duty personnel who wish to attend promotional ceremonies shall wear the class "A" uniforms. Officers attending the graduation and swearing in of Asheville police officer trainees shall wear the class "A" uniform. During prayer officers shall stand at attention and bow their heads. During the playing of the National Anthem, officers shall stand at attention and place their right hand over their left breast.
- N. Any employee attending or participating in the annual awards ceremony shall dress in Class "A" uniform, if provided.

**Accreditation Reference:**

There are no accreditation standards covered by this policy.

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1122</b>	<b>EFFECTIVE DATE: 12/1/1993</b>
<b>SUBJECT: Honor Guard</b>	<b>LAST REVISION DATE: December 1, 2001</b>

**I. Introduction:**

**On certain occasions, the Asheville Police Department participates in ceremonies and funerals. The department recognizes the need for an official honor guard on these occasions.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to provide, where appropriate, an Honor Guard for police funerals and other formal ceremonies.**

**III. Procedures:**

- A. The Honor Guard Commander is appointed by the Chief of Police and reports to the Patrol Division Commander for functions involving the Honor Guard.
- B. The Chief of Police or his designee will determine when the Police Honor Guard is to be used. The Chief of Police shall notify the Patrol Division Commander through the chain of command for Honor Guard details.
- C. When there is a vacancy on the Honor Guard, the Chief of Police shall make announcement of the vacancy on a Position Announcement. Officers may apply to be a member of the Honor Guard by submitting a memorandum through the chain of command to the Chief of Police. The Chief of Police shall appoint an Honor Guard Selection Committee to recommend participants in conjunction with supervisor recommendations to fill the vacancy.
- D. The Chief of Police may assign Honor Guard functions representing the Department outside the jurisdiction.
- E. The Honor Guard Commander and the Ceremonial Commander shall have the responsibility for the placement and function of the Honor Guard at assigned details. While working an assigned detail, Honor Guard members will function only as members of the Honor Guard and answer to the Honor Guard Commander.
- F. Honor Guard functions include but are not limited to:
  - 1. Bugle Detail - one member assigned to blow the "Sounds of Honor" (taps, national anthem, etc.).
  - 2. Burial Detail - six members assigned to be pall bearers.
  - 3. Color Guard Detail - at least four members assigned to carry and guard the United States Flag and the flag of the State of North Carolina.
  - 4. Firing Detail - members assigned to conduct weapon salutes at funerals.

5. Flag Detail - at least two members assigned to fold the United States Flag for presentation to the family of the deceased.
- G. The Patrol Division Commander shall maintain an up to date list of officers assigned to the Honor Guard. The Honor Guard Commander shall schedule mandatory Honor Guard Training at his discretion. Members of the Honor Guard having more than two (2) unexcused absences within a six (6) month period may be subject to dismissal from the Honor Guard.
- H. Members may be dismissed from the Honor Guard only by the Chief of Police upon recommendation of the Patrol Division Commander and Honor Guard Commander.
- I. Members of the Honor Guard shall be issued the following: bullet
1. 1 Honor Guard Breast Badger;
  2. 1 Honor Guard Hat Badge;
  3. 2 pair white gloves;
  4. 1 pair gray trousers with blue braid along leg;
  5. 1 blue Honor Guard Dress Coat;
  6. 1 name plate;
  7. 1 Clarino duty belt;
  8. 1 Clarino Sam Brown Belt with two sliding D rings;
  9. 1 Uniform bag;
  10. 1 pair of Clarino Chucka Boots
  11. 1 hat.
- J. The Honor Guard Commander shall be issued and be responsible for the following:
1. 1 United States Flag (used for color detail);
  2. 1 North Carolina Flag;
  3. 1 Asheville Police Department flag
  4. 3 color bearer's slings;
  5. 2 appropriate Flag staffs with standards;
  6. 2 color cases;
  7. Unites States Flag to be presented to the family of a deceased officer of the department; and,
  8. 2 shotguns
- K. Honor Guard uniforms shall only be worn to Honor Guard details assigned by the Chief of Police and under supervision of the Honor Guard Commander.
- L. When an officer is reassigned from the Honor Guard, all Honor Guard uniforms and equipment shall be turned in to the Honor Guard Commander.

- M. The honor Guard Commander can appoint members within the team to leadership positions on the Honor Guard.
- N. The Honor Guard Uniform shall not contain rank or individual awards and ribbons.

**Accreditation Reference:**

There are no specific accreditation standards covered in this policy.

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1123</b>	<b>EFFECTIVE DATE: 1/1/2007</b>
<b>SUBJECT: Line of Duty Death</b>	<b>LAST REVISION DATE:</b>

**I. Introduction:**

**Line-of-duty deaths, whether felonious or accidental, are a sad and frequent reminder of the danger inherent in police work.**

**The purpose of this policy is to establish systematic policy and procedures for dealing with departmental line-of-duty death of a sworn officer in an effort to better respond to the needs of the deceased's family, friends, and coworkers.**

**II. Policy Statement:**

**The Asheville Police Department has the responsibility to provide assistance to the immediate survivors of any officer who dies in the line-of-duty, whether feloniously or accidentally, while an active member of the department, to include the clarification and comprehensive study of survivor benefits, assistance in funeral preparation, and to provide emotional support during this traumatic period of re-adjustment for the surviving family.**

**It is the policy of this department to make all attempts to adhere to the wishes of the surviving family in reference to funeral services and aftercare. Therefore, the proscribed procedures in this policy are subject to change if the family so chooses.**

**This policy will apply in the event of line-of-duty death of a civilian employee or the natural death of any employee who is on duty, with the exception of some death benefits and other elements of the police funeral.**

**III. Definitions:**

- A. ***Line-of-duty death:*** Any action, felonious or accidental, which claims the life of an Asheville Police Officer who was performing work related, authorized functions while either on or off duty.
- B. ***Officer:*** A full or part time sworn law enforcement officer, employed by the City of Asheville.
- C. ***Survivor or next of kin:*** Immediate family members of the deceased officer to include the spouse, children, parents, siblings, fiancée, and/or significant others.

**IV. Procedures:**

- A. **Death Notification of Family**
  - 1. Line-of-duty death shall be reported to the Chief of Police and Command Staff immediately. The Chief, in turn, shall notify the City Manager and the Human Resources Director. The death must be confirmed by a physician before any notification to the family is made.

2. Notification to the family shall be made by the Chief of Police, or his designee, accompanied by a police chaplain and/or the Victim Assistance Coordinator, and the officer's supervisor.
3. Notification must always be made in person if the immediate survivors live in the same geographic area.
4. If immediate survivors are from out of town, request personal death notification from the public safety agency in that area.
5. The name of the deceased shall **never** be released to the media before immediate survivors are notified.

B. Death Notification to Asheville Police Department (APD) personnel

1. The Watch Commander, or his designee, shall convey the news in person to all personnel on duty at the time of the incident.
2. As members of later shifts report for duty, their supervisors shall have the responsibility of notifying them in person.
3. Notification of line-of-duty deaths shall **never** be transmitted over the radio.

C. Assisting the Family at the Hospital

1. Transportation for the family to and from the hospital shall be provided by this department. If the family insists on driving, have an officer accompany them in the car and follow them to the hospital.
2. The family has the option and the right to view the body of the deceased. The hospital's nursing supervisor will assist with this. A police official shall accompany the family if requested.
3. A police official, designated by the Chief of Police, shall remain with the family while at the hospital, and arrange whatever assistance the family may need at the time.
4. The hospital will provide a private family room, upon request and if available. The hospital's nursing supervisor will assist with this.

D. Funeral Service

1. The Chief of Police will designate an individual to be called the "Funeral Operations Coordinator" (FOC) to assist the family in planning the funeral service. The designee can be a ranking officer, a police chaplain, or the Victim Assistance Coordinator. The FOC shall be issued a department phone if they do not have one so that he/she is easily accessible to the family.
2. The FOC is responsible for disseminating information about the funeral arrangements to other law enforcement agencies through DCI/NCIC.
3. If there is a wake, the Chief of Police, along with the FOC, shall be present at the wake as representatives of the department.
4. Upon request of the family, and with approval from the Chief of Police, the Honor Guard may be used as pallbearers, ushers, and/or an Honor Watch of the casket.
5. The order of the vehicle procession will be determined by the FOC and the funeral home director. A diagram will be developed and distributed to all APD personnel

prior to the service.

6. Upon request of the family, the FOC shall be responsible for obtaining a casket flag. In most cases, the flag will be provided by the funeral home. The FOC will notify the Honor Guard so that proper flag folding procedures can be practiced prior to the service.
7. The Chief's Secretary will be responsible for ordering of flowers and/or other requests for remembrance.
8. If the family requests a military funeral, to include a 21-gun salute and/or playing of taps, the FOC shall contact the Commandant of the Veterans of Foreign Wars (VFW) or the American Legion for assistance.
9. Officers attending the service should be properly attired.

#### E. Other Honorariums

1. Officers shall wear black mourning bands on their badges for 30 calendar days following the death date.
2. Upon request of from the family, the decedent may be buried in his/her uniform.
3. The decedent's badge and service firearm shall be presented to the family at a time designated by the Chief. (if approved)

#### F. Support Services for the Family

1. Immediately after the death notification, an officer will be assigned watch detail around the clock, for up to 72 hours, at the home of the family. The purpose of this watch is to provide some security for the family, to monitor any media activities outside the home, and to screen any visitors entering the home.
2. The department shall issue the family an answering machine (if requested) to assist them in screening calls from the media, public, etc.
3. Upon request, assistance with death benefit applications shall be provided by the Victim Assistance Coordinator and the Benefits Specialist in Human Resources. Note that the death benefits from the City, State and Federal Government, and from law enforcement associations may differ in terms of eligibility criteria.
4. Upon request, pastoral counseling for the next of kin shall be provided by the Police Chaplains.
5. Upon request and if applicable, court preparation and court advocacy shall be provided by the Victim Assistance Coordinator.
6. Upon request, grief counseling shall be afforded the dependents of the deceased officer through the City's Employee Assistance Network.
7. Upon request, the City Nurse shall monitor the family for up to a week after the incident to insure that they are taking prescribed medications, check blood pressures, etc. This is very important for elderly family members and family members with pre-existing conditions.

#### G. Support Services for APD Personnel

1. Mandatory debriefing shall be provided to those officers who assisted at the incident scene.

2. All personnel shall be advised of the Employee Assistance Network (EAN) within 72 hours of the incident.
3. Supervisors should be sensitive to those officers who are close to the decedent and consider granting leave if requested.
4. Officers directly involved in the incident should be relieved of duty immediately, until they receive debriefing, and until they are cleared by the Chief of Police.

#### H. Media Relations

1. In the event of line-of-duty death, the investigating officers are not to infringe on the media's right to report; however, the investigating officers may want to advise the media that a press conference will be held within 24 hours.
2. The identify of the decedent is NOT to be released, except by the Chief of Police or his designee, and not until the next of kin have been notified.
3. The Chief of Police, with the assistance of the City's and Department's Public Information Officer and the Command Staff, will hold a press conference within 24 hours of the death or as soon as possible, and provide a written news release to all media representatives at that time.
4. The FOC shall advise the next of kin of their right to speak or not to speak to the media.
5. Upon the issuance of criminal charges (if applicable), the media shall be referred to the District Attorney's Office.

#### **Accreditation Reference:**

This policy covers no specific accreditation standards.

END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1132</b>	<b>EFFECTIVE DATE: 2/1/1995</b>
<b>SUBJECT: Escorts</b>	<b>LAST REVISION DATE: April 1, 1998</b>

**I. Introduction:**

**The Asheville Police Department provides escorts for special events, funerals and other events as necessary to insure the safety of event participants and others.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to provide protection and service to citizens of Asheville by performing requested escorts.**

**III. Procedures:**

- A. The Asheville Police Department will provide escorts upon request for funeral homes, parades, mobile demonstrations, convoys, other city departments, public officials, etc. All escorts must be done in a marked police vehicle.
- B. The Central Records Unit (CRU) will be the central receiving and scheduling point for all general escorts. Upon receipt of an escort CRU personnel will complete an escort request form. After completing the form, CRU will maintain a copy, a copy will be submitted to the necessary patrol unit for escort purposes and one to communications for call stacking. The original will be submitted to the Support Division for billing purposes. CRU will be responsible for maintaining a file of the escorts for scheduling purposes. CRU will handle all escort requests with the exception of parades, mobile demonstrations and marches which will be handled out of the Support Division Commander's office.
- C. When the Special Operations Section is contacted for parade, mobile demonstrations and marching permits, the Special Operations Section will be responsible for completing the escort and permit forms, then routing the two forms to the Records Unit for payment. The records room will then take payment and route copies of the escort form to the necessary divisions. It may be necessary when completing the escort form that the Support Office contact CRU to coordinate scheduling of the event. The Special Operations Commander will appoint a division employee or unit to track escort services and billing.
- D. Hazardous, chemical, or nuclear material escort requests shall be forwarded to the on duty platoon commander or his designee.
- E. Officers may provide escorts to emergency vehicles upon approval by a patrol supervisor. These include emergency blood or organ transfers, ambulance, or fire escorts. The vehicle the officer is escorting must be operating emergency lights and siren and must obey all traffic laws. Emergency escorts will comply with the Police Pursuit and Emergency Driving policy ([APD Policy #1032](#)).
- F. ***Officers shall not under any circumstances escort civilian vehicles except in full compliance with all traffic laws.*** Officers shall not transport sick or injured persons to medical facilities. An officer discovering a citizen requiring or requesting transportation

for medical attention shall immediately call for an ambulance or other appropriate emergency service. He shall indicate the person's condition and the appropriate response code to be used by emergency response personnel. The officer should administer first aid as practical and control traffic to provide easy access for emergency vehicles. The only exceptions to this are:

1. A City of Asheville employee injured in the performance of duty may be transported in a public vehicle for emergency treatment if, in the judgment of the officer, such transportation would not result in additional injury; and
  2. a prisoner whose jail confinement is contingent upon receipt of medical treatment can be transported in a public vehicle for emergency treatment if in the judgment of the officer, such transportation would not result in additional injury.
- G. While conducting escorts for funeral processions, officers will utilize all available emergency lighting. Prior to departure from the funeral home, the officer shall meet with the funeral director and inform him that all vehicles in the procession shall turn on their headlamps and will adhere to all traffic laws. The officer shall obtain information on how many vehicles are in the procession, desired route to cemetery, and time of departure. Officers will determine the travel lane and speed. This decision should be based on the following factors; reverence of occasion, traffic congestion, weather/road conditions, route, and applicable minimum/maximum speed limits. During the escort, officers will obey all traffic signals unless additional personnel are available to provide assistance to ensure safety by manually directing and controlling traffic. If the officer determines additional units are needed, the platoon commander will provide these resources as are available. If resources are inadequate, the officer will conduct the escort according to state law and the safety of citizens.
- H. When an escort is requested, the person or company requesting will be required to pay the established escort fee. The following general procedures apply to payments:
1. When an company or person requires several escorts on an on-going basis they will be billed monthly. After the initial application for escort, the City's Collections Division will be notified and will be responsible for handling this billing and collecting process. Examples of these type of escorts are funeral homes, Civic Center and Water Department.
  2. The Support Division will be the central point for maintaining escort requests, billing and collecting of money for revenue purposes for all escorts other than those in Section H1 of this policy. This will be in accordance to their current procedures reference billing and collecting money.
  3. Any other person who is not a regular participant of escorts will have to make their request and payment in advance. The form will be completed in the Support Division Secretary's office and payment at Collections Monday - Friday between 0830 hours and 1700 hours.
  4. The procedures to be followed for failure to pay will be in accordance to the current process between City Hall and the police department reference other billing.
  5. Only in extenuating circumstances will an escort be provided without a fee. Examples of these types of situations may be domestic violence escorts, inclement weather, persons in disabled vehicles, etc.. Officers will use their judgment and discretion in making this decision.
- I. A database will be established and maintained within the department containing the persons or businesses requesting escorts. It will have the name, contact person, phone

number, address, fees and billing information. Daily data entry will be necessary for new and on-going escorts. Data entry personnel will coordinate with records for needed information.

**Accreditation Reference:**

The policy covers the following accreditation standards: [61.3.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1133</b>	<b>EFFECTIVE DATE: 2/1/1995</b>
<b>SUBJECT: Alarms</b>	<b>LAST REVISION DATE: July 8, 2009</b>

**I. Introduction:**

**An effective method of controlling unnecessary calls for service is essential in maximizing the resources of the Asheville Police Department. Therefore, the department must have a clear and concise policy on alarm calls.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to monitor and eliminate any preventable alarm which generates a police response.**

**III. Definitions:**

- A. **Alarm:** Any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded or otherwise), which is designed, intended, or used to detect unauthorized entry into a building, structure, or premises, to signal an attempted robbery or holdup, or the commission of an unlawful act in or around a building, structure, or premises that is intended to elicit a response by the police.
- B. **Alarm User:** Any person, corporation, partnership, governmental or educational entity owning or leasing or occupying a property utilizing an alarm.
- C. **False Alarm:** Activation of an alarm by any means that elicits a response by police when no situation requiring such a response, in fact, exists. This includes accidental, avoidable, and unnecessary alarm activation due to user error, equipment malfunction, improper or unsuited equipment, but does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user or alarm business.
- D. **False Alarm Day:** Any 24 hour period that begins with the occurrence of the first alarm. Alarm owners are fined only once per false alarm day.
- E. **Registered Alarm:** An alarm that has been listed with the Asheville Police Department in accordance with the application and permitting requirement as set out in Chapter 13 of the Asheville City Code of Ordinances.

**IV. Procedures:**

- A. It is the responsibility of all alarm users to register with the police department pertinent information as to identify the alarm, location and appropriate contact person. Registration of alarms will be processed by the Alarm Administrator of the Asheville Police Department. Once the user registers a Security Alarm Permit application, the owner will receive notice that they are registered and be given their permit number. A request to update will be sent out on the anniversary of this registration. Failure to obtain a permit can result in the user being assessed a civil fine.

- B. It is the responsibility of the Communications Center to dispatch all alarm calls. Alarm calls will be dispatched in a timely manner in compliance with departmental policy. All alarm dispatches will be entered into the computer aided dispatch system with any related comments attached. The Communications Center will request from the alarm monitoring company the following information (but not limited to):
1. Obtain information of the exact location of the alarm, including suite number;
  2. Phone number to the alarm location; and/or
  3. Obtain key holder information (if available):
    - a. Name;
    - b. cell phone number;
    - c. type of vehicle
    - d. estimated time of arrival

The communications personnel should also let the alarm monitoring company know that if the key holder arrives and the officer has already left the scene the key holder should call communications if they wish to have an officer return to meet with them. Communications will have an officer respond back to the scene.

If the alarm monitoring company calls back to have the alarm call canceled, one of the communications staff will enter this into the call. The Alarm Administrator will ignore all calls that are canceled by the alarm monitoring company within one minute after the arrival of the officer on the scene. No alarm call can be canceled by anyone other than the alarm monitoring company or the Alarm Administrator in extreme cases.

- C. Police officers receiving dispatched alarm calls will respond in the most expedient manner consistent with department policy. If the officer intends to have a lengthy response or is currently tied up on another call, this information will be noted in the alarm call (by the officer or communications staff) for future reference.
- D. Once on the scene, the responding officer will indicate their arrival in CAD. The officer will determine the validity of the alarm by checking the security of the building (all doors and windows on all sides) for signs of tampering or a break-in and will make contact with any individuals on the scene, if any. If a key holder is in route, the officer will be required to stand by for 20 minutes, unless he is called away from the alarm to respond to another emergency call. The officer can clear once the 20 minutes has past and no key holder has arrived. The officer may be required to respond back to the scene at the request of the key holder, once the key holder has arrived and made this request.
- E. If a police needed issue has been detected (break-in, domestic, need for medical assistance or any other type of call where police can assist), proper procedure will be followed. If no report is completed the officer or communications will note in the call that this was an actual needed police response call, however a report was declined. If the alarm was obviously false (no proper cancellation code, accidental activation, etc.) this should be noted in the call as well.
- F. The Alarm Administrator shall process the false alarm data on a daily basis and send out any documentation to all alarm holders as to activations at their location, fines that are owed, alarm permit updates needed, inspections that are requested and any other types of documentation that arises.

- G. The Alarm Administrator will also investigate all appeals that are requested by the alarm holders, following the City of Asheville Ordinance Article II, Section 13-31 through 13-39.

**Accreditation Reference:**

This policy covers no specific accreditation standards.

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1150</b>	<b>EFFECTIVE DATE: 10/20/1997</b>
<b>SUBJECT: Domestic Violence</b>	<b>LAST REVISION DATE: September 23, 2014</b>

**I. Introduction:**

**Domestic violence is a crime that strikes at the heart of society, the family. Therefore, it is necessary that the Asheville Police Department have clear procedures for dealing with this type of situation.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to appropriately address situations involving domestic violence situations.**

**III. Definitions:**

- A. ***Domestic Violence***: The commission of one or more of the following acts by a person with whom the victim has or has had a personal relationship: attempting to cause bodily injury; or placing the aggrieved party or a member of the aggrieved party's family or household in fear of bodily injury. Domestic Violence is not limited to a simple assault, but could also include: serious physical assault, sexual assault, communicating threats, stalking, kidnapping, property damage directed at the victim or violating a protective order.
- B. ***Personal Relationship***: Intimate partnerships, persons related as parents and children, including others acting in loco parentis to a minor child, siblings, whether or not related by blood, or as grandparents and grandchildren, and current or former household members.
- C. ***Dating Relationship***: A romantic involvement of a continuous nature over a period of time. While this period of time may only constitute a single occurrence and the belief of a romantic involvement need only be held by one party, a casual acquaintance or ordinary fraternization between persons in a business or social context is not considered to be a dating relationship under the statute.
- D. ***Intimate Partner***: Persons of any gender, sexual identity or expression who are or were dating, engaged, married, separated, or divorced. Person who have or have had a child, adoptive or otherwise, in common; or a sexual relationship that they do not identify as a dating relationship.

**IV. Procedures**

- A. Officers responding to a domestic violence call shall take whatever steps are lawfully authorized and reasonably necessary to: protect victims from harm, determine if medical care is needed by any person, and arrest any violator as authorized by law and by this policy.

- B. Whenever an officer reasonably believes that doing so is necessary for the purpose of saving life or preventing serious bodily injury, the officer is authorized by N.C.G.S. 15A-285 to: enter buildings or premises, limit or restrict the presence of persons in premises or areas, and exercise control over the property of others. Authority also is provided by N.C.G.S. 50B-5(a) for officers to take whatever steps are reasonably necessary to protect a complainant from harm, even in cases where no protective order is in effect.
- C. Responding officers must establish control over the premises and restore order. A building sweep should be conducted to look for persons needing medical assistance and to locate firearms or other dangerous weapons. The parties should be separated and detained for questioning about the incident. Advise persons of the duty to cooperate with any instructions designed to restore order and investigate the dispute. Any person acting in a threatening manner should be frisked for weapons and isolated, using handcuffs if needed.
- D. As soon as possible, officers should interview persons present about whether or not an assault was committed, the nature of the assault, who first used force to assault another, and the nature of injuries inflicted. Any utterances by participants made during and immediately after the conflict are important evidence and must be recorded by responding officers. A MIRANDA warning and waiver are not required before interviewing a suspect who is not in custody.
- E. If property has been damaged, or visible injuries inflicted, photographs should be taken. Clothing or other objects that are bloody or torn should be seized as evidence. Any condition at the scene that tends to show the character of the violence that has taken place should be recorded as evidence. Visible injuries should be noted on the report so claims of self-defense and excessive force can be evaluated.
- F. For all calls involving a domestic dispute, an Incident Report must be completed if:
  - 1. There is evidence of a physical injury,
  - 2. There is an allegation of assault,
  - 3. The case involves intimate partners, and/or
  - 4. An arrest is made.
- G. Any dangerous weapon possessed or displayed by the suspect during a domestic violence crime shall be seized and held as evidence for court. No weapon shall be returned to an suspect unless ordered by a court of competent jurisdiction.
- H. Officers at the scene of a domestic violence call should be alert to any signs that children, elders, or dependent adults are also victims of abuse. Question children and other adults about possible acts of violence against them. If any credible evidence of such abuse exists, initiate a full investigation to determine whether protective services or criminal charges are appropriate.



- I. Every call for assistance in a domestic violence dispute requires dispatch of an officer as soon as possible. The caller should not be asked if she is willing to testify or cooperate in a prosecution. After the caller has given sufficient information to support a dispatch, and consistent with the caller's safety, the caller should be asked to describe any assault that may have occurred and to identify the person committing the assault.
- J. NCGS 15A-401B.1-2 allows officers to make a warrantless arrest in certain situations. The following procedures apply to warrantless arrests:
  - 1. If an officer has probable cause to believe any crime, felony or misdemeanor, is being committed in the officer's presence, the officer is authorized to make an immediate warrantless arrest of the suspect.
  - 2. If a felony or domestic criminal trespass is committed outside the presence of the officer, the officer is authorized to arrest without a warrant any person the officer has probable cause to believe has committed the felony or domestic criminal trespass.
  - 3. If a misdemeanor is committed outside the presence of the officer, and is not domestic criminal trespass, the officer may arrest the suspect without a warrant if the crime is one of the following misdemeanors and is committed by a person who is the spouse or former spouse of the victim or by a person with whom the victim lives or has lived as if married:
    - a. Simple assault;
    - b. Aggravated misdemeanor assault; or
    - c. Assault on a female.
- K. Warrant less arrest for any other misdemeanor committed outside the presence of the officer requires the officer to have probable cause to believe the suspect committed the crime and also have probable cause to believe the suspect will not be apprehended unless immediately arrested or will injure persons or damage property unless immediately arrested.
- L. If immediate warrant less arrest is authorized by law and is feasible, officers should make an immediate warrant less arrest. If immediate warrant less arrest is not feasible, or if officers believe the probable cause should be heard by a magistrate before arrest, officers should seek an arrest warrant prior to making an arrest if this can be done without increased danger to the victim. The arrest decision should be based first of all on whether or not arrest is necessary for the protection of victims against future violence. In all cases where an arrest warrant is sought before arrest, officers shall take all reasonable steps to reduce the risk of violence to witnesses and victims until an arrest is made.
- M. In all cases when an officer decides not to make an arrest, the officer shall so advise the victim and, if requested by the victim, transport the victim to and from the Magistrate's Office to obtain an arrest warrant for the suspect.
- N. An officer may apply for issuance of an arrest warrant even though the victim declines to cooperate or agree to go to the Magistrate's Office. Reasonably credible hearsay information from witnesses given to any officer may be related under oath by the officer to the magistrate for probable cause purposes.
- O. Mutual combat exists when both parties to a fight are equally willing participants, each inviting the other to fight, and each trying to inflict an injury on the other. Mutual combat may justify the arrest or citation of both parties to a conflict. Force used in justified self defense does not constitute mutual combat. If the facts and circumstances indicate mutual

combat by both parties to the dispute, officers may arrest one party and issue a citation (instead of arrest) to the other party if the party to be cited is a primary care provider for dependent children or adults in the household.

- P. A suspect who is charged with a crime involving domestic violence should be advised that any attempt to harass or intimidate the victim may subject them to charges of obstruction of justice. Officers should advise the suspect that a charge of obstruction of justice based on intimidation of a state's witness may result in the suspect being jailed under high bond or no bond.
- Q. At post-arrest the officers will inform the magistrate of all known pertinent information concerning the defendant's history, including threats made by defendant to victim, number of previous calls, the potential for further violence if released immediately, the existence of court orders, release conditions or civil orders, defendant's history of violence, and juvenile or elderly co-victims.
- R. NCGS 15A-534.1 provides for special conditions of pretrial release when a defendant and victim have a relationship of spouse or former spouse or have lived together as if married and the defendant is charged with assault, communicating threats, domestic criminal trespass, or a violation of a Domestic Violence Protective Order. In the above cases, NCGS 15A-534.1 ***requires that a judge determine the conditions of pretrial release.***
- S. When officers respond to a situation involving the abuse and neglect of a child they will contact Communications and request the Department of Social Services be notified. Officers shall also complete and submit an Incident Report . The officers will remain on the scene until there is no imminent danger to the child or children. Officers may take a child into temporary custody if there exists reasonable grounds for the officers to believe that the child is in imminent danger of death or serious physical injury or is being sexually abused and the parents or persons in custodial control are unwilling to protect the child. This custody cannot last any longer than 12 hours and must be in accordance with N.C.G.S. 7A-571 and N.C.G.S. 7A-572.
- T. In all cases of suspected domestic violence, whether or not probable cause exists to support criminal charges, officers shall advise and counsel victims about community services and offer to contact Helpmate, the local agency assisting domestic violence victims. Victims should be made aware of any available shelter program and assisted in obtaining transportation to a shelter, to a medical facility, or other location within the jurisdiction. Officers shall assist a victim who needs to remove food, clothing, medication or other personal property necessary for the care and maintenance of the victim and any minor children in the care of the victim. Victims should be counseled in advance of such assistance that officers have no authority to resolve disputes of ownership and cannot supervise any extended removal of property. Unless prevented by assignment to an emergency call, officers shall transport any victim who cannot arrange other transportation to a shelter facility, a hospital, magistrate, or other public or private facility helping domestic violence victims.
- U. Officers should advise the victim that the suspect may be released on bail or discharged from custody within a short time. The obligation to come to court in response to a subpoena should be explained. Officers should advise the victim and suspects that criminal charges are not subject to dismissal at the request of the victim, and that the prosecution may proceed even though the victim does not wish to testify. Victims should be advised about how to find out the status of the criminal charges pending against a suspect and, if known, when a suspect is scheduled for release from custody.
- V. Officers should advise victims about the availability of 50B protective orders and ex parte emergency protective order. Officers shall temporarily withhold from public disclosure the

identity of any victim who requests it. In these cases, officers should request permission from the victim to release name, telephone number, and the name and telephone number of a close friend or relative who might serve as a contact person, to the local domestic violence support program.

- W. If possible, officers should ask that conditions of pretrial release (bail) include a prohibition against going on any premises occupied by a victim as a residence or workplace and also prohibit any intimidation or harassment of a victim as a condition of release. Any defendant who violates a condition of pretrial release should be immediately reported to the Office of the District Attorney.
- X. Victims should be advised that legal assistance may be available without cost through a regional office of North Carolina Legal Services. This legal assistance may include bringing a civil law suit against a suspect to recover damages for injuries inflicted, property lost, or other violation of legal rights.
- Y. Temporary Restraining Orders (TRO) - This order is obtained in a court of law with the victim being represented by an attorney. This is the only method by which this type of order can be obtained. When officers are answering domestic violence calls and the victim is indicating a violation of a temporary restraining order and the victim does not have a copy of the order, the offices shall attempt through Communications to confirm if there is an order on file with the Clerk of Court's office. When an order is located, it is necessary to determine the particular violation that has occurred, make an assessment, and follow through with the proper procedures according to the situation. The officers should refer to N.C.G.S. 50b-4 and N.C.G.S. 15A-401B for arrest on violations of court orders and arrests without a warrant. At night after 1700 hours, it will be difficult to determine if a temporary restraining order exists. If a violation of a court order cannot be determined, the officers shall assess the situation and determine the proper action to be taken for the safety of everyone.
- Z. Pro Se Domestic Violence Protective Order - N.C.G.S. 50B - This order was placed into effect as of January 1, 1990. It provides for the victim of domestic violence a method to obtain a restraining order without the assistance of an attorney. The order will allow the victim safety from the offender and will also provide any provisions the court deems necessary to accommodate the victim. Officers will normally be involved with these orders only when they are being violated.
- AA. All Pro Se Domestic Violence Protective Orders shall be filed in the Clerk of Court's office and at the Police Information Desk (PID) in alphabetical order. It is not necessary for the victim who filed the order to have a copy in their presence when reporting a violation of the order. When officers are advised of a violation of an order, officers will contact the Police Information Desk or the Clerk of Court's office and confirm there is an order on file. Once an order has been located the officers will determine if a violation has occurred and make a warrant less arrest pursuant to N.C.G.S. 50B-4(b) (Enforcement of Orders). ***Arrest is MANDATORY when there is probable cause to believe there is a violation of the "trespass" or "harass" provisions of a domestic violence protective order (Commonly called 50B).***

#### **Accreditation Reference:**

This policy covers no specific accreditation standards.

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1180</b>	<b>EFFECTIVE DATE: 8/1/1994</b>
<b>SUBJECT: Internal Communication &amp; Information</b>	<b>LAST REVISION DATE: January 4, 2010</b>

**I. Introduction:**

**Internal communications and information sharing are essential to the provision of effective and efficient police services. Administrative reports, staff meetings, electronic meetings, bulletins, and the like are all means of sharing information.**

**II. Procedures:**

A. Meetings are essential to effective communication and direction. [12.1.4](#)

1. Staff meetings will be held on a regular basis in order to communicate department directives and provide a forum for the exchange of information and ideas.
  - a. Management staff meetings will be held at least weekly on a date and time selected by the Chief of Police. Any member of the management team may call for additional meetings as necessary.
  - b. Division supervisors will meet with their staff as necessary to insure the effective and efficient flow of information necessary to achieve the department's mission.
2. Minutes of management meetings may be recorded and available to all staff. Recording of minutes is optional.
3. Intra-divisional staff meetings will be held as necessary. Recording of minutes is optional. Quarterly shift briefings with all personnel will be scheduled by the Chief of Police. These meetings will be held at the beginning of each patrol shift. CID and Administrative staff may attend one of the four quarterly sessions. The four division commanders attend all meetings. Additional CID information not shared by e-mail will be shared by the CID commander
4. "Critical Incidents" on the City of Asheville e-mail system is designed for the conveyance of information quickly and efficiently. Each district files a synopsis on the "Critical Incidents" address of any events during the shift which could become problematic or create a community interest issue for the City of Asheville or the Department. CID files Critical Incident bulletins as necessary and sends through e-mail. This address is delivered to the Chief of Police, City Manager, APD Attorney, and supervisors throughout the department. Examples of these types of events could be, but limited to, shootings, neighborhood disputes, gang fights, disasters, or problems with service delivery.

B. Administrative reports are designed to provide information on department operation and may also serve as a mechanism to report activities outside the immediate structure of the organization. The below listed reports will be prepared and distributed as indicated. [11.4.1](#)

1. Monthly and Annual Report
    - a. Responsibility: Division Commander
    - b. Purpose: Provide information and documentation for activities
    - c. Frequency: Monthly/Annually
    - d. Distribution: Management Team
  2. Uniform Crime Report
    - a. Responsibility: Records Manager
    - b. Purpose: Crime Data reporting
    - c. Frequency: Monthly/Annual
    - d. Distribution: Management Team
  3. Patrol Unit Monthly
    - a. Responsibility: Unit Supervisor
    - b. Purpose: Unit activity report to Division Commanders
    - c. Frequency: Monthly (as required by Division Commander)
    - d. Distribution: Division Commander
  4. Operational Plan and After Action Report
    - a. Responsibility: Supervisors
    - b. Purpose: Pre and Post action report of a planned event
    - c. Frequency: As required
    - d. Distribution: Division Commander
  5. A Citizen survey
    - a. Responsibility: Planning/Research Commander
    - b. Purpose: Evaluate performance perceptions and citizen attitudes
    - c. Frequency: Every Three Years
    - d. Distribution: Chief of Police
- C. Email communication is the primary procedure used to communicate information and exchange and completely throughout the department. The distribution choices are listed in the City's email system and all choices are available to any employee

Emails may also be used to communicate information between members of different departments or for communications with other agencies through the internet.

Emails are used to communicate any other type information that promotes cooperation within the department, assures adequate distribution of information, and enhances department operations.

All use of the City's email system must be in compliance with the City's Administrative Policy #28, "City of Asheville Email Policy", as published on the City intranet.

**Accreditation Reference:**

This policy covers the following accreditation standards: [12.1.4](#), [11.4.1](#),

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1200</b>	<b>EFFECTIVE DATE: 1/30/2006</b>
<b>SUBJECT: Crime Analysis</b>	<b>LAST REVISION DATE: May 12, 2010</b>

**I. Introduction:**

**In an effective crime analysis program, data relating to criminal and other incidents are collected, collated, analyzed, and disseminated and can enhance the operation of the agency. It provides pertinent information about criminal patterns and other trends to assist department personnel in both strategic and tactical planning.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to provide accurate information about crime patterns and trends to both administrative and operational personnel.**

**III. Procedures:**

- A. The Administrative Services Manager is responsible for the crime analysis function. The Crime Analysis Unit reports to the Administrative Services Manager.
- B. Data for analysis will be collected from sources such as computer-aided dispatch records, master name index records, Incident Reports with modus operandi information, arrest information, field interview reports, citations, traffic accident reports, pawned property information, and investigative follow-up reports. Additionally, any necessary data source may be used for analysis.
- C. Data collation involves gathering information together from different sources relating to the same types of incidents. The Crime Analysis Unit will routinely collate data on crimes as defined by management of the department's operating divisions.
- D. The Crime Analysts will analyze the data on the crimes in section 3 above for the following factors, but not limited to the following:
  - 1. Frequency of the crime;
  - 2. Geographic factors;
  - 3. Chronological factors;
  - 4. Victim and target descriptors;
  - 5. Suspect descriptors;
  - 6. Suspect vehicle descriptors;
  - 7. Modus operandi factors; and
  - 8. Physical evidence information.

- E. The Crime Analysts will produce a routine analysis report showing the geographic and time distribution of the crimes or incidents and listing any significant factors that the analysis reveals. These reports will be used by personnel during monthly CompStat meetings.
- F. Crime Analysis information will also be used to assess the impact of police tactical operations designed to eliminate or reduce a specified problem during CompStat meetings.
- G. Crime Analysis may prepare Crime Analysis Bulletins on crime trends or patterns of interest; intelligence information; particular persons, vehicles, or suspects of interest; outstanding felony warrants; or any other crime information that might assist other units in the department.
- H. Employees may request a special analysis focusing on a particular crime, series of crimes, geographical area, time frame, etc.
- I. Members of Law Enforcement organizations may have access to crime analysis information except confidential investigative or intelligence information.
- J. City Employees, employees of other public agencies, media members, and other citizens may obtain statistical summaries and general crime data as necessary to perform their duties. This specifically excludes confidential investigative or intelligence information. Customers shall refer requests for data and/or analysis to the Crime Analysis Unit by use of the Crime Analysis Request Form. This will be secondary to daily department tactical analysis completion. Media requests will be completed as soon as possible and within statutory parameters.
- K. Crime information is available on the City of Asheville "Crime Mapper" located on the website. Information is reported via GIS by incident type.

**Accreditation References:**

This policy covers the following accreditation standards: [15.3.1](#)

END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1220 - Fiscal Management</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Fiscal Management</b>	<b>LAST REVISION DATE:</b>

**I. Introduction:**

**The Asheville Police Department is a public agency with the responsibility to provide police services to the citizens of Asheville in the most cost efficient manner possible. Therefore the department fiscal procedures must be above reproach.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to be efficient and responsible in its fiscal management procedures.**

**III. Procedures:**

- A. Pursuant to Section 27 of the Asheville Charter, the Chief of Police is responsible for and has authority over the fiscal management of the Asheville Police Department. The Chief has designated the Administration Commander to fulfill the responsibilities set forth in this policy. [17.1.1]
- B. The Fiscal Services Manager is responsible for the fiscal management function. He reports to the Chief of Police. His responsibilities include overseeing annual budget development, supervision of internal expenditures, and liaison with the City's fiscal officers.
- C. The Division Commanders are responsible for the budgets for their divisions. They may share this responsibility with cost center supervisors. Participants in budget preparation are responsible for preparing budget request documents and justification for expenditures.
- D. Annually, each Division Commander shall prepare written **budget** recommendations for their division. These recommendations **will be submitted to the Fiscal Services Manager** in accordance with budget preparation information from the City of Asheville Finance Department. [17.2.2]
- E. Per City of Asheville Fiscal Procedures Manual all moneys must be hand delivered to the Collections Division the same day it is received with a completed City of Asheville Daily Cash Report. The use of inter-office mail to deliver money is prohibited. If there is a large amount of cash, arrangements may be made with Collections for a bank deposit.
- F. Some items may be purchased with petty cash if the item costs less than \$25, the item is needed immediately, the item is not available through Central Stores or the Logistics Unit, and the purchase is approved by a sergeant rank or above within the purchasing employee's chain of command. The \$25 guideline applies to the entire cost of the purchase and not just each item. To receive reimbursement, the employee must complete a Petty Cash Voucher, have a supervisor sign it, and deliver it with the receipt showing the purchase to the **designated petty cash fund custodian**. The **custodian** will reimburse the employee and stamp the voucher paid. The **custodian** will maintain the completed voucher for a minimum of one year. [17.4.2 b,c]

- G. Petty cash accounts shall be reconciled when there is a change in the person who controls or manages the account, immediately prior to the end of each fiscal year, or the balance falls below 25% of the petty cash fund account. The person in charge of a petty cash account shall maintain a ledger showing the initial balance, credits (cash received), debits (cash disbursed), and the balance on hand. They shall also maintain receipts or documentation for cash received.
- H. Employees may not charge more than \$25 to any petty cash account (this includes multiple charges where the total amount is more than \$25); however [the Investigations and Operations Support Division](#) may charge more than \$25 for emergency travel expenses.
- I. The Chief of Police, [Bureau Commanders](#), Division Commanders, District Commanders, Criminal Investigations Section Commander and [Special Operations Section Commander](#) are authorized to receive or disburse funds from cash accounts. [17.4.2 e]
- J. The Fiscal Services Manager will [periodically prepare](#) financial [status reports](#) for submission to the Chief of Police.
- K. The responsible [Section Commander](#) shall conduct a quarterly audit of cash accounts under their control and submit the results via memorandum to the Division Commander. The report shall state the objective of the audit; the scope and methodology used; the findings; and any recommendations. [17.4.2 f]
- L. As required by North Carolina General Statute 159-34, the City Finance Department will order an annual independent audit of the department's cash accounts. [17.4.3]
- M. The City of Asheville uses procurement cards issued to employees for purchasing necessary equipment and supplies under \$500. The Finance Department can raise an individual card limit based on need and approval from the Chief of Police [or designee](#). [17.3.1]
- N. The City of Asheville bidding procedures and the criteria for selection of vendors and bidders is governed by City policy as elaborated in the City of Asheville Purchasing Policy Procedures Manual. Division heads shall establish specifications for standardized purchases such as uniforms, leather goods, weapons and vehicles. [17.3.1]
- O. Any Division Commander may make an emergency purchase or rental agreement after clearing the purchase with the Chief of Police. Only those items necessary to meet the emergency should be purchased. Emergency purchases or rentals are covered in Article 5 of the City of Asheville Purchasing Policies Procedures Manual. [17.3.1 d]
- P. Division Commanders may arrange emergency appropriation or fund transfers with the Chief's approval through the City of Asheville Budget Manager. Emergency overtime may be added to account balances as the encumbrances occur.
- Q. The Logistics Unit will maintain equipment issue lists. These list will contain all department owned property issued to individual employees [or units](#). The employee [or unit](#) to whom the property is issued is responsible for maintaining the property [in a state of operational readiness](#). [17.5.3]
- R. Any newly received item, with the exception of consumable supplies, [will be inventoried by the Logistics Unit prior to being distributed](#).
- S. The Logistics Unit is responsible for maintaining all items of non-issue and stored departmental property in a serviceable condition. The unit will inspect all items of non-issued or stored departmental property at least once [annually](#). The inspection will check for cleanliness, damage, and serviceability. Any discrepancies will be noted and submitted to

the Fiscal Services Manager. The Fiscal Services Manager will provide the final inspection report to the Chief of Police.

- T. Department owned property may be disposed of by:
1. Transfer to City of Asheville Purchasing Division - The Logistics Unit will transfer items listed on inventory that are no longer serviceable or which are serviceable but no longer useful to the Purchasing Division for proper disposition.
  2. Exchange - Items not listed on the City of Asheville Fixed Asset Sheet may be exchanged by the Police Department for full and fair value. The exchange must be approved by the Chief of Police and the City Manager; a resolution by City Council must authorize the exchange; and a notice of the exchange must be published in the Asheville Citizen-Times at least 10 days prior to the resolution being approved by the Asheville City Council.
  3. Disposal - The Logistics Unit will place items not listed on the inventory list that are no longer serviceable in the garbage.

**END OF DOCUMENT**

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1230</b>	<b>EFFECTIVE DATE: 6/15/1994</b>
<b>SUBJECT: Records</b>	<b>LAST REVISION DATE: October 1, 2012</b>

**I. Procedures:**

- A. The Central Records Unit (CRU) Supervisor is responsible for the records function within the Asheville Police Department. The CRU is part of the Administrative Bureau with the CRU Supervisor reporting to the Administrative Services Manager.
- B. A district sergeant or above is responsible for reviewing all incident reports, incident supplement reports, and traffic accident reports submitted by patrol units. These reports are compiled and reviewed in electronic form utilizing a mobile field computer or a desktop computer. A CID sergeant or above is responsible for reviewing all incident reports and incident supplemental reports generated by CID. The reviewer shall check the report for accuracy, legibility, and completeness and insure that the originals of all reports are forwarded to the Central Records Unit. The reviewer shall electronically acknowledge the report indicating that he has reviewed and approved it. For patrol and CID, those acting in the capacity of sergeant may review and approve reports.
- C. The Central Records Unit Supervisor is responsible for conducting a final review of all incident, supplemental and traffic accident reports and the storage and maintenance of those reports. If there is a problem, the Central Records Unit Supervisor shall return the report, electronically, and a note explaining the problem to the reporting officer and the supervisor who reviewed and approved the report. If a conflict arises over the correction, the Central Records Unit Supervisor shall forward the report to the Administrative Services Manager and respective Bureau Commander for follow up and clarification. Supervisors shall ensure that incident, supplement, and accident reports prepared by their personnel are submitted in a timely manner, electronic or otherwise, to the Central Records Unit. [82.1.5](#), [82.2.1e](#), [82.2.4](#)
- D. The Central Records Unit or CRU is responsible for maintaining the originals of all incident, supplemental, and accident reports. The CRU will maintain care, custody and control of all reports forwarded to it. CRU personnel will accommodate reasonable and practical requests for these reports. The Criminal Investigations Division maintains all case files assigned to that division. Records will store the reports so they may be easily retrieved. The Central Records Unit shall maintain an index of all reports submitted to them. Manual and electronic storage methods may be used. [82.3.5](#), [82.1.1c,d](#)
- E. Employees shall complete the following reports per the instructions in manuals issued for a particular report: [82.2.1a, b, c, d](#)
  - 1. Employees shall complete an Incident Report (DCI-600F) in every instance where a citizen reports or the officer investigates a death (from whatever cause), sexual offense, assault, kidnapping, robbery, hate crimes, threats, bomb threats, blackmail, extortion, breaking or entering, larcenies, receiving stolen goods, embezzlement, fraud, counterfeiting, forgery, confidence crimes, damage to property, and any other incident as directed by a supervisor.

2. Employees may use an approved Incident Supplement Report where they need to report additional information on a case or another policy requires it.
  3. Officers must complete a North Carolina Division of Motor Vehicles Form (DMV-349) on all traffic accidents that occur on any street or highway within the city limits, regardless of damage estimate. If the damage amount is less than the State threshold amount of \$1000.00, officers are to check the "non-reportable" box on the DMV-249. They must complete the DMV-349 form on any accident that occurs on a public vehicular area and involves a hit and run accident, driving while impaired, a personal injury, a hazardous material spill, a city owned vehicle, or the total amount of damage is \$1,000 or more.
  4. Officers shall complete arrest reports on computer through the Central Data Entry office in the Courthouse. They dictate these reports to a data entry clerk who enters them directly into the system as directed by general statute.
  5. Employees shall complete property vouchers electronically per the Evidence and Found Property Policy ([APD Policy #1100](#)).
  6. The computer-aided dispatch system assigns a unique sequential original case agency (OCA) number to each call for service that generates a report. Employees shall include this number on any incident, supplement, traffic accident, arrest, property, or field interview report connected with that case. They shall properly document the number on any citation or other related paperwork connected with the case. [82.2.3](#)
- F. All incidents are documented and assigned unique event numbers by the department's Computer Aided Dispatch (CAD) System including the following:
1. citizen reports of crimes; [82.2.2a](#)
  2. citizen complaints; [82.2.2b](#)
  3. incidents resulting in an officer being dispatched or assigned; [82.2.2b](#)
  4. criminal and non-criminal cases initiated by law enforcement officers; and, [82.2.2c](#)
  5. incidents involving arrests, citations, or summonses. [82.2.2d](#)
- G. Communications shall record the following information on any incident where an officer is dispatched:
1. date and time of the initial report;
  2. the name (if available) of the citizen requesting the service, the name of the victim, or the name of the complainant;
  3. the nature of the incident (call for service code);
  4. the nature, date, and time of any action taken (disposition); and,
  5. any other pertinent or noteworthy information.
- H. The Asheville Police Department shall comply with the "Municipal Records Retention and Disposition Schedule" issued by the North Carolina Department of Cultural Resources, Division of Archives and History. [82.1.2](#)
- I. The Records Management Unit shall maintain the originals of all incident, supplement, and accident reports. Distribution of copies is as follows: [82.1.1d](#), [82.2.5](#)

1. Incident Report - (DCI-600F) copies and most information contained within are are public record and must be provided to the media and other interested parties upon request. Information to be excluded or redacted from public record report copies include all Social Security Numbers, names and dates of birth of juveniles who have not reached their sixteenth (16th) birthday, Domestic Violence victims' names and addresses in the interest of victim safety, or any information deemed of evidentiary value that if released would hinder or otherwise obstruct prosecution.
  2. Incident Supplement Report - The narrative portion is not public record and shall not be released to the media or general public without the approval of the Chief of Police or his designee.
  3. Traffic Accident Report (NC DMV Form 349) - the Central Records Unit shall submit a copy of the report to the NC Department of Motor Vehicles. The report is a public record and must be provided to the media and other interested parties upon request. Information to be excluded or redacted from public report copies include all Social Security Numbers, Domestic Violence victims' names and addresses in the interest of safety, or any information deemed of evidentiary value that if released would hinder or otherwise obstruct prosecution.
- J. Employees shall complete all incident, supplement, or accident reports prior to the end of their tour of duty. If this is not possible, the employee must forward a return receipt requested e-mail to his/her supervisor who in turn will forward the e-mail return receipt requested to the CRU. [82.2.1e](#)
- K. The Case Management Policy ([APD Policy #3010](#)) and the Patrol Investigations Policy ([APD Policy #2020](#)) govern follow-up on incident reports and supplemental reports.
- L. Only persons who need access to perform legitimate department tasks (employees, service technicians, etc.) may enter the Central Records Unit. Only CRU personnel shall access the manual report storage files. Employees can access report information 24 hours per day through the department's electronic storage system. [82.1.4](#), [82.1.1c](#)
- M. The Central Records Unit shall maintain on file all Incident Reports (DCI-600F), all Incident Supplement Reports; and all Traffic Accident Reports (NC DMV Form 349). These reports are public records and are available to both employees and the general public. City-County ID Bureau maintains arrest records in hard copy and on the CJIS computer system. [82.1.4](#)
- N. The Asheville Police Department (APD) participates in the local CJIS (Criminal Justice Information System) shared by APD, the Buncombe County Sheriff's Department, the City-County Identification Bureau, the Magistrate's Court, and the District Attorney's Office. The CJIS system contains a master name index (MNI). The MNI file includes all persons arrested in Buncombe County; all persons issued citations in Buncombe County; all persons pawning property in Buncombe County; all persons on whom warrants are generated in Buncombe County; and all persons on whom a field contact is documented. [82.3.1](#), [82.3.6](#)
- O. The computer-aided dispatch system maintains a record of the geographic locations of all calls for service. These records are indexed both by geographic location and by call type. Employees may access these records for inquiry and analysis purposes through the CJIS system. [82.3.2](#)
- P. City-County ID Bureau maintains criminal history files on each person arrested in Buncombe County. Officers shall comply with the fingerprinting restrictions and

requirements listed in the Judge's Plan issued by the North Carolina Administrative Office of the Courts. [82.1.1b](#)

- Q. Entry of persons in the warrant file of the CJIS system is the responsibility of the Magistrate's Court. Magistrate's are the only persons who may enter, remove, or modify warrants on the CJIS system. Any warrants received from outside Buncombe County for service in Buncombe County are sent to the Magistrate's Court for entry into the CJIS system. [82.3.8a,b](#)
- R. Warrants obtained by officers of the Asheville Police Department may be entered into the North Carolina Division of Criminal Information (NC DCI) Wanted Persons file and the National Crime Information Center's (NCIC) Wanted Persons file. The procedures for entry and maintenance of this information are: [82.3.8](#)
1. Misdemeanor warrants may be entered into the NC DCI system as state wanted with the approval of the District Attorney's office in writing or verbally. If the approval is verbal, the officer obtaining the approval shall note the date, time, and the name of the assistant district attorney granting the approval. [82.3.8a](#)
  2. Only felony warrants may be entered into the NCIC system with the approval of the District Attorney's office's either in writing or verbally prior to entry of the warrant. If the approval is verbal, the officer obtaining the approval shall note the date, time, and the name of the assistant district attorney granting the approval. [82.3.8a](#)
  3. Entry by the Asheville Police Department of any warrants obtained by officers of another jurisdiction must meet the criteria listed in Subsections A and B above. [82.3.8b](#)
  4. The CID Commander shall assign a person to enter warrants into NC DCI and NCIC. In the absence of this person, Communications may enter these warrants and forward a copy of the entry to CID. A copy of all warrants for arrest entered by APD will be kept in CID until the entry is removed from NC DCI or NCIC. Communications will keep a copy of the entry printout on file and forward a copy to the requesting officer. [82.3.8c](#)
  5. The CID Commander shall ensure that the monthly warrant verification is conducted according to the procedures of NC DCI. [82.3.8d](#)
  6. When the department is notified of the arrest of a wanted person, the NC DCI and NCIC entries will be removed from the system. A copy of the removal/cancellation shall be forwarded to CID and included in the file. [82.3.8e](#)
  7. Both local and DCI/NCIC files are available to employees 24 hours a day. [82.3.8f](#)
- S. Records in operational components not listed in this policy such as Vice, Criminal Intelligence, etc. are covered in the policies specific to those operational components. Each supervisor in the department should maintain copies of the following records on personnel under their control: performance evaluations; performance objectives; work actions and commendations; work schedules; and inspections. [82.3.5](#)
- T. All records involving juveniles maintained by the Asheville Police Department shall be kept in separate, secured files from records involving adults. This includes case files, incident reports, and other records. City-County ID Bureau maintains criminal history records on juveniles. The Juvenile Master Name Index on the CJIS system is kept separate and apart from the adult Master Name Index. [82.1.1a](#)
- U. The Central Records Unit shall furnish a monthly report of crime statistics to the North Carolina State Bureau of Investigation under their desired plans and programs, and as

directed by their policies and procedures. [82.1.3](#)

- V. Asheville Police Department employees shall refer to [1230-SOP](#) for protocol concerning original documentation.

**Accreditation Reference:**

This policy covers the following accreditation standards: [82.1.1](#) [82.1.2](#) [82.1.3](#) [82.1.4](#) [82.1.5](#) [82.2.1](#) [82.2.2](#) [82.2.3](#) [82.2.4](#) [82.2.5](#) [82.3.1](#) [82.3.5](#) [82.3.8](#)

END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1231</b>	<b>EFFECTIVE DATE: 9/1/1994</b>
<b>SUBJECT: Media Relations</b>	<b>LAST REVISION DATE: April 21, 2011</b>

**I. Introduction:**

**As government employees, many of use will be asked at some point to provide public information to members of the media and to the community at large. Please remember that in this state, *everyone is entitled to public records.***

**When a person asks for a public document, we should not ask to see media credentials:**

**"No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request." (N.C. Gen. Stat. 132-6(b)).**

**II. Procedures:**

- A. All media inquiries will be directed to the Public Information Officer or the responsible division commander. Every effort will be made to accommodate the news media within the guidelines of this policy, including the release of public information via e-mail, fax or mail. The Public Information Officer, the Division Commander or his or her designee may send out media releases. All releases should be BCC'd to the Police Chief, the Assistant to the City Manager, the City Public Information Officer, Police Command Staff and Police Supervisors.
- B. Requests by media personnel for routine news stories will be directed to the Public Information Officer. Under no circumstances will reporters from any medium receive preferential treatment. Appropriate information is to be made available to all news media representatives upon request, per North Carolina Open Records Law (N.C. Gen. Stat. 132).
- C. At incident scenes, media personnel seeking information shall be referred to the officer in charge of the scene, his designee or to the Public Information Officer.
- D. All problems and complaints regarding the police and news media relationship are to be referred to the office of the Chief of Police. The Public Information Officer is appointed by the Chief of Police and reports directly to the Chief. Responsibilities include, but are not limited to: preparing and distributing agency news releases; arranging for and assisting at news conferences; assisting in the release, when applicable, of information about witnesses, victims, suspects and confidential operations; and assisting in crisis situations within the agency or the City of Asheville.
- E. The Public Information Officer will be contacted during off duty hours at any time a major event occurs, such as officer involved shootings, hostage situations, any civil disorder requiring significant police action or any event that causes the City's Emergency Operation Center to be activated. In such events, the Public Information Officer will coordinate media requests with the appropriate division commander.

- F. During a major event, if the City's Public Information Officer (PIO) has been designated as the primary point of contact for the press, the Community Relations Manager will support and facilitate that effort.
- G. There is no requirement for news releases to be made on a regular basis. However, news releases shall be made whenever any of the following occurs: homicide; civil disorders requiring significant police action; traffic fatalities; officer involved shooting; officer seriously injured; hostage situations; arrests for major felonies; or whenever the Asheville Police Department has information it wishes to communicate to the public, including awards, outreach and commendations.
  - 1. Administrative news releases are to be prepared and distributed only through the office of the Chief of Police or his designee. This will include personnel information, finance issues, management issues, policy interpretation, major operational activities, Internal affairs investigations and confidential agency investigations and operations. If a release involves an employee's personal or personnel information, release of that information will be coordinated with the City's Human Resources and Legal staff.
  - 2. The Public Information Officer and Division Commander will maintain and distribute (as needed) a list of local media outlets. News releases are to be e-mailed through the "Media Contacts - Local" tap in Outlook. News media who wish to receive releases by other means, fax, hard copy, will be accommodated when feasible and within normal business hours.
  - 3. Unsolicited releases should not be made unless authorized by the Community Relations Manager or a person at the rank of Division Commander or above. An exception to this rule is an event that requires immediate public notification such as an emergency evacuation of an area.
  - 4. Copies of all APD news releases will be sent to and kept by the Public Information Officer and in the appropriate division of origin. All news releases will be dated and will include a contact name and phone number for the media seeing additional information.
  - 5. Copies of all written news releases should be copies to the City's Public Information Officer, the Assistant to the City Manager, and the City Manager. They will forward releases to City Council as they deem appropriate.
- H. Centralized Records Unit (CRU) personnel may release public information contained in incident and traffic accident reports. Juvenile crime reports will be released in accordance with State law. Requests for arrest and local criminal history information should be referred to the City-County Bureau of Identification during normal business hours and to the Magistrate's Court after hours. All other requests for information from agency files are to be in writing and will be directed to the Department's legal advisor.
- I. The Criminal Investigations Division (CID) Commander is authorized to release information relating to cases and will coordinate such releases with CID investigators. He or she may release the accused's name as provided by law, if 16 years of age or older, sex, residence, employment, marital status, and any similar biographical data; and, any other information contained on the original offense report exclusive of any supplemental reports or investigative attachments.
- J. The patrol Division Commander is authorized to release information concerning incidents or events handled by that Division.

- K. Media access to fire, natural disaster, or other catastrophic event scenes will be controlled in accordance with the City's and the Department's Emergency Operations Plans. Officers at the scene may assist the official in charge in establishing an observation point from which media personnel can observe and/or photograph the scene. Media access to accident or crime scenes, under the control of this department, will be determined by the officer in charge of the scene. The officer in charge will establish a perimeter and ensure the media is aware of that perimeter. If officers are assisting another agency outside the City of Asheville they will refer press inquires to the agency having primary jurisdiction.
- L. The department may periodically seek input from public media outlets in order to improve relations and best practices.

Accreditation Reference:

The following accreditation standards are in this policy: [54.1.1](#) [54.1.2](#) [54.1.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1240</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Arrests</b>	<b>LAST REVISION DATE: August 22, 2012</b>

**I. Introduction:**

**When arresting criminal suspects, law enforcement officers must keep the rights of the victim and the suspect in mind. They must follow specific rules when making an arrest or serving a legal process.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to make arrests and undue searches in compliance with both constitutional and statutory laws. [1.2.5](#)**

**III. Definitions:**

- A. ***Arrest***: To deprive a person of his liberty by legal authority. Taking under real or assumed authority, custody of another for the purpose of holding or detaining him to answer a criminal charge or civil demand.
- B. ***Probable Cause***: An apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent man to believe in a criminal case, the accused person had committed the crime charged.
- C. ***Reasonable Belief***: The facts or circumstances the officer knows, or should know, are as such as to cause an ordinary and prudent person to act or think on a similar way under similar circumstances.

**IV. Procedures:**

- A. When making arrests, officers shall use only the reasonable force necessary to effect the arrest. The transporting officer is responsible for the arrestee's safety and protection while in the officer's custody. The arresting officer is responsible for the arrestee's personal property until it is turned over to Buncombe County jail personnel or placed in the Asheville Police Department Property Control System. The arrestee must receive a Miranda warning prior to any custodial questioning. This does not apply to statements made by suspects who are not under arrest and being questioned or suspects who are under arrest and not being questioned. Officers should bear in mind that the courts have ruled that a person is under arrest if he has a reasonable belief he is not free to leave, even though the officer may not have told him he is under arrest.
- B. Generally friendly foreign sovereigns and their attendants, their ambassadors and other diplomatic agents, public ministers and their attendants, households and retinues are exempt from arrest, entry of their houses or subjection to the process of the laws of the country visited. When doubt exists regarding an individual's immunity, the United States Department of State can provide verification from a diplomatic registry.

No person belonging to the United States military is to be arrested on any process except

such as may be issued by military authority, while going to, remaining at or returning from any place at which he/she may be required to attend for military duty. If a violation of the law is so grievous that detention is required, the proper military authority is to be notified immediately.

C. When the need exists for the arrest of a foreign national the following legal requirements will be followed.

1. In all cases, the foreign national must be told of the right of consular notification and access.
2. In most cases the foreign national has the option, after notification, to decide whether to have consular representatives notified of the arrest or detention.
3. In other cases, the consular notification is mandatory regardless of the foreign national's wishes.

A list of all embassies and consulates in the United States with telephone numbers is accessible on the website of the United States Department of State and a complete list is posted in the supervisor's office for each patrol district and the Criminal Investigations Division. In addition, copies of the consular notification and access both mandatory and non-mandatory are also included with the telephone list. The notifications are translated in each language and will be provided to those foreign nationals who do not speak English. Consular notifications and access must be carried out without delay as soon as is practicable. The local FBI office will also be notified.

D. There are circumstances where there are grounds for arrest, but better police practice would be to not arrest the offender, such as: [1.2.7](#)

1. when it is apparent that immediate arrest would cause a greater risk of harm to the general public than the offending conduct did;
2. the arrest would cause harm to an offender who poses no threat of danger to the public;
3. minor family disputes where the situation will resolve itself quickly and safely (except for violations of Chapter 50B);
4. intoxicated persons who are harmless where a 24-hour hold, homeless shelter, or a ride home may suffice; and
5. juvenile offenders who would best be handled through warning, advice, or a talk with parents.

E. There are several alternatives to arrest available to officers including citations for non-violent misdemeanors and infractions; and written warnings; and referral to social service agencies. [1.2.6](#)

F. NCGS 15A-401 defines when an arrest by law enforcement officer may occur:

1. Arrest by Officer Pursuant to a Warrant -
  - a. Warrant in Possession of Officer – An officer having a warrant for arrest in his possession may arrest the person named or described therein at any time and at any place within the officer's territorial jurisdiction.
  - b. Warrant Not in Possession of Officer – 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 his possession, may arrest the person named therein at any time. The officer must inform the person arrested that the warrant has been issued and serve the warrant upon him as soon as possible. This subdivision applies even though the arrest process has been returned to the clerk under G.S. 15A-301.

