

NORTH CAROLINA STATE HIGHWAY PATROL POLICY MANUAL TABLE OF CONTENTS

* Policy directive applies to ALL EMPLOYEES (Sworn and Civilian)

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Mission, Vision, and Values

Applicable to: Employees

Directive A.01

Revised 01/30/2020

Effective 12/6/2010

I. MISSION STATEMENT

The mission of the North Carolina State Highway Patrol is to promote excellence in traffic enforcement through a commitment to the safe and efficient flow of traffic, crime reduction and response to natural hazards and manmade threats. This will be accomplished through government and community partnerships and based upon our core values of loyalty, integrity, and professionalism.

II. VISION STATEMENT

The North Carolina State Highway Patrol will excel as a national leader in public service through innovative traffic enforcement, strategic preparedness, and community engagement.

III. ETHICAL AND ORGANIZATIONAL VALUES

Integrity

A sincere commitment to justice and diversity while maintaining the ethics of the Patrol through honor, respect, and moral courage.

Loyalty

Faithfully serve the public consistent with the policies of the North Carolina State Highway Patrol

Professionalism

Demonstrate a clear sense of commitment, personal direction, and best practices to provide excellent service. Empower employees to be creative, decisive, and accountable.



Effect and Use of Manual – Liability

Applicable to: Employees

Directive A.02

Revised 06/23/2017

Effective 12/6/2010

I. CIVIL AND CRIMINAL LIABILITY

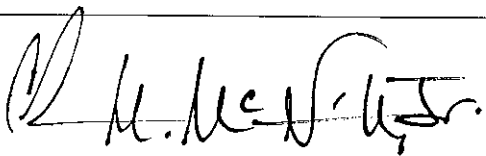
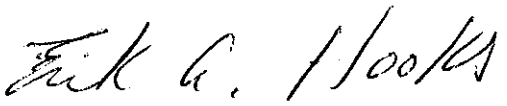
The North Carolina State Highway Patrol Policy and Procedures Manual, and all policies, rules, regulations, directives, and procedures of the Patrol and the Department of Public Safety are for internal use only, and do not enlarge any member's civil or criminal liability in any way, nor do they enlarge any supervisor's or civilian administrator's civil or criminal liability in any way with respect to training or other supervisory or administrative responsibilities of every kind and nature. These should not be construed as the creation of a higher standard of safety or care in any legal or evidentiary sense, with respect to third party claims.

II. VIOLATIONS OF MANUAL

Any violation of this manual and/or of any of the policies, rules, regulations, directives, and procedures of the department, if proven, can be used solely as the basis for disciplinary action against a member by this department, and then only in a non-judicial administrative proceeding.

III. NO CONTRACT RIGHTS

This manual and all policies, rules, regulations, directives, and procedures of the Patrol and the Department of Public Safety shall not be construed to grant or guarantee to a member or an applicant any right or privilege or to establish a contract or mandatory procedure. Compliance with the State Personnel Act or other applicable law or procedure shall be deemed to be in compliance with this manual, policies, rules, regulations, directives, and procedures of the Patrol and the Department of Public Safety.

	I concur: 
Commander, State Highway Patrol	Secretary, Department of Public Safety



Code of Professional Ethics

Applicable to: Employees

Directive A.03

Revised 9/17/2021

Effective 8/22/2011

In America, where the supremacy of public opinion is assured, it is essential that the system upon which public safety depends is developed to a high degree of efficiency and that it is administered in a manner to assure the continued approbation and respect of the public. Voluntary compliance with the law is enhanced when the public holds the law enforcement agency and its members in high esteem.

Rules cannot be drawn that will prescribe in specific detail the manner in which all the duties of law enforcement officers shall be performed. The problems of police service are many and they are subject to the influence of the constant development of public administration. This Code of Ethics describes the basic objectives sought and provides general rules for the performance of the manifold duties of law enforcement officers.

I. BASIC OBJECTIVES

- To encourage fair and impartial enforcement of the laws and the protection of individual rights.
- To elevate the standing of the profession in the public mind, and to strengthen public confidence in law enforcement.
- To encourage law enforcement officers to fully appreciate the responsibilities of their office.
- To develop and maintain complete support and cooperation of the public for law enforcement.
- To ensure the effectiveness of the service by encouraging complete cooperation of its members for their mutual benefit.
- To strive for full coordination of effort in all official relationships with other governmental bodies.
- To consider police work an honorable profession and to recognize in it an opportunity to render a worthwhile service to society.

II. CODE OF CONDUCT (SWORN MEMBERS)

All members of the North Carolina State Highway Patrol (NCSHP) must be fully aware of the ethical responsibilities of their positions and must strive constantly to live up to the highest standards of professional law enforcement.

Integrity

- As a Trooper, I will not engage in acts of corruption or bribery, nor condone such acts by other law enforcement officers. I will avoid any conduct that might compromise my integrity and thus undercut the public confidence in the North Carolina State Highway Patrol. I will refuse to accept any gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause me to refrain from performing official responsibilities honestly and within the law.

Primary Responsibilities

- As a Trooper, I will always act as an official representative of government who is required and trusted to work within the law. The Trooper's powers and duties are conferred by statute. The fundamental responsibilities of a Trooper include regularly patrolling the highways of the State and enforcing all laws and regulations regarding travel and the use of vehicles upon the highways of the State and all laws for the protection of the highways of the State.

Performance of the Duties

- As a Trooper, I will perform all duties impartially without favor or affection or ill will and without regard to status, sex, race, religion, political belief, or aspiration. All citizens will be treated equally with courtesy, consideration, and dignity. I will never allow personal feelings, animosities, or friendships to influence my official conduct or duties. Laws will be enforced appropriately and courteously, and in carrying out my responsibilities, I will strive to obtain maximum cooperation from the public. I will conduct myself in appearance and actions in such a manner as to inspire confidence and respect for the position of the public trust I hold.

Discretion

- As a Trooper, I will use responsibly the discretion vested in my position and exercise it within the law. The principle of reasonableness will guide my decisions, and I will consider all surrounding circumstances in determining whether any legal action shall be taken.

Confidentiality

- Whatever I see, hear, or learn that is of a confidential nature will be kept confidential unless the performance of my duties or legal responsibilities requires otherwise.

Use of Force

- As a Trooper, I will never employ unnecessary force and will use only such force in the discharge of duty as is reasonable in all circumstances. While the use of force is occasionally unavoidable, I will refrain from unnecessary

infliction of pain or suffering and will never engage in cruel, degrading, or inhumane treatment of any person.

- **Duty To Intervene**

Officers have a sworn duty and obligation to protect members of the public. Consistent with this obligation, officers should take a preventive approach, whenever possible, if observing behavior that suggests that another officer is about to engage in unlawful or inappropriate behavior, as described more fully below.

Officers have an ethical and legal duty to intervene when necessary to prevent or stop another officer from using a level of force that the officer knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances. Officers shall also intervene in any case where the officer observes another officer treating a member of the public in any manner that is inconsistent with law or policy (i.e. conducting an unlawful detention or making an unlawful arrest). This duty also extends when the North Carolina State Highway Patrol is called to assist, or is assisting, any other law enforcement agency.

Failure to intervene, as required by this policy, may result in disciplinary action up to and including dismissal.

- **Duty To Report**

North Carolina State Highway Patrol officers shall immediately notify a supervisor after conducting any type of intervention, when safe to do so.

All employees also have a duty to immediately report any unlawful or otherwise inappropriate conduct when observed or when learned about. Notification shall be made to a supervisor, documented, and submitted through the Chain of Command and or established internal affairs process.

All types of interventions whether physical or verbal shall be documented and submitted through the Chain of Command and or established internal affairs process.

Failure to report, as required by this policy, may result in disciplinary action up to and including dismissal.

Cooperation with Other Police Officers and Agencies

- As a Trooper, I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. A Trooper or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that I cooperate fully and completely with respect and consideration at all times.

Personal-Professional Capabilities

- As a Trooper, I will be responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. Through study and experience, I will acquire the high level of knowledge and competence that is essential for the efficient and effective performance of my duties.

Private Life

- As a Trooper, my behavior will not discredit the North Carolina State Highway Patrol, my community, or the State of North Carolina. My character and conduct while off duty will always be exemplary, thus maintaining a position of respect in the community in which I live and serve. My personal behavior will be beyond reproach.

III. CODE OF CONDUCT (CIVILIAN EMPLOYEES)

I understand that, as an employee of the North Carolina State Highway Patrol, I have an ethical and moral responsibility to serve the public interest, to maintain the public trust, and to live up to the high standards and expectations of the public and my employing agency. I accept these responsibilities and expectations and, to that end, I promise and affirm that I will:

- Fully support the Mission and Vision Statement of the Highway Patrol;
- Be exemplary in obeying the law and comply with all applicable policies and procedures of the Highway Patrol;
- Maintain a professional image at all times and conduct my personal and professional life in a manner that fosters the respect, trust, and confidence of the public;
- Conduct my private life in such a manner as to be an example for others and in a manner that does not bring discredit to me or to the Highway Patrol as my employing agency;
- Never compromise my duties and responsibilities to the public or to the Highway Patrol for personal gain;
- Avoid any and all appearances of impropriety;
- Accept responsibility for my own standard of professional performance and take every reasonable opportunity to enhance and improve my level of knowledge and competence.

Performance Standards

Applicable to: Members
CALEA

Directive A.04

Revised 8/22/2011
Effective 12/6/2010

A member of the North Carolina State Highway Patrol will support, protect, defend and obey the Constitutions and Laws of the United States and the State of North Carolina, and the Regulations of the North Carolina State Highway Patrol; will keep informed of the criminal, traffic and other police problems in an assigned area, and will take whatever lawful action is necessary to prevent and reduce crime, traffic collisions and other disorder, using all of the imagination, initiative and ingenuity necessary, attempting to gain voluntary compliance with the law whenever possible; will, to this end, give the State of North Carolina an honest day's work for a day's pay recognizing and accepting the fact that the Patrol will not tolerate laziness and that a member will often be required to work long hours to accomplish this mission; will remain willing to accept additional Departmental duties and responsibilities; will accept the responsibilities of leadership in police circles which is traditionally expected of a North Carolina Highway Patrol Trooper; will never look the other way, either in case of law violation or in case of a citizen in need of aid or assistance; will walk the extra mile to gain cooperation with other public officials; will recognize a Trooper's responsibility in civic affairs and will, within the limits of the member's position, support responsible and worthwhile community projects; will not criticize superior officers or the Patrol for the mere sake of criticism, but will never hesitate to offer respectful criticism, coupled with a suggestion of how the task may be better performed; will maintain a positive attitude toward the job, taking pride in the profession, and when the member is no longer able to honestly abide by these standards, will, for the good of the Patrol, resign.



Oath of Office

Applicable to: Members
CALEA

Directive A.05

Revised 8/22/2011
Effective 12/6/2010

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, the undersigned, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are, or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will be alert and vigilant to enforce the criminal laws of this state; that I will not be influenced in any manner on account of personal bias or prejudice; and that I will faithfully and impartially execute the duties of my office as **TROOPER** of the State Highway Patrol according to the best of my skills, abilities, and judgment, so help me God.



Policy Definitions

Applicable to: Employees

Directive A.06

Revised Pending
Effective 12/6/2010

The following definitions shall apply to the words and phrases found in this Manual. All employees shall be governed by these definitions whenever they appear in any State Highway Patrol rule, regulation, order, policy, directive, or in the Patrol Manual.

Abused Juvenile [N.C.G.S. § 7B-101(1)]. Generally, any juvenile less than 18 years of age who is found to be a minor victim of human trafficking or whose parent, guardian, custodian, or caretaker:

- Inflicts or allows to be inflicted serious physical or emotional injury or creates or allows substantial risk thereof
- Uses or allows grossly inappropriate punishment
- Commits, permits, or encourages commission of a crime upon the juvenile such as rape or other sexual offenses
- Encourages, directs, or approves of delinquent acts by the juvenile involving moral turpitude.

Access. To instruct, communicate with, cause input/output, or otherwise make use of any resource of a computer, computer systems, or a computer network.

Accused. A person who has been arrested and charged with committing a crime covered by the Crime Victims' Rights Act (Chapter 15A, Article 46).

Active Case File. Those juvenile cases that have been removed off the pending citation list but have not been disposed of in the Juvenile Court System.

Active Resistor. A person who is uncooperative and fails to comply with directions from a member, and instead attempts to avoid physical control and/or arrest by creating distance between themselves and the member or the member's reach. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running in attempt to avoid apprehension.

Adjudicate (N.C.G.S. § 7B-2412). To settle in the exercise of judicial authority, to determine the facts in a petition are true. An adjudication that a juvenile is delinquent or commitment of a juvenile to the Office of Juvenile Justice for placement in a training school shall neither be considered conviction of any criminal offenses nor cause the juvenile to forfeit any citizenship rights. (Adjudication and disposition will be synonymous for the purposes of this policy.)

Administrative Duty. A member has been removed from law enforcement duties and re-assigned to Administrative Duties, which may or may not be the result of a disciplinary investigation. The member may not wear a uniform or drive or ride as a

passenger in an assigned Patrol vehicle to and from the work place. A member assigned Administrative Duties may be required to surrender his/her issued Patrol vehicle, firearms, uniform badges, and identification credentials.

Advance. All security activities, plans, and arrangements made prior to and in conjunction with the visit of a protectee to a given area.

After Action Review. A structured meeting by supervision conducted for review or debrief (debriefing) a member regarding an incident. The supervisor will analyze what occurred with the member and may consult with subject matter experts (eg., Certified Defensive Tactics Instructor / Firearms Instructor / Drivers Training Instructors), as well as higher supervision in order to provide a comprehensive review.

Aircraft. Patrol aircraft capable of maintaining direct radio communication with authorized Patrol vehicles.

Americans with Disabilities Act (ADA). Applies to persons who have a physical or mental impairment that substantially limits one or more of their major life activities, including:

- The ability to communicate, hold a job or care for themselves;
- Persons who have a record of such impairment; or
- Persons who are regarded as having such impairment.

The term “substantially limits” is not a clinical term; it is a practical term to distinguish between persons who have a mild physical or mental impairment and those whose impairment substantially limits one or more major life activities.

Arm-Bar Technique. Also referred to the straight arm bar technique consists of a series of moves, (encompassing an extension of the suspects elbow, wrist and shoulder control), designed to control and bring a suspect down to the ground with the least amount of force, and injury to the arresting officer and the suspect.

Arresting Law Enforcement Agency. The law enforcement agency that makes the arrest of an accused.

Asset Seizure. Any property (e.g. vehicle, money, equipment, etc.) that the Patrol is going to seek civil action for the forfeiture of that property.

Authorization. Having the consent or permission of the owner or the person licensed or authorized by the owner to grant consent to access a computer, computer systems, or a computer network in a manner not exceeding the purpose or intent for which the consent or permission was granted.