2. Arrest by Officer Without a Warrant -

- a. Offense in Presence of Officer – An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense, or has violated a pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2), in the officer's presence.
- b. Offense Out of Presence of Officer – An officer may arrest without a warrant any person who the officer has probable cause to believe:
  - i. Has committed a felony; or
  - ii. Has committed a misdemeanor, and:
    1. Will not be apprehended unless immediately arrested, or
    2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
  - iii. Has committed a misdemeanor under G.S.14-72.1 (Shoplifting), 14-134.3 (Domestic Criminal Trespass), 20-138.1 (Impaired Driving), or 20-138.2 (Impaired Driving Commercial Motor Vehicle); or
  - iv. Has committed a misdemeanor under G.S. 14-33(a) (Simple Assault), 14-33(c)(1) (Assault Inflicting Serious Injury or Uses a Deadly Weapon), 14-33(c)(2) (Assault on Female), or 14-34 (Assault By Pointing A Gun) when the offense was committed by a person with whom the alleged victim has a personal relationship as defined in G.S. 50B-1; or
  - v. Has committed a misdemeanor under G.S. 50B-4.1(a); or
  - vi. Has violated a pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2).

3. A law enforcement officer may detain an individual arrested for violation of an order limiting freedom of movement or access issued pursuant to G.S. 130A-475 or G.S. 130A-145 in the area designated by the State Health Director or local health director pursuant to such order. The person may be detained in such area until the initial appearance before a judicial official pursuant to G.S. 15A-511 and G.S. 15A-534.5.
- G. Only sworn officers shall execute arrest warrants. [74.3.2](#)
- H. When practical, officers should first obtain a warrant.
- I. Any person arrested shall be searched for weapons and contraband according to the following procedures: [1.2.4g](#)
1. The officer should search any areas within the immediate control of the persons at the time of their arrest.
  2. The officer should do a thorough pat-down search of the arrestee.
  3. Strip and body cavity searches shall only be conducted according to [Policy 606 - Strip & Body Cavity Searches](#).
- J. Off-duty officers shall not make arrests for misdemeanor offenses, including traffic, except where necessary to prevent injury to another person. This does not apply to officers while they are engaged in secondary employment providing law enforcement services.
- K. Local criminal history files are maintained by the City-County Bureau of Identification located in the Buncombe County Courthouse. The City-County Bureau of Identification is a joint agency shared by the Asheville Police Department and the Buncombe County Sheriff's Department. Central Data Entry (CDE) is a division of City-County Identification and is responsible for entering arrest data on all persons arrested in Buncombe County. Central Data Entry (CDE) assigns a master name index number to all persons arrested. CDE updates information about the person with each subsequent arrest. At the time of an arrest, officers shall complete an arrest report through CDE. Except for juvenile offenders, all felony cases shall be fingerprinted and photographed. The local criminal history files maintained by City-County Identification include:
1. copies of all arrest reports;
  2. fingerprint cards (except juveniles); and,
  3. a photograph, if available (except juveniles).
- L. The Magistrate's Court determines the pre-trial release of any persons who are physically arrested. Employees of the Asheville Police Department shall not make any recommendations regarding bonds or conditions of release. Employees may provide information (the person is a local resident, etc.) upon request by the magistrate.

### **Accreditation Standards:**

This policy covers the following accreditation standards: [1.2.3](#) [1.2.4](#) [1.2.4g](#) [1.2.5](#) [1.2.6](#) [1.2.7](#) [1.2.8](#) [74.3.2](#) [82.2.2e](#) [82.3.6](#) [1.1.4](#), [1.2.5](#)

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1241</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Citations</b>	<b>LAST REVISION DATE: August 22, 2012</b>

**I. Introduction:**

**Citations often form the basis for the prosecution of traffic and misdemeanor offenses. Specific guidelines are needed on their preparation, processing, and distribution.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to prepare, process, and distribute all citations in a correct and efficient manner.**

**III. Procedures:**

- A. North Carolina law permits the issuance of citations in the case of any misdemeanor violation or traffic infraction. Officers may charge non-traffic misdemeanors on the North Carolina Uniform Traffic Citation.
- B. Except for a 50B order violation, officers may still use a citation in these cases, but the person charged must appear before a magistrate and the citation must be signed by a magistrate as a magistrate's order.
- C. New citation books shall be stored in the Records Unit. District Supervisors can acquire new books through the Records Supervisor. When a citation book is issued a Citation Issue card will be complete and submitted to the Records Supervisor to add to the Citation Database. The Citation Database contains officer name, personnel number, issue date, citation numbers and date that the Citation book is turned in as being a completed book. When a citation book is completed, officers' supervisors will review the citation book to verify that all citations are accounted for as being voided or used. Completed Citation Books will be submitted to the Records Supervisor to update the Department Citation Log and to prepare the book to be turned in to the Administrative Office of the Courts.
- D. The Records Supervisor of the Records Unit will maintain a file on each officer issued a citation book. Upon receipt of notification that a citation book has been issued, documentation entered into the Citation Log for the Asheville Police Department will reflect that assignment.
- E. If a citation needs to be voided for some reason, the issuing officer shall write the reason for the void, his signature, and his personnel number across the face of all copies of the citation. The officer's supervisor must approve the void and write his signature and personnel number on the voided citation before the end of the shift. All copies must then be left in the citation book.
- F. Each citation should be completed as fully and accurately as possible. Upon completion, the officer should provide the pink copy to the violator. The top white copy marked "Original-Court Copy" and the yellow copy, marked "Audit Copy", should be submitted to Records, along with the white copy for pickup by Court Liaison and the yellow copy by



the end of the officer's tour of duty. The Court Liaison officer shall deliver the white copies to the Central Data Entry (CDE) at the Buncombe County Courthouse.

- G. Electronic citations are issued by the North Carolina Administrative Office of the Courts directly to an officer's mobile computer. Officers will follow the instructions for use of this system found in the "eCITATION User Manual" located on the "ecitation.nccourts.org" website.
1. During enforcement actions officers will print a copy of the electronic citation and give it to the violator named on the citation.
  2. Officers will transmit electronic citation information to the NC Administrative Office of Courts daily by the end of their shift daily.
  3. Officers should exercise a high degree of care in the issuance of a citation in order to keep errors at a minimum. In the event a citation needs to be removed or voided, officers will follow the instructions found in the "eCITATION User Manual" located on the "ecitation.nccourts.org" website.
- H. If the violation does not amount to a definite and clear-cut violation of motor vehicle law, a warning ticket may be issued in-lieu of a formal citation. The issuing officer shall give the certification copy of the warning ticket to the operator of the vehicle and retain the white copy for follow-up if necessary. When the certification copy is returned, it will be forwarded to the officer issuing the warning ticket.

**Accreditation Reference:**

This policy covers the following accreditation standards: [82.3.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1270</b>	<b>EFFECTIVE DATE: 4/15/1993</b>
<b>SUBJECT: Secondary Employment</b>	<b>LAST REVISION DATE: February 14, 2014</b>

**I. Introduction:**

**Asheville Police Department employees sometimes have opportunities to work a job other than their position at the department. The nature of police work requires the department to regulate this "secondary employment."**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to regulate secondary employment as a privilege and benefit of full-time employment with this department.**

**III. Definitions:**

A. ***Secondary Employment:*** Any outside employment that is either extra-duty or off-duty.

**IV. Procedures:**

- A. All department employees must receive agency permission before engaging in any form of secondary employment. The primary obligation of any employee is to his regularly assigned duties with the Asheville Police Department. While working secondary employment, employees of the Asheville Police Department shall comply with all department rules of conduct and policies.
- B. Sworn employees working extra duty employment shall wear the standard issue uniform of the day ([APD Policy #1120](#)) and carry only department issued or approved weapons and equipment. If expected to exercise police powers while dressed in plainclothes, the officer shall note this fact on the Secondary Employment form, along with reasons why the job cannot be performed in uniform.
- C. The primary duty of APD sworn employees is enforcing the law and ensuring public safety. Sworn employees shall not perform extra duty employment where their lawful powers are limited or they are not allowed to carry firearms unless approved by the Chief of Police.
- D. Sworn employees shall work secondary employment where law enforcement powers will be used only within the jurisdiction of the City of Asheville or on City owned or controlled property.
- E. Employees are subject to call-in at the discretion of the Chief of Police even while working secondary employment.
- F. Any unexcused failure to report for extra duty employment may subject the employee to restrictions on or elimination from consideration or approval for future extra duty jobs.
- G. Employees shall not perform any work for compensation for another person, firm or for self employment during the employee's tour of duty.

- H. Employees may work secondary jobs such as construction, sales, consulting, teaching, etc. However, certain types of secondary employment activities are specifically prohibited:
1. any employment involving the collection of accounts, debts, bad checks;
  2. working for a bonding company;
  3. employment involving handling of packages or merchandise while in uniform or functioning in a law enforcement capacity;
  4. any employment which is politically oriented to the extent that it may be reasonably inferred that as a member of the Asheville Police Department and representing the Department, the employee recommends, endorses, or encourages one party or candidate over another;
  5. any employment that results in a conflict of interest with the stated mission and goals of the Asheville Police Department; or
  6. any employment that would tend to reflect discredit upon the department.
- I. Employees may work secondary employment in privately owned areas, including associated parking lot, where alcoholic beverages are sold and consumed, including restaurants and other venues, under the following listed conditions.
1. A clear majority of the business' revenue must come from non-alcohol related sales.
  2. The Chief of Police must approve secondary employment in advance for each specific location where alcohol is served.
  3. The employee may not consume any alcoholic beverage while working at the business.
  4. The employee may not be working and in public view with any beverage container in his personal possession. This includes glasses, cups, and any other similar container. The intent of this requirement is to avoid any possible conclusion that the employee is consuming an alcoholic beverage while working.
  5. The primary purpose of a sworn employee's presence as an employee of the business must be security, including the protection of the business' assets and its customers.
  6. Sworn employees must give full attention to their assigned duties and clearly avoid excessive socialization. The intent of this requirement is to ensure the employee presents a professional image with a focus on assigned security responsibilities.
  7. Sworn employees shall station themselves near the front or main entrance of the business. Occasional walk-through's of the business and restroom breaks are acceptable.
  8. Sworn employees will not stand or sit in the immediate area of the bar.
  9. Sworn employees will not be responsible for carding customers to determine their legal age for the consumption of alcohol.
  10. If illegal activity is observed sworn employees are expected to take appropriate enforcement action. If such action is impossible or impractical for good and sufficient reason, the activity must be reported to the sworn employee's supervisor as soon as possible.
  11. Employees may not work in establishments where activities take place that are incompatible with the department's mission or guiding principles. Activities that

detract from the professional standing or reputation of the Asheville Police Department will result in the revocation of the authority for employees to work in the establishment. The decision of the Chief of Police will be final in all such questionable situations. Examples of such undesirable activities include things like wet t-shirt contests or the promotion of conspicuous and extreme consumption of alcoholic beverages through drinking contests or other promotions designed to result in volume consumption.

12. The employee's first responsibility will always be to their duty as an Asheville Police Department employee.
- J. Employees shall observe the following limits on working hours of secondary employment:
1. Employees may not work more than 4 hours of secondary employment during the 12 hours prior to reporting for their normal work shift at the department.
  2. All employees who engage in secondary employment must provide information about hours worked in secondary employment activities on time sheets.
  3. Any employee on sick leave, worker's compensation leave, family leave, or administrative leave or suspension shall not work extra duty employment during the leave period except as allowed by FMLA and as approved by the Chief of Police (see City of Asheville Personnel Policy, section 27).
- K. Probationary employees may participate in secondary employment only at City of Asheville sponsored functions or in personally owned businesses, and then only after successful completion of Basic Law Enforcement Training and the Field Training Program.
- L. Prior to engaging in any secondary employment, including City of Asheville venues, employees shall submit a Secondary Employment Request listing:
1. the name of the employer and the company;
  2. the address of the employment;
  3. a description of the work to be performed;
  4. the specific duties to be performed;
  5. a statement of liability indemnity by the employer for sworn employees, except in the case of a City of Asheville venue. In such case, the employee shall mark through the employee and employer indemnity paragraphs, and;
  6. an agreement by the employer to any restrictions imposed by the department on the types and conditions of employment.
- M. The employee's supervising chain of command shall review the request and provide comments. The division commander shall forward the request to the Chief of Police for his approval or disapproval. No post dated secondary employment requests shall be accepted. All secondary employment forms must be renewed on an annual basis.
- N. Officers who incur extra duty injuries shall document them on the necessary North Carolina Industrial Commission Forms. The officer shall turn in the original to the employer and a copy to the department within 72 hours of the injury. If the officer is not capable of completing the form, the sergeant shall make sure the forms are completed and notify the Watch Commander. This applies to both City sponsored events and private sector secondary employment.

- O. Sworn employees participating in secondary employment shall schedule court cases resulting from extra duty employment where they are the prosecuting witness, on their assigned court day whenever possible.
- P. The Chief of Police shall appoint a Secondary Employment coordinator. All offers for secondary employment by persons or firms outside the department shall be routed to the office of the Secondary Employment Coordinator. The Coordinator shall maintain a list of personnel interested in secondary employment. The Coordinator shall be responsible for contacting and assigning officers to these secondary employment jobs. The Coordinator shall make assignments on a fair and equitable basis.
- Q. The Professional Standards Unit shall file and maintain all Secondary Employment Requests, including those for employees who have a private agreement with the employer, and for City of Asheville functions. He shall file the requests by employee name. Employees shall notify the Coordinator of any significant change in the initial Secondary Employment request such as a management change, a change in insurance carrier, a company name change, etc. If a major change has taken place, the employee must resubmit a secondary employment form before he can work again at that location.
- R. Violations of this policy or any policy while working secondary employment may subject the employee to disciplinary action including revocation of privileges to work secondary employment.
- S. Any employee seeking secondary employment as a security guard for a private security company, private patrol business, armored car business, counter-intelligence service business, polygraph examiner, guard dog business, private detective or investigator, must obtain a license from the North Carolina Private Protective Services Board to perform these functions prior to receiving approval for secondary employment from the Chief of Police.
- T. When a secondary employment assignment involves four or more employees, one should be a supervisor. If a supervisor is not available, the senior employee shall be in charge.
- U. All employees working secondary employment shall notify Communications when reporting for duty with the names of all officers working the assignment, the location, hours expected to work, and radio numbers if using departmental radios. Communications will be notified when the assignment is over.
- V. Employers who hire police officers off duty must provide workers compensation insurance for the employee. If an employee is injured in the normal course of fulfilling his or her responsibilities to the off-duty employer, that employer's workers compensation insurance must cover the Asheville Police Department employee. If the employee is injured while taking action that can be construed as a normal, appropriate police action, such as making an arrest, then the City's workers compensation insurance will cover the injury. Off duty employers must sign the appropriate off duty work permit form indicating they understand this requirement to provide workers compensation insurance.

**Accreditation Reference:**

This policy covers the following accreditation standards: [22.3.3](#) [22.3.4](#)

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1280</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Towing Procedures</b>	<b>LAST REVISION DATE: January 20, 2012</b>

**I. Introduction:**

**The Asheville Police Department maintains a wrecker rotation calendar and standards for wrecker companies on this calendar. This ensures that both citizens and wrecker companies are treated fairly.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department (herein "APD") to treat citizens and wrecker companies fairly in towing vehicles for police purposes.**

**III. Procedure:**

- A. Employees will not suggest, recommend or advise the use of any wrecker or vehicle towing service to any person as a result of police business. Employees may provide advice to members of their own family. Department employees may not own, co-own or work for any towing service on the rotation schedule. No employee shall solicit, receive, or accept goods, services or money from any towing service. Violation of this policy may subject both the employee and the towing service to disciplinary action or criminal prosecution. Police officers will not drive or move any vehicle requiring a tow while performing an official duty.
- B. Officers may tow vehicles from public property when required by a legitimate police purpose. This may include abandoned vehicles when those vehicles present a potential traffic hazard. Officers may only tow a vehicle from private property in the official line of duty. This may include stolen vehicles, vehicles used in the commission of a crime, pursued vehicle when the pursuit ends on private property, accidents on private property, and vehicles obstructing fire lanes or emergency routes.
- C. When an officer comes upon or is called to a vehicle that has no registration and is on a public street it is deemed abandoned. If the vehicle does not create an immediate hazard requiring immediate towing, the officer will issue a seven day notice sticker on the vehicle and follow City Ordinance Sec. 10-32: Removal of abandoned, junked or aesthetic junked motor vehicle; pre-towing notice requirements. Once the seven days has expired and the vehicle has not been removed, the officer or his designee will contact the next available rotation wrecker for that district and have the vehicle removed. An Asheville Police Department Towing and Storage Form will be filed and a copy mailed to the last registered owner as described in North Carolina General Statute 20-219.11 (See #13). Abandoned vehicles may be towed from private property only after following the proper procedures in Asheville City Ordinance ARTICLE II. ABANDONED OR JUNKED MOTOR VEHICLES, Sec 10-30 through Sec 10-35.
- D. When an officer tows a vehicle from a public highway, street, road, public or private property, he shall request a rotation wrecker from Communications. Communications will

utilize the Computer Aided Dispatch system (herein "CAD") to select the next wrecker on the rotation list provided by CAD. Communications may call a specific wrecker service at the request of the owner or driver. Citizens may dispose of their own vehicles when the owner is on the scene and the situation allows the opportunity.

The officer reserves the right to cancel the rotation wrecker called if the vehicle doesn't pose a hazard, the owner is on the scene and can take care of the vehicle and the wrecker has not hooked up the vehicle to be towed.

The owner may also request that our rotation wrecker be canceled; however, it will ultimately be up to the officer, if the above situation applies.

Every officer will visually verify the vehicle identification number (VIN) that is attached to the vehicle to the information that is on the vehicle's registration before towing the vehicle. The officer should put down actual VIN and the actual license plate information on the wrecker form. The wrecker drivers are also required to verify this information. They have the right to bring the attention to the officer on the scene if the information is not the same.

- E. If necessary to protect evidence, officers may tow a vehicle to the Police Department where ID can process the vehicle. Officers shall store the vehicles using the Evidence and Found Property Policy ([APD Policy #1100](#)). During the time the vehicle is at the department, the wrecker company may not charge a storage fee. When the processing is complete, ID shall notify the wrecker service initially towing the vehicle to remove it to the wrecker storage facility. The officer will make every effort to contact the owner of the vehicle to let them know that the vehicle has been processed and if the vehicle is ready to be released.
- F. The Planning & Research Commander is the Wrecker Service Manager. They will keep records on the current Wrecker Companies that are on the Asheville Police Department's Rotation. This information includes, but is not limited too the name of the owner, address of the company, contact numbers, service charges, and any other pertinent information. Each wrecker service is responsible for maintaining current information and the Planning & Research Commander will make sure that all current information is provided to the CAD System. The Planning & Research Commander shall audit the list on a regular basis. The Planning & Research Commander will also perform Wrecker Company inspections, see that yearly City Towing Fees are paid to the City Finance Department by each Wrecker Company and maintain and distribute of the Wrecker Regulations of the Asheville Police Department dated December 31, 2008 to all of the Operators. The rotation of the wrecker services is provided by the CAD System which will automatically rotate the wrecker companies in that assigned district when a call has been given. The CAD system will also automatically put the wrecker company back on top of the rotation, if the wrecker company or the call is canceled for any reason before the call has been closed out.
- G. **Officers shall check all vehicles which they tow through the National Crime Information Center stolen vehicle files. The officer shall verify the vehicle information from the Vehicle Identification Number (herein 'VIN') that is attached to vehicle. Checking the N. C. Registration Plate ONLY is not sufficient. Both the VIN and the N. C. Registration shall be checked.** The primary/charging officer will, with diligence, attempt to make either personal/telephone and mail notification of the storage of the vehicle. The Asheville Police Department will not be held liable for storage and towing charges. The towing officer shall conduct an inventory of the vehicle's contents and complete a Vehicle Tow-In and Storage Report. **The white copy goes to Wrecker company, the yellow copy to Central Records Unit (CRU), the pink copy to the owner.** The inventory will include all items of removable personal property having value that

could be easily stolen. The wrecker operator shall verify the items on the storage report. The storage report is the record of the inventory. Upon receipt of the vehicle and contents, the wrecker company assumes all liability for it. If the vehicle owner or operator cannot assume responsibility for an animal in the vehicle, the towing officer shall contact communications who will contact the on duty Animal Services officer. The towing officer will note this action on the storage report.

- H. An officer may place a hold on the vehicle for Investigative purposes. These will include but are not limited to a vehicle:
1. used in the commission of a crime;
  2. needs to be processed by forensics;
  3. was a drug or DWI seizure; or,
  4. any other investigative situation requires a hold.

If an officer places a hold on a vehicle, that hold will be effective for 48 hours.

There will be NO 48 hour limit on the hold if the vehicle was placed on hold for CID or for Forensics processing.

**The 48 hour hold may be extended by the officer if just cause is given and there is approval from his supervisor. The primary/charging officer shall advise the CRU of any extensions of the 48 hour hold. The CRU will note same on the Vehicle Storage Form. Once the 48 hour hold has expired and the CRU was not notified of an extension, the vehicle will be released to the owner when requested.**

If a 48 hour hold is extended, the primary /charging officer must notify the owner by phone and/or certified mail that the vehicle is being held longer. When the hold is terminated the primary/charging officer will make telephone contact with the owner.

If an officer stores a vehicle resulting from a DWI seizure, the officer must have communications contact the wrecker service that is on state contract for seizures. There is no contracted wrecker service for drug seizures. The next rotation wrecker company should be contacted. The primary/charging officer will notify the owner by personal contact and mail that the vehicle has been seized.

- I. The wrecker service shall not release a vehicle to any person without the release copy (pink) of the storage report **or verbal approval from a supervisor**. The owner may obtain this copy from the CRU. The owner must provide the CRU with proof of ownership such as the vehicle title or a vehicle registration card and a driver's license. When releasing a vehicle, the wrecker company will keep the white copies of the storage reports. Within seven days of releasing the vehicle, the wrecker company shall submit the copy of the storage report and an itemized statement of all charges levied against the vehicle. The wrecker company shall keep the white copy of the storage report for their files. The CRU shall maintain the copies of the storage report for at least one year after release of the vehicle.
- J. The towing officer will route the correct forms to the CRU where the clerk will enter the tow information in the Wrecker Call Database. The Planning & Research Commander will audit this database on an as needed basis and address any problems to the Patrol Division Commander.



- K. When telephoning for a wrecker, Communications will allow a minimum of ten rings. If no one answers the phone, the Telecommunicator will note this in the CAD call and call the next rotation wrecker provided by CAD.

Wreckers by driver request do not have to be on the wrecker rotation schedule. Communications should provide the responding wrecker service name to the officer on the scene. The officer shall only release the vehicle to the wrecker service in route.

Wrecker response time shall not exceed 30 minutes from the time they were contacted by Communications. The towing officer is responsible for notifying Communications when the wrecker exceeds the limit and the next Wrecker Company is to be contacted. The original Wrecker Company will not be allowed to pick up the vehicle even if they show up on the scene and the Telecommunicator will note the actions in CAD. Four violations of the 30 minute requirement within a period of 180 days may result in disciplinary action against the company up to and including removal from the List.

- L. The Planning & Research Commander will provide each rotation wrecker service with a copy of this policy as well as The Wrecker Regulations Policy. Violations of law or this policy may result in suspension or removal from the rotation schedule. Wrecker companies shall respond to at least 90% of their calls. Each month, the Planning & Research Commander shall identify those companies not responding to 90% of their calls. Upon approval of the Chief, the Planning & Research Commander shall remove any company not meeting the 90% response requirement on two consecutive audits from the wrecker rotation schedule. The Office of Professional Standards shall notify the wrecker company in writing and submit a copy to the Chief of Police. The company may reapply one year from the date of removal.
- M. North Carolina General Statute 20-219.11 requires that whenever a vehicle with a valid registration plate or registration is towed as provided in G. S. 20-219.10, the authorizing person shall immediately notify the last known registered owner and provide a description of the vehicle; the violation the owner is charged with, if any; the place where the vehicle is stored; the procedure the owner must follow to have the vehicle returned; and the procedure the owner must follow to request a probable cause hearing on the towing. The notice shall be given in writing within 24 hours of the towing. Officers will use the back of the last copy (pink) of for this purpose. If the owner is present, the towing officer will have the owner sign indicating that he was notified. The officer will give the owner the pink copy of the report. If the owner is unable or refuses to sign the form the officer will indicate this on the form. If the owner is not present, the officer will obtain the address of the last registered from the DMV files and mail the pink copy to that address. The officer and his supervisor will initial on the pink copies that the officer mailed the notice. The towing officer must place the notice in the mail service within 24 hours of the towing. If the form is returned by the mail service undeliverable, it will be forwarded to the **officer** for follow up to locate a current address. If no current address is located it will so be noted on the returned copy, dated and stapled to the original in the CRU file. [61.4.3c](#)
- N. The Wrecker Operator, pursuant to North Carolina General Statute 20-77 (d), shall report all unclaimed vehicles to the Division of Motor Vehicles. An operator of a place of business for garaging, repairing, parking or storing vehicles for the public in which a vehicle remains unclaimed for 10 days, or the landowners upon whose property a motor vehicle has been abandoned for more than 30 days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the Division of Motor Vehicles. Failure to make such report shall constitute a Class 3 misdemeanor. Any vehicle which remains unclaimed after report is made to the Division may be sold by such operator or

landowner in accordance with the provisions relating to the enforcement of liens and the application of proceeds of sale of Article 1 of Chapter 44A of the NC General Statutes.

- O. Wrecker companies operating category "B" service wreckers are assigned to one of five (5) rotation zones within the City. Zones are limited to three companies in each. Wrecker service in each zone will rotate among the companies in that zone. The zones are:
1. SOUTH - includes Patton/College, south and beyond from Clingman to Beaucatcher Tunnel parallel with I-240 at the open cut to the City Limits South, along but not including Tunnel Road, South Tunnel Road, and south west of I-240.
  2. NORTH - includes from Patton and College to I-240 parallel with open cut from east of the French Broad River, including Richmond Hills to the City Limits north. This will also include the east bound lanes of Smokey Park Bridge.
  3. WEST - includes from west of the French Broad River and including the Smokey Park Bridge (West bound lanes only) and areas west of the intersection of Clingman and Patton in a loop south and south west to the West Asheville Bridge and all areas located west to the City limits.
  4. EAST - includes the Beaucatcher Tunnel and parallel with I-240, Tunnel Road and South Tunnel Road to the intersection of NC 81 and then from NC 81 along the route and including I-240 east to the City Limits.
  5. CENTRAL - includes Biltmore Avenue north of Victoria Road, south of I-240 to Beaucatcher Tunnel to the east, west to Smokey Park Bridge not including the bridge.

**Accreditation Reference:**

This policy covers the following accreditation standards: [61.4.1](#) [61.4.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1281</b>	<b>EFFECTIVE DATE: 5/15/1994</b>
<b>SUBJECT: Stolen Vehicles</b>	<b>LAST REVISION DATE: May 15, 2007</b>

**I. Introduction:**

**In the course of police business, officers will report and recover stolen vehicles. The department must take the correct steps to notify the necessary parties and to identify the suspects.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to handle stolen vehicle cases as effectively as possible.**

**III. Procedure:**

- A. The primary responding officer shall complete an Incident Report on all stolen vehicles reported to the Asheville Police Department. As soon as the Incident Report is complete, the reporting officer shall notify communications and request the vehicle be entered NCIC. Communications shall retrieve the incident report from RMS and enter the vehicle NCIC as soon as possible. The communicator entering the vehicle shall cut and paste the NCIC entry into RMS tracking. The communicator conducting the second party verification shall cut and paste the hit into RMS tracking.
- B. When a stolen vehicle is recovered, the reporting officer shall complete an Incident Supplement Report under the original case number if APD incident. The Incident Supplement Report narrative must include the recovery circumstances, vehicle, owner information, and location where the vehicle is stored. The original case number can be obtained from the NCIC entry. The officer shall notify Communications and Communications shall remove the vehicle from DCI/NCIC or enter it in DCI/NCIC as located, whichever is appropriate.
- C. If the original stolen vehicle report was filed through the Asheville Police Department, communications shall attempt to contact the registered owner to inform him of the recovery. If the owner is not on scene, the officer making the vehicle recovery shall mail a copy of the two sheet to the victim. Communications shall cut and paste the NCIC clearance into RMS tracking. In addition to the pasted clearance, the tracking notes must also contain details of the recovery including the agency and officer making the recovery and the location of the recovery.
- D. If the vehicle was entered by another agency, Communications shall contact the original agency through the NC Division of Criminal Information (DCI) network and the original agency shall be responsible for contacting the vehicle owner. The officer making the vehicle recovery shall complete an info only incident report documenting the recovery or a possession of stolen vehicle if occupied by a suspect. A copy of the two sheet will then be mailed to the victim.

- E. If the owner is going to pick the vehicle up from the site of recovery, the on-duty Forensic Services Unit ID person should process the vehicle for evidence. The vehicle should, if possible, be cleaned of all medium used in the processing before release to the owner.
- F. If the owner will pick the vehicle up later, or it is not drivable, the vehicle shall be towed and stored in an enclosed lot. Forensic Services Unit ID personnel will process the vehicle either at the scene, at the storage lot or the Forensic Vehicle Annex Bay . A CID supervisor or Forensic personnel must approve storing the vehicle in a property/vehicle annex. After processing, the same wrecker service which towed the vehicle shall be contacted to remove the vehicle to the service's storage lot.
- G. If a question arises whether to process or store a vehicle entered by another agency, an on-duty supervisor shall contact the entering agency before any decision is made not to store or process the vehicle. This only applies to agencies outside of Buncombe County.

**Accreditation Reference:**

This policy covers the following accreditation standards: 83.2.1

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1282</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Vehicle Operations</b>	<b>LAST REVISION DATE: February 11, 2011</b>

**I. Introduction:**

**The efficient operation of department vehicles is important to the agency. Expenditures on vehicles may represent a significant area of expense to the agency.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department that vehicles be operated and maintained in the most efficient and effective manner possible.**

**III. Procedure:**

- A. No one other than Asheville Police Department employees shall use or operate department vehicles without the permission of the Chief of Police.
- B. Employees shall possess a valid North Carolina Driver's license for the class of vehicle and have it with them at all times when operating the vehicle. Any employee whose license has expired for over 30 days, been issued a citation, physically arrested for a violation of motor vehicle laws in any state, or had his license suspended or revoked shall notify his immediate supervisor by the next working day. He shall submit a written statement through the chain of command to his division commander.
- C. Employees shall operate department motor vehicles in compliance with all applicable state laws and local ordinances. The Emergency Driving policy ([APD Policy #1034](#)) covers emergency operation of department vehicles.
- D. Employees shall not take any department motor vehicle outside the jurisdictional boundaries of the City of Asheville except with proper supervisory authorization, in direct pursuit of a suspected law violator, or for immediate investigative purposes. Department vehicles may use the local interstate highways or the Blue Ridge Parkway to travel from one section of the city to another on police business without receiving prior permission.
- E. Employees may not use department vehicles to push or tow any other vehicle unless the department vehicle is specifically designated for that purpose.
- F. Department vehicles left unattended shall be locked and the keys removed from the ignition.
- G. Employees and any passengers or prisoners in any department vehicle shall use the shoulder and seat belts. Children under the age of eight or 80 pounds shall be in a child restraint device. [41.3.4](#)
- H. Officers shall inspect their assigned patrol vehicles at the beginning of the shift. The inspection shall include head and tail lights, brakes, and all emergency equipment, including the radio. If a malfunction is found, the officer shall immediately complete a City

of Asheville "Garage And Shop Work Order," stating the problem. If in the officer's opinion the vehicle is unsafe to drive, or does not have head or tail lights, or violates a traffic law or ordinance, he shall remove it from service immediately. Each division commander shall maintain an inventory of the vehicles assigned to his division and all permanent equipment in those vehicles.

- I. Each division will have personnel assigned as Vehicle Control Officer's (VCO) who have the responsibility to keep vehicles supplies and basic maintenance supplies available. The VCO's will arrange to transport vehicles to the garage and back to the assigned location. Monthly vehicle inspections will be conducted by the VCO or unit supervisor.
- J. Any Patrol Division vehicles used in routine or general patrol service must be conspicuously marked with exterior mounted emergency lights; "Asheville Police Department"; "911"; and reflective striping, lettering, or decals. The Patrol Division may have unmarked vehicles designated by the Patrol Division Commander. These unmarked vehicles must be equipped with a siren and emergency lights that are concealed until activation. The following accident investigation and emergency medical supplies must be carried in each patrol vehicle, including supervisor's vehicles: [41.3.1](#), [41.3.2](#), [41.3.3](#)
  1. basic emergency medical supplies;
  2. one blankets in a disposable container;
  3. one five pound dry chemical fire extinguisher; and
  4. a minimum of 4 flares.
- K. The CID Vehicle Control Officer will conduct a monthly inspection of every vehicle assigned to their division that may respond to emergency traffic. He shall submit an Internal Property Requisition listing all supplies needed to restock the vehicles.
- L. The Chief of Police, administrative staff and the division commanders are responsible for the maintenance of emergency equipment and supplies in vehicles personally assigned to them.
- M. All vehicle inspections shall be documented on a Vehicle Inspections form and forwarded to the division commander for review and filing.
- N. When a vehicle is assigned to an employee to drive, the employee assumes responsibility for the care and maintenance of the vehicle while it is under his control. Employees shall use assigned vehicles only on department business. The employee is responsible for reporting any damage, and missing or inoperative equipment. The employee shall report any extraordinary damage or equipment malfunctions to his immediate supervisor. The supervisor shall complete any necessary reports and submit them through the chain of command to the Division Commander.
- O. Officers shall not transport sick or injured persons to medical facilities. An officer discovering a citizen requiring or requesting transportation for medical attention shall immediately call for an ambulance or other appropriate emergency service. He shall indicate the person's condition and the appropriate response code to be used by emergency response personnel. The officer should administer first aid as practical and control traffic to provide easy access for emergency vehicles. The only exceptions to this are:
  1. A City of Asheville employee injured in the performance of duty may be transported in a public vehicle for emergency treatment if in the judgment of the officer, such transportation would not result in additional injury.

2. A prisoner whose jail confinement is contingent upon receipt of medical treatment can be transported in a public vehicle for emergency treatment if in the judgment of the officer, such transportation would not result in additional injury.

**Accreditation Reference:**

This policy covers the following accreditation standards: [41.3.1](#) [41.3.2](#) [41.3.3](#) [41.3.4](#)

END OF DOCUMENT

## **Asheville Police Department Policy and Procedure**

**Policy Number: 1283**

**Effective Date: December 19, 2012**

**Subject: Take Home Vehicles**

**Last Revision Date: N/A**

### **I. Introduction**

The purpose of this policy is to establish procedures for individualized assignment of the Department's police vehicles, specific guidelines and procedures to ensure their inspection, proper maintenance and use of vehicles, and to list equipment required to be carried in marked patrol vehicles.

### **II. Policy Statement**

It shall be the policy of the Asheville Police Department to assign vehicles to officers for their use on and off duty in order to maintain high visibility throughout the city, act as a deterrent to crime, provide quicker response to certain types of calls, reduce maintenance costs for police vehicles, provide quicker response of off duty personnel when they are called back to duty because of an emergency, and to provide increased incentive and morale of members of the police department.

### **III. Procedures**

#### **A. Departmental Rules**

1. No provisions of this order shall be construed to authorize operation of department vehicles at a time or in any manner, or for a purpose inconsistent with the prevailing ordinances the City of Asheville, or Statutes of the State of North Carolina.
2. No person, either police employees or others, are to be transported in police vehicles except for a duty related purpose, and with the authorization of an appropriate supervisor or



Commander. Operators of department vehicles are responsible for the appearance and conduct of any passengers.

3. When operating an assigned vehicle in an off duty status, the officer shall be armed with their assigned weapon or an approved off duty weapon, and shall carry their badge and departmental identification. Appropriate civilian attire is required, if not in uniform.
4. When operating a police vehicle off duty, officers are required to stop and render assistance, apprehend violators of serious crimes and/or summon on duty police officers in circumstances which logically require police attention. Under normal circumstances, investigations requiring more than short term, on the scene action are to be handled by on duty personnel. Compensation is appropriate and authorized for any such police actions.
5. When operating a department vehicle, the seat belt and shoulder harness is to be properly fastened by the driver and all passengers. The operator shall be responsible for proper use of all seat restraints by passengers.
6. Vehicles shall be secured and the keys removed when parked and unattended. When the vehicle is not in use off duty, ALL firearms shall be removed. (An exception would be when the vehicle is not in use off duty at a state, federal, or other training facility where by regulations, the storage of firearms may not be allowed on the premises). Loss or damage to the vehicle or any equipment within it, by negligence, shall be chargeable to the officer.
7. All maintenance on department vehicles shall be performed by the City of Asheville Fleet Maintenance, or by a private garage or auto service center at the approval of the City of Asheville Fleet Maintenance Supervisor.

8. Vehicles are not to be altered in any way which would potentially increase or decrease the speed capabilities or change the handling characteristics of the vehicle, except as authorized by the Chief of Police and the City of Asheville Fleet Maintenance Supervisor.
9. Other than that issued by the police department, or approved by the Chief of Police, no weapons, ammunition, tear gas, or any devices prohibited by statute, ordinance or departmental rule, shall be carried in a police vehicle.
10. A police vehicle is not to be used for purposes of actual patrol or security for a private employer, unless specifically approved by the Chief of Police.
11. Department vehicles will not be used by employees who have consumed alcoholic beverages or other impairing substances, or who have alcohol or other impairing substances remaining in their blood or breath. Transportation or possession of alcoholic beverages in a police vehicle is prohibited unless in relation to an official arrest, police investigation, or authorized training. Alcoholic beverages seized or held in such cases must be submitted to Property & Evidence Control before the end of an officer's tour of duty.
12. Employees are responsible for compliance with the City of Asheville's policies regarding Drug & Alcohol Free Workplace.
13. Employees not cleared for full duty by the City of Asheville Health Services are restricted in performing all the essential functions of their job. These employees (regardless of rank) will use their personal vehicles to travel to and from work. During regular work hours, employees on limited duty will be authorized to use an unmarked vehicle to leave the Municipal building for work related assignments assuming vehicle availability. Limited duty officers and employees may not wear their uniforms or other casual police attire (polo shirts, etc.) and may NOT take enforcement

actions. Officers may carry their Badge/ID and firearm for personal protection, however, these items must be concealed.

## B. Vehicle Assignment

1. The use of the departmental vehicle is to be viewed as a privilege and not a fringe benefit or employment right. The privilege is subject to modification or revocation at any time.
2. Assigned vehicles are not to be operated by any person other than the officer, to whom the vehicle is assigned, except as authorized by an appropriate supervisor or Commander.
3. The Department's Command Staff will determine the assignment of vehicles, with consideration for the operational needs of the Department. The vehicle is to be regarded as an official piece of equipment that is intended for the performance of official police duties.
4. The assignment of department vehicles shall be carried out in a manner to ensure maximum use toward the achievement of department goals.
5. Individual assignment of a particular vehicle shall not preclude temporary reassignment of that vehicle by a Division Commander for achievement of a police purpose.
6. Division Commanders and Unit supervisors shall be authorized to limit the take home privileges or on duty operations of assigned vehicles when necessary for achievement of police purposes or for disciplinary purposes.
7. Personnel authorized to take their vehicles home are those designated non probationary members who reside within 30 miles of the City of Asheville Municipal Building as outlined in APD

Residency Standard Policy #1002. Compliance will be reviewed annually by the Administrative Division Commander.

C. Care and Use of Department Vehicles

1. The officer to whom a vehicle is assigned, whether such assignment is permanent or of a temporary nature, is responsible for the security and proper care of the vehicle and its contents. Prior to operating a vehicle, the assigned officer is to inspect and determine that all equipment is present, in good working order, and that no damage has been done to the vehicle. Any occasion on which damage or a missing article or piece of equipment is discovered is to be immediately reported to the appropriate supervisor.
2. Routine preventive maintenance including oil change, lubrication, minor adjustments, tire pressure, etc, is the responsibility of the employee to whom a vehicle is assigned. When a vehicle is due for routine maintenance based on a schedule provided by the City of Asheville Fleet Maintenance, the assigned operator is to submit the vehicle for service within a reasonable time. Routine maintenance, cleaning and adjustments are to be done during the officer's regular duty time unless a justifiable exigent circumstance exists.

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 13 – Traffic

**Original Issue:** 6/1/1994

**Policy:** 1300 – Traffic Enforcement

**Last Revision:** 8/28/2017

**Previously:** 2300 – Selective Traffic Enforcement

2360 – General Traffic Enforcement

2310 – Traffic Administration



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1300.1 TRAFFIC SAFETY UNIT

1300.2 TRAFFIC LAW ENFORCEMENT PRACTICES

1300.3 UNIFORM ENFORCEMENT GUIDELINES

1300.4 NON-RESIDENTS, LEGISLATORS, JUVENILES, & MILITARY PERSONNEL

1300.5 SELECTIVE ENFORCEMENT

## ASSOCIATED DIRECTIVES

[Policy 702 – Department Motor Vehicle Collisions](#)

[Policy 1301 – Traffic Crash Investigations](#)

[Policy 2361 – D.W.I. Enforcement](#)

## INTRODUCTION

This directive establishes guidelines for uniform enforcement as well as general and selective traffic enforcement practices.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to provide for the safe movement and orderly flow of traffic by encouraging public compliance with traffic laws and to enforce such laws in a uniform manner. The department strives to promote traffic safety through the effective use of its resources, public information campaigns, and collaboration with traffic engineering authorities.

## DEFINITIONS

Infraction: a non-criminal violation of the law that is not punishable by imprisonment.

## **RULES AND PROCEDURES**

### **1300.1 TRAFFIC SAFETY UNIT**

- A. The Traffic Safety Unit (TSU) is responsible for traffic enforcement, investigation, and education activities such as, but not limited to:
  - 1. Investigating motor vehicle collisions resulting in a fatality or serious personal injury;
  - 2. Investigating department motor vehicle collisions as outlined in [Policy 702 – Department Motor Vehicle Collisions](#);
  - 3. Community education and outreach regarding traffic safety issues;
  - 4. Traffic crash and enforcement evaluations and analysis; and
  - 5. Investigations and implementation of enforcement strategies for traffic complaints and hazards.

### **1300.2 TRAFFIC LAW ENFORCEMENT PRACTICES**

- A. All law enforcement officers should take appropriate enforcement action for each violation of the law witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial, and courteous manner.
- B. If a citation is issued, the officer will provide the violator with information relative to the specific charge, including when court date/time/location if appearance is necessary, the violator's options if a court appearance is not required, or any other information necessary prior to release. [61.1.4]
- C. During routine traffic enforcement, it is at the officer's discretion if an area patrol (patrol of general area), line patrol (patrol of a certain street), or directed patrol (covering a specific violation at a specific location) is most appropriate. [61.1.6 a]
- D. In those areas where stationary observation is necessary to maximize the effectiveness of a selective enforcement effort, officers should park in a conspicuous location in such a manner that traffic flow is not impeded. Covert observation should be used where the intent is to gain compliance through enforcement. [61.1.6 b]
- E. Unmarked or unconventional vehicles may be used for traffic law enforcement with approval of the District Commander or designee. All unmarked vehicles used for traffic patrol must be equipped with both emergency lights and siren. [61.1.6 c]
- F. Through routine enforcement and traffic crash investigation, officers may identify drivers who are believed to be physically or mentally incapable of exercising reasonable and

ordinary care in the operation of motor vehicles. An officer who suspects that a driver is unable to safely operate a motor vehicle will complete and forward the Driver Re-examination Recommendation Form to the Division of Motor Vehicles. If the driver was involved in vehicle collision, a copy of the DMV-349 crash report should be forwarded with the request. [61.1.11]

### 1300.3 UNIFORM ENFORCEMENT GUIDELINES

- A. Officers should avoid physical arrests solely for minor traffic law violations when a citation is a reasonable and valid alternative. [61.1.2 a]
- B. Impaired driving violations will be handled according to [Policy 2361 - DWI Enforcement](#). [61.1.5 a]
- C. The following are guidelines meant to develop uniform enforcement practices by the department. **These guidelines do not limit an officer's discretion to decide what enforcement action to take, if any, based on the circumstances and the officer's training, experience, and common sense.**
  - 1. Multiple Non-Hazardous Violations: Generally, if multiple non-hazardous violations (e.g., inspection, equipment or registration violations) are present, a citation should be issued for the most significant violation and not lesser included offenses. [61.1.5 f]
  - 2. Driving with Suspended or Revoked License: Where the officer is reasonably confident of the violator's identity, a citation is typically sufficient. [61.1.5 b]
  - 3. Speed Enforcement: Generally, warnings should be issued for speed violations up to five (5) miles over the posted limit; however, nothing contained herein prohibits any officer from issuing a speeding citation for a violation of the speed limit, regardless of speed. [61.1.5 c]
  - 4. Newly Created Statutes and/or Ordinances: **It will be the practice to** issue warnings for a period of thirty (30) days after the date of a law or ordinance becomes effective in lieu of special orders to the contrary, however, citation(s) may be issued at the discretion of the officer if the violation presents a significant hazard to the public. [61.1.2 c] [61.1.5 g]
  - 5. Public Carrier/Commercial Vehicle Violations: Officers **will** not routinely enforce those motor vehicle laws (weight violations, length of trailer violations, etc.) that apply only to public carriers and commercial vehicles. This does not include moving violations. [61.1.5 e]
  - 6. Violations Resulting in Traffic Crashes: The officer investigating the traffic crash will determine the appropriate enforcement action, if any, wherever a traffic crash

investigation produced probable cause to believe that a violation of the law or ordinance has occurred. Officers should consider factors such as injury, drug or alcohol use, and severity of the violation. [61.1.5 h]

7. Pedestrian Enforcement: Officers should concentrate their efforts on pedestrian violations in those areas where pedestrian crashes have been frequent and severe. [61.1.5 i]
8. Bicycle Enforcement: Officers should strictly enforce laws pertaining to the proper operation of bicycles in areas where congestion and/or frequency of traffic collisions involving bicycles is high. Discretion may be used in areas where traffic flow is minimal, visibility is unobstructed, and frequency of collisions is low. [61.1.5 i]
9. Parking Enforcement: The City of Asheville Parking Enforcement Services handles routine enforcement of parking at meters and in timed parking zones. Other parking regulations (no parking zones, handicapped spaces, fire lanes, etc.) should be strictly enforced by officers. [61.1.12]

#### **1300.4 NON-RESIDENTS, LEGISLATORS, JUVENILES, & MILITARY PERSONNEL**

- A. When stopping violators who do not reside with North Carolina, officers should use the following guidelines: [61.1.3 a]
  1. Non-residents from states which are not members of the Nonresident Violators Compact (listed on the front inside page of the uniform citation book) should be arrested for felony or misdemeanor violations.
  2. Non-residents who are from states which are members of the Nonresident Violators Compact may be issued a citation in cases that would not result in a license suspension or revocation (see [N.C.G.S. § 20-4.19](#)).
- B. Violators residing outside of the department's service area, but within North Carolina, should be warned, cited, or arrested as appropriate. [61.1.3 a]
- C. While officers should use their best judgement, there are no laws which exempt any state or local official, either appointed or elected, from federal, state, or local laws. The issuance of a traffic citation, warning, or physical arrest in those cases where such action is authorized is at the officer's discretion. [61.1.3 c]
- D. Foreign diplomats and consular officials are immune from arrest or detention pending trial except in the case of a felony offense endangering public safety. Prior to the arrest of any diplomatic or consular official, the appropriate consul or embassy must be notified. [61.1.3 d]



- E. There are no special requirements when dealing with members of the military in reference to traffic law violations, except as part of a legitimate military convoy. Military vehicles in a convoy are not subject to the traffic laws of the State of North Carolina. [61.1.3 e]
- D. The following procedures apply to juveniles committing traffic violations: [61.1.3 b]
  - 1. Any officer charging a juvenile with a traffic offense will make every reasonable effort to contact the juvenile's parent or guardian and inform them of the charge.
  - 2. If the juvenile is under the age of sixteen, and a parent or guardian cannot be contacted, a referral must be made to a juvenile court counselor.
  - 3. If the juvenile is sixteen (16) years of age or older and charged with an infraction or a misdemeanor, the officer may issue a citation or make a physical arrest as the situation warrants.

### 1300.5 SELECTIVE ENFORCEMENT

- A. At least annually, Traffic Safety Unit members will compile traffic collision and enforcement data (to include pedestrian and bicycle involved collisions) and prepare a summary report for review by the Traffic Safety Unit supervisor. [61.1.1 a,b]
- B. It is the responsibility of the Traffic Safety Unit supervisor to forward any collision and enforcement data which indicate roadway deficiencies or necessary safety improvements to the appropriate traffic engineering authorities. [61.3.1 b]
- C. Annually, the Traffic Safety Unit supervisor will compare gathered traffic enforcement activity and traffic collision data to evaluate, develop, and direct the department's selective traffic enforcement measures. [61.1.1 f]
  - 1. Results of the comparison will be reviewed with Traffic Safety Unit members and the Patrol Operations Division Commander for evaluation of department traffic enforcement activities.
  - 2. Based on the evaluation of compiled data, the Traffic Safety Unit and Patrol Division should make appropriate adjustments in deployment of personnel and use of traffic enforcement techniques, such as directed and stationary patrols. [61.1.1 d,e]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 13 – Traffic

**Policy:** 1301 – Traffic Crash Investigations

**Previously:** 2320 – Crash Investigations

**Original Issue:** 6/1/1994

**Last Revision:** 8/28/2017



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1301.1 RESPONSE TO TRAFFIC CRASHES

1301.2 TRAFFIC CRASH REPORTS

1301.3 COLLISION SCENE RESPONSE

1301.4 COLLISION SCENE DUTIES

1301.5 TRAFFIC INVESTIGATIONS

1301.6 ENFORCEMENT ACTIONS

## ASSOCIATED DIRECTIVES

[Policy 1300 – Traffic Enforcement](#)

[Policy 1302 – Auxiliary Traffic Services](#)

[SOP 3101 – Hazardous Materials Response](#)

## INTRODUCTION

The purpose of this directive is to outline when a traffic crash is to be investigated by officers of the Asheville Police Department, when a specific traffic crash report form is to be filed, and other factors relating to traffic crash investigations.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to conduct investigations on traffic crashes which meet specific criteria and occur within the city limits of Asheville.

## DEFINITIONS

DMV Crash Report Form (DMV-349): the official form (paper or electronic) used by law enforcement officers to report motor vehicle crashes in North Carolina.

## RULES AND PROCEDURES

### 1301.1 RESPONSE TO TRAFFIC CRASHES

- A. Officers will respond to all traffic crashes brought to their attention which occur within the city limits of Asheville, to include private property and parking lots, which involve:
1. Death or injury;
  2. Hit and run;
  3. Suspected impairment of an operator due to alcohol or drugs;
  4. Damage to public vehicles or property;
  5. Hazardous materials release as a result of the crash;
  6. Disturbances between involved parties;
  7. Major traffic congestion as a result of the accident; and/or
  8. Damage to the vehicles to the extent towing is required.
- B. Officers will respond to any crash that a field supervisor deems a response is needed based on information provided or when the complainant requests an officer respond.
- C. The Watch Commander may suspend the requirement to send officers to the scene of non-reportable traffic accidents during weather emergencies (i.e. snow, ice).
1. This decision should be made based on the availability of officers and travel safety considerations.
  2. Communications will advise complainants during these periods to exchange information and to contact the department for a report after the weather conditions have concluded.

### 1301.2 TRAFFIC CRASH REPORTS

- A. DMV-349s and any required supplements mandated by the North Carolina Division of Motor Vehicles (NCDMV) must be completed according to the most current DMV-349 Instructional Manual. [82.2.1 d]
- B. Officers must complete a North Carolina DMV-349 on all traffic accidents occurring on any street or highway within the city limits that involves the following: [61.2.1] [82.2.1 a]
1. Death or injury;
  2. Damage totaling \$1,000 or more;

3. Hit and run;
  4. Driving while impaired;
  5. Any of the involved operators have a revoked driver's license;
  6. A hazardous materials spill; and/or
  7. A city owned vehicle.
- C. Officers must complete an exchange slip and provide copies to all involved parties of motor vehicle collisions.
- D. Absent exigent circumstances, crash reports should be submitted by the end of the shift in which they were created. [82.2.1 d]
- E. Supervisors are responsible for promptly reviewing and approving crash reports completed by officers before final submission in the Records Management System.

### **1301.3 COLLISION SCENE RESPONSE**

- A. Officers who come upon, or are advised on an unreported traffic crash will notify Communications of the crash location, possible injuries, and any other pertinent circumstances so that appropriate assistance can be dispatched.
- B. To the extent that information is available, officers dispatched to a traffic crash will be informed of the location, the severity of the crash, to include possible injuries, and whether there is road blockage.
- C. The primary unit assigned by Communications will be the unit in charge of the accident scene, however, the primary unit may be changed at the discretion of a sworn supervisor. [61.2.2 a]
- D. Officers approaching traffic crash scenes should be alert so as not to obliterate or destroy evidence, such as tire marks, blood, etc. Officers should be alert for specific conditions or factors that may have contributed to the crash (visibility/view obstruction, inoperative traffic control device, hazards, etc.).

### **1301.4 COLLISION SCENE DUTIES**

- A. Upon determination of injuries, officers will summon emergency medical assistance unless the injuries are of a minor nature and the injured person refuses treatment.
- B. Officers should administer appropriate first aid within their training to injured persons until relieved by qualified medical personnel. [61.2.2 b]

- C. If injuries are determined to be life-threatening or result in a fatality, the responding officer will notify an on-duty supervisor. It is the responsibility of the on-scene supervisor to determine if the Traffic Safety Unit should be contacted to respond.
- D. Officers should be alert to potential fire hazards and/or hazardous materials at crash scenes (e.g., spilled gasoline or other flammable substances) and request appropriate assistance. If the incident involves hazardous materials, [procedures in SOP 3101 – Hazardous Materials Response](#) will be followed. [61.2.2 c]
- E. Officers will conduct crash scene traffic direction and control activities, as necessary, to protect the scene, clear the roadway, promote the safe and efficient movement of traffic in the vicinity and prevent additional collisions. See [Policy 1302 - Auxiliary Traffic Services](#). [61.2.2 e]
- F. If the victim of an accident is unable to [secure](#) their personal property at an accident scene, the officer conducting the investigation should take charge of the property. The property should be protected from theft or damage [by being secured inside of the vehicle before towing or submitted to Property & Evidence for safekeeping](#). [61.2.2 f]

### 1301.5 TRAFFIC INVESTIGATIONS

- A. Officers will conduct the following minimum investigation steps on any accident which requires an NC DMV-349 form: [61.2.2 d]
  - 1. Interview all principals and witnesses to the accident;
  - 2. Examine and record any and all damage from the accident to the vehicles involved;
  - 3. Examine and record any and all effects of the accident on the roadway.
- B. Any [collision](#) involving death or serious injury will require a full investigation, [which may include collection of the following types of documentation and information](#): [61.2.1]
  - 1. Field sketches showing locations and measurements of [relevant objects, evidence, landscape features, or any other](#) element necessary to accurately depict the accident scene;
  - 2. Photographs of the scene and all evidence;
  - 3. [Creation of a crime scene log](#);
  - 4. Collection and preservation of evidence; and/or
  - 5. Documentation of any other information related to the crash that may be necessary to ensure the completeness of the investigation.

C. Development of follow-up information regarding serious or fatal traffic crashes is undertaken in support of possible criminal prosecution. When warranted, follow-up investigations may include: [61.2.1]

1. Collecting additional “off-scene” data;
2. Obtain and record formal statements from witnesses;
3. Crash and crash scene reconstructions; and
4. Preparation of a formal report including all of the documentation gathered as part of the investigation for use in prosecuting any charges arising from the traffic crash.

### 1301.6 ENFORCEMENT ACTIONS

- A. Officers will determine appropriate enforcement action, if any, whenever a traffic crash investigation produces probable cause to believe that a violation of the law or ordinance has occurred. [61.1.5 h]
- B. In taking any enforcement action, the officer should consider factors such as injury, drug or alcohol abuse, and the severity of the violation.
- C. Officer’s specific enforcement actions arising from traffic crash investigation or reporting must be consistent with the nature of the alleged violation and with this department’s directives concerning traffic law enforcement, see [Policy 1300 – Traffic Enforcement](#).

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 13 – Traffic

**Policy:** 1302 – Auxiliary Traffic Services

**Previously:** 2330 – Traffic Direction  
2340 – Traffic Support Services  
2350 – Traffic Engineering

**Original Issue:** 6/1/1994

**Last Revision:** 8/28/2017



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

1302.1 TRAFFIC DIRECTION

1302.2 GENERAL ASSISTANCE TO MOTORISTS [61.4.1]

1302.3 MECHANICAL ASSISTANCE AND TOWING [61.4.1]

1302.4 ROADWAY HAZARDS

## ASSOCIATED DIRECTIVES

[Policy 1280 - Towing Procedures](#)

[Policy 1132 - Escorts](#)

[SOP 3101 - Hazardous Materials Response](#)

## INTRODUCTION

This directive provides guidelines for traffic direction and the protection and assistance to be provided to motorists.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) ensure the safe and efficient movement of vehicles and pedestrians where conditions or emergency situations require traffic direction or control, as well to provide protection and assistance to motorists wherever possible.

## RULES AND PROCEDURES

### 1302.1 TRAFFIC DIRECTION

- A. All department members must wear issued high visibility reflective outerwear, in addition to required uniforms, whenever directing or controlling traffic [or when investigating traffic crashes where the vehicles are in the roadway.](#) [61.3.2 e]
- B. Officers may obtain portable traffic control devices (such as cones or barricades) via the City of Asheville Street Division or Parks and Recreation Department [to temporarily assist](#)

in the safe and efficient movement and control of vehicular and/or pedestrian traffic. [61.3.2 d]

- C. Officers identifying a malfunctioning traffic signal will immediately inform Communications for notification to the responsible agency for repairs (i.e. City of Asheville or NC Department of Transportation). Officers will not be responsible for manual control or operation of traffic control devices. [61.3.2 c]
- D. Traffic direction at traffic crash scenes should secure the scene for personnel rendering aid to victims and the subsequent investigation, and prevent further collisions. Care should be taken to keep pedestrian and vehicular traffic away from collision scene evidence such as debris, tire prints, skid-marks or blood stains. [61.3.2 a]
- E. Officers will assist in the control of traffic and pedestrians at fire scenes or other critical incidents at the direction of the incident commander. The typical responsibility of officers engaged in such traffic direction and control services will be to maintain access to and egress from the scene by emergency vehicles and safely divert all other vehicles.
- F. Officers will ensure that the situation has been adequately stabilized before leaving a traffic post. This does not preclude the placement of barricades, cones and/or signs to route traffic around or away from the hazard. [61.3.2 d]

#### **1302.2 GENERAL ASSISTANCE TO MOTORISTS [61.4.1]**

- A. Officers will provide directions to lost motorists upon request. If field resources are insufficient the Communications Section should be contacted for assistance.
- B. Assistance may be rendered to motorists needing to obtain fuel by conveying them to a facility where fuel may be obtained or other reasonable methods available.
- C. Officers will render reasonable assistance in helping stranded motorists contact family, friends, or other concerned persons. This may also include contacting a roadside assistance service. Requests for such assistance may be relayed through Communications.
- D. Officers will not be dispatched to render technical services such as unlocking a vehicle unless an emergency exists (e.g., person, child, or pet locked inside a vehicle). In these situations, the Asheville Fire Department must also respond and assist accordingly.
- E. Officers will ensure the safety of stranded motorists and their vehicles, taking into account the time of day, location, and traffic conditions. Officers will remain on scene as necessary to protect stranded motorists. Should necessary assistance be unavailable in a timely manner, the officer may transport the individual(s) to a nearby safe area.
- F. Emergency escort requests by motorists will be handled according to [Policy 1132 - Escorts](#).



### 1302.3 MECHANICAL ASSISTANCE AND TOWING [61.4.1]

- A. Motorists needing locksmith services should be asked for their preferred service provider. If there is no preference, officers may provide a list of locksmiths in the area who are available for contact.
- B. The department maintains a rotation wrecker system for roadside service, mechanical assistance, or towing. Motorists needing such roadside assistance should be asked for their preferred service provider. If there is no preference, officers will contact Communications to request the next rotation wrecker for roadside assistance, see [Policy 1280 - Towing Procedures](#).
- C. It is at the officer's discretion whether or not to jumpstart vehicles. All in car electronics (i.e. in-car camera and radio) should be powered down before providing such services.
- D. Officers encountering a disabled vehicle transporting, containing, or leaking hazardous materials will follow applicable procedures outlined in [SOP 3101 – Hazardous Materials Incidents](#).

### 1302.4 ROADWAY HAZARDS

- A. It is the responsibility of officers to recognize real and potentially dangerous or hazardous highway conditions and take immediate and appropriate actions to correct them.
- B. Roadway and roadside hazards are to be corrected or reported immediately to Communications for notification and corrective action from the appropriate agency. The following are examples of hazards that should be reported: [61.4.2]
  - 1. Debris in roadway;
  - 2. Serious or dangerous defects in roadways;
  - 3. Defects in highway safety features (i.e., traffic control devices, lighting, impact devices, etc.);
  - 4. Visual obstructions and/or
  - 5. Roadway obstructions.
- C. [When necessary](#), officers should direct traffic to ensure motorist safety until the condition can be resolved. [61.3.2 d]
- D. Officers encountering an abandoned vehicle on a roadway should take appropriate measures to direct traffic around the obstruction. If the vehicle a traffic hazard, is not reported as stolen, and the owner cannot be reached or cannot move the vehicle [in a timely manner](#), it will be removed per [Policy 1280 - Towing Procedures](#). [61.4.2]

- E. Complaints or suggestions concerning traffic engineering deficiencies may be referred to the City of Asheville Traffic Engineering Division and/or the Traffic Safety Unit to be forwarded to the appropriate local/regional agency. [61.3.1 a]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 13 – Traffic

**Original Issue:** 6/1/1994

**Policy:** 1308 – Speed Measuring Instruments

**Last Revision:** 8/24/2016

**Previously:** 2362 – Speed Measuring Devices

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1308.1 GENERAL GUIDELINES

1308.2 CITATION DOCUMENTATION

1308.3 INSPECTIONS

1308.4 CALIBRATIONS

1308.5 RECORDS REQUIREMENTS

1308.6 AUDITS

1308.7 TRAINING AND CERTIFICATIONS

## ASSOCIATED DIRECTIVES

[Policy 2030 – Selective Traffic Enforcement](#)

[Policy 2360 – General Traffic Enforcement](#)

[Vehicle Maintenance Form \(L-5\)](#)

## INTRODUCTION

Speed-measuring instruments are an effective enforcement tool and assist law enforcement officers in reducing the number of speed related traffic crashes.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to properly utilize speed measuring instruments in accordance with [North Carolina law](#), department policy, and all other legal requirements.

## DEFINITIONS

[Speed-Measuring Instruments \(SMI\)](#): devices or systems, including RADAR, Time-Distance, and LIDAR, approved by North Carolina Statute and Administrative Code for use in North Carolina in determining the speed of a vehicle under observation.

## **RULES AND PROCEDURES**

### **1308.1 GENERAL GUILDEINES**

- A. No officer will use a SMI for any enforcement action unless:
1. The operator of the instrument holds, at the time the SMI results are obtained, a valid and current certificate from the North Carolina Criminal Justice Education and Training Standards Commission (“the Commission”) authorizing them to operate the SMI from which the results are obtained; [61.1.8 e]
  2. The SMI is operated in accordance with procedures taught during SMI training courses established by the Commission for the operation of such instrument; [61.1.8 b]
  3. The SMI employed is issued by the Asheville Police Department and is approved for use by the Commission and the Secretary of Public Safety; and [61.1.8 a]
  4. The SMI has been calibrated and tested for accuracy in accordance with standards established by the Commission for that particular instrument.
- B. All SMIs prior to use for enforcement purposes must be tested for accuracy within a 12-month period prior to the alleged violation by a technician possessing at least one of the following ([N.C. Gen. Stat. § 8-50.2](#)):
1. A General Radiotelephone Operator License from the Federal Communications Commission
  2. A Certified Electronics Technician certificate issued by a Federal Communications Commission Commercial Operators License Examination Manager
  3. A laboratory established by the International Association of Chiefs of Police.
- C. Officers must not use a SMI last calibrated more than twelve (12) months prior, as indicated by either the calibration paperwork or the adhesive label on the SMI, as corroboration for any speed related offense.

### **1308.2 CITATION DOCUMENTATION**

- A. Each citation issued by SMI certified officers, utilizing a SMI to corroborate visual speed estimates, will include thorough documentation of the violation to include: [61.1.8 b]
1. The first and last name of the SMI certified operator;
  2. The department SMI unit number;

3. SMI expiration date; and
  4. Patrol vehicle number in the “Officer Comments” section.
- B. If the officer issuing the citation is not the same as the SMI certified officer operating the SMI, the officer issuing the citation will also list the first and last name of the SMI certified officer as a “witness”.
- C. If circumstances necessitate the issuance of a speed related citation utilizing a SMI by another means other than eCITATION, such as a handwritten North Carolina Uniform Citation, the charging officer must include [the information outlined in 1308.2\(A\)](#) on the back of the “Original-Court Copy”.
- D. If there is a need for Incident Report to be completed as the result of a speed related violation utilizing a SMI, the “Officer Narrative” section must thoroughly document the violation(s) [as outlined in section 1308.2\(A\) above](#).
- E. All citations will use the designation of “R” or “L” in the “speed” box section if a RADAR or LIDAR device was used to measure speed. [61.1.8 b]

### 1308.3 INSPECTIONS

- A. As part of the District/Unit Monthly Vehicle Inspections, an inventory will be completed of each SMI, including all of the SMI’s particular components such as antennas, tuning forks, remote, etc., to [include: \[61.1.8 c\]](#)
1. The date of the last annual calibration;
  2. The due date of the next annual calibration;
  3. The vehicle number;
  4. Department SMI unit number; and
  5. Personnel assigned to the SMI equipped vehicles and/or SMI equipment.
- B. If a SMI is found to have an expired annual calibration the unit must be immediately [taken out of service](#) and not utilized until a calibration is complete. The person discovering the out-of-date unit will immediately notify the [Financial Services Manager](#) or designee and their District/Unit Commander by e-mail of the expired calibration, the status of the equipment, and complete a [Vehicle Maintenance Form \(L-5\)](#) for submission through the chain-of-command.
- C. If a SMI and/or any of the particular components are uninstalled from a vehicle for any reason, it should be noted on the District/Unit Monthly Vehicle Inspection to include the date the SMI was uninstalled. [61.1.8 c]

### 1308.4 CALIBRATIONS

- A. For consistency, all SMI's owned by the department must have the annual calibrations performed during the same month each calendar year as designated by the [Financial Services Manager](#).
- B. At least thirty (30) days prior to the expiration of a SMI, the Logistics Unit will arrange calibration services with a certified vendor and notify the respective District/Unit Commander [by e-mail](#) to coordinate calibrations.
- C. At least ten (10) days prior to expiration, the Logistics Unit will confirm that a new calibration has been performed, or is scheduled to be performed prior to the expiration date; however, it is also the responsibility of the individual SMI operator to ensure that any SMI utilized has a current annual calibration.

### 1308.5 RECORDS REQUIREMENTS

- A. The original annual calibration forms for each individual SMI utilized by the department will be maintained by the [Financial Services Manager](#) or designee with a copy kept with the respective SMI. [61.1.8 d]
- B. The original annual calibration forms for individual SMIs will be maintained in accordance with all applicable records retention schedules.
- C. The [Financial Services Manager](#) or designee will maintain an electronic file with all documentation and information pertaining to each SMI assigned by the department, including, but not limited to: [61.1.8 d]
  - 1. All purchasing documentation (invoices, initial calibration forms, etc.);
  - 2. Retirement dates;
  - 3. Annual calibration records;
  - 4. The SMI's past and current location/status; and
  - 5. Documentation regarding maintenance and servicing.
- D. If a SMI is removed from service the details recorded should include the serial numbers of the retired equipment, the date of retirement, and the disposition of the retired equipment. The [Financial Services Manager](#) or designee will ensure that retired property is administered according to applicable surplus property regulations.
- E. Following an SMI's annual calibration, the Logistics Unit will place an adhesive label in a conspicuous location on the SMI indicating the expiration date by which the next annual calibration must be performed and the department SMI Unit Number.

- F. Districts/Units must maintain a log of all handheld SMI's. All officers will be required to log out the handheld SMI prior to its use and then log it back in when returned.
- G. The District/Unit Commander will notify the [Financial Services Manager](#) or designee by e-mail of any changes in the placement/assignment of SMI's within their respective District/Unit [as well as a Vehicle Maintenance Form \(L-5\)](#). The [Financial Services Manager](#) or designee will retain such notification along with that SMI's calibration documentation. [61.1.8 d]

### 1308.6 AUDITS

- A. District/Unit supervisors will perform a monthly random audit of citations to ensure compliance with this policy for personnel under their command. District/Unit supervisors will utilize and have access to eCITATION [within](#) RMS to conduct random monthly audits and provide documentation to the Division Commander demonstrating compliance. Officers found to be out of compliance with this policy may be subject to discipline per department and city policy.
- B. The [Financial Services Manager](#) or designee will arrange for an annual audit of SMI records as well as a physical inventory of all SMI units, according to the procedures established by the City of Asheville's Internal Auditor.
- C. The [Financial Services Manager](#) or designee will furnish a monthly report to the [Administration Bureau Commander](#) outlining the following:
  1. How many SMI original annual calibration forms were processed and filed;
  2. How many & which SMI's were received as new (invoiced), retired, or serviced;
  3. Receipt of each work unit's SMI inspection/inventory and how the records compare to the Logistics Unit records to ensure accuracy/conformity;
  4. Documentation of any SMI changes in assignments (person or vehicle) and whether appropriate [notification](#) was received [as required by this directive](#);
  5. Documentation that the coordinated calibration recertification of all units approaching expiration occurred prior to its expiration date for all applicable units; and
  6. Any units that fail to get re-certified prior to its expiration date ([each such unit will require a separate memorandum with explanation](#)).

### 1308.7 TRAINING AND CERTIFICATIONS

- A. Each certified officer must retain their original SMI operator certificate, as well as each subsequent original SMI operator certificate following the successful completion of a SMI Operator Recertification training course issued by the North Carolina Criminal Justice Education and Training Standards Commission.
- B. It is each officer's responsibility to ensure that a copy of their current SMI Operator certificate is forwarded to the Recruitment & Career Development Section for placement into the officer's training file. [61.1.8 e]
- C. Copies of each SMI operator certificate will be maintained by the Recruitment & Career Development Section in accordance with applicable records retention regulations.

BY ORDER OF:



Tammy Hooper  
Chief of Police



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1311</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Special Purpose Vehicles</b>	<b>LAST REVISION DATE: July 11, 2011</b>

**I. Introduction:**

**The Asheville Police Department operates a number of special purpose vehicles and two specialized units involving the use of animals. The purpose of this policy is to establish special conditions and requirements on the use of these specialized vehicles or units.**

**II. Procedures:**

A. The following vehicles and specialized units are included in the provisions of this policy:

1. K-9 dogs and their associated vehicles
2. Crisis Negotiation Team Response Vehicle
3. Forensics' vehicles
4. Hazardous Devices Team vehicles and the robot
5. ERT Truck
6. ERT armored personnel carrier
7. The prisoner transport van
8. Animal Services vehicles
9. Park Warden vehicle
10. GEM Cars
11. Segways
12. Motorcycles
13. Bicycles

It is not the intention of this policy to change or supercede any other department policy concerning the employment of these vehicles or specialized units.

B. Specialized Vehicles and Units

1. K-9 units are assigned to districts. They may be used for patrol, drug searches, building searches, evidence searches, tracking and for protection of the handler. K-9 dogs will be employed in accordance with their training and with the training and experience of the handler. Persons not trained in K-9 handling will not work with the dogs. Handlers must received recognized K-9 training before working in the field with the dogs. Each handler is responsible for the care and upkeep of both the

dog and the vehicle used to transport the dog. Equipment necessary for successful K-9 operations will be carried in the vehicle at all times while on duty.

2. The Crisis/Hostage Negotiation vehicle is specifically assigned to the Crisis Negotiation Team/Hostage Negotiation Team (CNT/HNT) for response and privacy during negotiation situations. It is equipped with a Hostage Negotiation phone, computer, radio, cell phones, television and office supplies. Only members of the team are authorized to operate the vehicle unless authorized by the CNT/HNT Commander. All members must complete a familiarization driving class to operate the vehicle. The CNT/HNT Commander or his designee is responsible for the maintenance and upkeep of the vehicle.
3. Forensic vehicles are assigned to the Forensics Unit for their use in providing forensic services in support of department activities and investigations. They are used to transport personnel and equipment to scenes of incidents and to transport property and evidence. Only Forensics personnel are allowed to operate these vehicles, except in case of emergency or at the direction of a supervisor. All personnel operating Forensics vehicles must possess a valid North Carolina driver's license. The Manager of the Forensics Unit is responsible for the maintenance and upkeep of these vehicles. Equipment as specified in Policy [1630](#), Crime Scenes and Evidence, section 14, will be carried in each Forensics vehicle.
4. Hazardous Devices Team (HDT) vehicles and trailers are used in responding to reports of situations involving explosives, suspected explosives, or other hazardous devices, both within the City of Asheville and in the western region of North Carolina. The HDT also assists in post-blast investigations. These specialized vehicles, and the associated specialized equipment such as the robot, may only be used or controlled by a member of the HDT, unless a specific exception is made by the Chief. Only persons who have successfully completed the FBI Hazardous Devices Training may be members of the HDT. Equipment specified in Policy [1610](#), Hazardous Devices Response, will be carried on the HDT vehicles. All operators of HDT vehicles must possess a valid North Carolina Driver's license. The HDT members are responsible for the maintenance and upkeep of their vehicles and equipment.
5. The Emergency Response Team (ERT) truck is available for the transport of team personnel and equipment. Only members of the ERT, or other personnel specifically identified by the Chief will operate this vehicle. The ERT commander is responsible for the maintenance and upkeep of this vehicle. Equipment to be carried on this vehicle will be that equipment needed and necessary for the type of tactical operation for which it is being used or for the type of training to be conducted. All operators of this vehicle must possess a valid North Carolina driver's license.
6. The ERT armored vehicle is used in support of the team's tactical operations. It is a highly specialized vehicle that is not suitable for other purposes. It will not be used for any function except ERT operations or training. Only members of the ERT are authorized to operate this vehicle, unless a direct exception is made by the Chief. All operators must possess a valid North Carolina driver's license. The ERT commander is responsible for this vehicle's maintenance and upkeep. Equipment to be carried in the vehicle will be that equipment needed for the operation then underway or for the training then being conducted.
7. The Prisoner Transport Van is used only to transport multiple prisoners, for specialized assignments or activities where its size and capabilities may be useful, and for situations requiring an increased level of prisoner security. It may not be used as a regular patrol vehicle. It may only be used for its intended purpose. When

prisoners are being transported car must be taken to ensure the rear door is properly secured. Authorization from a police supervisor is required before this van is used. All persons operating this vehicle must possess a valid North Carolina driver's license. The Patrol Division Commander is responsible for the maintenance and upkeep of this vehicle. Any sworn member of the department may operate this vehicle after its use is properly authorized by a police supervisor.

8. Animal Services has vehicles permanently assigned for use in Animal Services functions. These vehicles are designed particularly for that use. They are to be used only in connection with Animal Services and driven only by Animal Services personnel unless a specific authorization is received from the Chief of Police. Any person operating these vehicles must possess a valid North Carolina driver's license. The supervisor of Animal Services is responsible for the maintenance and upkeep of these vehicles. Equipment necessary to conduct Animal Services activities, including devices used to capture various types of animals, will be carried on Animal Services vehicles.
9. The Park Warden is a civilian position within this Department. The position is assigned to the North District. The Park Warden is assigned a pickup truck used to patrol the parks within the City of Asheville. The truck will be equipped with yellow flashing lights and a radio that allows immediate contact with Communications. This vehicle may not for any other purpose other than patrolling public parks and it may be driven only by the Park Warden unless prior approval is given by the Chief or the Patrol Division Commander. All persons who operate this vehicle must possess a valid North Carolina driver's license. The Park Warden is responsible for the maintenance and upkeep of this vehicle.
10. GEM cars are battery driven vehicles used primarily in the downtown area of the City of Asheville. They are used by patrol officers in the same capacity as a motorized patrol unit. The district VCO is responsible for the maintenance and upkeep of these vehicles.
11. Segways are employed in areas during special events when the use of a motorized vehicle is precluded such as parades, etc. Officers wear helmets and have completed familiarization training using the Segway Training Video. The Patrol Commander is responsible for the maintenance and upkeep of these vehicles.
12. Motorcycles:
  - a. Applicants for the motor officer position must possess a motorcycle operator's endorsement as outlined by NCGS at the time of selection to this position.
  - b. Must have a minimum of two (2) years sworn status with the agency.
  - c. Must not have had more than one(1) preventable motor vehicle accident within a 12 month period. Must possess an above average safe driving record.
  - d. All motorcycle officers must complete an 80 hour rider certification course as soon as one is offered and are required to possess a motorcycle operator's endorsement as outlined by NCGS.
  - e. Officers applying for the motor officer position shall be tested by practical application and must successfully complete the following during the screening process:
    - i. The motor officer candidate shall be physically capable of sitting on the motorcycle with both feet completely (heel and ball of foot) on the

ground. The use of a non-standard seat, similar in appearance to a standard seat may be used to accomplish this task.;

- ii. The motor officer candidate shall be physically capable of lifting the fallen motorcycle to an upright position without resistance.
  - iii. The motor officer candidate shall be capable of pushing the motor unit, both forward and backward a minimum of 150 feet.
  - iv. The motor officer candidate shall be capable of maneuvering the motorcycle through a simple cone course designed by a department Driving Instructor /Motor Officer.
  - v. The Motorcycle Team Members shall successfully complete all In Service Training as may be required by the agency in order to maintain proficiency in the safe and effective operation of agency motorcycles.
- f. Maintenance:
- i. Each Motorcycle Patrol Officer is responsible for upkeep and maintenance of his/her assigned motorcycle and equipment.
- g. Pursuits:
- i. Pursuits are **strictly prohibited** due to the hazards which greatly increase the potential for serious injury to the motorcycle officer.
  - ii. Motor officers may follow, at a safe distance and speed, and keep the violator in sight. As soon as a patrol vehicle catches up, the motor officer will stop following and proceed on at the posted speed limit.
  - iii. Motor officers will not ride in icy conditions or in lightning. Motorcycles will be equipped with appropriate identifying emblems and emergency vehicle equipment.
13. Bicycles are used by officers in all areas of the City. Only personnel who have completed training on the use of a police bicycle may ride. Each officer using a bicycle is responsible for maintenance and repair if required.

**Accreditation Reference:**

This policy covers the following accreditation standards: [41.1.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1340</b>	<b>EFFECTIVE DATE: 12/1/1993</b>
<b>SUBJECT: Civilians</b>	<b>LAST REVISION DATE: April 21, 2011</b>

**I. Introduction:**

The Asheville Police Department is committed to working for and with the community at large. Civilian personnel are an integral part in assuring that the crime prevention and enforcement missions are fully, effectively, and efficiently accomplished. To this end, many jobs within the police department may be staffed using non-sworn personnel while allowing sworn personnel to provide greater law enforcement services and protection for the community.

**II. Policy Statement:**

**It shall be the policy of the Asheville Police Department to maintain positions, promotional opportunities, incentives, and training for non-sworn personnel.**

**III. Procedure:**

- A. Certain positions with the Asheville Police Department may be filled by civilian personnel including but not limited to the following:
1. Administrative Assistant
  2. Administrative Secretary
  3. Communications Manager
  4. Crime Analysis Technician
  5. Forensic Services Supervisor
  6. Forensic Services Technician
  7. Older Adult Victim Advocate
  8. Police Records Clerk
  9. Police Records Supervisor
  10. Secretary
  11. Secretary Senior
  12. Telecommunicator
  13. Telecommunicator Supervisor
  14. Animal Services Supervisor
  15. Animal Services Officer

16. Evidence Manager

Crime Analyst, Communications Manager, Forensics Services Supervisor, Animal Services Supervisor require pre-service education. Other civilian positions require on the job training and in-service training as necessary for the specific position.

- B. Sworn personnel may be temporarily assigned to positions staffed by civilian personnel in the event of an identified agency need, to broaden the officer's experience (orientation), or while the officer is recuperating from an on the job injury.
- C. When department supervisors and managers identify promotional opportunities in other departments within the City, or within the Police Department, they shall encourage qualified civilian or sworn personnel to advance their careers by applying for these positions.
- D. Departmental civilian personnel are subject to the same policies, procedures, and restrictions, where they apply, as sworn personnel and shall be awarded the same respect.

**Accreditation Standards:**

This policy covers the following accreditation standards: [16.5.1](#), [33.7.2](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1400</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Court Liaison</b>	<b>LAST REVISION DATE: July 15, 2007</b>

**I. Introduction:**

**This policy outlines policies for the Court Liaison Services and procedures for assigning court dates and for attending court both on and off duty.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to maintain liaison with the District and Superior Courts of the 28th Judicial District and for the Asheville Police Department officers to attend court when scheduled.**

**III. Procedures:**

- A. The court liaison services are provided by the Special Services Division and represents the department to the 28th Judicial Courts. The Special Services Division Commander shall monitor court liaison services.
- B. The court liaison services include picking up and delivering subpoenas, contacting officers regarding pending and soon to be adjudicated cases as necessary, delivering court dockets to the Patrol and CID Divisions on a timely basis, and distributing court schedules for the officers to the District Attorney's office.
- C. Officers will report their court time to their assigned supervisors for pay purposes.
- D. Any court case continued or rescheduled by a follow-up officer will be set on the initial investigating officer's next scheduled court day. Officers are not responsible for cases scheduled outside the officer's court days unless the officer is subpoenaed.
- E. Officers will not take days off on scheduled court days unless the court liaison is notified at least seven (7) days in advance. Release from court responsibilities is not automatic. It is the responsibility of the case officer through the department's designated coordinator to ensure he or she has been excused.
- F. When an officer attends court on his scheduled court date and is required to return to court after lunch, he will be allowed to take a meal break as set by the presiding judge. If an officer completes his court cases prior to the time the judge recesses for meal break, the officer will check in with communications so that court attendance and completion of court attendance is documented in CAD.
- G. Any court time during non-scheduled days (such as felony first appearances in District Court, Superior Court or Grand Jury) will be compensated.
- H. Any officer subpoenaed to appear in District Court while working night shift shall contact the court liaison as far in advance of the scheduled appearance as possible and request to be put on standby.

- I. Any officer subpoenaed to Superior Court on an off-duty day will notify the court liaison and the District Attorney's Victim Witness Coordinator, who will keep the officer advised of the status of the case.
- J. Officers shall not volunteer to testify in civil action and shall not testify unless legally subpoenaed. Any officer receiving a civil subpoena arising from his duties as an Asheville Police Officer shall notify his/her supervisor as soon as possible. Any officer who is informed that he/she is a party to a civil action arising from his/her duties as an Asheville Police Officer shall notify his/her supervisor as soon as possible.
- K. Any officer subpoenaed to a court outside the City of Asheville, a Department of Motor Vehicles hearing, or an Alcohol Beverage Control Board hearing shall immediately notify his/her supervisor and necessary travel arrangements will be made.
- L. Officers must comply with [Policy 302 - Uniform Standards](#) for court attire

**Accreditation Reference:**

This policy covers no specific accreditation standards.

END OF DOCUMENT



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 14 – Inspections

**Original Issue:** 12/1/1999

**Policy:** 1401 – Staff Inspections

**Last Revision:** 1/12/2018

**Previously:** 1060 – Staff Inspections

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1401.1 ORGANIZATION AND RESPONSIBILITIES

1401.2 SUBJECTS OF INSPECTION

1401.3 INSPECTION PROCEDURE

1401.4 STAFF INSPECTION REPORTS

## ASSOCIATED DIRECTIVES

[Policy 202 – Planning and Research](#)

## INTRODUCTION

The purpose of this directive is to establish guidelines and procedures for planning and conducting departmental staff inspections. Staff inspections provide an effective means of regularly assessing the department's efficiency, effectiveness, policy and procedural compliance, safeguarding of assets, and adequacy of management. The ultimate goal of the staff inspection is correction and improvement, and is not meant as a punitive measure.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to provide the highest level of service to the public. To ensure this quality of service, managers must be enabled to assess the department's ability to perform its mission and be provided with information necessary to plan for improvement of operations. Inspections are a vital component of departmental self-assessment and as such will be carried out with care, attention to detail, and with the full cooperation of all personnel concerned.

## DEFINITIONS

Staff Inspection: an objective review of the facilities, equipment, personnel, administrative organization and function, operational activities and programs of the department outside the normal chain of command.

## **RULES AND PROCEDURES**

### **1401.1 ORGANIZATION AND RESPONSIBILITIES**

- A. Staff inspections will be conducted outside the normal lines of authority and responsibility of the function being inspected.
- B. The Planning & Evidence Section is responsible for conducting staff inspections within all organizational components at least once every **four (4)** years. Additional staff inspections may be performed at the direction of the Chief of Police. [53.2.1 a, e]
- C. Staff inspectors will maintain adequate notes and other records of activities during the inspection to ensure accuracy and clarity of all subsequent reports.

### **1401.2 SUBJECTS OF INSPECTION**

- A. Staff inspections should be conducted to generally make the following type of assessments or evaluations:
  - 1. Proper communication of, compliance with, and enforcement of department directives, procedures and policies.
  - 2. Compliance with federal, state, and local laws.
  - 3. Compliance with accreditation standards and other contemporary professional practices.
  - 4. Maintenance and operational readiness of department equipment.
  - 5. Accuracy and timeliness of written reports and other required documentation.
  - 6. Adequacy, security, and safety of department equipment, facilities, and furnishings.
  - 7. Uniformity of application of administrative and personnel policies throughout the department.
  - 8. Adequacy of recruitment mechanisms.
  - 9. Appropriateness and effectiveness of department training programs.
  - 10. Other matters that may be significant to the successful performance of the department's mission as directed by the Chief of Police.

### 1401.3 INSPECTION PROCEDURE

- A. The supervisor of the Division, Section, or Unit to be inspected will be notified no less than thirty (30) days prior to the inspection. The notice will indicate the nature of the inspection and any special requests such as the availability of specified personnel, files, and documents. [53.2.1 b]
- B. The Planning & Evidence Section Commander may, in advance of a scheduled inspection, meet with supervisors or members of the area to be inspected. This may be done to assist the unit(s) in preparing for the inspection and to encourage cooperation with the inspector.
- C. Staff inspections will be conducted in a manner to minimize disruption to the normal daily operational activities of the area inspected.
- D. Staff inspectors will examine all pertinent aspects of the area(s) being inspected, including administration processes, equipment, and facilities. [53.2.1 b]
  - 1. Personal observations, interviews with individual personnel, personnel surveys, inspection of records, audit of accounts, and other appropriate inspection techniques will be utilized as appropriate.
  - 2. Deceptive or undercover methods of inspections will not be employed.
- E. The staff inspector will communicate freely with the commanders and supervisors of the areas being inspected. Whenever possible, the nature and purpose of each aspect of the inspection will be explained in detail to the commanders, supervisors, and members of the areas concerned.
- F. Unless otherwise directed, at the conclusion of a staff inspection the inspector will meet with the commanders and supervisors of the inspected areas. At such meetings the inspectors will discuss the inspection, summarizing the results of the inspection and explaining any findings of deficiencies that will be noted in the inspection report.
- G. Where specific deficiencies are found that cannot be corrected immediately, a re-inspection will be completed at a subsequent time to ensure that the deficiencies have been corrected. A written follow-up report will be completed according to provisions in Section 1401.4. [53.2.1 d]

### 1401.4 STAFF INSPECTION REPORTS

- A. At the conclusion of a staff inspection, the inspector will compile a written inspection report. The report will cover in detail the findings of the inspection, and identify both strengths and weaknesses found during inspection. [53.2.1 c]
- B. Positive findings should be emphasized appropriately, and where deficiencies are reported, suggestions for corrective action may be included.

- C. The staff inspection report will be submitted to the Chief of Police and Deputy Chiefs within twenty (20) working days of the completed inspection.
- D. The Division Commander and supervisor of the inspected component will be provided with a copy of the staff inspection report after review by the Chief of Police and Deputy Chiefs.
- E. The commanders or supervisors of the organizational components inspected will be given the opportunity to respond either orally or in writing to the staff inspection report. This response may include both a statement of the steps taken to remedy deficiencies found by the inspection, and an explanation for the reasons for noncompliance if compliance has not been possible.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 14 – Support Services

**Original Issue:** 1/20/2017

**Policy:** 1404 – Animal Services

**Last Revision:** N/A

**Previously:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1404.1 ANIMAL SERVICES AUTHORITY

1404.2 ANIMAL SERVICES OFFICER RESPONSIBILITIES

1404.3 OFFICER RESPONSIBILITIES

1404.4 INVESTIGATIONS OF COMPLAINTS

1404.5 EMERGENCY CALLS

## ASSOCIATED DIRECTIVES

### INTRODUCTION

The purpose of this policy is to establish guidelines for animal control response in accordance with City of Asheville Ordinances and North Carolina Law.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to provide the citizens of Asheville with courteous, professional, and effective animal control services by enforcing all applicable city ordinances and laws. The Animal Services Unit is primarily responsible for enforcing all ordinances and statutes pertaining to animals.

### DEFINITIONS

Dangerous Animal: (see [City of Asheville Ord. Sec. 3-4](#))

- 1) Any animal that without provocation has killed or inflicted severe injury on a person;
- 2) Any animal that is determined by an Animal Services Supervisor to be potentially dangerous; or
- 3) Any animal owned/harbored primarily or in part for the purpose of animal fighting or trained for animal fighting.

Rabies Exposure: any bite or other event in which a person or animal has been suspected of coming in contact with the saliva or nervous tissue of an animal possibly having rabies.

Potentially Dangerous Animal: an animal that the designated Animal Control Administrator has determined to have (see [City of Asheville Ord. Sec. 3-4](#)):

- 1) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or requirement cosmetic surgery or hospitalization;
- 2) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- 3) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

## **RULES AND PROCEDURES**

### **1404.1 ANIMAL SERVICES AUTHORITY**

- A. Animal Services Officers are provided authority to carry out duties according to [City of Asheville Ord. Sec. 3-7](#) including, but not limited to, the following:
1. Investigate animal complaints within the City of Asheville.
  2. Recommend the declaration of dangerous and potentially dangerous animals.
  3. Protect animals from neglect or abuse.
  4. Take up and deliver any animal at large in violation of local ordinances to the animal shelter.
  5. Issue all appropriate permits, citations, and notices required for enforcement of local ordinances.
  6. Enforce state law in regard to owner's failure to obtain proper rabies vaccinations.
  7. Investigate animal bites or rabies exposures and submit reports to the Buncombe County Health Department.
  8. Capture and submit animals for rabies testing (i.e., wildlife and bats).
  9. Issue warnings regarding wildlife activity.
- B. Asheville Animal Services Officers are not certified law enforcement officers and will request appropriate support from sworn officers when encountering situations in the performance of their duties necessitating a law enforcement response.

### **1404.2 ANIMAL SERVICES OFFICER RESPONSIBILITIES**

- A. Animal Services Officers will:
1. Abide by all applicable department policies and directives.
  2. Respond and take appropriate action in regards to all animal complaints.
  3. Prepare thorough incident reports, where appropriate, for violations of animal regulations.

4. Testify in court when necessary in animal cases resulting from actions taken.
- B. The Animal Services Supervisor will:
1. Plan, organize, and administer the operations of the Animal Services Unit.
  2. Ensure that necessary investigations are made, with referrals to appropriate agencies or authorities (if applicable).
  3. Maintain an on-call schedule or protocol for the handling of emergency calls.
  4. Provide any needed training recommendations for Animal Services Officers and ensure all training records are forwarded to the Career Development Unit.
  5. Review equipment inventories and coordinate replacement or repairs.
  6. Prepare and submit monthly reports as requested by the Traffic and Animal Services Section Commander.

### **1404.3 OFFICER RESPONSIBILITIES**

- A. Officers who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.
- B. Due to the hazards of handling animals without proper training and equipment, responding officers generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance; this is especially important in circumstances regarding wildlife or sick animals to ensure proper procedures are followed for rabies exposure.
- C. Officers may consider acting before the arrival of such assistance when:
  1. There is a threat to public safety;
  2. An animal has bitten someone. When reasonable, officers should take measures to confine the animal and prevent further injury;
  3. An animal is creating a traffic hazard; and/or
  4. An animal is seriously injured.
- D. If the owner/handler of an animal has been arrested or is incapacitated, the arresting/investigating officer should find appropriate placement for the animal.
  1. This is only necessary when the owner is expected to be in custody or incapacitated for a time period longer than would reasonably allow him/her to properly care for the animal.
  2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

3. If no person can be found or the owner does not or cannot give consent, Animal Services should be contacted to transport the animal to a designated animal care facility.

#### **1404.4 INVESTIGATIONS OF COMPLAINTS**

- A. With exceptions of emergency calls, Animal Services Officers will respond to calls for service according to the following priorities:
  1. First priority calls (officers may be dispatched on the following types of calls in the absence of an on-duty Animal Services Officer):
    - a. Animal bites (if animal is still at large)
    - b. Vicious or rabid animals
    - c. Incidents whereby an animal creates a life-threatening situation
    - d. Situations whereby an animal's life is in danger, i.e., locked in a hot car
  2. Bite reports
  3. Sick or injured animals
  4. Calls holding overnight with a complainant
  5. Calls holding overnight without a complainant
  6. All other calls will be handled at the discretion of the Animal Services Officer based on availability. These may include:
    - a. Animal pick-ups
    - b. Animals at large (non-aggressive)
    - c. Public nuisances
- B. If the Animal Services Officer determines that an unusual situation exists on a low priority call, they may respond prior to acting on the calls that originally came in with a higher priority.
- C. Animal Services Officers will strive to make personal contact with complainants when requested and alleged offenders in all complaints. When personal contact cannot be made, an appropriate notice will be attached to the complainants/offender(s) residence, if applicable, in a conspicuous place and the general area surveyed for violations.

#### **1404.5 EMERGENCY CALLS**

- A. After normal duty hours an Animal Services Officer will be available to handle urgent or emergency calls, including but not limited to the following:
  1. Vicious animal posing a danger to the public;



2. Injured animals / wildlife without owners;
  3. Serious animal bites; and
  4. Animals caught in traps if the animal is creating a nuisance.
- B. Animal Services Officers will respond after-hours whenever requested by an on-duty Sergeant or Watch Commander.

BY ORDER OF:



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1410 - Prisoner Search &amp; Transport</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Prisoner Search &amp; Transport</b>	<b>LAST REVISION DATE: August 25, 2008</b>

**I. Introduction:**

**Officers often transport persons who are in custody. Officers should exercise safety and caution in searching and transporting prisoners.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to safely transport prisoners.**

**III. Procedures:**

- A. Arresting officers shall search any person they arrest prior to transport. Any officer, other than the arresting officer, shall search any prisoner, prior to transport, for whom he accepts responsibility.
- B. When the arrestee is of the opposite sex, officers shall, when feasible, arrange for an officer of the same gender to search the person. Otherwise, the officer shall, when possible, have another officer physically present to witness the search. When the officer must search a member of the opposite sex himself, he will use reasonable procedures that minimize embarrassment to the individual.
- C. Officers will search any police vehicle used to transport prisoners for contraband or weapons prior to beginning shift, and before and after each prisoner transport. The officer assigned to the vehicle is responsible for the search. If contraband or weapons are found, the officer shall notify his supervisor and turn the property in as found property unless there is enough probable cause to make a charge.
- D. Patrol vehicles equipped with security shields separating the prisoner compartment from the driver's compartment shall also have rear door release handles removed and rear window switches disabled.
- E. The multi-prisoner transport vehicle rear prisoner compartment is equipped with a locking rear door and shall only be used to transport groups of prisoners, on special assignments, and where the need for special prisoner security is necessary.
- F. Officers will transport *violent prisoners* only in a shielded vehicle.
- G. When transporting a prisoner in a vehicle without a security shield, officers will place the prisoner in the front passenger seat, belted in, with hands cuffed behind the back. If the unit is a two man unit, officer will place the prisoner in the right rear seat and one of the officers shall sit in the left rear seat.
- H. Officers shall notify Communications at the beginning and completion of each prisoner transport. Officers shall provide Communication with both the beginning and ending

mileage when transporting persons of the opposite sex. Communications shall enter this as part of the dispatch record.

- I. Officers shall not transport adult and juvenile prisoners together. Officers shall not transport male and female prisoners together.
- J. Officers shall observe prisoners as all times. Officers may escort prisoners of the same sex inside a toilet facility at the officer's discretion. Officers of opposite sex will remain outside the toilet facility while prisoners are using it. Officers shall search the restroom prior to allowing any prisoner to use it and search again after the restroom is used.
- K. An officer transporting a prisoner will not respond to a call for law enforcement services. The only exception is where the risk to third parties is both clear and grave and the risk to the prisoner is minimal.
- L. The arresting or transporting officer may allow a prisoner to speak with someone during transport. Instances are a parent wanting to speak with a juvenile or an attorney wanting to speak with a client. The officer shall remain with the prisoner during such instances.
- M. All prisoners shall be handcuffed before entering the Booking Area of the Buncombe County Jail. Upon reaching the Buncombe County Detention Facility, the arresting officer or transporting officer will:
  - 1. secure his firearms in the trunk of the vehicle when entering from the fenced area of the Detention Facility;
  - 2. secure firearms in the lock boxes when entering from the Davidson Street entrance of the Detention Facility; and,
  - 3. maintain control of the prisoner until he is in the custody of the Buncombe County Detention Facility
- N. The officer shall notify the Magistrate of the prisoner's arrival upon entering the Buncombe County Detention Facility and shall deliver any documentation to the Magistrate or the jail receiving officer.
- O. Upon delivering a prisoner he has transported from another detention facility, the transporting officer will obtain the receiving officer's signature on the Prisoner Release Form.
- P. Any officer who becomes aware that a prisoner may present security problems in a court environment shall notify his supervisor and the jail authorities. ~~The supervisor shall notify the Chief of Police. The Chief shall notify the District Attorney and the appropriate judge.~~
- Q. Officers transporting a prisoner out of the city shall randomly select any necessary meal stops to avoid setting a pattern. Officers using public transport shall comply with any weapons rules of the common carrier used.
- R. If a prisoner escapes while being transported in the city, the transporting officer will immediately notify Communications, give the location, the direction of travel, name and description of the prisoner, charges against the prisoner, and any other pertinent information. Communications will broadcast an alert to all units on appropriate police channels; and notify other local and area law enforcement agencies on a 25 mile radius DCI message. The officer will file an Internal Incident Report.
- S. If a prisoner escapes while being transported outside the city, the transporting officer will attempt to apprehend the prisoner; notify local authorities, request assistance, and supply them with all information about the prisoner; notify his division commander or the on-duty platoon commander; assist local authorities in completing any necessary paperwork and

secure a warrant charging the prisoner with escape prior to leaving the jurisdiction; and file an Internal Incident Report.

- T. Officers shall inquire into the arrestee's health in order to obtain and deliver any medication along with the prisoner. Officers shall transport prisoners with serious medical conditions to Memorial Mission Hospital or the Veterans Administration Hospital by ambulance. Officers shall transport any prisoner with an obvious injury requiring medical treatment or an injury that may cover a more serious condition to a medical care facility prior to placing the prisoner in a detention facility. Officers shall advise the Magistrate and the Buncombe County Detention Facility Receiving Officer of any prisoner health problems of which the officer has knowledge (e.g., heart condition, is taking medication, etc.). If a question arises between jail personnel and the officer, he shall contact his supervisor to mediate the situation with the jail supervisor.
- U. Officer shall use discretion in removing the restraining devices of injured or ill prisoners unless they prevent appropriate medical attention. When restraints are used, they should not cause further injury to the prisoner.
- V. Officers may transport physically handicapped prisoners in either the front or rear of the vehicle, depending upon the individual's condition. Officers may request an ambulance or rescue vehicle to transport handicapped persons whose condition prohibits transport in police vehicles. Officers should exercise discretion in determining whether to use restraint devices.
- W. When a prisoner is transported to a medical facility, officers shall cooperate with medical personnel. Any restraining devices used shall remain on the prisoner unless the nurse or doctor in charge of the patient requests their removal for treatment purposes. If the prisoner is violent, the officer shall advise the nurse or doctor prior to removing the restraining devices. The officer shall remain with the prisoner at all times unless relieved by another officer or supervisor. The officer shall obtain a signed Buncombe County Detention Facility Prisoner Medical Release from the attending physician and deliver it to the Buncombe County Detention Facility Receiving Officer.
- X. When a prisoner is admitted to a hospital, the transporting officer shall notify the on-duty district commander and take any necessary documentation to the Magistrates Court. The on-duty district commander should call the Magistrates Court to arrange bail on prisoners charged with misdemeanor.
- Y. Officers shall restrain all prisoners during transport. Officers may make an exception for juvenile, elderly, or handicapped individuals where the restraints are not really necessary. Officers shall apply handcuffs with the prisoner's hands behind the back, palms out, keyholes facing upward, and engage the double lock. Officers shall exercise care in the use of handcuffs to avoid unnecessary injury to the prisoner. Prisoners shall not be handcuffed to any part of the vehicle. If the transport will last for several hours, officers should attempt to make the prisoner as comfortable as possible during the transport.
- Z. Officer may use other restraining devices such as belt restraints or leg restraints in special situations such as transporting mentally disturbed persons and/or violent prisoners. This does not preclude the use of handcuffs. Officers shall use the device in a manner to restrain the person without causing undue injury or discomfort. Officers shall notify the on-duty platoon commander when these type restraints are used.
- AA. Officers shall continuously monitor prisoners in their custody for breathing difficulties and medical emergencies.
- AB. When officers take a prisoner from one detention facility to another, they shall verify the booking records and numbers assigned to the prisoner in the detention facility. If a picture

was made at the time of booking, officers shall verify the prisoner being transported as the one in the picture. Proper documentation must accompany each prisoner transported from one detention facility to another. This documentation should include medical records, if any; personal property records; copies of warrants, release forms, etc.; and any information about escape potential or suicide potential.

**Accreditation Reference:**

The following accreditation standards are in this policy: [71.1.1](#) [71.1.2](#) [71.1.3](#) [71.1.4](#) [71.1.5](#) [71.1.6](#) [71.1.7](#) [71.2.1](#) [71.3.1](#) [71.3.2](#) [71.3.3](#) [71.3.4](#) [71.4.1](#) [71.4.2](#) [71.5.1](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1451</b>	<b>EFFECTIVE DATE: 5/15/1994</b>
<b>SUBJECT: Crime Prevention</b>	<b>LAST REVISION DATE: 03/22/2011</b>

**I. Introduction:**

**The Asheville Police Department is committed to providing crime prevention assistance to citizens and businesses. This assistance will take the form of educational information through programs and publications that are designed to give citizens the knowledge they need and an understanding of the responsibility they must accept in preventing crime. It will also be provided through pro-active consultation with homeowners and business owners who experience crime problems.**

**All members of the Police Department have a responsibility to help the public access crime prevention information appropriate to their needs or concerns. The Crime Prevention Unit will assume the leading role in providing crime prevention services.**

**II. Procedures:**

- A. The Crime Prevention Unit (CPU) is the primary component of the Police Department in providing crime prevention education and information. That unit is responsible for developing and delivering programs in response to community needs or requests.
- B. Programs will be developed in response to specific problems identified through an examination of crime analysis data. CPU personnel will regularly receive crime analysis data from the Crime Analyst through regular distributions of analytical reports. [45.1.1a](#)
- C. The CPU will receive information from on-going citizen surveys conducted by the Police Department. After a safety presentation, security survey or community meeting is completed, an evaluation form will be given to those persons in attendance or to those who requested the service. This information will be used to identify specific perceptions or misperceptions about crime in the City of Asheville. Programs will be developed to provide accurate information to the citizens of the City that address identified problem areas. [45.1.1b](#)
- D. Involvement with community groups is a valuable tool for providing crime prevention services. The CPU will assist Community Resource Officers organize new groups where citizen interest is sufficient to sustain an on-going citizen's program such as Neighborhood Watch. Similar assistance with business groups will also be offered, to the greatest extent possible. [45.1.2](#)
- E. Every three years an evaluation of the effectiveness of individual crime prevention programs will be conducted based upon surveys received during presentations, security surveys or community meetings in an effort to make sure the program is meaningful. As examples, if a new Neighborhood Watch group is formed in response to an increase in residential burglaries, one measure of the success of that program would be a decrease in reported home burglaries. When crime prevention surveys are provided to businesses, the success of the program may be determined by follow-up visits or surveys to determine if

the crime prevention measures recommended have been implemented and if the business has been victimized after making the needed improvements in security. The method used to evaluate any particular program will be tailored to the circumstances that brought the program into being. [45.1.1c](#)

- F. Through the Crime Prevention Specialist's position, the police department has input to the planning process in the City, ordinance development or revision, and plans review for proposed new or remodeled facilities in the City. The Specialist will actively participate with the City's Technical Review Committee. Input will be provided to project owners or managers on crime prevention issues. Specifically, the concepts of Crime Prevention Through Environmental Design (CPTED) will be used in an attempt to influence the built environment to make it less conducive to criminal activity. [45.1.3](#)
- G. Members of the CPU will participate in the employee orientation program for all new police department employees. During that orientation period all employees will receive information about the activities of the CPU and about each individual employee's responsibility for participating in crime prevention efforts.
- H. Community Resource Officers will submit quarterly reports through the chain of command to the Chief of Police and CPU which reflect information on the formation of new or redeveloped Neighborhood Watch Programs, attendance of meetings with ongoing watch groups with a listing of specific concerns of the groups or potential problems, and a report of residential and business security surveys completed.

**Accreditation References:**

This policy covers the following accreditation standards: [45.1.1](#) [45.1.2](#) [45.1.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1500 - Communications</b>	<b>EFFECTIVE DATE: 3/1/1994</b>
<b>SUBJECT: Communications</b>	<b>LAST REVISION DATE: April 2, 2011</b>

**I. Procedures:**

- A. The Communications Section of the Asheville Police Department is an emergency communications support function of the police department. The Section is part of the Administrative Services Division and is commanded by the Communications Manager who reports directly to the Administrative Services Manager. The Communications Section is located at 164 Erwin Hills Road. The facility serves as the primary dispatch point for the Asheville Police Department. There is also a secondary/back-up communications center located at 100 Court Plaza, and is used in the event the primary facility is inoperable, special events, or as otherwise needed in emergency situations. This policy applies to both facilities unless otherwise noted. Also housed at the Erwin Hills Road facility is the Buncombe County Emergency Operations Center, the Buncombe County Sheriff's Department Communications Center and the Asheville Fire and Rescue Communications Center. The APD Communications Section is responsible for the following functions:
1. Police Radio Communications - This includes dispatching of police calls for service, maintaining radio contact with field units, etc.
  2. Telephone Communications - This includes the emergency telephone numbers, Enhanced 911, toll free, TDD, and some administrative telephone lines. The Section serves as a central 24 hour telephone contact point for the various units of the Police Department. The Section provides a single 24 hour emergency telephone number (911) for the public. These numbers are listed in the City of Asheville Web Site, telephone directories, and other locations. The Section has continuous two-way communications capability between the center and officers on duty. Finally, the Section provides additional telephone lines for routine calls from personnel and the public. [81.2.1](#), [81.2.2](#), [81.2.3](#)
  3. Automated Data Communications - This includes contact with the North Carolina Division of Criminal Information (DCI), the National Crime Information Center (NCIC), and the National Law Enforcement Telecommunications Systems (NLETS) for information on wanted persons, stolen articles, vehicle information, administrative messages, and other automated functions. [81.2.13](#)
  4. Alarm Monitoring - This includes monitoring alarms for APD facilities only. No other alarms will be monitored by the Communications Center.
- B. Telecommunications personnel work shifts and each shift has a Communications Shift Supervisor or designee who is responsible for the operations of the Communications Center during his shift. The Communications Shift Supervisor reports directly to the Communications Manager.



- C. The on-duty District/Watch Commander or his designee shall have final authority for dispatching and stacking calls for service involving units assigned to his district.
- D. The FCC has established rules and regulations relating to radio communications. Employees shall conduct their radio operations in conformity with training and FCC regulations. [81.1.2](#)
- E. Entry doors to the Communications Center are to remain closed and locked at all times.
  - 1. Access to the Communications Center is restricted to those department employees with official business requiring entry. Service technicians may enter to carry out maintenance and repairs. No other access is authorized without approval of the Communications Manager or Administrative Services Manager. [81.3.1 a-d](#)
  - 2. An access log will be maintained to record names of those granted entry. Center Communications employees, the Police Chief, his designee, Administrative Services Manager and staff of the Professional Standards Section are exempted from signing the log.
  - 3. Employees from the communications units sharing the facility are authorized access, for official business.
- F. The primary and declared emergency radio channels and telephone lines shall be recorded on a 24 hour basis. The recordings will be retained for at least **90** days. Media are archived in a secure cabinet in the Communications Section. Remote digital access is limited to the Section Supervisors and employees designated by the Communications Section Manager. Only the following persons are permitted access to recorded telephone conversations and radio transmissions: [81.2.8a](#), [81.2.8b](#), [81.2.8c](#)
  - 1. Members of the Police Department as needed for the discharge of their official duties;
  - 2. Other persons by direction of the Chief of Police, Administrative Services Manager, their designees, or a court order; or
  - 3. Requests from the public for recordings will be made to the Police Attorney's office.
- G. The original recordings, of telephone conversations or radio transmissions will not be delivered to any person outside the Communications Section except at the direction of the Chief of Police, Administrative Services Manager, their designee, or by court order. Recordings will be retained in accordance with Municipal Records Retention Laws.
- H. The Police Department shall maintain access to the National Crime Information Center (NCIC), The National Law Enforcement Telecommunications Systems (NLETS), The North Carolina Division of Criminal Information (NCDICI), and the Buncombe County Criminal Justice Information System (CJIS). Access to these systems shall be governed by the rules and procedures established by NCIC, NLETS, NCDICI, and CJIS and include: [81.2.9](#)
  - 1. All terminals shall be logged out when not in use.
  - 2. Printed copies of information from the systems shall not be provided to anyone outside the department excepted as directed by the Chief of Police, his designee, or by court order.
  - 3. Applicable local, state and national wants of persons and vehicles received from the DCI/NCIC will be communicated to officers upon coming on duty either by radio,

or by email.

4. Stolen vehicle, missing persons, and all other NCIC entry information shall be entered as soon as possible into DCI/NCIC upon the Communications Section's receipt of the approved reports. All NCIC entries must have a documented second party check to ensure accuracy of the entry. Missing persons under the age of 21 must be entered within two hours. All NCIC information, including missing persons information will be entered in accordance with Federal and State law. This information shall be broadcast over the police radio, or made available via mobile data terminal.
  5. Hit confirmation requests received from other law enforcement/criminal justice agencies by the Communications Section to confirm the validity of NCIC stolen/wanted records entered by the Asheville Police Department shall be handled in accordance with FBI standards. An urgent hit confirmation requires a response time within 10 minutes, and a routine hit confirmation request requires a response within 30 minutes.
- I. Supervisors shall provide to the Communications Section a list of the names, unit numbers, radio numbers and vehicle numbers of their personnel who are coming on duty. The supervisor in charge shall always be available either by radio, telephone, or cell phone.
  - J. Personnel coming on duty after normal shift changes will notify the Communications Shift Supervisor or their designee of their name, unit number, portable radio and/or vehicle number upon coming on duty. These officers will be documented in CAD.
  - K. Officers working extra duty employment in a law enforcement or security capacity shall contact the Communications Section when arriving at their job and upon leaving. The officer shall inform the Telecommunicator of his name, business or activity location, and personnel number. If the officer has a police vehicle or radio the vehicle number and radio number shall also be given to Communications. These officers will be documented in CAD
  - L. The Communications Manager shall ensure that a map which details the Asheville Police Department's service area and district structure is visually available to telecommunications personnel. [81.2.6d](#)
  - M. The [City of Asheville General Services and Buncombe County Emergency Operations](#) are responsible for the documented inspection and testing of the emergency generator(s) on a monthly basis. Any identified problems [will](#) be corrected as soon as possible.
    1. ~~If the generator is not running during a power outage, take the key labeled "Generator Key Elec Panel Box" from the beige key box in Communications and exit the building from the second floor. Go to the generator room located in the brick building behind the municipal building. At the top of the stairs, the generator and a large gray box is located in the middle of the room. On the large gray box, a smaller black box is located. The first knob on the upper left of the black box should be in the "AUTO" position. If the generator has failed to start, turn this knob to the "OFF/RESET" position and then to the "RUN" position. This should start the generator. If the generator fails to start call Covington Diesel at 336-292-9240.~~
    2. ~~As a last resort, call the on-call mechanic at Fleet Management, 259-5705 or page 271-5713.~~
    3. ~~The Uninterrupted Power System (UPS) is located in Room 150 Electrical Room on the first floor of the Municipal Building. In the event of a power outage and generator fails to start, the UPS will provide power to the Communications Room~~

~~for 30 minutes. On the UPS there is a monitor that displays the unit's current operating status. If there is a problem with the UPS, an alarm will show on the monitor. There will also be a number displayed in a red display window on the front of the UPS. Record the number and contact MGE UPS Systems at 800-438-7373 and advise them of the number displayed on the display panel.~~

- ~~4. The power system at the Erwin Hills center is in the basement. In the event of a power outage and the generator is not running, the UPS will provide power to the communications room for 15 minutes. It is monitored remotely by the vendor, Leibert. If a problem is detected, a technician is dispatched immediately to correct the problem. The EOC Communications director is notified.~~
- ~~5. If the generator fails to start, retrieve the key from the EOC Communications Supervisor's office. Using the key, open the first panel on the right side of the generator. Turn the black switch from Auto to Manual.~~
- ~~6. If it still does not start notify the Buncombe County Maintenance Supervisor at 828-250-4233 (pager 300-1232) or notify Greg Israel at 777-5174.~~

N. A call-intake operator or dispatcher shall at a minimum obtain and record the following information:

1. Date and time of a request for service; (recorded by CAD); [81.2.4b](#)
2. Name, address and telephone number of complainant (if possible); [81.2.4c](#)
3. Type of incident reported; [81.2.4](#)
4. Location of incident reported; [81.2.4e](#)
5. Any person, vehicle, weapon descriptions and comments pertinent to the call;
6. Identification of officers assigned as primary and backup; [81.2.4f](#)
7. Time of dispatch; [81.2.4g](#)
8. Time of officer arrival; [81.2.4h](#)
9. Time of officer return to service; and [81.2.4i](#)
10. Disposition code of the incident. [81.2.4j](#)

O. An event identification number shall be assigned to each call for service. A report number is assigned including those received by telephone, letter, in person, self initiated by officers or reported by officers in the field. Any member of the department signed on by radio with the Communications Section will provide a location and reason when checking in or out of service, self initiated actions or other important changes in status. [81.2.4a](#)

P. Officers assigned as back-up to a primary officer shall be assigned the same control number as the initial incident.

Q. All Communications Section dispatches and officer initiated calls for service shall be made by radio on the channel APD-1, the respective primary police dispatch channel. With all dispatches to officers and officer initiated calls, the following minimum information shall be given: type of call, location of call and any other pertinent information. [81.2.5a](#)

R. The communications section and officers using the radio shall use department assigned radio numbers, identified by geographic area, division or personal assigned numbers when conversing. [81.2.5c](#)

- S. The communications section and officers shall use free speech when talking with other agencies. Emergency calls for service, unless otherwise specified by another procedure, require Communications to dispatch at least two officers. [81.2.5d](#)
- T. Communications shall notify on-duty supervisors of incidents involving motor vehicle accidents with serious injury or death; armed robberies; homicides; vehicle chases; felonies or misdemeanors where victims are seriously injured; injuries to an officer; all calls for emergency assistance and activated radio emergency alarms by an officer. [81.2.5g](#)
- U. When a misdirected, (belongs to another jurisdiction, fire department, etc.), emergency call for service is received, telecommunicators will do the following: Obtain the necessary information to answer the call (location, type call, call back number, complainant name, etc.)
  - 1. Attempt to transfer the call to the appropriate agency; and remain on the line until the agency is in contact with the caller.
  - 2. If the transfer is not successful, the telecommunicator shall contact the appropriate agency immediately and advise them of all information about the call.
  - 3. When a mis-directed call is received, telecommunicators will either follow the procedures for transferring the call to the appropriate responder for emergencies, or provide the caller with the correct number of the appropriate agency.
- V. Calls for service involving victims or witnesses of crimes shall be handled in the following manner:
  - 1. If the call characteristics indicate that the caller is in need of either routine or emergency police assistance, appropriate information shall be obtained and officers dispatched. [81.2.7a](#)
  - 2. If the call is for information, the number of the Victim Assistance Unit or the number of the on call person for the Victim Assistance Coordinator shall be provided to the caller. [81.2.7b](#)
  - 3. If the call relates to a witness of an event, the caller will be referred to the appropriate division/unit. [81.2.7b](#)
  - 4. Calls for assistance outside of the scope of police service will be referred to the appropriate community agency. [81.2.7b](#)
- W. Utilization of alternative communications in the event telephone services become inoperable will be handled in the following manner.
  - 1. The Communications Manager will maintain two (2) cell phones in the event wired telephone services becomes inoperable. These phones are to be secured and can be retrieved and assigned by the Communications Manager when needed. The Manager will maintain a sign out and assignment log. The Manager will further periodically ensure the phones are charged and in service and log availability of the phones on the assignment log. [81.2.10](#)
  - 2. Every department supervisor and manager will have assigned cellular phones in the event wired telephone service becomes inoperable. These phones are to be secured by each individual supervisor or manager and utilized according to City Policy. [81.2.10](#)

- X. The delivery of emergency messages is a legitimate law enforcement function and will be handled as a call for service. [82.1.1](#)
  - 1. Any emergency situation that requires a law enforcement notification because of distance, the need for timely delivery, unavailability of telephone service, or when there is an indication that the person receiving the message may be adversely impacted by the message and require assistance may qualify for emergency delivery. The following may be considered notifications of an emergency nature:
    - a. Notification of next of kin in event of death or serious illness or injury;
    - b. Notification of a person to make an emergency phone call; or
    - c. Other situations as approved by a department supervisor
  - 2. Upon receiving or needing to deliver an emergency message outside of the department's jurisdiction, Communications will transmit the necessary information via the DCI/NCIC computer system to the police agency in that jurisdiction.
  - 3. Upon receiving a request to deliver an emergency message, Communicators will take reasonable precautions to confirm the identity of the requestor and gather all appropriate information. Requests from other law enforcement agencies should be directed through a DCI/NCIC message whenever possible. An officer will be dispatched as soon as possible to deliver the message. Next of kin notifications will be made in accordance with Policy [1800 – Victim-Witness Assistance](#).
- Y. The Police Department shall provide 24 hour continuous two-way radio communication between the Communications Section and on-duty personnel. The radio system is engineered to produce a 12 decibel or greater SINAD ratio to the radio receivers in 95% of the service area. The department has multi-channel mobile and portable radio equipment capable of two-way operations on 800Mhz. Local area law enforcement can be contacted by use of a mutual aid frequency, other local emergency agencies have alternate frequency capabilities for contact with the Asheville Police Department. [81.2.3](#), [81.3.4](#)
- Z. Telecommunicators shall not attempt to provide medical advice over the telephone but should immediately transfer the call to the EOC.
- AA. Employees will use radio codes designated by the department.

**Accreditation Reference:**

**The following accreditation standards are covered in this policy:** [81.1.2](#) [81.2.1](#) [81.2.2](#) [81.2.3](#) [81.2.4](#) [81.2.5](#) [81.2.6](#) [81.2.7](#) [81.2.8](#) [81.2.9](#) [81.2.11](#) [81.2.12](#) [81.2.13](#) [81.3.1](#) [81.3.2](#) [81.3.3](#) [81.3.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1450</b>	<b>EFFECTIVE DATE: 11/1/1993</b>
<b>SUBJECT: Community Relations</b>	<b>LAST REVISION DATE: April 1, 2011</b>

**I. Introduction:**

**Without community support, successful enforcement of many laws may be difficult, if not impossible. A well organized community relations function can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency policies accurately reflect the needs of the community.**

**The Asheville Police Department is committed to correcting actions, practices, and attitudes that may contribute to community tensions and grievances through its community relations programs which include, but are not limited to, Community Watch, Crime Prevention, public presentations, participating in community/neighborhood meetings, volunteer programs and Community Resource Officers, annual report, victim/witness services, Citizens Police Academy and the Police Advisory Board.**

**II. Procedures:**

- A. All employees share responsibility for positive community relations and crime prevention. Employees are encouraged to become involved in any community programs which lie within their areas of interest and expertise. Any employee who receives information within the scope of the community relations function will forward the information to the appropriate CRO or Crime Prevention Officer in the relative district. Email is the most effective and preferred conduit, however if timing is critical, all CRO's have cell phones and may be contacted directly. In addition, issues related to the community relations function will be discussed at regular COMPSTAT meetings that will be attended by the CRO's and Crime Prevention Officer.
- B. Employees with primary responsibility for community relations programs shall carry out the following activities:
  - 1. Establishing liaison with formal community organizations and other community groups; (CROs)
  - 2. recommending community relations policies and programs for the Department; (All employees)
  - 3. publicizing agency objectives, problems, and successes; (Management Team)
  - 4. conveying information transmitted from citizens' organizations into the agency; (All employees, Citizen Surveys)
  - 5. improving agency practices bearing on police-community relations; (Management Team)

6. identifying training needs through interviews with citizen representatives, (as provided) consultations with those involved in internal investigations, and conferences with supervisors; and (Employee Services, Management Team)
  7. establishing community groups where such groups do not exist. (CROs)
- C. On at least a quarterly basis, each District Commander will submit a report to the Patrol Division Commander. The reports will provide the following:
1. a description of current concerns voiced by the community;
  2. a description of potential problems that have a bearing on law enforcement activities within the community;
  3. a statement of the progress made toward addressing previously identified concerns and problems; and
  4. recommended actions that address these concerns and problems.
- D. The quarterly and annual reports are public documents and are available for public inspection.
- E. Any employee with information relevant to the Community Relations function is encouraged to convey it in written form to any Community Resource Officer, Victim Services Unit and/or any member of the Department.

**Accreditation References:**

The following accreditation standards are covered in this policy: [45.2.1](#) [45.2.2](#) [45.2.3](#) [45.2.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2001</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Patrol Administration</b>	<b>LAST REVISION DATE: October 1, 2007</b>

**I. Introduction:**

**The patrol function is a vital component in the overall mission of the Department and effective administration of it is critical.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to maintain a uniformed patrol function.**

**III. Procedure:**

- A. A Captain commands the Patrol Operations Division and reports to the Operations Deputy Chief. The Patrol Operations Division is responsible for general preventive patrol; motor vehicle accident investigation and prevention; response to citizens calls for service; preliminary investigation of incidents; traffic direction and control; maintenance of public order; community relations and assistance; arrest and prosecution of offenders; specialized and directed patrol activities; and community policing activities.
- B. Members of the Patrol Operations Division respond to calls 24 hours per day, 7 days per week. Staff are permanently assigned to geographical areas of the city. The geo-boundaries are flexible and may change to adjust to workload requirements. Assignment to shifts are based upon workload equity, experience, technical requirements and employee interests. Work days and days off are specified in the division work schedule.
- C. Roll-call will be held daily at the start of each shift. They may be conducted in person or electronically. Roll-call are used to:
  - 1. Brief officers about unusual situations, wanted persons, stolen vehicles, and investigations;
  - 2. Notify officers of changes in schedules and assignments;
  - 3. Notify officers of new directives or changes in current directives; and
  - 4. Inspect and evaluate officers' readiness to assume patrol.
- D. Officers are assigned unit numbers for use during radio communications.
- E. Officers must relay communications with other law enforcement agencies in the immediate area through the communications unit using free speech.
- F. Unless specified by another policy, Communications will dispatch one officer on priority 2 and priority 3 calls for service. On priority 1 calls for service, unless otherwise specified by another procedure, Communications will dispatch at least two officers.



- G. Patrol supervisors may respond to any incidents involving motor vehicle accidents with serious injury or death; armed robberies; homicides; sexual assaults; child abuse; felonies or misdemeanors where victims are seriously injured; all calls for emergency assistance by an officer; and/or any other incident where the supervisor feels his presence is needed.

**Accreditation Reference:**

This policy covers the following accreditation standards: [11.1.1](#) [12.1.4](#) [41.1.1](#) [41.1.2](#) [41.1.3](#) [81.2.5](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1600</b>	<b>EFFECTIVE DATE: 5/15/1998</b>
<b>SUBJECT: Emergency Operations</b>	<b>LAST REVISION DATE: May 15, 1998</b>

**I. Introduction:**

**In times of crisis, police actions may prevent an isolated occurrence from becoming a major incident.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department that during a state of emergency, the department's primary responsibilities are the protection of life, protection of property, crowd control, and enforcement of laws and ordinances.**

**III. Procedures:**

- A. The Patrol Division Commander shall be responsible for planning departmental responses to unusual occurrences and emergencies. The Patrol Division Commander shall develop plans to cover at least: natural or man-made disasters and civil defense emergencies; civil disturbances; emergency mobilization of police department personnel; and plans for rendering mutual aid to adjoining jurisdictions in emergency situations. Copies of these plans shall be kept in the same locations as the Primary Policy Manuals. The plans shall be reviewed and updated by the Patrol Division Commander or his designee by July first of each year, or more frequently as necessary.
- B. The plan for natural or man-made disasters civil defense emergencies shall include provisions for:
1. communications;
  2. situation maps;
  3. field command posts;
  4. chain of command (including other agencies);
  5. casualty information;
  6. community relations/public information;
  7. other agency support;
  8. military support (martial law);
  9. public facility security;
  10. traffic control;
  11. equipment requirements;

12. de-escalation procedures;
  13. rumor control;
  14. post-occurrence (aftermath) duties;
  15. after-action reports; and
  16. transportation.
- C. The department's civil disturbance plan shall include provisions for:
1. communications;
  2. situation maps;
  3. field command posts;
  4. chain of command;
  5. community relations/public information (media briefings);
  6. court/prosecutorial liaison and other legal considerations;
  7. other law enforcement agency support;
  8. military support (martial law);
  9. public facility security;
  10. traffic control;
  11. equipment requirements;
  12. post-occurrence (aftermath) duties;
  13. after-action reports; and,
  14. transportation.
- D. The civil disturbance plan must include the following minimum provisions for mass arrests:
1. arrest, processing, confinement procedures;
  2. juvenile offenders;
  3. transportation;
  4. detention facilities;
  5. evidence collection;
  6. security;
  7. identification;
  8. interagency agreements;
  9. defense counsel visits;
  10. court and prosecutorial liaison;
  11. media relations/public information;

12. food, water, and sanitation; and,
  13. medical treatment.
- E. The department's emergency mobilization plan shall include provisions for:
1. communications;
  2. alert stages;
  3. primary and alternate assembly areas;
  4. equipment distribution;
  5. special task force activation;
  6. key personnel designations;
  7. coordination with emergency management personnel; transportation requirements;
  8. management control measures; and
  9. rehearsals.
- F. The department's plan to render mutual aid to adjoining jurisdictions shall be in accordance with existing mutual aid agreements and shall include provisions for:
1. mobilizing Asheville Police Department personnel;
  2. provision of equipment; and
  3. transportation.
- G. The Patrol Division Commander shall develop an emergency operations manual containing step by step instructions on how to implement the plans listed in Sections 2, 3, 4, and 5. This manual shall be issued to sworn command and supervisory personnel and telecommunication supervisors.
- H. The Patrol Division Commander shall seek and maintain liaison with emergency management agencies within the Asheville Police jurisdiction. The agencies shall include:
1. other law enforcement agencies who are a part of the mutual aid agreement;
  2. Buncombe County Department of Emergency Management;
  3. Asheville Fire Department;
  4. Asheville-Buncombe Airport Authority;
  5. Asheville Public Works Department; City Manager's Office;
  6. Red Cross;
  7. Salvation Army;
  8. North Carolina National Guard;
  9. Mission-St. Joseph's Hospital Emergency Room; and
  10. other governmental agencies which the department who from time to time may provide emergency assistance.

- I. The Patrol Division Commander, as part of his emergency planning duties, should contact the above listed agencies at least once a year to discuss the part those agencies play in the emergency operations plans. The Patrol Division Commander shall summarize the meetings in an information memorandum submitted to the Chief of Police.
- J. The Patrol Division Commander shall conduct a monthly inspection of any equipment, including chemical munitions, which is designed and intended to be used by law enforcement personnel for the management or control of emergencies. He shall document the inspection on an information memorandum to Professional Services.