Authorized Patrol Vehicle. Marked or unmarked Patrol vehicle (including motorcycles and police certified four-wheel drive vehicles) intended to be used for traffic law enforcement. This will exclude service vehicles, support vehicles, utility vehicles, and multipurpose vehicles (vans, trucks, and non-police certified four-wheel drive vehicles).

Balance Displacement. Any technique used to take a suspect to the ground by the disruption of balance. Can occur as a result of “Hard” displacement techniques such as a strike, kick or throw. May also occur as a push from behind when a suspect is attempting to flee from apprehension.

BAT Bus. A mobile vehicle designed to support field DWI check point operations. This vehicle can be used as an alternate command post for disaster operations. Regular Class C operators license are required for driving. Operators must obtain certification from the Director of Support Services.

Blind Search. A method of search in which the member blindly inserts his/her hand into a place that cannot be seen (e.g. clothing pockets, beneath car seats, beneath furniture, etc.).

Blog. A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

Blood. Human blood, human blood components, and products from human blood.

Bloodborne Pathogens. Pathogenic micro-organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B (HBV), Hepatitis C (HCV), and Human Immunodeficiency virus (HIV).

BlueTeam. A web based application used to enter Personnel Complaints, Use of Force, Post Chase, Firearm Discharge, and Patrol Car Incident/Collision Reports.

Caisson Unit. A Unit within the Patrol that consists of uniformed members that have received training in the use of the four wheeled, horse drawn military carriage that is utilized during a formal funeral.

Canine. A working dog, which has been procured and trained to execute a number of specific law enforcement related tasks that use the Canine's speed, agility, and sense of smell.

Canine Handler. A member trained in the care, handling, and training of a dog for law enforcement use.

Canine Team. A member and assigned dog.

Canine Training Coordinator. A member designated as the supervisor of all canine related training.

Captain. A Commissioned Officer in the Patrol who ranks below a Major and above a Lieutenant.

Car Carrier or “Rollback”. A vehicle transport designed to tow or carry vehicles damage-free. The truck chassis shall have a minimum gross vehicle weight rating (GVWR) of 14,500 pounds. Two (2) lift cylinders, minimum two and one-half inch (2½)

inch bore; individual power winch pulling capacity of not less than 8,000 pounds; a sufficient length of wire rope (cable) on winch drum with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized; and four (4) tie-down hook safety chains. The carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of 84 inches in width inside side rails. A cab protector, constructed of aluminum or steel, must extend a minimum of 10 inches above the height of the bed. Additional safety equipment as specified on the HP-304B (Rotation Wrecker Inspection Form). A “rollback” **is not** considered a small or large wrecker.

CEW (Conducted Energy Weapon). A CEW is a device approved by the North Carolina Attorney General that is capable of firing probes/electrodes that transmit an electrical charge or current intended to temporarily disable a person. Additional guidance may be found in the North Carolina Highway Patrol CEW’s Standard Operating Procedures guide.

Chain-of-Command. Official route of communication from a member or employee through immediate supervisors to the highest supervisor, including the Patrol Commander.

Channels. Official route of communication from the member through immediate supervisor to the highest commissioned officer, possibly including the Patrol Commander.

Chaplain. Any civilian clergy who is licensed and ordained to conduct religious services, who is appointed by the Chaplaincy Program Coordinator.

Chaplaincy Program Coordinator. A civilian clergy who is licensed and ordained to conduct religious services, who is appointed by the Patrol Commander to oversee the Highway Patrol Chaplaincy Program.

Charging Officer. The member who charges a suspect with an implied consent offense or who assists with the processing or in obtaining blood from a person charged with an implied consent offense.

Chase. An active attempt by one or more member(s) operating authorized Patrol vehicle(s) to apprehend a suspect or violator of the law operating a motor vehicle, while that person is attempting to avoid capture by using high-speed driving or other tactics.

Chemical. Any element, compound, or mixture of elements and/or compounds.

Civil Disturbances. Any annoying, disturbing, or alarming act or condition exceeding the bounds of social toleration normal for the time and place in question which occurs in a public place or occurs in, affects persons in, or is likely to affect persons in a place to which the public or a substantial group has access. The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood.

Civilian Employee. A person who is employed by the North Carolina State Highway Patrol and is not a sworn law enforcement officer. Civilian employees shall be governed

by the promotion procedures established by the Department of Public Safety (DPS).

Colonel. The Commissioned Officer in the Patrol who ranks above all other members and who serves as the Patrol Commander.

Commander's Office. Command level of the Highway Patrol consisting of the Patrol Commander and Deputy Patrol Commander and charged with the authority and responsibility of overseeing all organizational operations.

Commanding Officer. A Commissioned Officer in charge of the Highway Patrol or any organizational subdivision of the Patrol, or any Commissioned Officer in charge of any special detail.

Commercial Vehicle Safety Alliance (CVSA). A non-profit organization of federal, state, and provincial government agencies and representatives from private industry in the United States, Canada and Mexico dedicated to improving commercial vehicle safety. The Alliance serves as the major focal point for bringing together state/provincial officials with truck/bus industry interest and federal governments in a unique discussion and problem-solving interchange.

Commissioned Officer. A uniformed member who holds the rank of Lieutenant, Captain, Major, Lieutenant Colonel, or Colonel.

Compliance Techniques. Tactics, techniques and or applications of force which may include but are not limited to O.C. Spray or other approved Chemical Agents.

Compulsory Leave Without Pay. Action taken in temporarily removing a member from duty as a result of his/her violation of Patrol policy, rules, regulations, or directives, not to exceed fourteen days.

Computer Systems. At least one central processing unit (CPU) together with a set of related peripheral devices. This definition encompasses any Highway Patrol owned desktop and portable or laptop devices including mobile data computers (MDC).

Computerized Rotation Wrecker List. The names of those wrecker services that have been approved by the District First Sergeant to be included on the Patrol Rotation List and entered in the Computer Assisted Dispatch (CAD) System. There shall be separate rotation wrecker lists for large and small wreckers for each Rotation Wrecker Zone.

Concurrent Jurisdiction. The laws of the State of North Carolina apply to and may be enforced by members on federal property. Federal law also applies.

Construction Zone. A section on a public highway right-of-way within which the DOT, public utilities, or private contractors are performing some construction or maintenance which may affect highway users and necessitates advisory sign or motor vehicle control.

Container. Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or similar storage unit.

Contaminated. The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry. Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

Contaminated Sharps. Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Core Principle. Fundamental beliefs within an individual or an organization which provide guidance toward behavior and help to establish an understanding of the difference between right and wrong.

Cooperative. Responsiveness to and compliance with a member's request.

Crime. A felony or serious misdemeanor as determined in the sole discretion of the District Attorney, except those included in the Crime Victims' Rights Act (Chapter 15A, Article 46) or any act committed by a juvenile that, if committed by a competent adult, would constitute a felony or serious misdemeanor.

Custodial Agency. The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by the Crime Victims' Rights Act (Chapter 15A, Article 46) including, but not limited to, local jails or detention facilities, regional jails or detention facilities, or the Department of Correction.

Debriefing. A formal process of confidential review of an incident attended only by those directly involved with the incident and by the MAT peer unit.

Debris. Includes any parts of a vehicle or material that may be strewn upon the surface of the roadway or highway right-of-way as a result of the collision and which may reasonably be cleared or removed. This definition shall also include any mud, soil, antifreeze, transmission, brake, or other liquids/fluids that have been deposited onto the surface of the roadway as a result of a vehicle collision. Debris does not include cargo from property hauling vehicles or hazardous materials that are required to be handled by local hazardous material teams.

Declared State of Emergency. A state of emergency found and proclaimed by the Governor under the authority of N.C.G.S. § 14-288.15, by any mayor or other municipal official(s) under the authority of N.C.G.S. § 14-288.12, by any chairman of the board of commissioners of any county or other county official or officials under the authority of N.C.G.S. § 14-288.13, by any chairman of the board of county commissioners acting under the authority of N.C.G.S. § 14-288.14, by any chief executive official or acting chief executive official of any county or municipality acting under the authority of any other applicable statute or provision of the common law to preserve the public peace in a state of emergency, or by an executive official or military commanding officer of the United States or the State of North Carolina who becomes primarily responsible under applicable law for the preservation of the public peace within any part of North Carolina.

Decontamination. The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

De-escalation (De-escalation Techniques). Actions taken by a member to stabilize a situation and reduce the immediacy of a potential threat to attempt voluntary compliance in order to avoid an escalation and subsequent use of force.

Defusing. A brief intervention by MAT personnel within a few hours after a critical incident.

Delinquent Juveniles [N.C.G.S. § 7B-1501(7)]. Any juvenile who, while less than 16 years of age but at least 6 years of age, commits crimes or infractions under state law or under an ordinance of local government, including violation of the motor vehicle law. Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under state law or under an ordinance of local government, excluding all violations of the motor vehicle laws.

- District Court jurisdiction continues even if juvenile is emancipated. (N.C.G.S. § 7B-1601)
- For disposition purposes for A-E felony, jurisdiction may continue to age 19 or 21. (N.C.G.S. § 7B-1602)
- Jurisdiction is in adult court if juvenile has been convicted in adult court at time of offense. (N.C.G.S. § 7B-1604)

Department. The Department of Public Safety.

Detail. Members of the Patrol grouped together for the accomplishment of a specified official mission.

Diesel Compliance Officer. A member trained in the collection of dyed fuel samples according to federal and state standards.

Directive. A numbered written order issued by the Patrol Commander which prescribes a policy governing the operation of the Highway Patrol or which outlines procedures to be followed in performing a function or duty.

Disaster. Any situation, whether natural or manmade, where widespread damage and health or safety hazards exist which are beyond the capabilities of local government recovery.

Dismissal. An act which terminates the service of a member without the member's consent.

Display of Firearm or other weapon. Display or pointing of a firearm (pistol, rifle, shotgun, etc.) or any other weapon for the purpose of controlling a suspect. The removal of the pistol or carrying of a firearm while conducting a building search, executing a search or arrest warrant or other similar situation where no subject is located or controlled by the use of the firearm does not constitute a display of a firearm.

Disposition (N.C.G.S. § 7B-2500). The sentencing or other final settlement of a case. The purpose of dispositions in juvenile actions is to design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction, including the protection of the public.

District. A subordinate unit within a troop which encompasses one or more counties and is supervised by a District First Sergeant.

District First Sergeant. The ranking noncommissioned officer assigned to a Highway Patrol district.

District Supervisor. A District First Sergeant or Sergeant.

Division Director. The Patrol Commander is the Division Director for the Highway Patrol.

Donation. Gift, favor, or special accommodation offered to or solicited by a member for use by the Patrol or by a group of members of the Patrol for official Patrol business or social functions.

Drone Vehicle. An unmanned Patrol Vehicle used in active Highway Work Zones and High Crash Corridors to create a psychological effect on the motoring public to deter drivers from committing violations of the motor vehicle laws that result in traffic collisions.

Drug Abuse. The use of any illegal controlled substance or the use of prescribed drug(s) in excess of prescribed dosages.

Drug Test. The analysis of urine produced and submitted by a member, collected and tested in accordance with departmental procedures for the purpose of detecting prohibited drug use.

Duty Station. The city, town, or community, whether incorporated or not, to which a position is officially assigned.

Electronic Mail (E-Mail). The electronic transfer of information typically in the form of computer generated messages, memoranda, and attached documents or digital pictures between users via a computer network. Electronic mail services, as defined in this policy, not only consist of the use of state provided e-mail systems, but also includes any act of sending and receiving electronic mail.

Emancipation (N.C.G.S. § 7B Article 35). Emancipation shall refer to those persons who have reached their 16th birthday and not reached their 18th birthday, are married,

members of the armed services, and have a permanent residence separate and apart from that of their parents. Emancipation may be decreed by the court.

Emergency. Any situation other than civil disturbances, whether natural or manmade, where a serious health and/or safety hazard exists to the general public; all local resources have been exhausted and the hazard is continuing.

Emergency Highway Traffic Regulation Plan (EHTR). During times of EOC/SERT activation, this plan will be a system for traffic management devised to regulate the use of highways and to expedite and facilitate vehicle movements during an emergency or disaster event. This plan includes provisions for civilian evacuations as well as for military movements, and indicates responsibilities of each participating state and federal department managing the roadways during an emergency. The plan also indicates how this directive will be implemented.

Emergency Management Assistance Compact (EMAC). Provides for mutual assistance between the party states in managing any emergency or disaster that is duly declared by the governor of the affected state or states, whether arising from natural disaster, technological hazard, manmade disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack. This Compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this Compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Emergency Response. The act of one or more member(s) operating authorized Patrol vehicle(s) for the purpose of responding to a situation requiring immediate law enforcement attention due to a clear and present danger to the public or another member.

Employee. Any enforcement member or civilian employed by the Patrol.

ePolicy System. The electronic system that houses policy, forms and instructions, standard operating procedures, organizational charts, filing guides, , and any other electronic documentation pertaining to written directives, along with web-based training and certifications.

Evidence. Any item, material, or substance found in connection with an investigation that helps determine the circumstances of a law violation.

Exclusive Jurisdiction. Only federal law applies to federal property and members of the Highway Patrol may only assist federal officers.

Exonerated. When it is determined that the alleged conduct did in fact occur, but it is excused or justified by the circumstances.

Exposure Incident. A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of a member's duties.

Extraordinary Patrol Vehicle Operation. A chase, traffic enforcement response, or emergency response.

Favor or Special Accommodation. An intangible or difficult-to-value item or service bestowed on a member or his/her immediate family. Favors include, but are not limited to: a special accommodation; the use of a facility, object, service, or piece of real property for less than its fair rental/use value; or an opportunity which would not be available but for the member's status as a Patrol member (for example, a discounted automobile repair bill), or a job offered to a member or member of his/her immediate family because of the member's employment with the Patrol.

Field Activities. Primary duty assignments and/or tasks that place or could reasonably be expected to place a member in situations where he/she would be required to act in enforcement rather than administrative or support capacities.

Firearm Discharge Report. A report used to document intentional or negligent discharges of a firearm.

First Sergeant. A noncommissioned officer in the Patrol who ranks above a Sergeant and below a Lieutenant.

Force Mitigation Tactics. Techniques used to achieve the goal of “De-escalation” in order to defuse emotions and bring calm to a given situation in order to prevent the use of force. This may include the member’s ability to communicate effectively, recognize verbal and non-verbal cues of a potential assaultive individual and the emotional component of that behavior.

Forced Vehicle Stop – Rolling Roadblock. A moving barricade composed of one or more vehicles used to stop a suspect in a fleeing vehicle.

Forced Vehicle Stop – Stationary Roadblock. The actual physical blocking by barriers of some or all lanes of travel which is used when searching for and apprehending a suspect.

Found Property. Any item that has been found (e.g. property of an individual, firm, agency, or concern) that is not evidence or contraband.

Gender Term Usage. Whenever used herein the term of masculine gender will include a civilian employee or member of either gender, unless the context clearly requires otherwise.

Gift or Gratuity. Something that is bestowed voluntarily and without compensation, for example, money, tangible or intangible personal property, a loan, any service rendered, entertainment, or anything else of value, or an expressed or implied promise to provide any of these.

Grievance. A work-related problem which gives rise to a legitimate complaint.

Hand Washing Facilities. A facility providing an adequate supply of running potable water, soap and single-use towels or hot air drying machines.

Hazard Warning. Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which conveys the hazards of the chemical(s) in the container(s).

Hazardous Material. Any material or substance in any form or quantity which poses an unreasonable risk to safety, health, and property.

Hazardous Material / Substance List. A list of hazardous chemicals used, produced, or stored in the work place.

HBV. Hepatitis B virus

HCV. Hepatitis C virus

Health Hazard. Any chemical for which there is a statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term “health hazard” includes chemicals which are carcinogens, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

HIV. Human Immunodeficiency Virus

Holding Techniques. Force application through pressure point control tactics, joint manipulation techniques or control holds for the purpose of appropriate and proportionate control in order to provide securement, detention or arrest.

IA Pro. A database administrated by the Internal Affairs Unit which stores various administrative reports pertaining to employees of the Highway Patrol.

Illegal Order. An order issued by a superior officer which is not consistent with applicable laws, or which is inherently immoral or unethical.

Immediate Supervisor or Supervisor for Grievance Procedure Purposes. The supervisor assigned supervisory control and responsibility of the organizational work unit (at the district level, this is the First Sergeant).

Immediate Use. The hazardous chemical will be under the control of, and used only by the person(s) who transfers it from a labeled container and only with the work shift in which it was transferred.

Impact Weapons. Any authorized intermediate weapon issued by the agency and which the member has received appropriate training in the use of and are authorized to

use in the lawful performance of duty, to strike an assailant/offender to elicit pain or injury through blunt force but NOT intended to provide a lethal response. Specifically defined as the ASP baton and flashlight but may also include other objects not previously designated based upon life or death circumstances. A member faced with a lethal force encounter could potentially utilize an object such as a brick to defend himself or another as long as the members actions remain consistent with the United States Constitution and laws of North Carolina.

Impaired Driving Checks. A checking station that complies with all of the requirements of N.C.G.S. § 20-16.3A.

Incident Command System (ICS). A combination of facilities, equipment, personnel, procedure, and communications operating within a common organizational structure with responsibility for management of assigned resources to effectively direct and control the response to an incident. Intended to expand as situation requires larger resource, without requiring new, reorganized command structure.

Intake Services (N.C.G.S. § 7B-1700). The purpose of intake services shall be to determine from available evidence whether there are reasonable grounds to believe the alleged facts are true, to determine:

- Whether such facts constitute a delinquent or undisciplined offense
- Whether court action is necessary
- Whether to obtain assistance from community resources when referral to court is not necessary

Internet. Public worldwide communications network that provides for the distribution and sharing of unrestricted public information.

Intranet. Internal communications network not connected to outside users or computer systems. The Highway Patrol's Intranet is designed for the sole purpose of supporting the exchange of information between and access to the Patrol's various computer applications and databases.

Investigating Law Enforcement Agency. The law enforcement agency with primary responsibility for investigating the crime committed against the victim.

Investigatory Placement. Action taken in removing a member from duty with pay in order to investigate an alleged serious violation of Patrol policies, rules, regulations or directives. Such suspension shall not exceed 30 days except in limited circumstances and unless the State Personnel Director extends the suspension beyond the 30-day limit.

I.R.I.S. (Infra-Red Inspection System) Van. A vehicle equipped and designed to screen Commercial Motor Vehicle (CMV) braking systems and other critical components through infra-red imagery.

Juvenile [N.C.G.S. § 7B-101 (14)]. A person who has not yet reached his/her 18th birthday and is not married, emancipated, or a member of the U.S. Armed Forces.

Juvenile Record. For the purposes of this policy, a juvenile record must be maintained for those individuals who have not reached their 18th birthday at the time the citation was written. The record will be the citation and any notes or evidence that is attached to the case.

Label. Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

Large Wrecker. A truck chassis having a minimum gross vehicle weight (GVWR) of 26,001 pounds and a boom assembly having a minimum lifting capacity of 40,000 pounds as rated by the manufacturer; tandem axles or cab to axle length of no less than 102 inches; a length of wire rope (cable) with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized on each drum; airbrake so constructed as to lock wheels automatically upon failure; and additional safety equipment as specified by these rules.

Law Enforcement Agency. An arresting law enforcement agency, a custodial agency, or an investigating law enforcement agency.

Length of Service. The length of time that an employee has been engaged in the actual performance of Patrol duty as an employee.

Lethal Force. The application of any instrument or technique which is likely to produce death or serious physical injury under the circumstances of its use. Such instruments include, but are not limited to, firearms, blackjacks, flashlights, riot batons, nightsticks, knives, or automobiles.

Level-One Emergency. Any unusual occurrence which is likely to be within the capabilities of local government and results in only minimal need for state assistance (in-troop response only). Section Directors/Troop Commanders will handle the emergency/disaster with local personnel, and the State EOC would not be activated.

Level-Two Emergency. Unusual occurrences which are likely to require the assistance of several state agencies. A level two emergency exhausts or threatens to exhaust the capabilities of the affected troop. Section Directors/Troop Commanders may need to request additional personnel from outside the troop. Field Operations will assign additional personnel and equipment as needed for assistance. The State EOC would be activated and staffed with emergency personnel and only the essential state agencies.

Level-Three Emergency. Any unusual occurrence which requires large-scale State and possibly Federal assistance in recovery. The State EOC would be fully activated with 24-hour staffing from all emergency support functions. Field Operations will determine the level of logistical response required.

Licensed Health Care Professional. A person whose legally permitted scope of

practice allows him/her to independently perform the activities required by Hepatitis B vaccination and post-exposure evaluation and follow-up.

Lieutenant. A Commissioned Officer in the Patrol who ranks below a Captain and above a First Sergeant.

Lieutenant Colonel. A Commissioned officer in the Patrol who ranks below the Colonel and above a Major.

Limited Duty. Assigned duties that fall within the member's scope of employment but do not require the same physical condition of normal duty assignments.

Major. A Commissioned Officer in the Patrol who ranks below the Lieutenant Colonel and above a Captain, and serves as the Commanding Officer of a Patrol Section.

Major Violations. All violations of the regulations not determined to be minor in nature and which require removal for a definitive time.

Manual Rotation Wrecker List. A list of names of those wreckers that have been approved by the District First Sergeant to be included on the Patrol Rotation Wrecker List and entered into a manual list that is to be used only when the CAD System is down. There shall be separate manual lists for large and small wreckers for each Rotation Wrecker Zone. These lists shall be maintained by the troop Communications Center.

Marked Vehicle. An authorized Patrol vehicle equipped with Patrol colors and identification decals, emergency lights, and siren.

Master Trooper. A Trooper who has completed six years of satisfactory service and who has been recommended and accepted for promotion to this rank.

MAT Zone Coordinator. A Patrol member who is appointed by the Medical Director to assist with coordination of MAT training and operational activities.

Material Safety Data Sheet (MSDS). Written or printed material concerning a hazardous chemical that is prepared to give detailed information about the chemical.

Medical Director. A licensed physician appointed by the Secretary of the Department of Public Safety, responsible for maintaining the health and welfare system for Patrol employees. This system shall include supervising the Medical Office and the Member's Assistance Team and conducting, interpreting, and evaluating medical testing and screening.

Member. A uniformed sworn employee of the North Carolina State Highway Patrol who is charged with law enforcement duties.

Member's Assistance Team (MAT). SHP employees and volunteers who have been trained in a certification program approved by the SHP Medical Director and who are currently listed on the team's roster.

Mental Illness. Any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

Military Leave. The period of time during which a member is granted leave from the Patrol when called to perform active military service.

Minor Violations. Violations of these regulations which do not require removal for a definitive time, may be readily corrected, and do not involve a criminal act or pose a threat to the safety and well being of the public.

Mobile Command and Communications Unit (MCCU). A mobile communications platform equipped to serve as a temporary field location where disasters and events may be controlled or mitigated. Drivers of this unit are required to possess a Class B CDL. Operators shall complete all required training as specified by the Director of Support Services.

Mobile Medical Unit. A mobile trailer designed to provide medical care, employee wellness programs and emergency medical care to field personnel during routine operations and in the event of a disaster. This unit may also serve as an additional field command post. Drivers of this unit are required to possess a Class A CDL. Operators are required to complete all required training as specified by the Director of Support Services.

Motor Carrier Safety Assistance Program (MCSAP). A Federal grant program that provides States with financial assistance to hire staff and implement strategies to enforce FMCSRs and HMRs. MCSAP funds are used to conduct roadside inspections and review motor carriers' compliance with FMCSRs and HMRs. MCSAP funds promote detection and correction of commercial motor vehicle safety defects, commercial vehicle driver deficiencies, and unsafe motor carrier practices before they become contributing factors to crashes and hazardous materials incidents.

Negative Test Result. When there is either no detection of an illegal controlled substance or the Medical Director's investigation reveals no drug abuse.

Neglected Juvenile [N.C.G.S. § 7B-101 (15)]. Any juvenile less than 18 years of age who is found to be a minor victim of human trafficking; who does not receive proper care, supervision or discipline from a parent, guardian, custodian or caretaker; who has been abandoned; or who is not provided necessary medical care.

New Hire. Any person who is hired into a position after completing a PD-107 and having met all requirements for the position. The term "New Hire" shall also apply to any current employee who submits a PD-107 for a new position within the agency, and as a condition of being considered for the new position, complies with all requirements for the position.

News Media Representative. Those individuals who are directly employed by radio, television, or newspapers. Freelance workers in the media field are to be regarded as

members of the general public unless they possess valid credentials identifying themselves as media representatives.

Next of Kin. The victim's spouse, children, parents, guardian, stepparents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed or the person is found not guilty.

Noncommissioned Officer. A uniformed member who holds the rank of Sergeant or First Sergeant.

Non-Active Case File. Those juvenile files that have been disposed of in the Juvenile Court System and are kept for purposes of the required 2-year retention.

Non-Divertible Offenses (N.C.G.S. § 7B-1701):

- Murder
- First-or second degree rape
- First-or second degree sexual offense
- Arson
- Chapter 90 felony drug offense
- First-degree burglary
- Crime against nature
- A felony involving infliction of serious injury or committed with a deadly weapon.

Non-Sworn Basic School. Designed for applicants meeting all pre-employment qualifications but not meeting sworn status qualifications.

Non-Testimonial Identification (N.C.G.S. § 7B 2103). Court ordered procedure that requires the presence of a juvenile for the purpose of establishing questioned identity and/or participation in a criminal act by means of examination of fingerprints, palm prints, footprints, measurements, blood specimens, urine specimens, saliva samples, hair samples, or other reasonable physical examination, handwriting exemplars, voice samples, photographs, and lineups or other similar identification procedures. Non-testimonial identification may be issued by any judge of the district court or of the superior court upon request of the prosecutor.

North Carolina Department of Revenue Investigator (NCDOR). An investigator trained in collections of dyed fuel samples and responsible for investigating, inspecting, auditing and assessing the penalty to the violator.

Not Sustained. When it is determined that there are insufficient facts found to prove or disprove the allegation.

Occupational Exposure. Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of a member's duties.

Officer. Any sworn law enforcement official.

Officer Presence. The visual appearance and presence of a member in uniform on scene to perform the duties of his/her office.

Off Duty. Time during which a member is authorized to be free of the responsibility of performing routine Patrol duties.

Office of Special Investigations (OSI). The Section within DPS that is charged with the primary responsibility for conducting and/or overseeing internal investigations related to allegations of conduct by an employee, that may constitute unsatisfactory job performance, unacceptable personal conduct, or grossly inefficient job performance that could result in suspension, demotion, or dismissal.

Official Work. The performance of law enforcement duties as a member of the Highway Patrol, or as a sworn officer with another North Carolina law enforcement agency prior to being employed by the Highway Patrol. This term does not include having to testify in court proceeding on any matter related to or resulting from a member's performance of secondary employment.

Order. An instruction or directive, either written or oral, issued by superior officers to subordinates in the course of Patrol duty.

Other Potentially Infectious Materials. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. Any unfixed tissue or organ (other than intact skin) from a human (living or dead). HIV-containing cell or tissue cultures, organ cultures, and HIV, HBV, or HCV containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV, HBV, or HCV.

Page. The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Parenteral. Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Passive Resistance. A person who is not cooperative, in that the person fails to comply (in a non-movement fashion) with verbal order or other direction provided by a member.

Patrol. The State Highway Patrol as an organization, including all employees both enforcement and civilian.

Patrol Commander. The commanding officer of the Highway Patrol, who holds the rank of Colonel.

Patrol Deputy Commander. The Commissioned Officer second in command of the Patrol who holds the rank of Lieutenant Colonel.

Patrol Order. An inclusive term which applies to the Patrol Manual, directive, rule, regulation, general order, special order, administrative notice, or written procedure.

Performance Management/Pay Dispute. A complaint concerning the amount of performance increase, a failure to receive any performance increase, or a complaint regarding an overall performance appraisal rating.

Permanent Storage Facility. A secure room or storage area located within each district where all seized property retrieved from temporary storage facilities is stored until adjudication or disposition. Note: Items too large to store in a temporary storage facility or a permanent storage facility (e.g. vehicles, large vehicle parts, bicycles, etc. are to be stored at the appropriate troop garage in a fenced or secured area as to prevent theft, damage, or contamination while in custody).

PERMS (Patrol Event and Resource Management System). A web-based application within the Highway Patrol's Intranet which is used to enter, and record data as accumulated from special events, critical incident(s) or designated occurrence.

Personal Protective Equipment. Specialized clothing or equipment worn by an employee for protection against infectious materials. General work clothes (i.e. uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard is not considered to be personal protective equipment.

Personnel Complaint. An allegation from any source pertaining to a specific act or omission by an employee which if true would constitute a violation of policy or law

Personnel Early Warning System. A proactive process to address behavior problems, misconduct, and/or deficiencies as early as possible to identify potential problem employees in order to maintain a high level of conduct and performance.

Physical Contact. Occurs when a member applies touch or securement of an individual to effect physical control / arrest. Is best described through "soft hands" approach within the application of Force Options and is less likely to cause harm or injury.

Physical Force. The application of force to include "Hard empty hands," strikes, kicks, knee spears, punches and any other use of personal weapons such as fists, feet or head. This level of force usually provides a more susceptible propensity for injury to either member or suspect/assailant.