Accreditation Reference:

This policy covers the following accreditation standards: [46.1.1](#) [46.1.2](#) [46.1.3](#) [46.1.4](#) [46.1.7](#) [46.1.8](#) [46.1.9](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1630</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Crime Scene &amp; Evidence</b>	<b>LAST REVISION DATE: October 1, 2012</b>

**I. Introduction**

**The Asheville Police Department's responsibilities require it to obtain information through the application of scientific methods.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to properly secure, protect and process crime scenes and items of evidence.**

**III. Procedures:**

- A. The Forensic Services Unit consists of non-sworn personnel and is part of the Criminal Investigations Division. The Forensic Services Supervisor reports to the CID Specialized Investigations Supervisor. The Forensic Services Unit is responsible for processing crime scenes and collecting and submitting evidence for: homicides, suspicious deaths, bank robberies; armed robberies involving serious injuries; sexual assault with a known crime scene; and other crimes as necessary.
- B. The Forensic Services Supervisor shall maintain a schedule so that at least one Forensic Services Technician or the Forensic Services Supervisor is either on-duty or on-call 24 hours a day. Patrol units requesting an on-duty Forensic Services Technician shall notify Communications of their request. Communications shall then dispatch Forensic Services personnel to the location specified by the officer. The officer will ensure that the possible evidence at the scene is unaltered prior to the Forensic Technician's arrival. The officer will ensure that the scene is safe for the forensic technician and will also ensure that a sworn officer will accompany the Forensic Technician at the scene if the location is potentially hazardous. The Forensic Technician on-call shall be available either by cell phone, radio, or telephone. When on call Forensic Services Personnel are needed the following will take place. [83.1.1](#)
  - 1. The primary officer at the scene shall notify a patrol supervisor that the scene requires processing by Forensic Services.
  - 2. If the patrol supervisor approves, Communications will notify the on-duty or on-call CID Supervisor, who must authorize the call-out of the Forensic Services personnel on-call.
  - 3. Until the Forensic Services Unit arrives, the primary responding officer is responsible for:
    - a. conducting a protective sweep for any remaining suspects;
    - b. locating all victims;

- c. summoning emergency medical care, if necessary;
  - d. securing the crime scene until the arrival of the Forensic Services Unit and afterwards as directed by a supervisor;
  - e. documenting all entry and exit from the crime scene until the arrival of Forensic Services Unit personnel and afterwards as directed by a supervisor.
- C. The initial patrol supervisor responding is responsible for:
1. insuring that the primary officer carries out his responsibilities;
  2. notifying Communications to call out Forensic Services Unit personnel;
  3. providing any assistance to secure and investigate the crime scene.
- D. Investigators responding to a crime scene shall:
1. begin follow-up investigation as necessary;
  2. coordinate with the Forensic Services personnel about evidence found, photographs needed, and other information which might be useful to them;
  3. provide any necessary assistance to secure and investigate the crime scene.
- E. Forensic Services Unit personnel responding to a crime scene are responsible for:
1. meeting with the responding officers and investigators to determine the scope of the crime scene, what changes have occurred in the crime scene, and the locations of any evidence found to that point;
  2. providing assistance in securing the crime scene;
  3. photographing the crime scene;
  4. sketching the crime scene, if needed;
  5. collecting and packaging all pertinent evidence, including blood, fluids, latent fingerprints, footwear and tire impressions, tool marks, firearms and bullets, gunshot residue, trace, hair, and fiber evidence, documents, drugs, and toxic evidence\*; or any other item of potential case evidence;
- \*Toxic Evidence - Once deemed safe by a Certified Hazmat Material Team, the evidence will be collected by Forensic personnel.
6. attending any necessary post mortem examination and attendance will require all the collection of clothing, items of evidence collected from the body, finger and palm prints of deceased (unless on file and confirmed), gunshot residue if not already obtained, suspect and/or sexual assault kit, blood and hair samples, photographs of deceased and all injuries, internal and external (when allowed by Pathologist, if not be sure medical facility accurately documents with photos), and any other items of evidentiary value not listed.
  7. Forensic Services personnel shall not respond outside the city limits of Asheville to assist other law enforcement agencies without the permission of a CID supervisor or the On-Call CID Supervisor.
- F. The technician must wear personal protective equipment prior to the collection of any blood or bodily fluid sample. Body fluids must be collected from all areas in which they are found in the event that more than one donor is present. Dried body fluids must be

packaged in a paper or breathable container. After collection, it is to be maintained at room temperature in Property Control. [83.2.1](#)

1. Liquid body fluids should be swabbed with a sterile cotton swab and allowed to air dry. The swab must be packaged in a paper or breathable container. Dried body fluids may be absorbed onto a sterile cotton swab that has been moistened with 2-3 drops of distilled water. Dried, flaked body fluids should be collected in a small clean paper or breathable container.
  2. Items stained with wet fluids should be air-dried in the Drying Annex at the Police Department. [Policy # 1100](#)). When the items are completely dry, they should be placed in a breathable container, properly labeled, and submitted to the property control system.
  3. Dried body fluids may be collected by packaging entire objects in breathable containers.
- G. Forensic Personnel will remain flexible to the collection and processing of any unusual item of evidence not specifically covered by this policy at the direction of CID supervisors;
- H. The following procedures will apply to processing items of evidence for latent fingerprints: [83.2.1](#), [83.2.3](#)
1. Procedures for processing items of evidence will depend upon the situation present. The following processes may be used; black powder, magnetic powder, fluorescent powder, Small Particle Reagent, Iodine Fuming, Silver Nitrate, DFO, Ninhydrin, Cyanocrylate Fuming, sticky side tape, Crystal Violet, Rhodamine 6G, and any other process that is, or becomes available to the Forensic Services Unit. Latent prints should be examined and photographed prior to lifting when applicable.
  2. Any items of evidence that may be damaged during processing should be photographed actual size or with a scale of measure prior to and following processing.
- I. Footwear and tire impressions will be photographed with the camera lens positioned perpendicular to the surface on which the print exists. A scale of measure will be positioned to appear beside the print on the same plane as the impression. Indented prints may be photographed with the flash placed at an oblique angle to make detail more visible. Following the photographs, a casting may be made of the impression, marked for identification, and placed in a rigid container. [83.2.1](#)
- J. Whenever possible, tool marks will be collected on the object on which they appear. If this is not possible, the tool marks will be photographed with the camera lens positioned 90 degrees (perpendicular to the surface on which the mark exists). A scale will be positioned to appear in the photograph. Whenever possible, the marks should be photographed actual size. Following the photographs, a casting may be made of the tool marks, marked for identification, and placed in a rigid container. [83.2.1](#)
- K. Firearms should be photographed where found, sketched, measured, and treated as loaded. Firearms should be unloaded only when the type and order of ammunition can be documented and placed in labeled containers. Safety is the most important factor when collecting a firearm and discretion is urged. Projectiles should be packaged in a manner to avoid damage. [83.2.1](#)
- L. Gunshot residue examinations shall use a Gunshot Residue Kit approved by the North Carolina State Bureau of Investigation. The kit and documentation should be completed according to the instructions in the kit. [83.2.1](#)



- M. Trace, hair, and fiber evidence should be collected where possible. The Forensic Services Technician should first determine that the suspect has not been placed in the area being examined. At no time during the examination should the technician allow the suspect to come into contact with the area being examined or any collected hair or fiber. The technician should collect all visible hair and fiber and place them in a clean, breathable container. Wearing clean protective gloves, the technician should form loops of evidence collection tape and apply them to the areas being examined. The loops should then be placed in a plastic bag and labeled according to locations they were recovered. [83.2.1](#)
- N. The Forensic Services Unit shall maintain specially equipped vehicles for crime scene processing. The vehicles will carry the following equipment:
1. latent print kit containing latent print powders, brushes, lifting tape, lift cards, and magnetic powders and brushes; [83.2.4a](#)
  2. photography equipment capable of close-up, general, and flash photography; [83.2.4b](#)
  3. sketching equipment consisting of a rigid board, compass, ruler or straight line device, and measuring tape; [83.2.4c](#)
  4. an assortment of plastic, metal, and paper containers designed for police evidence collection along with tape appropriate for sealing those containers; [83.2.4d](#)
  5. barriers such as tape marked "Police Line - Do Not Cross."
- O. When the crime scene involves homicide, rape, sexual offenses, armed robbery, bank robbery, or assault inflicting serious injury, and photographs are not taken or physical evidence is not recovered, the investigator assigned to the case shall prepare a case insert explaining the reasons why.
- P. The Forensic Technician in concert with the investigator or patrol officer is responsible for the completion of the SBI Form #5 and submission of evidence to the North Carolina State Bureau of Investigation Laboratory for analysis. Requests for blood alcohol concentrations in driving while impaired cases and requests for analyses of possible controlled substances should be submitted through the Property Control system. [83.3.2a](#)
- Q. Perishable evidence such as blood and body fluids should be submitted to the appropriate laboratory as soon as possible after collection. When the evidence is not submitted, it shall be maintained in the following manner: [83.3.2b](#)
1. liquid blood or body fluid samples will be refrigerated in Property Control until submitted;
  2. other blood or body fluid samples will be air dried, frozen, and maintained in Property Control until submitted;
- R. Non perishable items of evidence shall be maintained in the Property Control System until submitted to a laboratory.
- S. Submission shall comply with the guidelines of the individual laboratories accepting the evidence: [83.3.1](#), [83.3.2b,c](#)
1. A letter of transmittal will accompany all submissions to the Federal Bureau of Investigation;
  2. An SBI Form #5 will accompany all submissions to the NC State Bureau of Investigation.

- T. The SBI Form #5 or the letter of transmittal will serve as the written request that the laboratory provide a written report of the results of the examination. [83.3.2e](#)
- U. The chain of custody record for any evidence submitted to a laboratory shall include: [83.3.1](#), [83.3.2d](#)
1. the name of the person last having custody of the item;
  2. the date of submission or mailing and method used for transmission;
  3. the date of receipt in the laboratory; and
  4. name and signature of the person in the laboratory receiving the evidence.
- V. When possible and appropriate, the Forensic Services Technician shall collect materials and substances from known sources for submission to the laboratory for comparison with the physical evidence collected. When known materials would assist in the investigation, but it is not possible to collect them at the time the crime scene is processed, the Forensic Services Technician shall notify the investigator assigned to the case in writing. The investigator then has the responsibility to arrange for the collection of the known materials. If a court order or search warrant is necessary to obtain the known materials, the Forensic Services Technician shall notify the investigator assigned to the case in writing. The investigator then has the responsibility to arrange for the collection of the known materials. [83.1.2](#)
- W. Crime scenes will be photographed by Forensic Services personnel to accurately represent the subject area. Overall, mid-range and close up photographs will be a part of major crime scene investigations. Individual items of evidence may be photographed with and without a scale of measure to show proper relationship and size. A photo log will be completed and maintained in the Forensic Services Unit office. This log will be completed for 35 mm photographs, digital photographs, and any videotapes and shall contain the date, time, location, and case number. Film will be submitted for processing and printing at a local film processing facility in such a manner as to preserve the chain of custody. Each roll of film of 35 mm film used by the Asheville Police Department will bear a unique identification number throughout use and processing. Once processed, the negatives and contact sheets will be placed in the photo files in the Forensic Services Unit office. Investigators and prosecutors will be allowed to see the contact sheets to select which photographs will be enlarged to illustrate the testimony of a witness. All digital photographs made by the Forensic Services Unit shall only be downloaded onto a digital imaging system located in the Forensic Services office. This system shall contain software preventing unrecorded alteration or enhancement of any downloaded image. This system shall not be accessible to unauthorized personnel outside of the Forensic Services Office. Only Forensic Services Personnel or the CID Commander or his/her designee shall have direct access to the digital images in the Forensic Services imaging system. All digital crime scene images shall be copied onto a CD-R or other storage media for archival storage. No crime scene images may be transmitted via the internet or intranet without the specific permission of the CID Commander or his/her designee. Any videotapes of the crime scene shall be marked on the tape cartridge with the date, time, location, and case number. [83.2.2](#)
- X. Each item of evidence collected at a crime scene must be packaged or tagged and identified with the time and date of collection and the collector's initials. If possible the item should be placed in the appropriate container, sealed and the container marked. The container should be sealed with tape and the tape marked with the date, time and collector's initials.

- Y. The Forensic Services Technician processing the crime scene shall complete the Crime Scene Search Report. Each item of evidence collected shall be entered on the report. The following information shall be entered for each item collected: [83.2.5](#)
1. a description of the item;
  2. source; and
  3. name and personnel number of the person collecting the evidence.
- Z. All evidence collected shall be submitted to Property Control as required by [APD Policy #1100](#) (Evidence and Found Property). The evidence shall remain in the custody of the collecting employee from the time of collection until submitted to Property Control. Exceptions to this chain of custody must be noted in writing on the Property Report Form in the chain of custody section.
- AA. Traffic Unit Personnel shall have the primary responsibility of evidence collection at traffic crash scenes or vehicular homicides assigned to the traffic unit. Forensic Personnel will be available to augment evidence collection whenever requested by the traffic unit. Forensic personnel will remain available for the district patrol responses to motor vehicle crash scenes as requested.
- AB. The Forensic Services Supervisor shall coordinate with Training and Development to schedule periodic refresher training session with all investigators to cover new developments and collection techniques. Documentation of this training shall be maintained by Personnel Services for each employee.
- AC. Asheville Police Department employees shall refer to Standard Operating Procedure 1630 ([1630-SOP](#)) for protocols concerning Forensic Services.

**Accreditation Reference:**

This policy covers the following accreditation standards: [83.1.1](#) [83.1.2](#) [83.2.1](#) [83.2.2](#) [83.2.3](#) [83.2.4](#) [83.2.5](#) [83.3.1](#) [83.3.2](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1700</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Ride A Long Program</b>	<b>LAST REVISION DATE: April 15, 2002</b>

**I. Procedures:**

- A. Each division commander shall be responsible for administration of the ride-a-long program for his division, including:
  - 1. conducting background checks of participants;
  - 2. determining the time, frequency, and duration for each ride-a-long participant (consideration should be given to both department operations and the wishes of participants); and
  - 3. maintaining a record of all requests with information on frequency of participation, rejections (with reasons), and background information, etc.
- B. Off-duty police employees may not ride unless approved by the commander of the division where the employee is riding, weekend commander or higher authority.
- C. Citizen ride-along is limited to once a year unless otherwise approved by the Chief of Police. Additionally, citizens may not: ride more than 5 hours at a time; past midnight; or on the first day of a four day shift unless approved by the Chief of Police.
- D. The following persons may participate in the ride-a-long program:
  - 1. immediate family of Asheville Police officers;
  - 2. off-duty members of other federal, state, or local law enforcement agencies;
  - 3. members of organized community groups such as, Community Watch, Mothers Against Drunk Drivers, merchants organizations, civic clubs, citizens police academy, law enforcement explorers, etc;
  - 4. members of the academic community for purposes of conducting research or to observe police operations.
  - 5. Ride-a-long requests from City Council members will be arranged through the Office of the Chief of Police.
- E. The commander of the division, weekend commander, or higher authority may permit anyone else to participate when it is deemed to be in the best interests of the Department.
- F. A Release of Liability must be completed, signed, and submitted to the commander of the division where the employee is riding five days prior to the date of participation in the ride-a-long program. When the five-day time requirement cannot reasonably be met, the commander of the division where the employee is riding, weekend commander (on his duty weekend), or higher authority may permit individuals to ride after submitting a signed waiver without having met the five day time requirement.

**Accreditation Reference:**

This policy covers no specific accreditation standards.

END OF DOCUMENT

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 17 – Intelligence & Analysis

**Original Issue:** 12/1/1992

**Policy:** 1701 – Criminal Intelligence

**Last Revision:** 12/5/2016

**Previously:** 1140 – Criminal Intelligence

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1701.1 RESPONSIBILITIES

1701.2 COMPILING INTELLIGENCE

1701.3 TERRORISM RELATED INTELLIGENCE

1701.4 SECURITY AND RETENTION

1701.5 TRAINING

## ASSOCIATED DIRECTIVES

[Policy 1640 – Informants](#)

[Policy 1702 – Gang Intelligence](#)

## INTRODUCTION

It is the purpose of this policy to provide department members with guidelines and principles for the collection, analysis, and distribution of intelligence information.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to gather information directed toward specific individuals or organizations where there is reasonable suspicion that said individuals or organizations may be planning or engaging in criminal activity, to gather it with due respect for the rights of those involved, and to disseminate it only to authorized individuals.

## DEFINITIONS

**Criminal Intelligence:** information compiled, analyzed, and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.

**Criminal Intelligence Records:** all records or information that pertains to criminal intelligence investigations, including information derived from witnesses, laboratory tests, surveillance, investigators, confidential informants, photographs, and measurements.

## **RULES AND PROCEDURES**

### **1701.1 RESPONSIBILITIES**

- A. The Criminal Investigations and Operations Support Division is primarily responsible for the direction of intelligence operations, coordination of personnel; and collection, evaluation, collation, analysis, and dissemination of criminal intelligence records and information for the department. [42.1.6 a, b]
- B. Department members must not disseminate confidential criminal intelligence information or records of criminal investigations to individuals or criminal justice agencies except as outlined in this policy or when directed by a court of competent jurisdiction. [42.1.6 b]
- C. The Criminal Investigations Section Commander is responsible for conducting an annual review of procedures and processes for the collection, processing and sharing of criminal intelligence. [42.1.6 i]

### **1701.2 COMPILING INTELLIGENCE**

- A. Before any information can be placed into an intelligence file or become part of the department's criminal intelligence system, the information must meet all of the following criteria: [42.1.6 e]
  - 1. The information has relevance to suspected possible violations of the law or related to activities that present a potential threat to public safety;
  - 2. The information has been evaluated for accuracy and validity;
  - 3. The information was collected properly and obtained in accordance with all applicable federal, state, and local laws; and [42.1.6 f]
  - 4. The information is free of references to political, religious, or social views/affiliations not directly related to suspected criminal activity. [42.1.6 f]
- B. Information may not be collected on any individual or organization based solely on any of the following: ethnic background or race, religious or political affiliation, support of unpopular causes, or personal habits or lifestyles unless such information directly relates to possible violations of the law and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity. [42.1.6 f]
- C. Criminal intelligence information developed or received by department members will be forwarded to the Criminal Investigations Section Commander for review to ensure the information meets criteria outlined in this policy. [42.1.6 e, g]
- D. Data may be collected from a variety of sources, including incident reports, field interview reports, BOLOs, and bulletins. [42.1.6 g]

- E. Meetings may be used to retrieve information from, and disseminate information to, other law enforcement agencies in regards to on-going criminal enterprises. [42.1.6 g]
- F. Information gathering using electronic, photographic, and related surveillance devices must be performed in a legally accepted manner. [42.1.6 f]
- G. Use of confidential informants for intelligence gathering will comply with [Policy 1640 - Informants](#).

### **1701.3 TERRORISM RELATED INTELLIGENCE**

- A. Any criminal intelligence or information that may be terrorism-related will be sent immediately to the Criminal Investigations Section Commander for review. Upon review and approval by the Investigations and Operations Support Commander, information confirmed to be terrorism-related will be submitted to the Regional Organized Crime Information Center (ROCIC), the Federal Bureau of Investigation (FBI) or other appropriate agency. [46.3.2]
- B. The department will provide terrorism awareness information (such as methods for reporting suspicious activity related to terrorism) to the public upon request and through periodic informational events and postings. [46.3.3]

### **1701.4 SECURITY AND RETENTION**

- A. Because of the highly sensitive nature of information contained within criminal intelligence files, all criminal intelligence records will be safeguarded and maintained in a secure manner within the Criminal Investigations office. [42.1.6 d] [82.3.5]
- B. All restricted and confidential files, [both physical and electronic](#), must be secured and access to all intelligence information will be controlled and recorded by procedures established by the Criminal Investigations Section Commander. [These procedures will include administrative, technical, and physical safeguards which ensure against unauthorized access or damage.](#) [42.1.6 b, d]
- C. Confidential informant files must be maintained separately from criminal intelligence files, see [Policy 1640 – Informants](#).
- D. Criminal intelligence information will only be retained if it meets legal requirements for such retention. Information that is out-of-date or incorrect will be purged in accordance with all applicable records retention schedules. [42.1.6 h]



**1701.5 TRAINING**

- A. Department members will receive training on intelligence gathering and identifying suspicious activity as appropriate for their job responsibilities. [42.1.6 c]
- B. Training for all department employees, when conducted, should include the procedures for reporting and ensuring confidentiality of criminal intelligence information.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:**17-Crime Analysis & Criminal Intelligence **Original Issue:** 9/9/2009

**Policy:** 1702 – Gang Intelligence

**Last Revision:**12/5/2016

**Previously:** 3073 – Gang Suppression Unit

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1702.1 IDENTIFICATION

1702.2 RESPONSIBILITIES

1702.3 CRIMINAL INTELLIGENCE

## ASSOCIATED DIRECTIVES

[Policy 902 – Confidential Informants](#)

[Policy 1701 – Criminal Intelligence](#)

## INTRODUCTION

Criminal street gangs pose a serious threat through acts of violence and other criminal activities. The purpose of this directive is to establish guidelines for the collection and dissemination of gang related criminal intelligence.

## POLICY STATEMENT

It is a crime in North Carolina to participate in a pattern of criminal street gang activity, or to acquire or maintain control of any real or personal property through such organized gang activity. It is the policy of the Asheville Police Department (APD) to identify and maintain criminal intelligence information related to criminal street gangs in an effort to reduce organized crime. [42.1.6 a]

## DEFINITIONS

Criminal Street Gang: any ongoing organization, association, or group of three or more persons, whether formal or informal, that: ([N.C. Gen. Stat. § 14-50.16](#))

- Has one of its primary activities the commission of one or more felony offenses, or delinquent acts that would be felonies if committed by an adult;
- Has three or more members individually or collectively engaged in, or who have engaged in, criminal street gang activity; and

- May have a common name, common identifying sign or symbol.

Criminal Street Gang Activity: to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit act(s), with the specific intent that such act(s) were intended or committed for the purpose, or in furtherance, of the person's involvement in a criminal street gang.

## **RULES AND PROCEDURES**

### **1702.1 IDENTIFICATION**

- A. Criminal street gangs will be identified on the basis of specific, documented, and reliable information. The following are examples; however, information for identifying a criminal street gang may be gathered from a variety of law-enforcement sources or analyses:
1. Analysis of crime pattern information;
  2. Observations by department members;
  3. Witness interviews;
  4. Interviews of admitted criminal street gang members; and
  5. Information received from informants who have proven themselves reliable in the past.
- B. It is the responsibility of the department's Criminal Investigations Section Commander to ensure that gang members and gang associates are properly validated by members of the Criminal Investigations Section. Probable cause to establish an individual's membership in, or association with, a criminal street gang must be corroborated by documented information. [42.1.6 e]
- C. A individual may be considered a *gang member* if they meet any two (2) of the following criteria, as determined by the officer's experience and knowledge of criminal street gangs:
1. Self-admission of gang membership during intake screening at a detention facility or an interview by a law enforcement officer.
  2. The observed use of hand signs, signals or symbols distinctive of a specific criminal street gang.
  3. The use of terminology or language distinctive of a specific criminal street gang.
  4. The wearing of a distinctive style of dress or emblems indicative of a specific criminal street gang.
  5. The possession of tattoos or similar markings indicative of a specific criminal street gang.

6. [Associations with one or more known criminal street gang members.](#)
  7. [Frequenting areas known to be frequented by members of a specific criminal street gang.](#)
  8. [Identification as a criminal street gang member or associate by a reliable source \(e.g. a family member, guardian, or documented reliable informant\).](#)
  9. [Identification as a criminal street gang member by an informant or source of previously untested reliability where such identification is corroborated by other independent information.](#)
  10. Identification as a criminal street gang member by physical evidence.
- D. An individual may be identified as a *gang associate* by meeting any one (1) of the above listed criteria, [as determined by the officer's experience and knowledge of criminal street gangs.](#)

## **1702.2 RESPONSIBILITIES**

- A. The [Criminal Investigations Section](#) is responsible for the following:
1. Collecting and correlating information resulting in the identification of criminal street gangs;
  2. Assisting other units within the department in solving criminal activity perpetrated by criminal street gangs and/or members;
  3. Assisting other agencies through the sharing and dissemination of obtained information; [42.1.6 g]
  4. [Distributing information within the department](#) about criminal street gang activities through intelligence bulletins as needed; and [42.1.6 g]
  5. Educating the community on problems related to criminal street gang activities through public awareness activities, where possible.

## **1702.3 CRIMINAL INTELLIGENCE**

- A. All gang related intelligence files will be maintained in compliance with [Policy 1701 – Criminal Intelligence](#). [42.1.6 d,f]
- B. Active gang intelligence files or active investigative information that involve or could reveal the identity of a confidential informant will be handled in accordance with [Policy 1640 - Informants](#).

- C. Criminal gang intelligence gathered by the department may be cataloged in specialized regional, State, and/or Federal gang databases. [42.1.6 g]

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1800</b>	<b>EFFECTIVE DATE: 5/10/2002</b>
<b>SUBJECT: Computer Technology</b>	<b>LAST REVISION DATE: May 21, 2004</b>

**I. Introduction:**

**The goal of this policy is to ensure that all usage of City microcomputer equipment is consistent with City policies, all applicable laws, and the responsibilities of the individual user. It is also to encourage and promote responsible, efficient, ethical, and legal utilization of microcomputer equipment and to establish basic guidelines for appropriate use of these resources. The proper use of computer technology will increase the effectiveness and efficiency of all employees.**

**II. Procedures:**

**A. All computer Resources**

1. All users are encouraged to use their microcomputer equipment to its fullest potential to provide effective services of the highest quality. Microcomputer resources will not be used to compromise the integrity of the City in any way. The City employee shall make no intentional use of these resources in an illegal, malicious, or obscene manner including, but not limited to, using or producing information such as those advocating hate, pornography or violence. All users of these resources should be sensitive to the perceptions of other City employees and the public.
2. Microcomputer equipment is leased by the City of Asheville and should be used for work related purposes only unless there is prior written approval of the City Manager or department director. If approval is obtained for use of the microcomputer for non work related activities, this personal usage must not interfere with normal business activities, must not involve solicitation, or be associated with any for profit business activity not directly related to the City of Asheville.
3. Files of information stored on the microcomputer equipment, whether temporary or permanent, are the property of the City of Asheville. Absolute privacy is not guaranteed regarding the access of those files of information. Only documents that qualify as criminal investigation records under G.S. 132.1.4, personnel records under 160A-168, confidential legal materials and juvenile records are exempted from the public records statute. In addition, documents in draft form are not public records. Any material that does not fall into one of these exceptions is available to the general public upon request.
4. While microcomputer use is not routinely monitored, supervisors may exercise their authority to inspect the contents of any files, electronic or otherwise, in the normal course of their supervisory responsibilities. Hardware or software systems problems, general system failure, legal expediency, a need to perform work or provide a service when the employee is unavailable, or any other reasonable need are considered just cause for examination of employees' files.

5. The safety and security of the City's microcomputer data communications network is of critical importance. User passwords are confidential and may not be shared. It is the user's responsibility to maintain confidentiality of their password (s). The unauthorized use of anyone's password (s) is prohibited.
  - a. Access to programs or data for which you do not have authorization is prohibited.
  - b. In order to protect centrally located data from unauthorized viewing, all users will log off of the network when they have completed their work or if the computer will be unattended.
6. The department is committed to standardizing software use. Microcomputer application software/programs may be installed on City microcomputers only by IT Services staff or by an IT Services authorized departmental liaison. The specific application software/program to be installed must be approved by IT Services staff. Requests for new programs or software are made in writing to IT Services for approval and install. No games are allowed on microcomputer equipment.
7. In general, copyright laws state that each application software product purchased can be used on only one microcomputer. There are stiff penalties in federal laws for any action that can be construed as software piracy. Current case precedents also hold accountable any supervisor who is aware of employees engaging in such activities. City policy prohibits the unauthorized duplication of microcomputer application software.
8. IT Services tracks and maintains the City of Asheville's microcomputer equipment. With the exception of portable laptops, these resources may not be relocated without prior authorization. New equipment may not be added to computer resources without prior authorization. The introduction of new software or programs must be requested by a Division Commander to IT Services in writing. Upon approval by IT services, their staff will conduct the install. Unauthorized equipment may be removed by IT Services.

B. Mobile Data Terminals:

1. Each Mobile Communication Terminal (MCT) user will be required to attend an Asheville Police Department approved training class that includes standard operating procedures. After completion of this training, user must pass a written exam administered by Employee Services prior to being issued a log-on password for MCT systems.
2. Employees utilizing North Carolina Division of Criminal Information (NCDCI) must be DCI certified and operate mobile computer systems in accordance with DCI standards and Asheville Police Department policies, procedures and protocols established in Asheville Police Department required MCT training.
3. All information received through the mobile computer systems (NCIC, DCI, NLETS, and DMV) is confidential. Use of this information is intended for law enforcement purposes only and may not be disseminated to any persons for any other purpose.
4. New programs or applications must be reviewed and approved by IT Services. No files will be installed, uninstalled, or altered without obtaining approval by IT Services. IT Services or an organization approved by IT Services, shall perform installations and modifications. Laptops may not be moved from car to car without approval of IT Services.

5. All properly trained employees that are equipped with an MCT shall be logged on and utilize the system while on duty. When more than one officer is in a single vehicle, both officers' identification numbers will be entered during the log-on procedure. In cases where the two officers in the vehicle are a field-training officer (FTO) and a trainee, the FTO will be entered as the primary officer and the trainee as the secondary officer.
  6. Mobile computer screens will be blacked out or closed from view when information can be viewed by anyone not authorized to view such information.
  7. Officers will not enter calls for service requiring a multi-agency response (such as spawned or Z calls) into the MCT. These calls are directed to communications for input into the computer aided dispatch system.
  8. Officers shall enter self-initiated data only when safe to do so. All relevant information will be transmitted verbally after being sent by MCT. Communications shall verify all information is properly logged and enter all data not displayed in the system.
  9. Officers shall only utilize one-button functions while operating a vehicle in motion.
  10. All laptops will be locked in the docking station. One docking key shall be located in the vehicle glove compartment.
  11. Officers will inspect their assigned laptops at the beginning of the shift. All damage or malfunctions shall be reported to their immediate supervisor. Any unreported damages will be the responsibility of the officer who previously utilized the vehicle. All malfunctions occurring during the operator's shift shall be reported to the IT Services Analyst as soon as possible within the shift.
  12. Shift supervisors will inspect all mobile computer units in their district on a monthly basis in coordination with the vehicle inspections. Supervisors will note any damage, function problems, and unauthorized programs. Any discrepancies will be reported to their supervisor.
  13. Problems shall be reported to IT Services or channels established by IT Services. Malfunctions are not reported directly to application vendors.
  14. The IT Services Analyst shall conduct random inspections on mobile units. Any discrepancies will be reported to the Chief of Police.
- C. All Asheville Police Department Employees are expected to comply with the City of Asheville's Internet Policy and the City of Asheville's E-Mail Use Policy.
- D. Administration:
1. Central records back-up and storage is a function performed daily by IT Services. Back-ups are stored at a site other than where the physical back-up occurs. IT Services destroys unusual back-up media.
  2. IT Services ensures that an annual audit is performed on centrally stored records. Permission to access databases stored on the network are reviewed on a regular basis, as well as whenever an employee terminates employment or changes employment, such as a transfer within the City.
- E. Anyone found in violation of this policy will be subjected to disciplinary action which could result in termination of system access, termination of employment and/or criminal prosecution, if appropriate. Notwithstanding any statement herein, or in any policy or in



any verbal statements, the Asheville City Manager or his/her designee has sole discretion to grant, transfer, suspend, or cancel any employee's microcomputer use at any time for any reason.

**Accreditation Reference:**

This policy covers the following accreditation standards: [11.4.4](#) [41.3.7](#)

END OF DOCUMENT

## Asheville Police Department Policy and Procedure

Policy Number: 1800-A

Effective Date: May 3, 2013

Subject: Information & Data Management

Last Revision Date: December 22, 2014

**Purpose** - To remain compliant with applicable federal and state laws, the CJIS Security Policy regarding information security, incident reporting, handling, and data destruction. To ensure all APD personnel have access to the available and authorized information systems required for their current work assignment. To ensure that access to information obtained from DCI/NCIC in electronic and physical media is restricted to authorized personnel while being handled, stored or transported.

### **Procedures:**

#### I. Requesting and/or Removing Access to Information Systems

The Asheville Police Department utilizes several information systems including OSSI, CAD, RMS, DCI, NCIC etc. to collect and gather data for law enforcement and/or criminal justice related matters. Access to these information systems is dependent on the current work assignment of the APD employee.

##### A. New Employees

1. All APD employees are subject to a fingerprint based background check before beginning his/her work assignment.
2. APD's Human Resources Liaison will assign a new employee their personnel number. He/she will then email the City of Asheville IT Services Department and Buncombe County IT Services Department with the employee's name, personnel number and work assignment.

3. City IT Services Department is responsible for establishing the new employee an email account and Active Directory Account.
4. Buncombe County IT Services Department is responsible for granting access to information systems based on the employee's work assignment.
5. If access to DCI/NCIC is required, the Terminal Agency Coordinator for the Asheville Police Department will assign the employee a user id and password. The employee will then be scheduled for a certification class(es).
6. After the certification class(es), the employee will take the DCI/NCIC certification test and review the security awareness video. Once the test has been passed the employee will have access to DCI/NCIC.
7. All APD employees will receive security awareness training within six (6) months, and every two (2) years thereafter.
8. The Terminal Agency Coordinator (TAC) serves as the point of contact at the Asheville Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.
9. Account Management in coordination with TAC
  - a. Agencies shall ensure that all user IDs belong to currently authorized users.
  - b. Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.
  - c. Authenticate verified users as uniquely identified.
  - d. Not use shared generic or default administrative user accounts or passwords for any device used with Criminal Justice Information.

e. Passwords

- i. Be a minimum length of eight (8) characters on all systems.
- ii. Not be a dictionary word or proper name.
- iii. Not be the same as the USERID.
- iv. Expire within a maximum of 90 calendar days.
- v. Not be identical to the previous ten (10) passwords.
- vi. Not be transmitted in the clear or plaintext outside the secure location.
- vii. Ensure passwords are only reset for authorized user.
- viii. Work in coordination with City of Asheville IT Services to maintain authentication.

B. Employee Reassignments

1. When an employee is reassigned, an APD Personnel Order and Reassignment Form is completed by the employee's current supervisor detailing the employee's prior assignment and new assignment. The form is then be submitted for Division and Department Head approval.
2. After the form has been completed, the Human Resources Liaison will forward this information via email to Buncombe County IT Services Department.
3. Buncombe County IT Services Department is responsible for making any required changes regarding information system access based on the employee's new assignment.

C. Employee Separation, Removal or Termination

1. When an employee employment has ended, the Human Relations Liaison will notify the City of Asheville IT Services Department, Buncombe County IT Services Department and APD's Terminal Agency Coordinator via email.
2. The City of Asheville IT Services Department will be responsible for discontinuing the employee's access to email.
3. APD's Terminal Agency Coordinator is responsible for disabling the employee's access to DCI/NCIC and reporting the employee's status to the SBI within 24 hours.
4. Buncombe County IT Services Department is responsible for discontinuing the employee's access to all other information systems.

## **II. Information Security, Incident Reporting and Handling (See also APD Policy 1800: Computer Technology)**

A security incident is defined as either an accidental or malicious attack on the computer systems utilized by the Asheville Police Department to store and manage law enforcement/criminal justice related information.

- A. All computers used by the Asheville Police Department utilize data protection measures, i.e. encryption, firewalls, virus protection etc. provided by either the Buncombe County IT Services Department or the City of Asheville IT Services Department.
- B. If APD personnel become aware of a security incident, he/she will immediately report the incident to their immediate supervisor, Buncombe County IT Services and the Terminal Agency Coordinator.
- C. APD personnel will assist as needed and/or requested by state or federal agencies with any legal action either civil or criminal that may arise from an incident.
- D. APD personnel should be aware of who is in their secure area before accessing confidential data, and take appropriate action to protect all confidential data. Personnel should protect all terminal monitors with viewable criminal justice information displayed so this information cannot be viewed by the public or escorted visitors.
- E. The Terminal Agency Coordinator (TAC) serves as the point of contact at the Asheville Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

### **III. Physical and Electronic Media Protection (See also APD Policy 1800: Computer Technology)**

Criminal justice information may include information such as criminal histories, driver's histories, witness and victim information, etc. This information may be stored on computer hard drives, CD, laptop computers, flash drives, paper copies, etc. This information would have been gathered for criminal justice and law enforcement purposes only and would be considered sensitive or confidential. Access to this type of information is restricted to authorized personnel only and should be kept as secure as possible while being handled stored or transported.

- A. All computers used by the Asheville Police Department utilize data protection measures, i.e. encryption, firewalls, virus protection etc. provided by either the Buncombe County IT Services Department or the City of Asheville IT Services Department
- B. APD personnel will securely store electronic and physical media within physically secure areas, i.e. Communications, CID, Records, patrol vehicles.
- C. If information stored on electronic or physical media needs to be transported for law enforcement/criminal justice related matters, APD personnel transporting the media will exercise due diligence to ensure the media is not accessible to unauthorized persons.

#### **IV. Data Destruction**

Criminal justice information may include information such as criminal histories, driver's histories, witness and victim information, etc. This information would have been gathered for criminal justice and law enforcement purposes only and would be considered sensitive or confidential.

- A. APD personnel will, at all times, maintain awareness that data may be of a sensitive and confidential nature. Unless a medium (such as paper, CD, diskette, hard drive, memory stick, etc) is known to be of a public nature, APD personnel will always exercise due diligence when disposing of such media.
  
- B. In general, reasonable measures must be taken to protect this information against unauthorized access or use, both during and after disposal. Destruction or erasure of any record, whether in paper, electronic or other non-paper form must be performed in such a way that the information cannot be read or reconstructed. Specifically, APD practices will be:
  - 1. Correct paper disposal will consist of shredding. When an outside company is used for shredding, a sworn officer will stand-by with the documents until the shredding is complete
  - 2. Correct CD disposal will consist of shredding or scratching the surface to the point where the data is unreadable
  - 3. Correct hard drive disposal will be turning over the computer/laptop to IT services for disposal
  - 4. Correct diskette disposal will consist of cutting the diskette into several pieces
  - 5. Correct tape disposal will consist of physically breaking or shredding the tape.



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 18 – Special Programs

**Original Issue:** 12/1/1992

**Policy:** 1800 – Victim-Witness Assistance

**Last Revision:** 1/12/2018

**Previously:** 1160 – Victims Services



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1800.1 RIGHTS OF VICTIMS AND WITNESSES

1800.2 VICTIM/WITNESS ASSISTANCE RESPONSIBILITIES

1800.3 VICTIM/WITNESS ASSISTANCE ACTIVITIES

1800.4 VICTIMS SERVICES UNIT

1800.5 NEXT OF KIN NOTIFICATIONS

APPENDIX

## ASSOCIATED DIRECTIVES

### INTRODUCTION

The purpose of this policy is to establish guidelines for providing information and assistance to victims and witnesses of crime. The department maintains a Victims Services Unit to provide a strong link between victims of a crime or tragedy and the police department, however, it is the responsibility of all department members to provide assistance when possible.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to treat victims and witnesses with fairness, compassion, and dignity. The department is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities.

### DEFINITIONS

Victim: a person against whom there is probable cause to believe a crime has been committed.

Victim Advocate: a person authorized by the department to assist victims in specified ways. Such advocates may be sworn employees, non-sworn employees or citizen volunteers.

Witness: a person who by reason of having relevant information is subject to or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony.

## **RULES AND PROCEDURES**

### **1800.1 RIGHTS OF VICTIMS AND WITNESSES**

- A. All victims and witnesses will be treated by department employees with compassion, fairness, dignity, and respect.
- B. To the extent reasonably possible, the department will make a reasonable effort to ensure that the rights of people victimized by crime and violence are upheld as provided by law: ([N.C.G.S. § 15A-825](#)) [55.1.1 e]
  - 1. The right to immediate medical assistance and to protection from intimidation and harm;
  - 2. The right to receive information about pending cases and about the criminal justice process, and to be provided due process in court proceedings;
  - 3. The right to counsel;
  - 4. The right to preservation of property and employment;
  - 5. The right to restitution and indemnity;
  - 6. The right to fair, compassionate, and dignified treatment; and
  - 7. The right to have a Victim Impact Statement prepared for consideration by the court.

### **1800.2 VICTIM/WITNESS ASSISTANCE RESPONSIBILITIES**

- A. All department members are charged with the responsibility of providing victim/witness assistance and notifications whenever appropriate.
- B. Department member's responsibilities for victim/witness assistance include, but may not be limited to:
  - 1. Providing victims and witnesses with information on obtaining applicable services (e.g., a referral to the department's Victims Services Unit or victim advocacy group); [55.2.3 a]
  - 2. Advising victims/witnesses about what to do if a suspect or a suspect's associates threatens or otherwise intimidates him/her; [55.2.3 b]
  - 3. Providing victims of domestic violence with information on protective orders and other available local services;

4. Where applicable, providing victims with the case number and typical following steps in the processing of the case; [55.2.3 c]
  5. Providing victims/witnesses a number to call to report additional information or to receive information about the status of the case; [55.2.3 d]
  6. Ensuring the expeditious return of stolen or other personal property held by the department when it is no longer needed as evidence and its return would not impede an investigation or prosecution of the case; and/or [55.2.4 d]
  7. Scheduling line-ups, interviews, or other required appearances so as to be at the convenience of the victim/witness. [55.2.4 c]
- C. The department's Victims Services Unit is available to provide the following services to victims/witnesses:
1. Information on procedures for applying for and receiving any appropriate witness fees or victim compensation; [55.2.3 a]
  2. Employer intercession services;
  3. Information on the procedures involved in the prosecution of the case and the victim/witness's role in those procedures, if not an endangerment to the successful prosecution of the case; [55.2.4 b]
  4. Assignment of a victim advocate during follow-up investigation, if available, to assist in re-contacting the victim/witness periodically to determine whether needs are being met if it is believed the impact of a crime on a victim/witness has been unusually severe. [55.2.4 a,e]
- D. Once notified of the arrest of a person believed to have committed a crime covered by the NC Crime Victims' Rights Act where APD is the primary investigating agency, officers will make a reasonable effort to notify the victim within 72 hours – see Appendix. [55.2.5]

### **1800.3 VICTIM/WITNESS ASSISTANCE ACTIVITIES**

- A. Although the Victims Services Unit (VSU) administers the department's victim/witness assistance program, it is the responsibility of *all* department members to refer victims and witnesses to available community resources. [55.1.1 a]
- B. In order to fulfill the department's role in victim/witness assistance, all department members should be aware of those services currently available from community resources and the department.
- C. All department members should be aware and sensitive to the particular issues and special needs that affect the victims and families of crimes such as domestic violence, child abuse,

and sexual assault. Whenever applicable, referrals may be made to the Buncombe County Family Justice Center. [55.1.1 d]

#### **1800.4 VICTIMS SERVICES UNIT**

- A. The department's Victims Services Coordinator is responsible for administering and coordinating the department's victim/witness assistance program, and serves as the department's liaison with local and regional agencies and organizations that provide victim/witness assistance services. [55.1.3 d]
- B. The Victim Services Unit goals and objectives include:
  - 1. Identifying victim and witness needs and services;
  - 2. Providing services to the victims of crime;
  - 3. Forming and maintaining partnerships with community organizations; and [55.1.1 d]
  - 4. Training and educating department and community members. [55.1.1 c]
- C. Victim Services Unit personnel may provide a wide range of victim's services, including, but not limited to:
  - 1. Crisis intervention services;
  - 2. Referrals for obtaining assistance for emergency food, clothing, shelter, and transportation needs;
  - 3. Referrals for counseling, social service, legal, mental health services, and other community victim/witness services and victim advocates;
  - 4. Assistance and information for securing victim compensation benefits; and
  - 5. Information regarding the status and assignment of the victim's case.
- D. The Victim Services Coordinator is available for call out after-hours with approval from the Criminal Investigations Section Commander.
- E. Services provided by the Victims Services Unit that pertain to victims/witnesses are confidential to the extent consistent with applicable law. [55.1.1 b]
- F. Files maintained by the Victims Services Unit will be kept in a secured area and made available only to authorized personnel.
- G. At least every **two** years, the department will conduct a review of victim/witness assistance needs and services provided by the department and community. In conjunction with this

review, the Victim Services Coordinator should review and update the department's listing of available human service providers in Buncombe County. [55.1.2]

### **1800.5 NEXT OF KIN NOTIFICATIONS**

- A. When it becomes necessary to notify a victim's next-of-kin for deceased, seriously injured, or seriously ill persons, officers will adhere to the following procedures: [55.2.6]
  - 1. Whenever possible, if the individual is/was receiving care at a medical facility, allow the appropriate medical personnel to make the notification.
  - 2. In situations where it is not possible or reasonable for medical personnel to make a next-of-kin notification, the highest ranking officer or designee will make the notification. Whenever practical, a department chaplain, the Victims Services Unit, and/or a Trauma Intervention Program (TIP) member will be contacted to assist with the notification.
  
- B. Department personnel notifying a next-of-kin will make every reasonable attempt to do so in person and not by telephone. If the next-of-kin is not within the department's jurisdiction, the appropriate law enforcement agency within that jurisdiction will be contacted to attempt notification in person. [55.2.6]

BY ORDER OF:



Tammy Hooper  
Chief of Police

## APPENDIX

Once notified of the arrest of a person believed to have committed a crime covered by the [Crime Victims' Rights Act](#) and where APD is the primary investigating agency, officers will make a reasonable attempt to notify the victim within 72 hours. If the victim is deceased, the next of kin should be notified.

The Crime Victims' Rights act defines a victim as a person whom there is probable cause to believe a specific set of crimes was committed. The following is a summarized listing of these offenses:

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### **All Class A, B1, B2, C, D, or E felonies**

#### **The following, if classified as a felony:**

- » Assault by strangulation resulting in serious bodily injury – [§ 14-32.4](#)
- » Child abductions - [§ 14-41](#)
- » Felonious restraint - [§ 14-43.3](#)
- » Human trafficking - [§ 14-43.11](#)
- » Indecent liberties with children - [§ 14-202.1](#)
- » Stalking - [§ 14-277.3A](#)
- » Habitual impaired driving - [§ 20-138.5](#)
- » Involuntary manslaughter - [§ 14-18](#)
- » Aggravated assault or assault and battery upon a handicapped person – [§ 14-32.1\(e\)](#)
- » Physical abuse of a patient at a health care or residential care facility resulting death or serious bodily injury, including neglect – [§ 14-32.2\(b\)\(3\)](#)
- » Domestic abuse of a disabled or elder adult – [§ 14-32.3](#)
- » First and second degree burglary - [§ 14-51](#)
- » Arson of a dwelling - [§ 14-58](#)
- » Common law robbery - [§ 14-87.1](#)
- » Third degree sexual exploitation of a minor - [§ 14-190.17A](#)
- » In general, assaults against emergency personnel, firefighters, emergency medical responders, police officers, court personnel, etc., involving a firearm and/or inflicting serious injury.

#### **The following misdemeanors if the offense is committed between persons who have a personal relationship as defined in [GS § 50B-1\(b\)](#):**

- » Simple assault, simple assault and battery, or simple affray – [§ 14-33\(a\)](#)
- » Assault, assault and battery, or affray inflicting serious injury or using a deadly weapon – [§ 14-33\(c\)\(1\)](#)
- » Assault on female - [§ 14-33\(c\)\(2\)](#)
- » Assault by pointing a gun - [§ 14-34](#)
- » Domestic criminal trespass - [§ 14-134.3](#)
- » Stalking - [§ 14-277.3A](#)

An unabridged list of offenses can be located within [N.C.G.S. § 15A-830](#)

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 18 – Special Programs

**Original Issue:** 12/1/1993

**Policy:** 1801 - Volunteers

**Last Revision:** 12/5/2016

**Previously:** 1330 - Auxiliaries

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1801.1 ADMINISTRATION

1801.2 RECRUITMENT & SELECTION

1801.3 VOLUNTEER REQUIREMENTS

1801.4 TRAINING

## ASSOCIATED DIRECTIVES

[Policy 1331 – Police Chaplains](#)

## INTRODUCTION

This policy provides guidelines for the management and administration of the department's volunteer program. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to use qualified non-sworn volunteers for specified tasks and duties that can create efficiencies for the department and improve services to the community. [45.3.1]

## DEFINITIONS

Volunteer: someone who performs service for the department without promise, expectation, or receipt of compensation for services rendered.

## **RULES AND PROCEDURES**

### **1801.1 ADMINISTRATION**

- A. The Volunteer Coordinator is appointed by the Chief of Police and is primarily responsible for the administration and management of the department's Volunteer Program. The Volunteer Coordinator, or their designee, will be responsible for the following:
1. Recruiting and selecting qualified volunteers for various positions;
  2. Maintaining records for each volunteer;
  3. Maintaining the volunteer handbook, which outlines expectations, policies, and responsibilities for all volunteers
  4. Completing and disseminating as appropriate all necessary paperwork and information;
  5. Addressing work performance issues, when necessary;
  6. Coordinating job duty training for volunteers in their assignments; and
  7. Obtaining records of volunteer work hours.
- B. All requests for volunteers must be approved by a supervisor and the Volunteer Coordinator.
- C. Volunteers may be removed from the volunteer program by the Chief of Police or designee.
- D. Police chaplains are considered department volunteers. Guidelines for the department's chaplains program are outlined in [Policy 1331 – Police Chaplains](#).

### **1801.2 RECRUITMENT & SELECTION**

- A. Volunteers will be recruited based on the needs of the department, and in a manner consistent with the department's policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process will be an interest in and ability to assist the department in serving the public.
- B. All prospective volunteers must complete the volunteer application form.
- C. A documented background investigation will be completed on each volunteer applicant and will include, but not necessarily be limited to, the following:
1. A review of employment history;
  2. Personal and/or professional reference checks; and



3. A criminal background investigation meeting Criminal Justice Information Systems (CJIS) requirements.
- D. The Volunteer Coordinator, or designee, will conduct in-person interviews with applicants under consideration.
- E. Volunteers will be placed only in job assignments or programs that are consistent with the volunteer's knowledge, skills, abilities, and the needs of the department.

### **1801.3 VOLUNTEER REQUIREMENTS**

- A. All volunteers will be required to sign a volunteer agreement.
- B. Volunteers will not intentionally represent themselves as, or by omission infer that they are, sworn officers or other full-time employees of the department. They must always represent themselves as volunteers. [45.3.1 a]
- C. All volunteers must comply with the rules of conduct and with all orders and directives, either oral or written, issued by the department.
- D. Uniforms may be authorized for volunteers, and must be readily distinguishable from those worn by sworn officers. Volunteers are not permitted to wear a department uniform (or identifiable parts of that uniform) unless representing the department. [45.3.3]
- E. Volunteers will be issued an identification card that must be carried at all times while working for the department.
- F. Based on assignment, volunteers may have access to confidential information. Unless otherwise directed by a supervisor or departmental policy, all police information will be considered confidential. Each volunteer must sign a nondisclosure agreement.

### **1801.4 TRAINING**

- A. All volunteers are encouraged to attend the department's Citizen's Police Academy to acquaint them with the department, personnel, policies, and procedures.
- B. Volunteers may receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position. [45.3.2]
- C. Volunteers should receive periodic ongoing training as needed and deemed appropriate by their supervisor or Volunteer Coordinator.
- D. Training provided to volunteers, including issuance of written materials, will be reported by the supervisor to the Volunteer Coordinator.

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 18 – Special Programs  
**Policy:** 1802 – Chaplains Program  
**Previously:** 1331 – Police Chaplains

**Original Issue:** 1/21/1993  
**Last Revision:** 10/23/2017



---

## CONTENTS

INTRODUCTION  
POLICY STATEMENT  
RULES AND PROCEDURES  
1802.1 CHAPLAIN LIASON  
1802.2 RECRUITMENT, SELECTION, AND APPOINTMENT  
1802.3 IDENTIFICATION AND UNIFORMS  
1802.4 GENERAL GUIDELINES  
1802.5 OPERATIONAL GUIDELINES  
1802.6 CHAPLAIN SERVICES  
1802.7 TRAINING  
1802.8 TERMINATION AND RESIGNATION

## ASSOCIATED DIRECTIVES

[Policy 1801 - Volunteers](#)  
[Policy 2301 – Administrative Investigations](#)

## INTRODUCTION

This policy establishes the guidelines for Asheville Police Department chaplains to provide counseling or emotional support to members of the department, their families, and members of the public.

## POLICY STATEMENT

It is the policy of the Asheville Police Department to ensure that department chaplains are properly appointed, trained, and supervised to carry out their responsibilities.

## RULES AND PROCEDURES

### 1802.1 CHAPLAIN LIASON

- A. The Chaplain Liaison serves as a central coordinator for the department's chaplains program and is appointed by the Chief of Police. The responsibilities of the Chaplain Liaison include, but are not limited to:

1. Assisting with recruiting, selecting, and training qualified chaplains;
  2. Conducting chaplain meetings;
  3. Establishing and maintaining a chaplain call-out roster;
  4. Maintaining records for each chaplain;
  5. Tracking and evaluating the contribution of chaplains;
  6. Maintaining a record of chaplain schedules and work hours; and
  7. Completing and dissemination, as appropriate, all necessary paperwork and information.
- B. The Chaplain Liaison may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

#### **1802.2 RECRUITMENT, SELECTION, AND APPOINTMENT**

- A. The department endeavors to recruit and utilize only those applicants who meet high ethical, moral, and professional standards. A primary qualification for participation in the program should be an interest in and an ability to assist the department in serving the public.
- B. Requirements for participation as a chaplain for the Asheville Police Department include the following:
1. Having a good reputation in the community;
  2. Successful completion of an appropriate-level background investigation;
  3. Certification and good standing with a traditional religious faith such as Christian, Jewish, Orthodox, Muslim, Buddhist, Hindu, or Mormon;
  4. Emotional stability and professional flexibility, including a broad base of experience in the professional ministry and pastoral counseling;
  5. The ability to be tactful and considerate in their approach to people regardless of race, creed, color, ethnicity, or culture;
  6. Possession of a valid driver license; and
  7. No prior serious misdemeanor or felony convictions.
- C. The Chief of Police may apply exceptions for eligibility where appropriate based on organizational needs and the qualifications of the individual

- D. Chaplain candidates are encouraged to participate in a ride-along with department members before and during the selection process.
- E. Chaplains serve at the discretion of the Chief of Police, and must undergo a one year probation period after appointment.

### **1802.3 IDENTIFICATION AND UNIFORMS**

- A. As representatives of the department, chaplains are responsible for presenting a professional image to the community. Chaplains will dress appropriately for the conditions and performance of their duties.
- B. Chaplain uniforms, if worn, must be clearly distinguishable from uniforms of sworn officers. [16.4.3]
- C. Chaplains will be issued Asheville Police Department volunteer identification cards, which must be carried at all times while representing the department.

### **1802.4 GENERAL GUIDELINES**

- A. All chaplains will be assigned to duties by the Chaplain Liaison or the authorized designee, consistent with their knowledge, skills, abilities and the needs of the department.
- B. Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.
- C. Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Asheville Police Department.
- D. Chaplains will not interfere with any employee's performance of duty. In the event of conflict between a chaplain and an employee, the employee will report the conflict in writing through the Chain of Command to the [Chaplain Liaison](#).
- E. Any information related to any incident is confidential and will not be shared for any reason outside of the scope of the chaplain's duties.

### **1802.5 OPERATIONAL GUIDELINES**

- A. Chaplains are non-sworn volunteer members of this department, and except as otherwise specified within this policy are required to comply with [Policy 1801 - Volunteers](#) and other applicable policies. [16.4.1 a]

- B. At the conclusion of a response or department activity, the chaplain will complete a chaplain shift report and submit it to the Chaplain Liaison or designee.
- C. Chaplains may be permitted to ride with officers to observe department operations, provided the officer and shift supervisor have been notified and approve.
- D. In responding to incidents, a chaplain must never function as an officer. When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- E. When there is a need for their services, chaplains may have access to crime scenes and accident locations with the approval of the supervisor in charge of the scene.
- F. The following general procedures will apply to any counseling given by a department chaplain as a result of their official capacity:
  - 1. The chaplain will relinquish ministerial responsibility if there is a request for private clergy.
  - 2. The chaplain should, as necessary, offer referral to an appropriate external service for professional assistance. The chaplain may, upon request, provide extended pastoral counseling or recommend additional professional help.
  - 3. Conversations with employees or involved citizens are confidential. The only exception is if there is a criminal act involved or the individual is believed to present a harm to themselves or others. The chaplain is obligated to report this to the [Chaplain Liaison](#).

#### **1802.6 CHAPLAIN SERVICES**

- A. The responsibilities of a chaplain [related to department members](#) may include, but are not limited to: [16.4.1 b]
  - 1. Assisting in making notification to families of employees who have [been seriously injured or killed](#);
  - 2. [Visiting sick or injured employees](#);
  - 3. [When requested, attending and/or participating in funerals or other ceremonies for active or retired employees](#);
  - 4. [Serving as a resource for officers dealing with incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise](#); and
  - 5. Providing counseling and support for employees and their families.

- B. The responsibilities of a chaplain related to this department may include, but are not limited to: [16.4.1 b]
1. Responding to calls for service involving natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the shift supervisor or supervisor aids in accomplishing the mission of the department; and
  2. Whenever possible, attending department and academy graduations, ceremonies and social events and offering invocations and benedictions when appropriate.
- C. The duties of a chaplain related to the community may include, but are not limited to: [16.4.1 b]
1. Fostering familiarity between law enforcement and the community;
  2. Providing an additional link between the community, other chaplains, and the department;
  3. Providing liaison with various civic, business, and religious organizations;
  4. Promptly facilitating requests for representatives or leaders of various denominations;
  5. Assisting the community in any other function, as needed or requested; and
  6. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

### **1802.7 TRAINING**

- A. Active chaplains are expected to attend regular chaplains meetings organized by the Chaplain Liaison or designee.
- B. Chaplains are required to participate in appropriate training as provide by the department or chaplains program. [16.4.2]
- C. Peer support training is strongly encouraged for all department chaplains.

### **1802.8 TERMINATION AND RESIGNATION**

- A. Allegations of unbecoming conduct, criminal conduct, or violation of department policies, procedures, or rules by any chaplain will be documented and handled per Policy 2301 – Administrative Investigations.
- B. The Chief of Police has the sole authority to dismiss a chaplain from service with the department.

- C. Upon termination or resignation from the department, chaplains must return all material belonging to the department within forty-eight (48) hours of termination/resignation.

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 18 – Special Programs

**Original Issue:** 2/16/2016

**Policy:** 1803 - Reserve Officers

**Last Revision:** N/A

**Previously:** N/A

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

1803.1 ELIGIBILITY AND SELECTION PROCESS [16.1.2]

1803.2 AUTHORITY

1803.3 FIREARMS [16.1.6]

1803.4 GENERAL RULES AND REGULATIONS [16.1.1 A]

1803.5 TRAINING [16.1.1 D]

1803.6 UNIFORMS AND EQUIPMENT

1803.7 ANNUAL EVALUATIONS

## ASSOCIATED DIRECTIVES

[Policy 302 – Uniform Standards](#)

## INTRODUCTION

The purpose of this directive is to establish organizational guidelines for a reserve police officer program.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to utilize a reserve officer program to supplement the operations of sworn officers in a manner consistent with North Carolina law.

## DEFINITIONS

Reserve Officer: a sworn officer, armed or unarmed, who works less than full time, with or without compensation, and who, by their assigned function or as implied by their uniform, performs duties associated with those of a police officer.

## **RULES AND PROCEDURES**

### **1803.1 ELIGIBILITY AND SELECTION PROCESS [16.1.2]**

- A. The selection criteria for applicants must comply with eligibility requirements established by the North Carolina Criminal Justice Education and Training Standards Commission (CJETSC). [16.1.3]
- B. Only applicants who hold a current certification as a North Carolina Law Enforcement officer and have successfully completed the Asheville Police Department's Field Training program will be considered for reserve officer positions. This status is typically reserved for retired APD officers, or those who were formerly full time officers with the department. [16.1.4]

### **1803.2 AUTHORITY**

- A. Reserve officers have all of the authority of a regular law enforcement officer, and are commissioned to act as such. [16.1.1 b]
- B. Reserve officers will be provided the same public liability protection equal to that provided regular officers, and are bonded in the same manner as regular officers. [16.1.7]

### **1803.3 FIREARMS [16.1.6]**

- A. Reserve officers are subject to the rules, regulations, policies and procedures of the department regarding firearms, and will carry only those firearms under the color of law with which they have demonstrated proficiency in official qualification courses.
- B. Reserve officers will receive training on the department's use of force policies as a component of annual firearms proficiency training.

### **1803.4 GENERAL RULES AND REGULATIONS [16.1.1 a]**

- A. All reserve officers are expected to attend all required department meetings and trainings. In the event a reserve officer cannot make a meeting or training, they must notify their immediate supervisor.
- B. Reserve officers are responsible for regularly monitoring their department e-mail, unless prevented by vacation, illness, or other reasonable limitation.

### **1803.5 TRAINING [16.1.1 d]**

- A. All reserve officers must attend all state and department in-service training as required by the NC CJETSC. [16.1.5] [16.1.6]

- B. All reserve officers must have completed the department's field training program prior to acting as a reserve officer. [16.1.4]

**1803.6 UNIFORMS AND EQUIPMENT**

- A. The authorized uniform for reserve officers is the same as authorized for a uniformed officer of their assignment as outlined in [Policy 302 – Uniform Standards](#).
- B. Equipment provided by the department for reserve officers is the same as for full-time regular officers.

**1803.7 ANNUAL EVALUATIONS**

- A. The reserve officer's immediate assigned supervisor is responsible for the reserve officer's annual evaluations. [16.1.1 c]

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 20 - Conditions of Work & Benefits **Original Issue:** 10/20/1995

**Policy:** 2000 - Awards

**Last Revision:** 3/20/2017

**Previously:** 1170 – Awards

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

2000.1 AWARDS COMMITTEE

2000.2 ANNUAL AWARD CATEGORIES AND REQUIREMENTS

2000.3 SERVICE AND SPECIALITY AWARDS

2000.4 ORDER OF PRESENCE

2000.5 AWARD NOMINATIONS

APPENDIX

## ASSOCIATED DIRECTIVES

### INTRODUCTION

This policy establishes guidelines for recognizing exemplary service by department members and to provide protocols for the presentation of awards and related recognition for such service.

### POLICY STATEMENT

The recognition of personal excellence is an important aspect of this department's activities. It is the policy of the Asheville Police Department (APD) to recognize and reward meritorious service through an awards program. [26.1.2]

### RULES AND PROCEDURES

#### 2000.1 AWARDS COMMITTEE

- A. The Awards Committee is responsible for soliciting and reviewing nominations for departmental awards. The Committee will consider all nominations and determine the level and types of awards to recommend to the Chief of Police.
- B. The Special Services Division Commander will serve as the Committee's chairperson. The Committee will consist of at least six (6) additional department members comprised of the following:

1. One sworn supervisor;
  2. One civilian employee;
  3. One employee from the Special Services Division;
  4. One employee from the Administrative Services Division;
  5. At least one sworn officer from the Patrol Division; and
  6. At least one sworn officer from the Investigations and Operational Support Division.
- C. Committee members are appointed by the Chairperson in consultation with Division Commanders and will serve two (2) year terms. Alternate members may be appointed to fill the remainder of a time period in the event of a mid-term vacancy.
- D. The Awards Committee may include non-voting members who serve as support personnel for event planning and media relations.
- E. The Awards Committee is responsible for organizing the department's Annual Employee Awards Ceremony. The Committee's chairperson will oversee management of the event.