Physical Hazard. Any material that is flammable, combustible, explosive, reactive, or under pressure.

P.I.T. (Precision Immobilization Technique). The Precision Immobilization Technique (P.I.T) is a maneuver that, when performed properly, involves a controlled contact between a patrol vehicle and a suspect vehicle during a pursuit. The patrol vehicle, by matching speeds with the suspect vehicle and initiating contact with the lateral rear side, can displace the suspect vehicle's path of travel, causing it to spin out in a specific location as pre-determined by the member and thereby ending the pursuit. The P.I.T maneuver is not to be confused with a ramming technique or a controlled collision because if it is performed properly, there is expected to be minimal or no property damage as a result of the maneuver. The P.I.T is not a collision, it is an intentional act used to end a pursuit.

Policy. A written, standing order used to guide or affect the performance or conduct of employees. This term includes policies, procedures, rules, regulations, forms, reports, directives, memorandums, and Standard Operating Procedures (SOPs).

Positive Test Result. When the initial screening test, confirmation test, and Medical Director's investigation of the test results all indicate that the member has engaged in prohibited drug use.

Post. Content and individual shares on a social media site or the act of publishing content on a site.

Post Critical Incident Seminar. A training and counseling seminar for individuals who have been involved in a critical incident.

Primary Unit. The authorized Patrol vehicle in a position directly behind a suspect/violator vehicle actively involved in a chase.

Procedure. The officially established method for dealing with a given situation or performing a specific activity.

Process Owner. The person identified by the Policy Manager as having the expertise and knowledge needed to review a particular directive and make recommendations for possible revisions.

Professional Psychological Counseling. Consultation with the Patrol psychologist, a licensed professional psychologist approved by the Patrol Commander, who will provide diagnostic and therapeutic management of symptoms and functional aspects of stress following a critical incident.

Profile. Information that a user provides about himself or herself on a social networking site.

Program Administrator. Responsible for the management of the promotional process and performance management systems.

Project Director. Responsible for design, implementation and scoring of promotion components as the principal investigator in partnership with North Carolina State University (NCSU) to conduct the promotion process.

Promotional List. The list maintained in numerical order of all candidates who participated and successfully completed all phases of the promotional process and who are eligible for promotion to fill vacancies occurring 1 July through 30 June.

Property Supervisor. A district supervisor who maintains and controls all seized property.

Proportionate Force. Actions, including de-escalation and force, which correspond appropriately with the circumstances confronting the officer.

Protectee. The Governor or any other person deemed to require protection.

Psychological Fitness-for-Duty Determination. Mandated evaluation by a designated psychologist who will provide the medical and command staff with an official recommendation as to the fitness of the member to serve in his/her job capacity.

Psychologist. A practitioner licensed by the State of North Carolina to provide clinical psychological evaluation and treatment services.

Public Affairs Office (PAO). The NC Department of Public Safety's (DPS) office works to ensure the people of North Carolina are informed and knowledgeable about programs, events, and conditions affecting their safety and well being by: (a) continuing to provide timely and accurate information to news media in response to queries and to further the departments priority issues; (b) continuing to provide graphic, writing/editing services, and publication review to the department, its divisions and offices in response to their requests; and (c) to inform the general public of emergency action steps to be taken during natural or man-caused disasters. The DPS PAO handles media relations for the Secretary's Office and all Divisions of the Department.

Public Disturbance. Any annoying, disturbing, or alarming act or condition exceeding the bounds of social toleration normal for the time and place in question which occurs in a public place or occurs in, affects persons in, or is likely to affect persons in a place to which the public or a substantial group has access. The places covered by this definition shall include, but are not limited to, highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood.

Public Information Officer (PIO). The Division's Public Information Officer, in consultation and cooperation with the Department of Public Safety Public Affairs Office serves as the central source of information released by the Highway Patrol, responds to requests for information by the news media and the community and serves as the State Highway Patrol's spokesperson during a crisis or sensitive situation.

Public Records. Public records include anything sent or received in the course of conducting the public's business regardless of form or format: letters, reports, notes, databases, computer tapes, photographs, audio and video tapes, e-mail, Internet

listings, Telecommunicator tapes, etc. Unless there is a statute excluding a government document such as medical records, or personnel records, it is probably a public record and the information it contains must be made available to anyone who asks in accordance with N.C.G.S. § 132-1.)

Published List. The list maintained and published in numerical order of the top 50 Troopers, top 30 Sergeants, and top 20 First Sergeants who participated and successfully completed all phases of the promotional process and who are eligible to fill vacancies occurring 1 July through 30 June.

Quantum of Proof (N.C.G.S. § 7B-2409):

- The allegations of a petition alleging the juvenile is delinquent shall be proved beyond a reasonable doubt.
- The allegations in a petition alleging undisciplined behavior shall be proven by clear and convincing evidence.

Rank. A specific level of authority within the organizational structure of the Patrol.

Random Selection. Computer generated process of selecting individuals to be tested for drug use from a pool of all Patrol members.

Reasonable Belief. A belief based on facts, circumstances, and information trustworthy enough to make a person of ordinary intelligence and caution believe something is the case.)

Reasonable Suspicion. That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct or performance of an individual that would lead a reasonable person to suspect that the individual is or has been engaged in prohibited drug use while on or off duty.

Recommendation. An investigator's or supervisor's suggested course of action which is forwarded to the appropriate supervisor via chain-of-command with a completed report of investigation.

Removal. Being taken off the Patrol Rotation Wrecker List for a determinate or indeterminate period of time.

Residence. A house, apartment, or other dwelling where a member actually resides and keeps his/her personal belongings during non-working hours. In order to qualify as a residence, the member must have access to bath facilities, a bed to sleep in, and a telephone.

Resignation. Voluntary termination of service by a member of the Patrol.

Retirement. Termination of active service of an employee with the number of years of creditable service required by statute to be eligible for retirement benefits, or termination

of service due to incapacitating disability.

Riot. A public disturbance involving an assemblage of three or more persons displaying disorderly and violent conduct, or the imminent threat of disorderly and violent conduct, resulting in injury or damage to persons or property or creating a clear and present danger.

Rotation Wrecker List. A list of wrecker services that have met the rules of the Patrol and whose vehicles are properly registered with the Division of Motor Vehicles.

Rotation Wrecker Zone. A geographic area which may encompass all or part of a district of a troop.

Safekeeping Property. Items taken into custody temporarily for protection and security of owner(s) who are unable to care for them (e.g. guns, money, jewelry, wallets, purses, etc.).

Secondary Employment. Any employment outside of the State Highway Patrol (to include self-employment) where an employee earns any compensation, whether in the form of salary or other monetary benefits. Secondary employment also includes the rendering of services that benefit a business owned or operated by a family member whether or not compensation is received. Secondary employment does not include occasional services performed for non-profit, charitable organizations.

Secondary Unit. The authorized Patrol vehicle in a position directly behind the Primary Unit actively involved in a chase.

Secretary. The Secretary of the Department of Public Safety or his/her designee.

Section. Any of the functional subdivisions of the Patrol commanded by a Commissioned Officer –Field Operations (Troop Operations, Special Operations/Motor Carrier Enforcement Administration), Professional Standards, Support Services, and Training Academy.

Section Director. A Highway Patrol Commissioned Officer holding the rank of Major, who is the officer in charge of a Highway Patrol Section.

Seized Property. In-custody and evidentiary property includes evidence, found property, asset seizure, and safekeeping property seized by a member during the performance of the member's duties.

Senior Trooper. A Trooper who has completed three years of satisfactory service and who has been recommended and accepted for promotion to this rank.

Sergeant. A noncommissioned officer in the Patrol who ranks below a First Sergeant and above a Trooper.

Serious Bodily Injury. Bodily injury that creates a substantial risk of death or is likely to cause permanent disfigurement, coma, protracted, or permanent condition. It is an

injury that causes extreme pain, prolonged, or permanent loss or impairment of the function of any bodily member or organ that results in prolonged hospitalization.

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

Small Wrecker. A truck chassis having a minimum gross vehicle weight rating (GVWR) of 10,000 pounds and a maximum GVWR of 26,000 pounds; a boom assembly having a minimum lifting power of 8,000 pounds as rated by the manufacturer; an 8,000 pound rated winch with a length of wire rope (cable) with a working load limit (WLL) that meets or exceeds the pulling capacity of the power winch utilized; a belt-type tow plate or tow sling assembly; a wheel-lift with a retracted lifting capacity of no less than 3,500 pounds; dual rear wheels; and additional safety equipment as specified by the rules.

Social Media. A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks. Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Software. Publicly or privately designed tools, programs, and/or applications designed to run on computers for the accomplishment of specific functions.

Special Operations Checking Station. A preplanned, systematic stopping of vehicles to survey occupants for the presence of fleeing offenders implicated in the commission of a felony. Offenses related to such checking stations would include, but are not limited to, fatal assaults, assaults involving serious bodily injury, and robberies. This type checking station may also be utilized to conduct a brief, information-seeking checkpoint to solicit information from motorists relating to serious incidents or fatal collisions.

Special Order. A written order issued by the Patrol Commander relating to personnel matters.

Special Operations. Any particular form of work surpassing what is common or unusual requiring a specific function or any of the conditions listed in previous sections of this policy.

Special Purpose Vehicles. Any marked or unmarked Highway Patrol four-wheel drive vehicle intended to be used in support of special operations.

Speech. Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Source Individual. Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

Standard Checking Station. A preplanned, systematic stopping of vehicles to check motorists for compliance with motor vehicle laws including driving while impaired.

State Emergency Operations Center (EOC). The EOC is the facility in which the SERT is assembled for the purpose of coordination of State, Volunteer (including non-profit agencies), and Federal resources during emergency/disaster events impacting North Carolina. The Division of Emergency Management, Department of Public Safety is responsible for the operations of the State EOC.

State Emergency Response Team (SERT). SERT provides for a systematic, coordinated, and effective response to and recovery from emergency/disaster events impacting North Carolina and its citizens. During emergency/disaster events which requires the activation of the SERT, the Director of the Division of Emergency Management or his/her designee will assume the role of the SERT Leader. The SERT is comprised of four basic sections: Infrastructure Support, Emergency Services, Human Services, and Logistics.

State of Emergency. The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.

Sterilize. The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Storage Facility. A sufficiently lighted, off street storage facility secured by a minimum six-foot high chain link fence, or a fence or barrier of equal or greater strength, or other barrier sufficient to deter trespassing or vandalism, and where all entrances and exits are secure from public access. Storage facilities located on the property of another business must be separated by a minimum six-foot chain link fence, or a fence or barrier of equal or greater strength, or other barrier sufficient to deter trespassing or vandalism; have separate entrances and exits; and be utilized solely for the business. The lot shall be of sufficient size to accommodate all vehicles towed by the wrecker service for the Patrol. Storage facilities shared by two or more wrecker services may not be used to satisfy the facility requirement in Section XIV (Wrecker Service Regulations) of this directive.

Substance Abuse. Excessive, dangerous, or irresponsible use of alcohol or any legal mind-altering substance. This will include abusive dependence upon drugs legally prescribed by a licensed physician. Use of any illegal substance or unlawful acquisition or use of any prescription drug is a violation of the law and will not be subject to the confidentiality clause.

Supervisor's Manager for Grievance Procedure Purposes. The supervisor assigned supervisory control and responsibility at the next organizational level above the district, unit, or section from which the grievance was filed (at the troop level, this is the Troop

Commander).

Supervisor. A person who manages the work done by others and assigned supervisory control.

Sustained. When it is determined that the facts support the allegation of the complaint.

Sworn Basic School (Fast Track). Designed for applicants who meet all pre-employment qualifications and are sworn law enforcement officers that currently hold a General Law Enforcement Certification issued by the North Carolina Criminal Justice Education And Training Standards Commission (NCCJETSC).

Technical Services Unit (TSU). The unit of the Highway Patrol charged with the responsibility of managing and supporting Highway Patrol computer systems.

Temporary Storage Facility. A metal storage cabinet for receiving seized property. Accessible to members 24 hours, it allows for the immediate storage of seized property. Temporary storage facility shall be synonymous with drop box.

Terminate. The process of stopping chase operations to include de-activating blue lights, siren, other emergency lighting, and resuming normal patrol functions.

Threatening Assailant. A person who is using or threatening the use of force against another person, with or without a weapon, in an aggressive manner that may cause physical injury. Examples may include: (1) a person who puts a member in reasonable fear of a battery by advancing on the member in a threatening manner or closing the distance between the assailant and the member, thereby reducing the member's reaction time, and (2) a person who fails to disarm, thereby increasing the likelihood the person's actions are likely to cause physical injury.

Tire Deflation Devices (TDD). 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.

Traffic Enforcement Response. An active attempt by one or more member(s) operating authorized Patrol vehicle(s) to overtake and stop a suspect or violator of the law operating a motor vehicle, while that person is making no willful attempt to avoid being stopped. This applies to the time between the observation of an offense until the point and time that the authorized Patrol vehicle has moved into a position behind the suspect/violator vehicle. If the suspect/violator vehicle yields to the lights and/or siren, the encounter ends as a traffic enforcement response. If the suspect/violator vehicle fails to yield to the lights and siren, the encounter escalates to a chase.

Traffic Safety Information Officer (TSI). Sergeants or Troopers at each troop headquarters who are specifically assigned to work in areas of media relations and public information. TSIs work closely with the Patrol's Public Information Officer and the Department of Public Safety Public Affairs Office in various public information campaigns.

Troop. A subordinate unit within a zone that encompasses several districts and is

commanded by a Captain.

Troop/Unit Commander. A Captain is responsible for the supervision and control of a Highway Patrol Troop/Unit.

Troop Chaplain Coordinator. A civilian clergy who is licensed and ordained to conduct religious services, who is appointed by the Chaplaincy Program Coordinator to oversee the Chaplaincy Program and supervise volunteer chaplains in a designated Troop, and when assigned, serve as Chaplaincy Program Coordinator.

Trooper. A uniformed member who does not hold commissioned or noncommissioned officer rank.

Undisciplined Juveniles (N.C.G.S. § 7B-1501). A juvenile who, while less than 16 but at least 6:

- Is unlawfully absent from school
- Is regularly disobedient to and beyond the disciplinary control of a parent, guardian, or custodian
- Is regularly found in places where it is unlawful for a juvenile to be
- Has run away from home for a period or more than 24 hours

A juvenile who is 16 or 17 and who:

- Is regularly disobedient to and beyond the disciplinary control of a parent, guardian, or custodian
- Is regularly found in places where it is unlawful for a juvenile to be
- Has run away from home for a period of more than 24 hours

District Court jurisdiction terminates if juvenile is emancipated or reaches age 18. (N.C.G.S. § 7B-1600)

Unfounded. When it is determined that no factual basis exists for the complaint.