## **2000.2 ANNUAL AWARD CATEGORIES AND REQUIREMENTS**

- A. Medal of Honor: awarded to any sworn employee of the department who intelligently and in the line of duty distinguishes themselves by the performance of an act or acts of extraordinary heroism, while engaged in personal confrontation with an armed adversary, at imminent personal hazard to life. The recipient will be presented with a certificate and award ribbon.
- B. Medal of Valor: awarded to any sworn employee who exhibits extraordinary courage, bravery, and/or devotion to duty, by consciously exposing themselves to imminent danger, despite great risk to their own life, in an effort to protect or save the life of another individual. The recipient will be presented with a certificate and award ribbon.
- C. Life Saving Award: awarded to any employee whose actions are directly responsible for saving a human life, or where evidence indicated the employee's actions sustained an individual's life until released to professional medical care. The recipient will be presented with a certificate and award ribbon.
- D. Purple Heart: awarded to any employee who is seriously injured in the performance of duty. Injury must require medical attention and be of a severe nature compared to normal injuries sustained in some difficult arrest situations. Injuries may include the contraction of a life threatening disease in the performance of one's duties. This award will not be given if the injury is the result of the employee's gross negligence. The recipient will be presented with a certificate and award ribbon.

- E. Officer of the Year: awarded to a sworn officer within the department who performed at the highest level of expectation throughout a particular calendar year. Nominations for this award must include well documented performance achievements. The recipient will be presented with a certificate, plaque, and award ribbon.
- F. Employee of the Year: awarded to a non-sworn employee who performed at the highest level of expectation throughout a particular calendar year. Nominations for this award must include well documented performance achievements. The recipient will be presented with a certificate and plaque
- G. Merit Award: awarded to any employee who performs their duties under extraordinary or difficult circumstances over a period of time, exhibiting a high degree of professional excellence. May be awarded for performance that greatly exceeds the standard of expectations of the assignment and/or improves the safety, efficiency, or effectiveness of the department. The award should not be awarded in conjunction with any other award for the same service or deed. The recipient will receive a certificate and award ribbon.
- H. Departmental Citation: awarded to any employee for outstanding performance of a difficult task involving personal risk when, because of the employee's action a serious crime is prevented or a perpetrator is apprehended, or; makes multiple arrests for designated crimes within a specific time period, or; accomplishes any other outstanding actions which bring unusual credit to the department and its employees. The recipient will be receive a certificate and award ribbon.
- I. Certificate of Appreciation: upon recommendation of the committee, an employee may receive a Certificate of Appreciation for a deed which is worthy of recognition, but does not fall within other award guidelines. This award will not be given in conjunction with any other awards. The award will consist of a certificate only.
- J. Exemplary Citizen Award: a citizen may be awarded a Citizen Certificate of Appreciation when their actions result in the prevention or solution of a serious crime; or, their actions result in the apprehension of a dangerous criminal; or, other meritorious action, such as lifesaving or assistance to an officer without regard for the recipient's personal safety. The Chief may issue a Certificate of Appreciation to any deserving citizen for a deed which is worthy of recognition.

### **2000.3 SERVICE AND SPECIALITY AWARDS**

- A. The following special proficiency ribbons may be awarded to officers/personnel who have attained the following skills/certifications:
  - 1. Advanced Certificate: awarded to officers who have been issued an Advanced Law Enforcement Certificate by the North Carolina Criminal Justice Standards Division.

2. Educational Achievement: awarded to officers who have earned an associate, bachelors or master's degree. This award will be presented only after the employee submits transcripts and diploma from an accredited college or university to the Recruitment and Career Development Section.
3. Advanced Leadership: awarded to officers who have successfully completed one of the following advanced leadership schools – AOMP, LEAP, Southern Police Institute, or Justice Academy Management Program.
4. FBI National Academy: awarded to officers who have successfully attended and completed the Federal Bureau of Investigation National Academy.
5. Instructor: awarded to officers who have obtained a General Instructor Certification from the NC Criminal Justice Education & Training Standards Commission.
6. Accident Reconstructionist: awarded to officers who have received an Accident Reconstructionist skill/certification
7. Bicycle Officer: awarded to officers who have completed the department's bike school.
8. Recruiter: awarded to officers who have attended the department's background investigation and recruiting classes.
9. Physical Fitness: awarded to officers who have scored an 80% fitness level on the department's physical assessment using the Cooper Scale and successfully completed the POPAT (may only be awarded one time).

B. The following ribbons may be awarded to employees for their service with the department in the following assignments which require specialized skills and training:

1. Emergency Response Team
2. Crisis Negotiation Team
3. Hazardous Devices Team
4. Detective
5. Canine Handler
6. Honor Guard
7. Polygraph Examiner
8. School Resource Officer
9. Crowd Control Team
10. Traffic Safety Unit

11. Field Training Officer (FTO)
12. Field Training Sergeant
13. Explorer Advisor (to be eligible for this ribbon an employee must be an approved advisor or committee member for the department's explorer post)

C. In addition to specialty ribbons, the following specialty badges may be awarded:

1. The Explosive Ordnance Disposal (EOD) badge will be awarded to members of the Hazardous Devices Team who successfully complete the Hazardous Devices School.
2. The Winged Wheel badge will be awarded to members of the department's Motor Unit who successfully complete the Police Motor Operator School.
3. SWAT Operator badges will be awarded to members of the department's Emergency Response Team based on the following years of service with the team:
  - a. SWAT Operator (0-5 years)
  - b. SWAT Senior Operator (6-10 years)
  - c. SWAT Master Operator (11+ years)

D. To be considered for specialty service ribbons, employees must complete any required training and actively serve in the assignment or position for a minimum of six (6) months. Active service will be calculated from the date of assignment. Employees promoted from an assignment will be considered eligible for the associated ribbon.

E. The following special proficiency ribbons may be awarded to officers/personnel who have achieved the following during their tenure of service with the department:

1. Years of Service: issued every five years of employment for all department members based on the anniversary of the date of hire.
2. Safe Driving Ribbon: employees who have a record of safe vehicle operation with no accidents judged to be preventable or any disciplinary actions involving operation of a city vehicle. Will be issued for every five years of consecutive safe operation of police vehicles (based on calendar year).
3. Military Service: employees who have served in the military on active duty for a period of not less than two concurrent years; or served in the military reserves or National Guard where placed on active duty and deployed into a combat zone or operation and were awarded a campaign medal.
4. Firearm Expert: officers who shoot a combined average score of 95-97 with the handgun and rifle on both the day and night courses. The scores will be averaged



at the end of the fall qualification. This ribbon will only be awarded one time in the officer's career.

5. [Firearm Master](#): officers who shoot a combined average score of 98-100 with the handgun and rifle on both the day and night courses. The scores will be averaged at the end of the fall qualifications. This ribbon will only be awarded once in the officer's career.

F. All ribbon designs are located in the [Appendix](#) of this policy.

#### **2000.4 ORDER OF PRESENCE**

- A. Order of presence is established according to the chart located in the [Appendix](#) of this policy.
- B. Individual ribbons will be worn above the name tag. When facing the wearer, the ribbons will be worn from left to right as if reading a book. The highest awarded ribbon will be worn on top starting on the left.
- C. [Specialty badges will be worn above the name tag and individual ribbons.](#)
- D. Specialized ribbons will be worn on the pocket underneath the badge and will have no order of presence. When an employee is no longer assigned to a specialized unit, the associated specialized assignment ribbon will be moved to the individual ribbon side of the uniform.
- E. [Subsequent awards will be displayed in the following manner:](#)
  1. [A second award in the same category is designated by a bronze star centered on the ribbon.](#)
  2. [A third award in the same category is designated by a silver star worn centered on the ribbon, which will replace a previously attached bronze star.](#)
  3. [A fourth and subsequent awards in the same category is designated by a gold star centered on the ribbon, which will replace a previously attached silver star.](#)
- F. [Military medals may be worn on an officer's uniform in accordance with N.C.G.S. § 143B-1277.](#)

#### **2000.5 AWARD NOMINATIONS**

- A. [All employees are encouraged to recognize outstanding performance of department personnel in the performance of their duties. Department employees may nominate other department employees for annual or monthly awards.](#)

- B. Nominations for awards may be submitted by memorandum or e-mail at any time to the Awards Committee and may be made either by the employee's supervisor(s) or by any employee having knowledge of the facts and/or circumstances giving rise to the nomination. Nominations must be made within twelve months of the event for which the nomination is made. Citizen commendations may also be referred to the Awards Committee for consideration.
- C. The Awards Committee will review each nomination and make appropriate recommendations to the Chief of Police who will make the final decisions on awards.
- D. A copy of all awards and commendations will be submitted to the Recruitment & Career Development Section to be stored in the employee's personnel file.

BY ORDER OF:



Tammy Hooper  
Chief of Police

APPENDIX

Department Ribbons

**Department Individual Ribbons**  
*Worn above the name tag.*

<p>Honor</p> 	<p>Valor</p> 	<p>Life Saving</p> 	<p>Purple Heart</p> 
<p>Merit</p> 	<p>Citation</p> 	<p>Officer of Year</p> 	<p>Advanced Certificate</p> 
<p>Master's Degree</p> 	<p>Bachelor's Degree</p> 	<p>Associate Degree</p> 	<p>Safe Driving Award</p> 
<p>Fitness Award</p> 	<p>Firearms Award</p> 	<p>Master</p> 	<p>Years of Service</p> 
<p>Advanced Leadership</p> 	<p>Military Service</p> 	<p>Outside Awards</p> 	

**Specialty Ribbons**  
*Worn below badge with no order of presence.*

<p>Accident Recon. Accident Reconstructionist</p> 	<p>Bicycle Officer</p> 	<p>Canine Handler</p> 	<p>Crisis Negotiation Team</p> 
<p>Crowd Control</p> 	<p>Detective</p> 	<p>Emergency Response Team</p> 	<p>Explorer Advisor</p> 
<p>Field Training Officer</p> 	<p>Field Training Sgt.</p> 	<p>Hazardous Devices Team</p> 	<p>Honor Guard</p> 
<p>Instructor</p> 	<p>Polygraph Examiner</p> 	<p>Recruiter</p> 	<p>School Resource</p> 
<p>Traffic Safety</p> 			

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 20 – Conditions of Work & Benefits

**Original Issue:** 10/15/2009

**Policy:** 2001 – Residency Requirements

**Last Revision:** 1/29/2018

**Previously:** 1002 – Residency Standard



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

2001.1 RESIDENCY REQUIREMENTS

## ASSOCIATED DIRECTIVES

### INTRODUCTION

The nature of public safety and law enforcement service requires that sworn members of the Police Department be available for recall during off-duty hours in the event of any emergency. A prime criterion for emergency service is a reasonable response time, thus requiring that sworn employees reside within a reasonable distance from the City of Asheville Municipal Building.

### POLICY STATEMENT

It is the policy of the Asheville Police Department to require sworn personnel to adhere to a residency standard.

### RULES AND PROCEDURES

#### 2001.1 RESIDENCY REQUIREMENTS

- A. Police Department personnel are public safety providers. When required, personnel will be called at home to respond to the Municipal Building for assignment.
- B. All sworn personnel must reside within thirty (30) miles of the City of Asheville Municipal Building.
  1. Sworn employees who reside more than thirty (30) miles from the City of Asheville Municipal Building will not be eligible for assignments that require on-call status response.
  2. Sworn employees who reside more than thirty (30) miles from the City of Asheville Municipal Building will not be eligible for a take home vehicle.

- C. An approved map using GIS coordinates supports this requirement and will be maintained by the Administration Bureau Commander.
- D. Any sworn personnel who change residences will be required to make sure that the location remains within thirty (30) miles according to the approved map. Verification can be made by providing the address to the department's Crime Analyst or the [Recruitment and Career Development Section](#).
- E. All members of the department will update their personnel record to reflect changes in their residence address, phone number, etc., by submission of the appropriate departmental form. It is the responsibility of each department member to promptly forward such information to the [Recruitment and Career Development Section](#) within fourteen (14) days of any change.
- F. Any sworn employee may request an exemption from the thirty (30) mile rule to the Chief of Police, which will be evaluated on a case-by-case basis.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

Chapter: 20-Conditions of Work & Benefits Original Issue: 8/28/2015

Policy: 2005 – Military Leave

Last Revision: 1/25/2016

Previously: 1077 – Military Leave

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## CONTENTS

ASSOCIATED DIRECTIVES

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

PROCEDURES

2005.1 NOTICE TO THE DEPARTMENT

2005.2 BENEFITS DURING MILITARY LEAVE

2005.3 SHORT-TERM MILITARY LEAVE

2005.4 EXTENDED MILITARY LEAVE

2005.5 ADDITIONAL RESOURCES

## ASSOCIATED DIRECTIVES

[Form A34: Extended Military Leave Checklist](#)

## INTRODUCTION

The Asheville Police Department is committed to supporting employees in the Uniformed Services. In accordance with federal and state law, it is the department's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership or obligation to perform services for any of the Uniformed Services. No person will be denied employment, reemployment, reinstatement, promotion, or any other benefit on the basis of such membership. Furthermore, no person will be subjected to retaliation because such person has exercised his or her rights under this directive. This policy is not intended to supersede, modify or conflict with the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") or any other federal or state law.

## POLICY STATEMENT

Employees called to take part in their duties as a member of Uniformed Services should be part of active communication with the agency. This policy provides an outline of rights and expectations.

## DEFINITIONS

Short-Term Military Leave: Any military leave up to thirty (30) days or for any length for the purpose of a fitness examination. The thirty (30) days may involve consecutive days or may be fragmented (for example, monthly training exercises).

Extended Military Leave: Any military leave for any period over thirty (30) days and up to five (5) years.

Notice: when the employee is required to give advance notice of service, means any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service, or by the uniformed service in which the service is to be performed.

Uniformed Services: The Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service. This includes the Reserve or National Guard components and any other category of persons designated by the President in time of war or national emergency.

Service in the Uniformed Services: means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service in the uniformed services includes active duty, active and inactive duty for training, National Guard duty under Federal statute, and a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform such duty. The term also includes a period for which a person is absent from employment to perform funeral honors duty as authorized by law. Service as an intermittent disaster-response appointee upon activation of the National Disaster medical System or as a participant in an authorized training program is deemed “service in the uniformed services.”

## **PROCEDURES**

### **2005.1 NOTICE TO THE DEPARTMENT**

- A. An employee who has received written or verbal military orders or an appropriate officer authorized to give such notice shall notify his/her direct supervisor and Human Resources as soon as practicable after such orders have been received.
- B. The employee should notify his/her direct supervisor if such orders are anticipated by the employee.
- C. No advance notice is required if such notice is precluded by military necessity or under circumstances in which the giving of such notice is otherwise impossible or unreasonable.
- D. Employees are not responsible for arranging coverage of their departmental duties before taking military leave.

### **2005.2 BENEFITS DURING MILITARY LEAVE**

Employees are responsible for establishing contact with a City of Asheville Human Resource Benefits Specialist to discuss salary, benefits, leave usage and other similar items prior to taking military leave. [22.2.8 b]

### **2005.3 SHORT-TERM MILITARY LEAVE**

- A. Employees may return to work the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and expiration of eight (8) hours after a period allowing for safe transportation from the place of service to the employee's residence.
  - 1. If reporting at that time is impossible or unreasonable through no fault of the employee, he or she must report to work as soon as possible after the expiration of the eight hour period.
  - 2. If the employee is hospitalized for, or convalescing from an illness or injury incurred in or aggravated during the performance of service, he or she must report to work at the end of the period necessary for recovering from the illness or injury.

### **2005.4 EXTENDED MILITARY LEAVE**

#### **2005.4.1 Deployment**

- A. Employees who will be absent for military leave for more than thirty (30) days will return all **requested** equipment to the Logistics Unit no less than twenty-four (24) hours before the beginning of military leave, if feasible. [22.2.8 d]
- B. Prior to extended military leave, every effort will be made for an interview between the employee and the Chief of Police or designee. [22.2.8 c]
- C. The employee's Unit Commander will be responsible for ensuring a means of communication is established with the employee during deployment. If the employee's duty assignment will allow, communications should occur at a minimum every other month and are to include agency updates and promotions or promotional opportunities. [22.2.8 a, g]

#### **2005.4.2 Return to Work**

- A. Employees returning to work having served thirty one (31) to one hundred and eighty (180) days must submit notice of return to his/her supervisor or the Special Services Division Captain not later than fourteen (14) days after completion of military service. If it is impossible or unreasonable to give notice within fourteen (14) days through no fault of the employee, he or she must give notice not later than the next full calendar day after it becomes possible to do so.
- B. Employees returning to work having served one hundred and eighty one (181) days or more must submit notice of return to his/her supervisor or the Special Services Division Captain no later than ninety (90) days after completion of service.



- C. If the employee is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of service, he or she must report to work at the end of the period necessary for recovering from the illness or injury.
- D. The Chief of Police or designee shall conduct a return interview with the employee before the resumption of duties. After meeting, arrangements will be made for re-issuance of equipment, assessment of required training, and to address any necessary accommodations.  
[22.2.8 e, f]

#### **2005.4.3 Employment Restoration**

- A. Unless an exception applies pursuant to USERRA, if the employee has been absent from his/her position with the department by reason of service in the uniformed services, he or she will be eligible for reemployment by meeting the following criteria:
  - 1. The department had advance notice of the employee's service as stated in Section 2005.1(A) above.
  - 2. The employee has five (5) years or less of cumulative service in the uniformed services in his or her employment with the City.
  - 3. The employee timely returns to work or applies for re-employment; and
  - 4. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.
- B. If the period of service exceeded thirty (30) days and if requested, the employee must provide documentation to establish that:
  - 1. The notification is timely
  - 2. The employee has not exceeded the five (5) year limit on the duration of service (subject to exceptions)
  - 3. The employee's separation or dismissal from service was not disqualifying

#### **2005.5 ADDITIONAL RESOURCES**

This directive provides an outline of basic expectations. Additional details and information on benefits and rights for employees on military leave may be obtained by contacting the Human Resources Department. The department is committed to complying with all provisions of USERRA.

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 20 – Conditions of Work & Benefits

**Original Issue:** 4/25/2016

**Policy:** 2007 – Peer Support Program

**Last Revision:**

**Previously:** N/A



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

2007.1 PROGRAM ADMINISTRATION

2007.2 MEMBER APPLICATION AND SELECTION

2007.3 MEMBER DESELECTION

2007.4 CONFIDENTIALITY

2007.5 TRAINING

2007.6 UTILIZATION

2007.7 REFERRAL PROCEDURES

## ASSOCIATED DIRECTIVES

[Peer Support Member Application](#)

## INTRODUCTION

The Peer Support Program is a personnel-oriented program for the Asheville Police Department designed to provide internal peer support to employees who have experienced a crisis or critical incident that affects them personally and/or professionally. The structure of the program is based on internal criteria rather than individual rank or job title.

## POLICY STATEMENT

The goal of this program is to provide all Asheville Police Department employees, in roles both sworn and non-sworn, with an opportunity for peer support during times of need.

## DEFINITIONS

Peer Support Program: a volunteer program established within the department to minimize the effects of critical incidents and to help employees cope with reactions to these incidents through one on one peer counseling and larger group debriefings.

Peer Support Management Team: a team made up of peer support team members, both sworn and civilian of all ranks and levels, as approved by the Chief of Police. Positions include Team Commander (Sergeant or Lieutenant) and Team Leaders (Sergeant or Non-Sworn Supervisor).

Peer Support Team Member: an employee, sworn or non-sworn, who is specifically trained to provide peer support to an employee in need, both for day-to-day emotional support for department employees as well as to participate in the department's comprehensive response to traumatic incidents.

## **RULES AND PROCEDURES**

### **2007.1 PROGRAM ADMINISTRATION**

- A. The Special Services Division Commander is responsible for overall administration of the Peer Support Program, which includes but may not be limited to:
  1. Serving as the liaison between the Team and Executive Staff;
  2. Maintaining communication between the Chief of Police, executive staff, peer support members, and the Peer Support Advisory Committee; and
  3. Ensuring program is implemented and carried forth in accordance with training.
- B. The Peer Support Team Commander is responsible for administrative duties such as, but not limited to:
  1. Ensuring proper confidentiality protocol is established and maintained;
  2. Collecting and disseminating of statistical data to the Office of the Chief;
  3. Developing and maintaining awareness of all personnel of the availability of the program;
  4. Maintaining and publishing an accurate list of peer support team members; and
  5. Answering questions regarding the peer support program.
- C. The Peer Support Management Team is directed by the Peer Support Team Commander. The Management Team is responsible for:
  1. Recommendation of peer support team members;
  2. Advising and providing guidance on the parameters of the peer support program; and
  3. Administration, review, and recommendation of training for peer support team members.

## 2007.2 MEMBER APPLICATION AND SELECTION

- A. Peer support team members should be employees who volunteer and are currently in good standing within the department. They must demonstrate a willingness to serve [when approached or requested both on and](#) off-duty, attend required meetings and training sessions, and sign a confidentiality agreement.
- B. In order to have a cross-representation of volunteers in the peer support program, efforts will be made to maintain peer support team members from a variety of sworn, non-sworn, [and volunteer](#) units and ranks throughout the department.
- C. The need to add peer support team members will be determined periodically by the Peer Support [Team Commander](#) in conjunction with recommendations from the Peer Support [Management Team](#).
- D. Employees may apply for program membership by completing the [Peer Support Member Application](#). A [Supervisor Recommendation Form](#) will need to be completed by members of the employee's chain of command and attached to the application.
- E. Applicants may be involved in a selection process which may include, but is not limited to a panel interview and completion of an EQi assessment.
- F. Final appointment to the program will be made by the Chief of Police.

## 2007.3 MEMBER DESELECTION

- A. Peer support team members may leave the program voluntarily at any time. Peer support team members may be removed from the program by the [Special Services Division Commander](#), with approval from the Chief of Police, for a variety of reasons. Some of these reasons may include but are not limited to:
  - 1. Breach of confidentiality;
  - 2. Failure to attend required training or complete required training hours; and/or
  - 3. Loss of one's good standing within the department.

## 2007.4 CONFIDENTIALITY

- A. One of the most important responsibilities of a peer support team member is the promotion of trust, anonymity, and confidentiality for employees who seek assistance. Information from debriefings and individual sessions gained by peer support team members will be held in strict confidence, as long as consistent with state and federal laws and departmental policy.
- B. Recipients of peer support should be advised at the onset that there is no confidentiality for criminal offenses, threats or harm to self or others.

- C. Peer support team members should consider potential role conflicts and are encouraged not to develop peer support relationships with supervisors, subordinates, or relatives; however, for self-initiated peer referrals, an employee may choose with whom he/she is most comfortable speaking.
- D. Peer support team members will not keep written formal or private records, which includes audio or video recordings, of supportive peer relationships. If any data or information is to be collected it will be collected in aggregate form for reporting purposes of usage of the program.
- E. Supervisors who are peer support team members cannot abdicate their supervisory responsibilities when on duty and confronted by misconduct, disciplinary problems or other improper actions on the part of employees.
- F. If a peer support team member violates confidentiality for any reason other than those listed above, the Peer Support **Team Commander** will record the violation and recommend termination from the program.

#### **2007.5 TRAINING**

- A. All peer support team members will be trained in peer support counseling upon being selected into the program. This training will be selected by the Peer Support **Management Team** based on current best practices. The training for newly appointed peer support team members should be scheduled at the time of selection into the program or shortly thereafter.
- B. Newly selected peer support team members will not participate in peer to peer support until foundational training is complete.
- C. It is highly encouraged that each peer support team member complete additional training recommended by the Peer Support **Management Team** from a program related to peer support/critical incident training to build skills sets and keep up to date on new techniques. Training course options will be identified by the Peer Support **Management Team** and communicated by the **Special Services Division Commander** to the Chief of Police or designee for approval.

#### **2007.6 UTILIZATION**

- A. The department will provide peer support for employees who are involved in personal or professional crisis. Public safety employees are frequently impacted by various traumas and critical incidents to which they are exposed, and may be impacted by personal stresses as it relates to their profession.
- B. A peer support team member is a specially trained colleague, **not** a professional counselor or therapist. Peer support team members will be trained to recognize and refer cases that require professional intervention that are beyond their scope of training.

- C. The Peer Support Program will not be used to take the place of professional treatment programs, such as Employee Assistance Networks or personal providers, but is available to augment such programs.
- D. Any incident, action or event which may cause a significant emotional reaction in employees may be reason to use the resources available in the peer support program. Examples of such incidents that may warrant engagement of a peer support team member include, but may not be limited to:
  - 1. Enforcement situations in which employee has fired upon another person;
  - 2. Being fired upon by another person;
  - 3. Use of force situations in which there is a death or serious injury to any person;
  - 4. Situations in which there is serious injury or threat of death to an employee;
  - 5. Death of a fellow employee;
  - 6. Incidents involving children;
  - 7. Incidents involving large number of victims;
  - 8. Stress related to on the job incidents;
  - 9. Incidents involving media coverage; and/or
  - 10. Any other situation having a negative impact upon an employee or the department
- E. Employees may also engage a peer support team member for informal counseling having to do with more personal concerns as it relates to their profession.

#### **2007.7 REFERRAL PROCEDURES**

- A. Peer support referrals can come from a variety of sources, including but not limited to:
  - 1. Self-referrals by employees contacting peer support team members directly to discuss various concerns.
  - 2. Peer initiated referrals submitted to the Peer Support **Team Commander** by way of concerned peers, supervisors, or family members. The Peer Support **Team Commander** may then initiate a peer referral and have a peer support team member actively reach out to an employee.
- B. The Peer Support **Team Commander** will publish the names of peer support team members so that employees wishing to engage in counseling have a list of employees to contact.

- C. Debriefings for employees involved in an incident deemed critical enough by the department to hold such a debriefing may be mandatory.

BY ORDER OF

Tammy Hooper  
Chief of Police



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2010</b>	<b>EFFECTIVE DATE: 9/1/1994</b>
<b>SUBJECT: Emergency Notifications</b>	<b>LAST REVISION DATE: September 1, 1998</b>

**I. Introduction:**

**Emergency notifications are a part of every patrol officer's job function. This policy is designed to provide guidelines for making those notifications.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to make emergency notifications as quickly and efficiently as possible.**

**III. Procedure:**

- A. The medical examiner shall be notified any time an officer investigates a death from any cause. The officer shall contact his supervisor and communications and notify them of the death. Communications shall contact the medical examiner and notify him of the death. Officers should not broadcast the name of the deceased over the radio (including the telephone interconnect on the radio) unless the officer knows for certain that the next of kin have been notified.
- B. Any time that officers encounter a significant road or public utility hazard (downed electric lines, major water main break, etc.), the officer shall contact communications, provide them with the information about the hazard, and have Communications contact the appropriate street department, highway department, or public utility.
- C. Any time a road hazard, public utility hazard, or traffic accident occurs on a main road and will significantly delay or obstruct traffic, the primary officer responding to the scene shall notify his supervisor. If the supervisor judges it necessary, he shall contact the Communications Unit to notify area television and radio stations of the hazard. Communications personnel shall request these media to notify the public and warn citizens to stay away from the scene of the hazard.

**Accreditation Reference:**

This policy covers the following accreditation standard: [41.2.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2050</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Field Interviews</b>	<b>LAST REVISION DATE: June 20, 2007</b>

**I. Introduction:**

**Officers can enhance crime prevention through contacts with selected persons. When properly used, field interviews are of value in developing leads and crime patterns.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to use field interviews for the identification of suspects and the prevention of crime.**

**III. Procedure:**

- A. A field interview is questioning of someone that does not occur in a custodial setting. Officers shall complete a Field Interview Report for field interviews or suspicious vehicle stops and forward to CID.
- B. A field interview is questioning of someone that does not occur in a custodial setting. Officers shall complete a Field Interview Report by use of the Field Contact located in RMS or on MFR for field interviews or suspicious vehicle stops. If neither RMS nor MFR is available, Field Contact cards may be utilized and forwarded to Criminal Investigations Division.

**Accreditation Reference:**

This policy covers the following accreditation standards: [41.2.3](#)

END OF DOCUMENT

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

Chapter: 21 – Personnel

Original Issue: 6/1/1994

Policy: 2102 - Promotions

Last Revision: 8/24/2016

Previously: 1073 - Promotions



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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

2102.1 ROLES AND RESPONSIBILITIES

2102.2 PROMOTIONAL CRITERIA ADVISORY COMMITTEE

2102.3 PROMOTIONAL PROCESS

2102.4 CANDIDATE SELECTION

2102.5 REVIEW AND REAPPLICATION

2102.6 PROMOTIONAL PROBATION

## ASSOCIATED DIRECTIVES

[Eligibility Request Worksheet](#)

[Eligibility Request Worksheet Guidelines](#)

## INTRODUCTION

The purpose of this directive is to establish rules and procedures for the promotion of department members. The promotion of qualified individuals ensures effective and efficient service to the community, and enhances the professionalism of the department and its personnel.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to promote qualified department members in a fair and equitable manner.

## RULES AND PROCEDURES

### 2102.1 ROLES AND RESPONSIBILITIES

- A. The City of Asheville Human Resources Department is responsible for **overall administration** of department promotional processes, including determining required skills, knowledge, and abilities required for promotion. The Human Resources Director has authority and responsibility for the administration of promotional processes per City of Asheville Policy and Civil Service regulations. [34.1.1]

- B. The **Administration Bureau Commander** is vested with the authority and responsibility for administering and coordinating the department's role in promotional processes. The department's role in promotional processes may include: [34.1.1]
  - 1. Coordinating with City of Asheville Human Resources to distribute written promotional announcements.
  - 2. Providing information or resources for the development of elements of the promotional process.
- C. The City of Asheville Human Resources Director is responsible for maintaining the security of promotional process materials and results. [34.1.2 h]

### **2102.2 PROMOTIONAL CRITERIA ADVISORY COMMITTEE**

- A. The Promotional Criteria Advisory Committee (PCAC) is responsible for reviewing and providing recommendations for the promotional processes related to Sergeant, Lieutenant, and Captain positions within the department.
- B. A new PCAC will be selected annually in July.
- C. Members of the committee will be sworn employees selected by peers within their Section. There may be 8 to 10 representatives per committee.
- D. Human Resources representative(s) will attend committee meetings to serve as a resource.
- E. The PCAC will convene as needed when:
  - 1. Minimum qualifications for any rank are to be reviewed, changed or amended;
  - 2. New assessment component exercises are added or deleted; or
  - 3. As determined by the Chief of Police.
- F. Written minutes of committee meetings will be taken and provided to the City Manager, Assistant City Manager, Human Resources Director, Chief of Police, Bureau Commanders, and all committee members.
- G. The PCAC is only advisory in nature and votes on matters presented to the Chief of Police for consideration are not binding.

### **2102.3 PROMOTIONAL PROCESS**

- A. The sworn positions of Sergeant, Lieutenant, and Captain are subject to the promotional process outlined in this policy.

- B. Promotional opportunities will be announced and distributed in writing to sworn personnel in a promotional announcement. Promotional announcements will include minimum qualifications for participation and outline of the assessment components for the respective process. [34.1.4]
- C. The Chief of Police or designee will post the promotional announcement no less than sixty (60) calendar days prior to the start of the process.
- D. City of Asheville Human Resources is responsible for evaluating each applicant's initial eligibility for promotion. This evaluation process includes reviewing each applicant's qualifications to ensure they meet minimum education and experience requirements. [34.1.2 a]
- E. All components of the promotional process will be job-related and nondiscriminatory. [34.1.3]
- F. Officers applying for the position of Sergeant submitting an [Eligibility Request Worksheet](#) will submit completed worksheets to the Recruitment and Career Development Section for review and approval of eligibility. If approved, applicants will be notified of eligibility to continue in the promotional process. Applicants who are denied may appeal the denial to the next level of command with the final decision resting with the Chief of Police. [34.1.2 a]
- G. The Chief of Police will determine the assessment components for each process from the following list:
  - 1. 360 peer review
  - 2. In-basket exercise
  - 3. Panel interview [34.1.2 d]
  - 4. Role play (community meeting, external issue, etc.)
  - 5. Employee issue
  - 6. Problem solving exercise
  - 7. Written exercise
  - 8. Written exam (City of Asheville and APD policies, NG General Statutes, and City of Asheville Ordinances) [34.1.2 b]
  - 9. Presentation on a topic appropriate for the rank being assessed (e.g., budget topics, COMPSTAT information, etc.)
  - 10. Critical incident

- H. Assessment components will be developed by a consultant and tailored to the Asheville Police Department. [34.1.2 c]
- I. If components not listed above are added for a sworn promotional process, the PCAC will be convened prior to the posting of the process.

#### **2102.4 CANDIDATE SELECTION**

- A. Following completion of the promotional process, candidates will be placed into one of the following categories based on their performance as determined by the assessors: *highly recommended*, *recommended*, and *not recommended*. [34.1.5 b]
- B. Names will be listed in alphabetical order for each category and there will be no scores listed with the names.
- C. The category list will be presented to City of Asheville Human Resources Department which will review and validate the results. Once approved, the banded eligibility list of candidates will be presented to the Chief of Police.
- D. The eligibility list will remain active for up to one (1) year from the date it is validated by City of Asheville Human Resources, however, the Chief of Police, in consultation with the Human Resources Director, may extend the list in six (6) month increments for one (1) additional year. [34.1.5 d]
- E. The period for which the list is active will be included in a memorandum from Human Resources to the Chief of Police and to each promotional candidate.
- F. During the effective period of the eligibility list, the Chief of Police will select candidates to be promoted from the *highly recommended* or *recommended* categories. [34.1.5 e]
  - 1. The Chief of Police may review personnel files and/or interview candidates prior to making a promotional selection. If an interview is conducted, all interviewed candidates will be asked the same questions.
  - 2. Should the *highly recommended* category be exhausted prior to the expiration of the eligibility list, the Chief of Police may select candidates from the *recommended* category or direct another promotional process.
  - 3. The Chief of Police reserves the right to select from the *recommended* category, even if there are candidates remaining in the *highly recommended* category with appropriate justification (i.e., disciplinary history, documented poor performance, etc.).

**2102.5 REVIEW AND REAPPLICATION**

- A. Once the eligibility list has been validated, candidates will be granted the opportunity to receive feedback on their performance during the promotional process. These reviews must be coordinated through City of Asheville Human Resources. [34.1.2 e]
- B. Candidates wishing to appeal results of a promotional process or element may do so through the City of Asheville grievance process. [34.1.2 e]
- C. There are no reapplication restrictions. Eligible candidates desiring to participate in a subsequent promotional process are required to reapply per the instructions on the promotional announcement each time a promotional opportunity is scheduled. [34.1.2 f]

**2102.6 PROMOTIONAL PROBATION**

- A. All employees promoted to a higher rank will be placed on probation for a period of six (6) months. [34.1.6]
- B. Employees who fail to successfully complete their probationary period may be permitted to return to the rank from which they were promoted. This situation, should it occur, will be addressed on a case-by-case basis, and decisions will be made by the Chief of Police depending upon the reason(s) for the unsatisfactory completion of the probationary period.

BY ORDER OF:



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 21 – Personnel

**Original Issue:** 6/1/1999

**Policy:** 2103 - Specialized Assignments

**Last Revision:** 2/14/2018

**Previously:** 1310 – Specialized Assignments

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

2103.1 SPECIALIZED ASSIGNMENTS

2103.2 TASK FORCE ASSIGNMENTS

## ASSOCIATED DIRECTIVES

### INTRODUCTION

The purpose of this directive is to provide guidelines for selection of employees seeking appointment to a specialized assignments or investigative taskforces.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to provide a structured, objective process for placement of personnel into specialized assignments as well as the department's participation in and selection of officers for formal, long term, multi-jurisdictional investigative task forces.

### DEFINITIONS

Specialized Assignment: an assignment characterized by increased levels of responsibility and specialized training within a given position classification.

### RULES AND PROCEDURES

#### 2103.1 SPECIALIZED ASSIGNMENTS

- A. Specialized assignments may be created to meet operational needs of the department as indicated by workload assessments or other criteria. Bureau Commanders identifying a need for a specialized unit or assignment may submit recommendations to the Chief of Police for consideration.
- B. Specialized assignment opportunities will be disseminated via e-mail to all eligible department members [16.2.2]



- C. Each specialized assignment announcement will contain, at a minimum, the following:  
[16.2.3 c]
1. Opening / closing date for submitting applications;
  2. Minimum qualifications;
  3. Selection method(s); and
  4. Any special requirements or responsibilities.
- D. Eligible employees wishing to apply for an announced specialized assignment must submit an Application for Reassignment and submit as outlined in the vacancy announcement. The Recruitment & Career Development Section will review all applications to validate that each applicant meets the established minimum qualifications for the posted position.
- E. The selection process for specialized assignments will be submitted to the Chief of Police or designee for final approval prior to the vacancy announcement. Selection processes will include, at a minimum, a panel interview. [16.2.2] [16.2.3 d]
- F. After the selection process is completed, candidates will be placed into one of the following categories: *Highly Recommended*, *Recommended*, or *Not Recommended*.
1. The Chief of Police will make selection of a candidate (or candidates) from the highly and recommended categories.
  2. Candidates in the *Not Recommended* category will not be considered for selection.
- G. Eligibility lists for specialized assignments will remain valid for six (6) months unless otherwise directed by the Chief of Police.
- H. Employees may be removed from specialized assignments at the discretion of the Chief of Police.

### **2103.2 TASK FORCE ASSIGNMENTS**

- A. The Asheville Police Department participates in formal long term multi-jurisdictional investigative task forces meant to enhance investigative capabilities by utilizing the network of information provided by the multiple agencies involved. [42.2.5 a]
- B. To ensure arrest authority, department members in a task force assignment may be designated with additional local, federal and/or state arrest powers, depending on the task force to which they are assigned. [42.2.5 b]
1. Any officer who is deputized/sworn under an outside authority agrees, by signing the deputization form, to abide by all rules of conduct, policies, and procedures of

the agency under whose authority he/she is sworn in addition to the policies of the City of Asheville and Asheville Police Department.

2. Selected officers must abide by any parameters or terms outlined in the written agreement between agencies.
- C. All officers assigned to a task force may be returned to regular duties at any time in the interest of the department, task force or the individual.
- D. Full time task force assignments within the department are limited to a maximum term of three (3) years unless otherwise approved by the Chief of Police. [16.2.3 a,b]
- E. Section Commanders supervising officers assigned to task forces are responsible for evaluating the results of the task force involvement and making a recommendation for continued participation or cessation to the Chief of Police. This evaluation will be conducted, at a minimum, once every two years and will include the following: [42.2.5 c]
1. A brief description of the purpose of the task force;
  2. A review of the authority, responsibilities, and written agreement(s);
  3. Any measurable activities or outcomes (such as number of cases/incidents investigated or participated in and the results of those cases/incidents); and
  4. The benefits to the department to continue participation/operation or justification for cessation.

BY ORDER OF:



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2110</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Special Events</b>	<b>LAST REVISION DATE: June 1, 1998</b>

**I. Introduction**

Every law enforcement agency handles special events such as parades, festivals, etc. The Asheville Police Department has a responsibility to handle these events in a safe and efficient manner.

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to handle special events in a safe and efficient manner.**

**III. Procedures:**

- A. The Special Operations Section Commander or designee is responsible for developing a plan for each special event handled by the Asheville Police Department. The plan shall contain:
1. Designation of a single person as the supervisor and coordinator of the given event;
  2. Written estimates of the amount of traffic expected and alternate routes to be used by those needing to go around the event location;
  3. Any anticipated crowd control problems including crowds around locations which primarily sell alcoholic beverages;
  4. Estimates of the type and extent of criminal activity and possible high crime locations;
  5. Procedures for the use of any special operations personnel;
  6. Any logistical requirements;
  7. Coordination with other units inside the agency;
  8. Coordination with outside agencies such as the Buncombe County Sheriff's Department, NC Highway Patrol, Street Department, etc.;
  9. The approximate number of officers and other employees needed, their assigned hours of work, the areas in which they will work, and the estimated amount of overtime (if any);
  10. The radio frequencies required; copies of any required permits; and
  11. A list of any other special needs.
- B. The Special Operations Division Commander shall keep the original of each plan on file for a minimum of two years. Communications shall keep a copy of each plan until after the

event is finished.

- C. The event coordinator shall complete an after action report summarizing the event and a critique of the event.

Accreditation Reference:

This policy covers the following accreditation standards: [46.1.11](#)

END OF DOCUMENT

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 22 - Training & Career Development    **Original Issue:** 7/1/2005  
**Policy:** 2200 – Training Administration            **Last Revision:** 1/12/2018  
**Previously:** 1070 – Career Development and Retention

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## CONTENTS

INTRODUCTION  
POLICY STATEMENT  
RULES AND PROCEDURES  
2200.1 EMPLOYEE TRAINING  
2200.2 BASIC LAW ENFORCEMENT TRAINING  
2200.3 ORIENTATION TRAINING  
2200.4 REMEDIAL TRAINING [33.1.5]  
2200.5 TRAINING ADVISORY COMMITTEE  
2200.6 TRAINING RECORDS  
2200.7 LESSON PLAN MANAGEMENT

## ASSOCIATED DIRECTIVES

[Policy 2202 – In-Service and Advanced Training](#)  
[City of Asheville Travel Policy](#)  
[City of Asheville Career Development Education Policy](#)

## INTRODUCTION

Training is one of the most important responsibilities in any law enforcement agency. Training ensures employees are better prepared to act decisively and correctly in a broad spectrum of situations and promotes greater productivity and effectiveness. The purpose of this policy is to establish guidelines for the administration and management of the department's training program.

## POLICY STATEMENT

It is the policy of the Asheville Police Department to utilize a training program to develop, support, and advance the skills, knowledge, and abilities of all employees. The department's Recruitment & Career Development Section is responsible for administering all elements of the department's training programs, including verifying that all trainings conform to requirements set forth by the North Carolina Criminal Justice Education and Training Standards Commission (CJETSC) standards.

## RULES AND PROCEDURES

### 2200.1 EMPLOYEE TRAINING

- A. Employees seeking to attend a training course are required to submit a training request via their chain of command for review. Approved training requests will be distributed by e-mail to the employee and their direct supervisor.
- B. All employees must follow procedures set by the Recruitment and Career Development Section for authorization and enrollment in requested trainings. Failure to follow established procedures may result denial of the request or revocation of authorization for attendance.
- C. Approval will be granted based on requests that can be funded and are deemed to be most appropriate for achieving the objectives of the advanced training program. Priorities for department approved training are as follows:
  - 1. Core training requirements.
  - 2. Specialized training for given positions or assignments.
  - 3. Elective training.
- D. Employees assigned to attend authorized training courses (including in-service training courses conducted by the department or an outside agency) are expected to attend 100% of the course. [33.1.2]
  - 1. Employees who are unable to attend an approved and ordered course will immediately notify their supervisor and the Career Development Unit.
  - 2. The Career Development Unit cannot excuse employees from training without approval from the employee's supervisor.
  - 3. Non-compliance with an order to attend training may result in disciplinary action.
- E. Employees attending training must arrive in the appropriate designated attire and bring all necessary equipment as stated in the Training Order.
- F. The department will pay for expenses associated with department approved training courses, including registration fees, lodging, meals, mileage, fees, or materials as outlined in the [City of Asheville Travel Policy](#). The department is not responsible for expenses associated with training courses that have not been approved by the department. [33.1.3]
- G. Training time is considered work time and is credited hour for hour. [33.1.3]
- H. Educational reimbursements for higher education courses are available through City of Asheville Programs, see the [City of Asheville Career Development Education Policy](#). [33.8.4]

## **2200.2 BASIC LAW ENFORCEMENT TRAINING**

- A. All sworn members of the department are required to have successfully completed a Basic Law Enforcement Training (BLET) course approved by the North Carolina Criminal Justice Education and Training Standards Commission (CJETSC).
- B. In addition to successfully completing a BLET course, officers must pass the state exam and obtain certification from the NC CJETSC.
- C. All approved basic training curriculums will be based on the job-tasks of the most frequent assignment of sworn officers who complete BLET. Evaluation techniques will be designed to measure competency in required skills, knowledge, and abilities. [33.4.2 a,b]
- D. The Recruitment & Career Development Section is responsible for maintaining a working relationship with the staff at the NC CJETSC approved academy at the Asheville-Buncombe Technical Community College (AB-Tech) BLET program. [33.2.3]
- E. The department will pay costs associated with tuition, ammuniton, and other related expenses incurred by city employees attending the BLET academy. [33.2.3]
- F. [An orientation handbook will be issued to all new BLET recruits at the time academy training begins. \[33.4.2 c\]](#)

## **2200.3 ORIENTATION TRAINING**

- A. The Recruitment & Career Development Section is responsible for organizing and administering an orientation program for all new department employees. The orientation program will include, at a minimum:
  - 1. Familiarization with the department's role, purpose, goals, policies, and procedures; [33.2.4] [33.7.1 a]
  - 2. Working conditions, rights, and responsibilities of the employee; [33.7.1 b,c]
  - 3. Mental illness awareness training; [41.2.7 d]
  - 4. Training on the department's accreditation process; and [33.5.3]
  - 5. For sworn employees, training in department use of force policies, weapons policies, de-escalation techniques, and all required qualifications in firearms and less-lethal weapons. [1.3.12]

#### **2200.4 REMEDIAL TRAINING [33.1.5]**

- A. Employees who fail to satisfactorily complete a training course may be required to participate in remedial training.
- B. The department may utilize remedial training as a constructive tool to correct a specific job performance deficiency that arise from supervisor evaluation, test or as the result of a corrective action.
- C. Various forms of remedial training are available to be incorporated in a training effort to enhance skills or job knowledge. Supervisors are responsible for coordinating with the Career Development Unit to implement an appropriate remedial training program specific to an employee's identified job performance deficiency.

#### **2200.5 TRAINING ADVISORY COMMITTEE**

- A. The department's Training Advisory Committee purpose is to review department training programs to ensure the needs of the department are met. Membership of the Training Advisory Committee includes: [33.1.1 a] [33.1.1 d]
  - 1. One supervisor and at least one officer from the Patrol Division as selected by the Patrol Division Commander; [33.1.1 b]
  - 2. A supervisor and at least one officer from the Investigations and Operational Support Division as selected by the Investigations and Operational Support Division Commander;
  - 3. A non-sworn supervisor as selected by the Special Services Division Commander;
  - 4. The Special Operations Section Commander; and
  - 5. The Recruitment and Career Development Section Commander (non-voting). [33.1.1 c]
- B. Members of the Training Advisory Committee may be selected and replaced periodically based on rotation of their primary duty assignments as determined by the Chief of Police or Special Services Division Commander. [33.1.1 b]
- C. The Training Advisory Committee may review scheduled training programs and provide recommendations to the Recruitment & Career Development Section Commander, such as: [33.1.1 c,e]
  - 1. Evaluations of current training programs;
  - 2. Analysis or review of training needs/requests throughout the department; and/or
  - 3. Recommendations for new training programs or modifications to current programs.



## **2200.6 TRAINING RECORDS**

- A. The Recruitment & Career Development Section is responsible for updating training records and files for all employees who successfully completed training courses. [33.1.6]
- B. Employees who attend training courses outside the department are responsible for providing certificates of attendance or certifications of completion to the Career Development Unit which is then responsible for updating the employee's training records.
- C. The Career Development Unit is responsible for maintaining records of each training class conducted by the department by retaining copies of all approved lesson plans and course content, names of employees in attendance, and performance of individual attendees as measured by test results, if administered. [33.1.7 a,b,c]

## **2200.7 LESSON PLAN MANAGEMENT**

- A. Lesson plans are required for all training courses or programs conducted by the department. All lesson plans are to include the following elements:
  - 1. A statement of performance and job-related objectives; [33.1.4 a]
  - 2. Content of training material and specification of appropriate instructional techniques; and [33.1.4 b]
  - 3. Identification of any tests used in the training process. [33.1.4 d]
- B. Lesson plans must be approved by the Recruitment & Career Development Section Commander or authorized designee prior to implementation of the training course. [33.1.4 c]

BY ORDER OF



Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 22 – Training & Career Development    **Original Issue:** 7/1/2005  
**Policy:** 2202 – In-Service & Advanced Training    **Last Revision:** 3/20/2017  
**Previously:** 1070 – Career Development and Retention  
1076 – Roll Call Training

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

2202.1 IN-SERVICE TRAINING

2202.2 SPECIALIZED TRAINING

2202.3 SHIFT BRIEFING & ROLL CALL TRAINING [33.5.2]

2202.4 PROMOTIONAL TRAINING [33.8.2]

## ASSOCIATED DIRECTIVES

[Policy 2200 – Training Administration](#)

## INTRODUCTION

This directive establishes the basics for department annual in-service training, required specialized trainings, and regular shift briefings. Ongoing training is imperative to maintaining overall effectiveness of the department and ensuring all employees are adequately prepared to perform their assigned duties.

## POLICY STATEMENT

It is the policy of the Asheville Police Department to train employees to enhance their skills, knowledge, and abilities to better serve the community.

## RULES AND PROCEDURES

### 2202.1 IN-SERVICE TRAINING

- A. All officers are required to complete annual in-service training, to include legal updates. [33.1.2] [33.5.1]
- B. The Career Development Unit is responsible for developing and administering an annual in-service training program [for the department which meets all mandatory training requirements established by the North Carolina Criminal Justice Education and Training Standards Commission \(CJETSC\).](#)

- C. The Communications Manager is responsible for coordinating with the Career Development Unit to ensure all in-service training or mandated training courses are completed by Telecommunicators. [33.7.2]
- D. Department members assigned to conduct department in-service training must be certified criminal justice instructors through the CJETSC.
- E. All department personnel must complete ethics training at least once every two years. [1.1.2]

## **2202.2 SPECIALIZED TRAINING**

- A. Assignments within the department which require specialized training include the following: [33.6.1 a]
  - 1. Traffic Safety Unit Officers must hold Speed Measuring Instrument Operator and Standardized Field Sobriety Testing certifications, as well as receive basic traffic crash investigation training.
  - 2. DWI Taskforce members must be certified in Standardized Field Sobriety Testing and hold a Chemical Analyst permit from the NC Department of Health and Human Services.
  - 3. Canine handlers must attend a basic canine handler course and obtain a USPCA certification.
  - 4. Field Training Officers must attend a Field Training Officer Course.
  - 5. Motorcycle Officers must successfully complete police motorcycle operator training.
  - 6. The Career Development Unit Sergeant must be certified as a General Instructor and In-Service Training Coordinator through the NC CJSTC. [33.3.1]
  - 7. Downtown Unit Officers must receive a Police Cyclist certification and Bicycle Response Team training through the International Police Mountain Biking Association (IPMBA).
  - 8. Members of the Emergency Response Team, Crisis Negotiation Team, and Hazardous Devices Team must complete required training as outlined in their respective policies.
  - 9. Members of the department's Forensic Services Unit must complete a certification through the International Association of Identification (IAI).
  - 10. Property and Evidence Technicians must obtain certification through the International Association for Property and Evidence (IAPE).

- B. Certain civilian positions within the department require supervised on-the-job training upon assignment, such as Forensic Services Technicians, Telecommunicators, Property and Evidence Technicians, and Animal Control Officers. [33.6.1 c] [33.7.2]

**2202.3 SHIFT BRIEFING & ROLL CALL TRAINING [33.5.2]**

- A. The department requires that, whenever practicable, Patrol officers attend shift briefing sessions prior to the beginning of each duty shift to inform officers of the activities of the prior shifts, make assignments, distribute special instructions, disseminate intelligence information and bulletins, inspect uniforms and equipment, and/or provide training sessions of a short duration.
- B. Criminal Investigations Detectives will attend regular briefing sessions as determined by the Investigations and Operations Support Division Commander.
- C. Periodically, joint roll-call training sessions will be conducted by the department to issue and provide training on law enforcement or department procedures to officers within the Operations Bureau.
  - 1. Section Commanders and field supervisors will be responsible for identifying areas of training need or interest.
  - 2. The Recruitment & Career Development Section may assign specific roll call topics.
- D. At the conclusion of roll call training, a completed training roster must be submitted to the Career Development Unit.

**2202.4 PROMOTIONAL TRAINING [33.8.2]**

- A. Officers promoted to the rank of Sergeant will complete a department-approved supervisory field training program, unless such training was completed prior to promotion.
- B. Civilian employees promoted to supervisory positions will complete a department-approved supervisor training program, unless such training was completed prior to promotion.
- C. Officers promoted to the rank of Lieutenant will complete within one (1) year of promotion a department-approved management training program, unless such training was completed prior to promotion.

BY ORDER OF



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2230</b>	<b>EFFECTIVE DATE: 5/15/1994</b>
<b>SUBJECT: Canine</b>	<b>LAST REVISION DATE: 07-27-2012</b>

**I. Introduction:**

**The policy of the Asheville Police Department is to effectively utilize all K-9 resources to aid and assist all elements of the department charged with the delivery of all police services.**

**II. Purpose:**

**The principal function of the K-9 Unit is to provide support to the Patrol Division and to the Criminal Investigation Division to further investigative efforts through building searches, drug detection, explosive detection and tracking, as well as other control and containment functions such as crowd control and special events.**

A. For the purpose of this directive, members of the K-9 Unit and their canine assigned will be charged with the general responsibilities listed below:

1. General Uses:

- a. Tracking of suspects;
- b. Attempting to locate lost persons;
- c. Searches of commercial building and other structures as deemed appropriate by supervisory authority where a felony suspect is believed to be hiding or avoiding apprehension. NOTE: family dwellings (homes, apartments, condominiums, trailers, etc.) will not normally be searched unless appropriate supervisory command has authorized the search to take place and only after every reasonable effort has been made to insure the dwelling is free of innocent persons, children or pets;
- d. Location or detection of articles dropped or hidden by suspects or other persons being sought for criminal or non-criminal purposes;
- e. Affecting the arrest of any individual where probable cause has been established to believe a suspect has committed a felony and where the apprehension of the suspect without the use of canine would pose an unnecessary risk to a member of citizen;
- f. Protection of any member of the department or citizen from imminent threat, injury or death;
- g. Drug detection;
- h. Assist the Explosive Ordinance Detection (EOD) team if recommended by supervisory authority;
- i. Public demonstrations by the K-9 Unit members, as requested;

- j. Explosive detection; and,
  - k. Other activities as directed by supervisory personnel consistent with department policies.
- 2. Other Uses
  - a. Point or area security during dignitary visits or during special operations;
  - b. Scouting and perimeter duties as requested by the Patrol Division; and
  - c. Commander or Command Staff.
- 3. Restrictions
  - a. Any tactical use of the K-9 Unit not specifically authorized above shall be affected only upon the approval of the supervisor in charge of the unit requesting that service.
  - b. Asheville Police Department canines will be used primarily for the apprehension of felons. (This excludes misdemeanor assaults on the handler as the dog is trained to respond without command to intercede in the event this should occur.)

### **III. Duties and Responsibilities of the K-9 Unit**

**Any member assigned to the K-9 Unit shall be required to be familiar with all standards, regulations and procedures on utilization and management of all K-9 resources within the Asheville Police Department. The specific duties and responsibilities of members of the K-9 Unit include the following:**

- A. K-9 Unit members must be available for emergency call out as per established schedules, job requirements, and General Order on emergency call out.
- B. Members of the K-9 Unit will be directly responsible for maintaining control of their canine at all times. Members of the K-9 Unit are responsible for the proper care, health and efficient use of their assigned canine and all assigned equipment.
- C. Any equipment utilized by the K-9 members shall be approved by the Patrol Division Commander prior to use, routine services or under any training mode.
- D. Members assigned to the K-9 Unit shall be directly responsible for the tactical use of their canine unless directed by supervisory authority. Use of the canine for any purpose outside the scope of specific services related to those provided by the Asheville Police Department must be approved by the Division Commander prior to the delivery of any of these services.
- E. The loaning of any canine is strictly prohibited without the authorization of the Chief of Police or the Patrol Division Commander.
- F. Utilization of K-9 Units outside the jurisdiction of the Asheville Police Department and the corporate limits of the City of Asheville shall only be provided with prior approval by the Commanding Officer on duty consistent with other directives and memos of understanding pertaining to the same.
- G. Members of the K-9 Unit should have complete knowledge and proficiency in all directives, memorandum and Standard Operating Procedure pertaining to, involving or specific to K-9 resources.

#### **IV. Duties and Responsibilities of the K-9 Handlers**

- A. Request for the immediate tactical utilization of the services of the K-9 Unit inside the City of Asheville may be made by a supervisor or any officer at the scene of an incident. Requests shall be made through the Communications Center. The Communications Center will dispatch a K-9 unit to the scene.
- B. Use of K-9 Unit outside the City of Asheville
  - 1. Any request for K-9 Unit assistance in areas outside the City of Asheville shall be directed to the Patrol Division Commander or the senior ranking patrol supervisor on duty.
  - 2. No authorization to render assistance to an outside jurisdiction will be granted unless such agency has signed a Mutual Aid Agreement or in an emergency situation with the approval of the senior patrol supervisor on duty.
- C. Suspect Tracking
  - 1. The criminal tracking of a felon or suspected felon will start in the area in which the officer last saw the suspect. If the suspect is located, the K-9 handler must give a k-9 warning, "Police K-9, stop or I will release the dog". If the suspect does not comply, the handler must evaluate the scene and situation to insure there is minimal risk to citizens and other officers before he decides to release the canine.
    - a. If the suspect stops and surrenders the canine will not be released and the suspect will be taken into custody.
    - b. If the suspect does not surrender the handler will release the K-9 for apprehension and arrest the suspect. If the suspect has any injuries, the handler will call for first responder and secure medical attention for the suspect.
    - c. The arrest of the suspect and required warrants and reports are the responsibility of the initiating officer. The K-9 handler is required to fill out a K-9 Use Report. The handler will also have Forensics photograph any injuries.
- D. Building Searches
  - 1. When requested by another department, the K-9 handler will proceed to the location requested in an expedient manner. The officer at scene may give the K-9 warning: "This is the Asheville Police Department, come out now or a K-9 will be sent in to fine you". The officer will notify Communications the warning has been given.
  - 2. Upon arrival on a scene, the K-9 handler will give an additional warning and notify communications warning has been given.
  - 3. the K-9 handler will find an appropriate entrance to the building and the K-9 team will enter the building. He may request another officer to go inside with him for cover.
- E. Family dwellings will be searched only after every reasonable effort has been made to insure that the dwelling is free of innocent persons, children or pets.
- F. Crowd Control
  - 1. A K-9 team may be dispatched to the scene of riots, imminent riots or other unruly public disturbances. The deployment and use of a K-9 Unit in such situations shall

be at the discretion of the handler based upon circumstances which justify such action.

2. Canines should not be used for crowd control or a deterrent effect at the scene of peaceful demonstrations, except by direction of the ranking Patrol Supervisor at the scene.

G. All K-9 handlers will carry out their duties as police officers in addition to their responsibilities as a K-9 handler.

H. Vehicle Drug Searches

1. The K-9 handler will proceed to the location in an expedient manner when requested by another officer of the department.
2. If the K-9 alerts on a vehicle, this constitutes probable cause for a search. The officer (s) may proceed with the search of the vehicle. However, if the vehicle is impounded and under police control, a search warrant must be secured prior to any search of the vehicle.
3. Commercial motor vehicles (CMV) which require a "seal" to be removed for gaining access to the trailer, will be recorded in the K-9 report narrative. If no contraband is located and the vehicle is to be released to the CMV driver, a new "seal" will be provided and affixed by the K-9 Officer. The officer will also record the removal of the old seal and addition of the new one; to include the seal serial number and officer's personnel number on the shipping manifest (and all related documentation which requires the seal number) and K-9 report narrative.
4. If the CMV needs to be transported to an appropriate location to unload the vehicle for a proper search, a CDL driver will be required to drive the vehicle. During normal duty hours the City Garage will be contacted to check for an available driver. After hours (and if no driver is available from the City) a rotation wrecker driver (CDL) will be requested.
5. If contraband is located in a legitimate shipment, attempts to contact the shipper or consignee will be made to preserve the integrity of the product. The method of storage, transportation or disposal of the product will be the responsibility of the contacted party.

I. Lost or Missing Person (s)

1. When requested by another member of the department at the scene of a lost or missing person, the K-9 handler will proceed to the location and Asheville Fire and Rescue (AFR) will be notified.
2. Upon arrival the K-9 Unit will coordinate search activities with officers on scene. The handler will determine the deployment of the K-9 and assist with members of AFR. The AFR OIC will have command and control and establish an EOC upon arrival.

**V. Duties and Responsibilities of other APD Personnel**

A. General Responsibilities

1. There shall be no teasing, petting, or feeding of any police dog by any other police personnel without expressed consent of the K-9 handler. Handlers witnessing this prohibited action will report violations to their immediate supervisor.



2. In the event of any accident or injury to the K-9 handler, another member of the K-9 Unit is to be immediately notified to secure the canine.
  3. If the canine handler is injured, communications will attempt to notify other K-9 personnel to remove the canine and insure the safety of the injured handler. However, the seriousness of the injury may necessitate immediate response by EMS. The senior officer at the scene will make the determination as to the appropriate level of force needed to contain the K-9.
- B. Supervisory members should consult with K-9 handler prior to directing the tactical use of any police canine.
1. Limitations of canine and/or handler shall be provided by the handler to supervisor prior to the execution of any tactics questioned by the handler.
  2. The on-scene supervisor in charge shall consult with the K-9 handler prior to any incident where unusual risk exists for the handler or the canine to determine the most effective appropriate utilization.
- C. Responsibilities of Requesting Officers
1. Searches for suspects or lost persons
    - a. When searching a building, outside area, or when tracking, canines primarily use their keen senses of smell and hearing. Therefore when the services of a K-9 Unit is requested for these missions, every effort must be made by the Officers at the scene to avoid contaminating the area with human scene by the presence of an unnecessary number of people, or by walking over the area likely to contain the suspect's scene.
    - b. The initial officer arriving on the scene of an alarm or burglary in progress should secure the building until a K-9 Unit arrives.
    - c. The initial officers shall not enter the building nor allow anyone else to enter until the area is cleared by the K-9 team.
    - d. No officer will enter the search area until the area has been cleared, unless they are asked to do so by the handler.
    - e. In the even an apprehension is made at the scene, the handler will turn the suspect over to the officer receiving the initial call. The officer requesting the use of the K-9 shall process the person (s) apprehended in a manner consistent with the policies and procedures of the Asheville Police Department.
  2. Drug Detection
    - a. Officers requesting K-9 drug detection should remove any obvious substance, but refrain from further contaminating the area to be searched. Officers will advise the handler of the location of any discovered substance prior to the search.
    - b. Requesting officers will, if feasible, remove the suspects from the immediate area of the search and secure a perimeter around the area, if necessary.
    - c. Suspects will not be searched by the canine nor will any officer make any threat to anyone that a canine is going to be used to search their person.

## **VI. The Explosive Detection Canine (EDC)**

- A. The EDC will be assigned to the Patrol Division. Special assignments will be given as required.
- B. The EDC handler will be notified by communications and respond to the appropriate location. If the K-9 alerts on a suspicious object, the handler will coordinate activities with the Hazardous Devices Team as outlined in [APD Policy 1610](#).

## **VII. K-9 Reports**

- A. Apprehension Reports
  - 1. All use of force reports will be completed by the end of shift.
  - 2. K-9 handlers shall immediately notify an on-duty supervisor when their canine bites any person regardless of the location or incident.
  - 3. Bites occurring in other jurisdictions shall also be reported to the appropriate law enforcement agency of that jurisdiction. The fact that such a report is made and the report number shall be detailed on the required APD report.
- B. When a K-9 Unit is deployed, handler using the dog on a scene in an official capacity, the handler will complete a K-9 use Report.

## **VIII. Training**

- A. A certified K-9 trainer is required to certify initial training on all canines and the handlers.
- B. All K-9 handlers are required to attend scheduled monthly training. All monthly and individual training sessions will be documented and a training file will be maintained on each K-9 team.
- C. EDC Canine Training
  - 1. The K-9 handler assigned an explosives detection canine will train with training aids to ensure competency. Each handler shall be responsible to document their training.
  - 2. Training aids will be stored in a secure location.

## **IX. Handler Selection and Qualifications**

- A. Applicants for the K-9 position will be selected based on experience, job performance, prior disciplinary actions, and an oral interview board.
- B. After selection the handler must successfully complete a basic K-9 handler course.
- C. Officers assigned to the K-9 Unit must successfully complete any retraining or re-certification as required.

## **X. Care of Canines**

- A. All K-9 handlers are responsible for the feeding and care of their K-9. This includes daily feeding and grooming. Officers will be compensated with one (1) hour of pay (at straight time) for each work day.
- B. If a canine requires the services of a Veterinarian, the handler is to make an appointment. Routine medical attention, such as yearly shots or check ups, do not need prior approval. The K-9 Unit supervisor must approve any extraordinary procedures.
- C. The kennels must be kept clean, washed down and free from scattered food, debris and waste. All handlers are required to clean their canine's pen and clean the entire kennel area.

when they observe an unclean condition.