Unified Command. A team which allows all agencies (with geographical or functional responsibility for the incident) to co-manage an incident through a common set of objectives and strategies. Agencies' accountability, responsibilities, and authorities remain intact.

Unit Commander. The Commissioned Officer in charge of his/her assigned unit.

Unit. A Highway Patrol Troop or an equivalent organizational subdivision of a section.

United States Department of Internal Revenue Service (IRS), Federal Compliance

Officer (FCO). An investigator trained in collections of dyed fuel samples and responsible for investigating, inspecting, auditing, and assessing the penalty to the violator.

Universal Precautions. An approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infected with HIV, HBV, HCV, and their bloodborne pathogens.

Unmarked Vehicle. An authorized Patrol vehicle with no Patrol colors and identification decals that is a law enforcement vehicle. It shall be equipped with concealed emergency lights and siren.

Unusual Occurrences. Situations generally of an emergency nature, which result from disasters, either natural or manmade, and/or public disturbances.

Use of Firearm or other weapon. Discharging, using as a stun gun or using as an impact weapon, a firearm or other weapon (i.e. CEW, OC Spray, ASP, flashlight, etc.), or striking a person with any part of the member's body (e.g. fist, elbow, knee, or neck restraint) in order to control a subject, or the use of any other force (i.e. soft hands) that results in visible injury or a complaint of injury. Use of firearm or other weapon does not include the display or pointing of a firearm or other weapon for the purpose of controlling a suspect or the removal of the weapon while conducting a building search, executing a search or arrest warrant or other situation where no subject is located or controlled by the use of the weapon.

Vacancy. A position vacancy occurs on the effective date whereby an employee separates, transfers, retires, resigns, is promoted, dismissed, or demoted. At the discretion of the Patrol Commander, some position vacancies may be eliminated due to reductions in force, reallocation, or reorganization.

Vehicle Extraction Technique. Any of the approved, trained techniques based on current lesson plan which a member utilizes with applied force to remove a suspect driver / passenger from a vehicle. This action would place a suspect on the ground in a prone position for subsequent handcuffing and control to occur.

Verbal Control Techniques. Any verbal communication provided by a member to ask, direct or provide instruction in order to effect control of a given situation.

Victim. A person against whom there is a probable cause to believe one of the following crimes was committed:

- A Class A, B1, B2, C, D, or E felony

A Class F felony if it is a violation of one of the following:

- N.C.G.S. § 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-288.9; or 20-138.5

A Class G felony if it is a violation of one of the following:

- N.C.G.S. § 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4

A Class H felony if it is a violation of one of the following:

- N.C.G.S. § 14-32.3(a); 14-32.3(c); or 14-33.2

A Class I felony if it is a violation of one of the following:

- N.C.G.S. § 14-277.3; 14-32.3(b); 14-34.6(b); or 14-190.17A
- An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.
- Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in N.C.G.S. § 50B-1(b): N.C.G.S. § 14-33(c)(1); 14-33(c)(2); 14-33(a); 14-34; 14-134.3; or 14-277.3.

VIPER Tactical Towers. Trailer mounted portable communications equipment designed to augment or replace critical communications infrastructure. Drivers of this equipment are required to possess a Class A CDL. Operators are required to complete all required training as specified by the Director of Support Services.

Web 2.0. The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki. Web page(s) that can be edited collaboratively.

Witness. Any person who has been or is expected to be summoned to testify for the prosecution in a criminal action concerning a felony, or who by reason of having relevant information is subject to being called or is likely to be called as a witness for the prosecution in such an action, whether or not an action or proceeding has commenced.

Work Practice Controls. Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting re-capping of needles by a two-handed technique).

Wrecker Service. A person or corporation engaged in the business of, or offering the services of, and owning a wrecker service or towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle manufactured and designed for the primary purpose of removing and towing disabled motor vehicles.

Wrecker Service Applicant. A person or corporation owning a wrecker service and applying for inclusion on the Patrol Rotation Wrecker List.

I. POLICY

This policy establishes guidelines related to the use of force, reporting, and review. This directive applies to all uses of force, whether Members are on-duty or off-duty.

The Highway Patrol recognizes and respects the value and special integrity of each human life. Vesting Patrol members with the lawful authority to use force to protect the public welfare requires a careful balancing of all human interests. Therefore, it is the policy of the Patrol that members shall use only force which is reasonably necessary to effectively bring an incident under control while protecting the lives of the member and others. Members shall use physical force in arrest and custody situations only in strict conformance with the United States Constitution, the Constitution and laws of North Carolina, and this policy.

This directive recognizes constitutional principles but aspires to go beyond them. The Fourth Amendment requires a member's use of force be "objectively reasonable." *Graham v. Connor*, 490 U.S. 386 (1989). Under this standard, a member may only use force that a reasonable member would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions members are forced to make under rapidly evolving and often unpredictable circumstances, but it does not provide specific guidance on what to do in any given situation.

The use of the Vascular Neck Restraint Techniques and any other technique which restricts the blood flow or oxygen to the brain are **NOT** authorized.

Sound judgment and the appropriate exercise of discretion will always be the foundation of a law enforcement member's decision making within the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this directive is intended to ensure that all actions taken by members are reasonably necessary to accomplish lawful objectives while protecting the lives of others and themselves. In order to avoid an escalation and subsequent use of force, Members shall apply de-escalation techniques when possible to stabilize a situation, reduce the immediacy of a potential threats, and obtain voluntary compliance. De-escalation techniques are used whenever feasible, force is used only when necessary, and the amount of force used is proportionate to the situation a member encounters.

In situations where members are justified in using force, the utmost restraint should be exercised. Use of Force should never be considered routine. In exercising this authority, members must respect the sanctity of all human life, act in all possible ways to preserve human life, act to avoid unnecessary uses of force, and minimize the force that is used, all the while protecting themselves and the public.

This policy affirms the North Carolina State Highway Patrol's guiding principles which provide direction when members face a use of force situation during the performance of lawful duty.

The North Carolina Highway Patrol's core use of force principles are as follows:

CORE PRINCIPLE #1: Members may use force only to accomplish specific law enforcement objectives.

CORE PRINCIPLE #2: Whenever feasible, members should attempt to stabilize a situation and reduce the immediacy of a potential threat to attempt voluntary compliance in order to avoid an escalation and subsequent use of force (de-escalate) Members should strive to de-escalate confrontations with the goal of resolving encounters without force. Members may only use force that is reasonable, necessary, and as a last resort.

CORE PRINCIPLE #3: Members must use only the amount of force which is proportionate to the circumstances.

CORE PRINCIPLE #4: Deadly force is only authorized as a last resort and only in strict accordance with this directive.

CORE PRINCIPLE #5: Members must appropriately assess situations and constantly evaluate the suspect(s) condition to adequately and promptly provide or request medical assistance based on circumstances explained within this directive.

CORE PRINCIPLE #6: All members have a duty to stop, intervene, and subsequently, report in any case where a member is a witness to what the member knows or should reasonably be expected to know is an excessive use of force that would violate any applicable law and/or this directive.

II. USE OF FORCE

CORE PRINCIPLE #1: Members may use force only to accomplish specific law enforcement objectives and in strict accordance with the below established directives, and consistent with state and federal law:

- To effect lawful law enforcement objectives, such as to affect a lawful seizure (an arrest or detention) or to carry out a lawful search;
- To overcome resistance directed at the member or others;
- To prevent physical harm to the member or to another person, including intervening in a suicide or other attempt to self-inflict injury;
- To protect the member, or a third party, from unlawful force or;
- To prevent property damage or loss.

Members may not use or threaten to use force for the following reasons:

- To resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, members, or others, or would significantly interfere with other legitimate law enforcement objectives;
- To punish a person or to retaliate against them for past conduct or to impose punishment;
- To prevent a person from resisting or fleeing in the future;
- To force compliance with a member's request, unless the request is necessary to serve member or public safety, or criminal apprehension; or
- Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

CORE PRINCIPLE #2: Whenever feasible, members should attempt to de-escalate confrontations with the goal of resolving encounters without force. Members are encouraged to use techniques to achieve the goal of "De-escalation" in order to defuse emotions and bring calm to a given situation in order to prevent the use of force. These techniques are considered "Force Mitigation Tactics."

Members may use only force which is reasonable and necessary.

Members will use de-escalation and force-mitigation techniques and tactics whenever safe and feasible to do so. "Force mitigation tactics is synonymous with de-escalation."

Members will provide clear instructions and warnings whenever feasible before using force. Whenever safe and feasible, members should not use force immediately when encountering noncompliance with lawful verbal directions. Instead, whenever safe and feasible, before using force, members should:

- Provide clear instructions and warnings;
- Seek to communicate in non-verbal ways when a verbal warning would be inadequate (such as when the person does not speak English, or is unable to hear or understand warnings);
- Indicate the consequences of refusing to comply with a mandatory order, including that force will be used unless the person complies; and
- Provide an opportunity to comply if feasible based upon the safety of the suspect and the public as well as safety of the member.

Members must consider an individual's mental, physical, or other incapacities.

Members must, when feasible, consider whether a person's failure to comply with directions or command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In these situations, members should consider whether specific techniques or resources would help resolve the situation without force.

Members should not exercise force unless it is reasonably necessary.

Members should exhaust all other reasonable means before resorting to the use of force.

CORE PRINCIPLE #3: Members must use only the amount of force which is proportionate to the circumstances.

Members must evaluate all the circumstances facing them in the field to determine whether force is appropriate and what amount is proportionate.

Members encounter a wide range of situations in the field, but the sanctity of human life should be at the heart of every decision. When force cannot be avoided through de-escalation or other techniques, members must use no more force than is proportionate to the circumstances. In general, the greater the threat and the more likely the threat will result in injury or death, the greater the level of force may be immediately necessary to overcome it. Consistent with training, some of the factors members should consider when determining how much force to use include:

- The seriousness of the law enforcement objective;
- The risk of harm presented by the person;
- The risk of harm to the member or to innocent citizens presented by using force;
- Whether further de-escalation techniques are feasible, including the time available to a member to make a decision, and whether additional time could be gained through tactical means;
- If there is a practical, less harmful alternative available to the member;
- Mental or physical disability, medical condition, and other physical and mental characteristics;
- Whether there are other exigent/emergency circumstances.

As a situation changes, members must assess and reassess the circumstances and continue to respond proportionately, throughout the incident.

Over the course of an encounter, the circumstances and threats a member faces may change. Consistent with training and this directive, while using force, members must continually assess the effectiveness, proportionality, and necessity of their actions. The ability to articulate one's actions is critical with regard to documenting what factually occurred.

Force Options

- Officer Presence
- Verbal Control Techniques
- Physical Contact (Soft empty hands)
- Holding Techniques (Pressure Point Control / Joint Manipulation)
- Compliance Techniques (to include O.C. Spray / Chemical Agents)
- Physical Force (Hard empty hands)
- Impact Weapons (ASP Baton, Flashlight)
- Conducted Energy Weapon
- Lethal Force

The force options available to a member are listed from the least life-threatening to the most life-threatening. Members are not required to exhaust one type of force before moving to a greater force. The above systematic listing of force options is only used to clarify and illustrate the variety of applications. The decision to use force is NOT a specific path for members to follow in every situation.

Sound judgment and the appropriate exercise of discretion will always be the foundation for decision making in the broad range of possible use of force situations a member may encounter.

The level of resistance a member encounters is a key factor in determining the proportionate amount of force.

- It is not possible to determine ahead of time what the proportionate level of force is for every possible situation members may face. Nevertheless, one of the key factors in determining which level of force is necessary and proportionate in a given situation is the level of resistance a member encounters. In general, the less resistance the member faces, the less force the member should use.
- The types of resistance members may encounter range from a cooperative person to an active assailant. Members are reminded any encounter may evolve rapidly and will often change based on the suspects mindset and potential abilities. Consistent with training, the following general rules may apply when members are exercising judgment in determining what level of force is necessary and proportionate:

a. Cooperative Person: When dealing with a cooperative person, members may rely on officer presence and/or verbal control techniques to facilitate and complete arrest. *(Refer to directive A.06, Policy Definitions)*

b. Passive Resistor: When dealing with a passive resistor, members may rely on officer presence, verbal control techniques, holding techniques, compliance techniques, and/or control instruments, but greater force, such as physical force, impact weapons (batons), Conducted Energy Weapons (CEWs), and O. C. (Oleoresin Capsicum) may not be appropriate or proportionate to achieve the lawful objective. *(Refer to directive A.06, Policy Definitions)*

c. Active Resistor: When dealing with an active resistor, members are confronted with a suspect who demonstrates “aggressive,” “hostile,” and potentially “violent” behavior. Resistance such as this can potentially harm the member as well as others in the surrounding area. Members may employ officer presence, verbal control techniques, holding techniques, compliance techniques, and or control instruments as well as hard hand control (strikes), impact weapons (batons), Conducted Energy Weapons (CEWs) up to and including lethal force depending on situation. *(Refer to directive A.06, Policy Definitions)*

d. Threatening Assailant: In general, when dealing with a threatening assailant, members have all use of force options, other than deadly force, available to them, including impact weapons (such as batons or less lethal ammunition) and CEWs. Although a range of force options are generally available, particular options can be used only if proportional to the threat faced. *(Refer to Directive A.06, Policy Definitions)*

e. Active Assailant: In general, when dealing with an active assailant, members have all force options available, though deadly force should only be used as a last resort and in strict accordance with the guidance below. *(see Core Principle #4)*

III. USE OF LESS THAN LETHAL FORCE

General Guidelines

Where **lethal** force is not authorized, a member should assess the situation in order to determine which less than lethal technique or weapon will best de-escalate the incident to bring it under control in a safe manner. In exercising this authority, members must respect the sanctity of all human life, act in all possible ways to preserve human life, act to avoid unnecessary uses of force, and minimize the force that is used, all the while protecting themselves and the public.

A member is authorized to use department-approved less than lethal force techniques and issued equipment for resolution of incidents as follows:

- To protect the member or another from physical harm

- To restrain or subdue a resistant individual
- To bring an unlawful situation safely and effectively under control
- To effect an arrest or prevent escape from custody of a person whom the member reasonably believes has committed a criminal offense unless the member knows the arrest is not authorized

The amount of force, which may be used in attaining a lawful compliance, will be determined by assessing and reassessing the surrounding circumstances and may include the below but are not limited to:

- The nature of the offense
- The behavior of the subject against whom force is to be used
- Reaction time/distance from subject
- Multiple subjects and or members/other law enforcement officers present
- Actions by third parties who may be present
- Size and gender of the member and subject
- The feasibility or availability of alternative actions
- Members are not permitted to use a less than lethal defensive weapon unless qualified in its proficient use by training procedures. All proficiency training must be monitored by a certified firearms, defensive tactics or Conducted Energy Weapon (CEW) instructor. All members authorized to carry weapons are required to receive in-service training at least annually on the agency's use of force policies and demonstrate proficiency with all approved lethal and less than lethal weapons.
- The following less than lethal defensive weapons are authorized for on and off duty use: expandable baton, flashlight, O.C. Spray, and other weapons which may be issued by the Highway Patrol. Under **no** circumstances is a patrol member authorized to carry a Conducted Energy Weapon (CEW) while off duty.