## **XI. Uniforms and Equipment**

### **A. EDC Dog & Handler**

1. One take home vehicle
2. two leashes/food pouch
3. Additional uniforms & equipment as required per Alcohol Tobacco and Firearms (ATF).

### **B. Patrol Dog & Handler**

1. Four (4) navy blue polo shirts with cloth badge and name on front (short sleeve & long sleeve)
  2. Four (4) navy blue BDU pants (511 type)
  3. Four (4) navy blue BDU jump suits with cloth badge and patches
  4. One (1) winter jacket
  5. One (1) pair black gloves
  6. One (1) black rain jacket
  7. Two (2) pair black boots
  8. One (1) set nylon gear consisting of holster, handcuff case, magazine holder, flashlight holder, web belt and handgun flashlight.
  9. One (1) department issued cell phone
  10. Two (2) leather leashes (short)
  11. Two (2) nylon leashes (long)
  12. One (1) tracking harness
  13. Two (2) choke chains
  14. One (1) muzzle
  15. One (1) take home car equipped with the following:
    - a. Car kennel
    - b. dog fan
    - c. Hydraulic bail out door opener
    - d. Radar Unit
    - e. Video Recording Device
  16. One (1) 10' x 10' x 6' enclosed metal framed kennel
  17. dog house 7 feeding supplies
- C. K-9 Officers are required to wear uniforms in accordance with [APD Uniform policy 1120](#) when working secondary employment, appearing in court, off duty or any other assignment without their canine

Note: All personal equipment shall be maintained by the officer.

**XII. K-9 Officers will follow the [APD Use of Force Policy 1030](#). A canine bite is considered a use of force and K-9 officers are responsible for the actions of their canine. Further, K-9 Officers are responsible to call off and physically restrain a deployed canine when the suspect complies or is apprehended.**

**XIII. Disposal of Police Canines**

- A. When a canine in service with the Asheville Police Department is retired due to age, injury, incompatibility or other factors of unfitness, the canine's handler may request the award of the canine at a cost of fair market value from the Purchasing Manager, pursuant to N.C.G.S. 160A-266. If awarded, the handler will sign an agreement releasing the City from liability.

**Accreditation Standards:**

This policy covers the following accreditation standard: [41.1.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2241</b>	<b>EFFECTIVE DATE: 3/25/2002</b>
<b>SUBJECT: Bike Patrol</b>	<b>LAST REVISION DATE: October 15, 2010</b>

**I. Introduction:**

**Officers operating on bicycles have advantages of mobility and visibility while still maintaining personal contact and interaction with citizens. This is an important and effective method of patrol. This directive outlines the department's bike patrol program.**  
[41.1.4a](#)

**II. Procedures:**

- A. District supervisors may utilize uniformed police officers riding bicycles to provide police services including crime prevention, detection and apprehension of violators, public relations and directed patrols that require silent response. [41.1.4b](#)
- B. District supervisor can authorize the use of bicycles in any situation, under any conditions based on the needs of the district. [41.1.4c](#)
- C. Only those officers who have successfully completed department approved training are authorized to ride bicycles while on duty. [41.1.4d,g](#)
- D. Officers assigned to bicycle patrol are responsible for ensuring that the bicycles and associated equipment assigned to their districts are maintained in good working condition. [41.1.4e](#)
- E. Bicycles will be equipped in the following manner. [41.1.4f](#)
  - 1. For Daylight Operation all equipment required by Chapter 20 of the North Carolina General Statutes
  - 2. Night Operation
    - a. All equipment required by Chapter 20 of the North Carolina General Statutes
    - b. Headlight and Blinking tail light
    - c. Headlight
    - d. Blinking tail light
- F. Officers authorized to operate bicycles will be issued the following uniform items in addition to the regular issue specified in the Uniform and Equipment Policy.
  - 1. 1 summer "polo" shirts
  - 2. 1 pair summer bike shorts
  - 3. 1 pair of black tennis shoes
  - 4. 1 pair of lightweight bike pants

5. 1 long sleeve polo shirt
6. 1 bike jacket
7. 1 pair bike gloves
8. 1 bike helmet
9. 1 pair padded inner-shorts

The following accreditation standards are covered by this policy: [41.1.4a](#), [41.1.4b](#), [41.1.4c](#), [41.1.4d.g](#), [41.1.4e](#), [41.1.4f](#)

END OF DOCUMENT

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 23 – Professional Standards

**Original Issue:** 6/1/1994

**Policy:** 2300 - Discipline

**Last Revision:** 6/2/2017

**Previously:** 1022 - Discipline

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

2300.1 AUTHORITY TO DISCIPLINE

2300.2 SELECTION OF APPROPRIATE ACTION

2300.3 ALTERNATIVES TO DISCIPLINE

2300.4 DOCUMENTED VERBAL WARNING

2300.5 WRITTEN WARNINGS

2300.6 DISCIPLINARY SUSPENSION

2300.7 TERMINATION OF EMPLOYMENT

2300.8 PRE-DISCIPLINARY CONFERENCE

2300.9 APPEAL PROCEDURES [26.1.6]

2300.10 RECORDS

## ASSOCIATED DIRECTIVES

[City of Asheville Corrective Action & Discipline Policy](#)

[City of Asheville Grievance Procedure](#)

[Policy 2301 – Administrative Investigations](#)

## INTRODUCTION

The purpose of this directive is to identify those having authority to impose corrective and disciplinary actions, define considerations in determining appropriate action to impose, define the administrative and appeal process, and to describe how related records are to be maintained.

## POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to ensure consistency in the manner in which corrective and disciplinary actions are administered. All members of the department are subject to corrective action and discipline under this directive and City of Asheville policy.

## DEFINITIONS

[Coaching Session](#): a non-punitive, non-disciplinary remedial action used to correct minor work performance deficiencies

Disciplinary Action: punitive action used to deter employee misconduct and to stop repeated work performance deficiencies. Examples of disciplinary actions include documented verbal warnings, written warnings, disciplinary suspensions, or dismissal from employment.

Grievance: a complaint or dispute of an employee relating to his/her employment, including unfair interpretation or application of policies governing personnel practices and unfair or inappropriate disciplinary actions.

Inappropriate Personal Conduct: behavior of such a detrimental nature that the functioning of the City may be impaired, the safety of persons or property may be threatened, or the laws of the government may be violated.

## **RULES AND PROCEDURES**

### **2300.1 AUTHORITY TO DISCIPLINE**

- A. Supervisors and above are authorized to impose the following disciplinary actions as established by City of Asheville Policy, including: [26.1.5]
  - 1. Oral/written reprimands; and
  - 2. Suspension without pay not to exceed one (1) work shift.
- B. Division Commanders and above are further authorized to issue discipline which involves suspension without pay up to five (5) work shifts. [26.1.5]
- C. Only the Chief of Police may impose discipline which involves suspension without pay exceeding five (5) work shifts, or which involves probation, demotion, or dismissal. Suspensions of ten (10) or more consecutive work shifts, demotion, or dismissal may only be imposed after consultation with the Human Resources Director. [26.1.5]
- D. Disciplinary actions may be taken against an employee for the following: [26.1.4 c]
  - 1. Unsatisfactory job performance as stipulated in the City of Asheville Personnel Policy and Civil Service Rules and Regulations; for example: inefficiency, negligence, or incompetence in the performance of duties, absence without approved leave, or habitual pattern of failure to report for duty at assigned times and place.
  - 2. Inappropriate personal conduct as defined by City of Asheville Personnel Policy, Article 6, Section 61; for example: brutality in the performance of duties, use of impairing substances while on duty, harassment, or explicit sexual activity while on duty.
  - 3. Violation of Asheville Police Department rules of conduct or department directives.



4. Violation of law or ordinance which results in the suspension or revocation of law enforcement certification made by the NC Department of Justice Criminal Justice Standards Division.
- E. All disciplinary actions will be forwarded through the employee's chain of command.
- F. Supervisors are authorized to issue verbal counseling and coaching sessions to address performance concerns with the concurrence of the Division Commander and after requesting and reviewing the employee's concise history from the Professional Standards Section.
- G. Supervisors should consider reviewing and consulting with a City of Asheville Human Resources representative and the Professional Standards Section when preparing corrective action documentation.

### **2300.2 SELECTION OF APPROPRIATE ACTION**

- A. When appropriate, supervisors should consider coaching, counseling and/or remedial training prior to imposition of discipline.
- B. Supervisors must be fair and consistent in the application of discipline or corrective action, and should consider the following:
  1. The seriousness of the misconduct or deficiency;
  2. The circumstances surrounding the incident;
  3. The employee's length of service, disciplinary records, and work performance; and
  4. Overall negative impact on the department as a result of the misconduct or deficiency.

### **2300.3 ALTERNATIVES TO DISCIPLINE**

- A. Remedial training may be implemented on its own, combined with, or take the place of, other components of discipline to improve performance deficiencies. [33.1.5] [26.1.4 a]
- B. The Employee Assistance Network (EAN) is available to assist all City of Asheville Employees. Mandatory referrals may be issued as a result of job performance or conduct which may include, but is not limited to, issues which result in the employee no longer being able to safely or effectively perform his/her duties; and/or overall negative changes in job or personal habits that are affecting the employee's workplace performance.
- C. Coaching sessions may be conducted to address minor misunderstandings or performance errors where discipline is not warranted. [26.1.4 b]

1. Coaching sessions used to address performance issues should not be used for violations of clearly stated and understood policy or processes, inappropriate personal conduct, or performance problems where expectations are clearly understood.
2. The supervisor should identify and define the area needing improvement, offer guidance as to how improvement can be achieved, and ensure the employee understands the department's expectations.
3. Coaching sessions will be documented on the [City of Asheville Coaching Session Form](#) and maintained in the employee's department personnel file.

#### **2300.4 DOCUMENTED VERBAL WARNING**

- A. A documented verbal warning is the lowest form of formal discipline to be issued when:
  1. Coaching Session(s) has/have not resulted in the expected improvement;
  2. A employee exhibits repeated non-compliance to department policies and procedures; or
  3. An employee commits a more serious offense.
- B. Documented verbal warnings will be recorded on the City of Asheville [Corrective Action Form](#) and forwarded to City of Asheville Human Resources to be placed in the employee's personnel file. A copy will also be maintained in the employee's departmental personnel file. [26.1.8]
- C. Documented verbal warnings will include a description of the incident(s) of misconduct or job performance issues that includes, but is not limited to: specific dates and times, locations, policies and/or procedures violated and personnel involved. Methods to correct the problems should be discussed, agreed upon, and documented. [26.1.4 c]
- D. Documented verbal warnings must clearly define areas for improvement and any violations of policy, procedure, values, or standards of performance.

#### **2300.5 WRITTEN WARNINGS**

- A. When one or more verbal warning sessions have failed to correct the performance problem or in situations where more severe disciplinary action is warranted the employee should be presented with a statement of the problem on a [City of Asheville Corrective Action Form](#).
- B. The form will include a description of the incident(s) of misconduct that includes, but is not limited to: specific dates and times, locations, policies and/or procedures violated and personnel involved. It will also include a summary of the action to be taken (Written Warning 1, 2, or Final) and any previous corrective actions. [26.1.4 c]

- C. It is at the supervisor's discretion, with the concurrence of the Chief of Police, to determine the next step in the disciplinary process.
- D. Where appropriate, the employee should be provided a statement of applicable department or City policy and made aware of potential consequences for failure to improve performance.
- E. All written warnings will be forwarded to the City of Asheville Human Resources department to be stored in the employee's personnel file. A copy will also be maintained in the employee's departmental personnel file. [26.1.8]

### **2300.6 DISCIPLINARY SUSPENSION**

- A. An employee may be placed on disciplinary suspension without pay for a prescribed period of time for the following: [26.1.4 c]
  - 1. When employee's misconduct or work performance issues continue following the implementation of disciplinary actions; and/or
  - 2. When the offense is serious in nature.
- B. Supervisors should have a formal conversation with the employee concerning the nature of the violation and instructed as to the length of the suspension based on 8 hour work days.
- C. Employees should be informed that disciplinary suspension, along with a final written warning, is typically the last step prior to dismissal.

### **2300.7 TERMINATION OF EMPLOYMENT**

- A. Termination of employment is a complete and final separation from the department. Terminations may occur for, but not limited to, the following reasons: [26.1.4 c]
  - 1. Previous disciplinary actions have not corrected the employee's unacceptable conduct or work performance issues.
  - 2. In circumstances where misconduct has rendered the employee immediately unsuitable for further employment.
- B. If an employee is dismissed from the department, the employee must be provided with a written statement of the following information:
  - 1. The reason for dismissal; [26.1.7 a]
  - 2. The effective date of the dismissal; and [26.1.7 b]

3. Contact information for the City of Asheville Human Resources Department or documentation on status of any fringe and retirement benefits after dismissal [26.1.7 c]

### **2300.8 PRE-DISCIPLINARY CONFERENCE**

- A. As outlined in [Asheville City Ordinance Sec. 2-230](#) and City of Asheville Personnel Policy, a departmental pre-disciplinary conference will be afforded to any full-time permanent employee whose conduct or performance may result in involuntary demotion, suspension without pay for more than ten (10) consecutive work shifts or dismissal from city service.
- B. All provisions of the grievance procedure regarding appeal to the city manager and the civil service board will be applicable.

### **2300.9 APPEAL PROCEDURES [26.1.6]**

- A. Any [full-time permanent](#) employee who is disciplined may appeal the disciplinary action in accordance with the [City of Asheville Grievance Procedure](#) and [Asheville Civil Service Law](#).
- B. Any department employee may request a meeting with the Chief of Police for discussion of the imposed disciplinary action prior to filing a grievance.
- C. Complete appeal procedures and Civil Service information are located in the City of Asheville Personnel Policy, Article, 7, Sec. 68.

### **2300.10 RECORDS**

- A. Copies of all supporting documentation for all actions deemed disciplinary in nature may be placed in the employee's department personnel file, City of Asheville Human Resources file, and if applicable, in the corresponding administrative investigation case file. [26.1.8]
- B. The Professional Standards Section will ensure that all records described in this section, [to include grievance records](#), are maintained and controlled in a secured manner. [25.1.2] [26.1.8]
- C. [Annually, the Professional Standards Commander will conduct an analysis of the department's grievances, as well as supporting policies and practices for submission to the Chief of Police.](#) [25.1.3]
- D. [Access to records described in this section and authorized contents of same, will be duplicated, disclosed and released, retained and purged, in accordance with the laws set forth by the State of North Carolina.](#)

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 23 – Professional Standards

**Original Issue:** 9/1/1993

**Policy:** 2301 – Administrative Investigations

**Last Revision:** 3/9/2018

**Previously:** 1021 – Professional Standards

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

DEFINITIONS

RULES AND PROCEDURES

2301.1 AUTHORITY AND RESPONSIBILITIES

2301.2 COMPLAINT RECEIPT

2301.3 INVESTIGATION ASSIGNMENT

2301.4 INVESTIGATION PROCESS

2301.5 SUSTAINED COMPLAINTS

2301.6 SPECIAL PROCEDURES

2301.7 INVESTIGATIVE SUSPENSION & ADMINISTRATIVE DUTY

2301.8 TEMPORARY RELIEF OF DUTY

2301.9 RECORDS AND CONFIDENTIALITY

APPENDIX A

## ASSOCIATED DIRECTIVES

[SOP 3002 – Blue Team Reports](#)

## INTRODUCTION

The purpose of this policy is to inform employees and the public of procedures for accepting, processing, and investigating complaints concerning allegations of employee misconduct. This policy defines provisions applicable to citizen or internal complaints of employee misconduct and administrative investigations.

## POLICY STATEMENT

Establishment of procedures for investigating allegations of employee misconduct is crucial to demonstrate and protect the department's integrity. The Asheville Police Department (APD) will accept and investigate fairly and impartially all complaints of employee misconduct to determine the validity of allegations and to impose any disciplinary actions that may be justified in a timely and consistent manner.

## DEFINITIONS

Administrative Investigation: an investigation conducted by Professional Standards or another department supervisor for internal administrative purposes related to allegations of misconduct.

Complaint: an internal or external allegation of employee misconduct and/or violation of law or department policy.

Performance Concern: an issue regarding performance which does not rise to an allegation of misconduct or require an administrative investigation (e.g. tardiness or equipment maintenance issues).

Performance Documentation: submitted internal report(s) outlining an identified performance concern.

Serious Misconduct: an act or failure to act that constitutes a breach of civil rights, brutality, corruption, criminal misconduct, excessive or inappropriate use of force, dishonesty, unbecoming conduct, or other similar serious violation(s).

Verbal Counseling: a private discussion between a supervisor and employee to address performance concerns.

## RULES AND PROCEDURES

### 2301.1 AUTHORITY AND RESPONSIBILITIES

- A. Responsibility for departmental disciplinary actions rests with the Chief of Police or designee. [26.1.5]
- B. Supervisors of this department will perform duties and assume the obligations of their rank or position in the investigation of complaints or allegations of misconduct.
- C. Supervisors are authorized to issue verbal counseling and coaching sessions to address performance concerns with the concurrence of the Division Commander and after requesting and reviewing the employee's concise history from the Professional Standards Section.
- D. It will be the duty of all employees to cooperate fully with investigators assigned to conduct investigations.
  1. All employees will truthfully answer all questions directed to them by investigators, supervisors, or commanders, as well as furnish written statements upon request.
  2. Employees must provide all pertinent information of which they may have knowledge that is related to the investigation in question.

3. Employees will not encourage any other person to withhold information or to provide untruthful information during any investigation.
- E. The Professional Standards Section Commander reports directly to the Chief of Police and is responsible for: [26.2.3]
1. Compiling an annual statistical summary on department administrative investigations. This summary will be made available to the public and to department employees. [26.2.5]
  2. The coordination of the grievance procedures to ensure compliance with City of Asheville Grievance Policy and the maintenance and control of grievance records. [24.4.3]

### **2301.2 COMPLAINT RECEIPT**

- A. The department will receive, document, investigate, and resolve all complaints against the department or any of its employees, regardless of the manner in which the complaint is received. This includes acceptance of anonymous complaints. [26.2.1]
- B. Individuals from the public may submit complaints or concerns in any form, including in writing, by e-mail, in person or by telephone. Employees will never advise a citizen that a complaint must be made in writing.
- C. Department employees receiving complaints against other department members must immediately notify a supervisor.
- D. Supervisors receiving or initiating a complaint or administrative investigation against an employee must complete a [Citizen Complaint Form](#) or internal incident report (see [SOP 3002 - Blue Team Reports](#)) and submit it to the next level in the chain of command to be forwarded to the Professional Standards Section Commander. If a complaint includes allegations of serious misconduct, the Professional Standards Section Commander must be notified as soon as possible.
- E. The Professional Standards Section Commander will notify the Chief of Police as soon as practical upon receiving complaints involving allegations of serious misconduct. The Chief of Police will be notified of other less serious complaints during regular briefings by the Professional Standards Section Commander. [26.3.2]
- F. If, for reasons regarding impartiality or the need for confidentiality, any person believes that a complaint may not be handled properly if reported through the normal channels they may report directly to the Professional Standards Section Commander, or if necessary, the Chief of Police.



- G. The Professional Standards Section will notify the complainant that their complaint has been received. Notification may be made in person, by mail, e-mail or telephone and will be documented in the file. [26.3.4 a]
- H. The Professional Standards Section will assign a control number to the investigation and either forward the complaint for investigation by a supervisor or initiate a Professional Standards investigation.

### **2301.3 INVESTIGATION ASSIGNMENT**

- A. The Professional Standards Section Commander has the authority and discretion to refer any administrative investigation to Division Commanders for assignment. [26.3.1 a]
- B. Administrative investigations to be conducted outside of Professional Standards will be forwarded to the appropriate Division Commander and/or Section Commander for assignment. The responsible Division or Section Commander will promptly assign a supervisor to investigate the case. Generally, complaints of lesser severity will be investigated by the employee's immediate supervisor.
- C. Generally, allegations of serious misconduct or administrative investigations involving multiple Divisions or Sections will be investigated by Professional Standards. Complaints that must be investigated by Professional Standards include, but are not limited to: [26.3.1 b]
  - 1. Use of excessive force resulting in injury;
  - 2. Use of deadly force;
  - 3. Alleged employee conduct of a real or potentially criminal nature;
  - 4. Breaches of civil rights; and/or
  - 5. Incidents likely to result in civil litigation.
- D. Allegations of excessive force will be reviewed as criminal matters prior to the initiation of an administrative investigation.

### **2301.4 INVESTIGATION PROCESS**

- A. The Professional Standards Section or investigating supervisor will, except in those cases where confidentiality is necessary to the investigation, notify the employee of the complaint as soon as practical. Employees notified that they have become the subject of an administrative investigation must be provided with a copy of the citizen complaint and/or internal incident report and the employee's rights and responsibilities relative to the investigation. [26.3.5]

- B. Should an administrative investigation being conducted outside of the Professional Standards Section at any time reveal evidence of criminal conduct, all available information must be forwarded to the Professional Standards Section Commander and Chief of Police as soon as possible.
- C. The department will make every effort to fully investigate all complaints within sixty (60) calendar days of reception of the complaint or internal incident report. [26.3.3]
- D. The Professional Standards Section will ensure that the employee being investigated is provided written notification of any delay that extends the conclusion of the investigation beyond the sixty (60) calendar day time period. These communications will be recorded in the case file.
- E. The Professional Standards Section Commander will notify the complainant concerning the status of the complaint(s) against the department or its employee(s) every 60 calendar days and/or at the conclusion of an investigation. Status notifications will be provided in writing whenever possible and recorded in the case file. [26.3.4 b,c]
- F. Administrative investigations conducted outside of the Professional Standards Section must be completed and approved by the responsible Division Commander and forwarded to Professional Standards Section Commander for review within 45 calendar days. Requests for an extension must be submitted in writing to the Professional Standards Commander from the Division Commander. The Professional Standards Section will submit completed investigations to the Chief of Police or designee for final review. [26.3.3]
- G. Interviews will be conducted with involved employee(s), and whenever possible, any witnesses.
  - 1. Whenever possible, questioning of employees or witnesses will be recorded.
  - 2. Questioning of employees under administrative investigation will take place at a reasonable time and place as designated by the investigating officer, preferably during the employee's normal duty hours. Employees will be compensated for interviews conducted outside of their normal schedule.
  - 3. Prior to questioning, the employee under administrative investigation must be informed, in writing, of the nature of the allegations against him/her and the name of the complainant. Employees must also be provided an admonition form, to include the following information:
    - a. Refusal to answer questions in an administrative investigation may result in disciplinary action, including termination.

- b. The employee has no constitutional right to refuse to answer questions relating to the investigation, because nothing he or she says in response to questions can or will be used against him or her in a criminal prosecution.
- H. At the conclusion of an administrative investigation, the investigator will submit an investigative report which will include a finding of fact and recommend that the investigation be classified with one of the following dispositions:
1. Unfounded – the allegation is demonstrably false or not factual.
  2. Exonerated – the incident occurred but was lawful and/or proper.
  3. Not Sustained – there is insufficient evidence either to prove or disprove the allegation.
  4. Sustained – the allegation is supported by sufficient evidence.
  5. Policy Failure – the allegation is true and the action of the employee was within existing policy. The policy requires review or modification.
- I. All final administrative investigative reports will be submitted in the format specified in Appendix A, along with all supporting documentation. [26.3.8]
- J. Upon completion of the Professional Standards review, all investigation reports will be forwarded to the Chief of Police or designee who will determine the final disposition or return the report for further investigation.
- K. The final results of all administrative investigations, including dispositions, will, upon approval of the Chief of Police, be conveyed by the Professional Standards Commander to the employee and/or his or her supervisor.
- L. Criminal investigations involving a department employee will not be conducted by Professional Standards, but will be referred to the appropriate criminal investigative unit or agency as directed by the Chief of Police.
- M. Criminal and administrative investigations must be conducted separately. The Chief of Police may elect to conduct both administrative and criminal investigations simultaneously, or may elect to delay the administrative investigation until the criminal investigation is complete.

### **2301.5 SUSTAINED COMPLAINTS**

- A. If the finding is sustained for any alleged policy violation, the Division Commander will recommend the appropriate disciplinary action and forward the recommendation to Professional Standards and Bureau Commander with the investigative findings. Final approval of all discipline rests with the Chief of Police or designee.

- B. Unless already afforded a pre-disciplinary conference by City of Asheville Ordinance, employees may present a response to the Chief of Police or designee prior to the imposition of any recommended discipline resulting from an administrative investigation. Employees must submit the request to meet with the Chief of Police or designee to their supervisor and the Professional Standards Section Commander within 48 hours of receiving notice of the discipline.
1. The Professional Standards Section will notify the employee and the employee's chain of command up to the Bureau Commander of impending disciplinary action(s).
  2. The response is not intended to be an adversarial or formal hearing.
  3. The employee may offer any additional information or mitigating factors for the Chief of Police or designee to consider regarding the investigation.
  4. After the meeting, the employee and the employee's chain of command up to the Bureau Commander will be notified by the Professional Standards Section of the Chief of Police or designee's decision regarding discipline.
- C. When a supervisor receives written notification from Professional Standards instructing him/her to impose disciplinary action, the supervisor must implement the disciplinary action by the established due date, or contact the Professional Standards Commander to justify any delay.
1. Supervisors must submit the disciplinary action issued through their respective chain of command, noting the date of completion and forwarding originals to the Professional Standards Commander.
  2. If training is required as part of the disposition, the supervisor will send the original memorandum back noting the date training is scheduled, and must send a follow-up memorandum to the Professional Standards Commander with documentation of the completed training.

### **2301.6 SPECIAL PROCEDURES**

- A. With approval from the Chief of Police, any employee under administrative investigation may be required to submit to any of the following when relevant to the investigation:
1. Medical and/or laboratory examination(s); [26.3.6 a]
  2. Polygraph examinations; [26.3.6 f]
  3. Audio or video recordings; [26.3.6 c]
  4. Submission of a financial disclosure statement; [26.3.6 e]

5. Photographs of the employee and/or participation in a lineup if an identification procedure is necessary and is used solely for administrative purposes. [26.3.6 b,d]
- B. Certain areas, such as an employee's assigned desk, offices, and vehicle, may be inspected at any time where employees do not have a reasonable expectation of privacy to those areas.
- C. When it becomes known that a law enforcement investigation has been initiated regarding real or possible criminal violation(s) involving an employee or that a warrant has been issued or served on an employee, in any jurisdiction, the information will be immediately directed to the on-duty Watch Commander. The Watch Commander must notify the Professional Standards Commander or designee as soon as practical.

### **2301.7 INVESTIGATIVE SUSPENSION & ADMINISTRATIVE DUTY**

- A. The Chief of Police may place an employee on an investigative suspension to temporarily remove an employee from work status during an investigation. Investigative suspension will be paid and does not constitute a disciplinary action. [26.3.7]
  1. Employees placed on investigative suspension under this section remain subject to all department rules, policies, and procedures.
  2. Employees on investigative suspension are to remain available to be called during normal business hours and will provide a contact number at which they can be reached.
- B. The Chief of Police may place sworn employees on administrative duty during an investigation. Employees placed on administrative duty may have their police powers temporarily suspended at the discretion of the Chief of Police, and will be temporarily reassigned within the department. Administrative duty will be paid and does not constitute a disciplinary action.

### **2301.8 TEMPORARY RELIEF OF DUTY**

- A. Any department supervisor, with the concurrence of the Division Commander, on-duty Watch Commander, or Professional Standards Commander may temporarily relieve an employee of duty for any of the following reasons: [26.3.7]
  1. Physical or mental impairment which might render the employee incapable of adequately performing duties;
  2. Involvement in the use of deadly force;
  3. Use of force which results in serious injury to another person;
  4. Allegations of violations of criminal law; and/or

5. Reasonably, and in the supervisor's judgement, such action is in the best interest of the department.
- B. As soon as possible after temporarily relieving any employee of duty, the imposing supervisor must notify the employee's supervisor (if different from the imposing supervisor), and the Professional Standards Commander who will notify the Chief of Police.
- C. An employee temporarily relieved of duty under this section will be required to report to Professional Standards, accompanied by their supervisor and the supervisor who imposed the relief from duty, on the next business day at a time set by the Professional Standards Commander unless otherwise directed by a competent authority.

### **2301.9 RECORDS AND CONFIDENTIALITY**

- A. All administrative investigations are confidential and may not be disclosed to anyone except as outlined in this policy or with the written permission of the Chief of Police.
- B. All supervisors conducting administrative investigations are responsible for keeping all active complaints and related material confidential. No material will be left unattended or in an unsecured location. [26.2.2]
- C. Case investigation files will be retained by Professional Standards in a secure area and in accordance with established records retention schedules. [26.2.2]
- D. Records of formal disciplinary actions will be retained in an employee's department personnel file in accordance with applicable records retention schedules. The City of Asheville Human Resources Department will also retain copies of disciplinary actions in accordance with city procedures.
- E. At the conclusion of an investigation, any employee may review the investigative case file where he/she was the principal subject of investigation, to include before a scheduled pre-disciplinary conference. The employee must arrange the file review with the Professional Standards Commander.
  1. The Professional Standards Commander will schedule the requested file review within a reasonable amount of time and during the employee's normal work schedule.
  2. The review will be conducted in the presence of the Professional Standards Commander.
- F. An audit and inspection of administrative investigation files will be conducted each time a new Professional Standards Commander is appointed. This audit will be conducted by a Bureau Commander or designee, and both the outgoing and incoming Professional Standards Commander will be present.

APPENDIX A



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**MEMORANDUM**

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**DATE:** [January 1, 2016]  
**TO:** Tammy Hooper  
Chief of Police  
**FROM:** [Investigator Name]  
[Investigator Rank/Assignment]  
**COMPLAINT:** C16-[complaint #]  
[Employee's Name]  
**COMPLAINANT:** [Complainant's Name]

**SUMMARY OF COMPLAINT**

This section should detail the alleged violation(s). Cite the appropriate directive and concisely state the allegation.

**INVESTIGATION**

Provide a report of the investigation: who, what, when, where, why, how and include statements. Outline when the complaint was filed and by whom/what means and include a brief background on the circumstances that lead to the incident being investigated. For example:

*On January 1<sup>st</sup> at 0900 hours, Officer #1 was called to the Resource Station to handle a larceny report. Officer #1 arrived and spoke to the complainant who claims the officer was rude and discourteous and refused to take the report...*

List the date and time each person received a notice of complaint.

Include a synopsis of any interviews conducted with any witnesses or officers. Multiple Interviews should be separated by headers for example:

Interview of Officer #1

Example: *On [Date], I interviewed Officer \_\_\_\_\_. Officer \_\_\_\_\_ received and signed an admonition form. The interview was recorded and a transcript is attached to this report ... [summary of the interview should follow].*

Interview of Officer #2

[Interview summary]

If applicable, provide a summary of any relevant communications, records or radio/video recordings. Whatever is being cited must be identified exactly, where it was obtained and why it has meaning in the case. Be clear about its relevance and say what it shows, proves, etc. If there are multiple records list similarly to the interviews, for example:

Officer #1 In-Car Camera Video Summary

[Summary of video footage]

Officer #2 Body Camera Video Summary

[Summary of video footage]

Radio Traffic Recording

[Summary of radio traffic]

Automatic Vehicle Locator (AVL) Information

[Summary of AVL information]

**FINDING OF FACT**

Describe the results of the investigation and findings of fact. This should be used to outline the conclusion of the investigator without restating the investigation again. There should be a clear statement as to if the evidence proves or fails to prove the allegation(s).

Separate conclusions must be drawn about each separate allegation, some allegations may be proven while others are not.

When an accusation of one policy violation was not sustained, but the investigation uncovered violation of a separate but related policy, this must be documented and clarified.

Clearly site the policy being violated, for example:

*Officer \_\_\_\_\_ violated the Rules of Conduct Policy; Integrity (truthfulness I-11), which states \_\_\_\_\_ when he/she \_\_\_\_\_.*

**RECCOMENDATIONS**

This section should clearly state the investigators recommendations for dispositions on the complaint. This section is not for recommendation of discipline. Options for recommendations may be any of the following as defined in policy: Sustained, Not Sustained, Policy Failure, Exonerated, or Unfounded.

Recommendation example (if there were multiple allegations, all must be listed separately):

*I recommend that the allegation of \_\_\_\_\_ against Officer \_\_\_\_\_ be classified as **unfounded**.*



**ATTACHMENTS**

List all supporting documentation attached.

Example of an attachment list:

- 1) *Original complaint*
- 2) *Concise Officer history (Blue Team Report)*
- 3) *Investigative report*
- 4) *Citizen Report of Employee Action*
- 5) *Interview transcripts/admonition forms/Notice of Complaint*
- 6) *Incident report*
- 7) *Use of force report*
- 8) *CD/DVD-R files*
- 9) *COBAN video summaries*
- 10) *All reports (AFD report, BCDC report, EMS report)*
- 11) *Tow Sheet*
- 12) *CAD report*
- 13) *Applicable policies*
- 14) *Emails*
- 15) *AVL Listings*
- 16) *Investigative notes*

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**SIGNATURE PAGES**

Comments and signatures page(s) for review through the employee’s chain of command. These sections should be spaced out on pages and spaced accordingly to allow reviewers adequate space for comments and recommendations.

Concur    Do not Concur

---

[Lieutenant’s Name]  
[Section]

Date

Concur    Do not Concur

---

[Captain’s Name]  
[Division]

Date

Concur    Do not Concur

---

[Deputy Chief's Name] Date  
[Bureau]

**Professional Standards Review**

---

Date

**Chief's Review:**

---

Tammy Hooper Date  
Chief of Police

**Final Disposition**

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Tammy Hooper Date  
Chief of Police

# ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

**Chapter:** 23 – Professional Standards

**Original Issue:** 5/23/2002

**Policy:** 2302 - Early Warning System

**Last Revision:** 2/20/2017

**Previously:** 1020 – Early Warning System

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## CONTENTS

INTRODUCTION

POLICY STATEMENT

RULES AND PROCEDURES

2302.1 CRITERIA FOR REVIEW

2302.2 REVIEW PROCESS

2302.3 PERFORMANCE IMPROVEMENT PLANS

2302.4 SYSTEM EVALUATION

## ASSOCIATED DIRECTIVES

### INTRODUCTION

This policy established guidelines for a Personnel Early Warning System (EWS) is a pro-active, non-disciplinary system that seeks to identify and positively influence conduct or performance-related problems exhibited by individual employees.

### POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to maintain a Personnel Early Warning System to provide systematic reviews of specific, significant events involving agency employees.

### RULES AND PROCEDURES

#### 2302.1 CRITERIA FOR REVIEW

- A. An automatic review of employee performance will be initiated whenever an employee:  
[35.1.9 a]
1. Receives three (3) or more citizen or internal complaints within a twelve month period;
  2. Is involved in six (6) or more use of force or pursuit incidents within a twelve month period; and/or
  3. Is determined to be at fault in two (2) or more department vehicle collisions within a twelve month period.

- B. Supervisors may submit a request for an early warning review through the chain of command to the Professional Standards Commander. Examples of events which may be used to identify circumstances warranting a review may include: [35.1.9 b]
1. A pattern of questionable use of force;
  2. An unusual pattern or excessive number of citizen complaints/concerns or administrative investigations;
  3. An unusual pattern or excessive number of officer-involved traffic accidents; and/or
  4. Deterioration in quantity or quality of work.
- C. The Professional Standards Section may initiate an Early Warning Review through an evaluation of pertinent collected materials when a level or frequency of established incidents indicate a review of employee's actions is necessary. These materials may include, but are not limited to: [35.1.9 a]
1. Department performance evaluations;
  2. Administrative investigation documentation;
  3. Citizen complaints;
  4. Disciplinary actions;
  5. Use of force or pursuit documentation; and/or
  6. Department motor vehicle accident documentation.
- D. The Professional Standards Section will provide a summary of the collected materials to the employee's Section and/or Division Commander for follow-up.

### **2302.2 REVIEW PROCESS**

- A. Once the alert is assigned for follow-up, the assigned supervisor is responsible for reviewing related materials to determine if further action is appropriate. Once the supervisor's initial review is completed, a summary of the findings, and any meetings with the employee, will be forwarded through the chain of command to the Professional Standards Commander. [35.1.9 d]
- B. Supervisors conducting a review will have access to all department reports, reviews, and analysis necessary to complete the early warning review.
- C. If deemed necessary by the Professional Standards Commander, a meeting will be scheduled with the appropriate Division Commander and the employee's supervisor to

discuss the findings of review and recommend a course of corrective action. Intervention options may include, but are not limited to: [35.1.9 d, e]

1. Remedial training;
  2. Referral to the Employee Assistance Network (EAN); [35.1.9 f]
  3. Occupational safety instruction; and/or
  4. Implementation of a performance improvement plan.
- D. All early warning reviews must be maintained confidentially and will not be discussed with other employees unless it is necessary for completion of the review. All employees made aware of a review will be informed that unauthorized disclosure of any aspect of the review may result in disciplinary action.

### **2302.3 PERFORMANCE IMPROVEMENT PLANS**

- A. A performance improvement plan may be implemented to improve an employee's performance through individualized goal setting and accountability requirements. Approval must be obtained by the Division Commander and Professional Standards Commander prior to implementation of a performance improvement plan.
- B. The employee's supervisor is responsible for developing the performance improvement plan and tracking the employee's progress.
- C. Once the established end date of the performance improvement plan has been reached, the employee's supervisor must forward a detailed summary of the employee's progress and/or further recommendations to the Professional Standards Commander and Division Commander.
- D. The Professional Standards Commander will periodically monitor the progression of performance improvement plan goals and actions.

### **2302.4 SYSTEM EVALUATION**

- A. Annually, the Professional Standards Commander will evaluate the department's Personnel Early Warning System. The evaluation should include a review of the quality of information, system utilization, and any recommendations for changes to the system, department policy, or usage of the alert system. [35.1.9 c]

BY ORDER OF:



Tammy Hooper  
Chief of Police

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2331</b>	<b>EFFECTIVE DATE: 1/1/2006</b>
<b>SUBJECT: Mobile Field Reporting</b>	<b>LAST REVISION DATE:</b>

- I. Personnel utilizing Mobile Field Reporting must attend an approved Asheville Police Department Training class. Participants must also pass a written exam administered by Recruitment and Career Development prior to utilizing Mobile Field Reporting.
- II. All utilization of Mobile Field Reporting must comply with the City of Asheville's computer policy, Asheville Police Department's mobile communication terminal policy, and in conjunction with state and federal regulations. Personnel shall adhere to standard operating procedures as outlined in Asheville Police Department's Mobile Field Reporting (MFR) and Mobile Communication Terminal (MCT) policies, training guides, lesson plans and training supplements
- III. FTO trainees that have demonstrated proficiency in completing paper reports may utilize Mobile Field Reporting software during their third and fourth phase. The trainee's FTO must be MCT and MFR certified,
- IV. Officers shall provide victim/complainants an APD Incident/Accident Information Form and advise them completed Mobile Field Reports are available in the Central Records Unit three business days after report completion and submission.
- V. Mobile Field Reports should be immediately submitted upon completion and before the end of shift. The Central Records Unit must be notified by email, "police information personnel", when a Mobile Field Report will not be submitted to Records Management System (RMS) by the end of the officer's shift.
- VI. Lieutenants, Sergeants and Master Police Officers are responsible for reviewing all submitted reports. Approved reports should be immediately submitted to RMS and non-approved reports should be returned to the submitting officer for corrections or additions. Supervisors should immediately notify officers of non-approved reports. The on-duty Watch Commander must ensure all reports have been reviewed and approved prior to ending the shift. Only Lieutenants, Sergeants, and Master Police officers who have successfully completed MCT & MFR training are authorized to review Mobile Field Reports.
- VII. Reports requiring NCIC entry, such as stolen items, stolen vehicle, or missing persons, should be immediately submitted for review. The submitting officer must notify a supervisor of the report. That supervisor, or designee, should immediately review and submit the report to RMS. The submitting officer is responsible for providing the communications supervisor or designee with the necessary incident report for requesting items to be entered NCIC.
- VIII. Officers may utilize paper reports when working off duty or secondary, completing non-mobile field reports and completing reports when MCT/MFR is unavailable or inoperable.
- IX. Collected property and evidence, associated with Mobile Field Reports, must be noted on the incident report and placed in the Asheville Police Department Property/Evidence

**facility. This includes officer field notes, victim and suspect statements, and other paper effects.**

- X. Officers should notify Central Data Entry (CDE) when completing reports involving deceased persons such as fatality accidents and death reports.**
- XI. Personnel listed in case lock for a specific incident containing sensitive information shall have access to "case lock" for that report. Supervisors utilizing this function should notify the Criminal Investigation Division Captain or Patrol Division Captain when they affix case lock to a report.**
- XII. The DMV-349 form will be utilized for all traffic accidents.**
  - A. Reportable accident is classified as an accident involving:
    - 1. fatality;
    - 2. personal injury;
    - 3. property damage exceeding \$1000.00; or,
    - 4. DWI forfeiture.
  - B. Officers shall indicate in the "non-reportable" check block accidents involving:
    - 1. no fatality;
    - 2. no personal injury;
    - 3. less than \$1000.00 property damage; or,
    - 4. no DWI forfeiture
  - C. Emergency vehicles responding code that are involved in an accident are classified as reportable accidents if the accident involves:
    - 1. fatality;
    - 2. personal injury;
    - 3. property damage exceeding \$1000.00; or,
    - 4. DWI forfeiture
  - D. Emergency vehicles responding code that are involved in an accident must be indicated in check block #65.
  - E. Non-reportable DMV-349 forms should be completed according to the Mobile Field Reporting standard operation procedures detailed in the Mobile Field Reporting training guide/lesson plan including:
    - 1. number of units involved;
    - 2. form \_\_\_ of \_\_\_;
    - 3. non-reportable;
    - 4. date;
    - 5. county;
    - 6. time;

7. case number;
  8. location; and,
  9. all relevant driver/owner information
    - a. driver, address, city, state, zip code, phone, drivers license, state, DOB;
    - b. license plate, state, VIN, vehicle year, make, style/type (Block 41), TAD damage (Block 43), estimated damage (Block 44), insurance company and policy
  10. crash narrative (Block 85);
  11. additional property damage (Block 86);
  12. witness information;
  13. traffic violations;
  14. officer name and number;
  15. department; and,
  16. date of report.
- F. In accordance with APD [policy 2320](#), section 4, officers must complete the entire DMV-349 form for "non-reportable" accidents involving:
1. Hit and Run (MFR training exemption)
  2. Driving While Impaired (training exemption)
  3. Death
  4. Personal Injury
  5. Driving on Revoked License (training exemption)
  6. Hazardous Material Spill
  7. City Owned Vehicles.

END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2341</b>	<b>EFFECTIVE DATE: 1/8/2010</b>
<b>SUBJECT: Adult School Crossing Guards</b>	<b>LAST REVISION DATE:</b>

**I. Introduction:**

**The primary responsibility of an Adult School Crossing Guard is to help children safely cross the street as they walk or bicycle to and from school**

**II. Policy Statement:**

**As traffic continues to increase on Asheville city streets, the safety of children as they walk or bicycle to and from school is paramount.**

**III. Procedures:**

**The office of the North Carolina Attorney General advises that school crossing guards may be considered traffic control officers when proper training is provided as specified in G.S. 20-114.1**

A. The responsibilities of the Adult School Crossing Guard is as follow.:

1. Discourage children from behaving unsafely near traffic, such as darting into the street without looking or crossing against a traffic signal;
2. Use existing gaps in traffic to help students cross safely. When the natural traffic flow does not allow enough time for children to safely cross the street, a guard may need to create gaps by stopping traffic temporarily;
3. Stops traffic with hand signals or a STOP paddle, then verbally directs children to cross the street. A guard is always the first person in the street and the last person out of the street;
4. Alert motorists that pedestrians are in the process of using the school crossing; and,
5. Observe and report any incidents or conditions that present a potential safety hazard to the school children or the guard.

B. The following is the selection criteria for the Adult Crossing Guard.

1. The ability of communicate clearly with the children he or she supervises at the crossing;
2. Pass a background check; and
3. Pass a Fingerprint check.

C. Uniforms and equipment to be used by Adult Crossing Guards will be a blaze traffic safety vest with reflective stripping, a rain coat with reflective stripping if needed and a STOP sign paddle.

- D. Crossing guards will be assigned to a location where there is high traffic volume and a concern for children safely crossing the street as they walk or bicycle to and from school.
- E. Locations will be reviewed yearly and documented in the Adult School Crossing Guard report submitted by the School Resource Sergeant.

**Accreditation Reference:** [61.3.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2361</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: D.W.I. Enforcement</b>	<b>LAST REVISION DATE: August 1, 1998</b>

**I. Introduction:**

**The primary objective of any driving while impaired enforcement program is to save lives and protect property. The Asheville Police Department is committed to vigorous enforcement action against impaired driving and implied consent offenses.**

**II. Policy Statement:**

**It is the policy of the Asheville Police Department to vigorously enforce the impaired driving and implied consent laws of the State of North Carolina.**

**III. Procedures:**

- A. Officers should develop a reasonable suspicion of impaired driving prior to stopping a vehicle. Some of the factors that may enter into this are driving at excessive or inconsistent speeds, wide turns, crossing the center line or lane marker; following too closely, etc.
- B. Upon stopping the vehicle, officers should note the appearance and condition of the driver and conduct any "pre-exit" tests. Officers may then get the driver out of the vehicle, move to a safe place on the side of the roadway, and conduct a series of field sobriety tests consistent with the officer's training in standardized field sobriety testing. After determining probable cause, the officer may then arrest for driving while impaired or another implied consent offense.
- C. Officers will offer a chemical analysis for alcohol to any person charged with an implied consent offense. Under normal circumstances, this should be a chemical breath analysis. However, if circumstances warrant, officers may request a blood analysis. The officer will transport the arrestee to the Mission-St. Joseph's Emergency Room to have blood drawn for the analysis. The officer will package the blood appropriately and submit it to the State Bureau of Investigation for analysis.
- D. The arresting officer will notify Communications of any need for a chemical analyst. The officer shall transport the person charged to the Buncombe County Detention Center for the analysis. After the analysis, the arresting officer will take the person before a magistrate to set conditions of release.
- E. Any chemical analysis, whether breath or blood, must be conducted by a person having a current permit issued by the NC Department of Environment, Health, and Natural Resources for that type of chemical analysis. Any analysis must comply with the requirements of NC General Statute 20-139.1 and any regulations issued by the Commission for Health Services of the NC Department of Environment, Health, and Natural Resources.
- F. After arresting the operator of a vehicle, officers shall dispose of the vehicle per [APD Policy #1280](#), Towing. The vehicle may be released to the owner if he is present, not going

to be arrested, and is capable of operating the vehicle safely.

- G. The arresting officer will ensure that the arrestee receives medical attention any time the chemical analysis shows a blood alcohol concentration of .30 or higher, or in the opinion of the arresting officer the level of impairment requires medical attention, regardless of the analysis results.
- H. NC General Statute 20-16.2 allows a person suspected of committing an implied-consent offense to request a chemical analysis to determine the alcohol concentration of his blood prior to actually being arrested. If the operator has already been placed under arrest, he no longer has this right. The officer is not required to notify the operator of his right to a pre-arrest test. Upon receiving a request for a pre-arrest test, the investigating officer will afford the person the opportunity to have a chemical breath analysis in accordance with GS 20-139.1(b). The request constitutes the person's consent to be transported by the officer to the place where the test will be administered. Prior to transporting, the officer should conduct a pat down frisk of the driver. This frisk is solely for the purpose of officer safety and is not intended to be a search for evidence or contraband. The officer should dispose of the vehicle per [APD Policy #1280](#), Towing.
- I. The person must sign a Request for Pre-Charge Chemical Analysis (NC DMV Form #S784) prior to the analysis. Refusal to sign invalidates the request. Also, prior to conducting the chemical analysis, the officer must complete a "Rights of Person Requesting to Take Chemical Analysis to Determine Alcohol Concentration Under GS 20-16.2(i)" (NC DMV Form #S784A) and provide a copy to the person requesting the test. The results of any chemical analysis made pursuant to a pre-arrest request are admissible in court and may be used by the officer in deciding whether or not to arrest.
- J. If at any time after the driver has requested the test, he fails or refuses to comply fully with the test procedures, the officer may charge him with any offense for which the officer has probable cause as if the pre-arrest test request had never been made. If the driver is released without being charged, the officer should transportation him to his vehicle or to any other reasonable location.
- K. Traffic checkpoints for apprehending impaired drivers must conform to [APD Policy #2363](#), Traffic Checkpoints. Checkpoints specifically aimed at DWI violators should be established where analysis of traffic accidents, arrests, or other incidents demonstrates a need for the checkpoint.

**Accreditation Reference:**

This policy covers the following accreditation standards: [61.1.5](#) [61.1.10](#) [61.1.11](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 2363</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Traffic Checkpoints</b>	<b>LAST REVISION DATE: November 1, 2000</b>

**I. Introduction:**

**The Asheville Police Department will utilize checking stations for various law enforcement purposes. The following guidelines are in effect for checking stations.**

**II. Definitions:**

- A. ***Standard Checking Station:*** A preplanned, systematic stopping of vehicles to check motorists for compliance with motor vehicle laws.
- B. ***Special Operations Checking Station:*** A preplanned, systematic stopping of vehicles to survey occupants in accordance with North Carolina Governor's Highway Safety Programs such as, but not limited to: Click It or Ticket; Booze It or Lose It; and Child Restraint. An attempt to locate fleeing offenders implicated in the commission of a felony would be included in this section.
- C. ***Impaired Driving Checking Station:*** A checking station that complies with all of the requirements of N.C.G.S. 20-16.3A and used for apprehending drivers who are impaired by controlled substances while operating a motor vehicle.

**III. Procedures:**

**A. Standards for all Checking Stations**

- 1. The sites for every checking station shall be selected with due regard for safety of motorists and the members operating the checking station. Sufficient distance must be provided to allow a motorist traveling at the speed limit to stop his/her vehicle in a normal manner under the existing conditions. No checking station shall be conducted without at least two uniform members present and at least one marked Patrol vehicle.
- 2. All checking stations shall be marked by signs and/or activated emergency lights, marked Patrol vehicles parked in a conspicuous location, or other ways to ensure motorists are aware that an authorized checking station is being conducted. Flashing lights on at least one vehicle shall be operating at all times.
- 3. Unless a particular vehicle is being sought, all checking stations shall provide for the stopping of every vehicle. Individual members shall not vary from this plan. The member in charge may allow variance from this requirement if the traffic congestion or other factors are creating a hazard. The member in charge may then authorize all vehicles to pass through the checking station until there is no longer a hazard. When a particular vehicle is being sought, only those vehicles meeting the description may be stopped.

4. Checking stations shall be operated so as to avoid unnecessary traffic congestion and delay to motorists.
5. Adequate area must be available off the traveled portion of the highway to allow for the safety of motorists when enforcement action is taken.
6. Patrol vehicles must be parked to allow access to the highway for pursuit in any direction.
7. Members are required to wear a traffic vest.
8. Members must maintain radio contact with communications
9. The use of force and arrests made shall be in accordance with state law and APD Police #1030 and 1240.
10. When a vehicle attempts to avoid the checking station, traffic enforcement and police pursuit will be followed in accordance with state law and APD Policy #2360 and 1032.
11. In the absence of a supervisor

**B. Highway Safety Checking Station**

1. A standard checking station should be used to check motorists for compliance with motor vehicle laws. A checking station must be approved by a supervisor. When determining the location of a standard checking station, the supervisor shall take into consideration the following factors, including but not limited to: officer and citizen complaints of traffic violations and accidents, public safety concerns, officer safety, and motorist safety.
2. Specific Written directions may be provided for a particular checking station. When issued by a supervisor or higher authority, these written directions shall be considered policy. Reference APD Policy 2110.

**C. Special Operations Checking Station**

1. Before such checking station is authorized, the supervisor must determine that such action is necessary, because it may likely result in the apprehension of a suspect who poses a danger to life and property.
2. Checking station sites will be selected on the frequency and nature of accidents or violations. Examples are North Carolina Governors Highway Safety Programs such as, but not limited to: Click It or Ticket; Booze It & Lose It; Child Restraint; and fleeing offenders implicated in the commission of a felony.
3. Members operating the checking station shall position themselves and their patrol vehicles in a manner that will provide a tactical advantage and maximize officer safety.
4. Specific written directions may be provided for a particular special operation checking station. When issued by a supervisor or higher authority, these written directions shall be considered additional policy. Reference APD Policy #2110

**D. Impaired Driving Checks**

1. This type of checking station will be used by APD when necessary. The standard checking stations may be used even when impaired drivers are likely to be apprehended.

2. When an impaired driving check is selected, all of the provisions of N.C.G.S. 20-16.3A must be followed.
3. Impaired Driving Checks, involving other law enforcement agencies, must be approved by the District/Division Commander.

**Accreditation Reference:**

This policy covers the following accreditation standards: [61.1.6d](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 3002</b>	<b>EFFECTIVE DATE: 4/15/2002</b>
<b>SUBJECT: Criminal History Records</b>	<b>LAST REVISION DATE: July 15, 2007</b>

**I. Introduction:**

**Criminal history information is an important and legitimate law enforcement investigative tool. It is critical that this information be obtained and utilized only for legitimate law enforcement purposes.**

**II. Policy:**

**It is the policy of the Asheville Police Department to obtain and use Computerized Criminal History (CCH) information only for legitimate law enforcement purposes and in compliance with all applicable laws and regulations governing CCH.**

**III. Procedures:**

- A. Officers needing CCH information for investigative purposes must complete a Criminal History Security Agreement and submit it to the Criminal Investigations Section (CIS).
- B. The CCH information will be obtained by one of the North Carolina Division of Criminal Information (NCDICI) certified operators assigned to CIS and forwarded to the requesting officer.
- C. In the event CIS personnel are unavailable and an officer needs a CCH for charging purposes, a telecommunicator certified to obtain CCH information may obtain the CCH. The original Criminal History Security Agreement signed by the requesting officer must be forwarded to CIS and a copy maintained by communications for documentation purposes.
- D. All CCH information will be handled in complete compliance with NCDICI and National Crime Information Center (NCIC) rules and regulations.

**Accreditation References: [82.1.9](#)**

END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 3050</b>	<b>EFFECTIVE DATE: 7/11/2006</b>
<b>SUBJECT: Vice Investigations</b>	<b>LAST REVISION DATE:</b>

**I. Procedures:**

- A. The Special Operations Section is responsible for investigating vice and organized crime complaints within the City of Asheville such as prostitution; sale of illegal alcoholic beverages; the distribution, manufacture, and sale of illegal obscene or pornographic materials; and the referral for investigation of those organizations or individuals involved in extortion, fencing, theft, loan sharking, labor racketeering or engaging in the supply of illegal goods and services for profit.
- B. A Vice Officer will handle the distribution, documentation, and maintenance of all surveillance and undercover equipment assigned to the unit. The equipment is available to all operational units of the department upon request from a unit supervisor. The officers using the equipment are responsible for returning the equipment in proper working order. The Vice officer issuing the equipment shall record the name of the person being issued the equipment, the date and time of issue, and the date and time of return. Vice officers will assist the operation of technical equipment such as body wires, audio receivers, digital voice recorders and other equipment that requires the download of digital media for court and evidence preservation. This highly technical equipment generally requires practice and expertise to operate; therefore a Vice officers will work with the requesting unit to utilize the equipment. Other non-technical equipment may be issued without an operator.
- C. Vice or organized crime complaints may be taken by any department member and forwarded to CIS. A CIS supervisor shall decide whether or not to assign the complaint for investigation. The supervisor will consider the validity of the original complaint information, the quality of the information, and the resources necessary to conduct the investigation.
- D. The Special Operations Lieutenant/Intelligence Officer shall ensure that a record is maintained of all vice and organized crime complaints. The records shall be kept in a secure location separate from the general investigation files. Any information released must comply with the guidelines found in NC General Statutes Chapter 132 "Public Records".
- E. Information gathered from vice or organized crime investigations may be shared with other criminal justice agencies, where necessary, with the approval of the Special Operations Lieutenant or his designee. The information shall be furnished directly to the officers requesting it. The Special Operations Lieutenant shall ensure that a file is maintained showing all information given to and received from other agencies in relation to vice or organized crime activity.
- F. The Special Operations Lieutenant shall brief the Chief of Police about on-going vice or organized crime activities on a regular basis.

**Accreditation Reference:**

This policy covers the following accreditation standards: [43.1.1](#) [43.1.2](#) [43.1.4](#) [43.1.7](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 3051</b>	<b>EFFECTIVE DATE: 9/1/1994</b>
<b>SUBJECT: Special Investigations</b>	<b>LAST REVISION DATE: March 18, 2011</b>

**I. Procedures:**

- A. Prior to any surveillance, undercover or decoy operation, the supervisor in charge of the operation shall prepare a written operation plan and submit it to his division commander for approval. The written plan shall contain the following:
1. a method for familiarizing the officers with the objective and details of the operation, the neighborhood and target area;
  2. operational procedures for observation, arrest, surveillance, and high-risk entries;
  3. procedures for supplying officers with expense funds;
  4. the means for both routine and emergency communications;
  5. selection of equipment or vehicles;
  6. provisions for relief, backup security, and perimeter protection for officers;
  7. provisions for supplying officers with false identity, disguises, and necessary credentials;
  8. provisions for maintaining overall confidentiality and cover;
  9. provisions for obtaining authorization for the operation and use of force;
  10. designation of a single person as a supervisor and coordinator;
  11. provisions for maintaining close supervision of the operation;
  12. procedures for making contact with suspects;
  13. provisions for searching for and seizing evidence and/or contraband;
  14. provisions for requesting medical assistance;
  15. provisions for obtaining coordination and assistance from others both inside and outside the agency.
- B. Prior to the operation, the supervisor in charge shall brief his division commander.
- C. All surveillance equipment and undercover equipment is stored and maintained by personnel assigned to units that investigate vice, drugs and organized crime. A secure room beside the Drug Supervisor Unit Office is where the equipment is stored in locked cabinets. DSU supervisors and Vice Detectives have access to the room and equipment. There is a log book with the inventory of equipment and may be checked out for investigative/operations by those personnel. Other personnel may use the equipment with

the authorization of the DSU or CID supervisors based on operational needs. The equipment will be checked back in upon completion of task/operation.

- D. At the conclusion of the operation, the supervisor in charge shall submit an after-action report to his division commander detailing the events of the operation, arrests made, and any information received.

**Accreditation Reference:**

This policy covers the following accreditation standards: [43.1.5](#)

END OF DOCUMENT

# Asheville Police Department Standard Operating Procedure

SOP Number: 3052

Effective Date: 10-07-13

Subject: Vice Operational Guidelines

Last Revision Date: N/A

## Introduction

The purpose of this standard operating procedure is to serve as a guideline for investigating vice and organized crime complaints such as prostitution, and outline the procedures to be used in reporting and investigating such incidents.

## Policy Statement

The increased prostitution activity encountered from internet based massage services and other sexually-oriented business fronts, which operate as houses of prostitution, has presented vice officers with additional enforcement burdens. These locations have become highly sophisticated in their individual operations, making it difficult for officers to obtain prostitution violations and related offenses.

## Definitions

1. Prostitution: The offering or receiving of the body for sexual intercourse for hire and the offering or receiving of the body for indiscriminate sexual intercourse without hire. Prostitution does NOT include masturbation, sodomy, fellatio, or cunnilingus for hire, although those acts could be charged as crimes against nature or solicitation of a crime against nature.
2. Assignment: The making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement.
3. Sexual contact: Touching, whether directly or through the clothing, the sexual organ, anus, breast, groin, or buttocks of any person.
4. Solicitation of prostitution: Inciting, counseling, advising, inducing, urging, or commanding another to commit prostitution with the specific intent that the person(s) solicited commit the crime.

## Procedures

### A. Training

Before any officer conducts any undercover vice operations, that officer will receive specialized training in undercover and prostitution investigations to include at a minimum, but not be limited to the following: Police Law Institute (PLI) training, surveillance equipment usage training, operation plan preparation training and a review of North Carolina General Statutes regarding prostitution and APD's Vice Operational Guidelines. Officers should also consult with the District Attorney's Office as to proper case preparation and documentation needed for prosecution.

### B. Prostitution Establishment Undercover Operations

#### 1. Pre-operation requirements:

- a. Undercover operation plans shall be submitted in writing to the Division commander, and shall include all pertinent information to ensure proper compliance of the vice policy guidelines.
- b. All operations shall have a written Operation Plan which will be approved in writing by the Division commander before any operation is initiated. Operation Plans shall be completed in the ICS format, and at a minimum, include the following:
  - i. officers involved,
  - ii. location,
  - iii. target activity,
  - iv. method of operation,
  - v. a safety plan,
  - vi. a mandatory cover officer within sight or sound of undercover officer,
  - vii. and identification of an approved on-scene supervisor.

A copy of the operation plan will be maintained in the case file.

#### 2. During operation requirements:

- a. An officer shall not disrobe unless the investigation is conducted in accordance with the approved written operation plan.
- b. All undercover operations shall be audio **AND** video recorded.
- c. All vice operations will be under the direct supervision of an approved supervisor on scene.

- d. Sexual contact with suspect(s) is prohibited. In cases where sexual contact is attempted by the suspect, officers shall immediately cause the activity to cease.
- e. Exposing genitalia is prohibited.

3. Post-operation requirements:

- a. Audio and video recordings shall be placed in original documents.
- b. Officers shall complete an incident report after conclusion of the investigation. All legal standards (i.e. reasonable suspicion and probable cause) shall be articulated in the incident report.
- c. Written after-action reports shall be submitted upon conclusion, include a summary of all resulting enforcement activity, and shall be forwarded to the Division commander within 48 hours after the conclusion of the investigation.

C. Solicitation For Prostitution Undercover Operations

1. Pre-operation requirements:

- a. All operations shall have a written Operation Plan which will be approved in writing by the Division commander before any operation is initiated.
- b. All operations shall have a written Operation Plan which will be approved in writing by the Division commander before any operation is initiated. Operation Plans shall be completed in the ICS format, and at a minimum, include the following:
  - i. officers involved,
  - ii. location,
  - iii. target activity,
  - iv. method of operation,
  - v. a safety plan,
  - vi. a mandatory cover officer within sight or sound of undercover officer,
  - vii. and identification of an approved on-scene supervisor.

A copy of the operation plan will be maintained in the case file.

2. During operation requirements:

- a. Solicitation requires specific intent. The following act(s) will assist the officer in developing probable cause that the suspect had specific intent that the person solicited commit the crime:
  - i. suspect "flags" down a vehicle,

- ii. suspect enters the vehicle,
  - iii. suspect and officer exchange money for act,
  - iv. suspect takes a condom out of a purse,
  - v. suspect directs the officer to go to a specific location to commit the act of prostitution,
  - vi. suspect starts to undress in preparation for the sex act.
- b. The officer should attempt to obtain both an offer of a sex act and requested amount or form of compensation from the suspect.
  - c. If the suspect will not directly solicit (i.e. playing a word game in attempt to avoid arrest), the officer should try to clarify language used by the suspect. The officer may continue the investigation by asking the suspect if he/she would engage in an act of prostitution. For example, if the suspect continually tells the officer, "What are you looking for" the officer can clarify whether the suspect is talking about sex. If the suspect indicates that he/she is talking about sex, the officer may then ask about a specific sexual related act. It is essential that the investigating officer be able to justify from experience and training that the suspect is acting in the manner of a prostitute, and is attempting to avoid arrest.
  - d. All undercover operations shall be audio **AND/OR** video recorded.
3. Post-operation requirements:
- a. Audio and/or video recordings shall be placed in original documents.
  - b. Officers shall complete an incident report after conclusion of the investigation. All legal standards (i.e. reasonable suspicion and probable cause) shall be articulated in the incident report.
  - c. Written after-action reports shall include a summary of all resulting enforcement activity and shall be forwarded to the Division commander within 48 hours after the conclusion of the investigation.



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 3060</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Sexual Offense Investigation</b>	<b>LAST REVISION DATE: June 23, 2007</b>

**I. Procedures:**

- A. Sexual assaults will be assigned to an investigator in the Criminal Investigations Division.
- B. Uniformed patrol officer shall be the primary responder to all adult sexual assault cases and will complete the initial report. The initial responding officer should first attend to the victim's physical injuries before completing the report. The officer should secure the crime scene (if known) and take steps to protect physical evidence. The officer should encourage the victim not to do anything that would destroy evidence such as, taking a bath, shower, or washing her clothing or other items at or around the crime scene.
- C. After beginning the preliminary investigation, patrol officers shall contact an investigator as soon as possible in the following instances: any rape where there is serious injury of the victim; any rape where the victim was kidnapped; any rape where there is an identifiable crime scene that can be processed; and when a suspect is identified, detained or in custody. After normal CID hours, a patrol supervisor must contact the on-call CID Supervisor prior to contacting a sexual assault investigator or Forensic Services.
- D. The investigator, along with Forensics personnel, is responsible for seeing that all evidence is collected, processed, packaged, sealed, signed, and secured as specified in Crime Scene and Evidence Collection Policy (APD Policy #1630).
- E. If the suspect is arrested at or near the scene he must be removed from the scene as quickly as possible. Once removed, the suspect must never be taken back to the scene of the rape or taken to the same area as the victim. If the suspect is injured he should be transported to a different hospital from the victim if at all possible. If eyewitness identification is necessary the investigator should use the method that is the least traumatic to the victim.
- F. A blind report may be obtained by Rape Crisis or by any member of the department. The purpose of a blind report is to identify suspects and their modus operandi in other sexual assaults. A rape kit may be done in conjunction with a blind report. The name of the victim on a blind report is not to be recorded. CID will maintain a file of blind reports. If the victim decides to prosecute, an Incident Report should be taken and the original blind report shall be included in the case file.
- G. Pursuant to North Carolina General Statute, investigators shall temporarily withhold the name and address of a rape victim. Officers taking the report should mark the name of the victim as restricted to protect the victim's identity.
- H. In sexual assault cases where the complainant is a juvenile and the suspect is a parent, caretaker, or other person residing with the victim, the investigating officer will immediately notify the Buncombe County Department of Social Services (DSS). As required by North Carolina General Statute 7B-307, written and oral reports of sexual abuse cases involving juveniles are mandated. The initial notification of some child abuse cases may come from the DSS. in the form of an oral report filed by telephone, fax, or in

person. In these cases an Incident Report should be taken and the DSS case worker listed as the complainant. Many times child sexual abuse reports are not made until a significant amount of time has passed since the offense and will not require the immediate notification of CID.

**Accreditation Reference:**

This policy covers no specific accreditation standards.

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 3070</b>	<b>EFFECTIVE DATE: 6/15/1994</b>
<b>SUBJECT: Juveniles</b>	<b>LAST REVISION DATE: July 12, 2011</b>

**I. Definitions:**

- A. **Juvenile:** Any person who has not reached his or her 18th birthday, is not emancipated, married or a member of the armed forces. Per North Carolina General Statute, juveniles who are 16 and 17 years of age are adults for the purposes of criminal charges.
- B. **Delinquent Juvenile:** A juvenile less than 16 years of age who has committed a criminal act to include federal, state, local laws, and motor vehicle violations.
- C. **Undisciplined Juvenile:** A juvenile less than 18 years of age who is a runaway from home, unlawfully absent from school, regularly disobedient to his or her parent, guardian, or custodian, and who is regularly found to be in places that are unlawful for the juvenile, except that if the juvenile is at least 16 he is not required to attend school.
- D. **Abused Juvenile:** A juvenile less than 18 years if age whose parent or other person responsible for care commits or allows to be committed, serious non - accidental physical injury against said juvenile, or permits or encourages pornographic acts by such juvenile, or inflicts or permits infliction of serious emotional damage to such juvenile.
- E. **Neglected Juvenile:** A juvenile who does not receive proper care, supervision, or discipline from parent, guardian, or caretaker, or has been abandoned, or has not been provided necessary medical care, or lives in an injurious environment, or has been placed for adoption or care in violation of the law.
- F. **Dependent Juvenile:** A juvenile in need of assistance or placement because he has no parent or caretaker responsible for care and supervision, or whose parent or caretaker is unable to provide for his care or supervision.

**II. Procedures:**

- A. The Asheville Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All Asheville Police Department personnel are responsible for participating in and supporting the agency's juvenile operations functions.
- B. Officers dealing with juvenile offenders shall use the least coercive alternative to arrest consistent with the preservation of public peace, order, and individual liberties. Some of these alternatives include:
  - 1. issuance of a NC Uniform Traffic Citation if the juvenile is 16 years old and charged with an infraction or misdemeanor;
  - 2. if the juvenile is under sixteen, release to parents or guardian;
  - 3. transport the juvenile to the police station for counseling, verbal warning, release to parent or guardian, or issuance of a citation;

4. voluntary entry of the juvenile and his family into a treatment program;
  5. referral through the Juvenile Court Counselor's or Magistrate's office by filing a Juvenile Petition under NCGS 7B-1802; and
  6. referral to the Buncombe County Department of Social Services.
- C. Any juvenile under 16 committing offenses in the following categories shall be referred to the Intake Counselor:
1. all acts that could be a felony if committed by an adult;
  2. a delinquent act involving the use or threatened use of a weapon;
  3. any gang related delinquent act;
  4. any aggravated assault;
  5. any delinquent act committed by a juvenile on probation or having a pending criminal case; and
  6. any juvenile with a record of repeated delinquent acts within the previous twelve month period.
- D. A juvenile may be taken into temporary custody under NCGS Chapter 7B-500 through 7B-508 and 7B-1800 for the following reasons:
1. if grounds exist for the arrest of an adult under identical circumstances as defined In NCGS 15A-401(b);
  2. if there are reasonable grounds to believe that the juvenile is undisciplined; the officer will attempt to notify the parent, guardian, or caretaker either in person or by telephone. If contact is not made, the officer will bring the juvenile to a police facility and attempt to make contact again. The juvenile will not be left alone during this time. If the officer is of the opposite sex, an officer of the same sex will be called, or if none are available, another officer or employee will be called. If contact is not made within 1 hour, DSS will be contacted and the juvenile turned over for custody or release, per 7B 500 -508.
  3. if there is reason to believe that the juvenile is abused, neglected, or dependent, and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order; or,
  4. if there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Department of Juvenile Justice and Delinquency Prevention or approved detention facility.
- E. Any officer charging a juvenile under eighteen with any criminal or traffic offense shall make every reasonable effort to inform the juvenile's parent or guardian of the charge and where the juvenile is in custody.
- F. Prior to the custodial interrogation of any juvenile (under 18 years of age), he must be advised of his constitutional rights using a juvenile rights waiver. Custodial interrogations shall be conducted by no more than two officers. If the juvenile is 14 or 15 years of age, he shall be advised of his right to confer with a parent or have a parent present during questioning. If the juvenile is less than 14 years of age, any questioning must take place in the presence of parent, guardian, custodian, or attorney and the juvenile must be advised of their rights in the presence of that individual. Breaks shall be taken hourly. No juvenile will be interrogated more than four hours within any twenty four hour period unless

approval is given by the CID Commander or Assistant Commander. Approval for extended interrogations will only be granted when there is a clear and urgent need for additional time.

- G. The arresting officer shall transport the juvenile to the police station, magistrates office, court counselor's office, or intake facility without delay.
- H. The arresting officer shall explain to the juvenile and his parents what will occur as a result of the arrest and custody of the juvenile, including any holding agency procedures and juvenile court procedures.
- I. The collection, dissemination, and retention of fingerprints, photographs, and other forms of identification are governed by N C. General Statute 7B-2102.
- J. Pursuant to NC General Statute 7B-3001, law enforcement records and files on juveniles shall be kept separate from records and files on adults except when the jurisdiction of a juvenile case is transferred to Superior Court. Juvenile records and files shall be open only to the investigating officer, prosecutor, court counselor, the juvenile, his parents, guardian, and custodian.
- K. Juvenile records shall be expunged upon petition providing that the juvenile has reached his sixteenth birthday and the expungement meets the criteria set forth in NC General Statute 7B-3200
- L. Upon reaching the age of majority, disposition of juvenile records is governed by criteria set forth in North Carolina General Statutes 7B-3000 through 7B-3202
- M. [An officer locating an abandoned or unidentified child will provide any necessary immediate assistance and request the response of a supervisor and the Department of Social Services. In the event that a newborn is surrendered to an on-duty officer or brought to the Asheville Police Department in accordance with NC General Statute 7B-500, the on-duty Watch Commander will be notified as well as the Buncombe County Department of Social Services. \[41.2.6\]](#)

**Accreditation Reference:**

This policy covers the following accreditation standards: [44.1.1](#) [44.2.1](#) [44.2.2](#) [44.2.3](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 3072</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: School Resource</b>	<b>LAST REVISION DATE: January 6, 2005</b>

**I. Procedures:**

- A. School Resource Officers report directly to the School Resource Sergeant. School resource Officers shall provide patrol, investigations and other law enforcement services requested by the School Superintendent and approved by the Chief of Police.
- B. School Resource Officers shall:
  - 1. Act as a resource with respect to delinquency prevention;
  - 2. Provide guidance on ethical issues in a classroom setting;
  - 3. Provide individual counseling to students; and
  - 4. Explain the law enforcement role in society.
- C. School Resource Officers shall wear uniforms in accordance with [Policy 302 - Uniform Standards](#).
- D. School Resource Officers will submit monthly and quarterly activity reports to the Special Operations Commander. These reports shall contain classes taught, extracurricular activities attended, community meetings attended, student interdictions, and arrests made.

**Accreditation Reference:**

This policy covers the following accreditation standard: [44.2.4](#)

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 4030</b>	<b>EFFECTIVE DATE: 10/1/1994</b>
<b>SUBJECT: Selection Process</b>	<b>LAST REVISION DATE: December 22, 2014</b>

**I. Introduction:**

**The Department recognizes that recruiting and selecting the most qualified employees to service the community is a vital role. A comprehensive and equitable recruitment and selection process ensures the most suitable candidates are selected reflecting the diverse demographics of the community.**

**II. Procedures:**

**A. Recruitment**

**1. Recruitment Responsibility**

The Recruitment and Career Development Unit has primary responsibility for recruitment. Support for the recruitment function is provided by the City of Asheville Human Resources Department. Both the Recruitment and Career Development Unit and the City HR Department are staffed with human resource specialists, knowledgeable in all aspects of recruitment and selection to include equal employment opportunity. The objective of the recruitment program is to recruit highly qualified individuals who are representative of the demographic composition of the community. The City of Asheville and the Police Department are Equal Opportunity Employers. The Police Department's policy is that all individuals will be given equal opportunity for employment and promotions regardless of race, sex, creed, color, age, religion, national origin or physical impairment.

**2. Recruitment Plan**

The Asheville Police Department and the City of Asheville have the responsibility to ensure that the best candidates are chosen for employment. Therefore, recruitment must be aggressive and directed at all segments of the community. The City of Asheville has a policy of equal employment opportunity. The City will actively recruit, hire, train and promote into all job levels qualified persons without regard to race, color, sex, religion, age, national origin or mental/physical handicap. This policy is supported by positive, active efforts to ensure equal treatment for minority groups, promotional opportunities within the City and all other personnel matters including benefits, layoffs, training and discipline. Recruiting efforts will focus on underrepresented classes as identified through workforce analysis. This plan is updated on an annual basis with current objectives and progress notes. An annual report will be submitted to the Chief of Police by the Recruitment and Career Development Director summarizing efforts and success or lack thereof for future plans.

### 3. Recruitment Area

The Asheville police Department will recruit locally, regionally, statewide and nationally to attract qualified applicants of races and genders. Special emphasis will be focused on recruiting local members of the community to join our department.

### 4. Recruitment Methods

The methods utilized in the recruitment program include, but are not limited to the following:

- a. City of Asheville Job Line
- b. City of Asheville Web site
- c. Individual mailings to various community leaders and civic organizations
- d. State Employment Security Commission
- e. Internal postings and e-mail
- f. Various media advertisements
- g. Visits to colleges, universities, and military bases
- h. Career/Job Fairs
- i. Personal contacts
- j. Job search web sites
- k. Flyers and Posters
- l. Local churches
- m. City Television Channel
- n. Brochures

### 5. Recruitment Announcements

The Asheville Police Department and Human Resources Department will coordinate to make sure that job announcements contain the following information:

- a. Provide a description of the duties, responsibilities, requisite skills, education level, and other minimum qualifications or requirements;
- b. advertise entry level job vacancies through electronic, print, or other media;
- c. advertise the agency as an equal opportunity employer on all employment applications and recruitment advertisements; and
- d. advertise official application filing deadlines.

## B. Selection

1. The Police Recruitment and Career Development Unit administers the selection process. All activities of the selection process are approved and audited by the City Human Resources Department. All formal job announcements are initiated and disseminated by the City HR Department. All elements of the selection processes



are administered, scored, evaluated and interpreted in a uniform manner relative to each process conducted.

2. Applications for police department positions are accepted as positions are announced or on a continual basis depending on the position. Position announcements are posted weekly by the City Human Resources Department. Announcements are sent out internally, to the Employment Security Commission, and to various civic and community organizations and contacts. Media advertisements are posted on a periodic basis prior to test dates. The application utilized for non-sworn department positions is the standard City employment application. Applications for sworn positions will have an information packet in the standard city application that will cover the requirements, the hiring process and the time frame. There will be an Automatic Disqualifiers list which outlines items that will disqualify an applicant from employment. Applications are available at the Police Department, Human Resources Department, Employment Security Commission, and through the Internet. Applications will also be e-mailed to interested applicants.
3. The selection process for non-sworn positions does not include a medical examination, psychological or POPAT. The selection process for sworn personnel will consist of the following steps and all associated costs are paid by the agency. With the exception of the POPAT (Police Officers Physical Ability Test), applicants who do not pass each step will be denied employment and can apply again in one year. Applicants who do not complete the POPAT can test again in 30 days.
  - a. Initial Review - Applicant will be denied for any Automatic Disqualifiers. Applicants are screened upon receipt of minimum qualifications. Applicants who do not meet minimum qualifications are contacted in writing within five days of applying. No applications are rejected because of minor omissions or deficiencies that can be corrected prior to the testing or interview process. Applicants who meet minimum requirements are notified in writing of other requirements, testing dates, and all elements of the selection process.
  - b. Test - Applicants must pass a written test with a score of 60 on a 1-100 scoring scale.
  - c. Pre-Employment POPAT (Police Officers Physical Ability Test) - Certified applicants for sworn positions must complete the test in 7 minutes and 20 seconds or less. Non-certified applicants will have 15 minutes to complete the test.
  - d. Interview - Any signs or admissions of deception can disqualify the applicant. Applicants will undergo a one-on-one interview followed at a later time by a panel interview.
  - e. Panel Interview - Any signs or admissions of deception can disqualify the applicant as well as denial by the board for the applicant's performance during the interview. The panel interview will be made up of members of the department who have knowledge and skills of the required job for which the applicant has applied.
  - f. A conditional offer of employment will be made after the applicant has completed all steps up to this stage.
  - g. Polygraph/Background Investigation - Any signs or admissions of deception or the applicant does not have moral character and qualities the department is looking for can lead to the applicant being disqualified. All police department

applicants must successfully complete a background investigation including a criminal history, verification of credentials, employment references and at least three personal references. Personnel used to conduct background investigations will be trained by the agency in collecting required information. Applicants for employment will submit to a polygraph examination for truth verification. Test questions will be covered with the applicant prior to the actual test being administered by the trained polygraph examiner. The truth verification test cannot be used as the single determinant of employment status.

- h. Psychological - Doctors recommendation that the applicant is not suitable for employment as a law enforcement officer or information obtained contradicts previous obtained information can lead to the applicant being disqualified.
  - i. Drug Screen/Physical Examination - Any recommendation of not being suitable for law enforcement will disqualify the applicant.
4. Records of candidates to include all selection/testing and background information must be maintained in a secure area in the office of the Human Resources Technician in the office of Recruitment and Career Development. These records are maintained permanently on all candidates who are employed and for a minimum of two years on candidates who are not selected or are determined to be ineligible for appointment.
5. During the selection process, applicants will be kept apprised of selection status.  
[31.3.3](#)

#### C. Appointment

- 1. Applicants who are selected for employment must receive and agree to a conditional offer of probationary employment with stipulated conditions that must be successfully completed prior to appointment to probationary status. Conditions of this agreement may include but are not limited to a drug screen, medical examination and a psychological examination.
- 2. All candidates who receive conditional offers for sworn positions, must complete a psychological fitness and medical fitness screening prior to appointment to probationary status. Records from medical and psychological examinations are maintained permanently for candidates who are appointed/selected and for a minimum of two years for candidates who are not appointed/selected or who are determined to be ineligible for appointment.
- 3. All sworn employees are required to complete a six- month probationary period following completion of formal training. Non-sworn employees are required to complete a six-month probationary period following date of hire.

#### **Accreditation Reference:**

This policy covers the following accreditation standards: [31.1.1](#), [31.1.2](#), [31.2.2](#), [31.2.3](#), [31.3.1](#), [31.3.2](#), [31.3.3](#), [31.3.4](#), [32.1.1](#), [32.1.2](#), [32.1.3](#), [32.1.4](#), [32.1.5](#), [32.1.6](#), [32.1.7](#), [32.2.1](#), [32.2.2](#), [32.2.3](#), [32.2.4](#), [32.2.5](#), [32.2.6](#), [32.2.7](#), [32.2.8](#), [32.2.9](#), [32.2.10](#), [32.3.2](#)

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 4060</b>	<b>EFFECTIVE DATE: 12/1/1994</b>
<b>SUBJECT: Law Enforcement Explorers</b>	<b>LAST REVISION DATE: March 26, 2011</b>

**I. Procedures:**

- A. The Asheville Police Department shall continually maintain a Boy Scouts of America Law Enforcement Explorer Program.
1. The authority and responsibility for the command of the Asheville Police Department Law Enforcement Explorer Post shall be with the Crime Prevention Officer.
    - a. The advisors for the post shall be selected from a list of volunteers from the police department employees. The list shall be compiled yearly by the Commander by announcement and receipt of application.
    - b. Request for volunteer advisors shall be made by memorandum and returned through the Chain of Command to the Support Services Division Commander.
    - c. The Crime Prevention Officer shall appoint a lead advisor from the list of volunteers.
    - d. All volunteers, before being selected for participation shall have the written recommendation of their superior officers.
    - e. The department shall reimburse overtime for advisors to the program for time spent with the program. Volunteers shall first advise their immediate supervisor requesting permission to participate in a program. Time spent by any advisor shall be recorded by the lead advisor who shall inform the employees supervisor of participation time of an employee. This shall be done before the end of any week.
    - f. Explorers who are at least 18 years of age may sign their own liability or medical releases.
  2. Membership in the Law Enforcement Explorer program shall be open to young adults in Buncombe County between the ages of 14 and 20 both inclusively. Explorers are non-sworn positions.
    - a. The applicant must first have written parental approval to become a member of the program.
    - b. A signed release of general liability must be provided by the parents or guardian of the youth.
    - c. The applicant shall submit to an investigation of his background and criminal history.

- d. The applicant must agree in writing to maintain a "C" average in school and to complete high school while involved in the program.
  - e. All liability releases or medical releases must be signed by the custodial parent in the event of a member from a single parent family.
3. Law Enforcement Explorers shall receive at a minimum, training in the following subject areas:
- a. The history and philosophy of law enforcement
  - b. Patrol Procedures
  - c. Traffic Direction And Control
  - d. Accident Investigation
  - e. Radio Procedures
  - f. Crime Prevention Techniques
  - g. Community And Public Relations
  - h. Causes And Effects Of Juvenile Delinquency
  - i. Substance abuse prevention
- B. Members of the Explorer Post may when properly trained, carry out certain duties within the department. Areas in which they may participate include:
1. Each Explorer shall provide a minimum of twenty-four hours of volunteer service to the Asheville Police Department each year.
  2. The Explorer may assist at the Police Information Desk at the direction and under the supervision of a member of the CRU unit.
  3. Explorers may carry out filing and photo copying duties in the Records Room.
  4. Explorers may do filing and other directed duties with the Personnel Services Unit.
  5. Explorers may ride-along, perform security checks with officers, and provide traffic direction and control in the Patrol Division.
  6. Explorer may assist with traffic direction and control for parades and other special events.
  7. Explorers may not be involved in any enforcement activities of the Emergency Response Team, Hostage Negotiations Team, Selective Traffic Enforcement Team or any other special enforcement team of this department.
  8. Explorers may participate in some types of training with specialized teams however, the training must be approved in advance. Explorers will not participate in any training which would expose them to any unnecessary risk.
  9. There are certain areas of participation which are expressly forbidden:
    - a. Active arrest;
    - b. Breathalyzer or intoxilyzer testing;
    - c. Any covert operation;

- d. Frisks of suspects;
  - e. Impounding of vehicles, weapons or other material;
  - f. Direct interrogation;
  - g. Issuing citations;
  - h. Any involvement in pursuit;
  - i. Searches;
  - j. Seizures;
  - k. Performing sobriety tests;
  - l. Assisting in investigative detentions; and
  - m. Use of lethal or non - lethal weapons while on patrol;
- C. Explorer participants while on duty shall be neatly dressed and wear the uniform approved by the department. This uniform shall be clearly different from that worn by sworn officers of the department and shall identify them as Explorers. [16.4.3](#)
- D. Explorer participants shall carry only the equipment which they are issued. The only exception to this is a flashlight that they may carry while participating in a ride-along
- E. The administration of the Asheville Police Department shall carry out the following responsibilities to the Explorer Post.
- 1. Recruit competent leaders who shall:
    - a. form a post committee;
    - b. appoint a lead advisor;
    - c. appoint one or more associate advisors; and
    - d. establish liaison with the chartering organizations representative.
  - 2. The department shall provide an adequate meeting place.
  - 3. The department shall be responsible for the provision of program resources:
    - a. The necessary material and resources;
    - b. instructors and counselors; and
    - c. identification of special projects and service opportunities.
  - 4. The Department shall conduct an annual meeting of the overseeing committee to discuss progress, opportunities, and budget needs. This committee shall consist of the Chief of Police, the Explorer lead advisor, and three other persons of the Chief's selection
- F. The department shall support and regulate a ride-along program for the Law Enforcement Explorer Post:
- 1. The particular explorer must have attained the age of sixteen before he shall be allowed to participate in the ride a long program.

2. Prior to his participation in the ride-along program, he shall have completed the following training:
  - a. Explorer Post Guidelines
  - b. Geographic familiarization
  - c. Traffic Control
  - d. Patrol Functions, and
  - e. Communications And Radio Procedures
3. Participants in the Explorer Ride-Along Program may under the direction of the officer, carry out the non-enforcement patrol related activities listed below.
  - a. Traffic direction and control;
  - b. communications support;
  - c. administration of first-aid; and
  - d. assist with crime scene security and crowd control.
4. The Patrol Division Commander and the coordinator of the Post shall select officers to whom ride-alongs will be assigned.
  - a. The officer (s) must have been out of the FTO program for at least twelve months.
  - b. Officers shall not have had a sustained disciplinary action of class C or above during the past twelve months.
  - c. The officer shall submit to an orientation to Explorer Rules and Guidelines prior to participation in the program.
  - d. The officer shall be furnished with a copy of the Explorer Program Guidelines.
  - e. Advisors and participating officers are expressly forbidden by the rules of the Boy Scouts of America from dating Explorer members. This is also the policy of the Asheville Police Department.
5. Explorers who participate in the ride-a-long program must first meet the following requirements:
  - a. The participant must be sixteen years or older and receive approval by the Post Advisor or an associate.
  - b. Three forms required by the national headquarters of BSA shall be completed:
    - i. a "Hold Harmless" form;
    - ii. a release of liability prior to each ride-a-long session; and
    - iii. a medical release form which authorizes any department supervisor to consent to emergency medical treatment for the Explorer participant.
  - c. The Explorer participant is prohibited from drinking alcoholic beverages, tobacco usage, or sleeping while participating in the ride-a-long program.

- d. An Explorer at any time, who is found to be in possession of illegal substances may be subject to arrest, prosecution, and dismissal from the program.
  - e. An Explorer while performing in that capacity, shall not under any circumstances, carry a firearm except while actively participating in a recognized firearms training session being conducted by the Asheville Police Department.
  - f. The participant may ride a maximum of sixteen hours per calendar month and a maximum of one time each week.
  - g. An Explorer may only participate in the ride-a-long program between the hours of 0700 and 2200 Friday and Saturday, and 0700 to 1700 on Monday through Thursday. An exception to this is an Explorer who is a minimum of eighteen (18) years of age and has participated in a minimum of twenty-five (25) prior ride-alongs. The Explorer may participate in a ride-along program during any hours and days pursuant to the approval of the platoon commander.
  - h. Participants shall only ride with officers who are recognized by BSA and the department as Explorer advisors.
  - i. The participant shall call the platoon commander for the platoon he is riding with prior to reporting for duty. The purpose is to verify that no unforeseen circumstances have arisen to prevent the ride-along.
  - j. The participant must be dressed in the approved Explorer uniform when riding.
  - k. The participant must be equipped with a flashlight, notebook, and pen before reporting for duty.
  - l. The Explorer participant shall follow the directions of a sworn officer at all times. Except that an Explorer shall never be required to carry out an order that is contrary to law.
  - m. Any disagreement, argument, unusual occurrence, violation of explorer post rules, or department policy shall be reported in writing by the officer and the Explorer to the Post Advisor. If such an event occurs during a ride-along time, it shall immediately be reported to the District Commander and the ride-along time shall be terminated or the Explorer shall be reassigned.
  - n. If at any time, the officer feels that the response to any call for service places an unnecessary danger on the Explorer, the officer is to place the participant out of the car at a safe location, well lighted, and inform the communications section who are to send another cruiser to transport the Explorer back to the station.
  - o. The post advisor shall maintain a list of times, dates, and activities for each approved ride-a-long.
- G. The Asheville Police Department, its personnel and the members of the Explorer Post, shall when conducting the business of the post, follow all rules and regulations which govern Law Enforcement Exploring as expressed and published by the Boy Scouts of America and the rules, regulations, policies and procedures of the Asheville Police Department.

**Accreditation Reference:**

The following accreditation standards are covered by this policy: [16.4.1](#) [16.4.2](#) [16.4.3](#)

END OF DOCUMENT



<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 5030</b>	<b>EFFECTIVE DATE: 6/1/1994</b>
<b>SUBJECT: Hostage Situations</b>	<b>LAST REVISION DATE:</b>

**I. Procedures:**

- A. The Patrol Division Commander shall develop a plan for dealing with hostage taker and barricaded person situations. He shall review and update the plan by July 1 of each year. Copies of the plan shall be kept in the same locations as the Master and Primary Policy Manuals. The Patrol Division Commander shall include step by step instructions on how to implement the plan in the Emergency Operations Manual by [Policy #1600](#) (Emergency Operations).
- B. The plan shall include:
1. attempts to avoid confrontation in favor of controlling and containing the situation until the arrival of ERT and HNT;
  2. notification of ERT and HNT;
  3. interaction between ERT and HNT and the responsibilities of each;
  4. notification of appropriate persons within and outside the department, i.e. - Chief of Police, etc.;
  5. communications with other agencies as necessary;
  6. establishment of inner and outer perimeters;
  7. evacuation of bystanders;
  8. evacuation of injured persons;
  9. establishment of central command post and appropriate chain of command;
  10. request for ambulance, rescue, fire, and surveillance equipment;
  11. authorization for new media access and news media policy;
  12. authorization for use of force and chemical agents;
  13. use of trained negotiation and support staff;
  14. pursuit/surveillance vehicles and control of travel routes; and
  15. after-action report.

**Accreditation Reference:**

This policy covers the following accreditation standards: [46.1.5](#)

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 6000</b>	<b>EFFECTIVE DATE: 8/6/2003</b>
<b>SUBJECT: Chemical Capture</b>	<b>LAST REVISION DATE: October 1, 2007</b>

**I. INTRODUCTION:**

**The Asheville Police Department owns equipment necessary to accomplish chemical immobilization and capture of animals. This policy establishes guidelines and requirements for the use of this equipment.**

**II. POLICY STATEMENT**

- A. Remote chemical capture shall not be implemented unless conventional methods of capture have failed or a situation exists in which the health or safety of the public or of an animal is in danger.
- B. If the animal is non-domestic, referral to the appropriate agency; (i.e., N. C. Wildlife Resources Commission), should be made.
- C. The Supervisor of Animal Services or the Chief of Police must approve the use of chemical capture prior to attempting the procedure.
- D. News media representatives will be dealt with according to department policy and treated with courtesy and cooperation without allowing them to interfere with the operation.

**III. PROCEDURES**

- A. Upon supervisory approval, the person attempting remote chemical capture must confirm all of the following prior to darting:
  - 1. There is no reasonable risk of injury to humans resulting from the discharge of the tranquilizer dart;
  - 2. Sufficient personnel are available to track the darted animal (s) and conditions such as terrain and light level are not prohibitive to retrieval of the animal;
  - 3. The equipment is adequate and functional for the operation at hand;
  - 4. If there is a known owner of the target animal (s), a diligent effort has been made to obtain a signed waiver;
  - 5. Department personnel involved in the operation have received sufficient information to be of assistance and protect public safety;
  - 6. The age and condition of the target animal (s) have been considered in the decision to use chemical immobilization; and,
  - 7. The amount and type of the drug loaded has been noted in an accessible location for easy reference by those involved in the operation.
- B. Upon chemical immobilization:

1. The animal should be muzzled and placed in a position of sternal recumbence (bearing weight on breast) to facilitate ease of breathing;
2. The animal shall be transported to a location designated by the veterinarian for stabilization and dart removal if applicable; and,
3. The Animal Services Officer in charge of the equipment shall inspect the equipment, make a diligent effort to retrieve all darts and shall note the disposition and amount of drugs used.
4. If a human has been accidentally injected, Communications must immediately be notified to send emergency medical personnel and a police supervisor must be notified.

#### C. EQUIPMENT

1. The chemical capture equipment shall be stored in the locked office of the Supervisor of Animal Services.
2. A permanent journal documenting each use of the equipment will be stored with the equipment and shall remain in the office at all times.
3. The person designated to use the equipment shall be responsible for using it properly and keeping it secure at all times during the operation.
4. The person designated to use the equipment shall clean the equipment after each use and inform the Supervisor of Animal Services when items need to be replaced. An equipment inventory sheet will remain in the rifle case.

#### D. RECORDS

1. In addition to the permanent journal, a file will be kept in the Animal Services Office including documents associated with chemical immobilization events.
2. Copies of individual certification and qualifying records deemed necessary by the Department shall be kept by the Supervisor of Animal Services and the Recruitment and Career Development office.
3. Asheville Humane Society or another veterinary source will provide tranquilizer for the darts and will supply as needed. A record of amount and type used will be kept at the shelter and in a permanent journal.

#### E. CERTIFICATION AND QUALIFICATION

1. Only Asheville Animal Services personnel trained and certified in the use of chemical immobilization may handle or utilize the equipment.
2. Certified personnel must abide by standards of weapon qualification deemed appropriate by the Chief of Police upon.

#### **Accreditation Reference:**

This policy covers the following accreditation standards:

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 6010</b>	<b>EFFECTIVE DATE: 3/1/2006</b>
<b>SUBJECT: Biohazard Plan</b>	<b>LAST REVISION DATE: February 21, 2013</b>

**I. Introduction:**

The purpose of this plan is to limit occupational exposure to blood and other potentially infectious materials for the employees of the Asheville Police Department.

**II. Policy Statement:**

It is the responsibility of the Asheville Police Department to take all reasonable measures to allow its members to perform their duties in a safe and effective manner. The safe performance of daily operations is threatened by human immunodeficiency virus (HIV), hepatitis B (HBV), hepatitis C (HCV) and other communicable diseases that can be contracted through exposure to infected blood and several types of bodily secretions. Therefore, it is the policy of the Asheville Police Department to continuously provide employees with information and education on prevention of these diseases; provide up to date safety equipment and procedures that will minimize their risks of exposure and to institute post exposure reporting evaluation and treatment for all members exposed to these diseases.

**III. Definitions:**

- A. ***Bodily Fluids:*** Blood, semen and vaginal fluids or other secretions that might contain these fluids such as saliva, vomit or feces.
- B. ***Exposure Control Plan:*** A written plan developed by this agency and available to all employees that details the steps taken to eliminate or minimize exposure and evaluate the circumstances surrounding exposure incidents.
- C. ***Personal Protection Equipment:*** Specialized clothing or equipment worn or used by employees for protection against the hazards of infection. This does not include standard issue uniforms and work clothes without special protective qualities.
- D. ***Universal Precautions:*** Procedures used and approved by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that all blood and bodily fluids are potentially infectious of the AIDS (HIV), hepatitis B (HBV) and hepatitis C (HCV) viruses.
- E. ***Decontamination:*** The use of physical or chemical means to remove, inactivate or destroy blood borne pathogens to a point where they are no longer capable of transmitting infectious particles and surface is rendered safe for handling.
- F. ***Exposure Incident:*** Contact with blood or other potentially infectious materials to the eye area, mouth, or other mucous membrane, non-intact skin of the employee, that results from the performance of an employee's duties and could lead to the spreading of an infectious disease.

- G. **Engineering Controls:** Controls that isolate or remove the blood borne pathogens hazard from the work place.

#### IV. Procedures:

##### A. General Disease Prevention Guidelines

1. Asheville Police Department's exposure control plan shall provide the overall strategy for limiting exposure to HIV, HBV and HCV and responding to potential exposure incidents. The plan is available for review by all members through request of their immediate supervisor.
2. Asheville Police Department subscribes to the principles and practices for prevention of HIV, HBV and HCV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration (OSHA). Where otherwise not detailed in this policy, officers shall be guided by these practices and procedures.

##### B. Work Place Controls and Personal Protective Equipment

1. In order to minimize potential exposure, officers should assume that all persons are potential carriers of HIV, HBV and HCV.
2. When appropriate protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may carry the HIV, HBV or HCV.
3. Employees shall use protective gear under all appropriate circumstances unless the Employee can demonstrate that, in a specific instance, its use would have prevented the effective delivery of health care or public safety services or would have imposed an increased hazard to the employee's safety or the safety of another co-worker.
4. All protective equipment is available from the Biohazard Room and Annex 1 on the first floor of the main police station. Equipment should be replaced each time it is used. The following protective equipment shall be used in the following instances:

###### a. Disposable Gloves

- i. Shall be worn (when feasible) when handling any persons, clothing or equipment with bodily fluids on them. Any employee of the department who is sensitive to the material used in the regularly purchased protective gloves will need to report this sensitivity and gloves made from an alternative material will be provide;.
- ii. While assisting EMS;
- iii. When handling any evidence that is contaminated or is suspected of contamination; and/or,
- iv. Any time the employee determines it to be in his best interest to use gloves.

###### b. Face Shield and Mask

- i. When employee is assisting EMS and there is a chance the employee will be sprayed with body fluids.
- ii. When employee is processing a crime scene and there is a chance of blood or body fluids being introduced into the mouth, eyes or nose.

- iii. Any other time employees determines it to be in their best interest to use the face shield and mask.
  - c. Tyvek Suit and shoe Covers
    - i. When employees are processing a crime scene and there is a chance that blood or body fluids could contaminate their clothing.
    - ii. Any other time employees determine it to be in their best interest to use the suit and shoe covers.
  - d. One Way Valve Mask shall be used when conducting CPR or Rescue Breathing.
  - e. Waterless Hand Sanitizer
    - i. After removal of latex gloves;
    - ii. When soap and water are not available; and,
    - iii. Any other time employees determine it to be in their best interest to use waterless hand sanitizer.
- 5. All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered contaminated items.
  - a. Leather gloves or their protective equivalent shall be worn when searching persons or places or when working in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered.
  - b. Searches of automobiles or other places should be conducted using a flashlight, mirror or other devices where appropriate. Subsequent to a cautious frisk of outer garments, suspects should be asked to empty their pockets or purses and to remove all sharp objects from their person.
  - c. Needles shall not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
  - d. Needles shall be placed in department provided, puncture resistant, leak proof containers that are marked as biohazard, when being collected for evidence, disposal or transportation purposes
  - e. City of Asheville Health Services shall establish and maintain a Sharps Injury Log for the recording of injuries from suspected contaminated sharps. The information in the Sharps Injury Log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee. The Sharps Injury Log shall contain the following at a minimum:
    - i. The type and brand of device involved in the incident;
    - ii. The department or work area where the incident occurred; and,
    - iii. An explanation of how the incident occurred.
  - f. Officers shall not smoke, eat, drink or apply makeup (including use of lip balm) around bodily fluid spills.
  - g. Any evidence contaminated with bodily fluids shall be completely air dried in the Asheville Police Department approved Drying Annex. Once dried, all

items are to be packaged in paper and marked on the outer packaging with appropriate Biohazard stickers provided.

#### C. Custody and Transportation of Prisoners

1. Officers shall not put their fingers in or near any person's mouth unless conducting a "finger sweep" in accordance with rescue breathing and CPR.
2. Individuals with bodily fluids on their person shall be transported in separate vehicle from other persons. The individual may be required to wear a suitable protective covering if he is bleeding or otherwise emitting bodily fluids.
3. Officers have an obligation to notify relevant detention personnel during a transfer of custody when the suspect has bodily fluids present on his person or has stated that he has a communicable disease.
4. Once a suspect has been turned over to detention personnel, the suspect will be handled according to the detention policies regarding suspected contaminations.
5. Officers shall document on the appropriate arrest and/or incident form when a suspect taken into custody has bodily fluids on his person or has stated he has a communicable disease.

#### D. Housekeeping

1. Supervisors and their employees are responsible for the maintenance of a clean and sanitary workplace, to include patrol vehicles, and shall conduct periodic inspections to ensure that these conditions are maintained.
2. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials as provided in this policy.
3. Bins, pails and similar receptacles used to hold actual or potentially contaminated items shall be labeled as bio-hazardous. These receptacles shall be decontaminated as soon as feasible following contamination and then inspected and decontaminated on a regularly scheduled basis.
4. Contaminated Clothing
  - a. If the clothing of an employee is contaminated, the employee will return to the police department, shower and change into an alternate uniform that the employee maintains at the department or change into a set of coveralls provided by the department (located in the Bio-hazard Room) to be worn until the employee can retrieve an alternate uniform. Once an alternate uniform has been obtained, the employee will return the coveralls to the department Biohazard Room. Once the employee finishes showering, the shower must be sprayed down with a bleach cleaner or bleach and water mixture (1 part bleach to 10 parts water). It is important that the employee remember that this mixture will only be effective for 24 hours then it must be discarded.
  - b. The employee will double bag the contaminated clothing in the red Biohazard bags provided in the Biohazard Room, tag the bag with the name of the employee and leave the bag on top of the Biohazard container located in the Biohazard Room.
  - c. The department is responsible for the cleaning of the contaminated clothing. At no time should the employee wear contaminated clothing home or take contaminated clothing home to be cleaned. All items besides clothing can be

decontaminated by the employee using the decontamination products located in either Annex 1 or the Biohazard Room. Decontamination procedures for items other than uniforms are listed in the Decontamination Section of this policy.

5. Department personnel working within the Asheville Police Department Forensic Laboratory shall adhere to policy and procedures contained herein but shall refer to and also adhere to special safety procedures established for the laboratory workplace.
6. Only employees specifically designated by the Chief of Police, or his designee, shall discard actual or potentially contaminated waste materials. All such disposal shall conform to established Federal, State and local regulations.

#### E. Decontamination

1. Any unprotected skin surfaces that come into contact with bodily fluids shall be thoroughly washed as soon as possible with hot running water and soap for at least 15 seconds before rinsing and drying.
  - a. Hand washing procedures
    - i. Disposable gloves should be removed before washing hands and forearms;
    - ii. Stand away from the sink to reduce the risk of contaminating your clothing;
    - iii. Use warm running water and antiseptic soap;
    - iv. Work up lather and rub briskly for at least 15 seconds;
    - v. Rinse with running water, with water running from wrist to fingertips; and
    - vi. Dry hands with paper towels and turn off faucet with a paper towel. Dispose of towel in proper receptacle.
  - b. Waterless hand sanitizer may be used where soap and water are unavailable.
  - c. Any skin surfaces or mucous membranes that may have been contaminated shall be washed and flushed as soon as feasible following the removal of any personal protective equipment.
  - d. Hand lotion should be applied after disinfections to prevent chapping and to seal cracks and cuts on the skin.
  - e. All open cuts and abrasions shall be covered with waterproof bandages before reporting to duty.
2. Decontamination of Vehicles - Disinfecting procedures shall be initiated whenever bodily fluids are spilled or an individual with body fluids on his person is transported in a departmental vehicle.
  - a. A supervisor shall be notified and the vehicle will be taken out of service as soon as possible and placarded with a biohazard sign on the driver's side window. Supervisors will need to send their chain of command and the APD Logistics officer an email detailing the events of the vehicle being taken out of service.



- b. Whether during normal business hours or after hours, the vehicle should be taken directly to Blair's Towing located at 5 Federal Alley off Coxe Ave. They can be reached 24 hours a day at (828) 252-2500. After making contact with the business, employees should give the keys directly to their staff, and make sure prior to leaving the vehicle that all weapons and department property are removed for safekeeping.
3. Decontamination of non-disposable equipment and areas upon which body fluids have been spilled.
    - a. Procedures for items other than uniforms are as follows:
      - i. Before any decontamination procedure can begin the employee shall put on protective rubber gloves;
      - ii. Place the item to be decontaminated on brown paper or paper towels;
      - iii. Spray the item(s) with the decontaminate spray, covering all surfaces;
      - iv. Wipe down the item with a power towel(s);
      - v. Place the decontaminated item on a non-contaminated surface;
      - vi. Place the brown paper and/or paper towels in a red biohazard bag. Remove the protective gloves and place them in the red biohazard bag before sealing the bag; and,
      - vii. Place the bag inside the biohazard container located in Annex 1 or the Biohazard Room.
    - b. Area clean up
      - i. Any excess bodily fluids should first be wiped up with approved disposable absorbent materials
      - ii. A freshly prepared solution of 1 part bleach to 10 parts water or a fungicidal/mycobactericidal disinfectant shall be used to clean the area or equipment. Remember this solution will become ineffective in 24 hours.
    - c. After any decontamination procedure employees should wash their hands in accordance with the instructions noted in this plan.
    - d. If a piece of porous equipment or clothing has been completely soaked in blood or bodily fluids, the officer may seek the approval of his supervisor to discard the item. Items must be placed in the proper bag, tagged and placed in the proper biohazard receptacle. Full documentation of this must be prepared by the supervisor and sent to the division commander.

#### F. Supplies

1. The Evidence and Property Manager is responsible for continuously maintaining an adequate supply of disease control supplies in a convenient location for all affected personnel. These include, but are not limited to, the following:
  - a. Personal protective equipment in appropriate sizes, quantities and locations are available;

- b. Hypoallergenic gloves and other materials are available for those who are allergic to materials normally provided also cleaning, laundering and disposal as well as repair or replacement of these and other items is provided; and
    - c. First aid supplies and disinfecting materials are readily available at all times.
  2. All departmental vehicles shall be continuously stocked with the following communicable disease control supplies.
    - a. Face and eye protective devices;
    - b. Disposable gloves;
    - c. Non-absorbent gowns;
    - d. Sharps containers for transport;
    - e. Plastic biohazard bags; and
    - f. Waterless hand sanitizer;
    - g. Biohazard placard(s).
  3. Employees using supplies stored in their vehicles are responsible for ensuring that they are replaced as soon as possible.
  4. Officers are required to keep disposable gloves in their possession while on either motor or foot patrol.

G. Vaccination, Exposure, Evaluation and Treatment

1. Hepatitis B vaccinations and Tuberculosis testing shall be made available through the City of Asheville Health Services and will be given in accordance with the City of Asheville Bloodborne Pathogen Policy.
2. Any person who has had unprotected physical contact with blood or other bodily fluids of another person while in the line of duty shall be considered to have been potentially exposed to HBV, HCV and/or HIV.
  - a. An exposure must be reported to the employee's supervisor as soon as feasible and must be reported within 24 hours. A new treatment is now available for occupational blood exposure, but the medication must be started within 24 hours to be effective.
  - b. Exposures must be reported in person to the City Nurse (Monday - Friday, 8:00 a.m. - 4:30 p.m.). After hours, exposures must be reported in person at Memorial Mission Emergency Center. Whether treatment is at Health Services or at Memorial Mission, Health Services must be notified each and every time there is potential exposure.
  - c. Investigation of Exposure:
    - i. Provide as many details about the source of the exposure as soon as possible by using the form that is found on the City's Intranet. Current and correct name, address and present location of the source are essential. Health Services needs to know if the source is incarcerated, hospitalized, returned home, DOA or homeless. Health Services will be able to obtain the proper paperwork to have the source tested. Every

employee is well aware that once some individuals are released from jail, it can be extremely difficult to locate them.

ii. Health Services will begin an investigation into the source in an attempt to get the individual tested for bloodborne diseases.

iii. The City of Asheville will pay for the source to be tested.

d. Be specific as to the type of exposure you are reporting:

i. Needle stick or other sharp with source blood on it;

ii. Blood/body fluids in the eyes, nose or mouth, or

iii. Direct contact with blood/body fluids onto broken skin surfaces.

e. Form 19 (First Report of Injury) shall be completed for the exposure. Include the name and address of the source on that report. There is not a specific place for this, so include that in the section 19-24 "cause of injury". This can be obtained from the employee's supervisor or the Recruitment and Career Development Administrative Assistant.

f. Complete all forms required by Health Services.

### 3. Evaluation

a. Following an exposure, all laboratory tests must be conducted in a timely manner.

b. A positive laboratory test is the only acceptable proof that a disease was transmitted during the normal incubation period after an exposure at work. Without proper laboratory results, Workers Compensation claims must be denied.

c. During evaluation, boosters are not recommended for Hepatitis B. However, in the event of an exposure, laboratory tests may indicate the need for a booster.

### 4. Treatment

a. Retesting shall be performed through Health Services in accordance with guidelines set forth by the Center for Disease Control.

b. Psychological counseling will be provided to the employee if the employee feels the need for counseling.

c. The employee's medical evaluation, test results and any follow-up procedures shall remain confidential.

d. Criminal charges may be sought against any person who intentionally exposes a member of the Asheville Police Department to a communicable disease.

e. Employee may be required to follow the City of Asheville Police 59, ***Fitness for Duty***, at a later time.

H. Record Keeping - Once the First Report of Injury is filed with Health Services, all records of the incident will be kept and maintained by Health Services.

I. Training

1. Asheville Police Department's Recruitment and Career Development Unit shall ensure that all members of the Asheville Police Department with occupational exposure are provided with the complete course of instruction on prevention of bloodborne diseases prior to their initial assignment. Refresher training will be provided on an annual basis.
2. This instruction will be provided to and reviewed with every new officer, Evidence/Property Control employee and Forensics employee during their orientation and within 90 days after the effective date of the policy. Annual in-service training will be provided for all personnel.
3. The Asheville Police Department's Recruitment and Career Development Unit shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The Asheville Police Department shall ensure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated. The Asheville Police Department shall provide to the employee an opportunity for interactive questions and answers with the person conducting the training session.
4. All employees shall have access to the applicable Federal and State regulations pertaining to the regulation of blood borne pathogens through the City of Asheville's Health Services.
5. The Asheville Police Department's Recruitment and Career Development Unit shall ensure that complete records are maintained on member training to include information on the dates and content of training sessions, names and qualifications of persons conducting the training and names and job titles of all persons attending the training sessions. These records shall be maintained for a period of at least three years from the date of training.

J. Exposure Control

1. Exposure control plans and procedures require strict compliance by Police Department personnel to maintain a safe environment and limit exposure to blood and other potentially infectious materials.
2. The Exposure Control Plan shall be reviewed and updated annually (or whenever necessary to reflect new or modified tasks and procedures) by the City of Asheville's Health Services and Asheville Police Department's Recruitment and Career Development Unit.
3. The consideration and implementation of commercially available medical devices designed to more effectively eliminate or minimize occupational exposure should be documented annually.
4. An employer who is required to establish an Exposure control Plan shall solicit input from non-managerial employees and document such solicitation in the Exposure Control Plan. This will be done during training sessions through employee feedback.

**Accreditation Reference:**

This policy covers the following accreditation standards:

# Asheville Police Department Standard Operating Procedure

**SOP Number: 1510**

**Effective Date: 10-07-13**

**Subject: Language Assistance Plan**

**Last Revision Date: N/A**

## Introduction

The Asheville Police Department (APD) recognizes the importance of effective and accurate communication between its personnel and the community that they serve. The purpose of this plan is to establish effective guidelines, consistent with Executive Order 13166, Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, for departmental personnel to follow when providing services to, or interacting with, individuals who are Limited English Proficient (LEP). While many services have already been in place at the APD, it is required that a standard practice be in place, followed, and reviewed annually, with applicable updates posted accordingly.

## Policy Statement

The Asheville Police Department (APD) will take reasonable steps to provide timely, meaningful access for LEP persons to the services and benefits the APD provides. APD personnel will provide language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. APD personnel will inform members of the public that language assistance services are available to LEP persons and that APD personnel will provide these services to them at no cost.

## Definitions

1. Primary language: An individual's native tongue or the language in which an individual most effectively communicates. APD should make every effort to ascertain an individual's primary language to ensure effective communication.
2. Limited English Proficiency: Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

3. Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
5. Bilingual: The ability to use two languages proficiently.
6. Direct Communication: Monolingual communication in a language other than English between a qualified bilingual Department employee or representative and an LEP individual (e.g., Spanish to Spanish).
7. Language Line: The APD contracted language service supplier who provides language translation services on a 24 hour basis (via phone line) and can assist with over 140 different languages.
8. Vital Document: Any document that is important enough to be admissible to court. These documents are used for official law enforcement purposes.
9. Non-Vital Document: Any document that is not critical to law enforcement services.

## **Procedures**

- A. Calls to 911 and/or Central Records Unit (CRU)
  1. All incidents will be processed in accordance with the general call taking protocol utilized in APD Communications. Communications supervisors have the ability to query how many times a call is transferred to the Language Line Service for any time period. The Administrative Purchasing & Contracting Manager (Logistics) for the APD will maintain the contract for services and billing records. Total usage for the department is tracked by Communications, Criminal Investigations Division (CID), Central Records Unit (CRU), and monthly invoices.
  2. APD Communications will take reasonable steps to develop in-house language capacity by recruiting and hiring personnel with specific language skills. When a call is received from a LEP caller, the Telecommunicator will keep the caller on the line and conference with the Language Line Services if necessary. Incidents requiring language services assistance will be processed on the line on which they were received.
  3. Advise the caller to stay on the line while you connect their call.

4. The Telecommunicator will dial the number for Language Line, 1-800-523-1786, plus APD ID number, and push the single transfer button to transfer the call to the Language Line Services. The Telecommunicator will remain on the line for a three way call.
5. If the Telecommunicator is unsure about the language being spoken, tell the language service that assistance is needed in identifying the language. Offer any suggestions about language possibilities. Ask the LEP person if he/she speaks a particular language using the list of languages from the "I Speak" list.
6. Once an interpreter has been connected, the Telecommunicator will explain what is required. The Telecommunicator will remain on the line until all needed information is obtained and/or relayed, and the Language Line ends the call.

B. Walk-In Customers

There is a Language Line telephone at the front information desk at Police Headquarters. If a LEP individual comes to the desk, the phone receiver when lifted connects directly to the Language Line and the individual receives assistance.

C. APD Personnel Requesting Interpretation Services

APD officers in need of interpretation services will attempt to identify the LEP individual's primary language through any available means. One of the best initial steps to identify an unknown language is to use the "I Speak" booklet developed by the Department of Justice. An "I Speak" list is available at the front desk, CID office, and citywide Police Resource Centers. This booklet can be downloaded by clicking on:

<http://www.lep.gov/ISpeakCards2004.pdf>

When an officer requests an interpreter, the dispatcher should contact an on-duty bilingual APD employee (sworn or non-sworn) or an approved bilingual volunteer to assist first. Custodial questioning will only occur once a certified interpreter is obtained.

1. Skills Inquiry - To locate which current officers are working for the language that is needed, the Telecommunicator will press the Alert button for radio transmissions and inquire if any language speakers are on duty and willing to help.
2. Officer Availability and Assignment - Upon determining that an officer is working, the dispatcher will determine if the officer is clear to respond. If the officer is on a call he will respond as soon as possible. If the officer is clear, the dispatcher should

dispatch the unit to assist with interpreting. Once the officer responds to translate, the Telecommunicator will place them on the event.

3. Interpreter Services - If an officer is not available, the officer may then call the Language Line from a cell phone on the scene. All personnel are issued the number and the APD access code for billing purposes.
  - a. Present the "I Speak" chart to the LEP customer until a language is identified.
  - b. The member will dial the number for the Language Line, 1-800-523-1786, plus the APD access code. The member will advise the Language Line representative what language is needed. The member will hand the phone to the LEP customer.
  - c. If the member is unsure about the language being spoken, tell the language service that assistance is needed in identifying the language. Offer any suggestions about language possibilities.
  - d. Once an interpreter is connected, the member will explain what is required and hand the phone to the LEP customer.
4. Exigent Circumstances - APD personnel are expected to follow the general procedures outlined in this standard operating procedure; however, exigent circumstances may require some deviations. Examples may include the need to obtain descriptive information on a fleeing suspect, or identifying information of an injured person. In such situations, personnel are to use the most reliable, temporary interpreter available. **However, once an exigency has passed, all personnel are expected to revert to the general procedures in this plan.**

In other than exigent circumstances, APD personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. Barring exigent circumstances, APD personnel will never use minor children unless there is an extreme emergency, and no preferable interpreters are available, or if there is no other choice for ascertaining enough preliminary information to provide the correct response by APD. Once an interpreter is obtained, the member will have the interpreter confirm the information received from the minor.

#### D. APD Personnel Requesting Interpretation Services

Contracted in-person interpretation services shall be available to all APD personnel when interacting with LEP individuals. Contracted in-person interpretation services are



best suited for units operating under non-emergency situations and controlled environments, such as witness interviews and criminal interrogations.

1. Accessing Contracted In-Person Interpreters - APD personnel who believe they need this service will call the on-call CID supervisor to arrange interpreter services. If the supervisor concurs, the detective supervisor/detective will contact a certified interpreter from the list provided by Court Services or local Magistrate's Office. A memo of occurrence should be forwarded to the Contracting & Purchasing Manager (Logistics) for payment.
2. Upon arrival of contracted In-Person Interpreter - Upon arrival of the interpreter, the officer/detective will examine the interpreter's employee identification. The officer/detective shall record the interpreter's name and affiliation in the report along with the interpreter's arrival and departure times. Once the interpreter is prepared, APD personnel will ask all questions through the interpreter. It is APD personnel's responsibility to develop and ask questions. Under no circumstances will an interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between parties.
3. Conflict of Interest/Bias of Interpreter - If the officer/detective believes that there is any conflict of interest, bias, or any other reason why the assigned interpreter should be excused, the officer/detective shall consult with the highest ranking supervisor on scene and the supervisor shall decide if another interpreter is warranted. If this should occur, it should be noted in the investigative report.

E. Criminal Interrogations and Crime Witness Interviews

These scenarios potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation and APD. APD personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for any interrogation or taking of a statement where the suspect's or witness' legal rights could be adversely impacted.

**Miranda warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. If a form has not been translated in the suspect's or witness' primary language, or in cases of illiteracy, the forms will be read to the suspect or witness in his or her primary language using an interpreter. This occurrence must be documented in the report and on the forms.**

Consular notification procedures will be followed if the circumstances warrant. All Consular notification information and procedures are available in all work areas. All sworn personnel have the Consular notification pocket card. CID supervisors will make all appropriate notifications.

F. Consular Notification

Consular notification procedures will be followed if the circumstances warrant. All Consular notification information and procedures are available in all work areas. All sworn personnel have the Consular notification pocket card. CID supervisors will make appropriate notifications.

G. Complaint Procedures for LEP persons

Any LEP individual who wishes to file a complaint with the APD will be provided information in accordance with the complaint process. (APD maintains complaint forms in Spanish and Ukrainian). The Professional Standards investigator will utilize a contracted, outside agency interpreter when conducting any in-person interviews of LEP complainants or witnesses. Language Line may be utilized for phone interviews. The Professional Standards investigator will notify all complainants in their native language either orally or in writing of the complaint conclusion, ensuring that the notification is consistent with all personnel privacy law provisions.

In the event formal disciplinary charges or appeals to the Civil Service Board result from an LEP complaint, the Professional Standards investigator will ensure that a contracted, outside agency interpreter is available for any scheduled hearings at which an LEP customer is a witness.

H. Accessing Document Translation Services

1. Responsibility for these documents - The LEP Coordinator will be a CID supervisor. The LEP Coordinator with assistance from the Research & Planning Commander, and guidance from the Department of Justice shall be responsible for classifying all documents as vital or non-vital and determining in what languages these documents should be translated. The LEP Coordinator will assess demographic data, review contracted language access services and consult at regular monthly meetings with community based organizations such as the Latino Steering Committee, to keep them informed of departmental matters. LEP documents are available in each

district or work unit, and available to all personnel, and to the members of the public.

2. Translation of Vital Documents - Should personnel need a note, letter or other document translated for an investigation, they should follow a similar procedure as used in Patrol. They should contact Communications and attempt to find an on-duty bi-lingual member who could assist in determining the nature of the document. If after initial review the document is deemed to be of a critical nature, a certified interpreter will be called from the list of available interpreters.
3. Translation of Non-Vital Documents and Forms - All non-vital documents and forms needing to be translated must be approved by a supervisor. Should an APD member assisting with document translation need assistance, a request for an on-duty translator will be made through Communications, or to the Criminal Investigations Division if during business hours.

I. Notifying the Public About APD'S Language Services

1. Signage - Directional signage in English, Spanish, and Ukraine is posted in several locations at street corners in order to locate the APD. At each APD building entry point or lobby, signage shall be posted in the most commonly spoken languages identifying the location as a Police facility.
2. Requested Assistance from the Public - Upon requesting assistance either verbally or otherwise, APD personnel will provide services as stated above. All APD personnel are directed to assist in any way possible to provide the individual with whatever service is required. Failure to do so will be treated as unsatisfactory performance, and will become a disciplinary matter.
3. Available Documents - APD will also maintain translated vital documents and crime prevention documents for LEP individuals. Forms and documents will be translated into languages that are in accordance with Dept. of Justice guidelines related to community demographics. In Asheville, translated language signage and documents are in Spanish and Ukraine.
4. Exceptional circumstances - In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to the LEP individuals in their primary language by either an APD employee or a translator.

5. Spanish Phone Line - APD maintains a dedicated land telephone line for Spanish speaking customers at (828) 271-6140. It is monitored by a Spanish speaking investigator, both in person and by voice mail. If the investigator is unavailable, they will return the call upon return. The message informs individuals that if an emergency exists to call 911. This telephone number is provided to local Latino publications. It is also posted on the APD website with instructions in Spanish.

J. Training on Language Assistance Policy

Along with the distribution of this directive, the APD Office of Recruitment & Career Development will provide training to personnel about APD's Language Assistance Plan and LEP policy, and applicable civil rights. The APD shall include LEP training as part of Consular notification training to new recruits and in in-service training as necessary.

K. Monitoring and Updating Language Assistance Efforts

1. LEP Coordinator - The LEP Coordinator will assess demographic data and review contracted language access services utilization data in order to determine if there are any additional languages into which vital documents should be translated on an annual basis. Additionally, the LEP Coordinator will collect statistical data monthly compiling LEP contacts and services provided. The LEP Coordinator will use this information for evaluation of services, budgeting, and training.
2. Bi-Lingual APD Members - APD will use bi-lingual members on an informal basis when possible. The City of Asheville does not compensate members for this skill; therefore, they cannot be compelled to acknowledge if they possess the skill, or to use it in the performance of duty. In the future, if testing and compensation are in place, the policy will be revised as necessary. At this time, any employee when encountering a LEP customer may call APD Communications and request a broadcast announcement for a particular language speaker on duty. If none respond, the member will use the Language Line, and if required call an interpreter from the Court approved list.

# Asheville Police Department Standard Operating Procedure

SOP Number: 1520

Effective Date: 10-07-13

Subject: Deaf & Hearing Impaired Customers

Last Revision Date: N/A

## Introduction

The purpose of this policy is to ensure that the Asheville Police Department (APD) provides a consistently high level of service to all persons who are deaf or hard of hearing. The Department will comply with the rights and obligations prescribed by the North Carolina General Statutes and the Americans with Disabilities Act (ADA) to communicate effectively with people who are deaf or hard of hearing.

## Policy Statement

The Asheville Police Department will endeavor to provide individuals who are deaf or hard of hearing with the level of service equivalent to those provided to other persons. APD will attempt to ensure that all its employees communicate effectively with people who are deaf or have a hearing disability.

## Definitions

1. Deaf person: a person whose hearing impairment is so significant that the individual is impaired in processing linguistic information through hearing, with or without amplification.
2. Qualified interpreter: an interpreter certified and licensed as qualified under standards and procedures promulgated by the Department of Human Resources and in accordance with N.C.G.S. 90D.

## Procedures

- A. Contact with Deaf/Hard of Hearing Persons Under Arrest
  1. While at the scene, the officer shall make a preliminary determination of the person's comprehension and make efforts to determine what appropriate accommodation is required. These efforts may include the use of gestures or visual aids to supplement oral communication including:
    - a. The use of notepad and pen or pencil to exchange written notes;
    - b. Use of an assistive listening system or device to amplify sound;
    - c. Or the use of a qualified oral or sign language interpreter.

2. If the officer believes that a person he or she has arrested is deaf, the officer shall notify Communications that a qualified and licensed interpreter is needed. The type of aid or service requested by the person with the hearing disability must be given primary consideration.
3. Qualified and licensed interpreters must be used to interview deaf/hard of hearing suspects or arrestees and in any other actions where criminal proceedings are likely to follow. Family and friends of the suspect or arrestee shall not interpret for the arrestee.
4. If an officer does not intend to question a deaf/hard of hearing arrestee, the officer should nonetheless inform the magistrate that the arrestee is deaf or hard of hearing or has other communication needs at the time he/she is presented before the magistrate.
5. All written notes or recorded communications with deaf/hard of hearing arrestees shall be placed into the Original Documents section of the Asheville Police Department.

B. Contact with Deaf or Hard of Hearing Individuals NOT under Arrest

1. Officers and Department employees shall not interpret for a deaf person who is a party to or a witness in any civil or criminal proceeding in any superior or district court or proceedings before the magistrate.
2. Officers and Department employees shall not interpret for a deaf person who is a party to or a witness in any administrative proceeding before any department, board, commission, agency or licensing authority of the state or of any county or city of the State.
3. Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, suspect or arrestee, is essential to ascertaining what actually occurred, the urgency of the matter, and the type of situation. Efforts should be made to accommodate the deaf or hard of hearing person's request for an interpreter.
4. Qualified and licensed interpreters should be used in communicating with complainants or witnesses when court proceedings are likely to occur.
5. In general interaction, the appropriate accommodation for a deaf or hard of hearing person will vary with the length and complexity of the communication involved. In certain circumstances, oral communication supplemented by gestures and visual

aids or an exchange of written notes will be an effective means of communication with people who are deaf or hard of hearing.

C. Communications Unit

1. A link to interpreters in the Asheville area who are fully licensed and nationally certified [can be accessed here](#).
2. Upon receiving a request from an officer or detective for an interpreter on a suspect or arrestee, Communications shall make contact with an interpreter. If the interpreter cannot confirm that they can be en route within 30 minutes from the time of notification, another interpreter on the list shall be contacted.
3. The officer or detective requesting the interpreter shall note the use and number of hours expended for interpreting in the incident report or supplement.
4. In compliance with the American with Disabilities Act (ADA), the Positron phone system in use by the Asheville Police Department provides direct 911 access for the hearing impaired community's emergencies by automatically recognizing TTY calls. (TTY, also known as a telecommunications device for deaf people, or TDD). Training is provided for telecommunicators to process these TTY calls. The Department also receives telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service. Testing by the North Carolina Division of Services for the Deaf and Hard of Hearing is done periodically.

D. Criminal Investigations Division

The Criminal Investigations Lieutenant will handle billing for these services, and will receive the invoices from the interpreter.

E. Payment

Any auxiliary aid or service needed for effective communication by a person who is deaf or hard of hearing will be provided to them without charge by the Department.