Impact Weapons

- The expandable baton and flashlight are the standard impact weapons issued to members of the Highway Patrol.

Chemical Agents

- Only Highway Patrol issued chemical agents may be carried and used by members of the Highway Patrol.

- Prior to the issuance of Oleoresin Capsicum Spray (O.C. Spray), all members shall receive training in its use, which will include instruction and actual application to afford the member an understanding of the effects. Any use or display of O.C. Spray other than in a training situation or spraying of animals for self-protection shall be reported as required by this directive.

OLEORESIN CAPSICUM SPRAY

- Use of O.C. Spray is a form of less than lethal force. When practical, O.C. Spray should be used in place of striking the subject with a fist, elbow, knee, or weapon in order to avoid injury to the subject and the member.
- No member shall knowingly use O.C. Spray on any person who is being subjected to the effects of a Conducted Energy Weapon (CEW)

Decontamination

- After spraying a subject, the member **must monitor** the subject's physical condition for up to forty-five (45) minutes or until the subject is turned over to jail personnel
- After handcuffing and searching the subject, the member should instruct the subject to stay still, not to rub his/her eyes, breathe normally, and relax as much as possible
- When circumstances permit, a member should wait a period of fifteen (15) minutes before transporting the subject to allow natural evaporation to reduce the effects of the O.C. Spray in the Patrol vehicle
- A member **must** decontaminate the subject at the scene of the arrest when the member or subject's safety is not jeopardized by such decontamination

Decontamination includes:

- Moving the subject into an uncontaminated area as soon as possible
- Facing the subject into the wind
- Spraying the subject's face and eyes utilizing the issued spray bottle and water
- Patting the subject's face dry with paper towels
- A subject should be asked if he/she suffers from any medical problems
- While transporting the subject, the member shall provide ventilation to the subject by opening the window and/or directing the air-conditioning vent toward the subject's face

- Upon arrival at the detention facility or chemical analysis site, the member shall allow the subject to flush his/her face and eyes with cool water. A non-oil based soap or detergent should be used and will help remove the resin from the skin.
- Do not use **any** commercial eyewash during the decontamination process
- Personnel at the jail **must** be informed that a prisoner has been sprayed with O.C. Spray

Medical Attention for subjects exposed to O. C.

Unless a detention facility requires a subject, who has been sprayed with O.C. Spray to be checked by medical personnel, a prisoner who has been sprayed will not usually require medical attention

A prisoner who meets any of the following criteria **must** be taken for immediate medical attention:

- Gagging or breathing difficulties persist beyond 2-4 minutes
- Loses consciousness, sweats profusely without reason, appears very sick
- Suffers from the effects of O.C. Spray more than forty-five (45) minutes after use
- Displays signs of or declares an allergy to capsicum (pepper)

A prisoner who is known to meet the following criteria must be closely monitored for at least forty-five (45) minutes or until turned over to jail personnel. Closely monitored means the prisoner should not be left alone for any significant periods of time, and the physical and mental condition of the prisoner should be observed:

- Old or frail persons, diabetics, asthmatics
- Have known history of heart or lung problems, seizure disorders
- Are substantially impaired by drugs or alcohol
- Have run or fought with member or violently resisted arrest
- Are breathing very rapidly, sweating heavily, or exhibiting pale skin
- Engaging in deranged or irrational conduct or speech
- Are very obese
- Complain of dizziness or being lightheaded

Carrying and Deployment of Oleoresin Capsicum Spray

Members who are issued a CEW may remove the O.C. Spray from their duty belt, but he/she must have it readily available within his/her Patrol vehicle for use. The removal of the O.C. Spray from a member's duty belt in no way relieves him/her of the responsibility of maintenance, care, and inspection of the O.C. Spray.

Use of Chemical Agents other than O. C. Spray

Authorization to deploy chemical munitions or other chemical agents in riot situations or for other applications involving large numbers of people must be obtained from the affected Section Director/Troop/Unit Commander or his/her designee. Any use of chemical munitions or chemical agents except in a training situation must be reported by the appropriate Troop Commander or his/her designee by utilizing Form ICS214 (Activity Log-Chronological Listing of Activities) and shall refer to the North Carolina State Highway Patrol **Unusual Occurrence Manual, Section VIII** and **Section XXIII** as it pertains to the "After Action Reporting" consistent with IAP (Incident Action Plan) and the ICS (Incident Command System).

Conducted Energy Weapon (CEW)

- A Conducted Energy Weapon (CEW) is a less-lethal device that uses electrical current, with the goal of achieving neuromuscular incapacitation, by the disruption of voluntary control of the muscles.
- Use of a CEW by a member shall be in compliance and consistent with the most current training guidelines, all current publications and/or revisions from Axon Enterprises, Inc., and any laws or relevant court decisions pertaining to CEW use.
- All members shall receive required training prior to the issuance of a CEW. Training shall include a demonstration and application of the device to afford the member an understanding of the physical effects on a suspect.
- Any use or display of a CEW other than in a training situation shall be reported as required by this directive and in compliance with standard operating procedures.
- Use of the CEW is authorized only when a reasonably objective member would conclude that the circumstances present a risk of immediate danger that could be mitigated by the use of force. Members shall articulate why the subject's action(s) and/or behavior indicated a threat to the safety of themselves or third persons.
- Members preparing to fire the CEW shall announce "Taser, Taser, Taser" when feasible, to warn the violator, to prevent sympathetic reflex shooting, and to alert other officers on scene.

- All issuance, initial user training, In-Service training, and maintenance and/or repair of CEWs will be at the direction of the Director of Training or his/her designee
- Any CEW involved in a Use of Force shall be downloaded and the downloaded file shall be attached to the affected member's BlueTeam Use of Force Report when forwarded from the District First Sergeant to the Unit/Troop Supervisor.
- All guidelines for the CEW program related to the operation of the North Carolina State Highway Patrol Conducted Energy Weapon (CEW) Program are contained within the Standard Operating Procedure (SOP) entitled "Conducted Energy Weapon (CEW) Program"

Members Authorized to Carry CEW

Members holding the rank of Trooper and Sergeant shall be issued a CEW by the State Taser Coordinator or designee. Those members shall carry the CEW in accordance to the most current version of NCSHP Policy Directive B.01 and the CEW SOP.

Members holding the rank of First Sergeant and above shall have the option to carry the CEW they are certified on as long as they continue to attend annual In-Service training. The availability of issuance on CEWs and equipment for members of higher rank can be evaluated by the State Taser Coordinator at any time based on needs of the Patrol.

Carrying CEW

Members who are issued a CEW shall have it properly affixed in a cross draw manner (opposite of duty handgun) to the duty belt of the Class A or Class B uniform while conducting patrol duties. The Director of Training or the Taser Coordinator or designee shall grant exception to the CEW carry based on the section and special operations. The removal of the CEW from a member's duty belt in no way relieves him/her of the responsibility of maintenance, care, and inspection of the CEW.

Return of CEW

All CEWs must be returned to the Training Academy to the Training Coordinator or designee in the Taser Section within 30 calendar days of the member's separation, resignation, retirement, or if any damage has occurred to the CEW. If a NCSHP Taser Instructor has identified a CEW as not working or failing the safety protocol during In-Service training, the CEW will be replaced as soon as feasible in coordination with the State Taser Coordinator. No Taser CEW will be returned through the State Courier System. The return of all CEW's shall be in person in coordination with the State Taser Coordinator or designee to the Training Academy. If a member is on medical, military, sick, administrative or any extended leave the CEW can remain at the Troop or District level in a secure location until the member returns and is approved fit for duty.

Use of the CEW is NOT authorized in the following circumstances:

- When the suspect is in control of a vehicle that is in gear or in motion;
- When a suspect is passive-resistant and/or engaging in passive, non-violent resistance;
- When a suspect is running away from the member in attempt to escape and the suspect poses no immediate risk of injury to the member or a third party;
- When the member knows or perceives the suspect to suffer from a mental illness, cognitive impairment or developmental disability, such as Down Syndrome or Autism Spectrum Disorder, unless necessary to prevent injury to the member or a third party;
- The CEW is not to be used in any mode to achieve pain compliance.

Issuance of Authorized Weapons

Prior to the issuance of any lethal or less than lethal weapon the Highway Patrol Armorer or Defensive Tactics Coordinator shall review, inspect, and approve all weapons intended for use by members in the performance of their duties. Any weapon found to be unsafe shall be removed from service until such time it is repaired by a qualified technician. A record of each approved weapon issued by the Patrol shall be maintained by the Highway Patrol Armorer.

Use of Weapons

Weapons shall be used or displayed in accordance with the member's training and Patrol policy. Careless or imprudent use of weapons is prohibited. The term deadly is synonymous with lethal and the term non-lethal and non-deadly are synonymous with less than lethal.

Remedial Training

A member who fails to demonstrate required proficiency with either a lethal or non-lethal weapon shall receive remedial training with said weapon by a certified weapons instructor prior to resuming official duties

IV. USE OF LETHAL FORCE

CORE PRINCIPLE #4: Lethal force is only authorized as a last resort and only in strict accordance with this directive.

General Guidelines

- Members shall use **lethal** force only in conformance with the U.S. Constitution and the Constitution and laws of North Carolina.

- In exercising this authority, members must respect the sanctity of all human life, act in all possible ways to preserve human life, act to avoid unnecessary uses of force, and minimize the force that is used, all the while protecting themselves and the public.
- **Imminent** shall be synonymous with the term immediate

General Statute § 15A-401(d)(2) states, in pertinent part:

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

- To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force
- To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay
- Nothing in this subdivision constitutes justification for willful, malicious, or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

Warning Required

Prior to using lethal force, members must give a verbal warning if feasible.

Lethal force includes, but is not limited to, use of a firearm.

Threatening lethal force does not necessarily constitute use of lethal force.

A threat to cause death or serious bodily harm, such as by displaying a firearm, does not constitute lethal force, so long as the member's purpose is limited to creating an apprehension that deadly force will be used if necessary.

Strict considerations must be met before a member may use deadly force.

As discussed above, when feasible, members should try to de-escalate situations, issue verbal warnings, or use non-lethal force with the goal of resolving encounters without using lethal force. There are, however, occasions when lethal force is necessary to protect members or the public. A member may use deadly force only when the member reasonably believes such action is immediately necessary to protect himself/herself or another person from imminent danger of death or serious bodily harm.

Members shall not use deadly force if the member reasonably believes an alternative will avert, eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to the member or another person.

Members shall not use deadly force when a reasonable officer would conclude that a person presents an imminent threat of death or serious physical injury only to themselves.

Special considerations must be taken into account before a member may display a firearm.

Unholstering or pointing a firearm are tactics that should be used with great caution. The presence of a member's firearm, under the right circumstances, can discourage resistance and ensure officer safety in potentially dangerous situations without the need to resort to actual force. At the same time, however, unnecessarily or prematurely drawing a firearm can limit a members' options in controlling a situation, could create great anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Accordingly, members should only display their firearms in appropriate tactical situations and using the following principles as guidance:

- **Pointing a firearm.** Consistent with training, members may point a firearm at a person only when circumstances create a reasonable belief it may be immediately necessary for the member to use deadly force. When the member no longer reasonably believes deadly force may be immediately necessary, the member shall, as soon as practicable, secure or holster the firearm.
- **Unholstering a firearm.** Consistent with training, members may unholster or otherwise display a firearm only when circumstances create a reasonable belief: (1) the member is permitted to point a firearm at a person in order to achieve a lawful objective, or (2) unholstering or displaying the firearm may itself help establish or maintain control in a potentially dangerous situation.

V. WEAPONS AND AMMUNITION PROCEDURES

Authorized Weapons – On and Off Duty

- **On Duty**

- Service pistols and magazines shall be loaded to capacity with Patrol issued ammunition. Rifle magazines shall be loaded with twenty-five (25) rounds. A rifle will be carried on duty with a magazine inserted into the rifle/carbine, bolt forward on an empty chamber with the mechanical safety engaged. Shotguns will be loaded to magazine capacity with the bolt forward on an empty chamber with the shotgun's mechanical safety engaged.

- Members while on/off duty and operating an official Highway Patrol Vehicle while not wearing an approved Highway Patrol Uniform, shall have on their person his/her issued service pistol and official Highway Patrol identification credentials. While wearing civilian clothing, the member shall not make a public display of a firearm or remove it from its holster except for lawful purposes. The only exception to this policy is when a member is attending a law enforcement specific meeting; the member may secure his/her service pistol in the trunk of his/her Patrol Vehicle while actively involved in the meeting.
- When carried, shotguns and rifles/carbines shall be kept secured in the rearmost portion of an issued SUV type Patrol vehicle or locked in the trunk of a standard Patrol Vehicle to prevent or lessen the likelihood of theft, except when removed in the line of duty.
- If shotguns and rifles/carbines are secured in the Blac-Rac weapon mounting system, the member may leave the weapon secured in the vehicle. If the member will be away from the vehicle for an extended period of time such as vacation the weapon shall be locked in the trunk of a standard Patrol Vehicle or secured in temporary storage at the assigned member's district office to prevent or lessen the likelihood of theft.
- The key for the Blac-Rac proprietary integral key lock shall be carried by the member attached to the whistle chain while wearing a Class A uniform. Class B uniform wearers shall keep the key in the front right pocket of the Class B uniform shirt.
- Members shall NOT attempt to secure any handgun loaded or unloaded into Blac-Rac weapon mounting system.
- Members will periodically inspect ammunition for serviceability in any firearm used for duty use. Any ammunition suspected to be faulty will be immediately replaced.
- Members may purchase spare magazine(s), meeting Highway Patrol specifications, for the Patrol-issued pistol.
- The use of lead or cast bullets in North Carolina State Highway Patrol owned firearms is prohibited from use unless the firearm is a shotgun. A member shall fire only jacketed ammunition in an issued North Carolina State Highway Patrol owned handgun and rifle/carbine.
- **Off-Duty Firearms**
 - In strict conformance with federal and state law and this directive, members are authorized to possess and carry a concealed firearm (either their issued service firearm or an authorized personal firearm) while off duty. Use of off-duty weapons shall be reported immediately to a Patrol supervisor. The same reporting procedures will apply as an on-duty incident.