F. Practical Suggestions for Communicating Effectively with Persons who are Deaf or Hard of Hearing

1. Before speaking, get the person's attention with a wave of the hand or a gentle tap on the shoulder.
2. Face the person and do not turn away while speaking.
3. Try to converse in a well lit area.
4. Do not cover your mouth or chew gum.
5. If a person is wearing a hearing aid, do not assume the individual can hear you.
6. Minimize background noise and other distractions whenever possible.
7. When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.
8. Use visual aids when possible, such as pointing to printed information on a citation or other document.
9. Remember that only about one third of spoken words can be understood by speech reading.
10. When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills. **Preserve all notes.**
11. If someone with a hearing disability cannot understand you, write a note to ask him/her what communication aid or service is needed. **Preserve all notes.**
12. If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common.
13. Remember that the process of signing involves rapid gestures of an individual's arms and hands, which may impact an individual's ability to respond to certain commands.
14. When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.
15. When using an interpreter, look at and speak directly to the deaf person, not to the interpreter.
16. Talk at your normal rate, or slightly slower if you normally speak very fast.



17. Only one person should speak at a time.
18. Use short sentences and simple words.
19. Do not use family members or children as interpreters.
20. If the individual uses sign language, consider handcuffing them in the front rather than the back, if safety considerations permit.

# Asheville Police Department Standard Operating Procedure

SOP Number: 1530

Effective Date: 10-07-13

Subject: Communications: Call Prioritization & Referral Last Revision Date: N/A

## Introduction

The purpose of this procedure is to provide service to the citizens of Asheville by making the most effective and efficient use of personnel when prioritizing, dispatching, recording and responding to calls for service.

## Policy Statement

~~Not all calls for police service require a police officer to respond to the scene to complete a report. As an alternative to dispatching a police officer, such calls can be diverted to another unit that can take the reports over the telephone. The objective of employing this alternative is to release officers of the time consumed by taking reports not requiring police authority so they may commit that time to other important police matters that do require police authority. The Central Records Unit (CRU) may take these calls when referred by call intake staff of the Communications Center and field officers by means of building a call in CAD. Staff may also accept walk in calls for service. If an officer is already on scene where a complainant is requesting a report, the officer should take the report. (See [SOP 3301- Records Unit Incident Reports](#))~~

This directive will also outline appropriate procedures for dispatching calls for service and identify the levels of call prioritization.

## Procedures

### ~~A. Call Referral Protocol~~

~~Call intake will screen all calls received and determine if they meet the criteria for an alternative response. If the caller agrees, Call Intake will refer appropriate calls to the Central Records Unit via CAD call. If the Central Records Unit is closed, then Communications employees will advise the caller that a records clerk will return the call the next business day. Under any circumstance, if the caller does not agree to their call being referred to Records and insists on an officer/police response, Communications staff shall dispatch an officer. Calls for~~

~~service will no longer be transferred via public service to the CRU, but a call will be built in CAD and CRU will retrieve the information and take the report.~~

~~When calls are referred to the Central Records Unit during business hours, staff will complete reports as required. If during the course of taking the report it becomes clear that an officer or a Forensics Services Technician should be dispatched, the Central Records Unit will refer the call back to Communications and complete the report. The responding officer or technician should be informed that the completed report is maintained in the CRU. A call for service will be built in CAD and CRU will be responsible for retrieving the calls from CAD from the ATRU GROUP. Case numbers will be assigned by CRU for all reports taken.~~

~~With only a few exceptions, most "cold" calls can be built in CAD to the Central Records Unit for staff to take the report. Cold calls include those calls with the following characteristics:~~

- ~~1. There is no potential of physical danger or psychological/emotional harm to the victim;~~
- ~~2. A suspect cannot be identified or described;~~
- ~~3. The likelihood of an on-scene arrest does not exist or is at best remote;~~  
~~and~~
- ~~4. Any physical evidence is preserved until arrival of forensics staff.~~

~~Examples of cold calls include but are not limited to simple assault, larceny, larceny from motor vehicle, property damage, shoplifting, motor vehicle theft, stolen property, threats, fraud, burglary, stalking, forgery and missing adults. Both felony and misdemeanor calls can be referred.~~

~~Exceptions include murder, rape, robbery, aggravated assault, any call with juvenile crime victims, and any call involving serious injury.~~

## B. Determining Call Priority

Communications uses a CAD system that automatically generates a predetermined priority for calls for service. However, telecommunicators have the authority to change a priority based on the information they have received.

Communications shall notify on duty supervisors of incidents involving: motor vehicle accidents with serious injury or death; armed robberies; homicides; vehicle chases; felonies or misdemeanors where victims are seriously injured;

injuries to an officer; all calls for emergency assistance; and activated radio emergency alarms by an officer. (81.2.5g)

Dispatch Criteria: Criteria that may warrant immediate or prompt dispatch of a patrol officer:

- a. All crimes that pose a threat to life or property
- b. Suspect on scene or fleeing in close proximity
- c. Officer/agency requested assistance
- d. Crime scene protection
- e. All crimes in progress
- f. Unusual circumstances

C. Response Code Prioritization

1. Priority (P) Urgent

- a. All calls with a significant threat of imminent injury to persons or property
- b. All calls that involve crimes against person or property in progress or just occurred and the suspect(s) are still there.
- c. Priority calls require an immediate dispatch. Officers may be re-routed from another assignment. Priority calls include the following calls:

Priority (P) Call Types

- Attempted Suicide
- Fight with weapons
- Foot chase
- Vehicle Chase
- Riot
- Bomb Threat
- B&E in progress
- Business B&E in progress
- Residential B&E in progress
- Armed Robbery
- Homicide
- Jail Break
- Assist Fire Department
- Assist Officer
- Assist EOC

- Assist SHP
- Violent domestic
- Bank robbery
- APD assistance requested
- Stabbing
- Aircraft crash
- Gunshot wound
- Incomplete 911
- Suicide with Gun
- Suicide Overdose
- Suspicious Package

## 2. Priority One (1) Responses

- a. Priority one calls are urgent but not an imminent danger to life or property or which do not qualify for in progress Code 3 priority response.
- b. Extenuating circumstances may change the classification of these calls.
- c. Priority One calls requires less than 5 minute dispatch time.

### Priority One (1) Call Types

- Death questionable
- Hit and run fatality
- Hit and run person injured
- Hit and run subject trapped
- Hit and run unknown injury
- Motor vehicle accident fatality
- Motor vehicle accident injury
- Motor vehicle accident subject trapped
- Motor vehicle accident unknown injury
- Motor vehicle accident on the interstate
- Suicide
- APD assistance requested routine
- Assist EOC routine
- Assist Fire Department routine
- Assist Sheriff Department routine
- Assist SHP routine
- Attempted rape
- Belongings pick-up
- Business alarm

- Common law robbery
- Domestic disturbance
- Fight in progress
- Gun discharge
- Kidnapping
- Larceny in progress
- Mental subject
- Natural death
- Person down
- Person with gun
- Purse snatching
- Rape
- Residential alarm
- Sexual assault

### 3. Priority Two (2) Responses

- a. All calls which do not present a potential threat to property or the suspect has left the scene.
- b. Priority two (2) calls may be held for dispatch for up to 15 minutes, unless authorized by the district sergeant or on duty commander.
- c. Communications will notify the district sergeant or on duty commander of the pending status of the call of any delays longer than fifteen minutes.

#### Priority Two (2) Call Types

- Assault on female
- Be on the lookout
- Child abuse
- Civil disturbance
- Driving while impaired
- Gang related
- Hit and run property damage
- Homeless camp
- Indecent exposure
- Intoxicated person
- Landlord/tenant dispute
- Livestock in roadway
- Motor vehicle accident property damage
- Panhandling
- Power line down

- Prowler
- Shoplifting
- Shoplifting with civil disturbance
- Simple assault
- Stalking
- Suspicious person
- Vandalism in progress
- Yelling

#### 4. Priority Three (3) Responses

- a. All calls which do not present a potential threat to property or the suspect has left the scene.
- b. Priority three calls may be held for dispatch for up to 30 minute unless authorized by the district sergeant or on duty commander.
- c. Communications will notify the district sergeant or on duty commander of the pending status of the call of any delays longer than 30 minutes.

#### Priority Three (3) Call Types

- Larceny of motor vehicle
- Locate missing person
- Barred person
- Deliver emergency message
- Traffic signal out
- Reckless driving
- Debris blocking road
- Tree blocking road
- Direct traffic
- Suspicious vehicle
- Business B&E
- Residential B&E
- Check Business
- Prostitution
- Check residence
- Welfare check
- Mental papers to be served
- Recovery of stolen property
- Drug call
- Juvenile problem

## 5. Priority Four (4) Thru Nine (9) Responses

- a. These calls for service may or may not require a field response by an officer.
- b. Some meet the criteria to be handled via telephone.
- c. These calls may be handled by an officer or the central records unit and may or may not require a report.
- d. This priority may be changed if the caller prefers to meet with a patrol officer.

### Priority Four (4) Call Types

- Assist DSS
- Escort
- Forgery
- Fraud
- Juvenile paper service
- Larceny from a vehicle
- Missing adult
- Missing juvenile
- Loud music
- Loud noise
- Unauthorized use of a motor vehicle

### Priority Five (5) Call Types

- Vandalism report
- Larceny report
- Warrant service
- Contact public
- Crime prevention
- Pick up item
- Blocked drive or alley
- Abandoned vehicle
- Funeral escort
- Water department escort
- Civic center escort
- Improper parking
- Harassing phone calls
- Assist motorist
- Animal carcass



- Gas runoff
- Larceny by employee
- Assist public utility
- Fireworks

#### Priority Six (6) Call Types

- Community meeting
- Follow up investigation
- License Check
- ID calls - Pictures and/or Prints

#### Priority Nine (9) Call Types

- Animal Pick up
- Animal problem
- Animal bite
- Dog barking
- Dangerous animal
- Animal cruelty
- Repossessed vehicle
- Injured or sick animal
- Towed vehicle

<b>Asheville Police Department Policy Manual</b>	
<b>STANDARD OPERATING PROCEDURE: 1630</b>	<b>EFFECTIVE DATE: October 1, 2012</b>
<b>SUBJECT: Forensics Services</b>	<b>LAST REVISION DATE:</b>

Asheville Police Department  
Forensic Services Section  
Standard Operating Procedure

Physical Security

Physical access to the Forensic Services Office (Room 118), Forensic Services Laboratory (contained within Room 118), and the Forensic Services Vehicle Processing Bay (Room 109) areas shall be limited to the following:

- Asheville Police Department employees assigned full time to the Forensic Services Section shall have unlimited, unrestricted access via their assigned key cards.
- The Commander of the Criminal Investigations Division or his/her designee shall have unlimited, unrestricted access via his/her assigned key card.
- All other Asheville Police Department personnel, law enforcement personnel from other agencies, judicial officials, and any other visitors authorized by the Criminal Investigations Division commander or his/her designee may be granted access only when continually accompanied by Forensic Services Section personnel. A log book must be signed by the visitor indicating the date and time of entry, the purpose for the visit, the time of exit, and the initials of the Forensic Services personnel accompanying them.
- Building maintenance personnel, IT personnel, and/or any other individuals needing access to the areas for repair, cleaning, or maintenance purposes shall be accompanied at all times by Forensic Services personnel and shall also sign and complete the entry log book.
- Entry into the Forensic Services Office, Forensic Services Laboratory, and the Forensic Services Vehicle Processing Bay shall not be permitted for the purpose of public tour groups, school field trips, personal visits, or any other group or individual not listed above.

## Latent Print Security

Latent prints developed and collected by Asheville Police Department Forensic Services personnel shall be documented and retained in the following manner:

- Every card containing a latent lift shall include the following information: APD case number, date of collection, type of offense, victim name, address of collection, specific location of latent lift, and the name and personnel number of the individual making the lift.
- Each latent lift card shall be placed into an envelope containing all the latent lifts from the particular case.
- The latent lift envelope shall contain the APD case number, the type of case, the victim's name, the offense location, the number of latent lift cards contained in the envelope, the date the lift(s) were obtained, and the name and personnel number of the individual who lifted the latent(s).
- The latent lift envelopes of the current and previous calendar year shall be retained in a locked cabinet within the Forensic Services Office (Room 118). Each Forensic Services employee shall be issued a key to this cabinet. Only Forensic Services employees shall have access to the latent prints contained in the cabinet.
- Archival latent print envelopes from previous years shall be stored in a locked closet within the Forensic Services Office. This locked closet is accessible only by Forensic Services personnel. Each Forensic Services Employee shall be issued a key to this locked closet.
- Upon collection, latent lifts are to be placed into the locked cabinet and filed by APD case number. Latent lifts are not to be placed or retained in any "hot file", "in-basket", or any other temporary location.
- A log book shall be maintained to record whenever any latent print envelope is entered or removed from the cabinet. The date the envelope is entered or removed, the APD case number, and the name of the Forensic Services employee entering or removing the envelope shall be recorded. Upon any removal, the recorded Forensic Services employee shall be responsible for the latent print envelope until it is returned to the cabinet. Once an envelope is returned to the cabinet, it is recorded in the log book.

- Latent prints shall not be removed from the Forensic Services Office or Laboratory except for judicial purposes, entry into the Automated Fingerprint Identification System (AFIS), or other authorized examinations.
- When a latent print envelope is turned over to any individual who is not an employee of the Forensic Services Section, a record of the transaction shall be made, to include the date and time of the transaction, the name of the person relinquishing possession of the jacket, the name of the person receiving possession of the jacket, and the reason for the transaction. A copy of this transaction document shall be placed into a latent print envelope with the APD case number and filed in the latent print cabinet.
- Once a latent print envelope is returned, the transaction is recorded on the transaction document filed in the latent print cabinet. This document is then filed with the latent print envelope in the latent print cabinet.
- A quarterly partial audit of the latent print files shall be conducted by the Criminal Investigations Division commander or his/her designee.

### Digital Image Security

Case-related digital images shall be documented and retained in the following manner:

- All case related digital images made by Forensic Services personnel shall be downloaded into the proprietary "Police Central" digital image storage system contained on a dedicated computer in the Forensic Services Office.
- Only Forensic Services personnel shall have access to the digital image database. This access shall be via individual password protected entry.
- A CD or DVD copy of the images obtained in each case shall be made and retained as an archival record.
- ~~No image shall be erased from the memory card utilized in the digital cameras. More than one case may be kept on the digital camera's memory card. Once the digital camera memory card has reached its capacity, it shall be stored in a secure location in the Forensic Services Office and a new memory card is inserted into the digital camera.~~
- Upon request, digital or printed copies of case related images may be released to Asheville Police Department personnel or authorized judicial personnel.

- Digital or printed copies of case related images may be released to other individuals only with the approval of a sworn CID supervisor or the APD detective assigned to the case.
- A quarterly partial audit of the digital image files shall be conducted by the Criminal Investigations Division commander or his/her designee.

### Assisting Other Agencies

- A request for forensic assistance from another law enforcement agency must be routed through Asheville Police Department Communications in order to document the mutual aid request.
- A representative of the requesting agency must be present at the scene and remain with the APD Forensic Services personnel throughout the process.
- All digital images obtained by APD Forensic Services personnel responding to a mutual aid request shall be recorded onto a new digital camera memory card. Upon completion of the photography, the memory card is turned over to the representative of the requesting agency present at the scene. This transaction shall be recorded on an APD Property form.
- Latent lifts or property of any kind obtained by APD Forensic Services personnel shall be turned over to the representative of the requesting agency present at the scene. This transaction shall be recorded on an APD Property form.

END OF DOCUMENT

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: Department Directives</b>	<b>EFFECTIVE DATE: 3/16/2009</b>
<b>SUBJECT: Department Directives</b>	<b>LAST REVISION DATE: 01/13/2013</b>

**I. Restricted Duty Guidelines**

**Department Directive 09 - 001**

- A. The department is adopting new guidelines for Light Duty Assignments as it relates to uniforms, carrying weapons, and operating take home vehicles. These guidelines are designed to ensure equitable treatment and safe working conditions for officers and employees who assume light duty.

Take home vehicles are authorized for personnel on a case by case basis due to the likelihood of being called out to respond to incidents during off duty hours or to properly transport K9s to and from work. Since light duty employees are restricted in performing all the essential functions of their job, these officers (regardless of rank) will use their personal vehicles to travel to and from work. During regular work hours light duty personnel will be authorized to use an unmarked vehicle to leave the municipal building for work-related assignments assuming vehicle availability.

Light duty officers and employees may not wear their uniforms or other casual police attire (polo shirts, etc.) and may not take enforcement action. However, officers may carry their Badge/ID and firearm for personal protection, but these items must be concealed.

Chief William A. Hogan

**II. ~~Reserve Police Officer Program~~**

**~~Departmental Directive 09-002~~**

- A. ~~The Asheville Police Department will no longer maintain a Reserve Police Officer program after August 1, 2009. Current Reserves will turn in all City of Asheville owned property and Sworn credentials to the Quartermaster upon receipt of notice. The Asheville Police Department will offer to hold and maintain the individual Certification awarded by the North Carolina Criminal Justice Education and Training Standards Commission as long as the individual meets yearly training requirements as prescribed by the Commission.~~

~~These individuals will not be a sworn police officer with the department, will have no arrest power and may not carry a concealed weapon without first obtaining a Concealed Carry Permit as issued by the State of North Carolina in the county of residence.~~

~~This directive does not apply to retired officers who after successful qualification each year may carry a concealed weapon pursuant to firearms laws for retirees.~~

**III. Departmental Directive: 09-003**

**Outside Activities: Effective date September 3, 2009**

- A. The Asheville Police Department does not prescribe employee conduct off duty per se. However, any conduct or activity on or off the job that affects the employee's credibility, effectiveness, performance, or ability to fully carry out the responsibilities of an Asheville Police Department officer, and any conduct or activity that is prejudicial to the interests, reputation, or operations of the Asheville Police Department and the City of Asheville are subject to disciplinary action up to and including termination. Examples include but are not limited to, the use of technology such as social networking sites and how they are used, as it applies to your role as a police officer or non-sworn employee, cellular phone use, and the use of department supplied uniforms and equipment.

**IV. Department Directive 2010 - 1**

- A. Pursuant to North Carolina General Statute 165-44.01, Military Medals may be worn by uniformed public safety officers under specific circumstances.

Uniformed officers may wear awarded military service medals during the business week prior to Veterans Day, Memorial Day, and the Fourth of July. Additionally, the medals may be worn the day of and the business day after the same above holidays.

The following definitions apply per statute:

Military Service Medal - "Any medal, badge, ribbon, or other decoration awarded by the active or reserve components of the armed forces of the United States, the North Carolina Air National Guard, or the North Carolina Army National Guard to members of those forces."

National Guard medals from other states may be worn in accordance with the above stipulations.

Uniformed officers may not cover their badges with the medals.

~~V. Department Directive 2012-4~~

~~During the authorized winter uniform months (September 15 – October 31, optional; November 1 – February 28/29, mandatory) officers working 0600 – 1800 will wear the long-sleeve uniform shirt and tie or the long-sleeve uniform shirt, tie and the V-neck sweater. During the day-time hours, the mock-neck or turtleneck and open collar shirt, with or without the V-neck sweater will not be authorized. Officers working during the hours of 0600-1800 will be wearing a tie, regardless of the uniform variation. Officers working 1800-0600 will be authorized to wear the mock-neck or turtleneck and open collar shirt with or without the V-neck sweater. The mock-neck or turtleneck and open collar shirt is authorized during the night shift hours.~~

~~Chief William J. Anderson~~

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**Department Directive 2013-1**

**Procurement Card Purchases/Equipment Purchases**

As employees are aware, the city budget and the departmental budget are tight and must be closely monitored. It is the obligation of the Department Head and the Division Commanders to manage the division budgets appropriately and to ensure that the established budget is adhered to. All expenditures must be legitimate and necessary in the course of business. As the Department Head, I am accountable for all expenditures and responsible for adhering to the established budget and purchasing guidelines. For this reason I am implementing the directive listed below.

Beginning on January 14, all employees who make purchases with a procurement card or otherwise shall abide by the following guidelines:

- Office supplies that are available at the City of Asheville Central Stores (Hunt Hill Facility) should only be obtained from that source. This requester shall complete and submit a **Request for Stock Issue or Return** form. If you are unsure about product availability, you should call the Hunt Hill Facility at 259-5947. The Request for Stock forms must be approved by the appropriate Division Commander or designee prior to submitting to Central Stores for products. The Unit Secretary or Purchasing Tech will be contacted to determine which account code should be used on each form. The pink copy needs to be returned to the Division Secretary.
- Any other purchase requests must be presented in writing, on the attached form, to the Division Commander through the employee's chain of command. Regardless of the amount of the purchase, it is important to have prior approval from the Division Commander to make said purchase. The attached form should be computer generated or completed legibly for review purposes. Once items are purchased, the employee will be responsible for indicating the brand, model, part #, and serial # for applicable items. This will support us in our department wide efforts to maintain control and accountability for items and equipment we purchase. Additional bids or quotes may be needed to ensure compliance with purchasing guidelines. Reviews for compliance with purchasing guidelines will be handled by the Division Secretary or Purchasing Technician.
- Once an item is purchased, a copy of the receipt shall be attached to this requisition form and maintained with the Division Secretary or Purchasing Technician for record keeping and documentation.

I wish to thank everyone for their cooperation and assistance in advance.

Chief William J. Anderson

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: VIP Security Plan</b>	<b>EFFECTIVE DATE: 3/16/2012</b>
<b>SUBJECT: VIP Security Plan</b>	<b>LAST REVISION DATE:</b>

**I. Introduction and Policy Statement**

**Occasionally in the course of law enforcement responsibilities, it becomes necessary to provide security and protection for politicians, actors, statesman, and other figures of national or international attention. As a result of this responsibility it is necessary to have an established plan of action.**

**II. Procedures:**

A. The Patrol Division Commander shall develop a plan for providing security to dignitaries and VIPs. He/she shall review and update the plan by July 1 of each year. The Chief of Police will decide, on a case by case basis, who is a VIP or dignitary requiring protection. Copies of the plan shall be kept with the Primary Policy Manuals. The plan shall include the following:

1. Designation of a supervisor and coordinator for the security details.
2. Equipment requirements:
  - a. Sufficient vehicles from the department's normal fleet to meet the needs of the event plan.
  - b. Soft body armor shall be made available to VIP/Dignitaries and others in need. Assigned officers on the security detail shall wear issued soft body armor during protective service duty.
  - c. The Emergency Response Team has weapons for use in the security detail. Other officers assigned shall procure any needed weapons from the Department's normal arsenal. Assigned weapons shall not be loaned to other security personnel for any purpose. All sworn personnel will have assigned rifles and handguns.
  - d. Department radios may be supplied which may be needed by security personnel, including those from other agencies. The loaning of any radio to another agency shall only be executed with the written authorization of the Chief of Police and a signed letter of responsibility from the supervisor of the other agencies personnel.

**B. Advance Inspection**

Prior to the event occurring, the Patrol Division Commander or his designee shall investigate and identify the following:

1. At a minimum at least two alternative routes of travel and the number of personnel required to protect the route.



2. The number of vehicles which may be necessary.
3. Locations of potential security risks.
4. Inspection of sites and facilities to gather intelligence information.
5. Coordination of operations within the agency and outside agencies.
6. Identification of communication requirements.
7. Means of identifying and designating persons who are part of the detail.

The Department's Criminal Intelligence Officer shall be responsible for obtaining requested intelligence on any potential threats for the event.

C. **Coordination of Operations**

In the event that the VIP or dignitary protection is being coordinated by another agency, the Patrol Division Commander or his designee will provide liaison with that agency and coordinate the Departments involvement in the event.

D. **Identification of EMS and Medical Support**

In the event that emergency medical treatment is needed by the VIP or officers involved, the following facilities shall be used in the order listed:

1. Memorial Mission Hospital Emergency Room
2. Veterans Administration Hospital Emergency Room
3. Park Ridge Hospital Emergency Room


E. **Communications**

Communications for Asheville Police Department shall be handled by the Department's Communications Section. A single communicator shall be designated to monitor communications during assemblies, events or convoys during the event. The dignitary protection team shall use a designated channel during the event.

F. **Operations Plan**

The Division Commander, or designee, shall prepare an operations plan according to [\*\*Policy 1100 - Critical Incident Response\*\*](#). An after action plan will be prepared for evaluation purposes, for identification of areas needing improvement.

END OF DOCUMENT

<b>Asheville Police Department</b> <b>Policy Manual</b>	
Standard Operating Procedure: Homeless Persons	Effective Date: April 18, 2014
Subject: Homeless Persons	Last Revision Date: N/A

**I. Introduction:**

The purpose of this directive is to outline standard operating procedures to be used in the interaction with homeless individuals, homeless camp protocols, and information on outreach assistance to social service resources.

**II. Policy Statement:**

It is the policy of the Asheville Police Department to treat all persons, including the homeless, in a manner that respects their individual rights, human dignity and community values, while enforcing laws that protect life and property and sustain civic life. Whenever possible, APD members should exercise proper discretion and refer homeless individuals to an appropriate social service agency, unless circumstances dictate otherwise.

**III. Definitions:**

A. Homeless – a person is considered homeless if he or she lacks a fixed, regular and adequate nighttime residence, or has a primary nighttime residence that is:

1. A supervised publicly or privately operated shelter designated to provide temporary living accommodations;
2. An institution that provides a temporary residence for individuals intended to be permanently institutionalized;
3. A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

B. Homeless Camp – Any place where homeless individuals gather to store their property and/or sleep. These areas may take a variety of forms not meant for human habitation.

- C. Outreach – The initial and most critical step in connecting or reconnecting a homeless individual to needed health, mental health, recovery, social and housing services that involves the process of engagement, assessing needs, defining service goals or agreeing on a plan for delivering those services.
- D. Crisis Intervention – Psychotherapy approach for officers who come into contact with people with severe mental illnesses, intellectual/developmental disabilities or addiction issues. This approach is designed to improve safety, focus on recognizing the signs and symptoms of these illnesses in order to respond effectively, and help redirect consumers from the judicial system to the health care system and other appropriate resources.
- E. Homeless Initiative Coordinator - The liaison from the City of Asheville Planning and Development Department whose responsibilities include conducting research and investigation into issues about homelessness, and formulating recommendations to local governmental entities and social service agencies to reduce the incidence of homelessness.

IV. **Procedures:**

- A. Absent reasonable suspicion that a homeless person is violating the law, APD members should approach homeless individuals as they would any other citizen. Homelessness, on its own, does not constitute reasonable suspicion. If reasonable suspicion is present, officers may detain and identify a homeless person.
- B. No items of personal property shall be destroyed or discarded. Homeless individuals keep many personal belongings, including documents and medications in what might initially appear to be an item of trash or other type of refuse. Members shall adhere to APD Policy 1100 - Property & Evidence Control in the handling of any property. No personal property shall be searched or seized unless reasonable suspicion or probable cause exists.
- C. Homeless individuals cannot be forced to move to another location if they have a legal right to be present at a location. However, a homeless person may be asked to relocate for safety or security reasons.

- D. Whenever possible, homeless individuals should be referred to health, mental health, recovery, social, and/or housing services.
- E. Many homeless persons suffer from mental health and substance abuse issues that are beyond their control. If an officer encounters an individual who is suffering an episode, the officer should notify an APD member trained in Crisis Intervention techniques (CIT officer) to assist, should they not be formally trained themselves. The officers should then complete a CIT incident report and forward that case number to the Homeless Initiative Coordinator.

V. **Homeless Camp Procedure:**

- A. The primary officer responding to a homeless camp call for service will complete an 'Information Only' report in order to identify all individuals located at the camp, and document pertinent details of the scene such as location, conditions, etc.
- B. If individuals are located at the camp, responding officers will instruct them that they have seven (7) days to vacate the property. They will also provide them with resource cards outlining outreach assistance options. Prior to the conclusion of their shift, the primary responding officer will email the details and the case number of the report to the appropriate district Community Resource Officer(s) and District Commander notifying them of the call for service.
- C. The district Community Resource Officer will in turn notify the Homeless Initiative Coordinator to facilitate outreach workers' referral to the campsite.
- D. During the seven (7) days, outreach workers will respond to the campsite and offer to assist with needed social services, as well as moving belongings. The Homeless Initiative Coordinator will let that district's Community Resource Officer know that outreaches have responded and the result.
- E. On the 7th day or soon thereafter, the district Community Resource Officer will respond back to the camp location to take appropriate enforcement action of any original inhabitants which may remain or have returned to the property.

- F. The district Community Resource Officer will notify the property owner that the property should be cleaned along with any trespass letter information. This procedure will apply for private as well as public properties.
- G. The Community Resource Officer will conduct follow up to ensure the property has been cleaned, and complete a supplement to the original report documenting that the property has been cleaned.
- H. If officers respond to a camp three (3) times in a seven (7) day period and never locate anyone, they can assume that the property is abandoned and the CRO can move forward with contacting the property owner to have the property cleaned up.

**VI. Outreach:**

- A. Outreach is important in connecting or reconnecting a homeless individual to needed health, mental health, social and housing services. Officers should collaborate with physical and mental health experts in order to visit individuals and homeless camps to allow for joint assessment and planning.
- B. Winter Contingency Plan – People experiencing homelessness have a higher risk than the general population of developing exposure-related conditions such as hypothermia and frostbite. These conditions can be immediately life threatening, and may also increase the risk of dying from unrelated conditions in the future. Increased homeless services, especially additional shelter availability, are necessary to accommodate such amplified needs in the winter.
- C. The Winter Contingency Plan, also known as “Code Purple” has been developed to provide relief to the homeless when inclement weather conditions occur. The City of Asheville has a number of shelters that provide overflow space during the winter months to provide additional protection against the harsher elements. Each shelter generally bases its overflow on weather conditions below 32 degrees.

**VII. Referrals to Asheville Shelters and Contact Information**

- ABCCM  
Steadfast House (Women & children only)

(828) 259-5365

- ABCCM  
Veterans Restoration Quarters (Men only)  
1329 Tunnel Road  
(828) 259-5333  
\*\*Winter overflow accommodations
- ABCCM  
30 Cumberland Ave  
(828) 253-5300  
\*\*Monday – Friday hours only
- A-Hope Day Center  
19 N. Ann Street  
(828) 252-8883
- Helpmate (Women & Children only, specifically for domestic violence)  
Crisis Line: (828) 254-0516  
Office: (828) 254-2968
- Rescue Mission  
225 Patton Avenue  
(828) 254-0471  
\*\*Winter overflow accommodations
- Salvation Army  
297 Haywood Street  
(828) 253-4723  
\*\*Winter overflow accommodations

*GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender.*



# ASHEVILLE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE



### SOP 3001 - Juvenile Secure Custody

<b>Original Issue:</b>	10/14/2016	<b>Last Revision:</b>	N/A
<b>Replaces:</b>	N/A		

#### CONTENTS

INTRODUCTION

DEFINITIONS

PROCEDURES

3001.1 GUIDELINES FOR SECURE CUSTODY

3001.2 SECURE HOLDING LOG

#### ASSOCIATED DIRECTIVES

[Policy 3001 – C.I.D. Administration](#)

#### INTRODUCTION

In order to comply with the Juvenile Justice & Delinquency Prevention Act of 1974 ([42 U.S.C. § 5601](#)), the following procedures will apply in reference to any juvenile being placed into a secure interview room (those rooms in the Municipal Building being #223, #224, #225, #227) or in and around the connected hallways and restroom behind locking doors that require both a pass key and user code to exit.

#### DEFINITIONS

Secure Area: a room or area that can be locked to prevent exit (even if the door is not locked).

Status Offense: underage alcohol purchase/possession, underage purchase or accepting receipt of tobacco, runaway, curfew violation, or truancy.

#### PROCEDURES

##### 3001.1 GUIDELINES FOR SECURE CUSTODY

- A. Juveniles (including 16 and 17 year olds), who are in custody for status offenses or actions which would not be offenses if committed by an adult may not be placed in a secured area.
  - 1. Room #214, the victim witness room located in CID, room #200, the special victims interview room located just outside the front entrance of CID; and room #303, the

lobby interview room located in the hallway adjacent to PID are all non-secure areas.

2. Rooms #200 and #303 are open to patrol at all times for after-hours interviews with juveniles being held for status offenses. Interviews conducted in these locations should be documented in either the officer narrative of the incident report or a case file supplement.
- B. Juveniles fifteen (15) years of age and below who are in custody for criminal offenses may be placed in secure areas under the normal procedures; however, they may not be kept in this area for any longer than six (6) hours.
1. The six (6) hour time limit starts immediately upon placing the juvenile in the area and is not reset or affected by any breaks given to the juvenile and applies even if the officer stays in the area with the juvenile.
  2. The officer or detective interviewing the juvenile who has been placed in the secured area must complete an entry in the Secure Juvenile Holding Log which is placed at the rear doorway leading to the secure area in the back hallway of the general assignment area. If accessing the log directly from the secure area, it is the door furthest from the restroom, past room #225.
- C. Juveniles who are 16 and 17 years old and in custody for criminal offense may be placed in the secure interview rooms or other secure areas and are not subject to the six hour time limit, though reasonable interview room procedures regarding time should still be followed.
1. Despite being exempt from the time limit, the officer or detective interviewing the juvenile who has been placed in the secured area must complete an entry in the Secure Juvenile Holding Log as outlined above.
- D. **All interviews conducted with juveniles, persons aged 17 and below, in the secure area or otherwise in custody, must be recorded using video with audio** ([N.C. Gen Stat. § 15A-211\(d\)](#)). In the event of an unforeseen circumstance affecting the in-house recording systems and where a video recorder is unavailable, juvenile interviews may be recorded by using an approved audio device

### **3001.2 SECURE HOLDING LOG**

The designated Criminal Investigations supervisor responsible for inspecting the interview rooms must forward the Secure Juvenile Holding Log for the preceding quarter to the North Carolina Juvenile Justice and Delinquency Prevention Compliance Monitor at the Governor's Crime Commission during the first week of January, April, July, and October; as well as retain copies of all previously forwarded logs.



BY ORDER OF

A handwritten signature in black ink, appearing to read 'TH', with a long horizontal flourish extending to the right.

Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE



<b>SOP 3002 – Blue Team Reports</b>		
<b>Original Issue:</b>	2/26/2014	<b>Last Revision:</b> 5/5/2017
<b>Replaces:</b>	(SOP) Blue Team Reports	

### CONTENTS

INTRODUCTION

PROCEDURES

3002.1 REPORTING GUIDELINES

3002.2 REPORTING RESPONSIBILITIES

3002.3 USE OF FORCE & PURSUIT REPORTS

3002.4 ADMINISTRATIVE REVIEW

3002.5 DISTRIBUTION OF REPORTS

3002.6 IAPRO ADMINISTRATION

### ASSOCIATED DIRECTIVES

[Policy 402 – Use of Force](#)

[Policy 403 – Less Lethal Weapons](#)

[Policy 702 – Department Motor Vehicle Collisions](#)

[Policy 1032 – Vehicle Pursuits](#)

[Policy 2301 – Administrative Investigations](#)

### INTRODUCTION

The purpose of this standard operating procedure is to provide guidelines for the use of internal incident reporting within the IAPro/Blue Team performance tracking system. IAPro assists in the efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern. This procedure establishes the criteria for reporting and methods of review for incidents submitted through the system.

### PROCEDURES

#### 3002.1 REPORTING GUIDELINES

- A. Blue Team use of force reports will be filed in accordance with [Policy 402 – Use of Force](#). [1.3.6 c,d]

- B. Blue Team pursuit reports will be filed for vehicle pursuits in accordance with [Policy 1302 - Vehicle Pursuits](#).
- C. Blue Team department involved motor vehicle accident reports will be filed in accordance with [Policy 702 – Department Motor Vehicle Collisions](#).
- D. Blue Team complaint reports will be filed for citizen or internal complaints against employees, including any allegations of employee misconduct (see [Policy 1021 – Professional Standards](#)).
- E. Blue Team internal incident reports will be filed for the following:
  - 1. Injury to prisoners or persons while being taken into or while in custody;
  - 2. [Police canine bites](#);
  - 3. Any call out of the Emergency Response Team or Crisis Negotiation Team other than for training, to be completed by the ERT or CNT leader in charge at the incident;
  - 4. Injury to any department employee which requires formal medical attention (including a visit to [City of Asheville Health Services](#)), if it occurred while the employee was performing assigned duties, or engaged in law enforcement related secondary employment;
  - 5. Damage or loss of department property;
  - 6. Damage to non-department property which is the result of an employee's on-duty action;
  - 7. [Euthanizing a seriously injured or diseased animal](#);
  - 8. Any other incident that would not be reported on a standard incident report form where it is necessary to document the circumstances and/or advise the department's executive staff, the Chief of Police or City officials of the incident(s).
- F. Blue Team reports will be completed via the online platform, with any supplemental documentation electronically scanned and attached.
- G. [Employees may be required to submit a Blue Team report at the direction of a supervisor.](#)
- H. Blue Team reports must be completed by the end of the tour of duty during which the incident or observation occurred.
- I. Blue Team reports must include all pertinent information as required in the supplied form fields.
- J. A separate incident report will be completed in the department's Records Management System (RMS) when appropriate.

- K. These guidelines apply to all employees at all times whether on-duty, off-duty, or **during secondary employment**.

### **3002.2 REPORTING RESPONSIBILITIES**

- A. Employees submitting a Blue Team report are responsible for the following:
1. Completing the report in accordance with this procedure and attaching all supporting documentation, **to include linking any associated recordings (i.e., body-worn camera or in-car camera)**;
  2. Reviewing the report for **completeness and accuracy**;
  3. Submitting the report to an immediate supervisor by the end of the tour of duty in which the incident occurred; and
  4. Directly notifying **their immediate supervisor of the report requiring review**. In the event the employee's immediate supervisor is not on duty, they must notify and submit the report to another on-duty supervisor. After review, the on-duty supervisor will forward to the next level of *the employee's* chain of command.
- B. **Department** supervisors are responsible for the following when a Blue Team report is submitted for their review:
1. **Thoroughly reviewing the report and documentation submitted by the employee**, including ensuring all supporting **documentation and recordings are** attached;
  2. If there is reason to believe there was a policy or procedural issue, supervisors must provide comments and/or a written memorandum addressing those concerns **to be attached to the associated Blue Team report**;
  3. Providing comments **and/or a written memorandum** addressing policy or procedural concerns **when necessary, and attaching to the associated Blue Team Report**;
  4. Conducting **an administrative** investigation when directed by **the Division Commander**; and
  5. **Forwarding Blue Team reports to the next level of the chain of command in a timely manner**.
- C. **Division** Commanders are responsible for the following regarding Blue Team reports submitted for their review:
1. Thoroughly reviewing the report and all supporting documentation;
  2. Providing comments **and/or a written memorandum** addressing policy or procedural concerns **when necessary, to include any recommended corrective actions as a result**;

3. Conducting or assigning a supervisor to conduct an administrative investigation when requested by the Professional Standards Commander; and
4. Forwarding Blue Team reports to the next level of the chain of command in a timely manner.
5. Ensuring that all procedures outlined in this directive are followed, reports are promptly submitted, and each report is properly completed and reviewed.

### **3002.3 USE OF FORCE & PURSUIT REPORTS**

- A. Blue Team reports involving a use of force or vehicle pursuit will be completed by the employee(s) involved (or in extenuating circumstances the employee's supervisor) and must, at a minimum, include a description of the incident, to include the totality of the circumstances that necessitated the use of force or pursuit. [1.3.6] [41.2.2 i]
- B. Any employee who is a witness to such incidents will complete a detailed statement to be sent electronically to the officer initiating the Blue Team. All witness statements must be attached to the original Blue Team report.
- C. Supervisors responding to the scene of any reportable use of force or injured prisoner incidents are responsible for collecting the following documentation to be submitted with the Blue Team report, where applicable:
  1. Interviews with witnesses and the subject of the use of force/injury;
  2. Photographs of all reported injuries;
  3. Statements from all officers on the scene; and
  4. A use of force review memorandum determining if the involved officer(s) actions were within policy.

### **3002.4 ADMINISTRATIVE REVIEW**

- A. Blue team reports will be reviewed and evaluated by the involved employee's chain of command and the Professional Standards Section. [1.3.7][41.2.2 j]
- B. Chain of command reviews must be completed within 45 days of original completion, with the exception of incidents related to an administrative investigation (see Policy 2301 – Administrative Investigations)
- C. Subsequent to the final supervisory review, all reports will be forwarded to the Office of the Chief of Police or designee.
- D. After review by the Office of the Chief of Police, the reports will be forwarded to the Professional Standards Section for retention.

### **3002.5 DISTRIBUTION OF REPORTS**

- A. Blue Team internal reports are not considered incident reports and are not public information.

- B. With approval from the Professional Standards Section Commander, reports may be distributed for administrative or investigative purposes.

**3002.6 IAPRO ADMINISTRATION**

- A. IAPro is managed by the Professional Standards Section, which has the responsibility of:
1. Managing user access and accounts;
  2. Quality control of entries into the system;
  3. Monitoring consistency of recommended personnel actions;
  4. Ensuring timely response to entries; and
  5. Ensuring the security, proper distribution, and retention of Blue Team records.

BY ORDER OF:



Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE



### SOP 3004 - Asset Seizure & Forfeiture

<b>Original Issue:</b>	4/17/2017	<b>Last Revision:</b>	N/A
<b>Replaces:</b>	N/A		

#### CONTENTS

INTRODUCTION

DEFINITIONS

PROCEDURES

3004.1 ADMINISTRATION

3004.2 PROCESSING OF SEIZED PROPERTY

3004.3 AFC RESPONSIBILITIES

3004.4 FISCAL AGENT RESPONSIBILITIES

3004.5 FEDERAL FORFEITURES

3004.6 STATE FORFEITURES

#### ASSOCIATED DIRECTIVES

[Policy 1004 - Seizure and Forfeiture](#)

[Property & Evidence Manual](#)

#### INTRODUCTION

The purpose of this procedure is to establish departmental guidelines for the seizure and disposition of real or personal property under State and Federal forfeiture laws.

#### DEFINITIONS

Adoptive Seizure: the federal adoption and forfeiture of property seized exclusively through the efforts of state or local agencies where the conduct giving rise to the seizure is in violation of federal law.

AFC (Asset Forfeiture Coordinator): a department member designated by the Chief of Police as having administrative oversight responsibility for all asset forfeiture cases originated by members of the Asheville Police Department.

Conveyance: any vehicle, vessel, or aircraft.

Fiscal Agent: a department member designated by the Chief of Police as having responsibility for securing and maintaining seized assets and distributing any proceeds realized by any forfeiture proceedings.

Personal Property: includes currency, bank accounts, monetary instruments, jewelry, conveyances, firearms, or any other item of ownership not defined as real property.

Proceeds: money derived from the sale of forfeited property.

Real Property: generally refers to land and any structures or appurtenances erected on property.

State Seizure: a seizure made by local authorities that is administered under North Carolina law and that requires either forfeiture to the local school system or the escheat fund, return to the lawful owner, or forfeiture to a permissible law enforcement purpose.

## **PROCEDURES**

### **3004.1 ADMINISTRATION**

- A. The Chief of Police serves as the agency's executive point of contact for Federal and/or State agencies involved in the forfeiture process.
- B. The investigating officer or detective who originates the seizure will serve as the operational point of contact for Federal and/or State agencies involved in the forfeiture process.
- C. The Special Operations Section Commander is designated as the department's Asset Forfeiture Coordinator (AFC) and will have administrative oversight responsibility for processing of potential asset forfeiture cases.
- D. All seizure of property subject to State or Federal forfeiture will be jointly reviewed by the seizing officer, his or her immediate supervisor, and the AFC. The purpose of this review will be to determine if the seizure is in compliance with applicable law and department policies/procedures.
- E. Property or conveyances retained or awarded for law enforcement use will be subject to internal controls consistent with those applicable to city property acquired through the normal purchasing processes of the City. All conveyances will be inspected and evaluated by City of Asheville Fleet Services to determine operability, safety, and asset to the City.
- F. The City has established separate, designated revenue and expenditure accounts for the deposit and disbursement of proceeds received from state and federal forfeitures, including any interest income generated by these funds. All proceeds received by department members through the Courts or other legal means must be delivered directly to the Fiscal Agent on the date received or no later than the next business day.
- G. The Chief of Police will determine the purposes for which forfeited property and proceeds are utilized by the agency and must authorized all expenditure of funds.



Expenditures will be effected only for permissible law enforcement uses, and then only in accordance with the City's established purchasing procedures and the awarding body's regulations.

### **3004.2 PROCESSING OF SEIZED PROPERTY**

- A. When property or cash subject to this policy is seized, after review and approval from a supervisor, the officer making the seizure should ensure compliance with the following:
  - 1. Complete the applicable seizure forms/property voucher and present the appropriate copy to the person from whom the property is seized.
  - 2. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized.
  - 3. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
  - 4. Complete and submit a report and original seizure forms before the end of the shift in which it was seized.
- B. Forward the original seizure forms and related reports to the AFC along with the submission of forms at the end of the shift.
- C. Except for motor vehicles, the officer will book seized property as evidence (see the [Property & Evidence Manual](#)) with the notation in the comment section of the property voucher of "Seized subject to forfeiture".
- D. Property seized subject to forfeiture should be booked separately from other evidence in the case.
- E. Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items, and placed with the related report.
- F. Officers who suspect property may be subject to seizure, but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, or it is real estate, bank accounts, or non-tangible assets) should document and forward the information in the appropriate report to the department's AFC.

### **3004.3 AFC RESPONSIBILITIES**

- A. The AFC is responsible for the following:
  - 1. Must review and approve ALL asset forfeiture requests prior to officers proceeding with a seizure related to a criminal case.
  - 2. Remaining familiar with forfeiture laws and forfeiture policies;

3. Providing technical assistance to all agency personnel in identifying, seizing, and documenting assets subject to forfeiture under State or Federal law;
4. Reviewing each seizure-related case and deciding whether the seizure is appropriate; if so, is it more appropriately made under state or federal seizure laws;
5. Reviewing each asset forfeiture case, with the seizing officer and his/her immediate supervisor to ensure that:
  - a. The seizure is in compliance with applicable laws and department policy
  - b. Appropriate written documentation of the seizure and the items seized is in the case file;
  - c. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property;
  - d. Property is promptly and properly stored or released to those entitled to its return;
6. Maintain a log of all property seized by the Asheville Police Department under federal forfeiture laws, as well as copies of all sharing application forms submitted to federal agencies in forfeiture cases. The log will specify, at a minimum, the following:
  - a. OCA number
  - b. Initiating officer or investigator
  - c. Seizure date, seizure type (joint or adoptive)
  - d. The pertinent federal agency, with statutory/code justification for seizure
  - e. Asset or property description
  - f. Share requested
  - g. Specific intended law enforcement use, if applicable
  - h. Final disposition and disposition date
  - i. Final Asset and/or proceeds awarded and date received
7. Maintaining a log of all property seized by the department under North Carolina forfeiture laws. The log will specify, at a minimum, the following:
  - a. The OCA number
  - b. Initiating officer or investigator
  - c. Seizure date

- d. Statutory authority for the seizure
  - e. Asset or property description
  - f. Final disposition and disposition date
  - g. Final Asset and/or proceeds awarded and date received
8. Review all federal sharing applications initiated by agency personnel to ensure proper completion and timely submission in accordance with Federal guidelines;
  9. Ensuring that all seized property in the custody of the department that is subject to forfeiture is adequately protected and its value preserved;
  10. Coordinating the provision of training to department personnel on the process of documenting and identifying assets subject to forfeiture;
  11. Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. These forms should be available in languages appropriate for the region and should contain spaces for:
    - a. Names and contact information for all relevant persons and law enforcement officers involved (witness signature/name field).
    - b. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
    - c. A space for the signature of the person from whom cash or property is being seized.
    - d. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
  12. This directive and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

#### **3004.4 FISCAL AGENT RESPONSIBILITIES**

- A. Preparing the Federal Sharing Agreement and Federal Annual Certification Report for review and signature by the Chief of Police and appropriate Finance Director in accordance with Federal guidelines;
- B. Reviewing MUNIS accounts to ensure proper recording of revenues and expenditures;
- C. Preparing required staff reports and budget amendments for revenues and expenditures;

- D. Ensure proper disposal of property in compliance with the governing body's guidelines; and
- E. Ensure any funds from sales or auction of disposed awarded assets is recorded in the appropriate forfeiture line.

### **3004.5 FEDERAL FORFEITURES**

- A. Federal law enforcement agencies participating in the federal forfeiture program and who directly adopt state and local seizures currently operate within both the Department of Justice (DOJ) and the Department of the Treasury (DOT).
- B. Application must be made to request a share of the property seized in a joint investigation or in an adoptive case by using Form [DAG-71 Equitable Sharing Request Form](#) (DOJ agencies), [Form TDF92](#) (for Treasury Department agencies), or IRS Form 9061 (for Internal Revenue Service). A separate form must be completed for each asset to be shared.
- C. Adoptive seizures may occur if a request is submitted to a federal seizing agency to proceed with a federal forfeiture. If an adoptive seizure is requested, the seizing officer and AFC are jointly responsible for the following:
  - 1. Evaluating if the value of the seized items meet applicable minimum adoption thresholds for conveyances, real property, and/or currency, bank accounts and monetary instruments.
  - 2. Determining that the seized items to be transferred to Federal authorities are not required for use in any State prosecution
  - 3. If the seizure was made under State law, provide written notice to the District Attorney that the property is being transferred to Federal authorities, as the property is not required for State prosecution
  - 4. Completing all required application forms within established time limits, for review and signature by the Chief of Police and City Attorney and submitting to the Federal agency administering the forfeiture;
  - 5. Coordinating with the adopting federal agency regarding the transfer of the seized property to Federal custody.
- D. When a seizure is a result of the department's participation in a formal or informal federal task force, any written equitable sharing agreement must be reviewed and followed.
- E. Equitable sharing funds must be used according to established regulations. Equitable sharing funds may not be used to pay the salaries and benefits of sworn or non-sworn law enforcement personnel, except in approved limited situations for task force members or specialized programs.

- F. Equitably shared monies and revenue must not be comingled with funds from any other source.
- G. The Chief of Police must authorize all expenditures from the federal sharing revenue account.
- H. Annually, an Equitable Sharing Agreement and Certification Form must be submitted to the DOJ Asset Forfeiture and Money Laundering Section (AFMLS) via the eShare System. This form must be completed and submitted within sixty (60) days after the end of the fiscal year, regardless of if funds/assets were received or maintained during the fiscal year.
- I. If the department expends more than \$500,000 in federal funds in a fiscal year, an independent financial audit must be completed per federal law.
- J. All documents and records pertaining to participation in the DOJ Equitable Sharing Program must be retained for a period of at least five years.

#### **3004.6 STATE FORFEITURES**

- A. All seizures of property or currency that is subject to forfeiture under state law must be reported to the AFC by the end of the next business day following the seizure.
- B. Property seized pursuant to State forfeiture laws will normally be retained in the custody of the department (Property and Evidence Section) pending a judicial disposition (court order).
- C. Seized conveyances will be inventoried prior to storage in accordance with all department directives and properly secured to protect their value. Keys to seized conveyances (if any) will be affixed to a key ring along with the key to any locking device used. These keys will then be submitted to the Property & Evidence Section for safekeeping.
- D. When property awarded to the department for official use is of no further use to the department, the property will be sold at public auction. The proceeds from the sale, excluding any costs for forfeiture, maintenance of custody/storage, advertising, and court costs, must be turned over to the school fund of the county in which the seizure was made and adjudicated.
- E. All forfeited property turned over to the department for official use under State law must be fully documented and tracked by the AFC, who will ensure that final disposition of such forfeited property is in accordance with prevailing State law.

BY ORDER OF:



Tammy Hooper  
Chief of Police



# ASHEVILLE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE



### SOP 3008 – Watch Command

<b>Original Issue:</b>	5/12/2014	<b>Last Revision:</b>	3/5/2018
<b>Replaces:</b>	SOP 1010-A Watch Commander		

#### CONTENTS

##### INTRODUCTION

##### PROCEDURES

##### 3008.1 WATCH COMMANDER RESPONSIBILITIES

##### 3008.2 WATCH COMMANDER AVAILABILITY

#### ASSOCIATED DIRECTIVES

[Policy 102 – Command and Control](#)

[Policy 507 – Serious Incident Notification](#)

#### INTRODUCTION

The purpose of this directive is to outline the duties and responsibilities for the department's Watch Commander.

#### PROCEDURES

##### 3008.1 WATCH COMMANDER RESPONSIBILITIES

- A. The on-duty Watch Commander is responsible for communicating critical information, efficiently managing calls-for-service in the field, ensuring minimum manning of patrol staff on each shift, and supervising critical incidents or major events that may occur during their tour of duty.
- B. The on-duty Watch Commander will provide overall supervision, guidance, and leadership to officers and subordinate supervisors.
- C. The Watch Commander's routine duties and responsibilities will include, but are not limited to, the following:
  1. Ensuring [appropriate](#) supervision is on duty or [available for call or consultation](#).
  2. Efficiently supervising calls for service and field operations;

3. Communicating with lieutenants and supervisors to address problem areas, problem solving initiatives and special operations;
  4. Communicating with district supervisors to ensure that minimum / adequate staffing is met on each shift;
  5. [Other responsibilities as outlined by department policy.](#)
- D. The Watch Commander's duties during a critical incident or major event will include, but are not limited to, the following:
1. Establish command and control of critical incidents/major events, utilizing the Incident Command System when applicable;
  2. Manage and assign resources as necessary;
  3. Request additional resources as needed;
  4. Ensure command notifications are made and continually update critical information ([see Policy 507 - Serious Incident Notification](#));
  5. Ensure that community partners receive information regarding the event, e.g., NCDOT, schools, hospitals;
  6. Coordinate the on-scene media response and act as the onsite Public Information Officer at major events, when necessary;
  7. [Other responsibilities as outlined by department policy.](#)

### **3008.2 WATCH COMMANDER AVAILABILITY**

- A. [A Watch Commander will be available for call or consultation at all times.](#)
- B. [Information for contacting the on-duty Watch Commander must be made available to department employees.](#)

BY ORDER OF



Tammy Hooper  
Chief of Police



**ASHEVILLE POLICE DEPARTMENT  
OPERATIONS BUREAU  
STANDARD OPERATING PROCEDURE**



<b>SOP 3102 – Body-Worn Cameras</b>			
<b>SCOPE</b>		<b>Replaces:</b>	N/A
<b>Division/Bureau:</b>	Operations Bureau	<b>Original Issue:</b>	1/29/2018
<b>Section/Unit:</b>	Criminal Investigations Special Operations	<b>Last Revision:</b>	N/A

**CONTENTS**

INTRODUCTION

DEFINITIONS

PROCEDURES

3102.1 GUIDELINES FOR USE

3102.2 ACTIVATION AND WEAR

3102.3 ACTIVATION EXCEPTIONS

**ASSOCIATED DIRECTIVES**

[Policy 509 – Body-Worn Cameras](#)

**INTRODUCTION**

The following procedures will apply to the use of body-worn cameras for officers assigned to the Criminal Investigations and Special Operations Sections. This directive provides guidance on the use of body-worn cameras for plainclothes officers, and is supplemental to the procedures outlined in Policy 509 – Body-Worn Cameras.

**DEFINITIONS**

Body-Worn Camera: an operational video or digital camera or other electronic device, including a microphone or other mechanism for allowing audio capture, affixed to the uniform or person of law enforcement agency personnel and positioned in a way that allows the camera or device to capture interactions the law enforcement personnel has with others.

Tactical Vest: external ballistic carrier utilized in lieu of or in addition to issued concealed body armor carrier.



## PROCEDURES

### 3102.1 GUIDELINES FOR USE

- A. Unless otherwise specified in this procedure, officers must follow all guidelines outlined in [Policy 509 – Body-Worn Cameras](#).

### 3102.2 ACTIVATION AND WEAR

- A. Officers in a plainclothes assignment are not typically required to wear a body-worn camera during their normal tour of duty, however, a tactical vest and attached body-worn camera must be worn during any pre-planned tactical or enforcement actions.
- B. Anytime a body-worn camera is worn, it is the responsibility of the officer to ensure that the body-worn camera is properly placed/affixed for optimal use.
- C. Officers who typically work in plainclothes assignments must adhere to all provisions of [Policy 509 – Body-Worn Cameras](#) when acting in any uniformed capacity, to include working secondary or augment assignments.
- D. Nothing in this directive prohibits a plainclothes officer from utilizing a body-worn camera during the course of their official duties if he/she has a reason to do so.

### 3102.3 ACTIVATION EXCEPTIONS

- A. Exceptions for body-worn camera use or activation may be requested for certain pre-planned operations with documented justification in the accompanying Event Operational Guideline. Requests for exceptions must be approved by the Investigations and Operational Support Commander.

BY ORDER OF:



Wade Wood  
Deputy Chief  
Operations Bureau



**ASHEVILLE POLICE DEPARTMENT  
ADMINISTRATION BUREAU  
STANDARD OPERATING PROCEDURE**



## 3300 - Hot File Validations

<b>SCOPE</b>		<b>Replaces:</b>	N/A
<b>Division:</b>	Special Services Division Administrative Services Division	<b>Original Issue:</b>	3/18/2016
<b>Section/Unit:</b>	N/A	<b>Last Revision:</b>	N/A

### CONTENTS

INTRODUCTION

DEFINITIONS

PROCEDURES

3300.1 VALIDATION SCHEDULE

3300.2 VALIDATION PROCEDURES

3300.3 CANCELLATION OF HOT FILES

### ASSOCIATED DIRECTIVES

[Policy 1380 - Missing Persons](#)

[Policy 1500 - Communications](#)

### INTRODUCTION

State and Federal regulations require the SBI to ensure that complete and accurate “Hot File” records are maintained in the DCI Network (DCIN) and the National Crime Information Center (NCIC) system. This SOP provides guidelines to ensure the Asheville Police Department maintains these complete, accurate, and up-to-date records by performing monthly validations.

### DEFINITIONS

Hot Files: hot files entered into the DCI/NCIC systems would include wanted persons, missing persons, unidentified persons, stolen property, lost guns, recovered guns, and stolen vehicles.

Enhanced Validations On-Line Verified Electronically (EVOLVE): a statewide integrated validation system allowing automated NCIC record validation on-line through a web-based browser.

**PROCEDURES**

**3300.1 VALIDATION SCHEDULE**

- A. A validation list is generated by the NCIC system and e-mailed by the CJIS Compliance Unit monthly to the department. This list will be for all entries, in all years that are made in the month being validated. For example, in July the department will receive a list of all entries made in the month of April regardless of year.
- B. The schedule will be as follows:

<b>Validation Month</b>	<b>Month Being Validated</b>
January	October
February	November
March	December
April	January
May	February
June	March
July	April
August	May
September	June
October	July
November	August
December	September

- C. To complete the validation process, documentation and validation efforts must be maintained for review during an FBI CJIS audit.

**3300.2 VALIDATION PROCEDURES**

- A. For each record, a review of source documents (investigation reports with related supplements and/or warrants) must be conducted to ensure that the information is complete and accurate, and that the entry is updated.
  - 1. Records must be packed with all available data. Additional data may be found by performing additional inquiries into DMV, AOC, CCH, etc., if this was not completed at the time of entry.
  - 2. The current supporting documentation may be electronic or hard copy.
- B. If source documents cannot be located, or if the documentation indicates the record should never have been entered, the record should immediately be cancelled from the NCIC file.
- C. If the source documentation indicates the person or property has been located and/or apprehended, the record should be immediately cleared from the NCIC file.
- D. Any information which needs to be added or corrected in the record entry should be modified or supplemented.

ASHEVILLE POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

- E. For each stolen vehicle, stolen boat, wanted person, and missing person, contact should be made with the complainant in the case, or the appropriate court jurisdiction, to verify the wanted, missing, validity, or stolen status of the record.
- F. Contact may be made in person, by telephone, e-mail, letter, etc., and made at least once for each validation. At a minimum, the date, time, method of contact, who is attempting the contact, and the results of the conduct should be noted in the case file.
- G. Guidelines for verification are as follows:
  - 1. Wanted Persons: Contact the clerk of court for warrants which have been returned to the clerk's office and, if necessary, contact the District Attorney's office to determine that extradition is still authorized.
  - 2. Missing Persons: Contact the guardian, complainant or next of kin.
  - 3. Stolen Vehicles or Boats: Contact the complainant or other appropriate source (insurance company, if applicable) to determine if the property has been recovered.
- H. In the event contact attempts are unsuccessful, the validating employee must make a determination, based on the best information and knowledge available, whether or not to retain the original entry in the file. Unsuccessful attempts must also be recorded in the case file.
- I. Once NCIC converts a Runaway Juvenile record to Emancipated Juvenile, the record should be removed from NCIC. Law enforcement no longer has jurisdiction over the person, unless exigent circumstances exist. If exigent circumstances exist, the Runaway Juvenile MKE can be modified to the appropriate Missing Person file.
- J. Validation processes must be completed through EVOLVE, Omnixx Force, or both if needed.
- K. Completion of the validation process means:
  - 1. All inactive records have been cleared or canceled;
  - 2. All incorrect records have been modified;
  - 3. All valid records have been modified to include known supplemental data;
  - 4. Presently all remaining records on the computer entered by or on behalf of the department are correct, complete, and accurate; and
  - 5. The validation process has been completed and documented through EVOLVE, Omnixx Force, or both.

**3300.3 CANCELLATION OF HOT FILES**

- A. NCIC will automatically purge any non-validated record(s) within sixty (60) days of the department receiving the validation list.
- B. Validations must be completed before midnight on the day before the first Sunday of the second month.
  - 1. Failure to complete validations will result in the receipt of a *\$P – Purge Failure to Validate Notification* message through DCIN indicating the record(s) have already been canceled from NCIC.
  - 2. Records can be entered again, provided entries are supported by documentation and have been validated.

BY ORDER OF:



Wade Wood  
Deputy Chief  
Administration Bureau



**ASHEVILLE POLICE DEPARTMENT  
ADMINISTRATION BUREAU  
STANDARD OPERATING PROCEDURE**



<b>3301 – Records Unit Incident Reports</b>			
<b>SCOPE</b>		<b>Replaces:</b>	4080 – Protocol Call Referral
<b>Division/Bureau:</b>	Administration Bureau	<b>Original Issue:</b>	5/15/2002
<b>Section/Unit:</b>	N/A	<b>Last Revision:</b>	10/2/2017

**CONTENTS**

INTRODUCTION

PROCEDURES

3301.1 RECORDS UNIT REPORT CRITERIA

3301.2 TRANSFERRING PROCEDURES

**ASSOCIATED DIRECTIVES**

**INTRODUCTION**

For certain types of incidents which do not require law enforcement authority the department’s Records Unit may take the associated incident report. The objective of this alternative is to relieve police officers of the time involved taking incident reports for non-critical incidents, where the complainant does not wish to meet and may be handled over the telephone.

**PROCEDURES**

**3301.1 RECORDS UNIT REPORT CRITERIA**

A. Incident reports may be taken by the Records Unit when it meets the following criteria:

1. The crime/incident is not recent (is considered a “cold call”). This **DOES NOT** include ongoing criminal episodes involving multiple acts of the same crime, e.g., larceny from vehicles, vandalism etc.; AND
2. Crimes where there is no present or impending physical danger; no potential for additional property damage or property loss; or no physical/psychological/emotional harm has occurred to the victim; AND
3. A suspect cannot be described and/or will unlikely be identified.

B. Examples of incident reports which may be taken by the Records Unit include, but are not limited to the following:

1. “Cold” stolen property reports, with a minimal amount of stolen property (not residential or commercial breaking and enterings);
  2. “Cold” damage to property reports with minimum damage, e.g., minor vandalism;
  3. Fraud, scams, or identity theft;
  4. Lost property;
  5. Other “information only” reports which do not require immediate police action and/or enforcement.
- C. Examples of incident reports the Records Unit should not take include:
1. Incidents that require immediate police action and/or enforcement;
  2. Incidents that would necessitate an officer’s presence to collect further information or evidence;
  3. Missing persons;
  4. Incidents involving juveniles; and
  5. Any incident, at the discretion of the Records Unit supervisor, where it would be better investigated by a sworn officer.

### **3301.2 TRANSFERRING PROCEDURES**

- A. If the caller agrees to a report taken by the Records Unit over the telephone, Communications may transfer the call to the Records Unit. Incident reports may be transferred to the department’s Records Unit only when an officer is not requested to respond in-person.
- B. If it is after-hours and the caller agrees, Communications may take the name and telephone number of the caller to have the incident report taken the next business day. Telecommunicators will specify the day and ask for a preferred time for the call back. The caller may also be asked to telephone the Records Unit directly the next business day.
- C. If a call is transferred and the criteria in this directive is not met, the Records Unit employee will notify the Records Unit supervisor, who will determine if the call should be returned to Communications for response by an officer.

BY ORDER OF:



James Baumstark  
Deputy Chief  
Administration Bureau