- A member who elects to carry his/her Patrol-issued or personally owned firearm(s) while off duty will be required to have in his/her possession the official badge and identification holder identifying him/her as a sworn member of the State Highway Patrol.
- The size of the Patrol-issued pistol may prevent proper concealment; therefore, discretion must be used in carrying this weapon off-duty.
- Members who practice with issued weapons shall comply with all policies regulating the use of firearms.
- A member shall not consume or have remaining in his/her body any alcohol previously consumed or be under the influence of alcoholic beverages while handling a firearm or while possessing any firearm away from his/her own premises.
- Members shall not make a public display of a firearm or remove it from its holster while off duty except for lawful purposes.
- A member who is on investigatory leave with pay, on disciplinary suspension, or is required to surrender his/her Patrol-issued firearms for any reason, or is otherwise prohibited from exercising powers of arrest, is not authorized to carry a concealed, personally owned firearm while off duty during the period the member is on investigatory leave with pay, or on disciplinary suspension.

Firearms Procedures

- A member shall never fire warning shots.
- A member shall not display any firearm except for authorized use in accordance with this directive, for inspection by a superior member, or for other authorized purposes.
- A member shall not permit any person, other than another member, to use Patrol firearms.
- The killing of an animal is justified:
 - For self-defense
 - To prevent harm to the member or another person
 - When the animal is so badly injured as to require that it not continue to suffer. In the case of livestock, a reasonable effort must be made to contact and notify the owner. If the owner cannot be contacted within a reasonable period, the member may take the necessary action. Incidents involving game and non-game animals under the jurisdiction of the Wildlife

Resources Commission will be reported to that agency by using Deer Retention

- Authorization (EF-004). Incidents involving domestic animals and livestock will be reported to the nearest animal control agency. Neither a Report of Investigation (HP-721) nor a Use of Force Report needs to be completed when an animal is shot; however, a memorandum outlining the member's action shall be sent to the member's immediate supervisor within twenty-four (24) hours of the incident and ammunition shall be replaced as soon as possible.

Shooting at Moving Vehicles

- Discharging a firearm at a moving vehicle involves a possible risk of death or serious injury. There may be a risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, with the actions of the suspect creating the threat.
- Members shall not fire at unarmed violators in a moving vehicle unless the member reasonably believes the oncoming vehicle presents an imminent threat of death or serious physical harm to the member or third person, and no other means are available at that time to avoid or eliminate the danger
- No member shall intentionally position him/herself into the path of a vehicle which is attempting to flee. Whenever possible, the affected members shall make a reasonable effort to get out of harm's way if a vehicle is moving toward him/her.

Shooting from a Moving Vehicle

- Shooting from a moving vehicle is prohibited, except where members reasonably believe there is an imminent threat of serious bodily injury or death for themselves or for a third party without such action. Before shooting from a moving vehicle, the member must reasonably believe the only means of protecting themselves and/or a third party is the use of deadly force and no alternative, less dangerous means exists to abate the threat.

Investigation and Reporting of Firearms Incidents

- A member shall immediately report to his/her supervisor every display or use of a firearm in the performance of his/her duty, either intentional or unintentional not related to training. Any time a member removes his/her pistol from its holster during an enforcement contact, such action shall be deemed either *display of firearm* or *use of firearm*. A use of firearm, as defined by SHP Directive A.06, shall be documented in BlueTeam on a Firearm Discharge Report. (See sections IX and X of this directive for further directions)

- A *display of firearm*, as defined by SHP Directive A.06, shall be documented in BlueTeam on an abbreviated Use of Force Report. (See sections XI and XII of this directive for further directions)
- A use of firearm, as defined by SHP Directive A.06, combined with use of another force option will require the *use of firearm* to be documented in BlueTeam on a Firearm Discharge Report. The use of another form of force will be documented in BlueTeam on a Use of Force Report
- A member involved in a shooting incident, which results in death, or serious personal injury to anyone shall immediately be relieved from normal duty and assigned to administrative duties by his/her Section Director/Troop/Unit Commander. The Internal Affairs Unit will be responsible for completion of the Firearm Discharge Report in BlueTeam and completion of the HP-721. The HP-721 shall be attached to the Firearm Discharge Report, generated in BlueTeam. The affected Section Director/Troop/Unit Commander shall follow the provisions set forth in Section V (Administrative Leave and Review) of this Directive. The member shall also be ordered to submit to a drug test pursuant to the provisions of Directive E.02, Section V (Types of Mandatory Drugs and Alcohol Tests). The Section Director/Troop/Unit Commander or his/her designee shall immediately begin to collect pertinent information necessary for a preliminary investigation and shall contact the Unit Commander of Internal Affairs for consultation. The Unit Commander of Internal Affairs, or their designee shall ensure the appropriate notification with the State Bureau of Investigations (NCSBI), as well as the District Attorney's office for the respective location
- After debriefing of the member in accordance with Patrol policy, if it reasonably appears the shooting was justified, the member may be re-assigned to normal duty by the Commander's Office

Maintenance and Care of Firearms

- All members shall keep their Patrol-issued and back-up or off-duty firearms in excellent condition
- Members shall not in any manner alter or tamper with the internal working mechanisms of their Patrol-issued firearms
- Members shall regularly clean and inspect all issued firearms according to instructions in the appropriate training manual
- Any defects or malfunctions of any issued firearm shall be reported to the member's supervisor immediately. Defective weapons shall not be carried.
- Members shall regularly clean and inspect all approved back-up or off-duty firearms
- Any defects or malfunctions of back-up or off-duty firearms shall be reported to the Patrol/Troop Firearms Instructor immediately. Members shall not carry

such firearms until the defect or malfunction is corrected at the member's expense and inspected by the Patrol/Troop Firearms Instructor to insure it has been repaired. If any critical component of the firearm is repaired or replaced (sights, barrel, etc.) the Patrol / Troop Firearms Instructor must re-qualify the member with the firearm and document same on a Firearms Qualification Record (F-9A) to be forwarded to the Patrol Armament Member and placed in the member's personal firearms file.

VI. MEDICAL ASSISTANCE

CORE PRINCIPLE #5: Members must promptly provide or request medical aid. Members have a duty to provide prompt medical care.

Members shall always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, members shall request medical aid (such as by contacting emergency medical services) and provide appropriate medical care consistent with the members training (such as by providing first aid and/or transportation to an emergency medical facility).

Members have a duty to continuously monitor individuals / suspect(s) for potential medical intervention after a use of force. Special consideration should also be taken with individuals who may have ingested drugs, are impaired or who demonstrate obvious physical exertion based on the event.

Out of respect for the sanctity of life, members shall closely monitor persons against whom force was used for signs they may require medical assistance. This responsibility applies during transportation and throughout custody. Members shall pay close attention to persons believed to be pregnant, children, the elderly, and physically frail individuals.

Members shall make the scene as safe as practical and shall afford medical assistance to injured persons considering:

- Amount and type of force used
- Any apparent or probable injuries
- Statements made by the person(s)

Medical assistance afforded shall be the same as for any other individual with similar injuries including:

- First aid administered by the member within the limits of member's level of training
- Calling or offering to call emergency medical services as appropriate

Members may elect to transport injured suspects by Patrol vehicle to a medical facility for examination or treatment based on potential security risks, danger presented by the suspect, and other articulable facts.

VII. DUTY TO INTERVENE AND REPORT

CORE PRINCIPLE #6: Members have a duty to stop and report uses of force that violate any applicable law and/or this directive.

Members have a duty to prevent and stop illegal and inappropriate uses of force by other members or another law enforcement officer.

Every member has an obligation to ensure compliance, by themselves and others, with Highway Patrol directives and regulations, as well as all applicable laws, regarding use of force. Any member who observes a member or another law enforcement officer engaging or preparing to engage in force which is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events before the fellow officer does something that makes any official action necessary. Members can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately.

- If any member observes such a violation, the member must issue a command/order to stop the violation.
- If a supervisor observes such a violation, the supervisor must issue a direct order to stop the violation.

Members have a duty to report illegal and inappropriate uses of force by other officers.

Any member who observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive must:

- Notify a supervisor as soon as possible; *and*
- Submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct.

Members are prohibited from retaliating against an employee who intercedes in or reports illegal or inappropriate uses of force.

No member may retaliate, in any form, against another employee who intercedes in or reports a violation of this directive, or who cooperates with an investigation into a possible violation of this directive.

VIII. DOCUMENTATION ON USE OF FORCE

The appropriate first-level supervisor shall submit form HP-351 (Supervisor Notification of Member Involved Incident) via e-mail within twenty-four (24) hours of any reportable Use of Force incident to include Display of Weapon according to the HP-351 instructions. The appropriate first-level supervisor shall e-mail a copy of

the HP-351 “To:” the appropriate Unit/Troop Headquarters and “CC:” the Use of Force Board Liaison for informational and tracking purposes.

Firearms

- Use of a Firearm, as defined in SHP Directive A.06, shall be reported and documented in BlueTeam on a Firearm Discharge Report in accordance with this directive
- Display only of a firearm, as defined in SHP Directive A.06, shall be reported and documented on the abbreviated Use of Force Report. (See form instructions for the abbreviated report)
- In addition to the Firearm Discharge Report, incidents involving the discharge of a firearm require a HP-721, except when an animal is shot. The HP-721 shall be attached to the Firearm Discharge Report in BlueTeam and then forwarded via chain-of-command to the Unit Commander of Internal Affairs. The Unit Commander of Internal Affairs shall forward the report and investigation to the Commander’s Office.

Other Use of Force

- A member shall complete the Use of Force Report in BlueTeam on each occasion the member strikes a person with any part of his/her body (e.g. fist, elbow, leg, knee or foot) or uses any defensive weapon in order to control a subject. The Use of Force Report shall also be completed in BlueTeam whenever a subject or a member is injured, the subject or member complains of injury, or has visible injury or in any case where a subject is charged with assaulting the member.
- A member shall complete the Use of Force Report in BlueTeam on each occasion in which an “Arm-Bar Takedown,” “Vehicle Extraction Technique” or a “Balance Displacement Technique” is performed regardless if an injury occurs. Each of these actions performed on a suspect have a greater potential for injury occurrence to a suspect and therefore shall require documentation for record purposes.
- On those occasions when the member **“Displayed Only”** any defensive weapon, the member shall complete the abbreviated Use of Force Report as directed in the report’s instructions.
- A member involved in a Use of Force incident, if physically able, must notify his/her immediate supervisor as soon as feasible after the incident. The member shall submit the Use of Force Report in BlueTeam to his/her immediate supervisor within five (5) calendar days of the incident. If the member is unable due to injuries, the immediate supervisor will complete the Use of Force Report within thirty (30) calendar days, provided the supervisor has sufficient information.

- In all felony cases, a copy of the Use of Force Report shall be provided to the District Attorney pursuant to the requirements of N.C.G.S. 15A-903

IX. REVIEW AND CRITIQUE OF USE OF FORCE

Review by Supervisor

- The member's supervisor shall review the Use of Force Report for completeness with the member prior to submission. In all cases where the member conducted a Terry Frisk, the supervisor shall determine whether the member properly obtained consent to frisk or, absent consent, articulates the specific objective facts that gave rise to reasonable suspicion to believe that the subject may have been armed and presently dangerous. In addition, the supervisor shall review any accompanying video(s) or audio and this directive as it applies to the incident with the member and make an initial determination about whether the member followed Patrol policy and established training practices. A supervisor involved in the incident shall not conduct the review.

The responsibilities of the member's supervisor extend to also include first level "After Action Review." In completing review of the Use of Force Report, the supervisor shall identify potential policy violations, trends of behavior, training deficiencies, legal consistencies on the force as well as potential options that could have been utilized during the encounter.

The supervisor will consult with the State Defensive Tactics Coordinator should there be any questions from a training posture. This after-action review may occur during below noted Step 2 but shall be documented in the comments section and must occur within **ten (10) calendar days** of the incident in order to provide the member adequate response from a training opportunity.

The First Sergeant or appropriate second-level supervisor shall make comments (Refer to the Use of Force BlueTeam Instructions) in the "Comment" section during the approval process in BlueTeam. The comments should indicate the video(s) was reviewed and the course of action (***i.e. A review of the video indicated established training practices and policy were or were not complied with during this Use of Force / The video of this Use of Force was reviewed. Refer to the attached NCVIP and/or Remedial Training Memorandum.***). The name of the defensive tactics instructor who may have consulted or reviewed the video shall also be documented.

The following dissemination process shall be followed when submitting a Use of Force Report:

- **Step 1:** Trooper completes and submits report for approval, to supervisor via BlueTeam. Use of Force Report due within five (5) calendar days of the incident to the appropriate first-level supervisor.
- **Step 2:** The appropriate first-level supervisor reviews report including video(s) or audio and relevant documentation in BlueTeam for accuracy and

clarification. The appropriate first-level supervisor shall make comments (Refer to the Use of Force BlueTeam Instructions) in the “Comment” section

that a video review was conducted during the approval process. If issues are found:

- Communicate with Trooper for clarification
 - Reject the report in BlueTeam
 - Review resubmission from Trooper
 - Approve and forward to First Sergeant or appropriate second-level supervisor for review and approval via BlueTeam
- **Step 3:** First Sergeant or appropriate second-level supervisor reviews the report including video(s) or audio and relevant documentation to check for accuracy and policy violations or training needs. The First Sergeant or appropriate second-level supervisor shall make comments (Refer to the Use of Force BlueTeam Instructions) in the “Comment” section that a video or audio review was conducted. First Sergeant or appropriate second-level supervisor forwards the approved, completed report, with attachments, to the Unit/Troop Supervisor or Section Director for their review, no later than thirty (30) calendar days of the incident.
 - **Step 4:** The Unit/Troop Supervisor or Section Director (third-level review) will only have forty-five (45) calendar days from the date of the incident to review the report including video(s) or audio and relevant documentation to verify for accuracy, clarification, and discrepancies. The Unit/Troop Supervisor or Section Director shall make comments (Refer to the Use of Force BlueTeam Instructions) in the “Comment” section that a video review was conducted. The Unit/Troop Supervisor or Section Director will also identify any policy violations or training needs. For use of force incidents that involve a fatality or serious personal injury, the Unit Commander of Internal Affairs will be notified and determine if policy violations may exist and classify those potential violations as deemed appropriate. (Refer to Policy Directive H.02).

The appropriate third-level supervisor will immediately forward the report via BlueTeam, “TO” the Chairman of the Use of Force Review Board. The appropriate third-level supervisor shall also carbon copy (cc) the Use of Force Review Board and the District First Sergeant. Groups for the Chairman of the Use of Force Review Board and the Use of Force Review Board have been created in BlueTeam.

- **NOTE:** First Sergeants or appropriate second-level supervisor shall expedite a completed copy of the report as close to incident date as possible in order for the Unit/Troop Supervisor or Section Director to

verify for accuracy, clarifications and/or discrepancy in order to comply with the forty-five (45) calendar day dissemination period

- The member shall print the approved report for their record. In the event a video **or audio** of the occurrence exists, the supervisor will label the

video file as the sequence number to include the members rank, first and middle initial with last name (e.g. 170725001CA Trp J K Smith). Upload the video(s) or audio file within 30 calendar days of the incident at the following address located on the "G" drive:

➤ BlueTeam Videos / Troop / District

- The appropriate District First Sergeant will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.
- Supervisors shall indicate the video has been reviewed in the "Comment" section of the BlueTeam submission process. If no video or audio exists, then an explanation shall be documented in the "Comment" section of the BlueTeam submission process. Attach a copy of the CL-29 if applicable by the appropriate level supervisor.
- Should the initial BlueTeam report be sent to the Use of Force Board later than the forty-five (45) calendar day deadline, but before sixty (60) calendar days, then a detailed explanation describing the reason the report is late in the form of an email shall be sent to the Chairman of the Use of Force Board.
- Should the initial BlueTeam report be sent to the Use of Force Board later than sixty (60) days, then documentation in the form of NCVIP and HR562 (Documented Counseling Session) detailing the reason the report is late and that this discrepancy has been documented shall be emailed to the Chairman of the Use of Force Board by the Unit/Troop Supervisor or Section Director. **These unrelated documents to the Use of Force incident shall not be attached to the BlueTeam Report.**
- **Step 5:** The Use of Force Review Board reviews the incident including videos or audio and relevant documentation and discusses discrepancies and/or needed remediation. The Chairman of the Use of Force Review Board or designee shall reject a report in BlueTeam for discrepancies and provide instructions in the designated space. The rejected report will be forwarded via BlueTeam to the effected Unit/Troop Commander/Section Director requesting revision or remediation. The Chairman of the Use of Force Review Board or designee shall route approved reports "To" the BlueTeam Administrator.

- In cases involving a SBI investigation or Internal Affairs investigation, the Use of Force Board will review the BlueTeam report for accuracy and training purposes only.
- **Step 6:** When a Unit/Troop Commander/Section Director is forwarded a rejected report, he/she shall in turn forward it to the appropriate district for corrections. The Unit/Troop Commander/Section Director shall ensure the corrected report is re-submitted to the Use of Force Review Board via the chain of command within fifteen (15) calendar days.

X. REVIEW AND CRITIQUE OF DISPLAY OF WEAPON (USE OF FORCE REPORT DISPLAY OF WEAPONS)

Review by Supervisor

- The member's supervisor shall review the report for completeness with the member(s) prior to submission. In addition, the supervisor shall review any accompanying video(s) and this directive as it applies to the incident with the member and make an initial determination about whether the member followed Patrol policy and established training practices. The supervisor shall acknowledge that the review with the member(s) has taken place by making the appropriate comment (Refer to the Display of Weapon BlueTeam Instructions) in the "Comment" section during the approval process in BlueTeam. The appropriate supervisor shall indicate the date the review was completed. A supervisor involved in the incident shall not conduct the review.
- If the supervisor approves the report, he/she will then forward the report to the First Sergeant or appropriate second-level supervisor.
- If the report is accompanied by a video(s) or audio, the First Sergeant or appropriate second-level supervisor shall review any accompanying video(s) or audio to ensure compliance with Patrol policy and established training practices. If there is not a video or audio recording available, then a detailed explanation is required. Attach a copy of the CL-29 if applicable. The First Sergeant or appropriate second-level supervisor shall provide a copy of the report and video to a defensive tactics instructor for review and after reviewing the incident with the instructor, address any identified training, policy deficiencies, or other issues with affected member(s)
- Training, policy deficiencies, and/or remedial training shall be documented in accordance with policy
- The First Sergeant or appropriate second-level supervisor shall make comments (Refer to the Display of Weapon BlueTeam Instructions) in the "Comment" section during the approval process in BlueTeam. The comments should indicate the video(s) was reviewed and the course of action (**i.e. A review of the video indicated established training practices and policy were or were not complied with during this Use of Force / The video of**

this Use of Force was reviewed. Refer to the attached NCVIP and/or Remedial Training Memorandum). The name of the defensive tactics instructor who reviewed the video shall also be documented.

- The First Sergeant or appropriate second-level supervisor shall forward the Use of Force Report, along with any applicable supporting documents “To” the BlueTeam Administrator.

XI. REVIEW BY BOARD

- All Use of Force/Assault Reports and the accompanying video(s) will be reviewed and analyzed monthly or no more than bi-monthly by the Use of Force Review Board as directed by the Board Chairperson. The Board may request, through the chain-of-command, additional information and clarification on any report.
- Training or policy issues identified during the district or unit review shall not be addressed in the Use of Force Report, but instead shall be documented on the appropriate form(s) (Remedial Training Memorandum, Performance Record, Personnel Complaint, etc.) and processed in accordance with the Forms and Reports System. A copy of the form(s) shall be attached and forwarded along with the Use of Force Report to the Chairman of the Use of Force Review Board via BlueTeam. The Use of Force Board shall receive a carbon copy (Cc) of the report.

The Use of Force Review Board does not review use of force incidents which only involve the display of a weapon.

- The Director of Professional Standards shall appoint Board members for not more than two (2) years from the following sections excluding the one member holding the rank of Captain who will serve as the chairperson:
 - Captain (Chairperson)
 - Troop Lieutenant – (Co-chair)
 - District First Sergeant
 - District Sergeant
 - Internal Affairs – One member
 - Training Academy – A member of the Defensive Tactics Unit (Use of Force Board Liaison)
 - Two (2) District Troopers
 - Legal Section – One staff attorney

- The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The objective of the board is to identify trends within the agency's use of force, policies and potential training opportunities. Within this review process, the board may recognize policy violations and will refer the reported incident to the appropriate board member from Internal Affairs.

The board does not have the authority to recommend discipline.

Any analysis regarding the involved employee's actions conducted by the board will be in accordance with the Highway Patrol's disciplinary procedures, the Personnel Complaints Policy, and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within agency policy and procedure and were consistent with training guidelines
 - (b) The employee's actions were in violation of agency policy and procedure or established training practices and guidelines
- The Use of Force Review Board shall submit a monthly meeting summary report to the Commander's Office within ten (10) business days addressing the following:
 - Number of reports and videos reviewed
 - Breakdown of incidents within policy and laws
 - Breakdown of reports with training issues and number of reports referred to Internal Affairs
 - Significant issues discovered by the board during their review

If a member is involved in three (3) or more Use of Force/Assault incidents in a consecutive twelve-month (12) period, the Early Intervention System within the IAPro Software will create an Alert in the Internal Affairs Unit. Once an Early Intervention Alert is received in the Internal Affairs Unit, the Alert shall be assigned by the BlueTeam Administrator and sent to the Unit/Troop Commander for appropriate action and documentation.

I. POLICY

This policy guides and directs members utilizing Patrol vehicles to enforce motor vehicle laws or other highway related offenses in a safe and efficient manner. This policy shall govern a member's conduct in the evaluation of situations, which may require the extraordinary operation of a Patrol vehicle. Members are at all times subject to the provisions of the General Statutes and the Highway Patrol Policy.

II. TRAINING

Members shall be given initial and periodic update training in pursuit policy and safe driving tactics, and a review annually thereafter.

III. FACTORS TO BE CONSIDERED PRIOR TO INITIATING EXTRAORDINARY PATROL VEHICLE OPERATION

The Nature and Gravity of the Offense or Situation

- **Criminal Offenders.** Criminal offenders shall be divided into three (3) categories based upon their increasing threat to the public. The nature of this threat must be taken into consideration at all times during the initiation and continuation of extraordinary Patrol vehicle operation.
 - **Non-Hazardous Violators.** Technical violators, such as motorists with license, registration, or equipment violations pose the least hazard and represent the lowest priority. These violators pose no immediate threat to the safety of the public.
 - **Instantaneous Moving Violators.** Drivers who engage in unlawful conduct for a brief moment then resume lawful operation. Such individuals include stop sign violators and others who do not present a continuing hazard to the public. They are of an intermediate priority.
 - **Continuing Moving Violators.** Speeders, suspected impaired drivers, and others who present a substantial continuing hazard to the public are of a higher priority. Likewise, persons suspected of armed robbery, kidnapping, assault on a government official and similar crimes of violence pose an immediate hazard to the public. These persons should be apprehended as quickly as possible, consistent with the exercise of due care for the public's safety.

Collisions

- **Property Damage.** Collisions reported involving only property damage are low priority and do not justify an emergency response except in extreme circumstances where threats to public safety exist.
- **Personal Injury.** Collisions reported involving personal injuries are higher priority and may, in some situations, justify an emergency response. Members shall not exceed the posted speed limit when traveling to a Personal Injury collision unless the imminent danger to human life or the public safety outweighs the considerations above. In these instances, blue lights and siren shall be activated when exceeding the speed limit or taking the right-of-way.

An Officer's Call for Assistance

- **Life-Threatening.** An officer's call for assistance, due to the officer being exposed to a life-threatening situation is high priority that justifies an emergency response.
- **Non-Life-Threatening.** An officer's call for assistance (such as directing traffic) that involves no imminent danger is low priority and does not justify an emergency response.

External Physical Conditions

- Width or physical condition of the highway
- Weather conditions
- Nature of the neighborhood (rural, semi-urban, urban, business, or residential)
- Volume or density of pedestrian and vehicular traffic
- Number or proximity of intersections, side streets, and driveway connections
- Performance capabilities of the Patrol vehicle
- Passengers in the suspect/violator vehicle
- Familiarity with area and surrounding highways

Liability

Members shall at all times exercise due care in the operation of their vehicles. In any civil action resulting from the vehicular chase of a violator, the gross negligence standard shall apply in determining a member's liability. Gross

negligence is defined as wanton conduct done with conscious or reckless disregard for the rights and safety of others. An act becomes wanton when it is committed for a purpose, or when committed needlessly, manifesting a reckless indifference to the rights of others. *Parish v. Hill*, 350 NC 231, 239 (1999).

IV. TRAFFIC ENFORCEMENT RESPONSE

Any member in an authorized Patrol vehicle may initiate a traffic enforcement response. Prior to initiating such action, the member shall determine if the traffic enforcement response can be accomplished with due regard for the safety of the public, the member, and the suspect or violator. Members shall activate their blue lights and siren when exceeding the posted speed limit or when taking the right of way in a Traffic Enforcement Response.

A Post Chase Report does not apply to this section and should not be completed.

V. EMERGENCY RESPONSE

Any member in an authorized Patrol vehicle may engage in an emergency response if, after considering the nature and gravity of the offense or situation and the external physical conditions, the member determines that such need for the response outweighs the danger created and that the emergency response can be accomplished with due regard for the safety of others and the member.

Emergency response driving is essentially the type of driving necessary to respond to a life-threatening situation, the type of situation where the swiftness of the law enforcement officer's response can actually diminish or eliminate an ongoing threat to someone's life. Accordingly, members shall not exceed the posted speed limit when traveling to an accident scene, when conducting a relay, or when responding to a request for assistance unless the imminent danger to human life or the public safety outweighs the considerations above. In these instances, blue lights and siren shall be activated when exceeding the speed limit or taking the right-of-way.

VI. CHASES

Chases Initiated by Patrol Members

Any member in an authorized Patrol vehicle may initiate a chase when the member, after weighing the factors to be considered prior to initiating extraordinary vehicle operation and determining that the need for immediate apprehension of the suspect or violator is greater than the danger of the chase to the public, the member, and the suspect or violator and that such chase can be accomplished with due regard for the safety of others. When engaged in a chase, the blue lights and siren shall be activated.

A member and his/her supervisor shall constantly evaluate his/her decision to continue a chase. In weighing the decision to continue a chase, they shall

consider the likely harm from not apprehending the suspect as soon as possible. Additionally, they should consider the following:

- The danger to the public created by the fleeing suspect's driving, including indications the suspect may be impaired, or an apparent willingness on the part of the suspect to inflict serious injury on others, or reckless and threatening driving by a suspect all of which increases the need to apprehend immediately
- Whether the crime the suspect is believed to have committed is dangerous to persons or property, is a felony or serious misdemeanor, or involves conduct that threatens persons or property – serious crime, violent or threatening crime increases the need to apprehend immediately.
- Whether the suspect can be apprehended at a later time with little risk or danger to the public.
- Whether the chase will likely be successful in apprehending the suspect, given all factors of the chase – a chase with little chance of stopping the suspect should cause the member to terminate the chase, e.g. the distance between the primary vehicle and the fleeing vehicle is so great that chasing the vehicle may become a greater danger to the public.
- External physical conditions substantially increase the danger of chasing beyond the importance of apprehending the suspect or violator.
- The member shall consider whether the chase can be terminated by using the prima facie rule of evidence in N.C.G.S. § 20-141.5(c). **In cases where the prima facie rule of evidence is applicable, the member shall not continue to chase without supervisory authority.**
- The prima facie rule applies unless one of the following circumstances exists:
 - Vehicle has been reported stolen.
 - Vehicle registration is known to be fictitious.
 - Vehicle is registered in another state.
 - Vehicle has a temporary registration plate

Termination of Chase

A decision to terminate a chase may be the safest and most rational means of preserving the lives and property of the public and the members and suspects or violators engaged in the chase. A chase may be terminated at any time by the primary or secondary unit, the supervisor, or higher authority.

The communications center shall immediately contact the on-call district supervisor when a member advises they are in an active chase (10-43). If a supervisor is the primary unit in a chase, the next level supervisor shall be contacted by the communications center to supervise the chase. A supervisor,

not in the primary position, may authorize a chase to continue only when, in the judgement of the supervisor, the likely harm from not apprehending the violator immediately outweighs the danger created by the chase itself thereby warranting continuation of the chase. After gathering all pertinent information, the supervisor monitoring the chase shall immediately advise the member(s) to continue or discontinue the chase.

In the event a supervisor is not available during a chase, members shall immediately discontinue the chase if the prima facie rule of evidence is applicable, unless the member has probable cause to believe the driver and/or other vehicle occupants are fleeing after having committed a violent felony resulting in serious personal injury or loss of life and the need for immediate apprehension outweighs the hazards of continuing the chase.

There should be no more than three (3) authorized Patrol vehicles involved in the chase, the primary chase vehicle, the secondary chase vehicle and the third chase vehicle which will serve as a backup for the primary and secondary vehicles. When additional units are needed due to extenuating factors, and approved by a supervisor, additional units may proceed towards the chase but should use alternate roadways if available.

In the event the primary vehicle becomes disabled, the secondary vehicle will move to the primary position and the third vehicle will assume the secondary role. If available, another authorized Patrol vehicle (excluding motorcycle) will engage in the chase and assume the third position.

Unmarked vehicles will be replaced by marked vehicles (excluding motorcycles) as soon as possible. If there are only two vehicles available, and one is unmarked, the unmarked vehicle will assume the secondary position.

Members shall not chase a suspect vehicle the wrong way on an interstate or other highway with lanes of travel separated by a median or other physical barrier. Notwithstanding this restriction, in extreme circumstances a member may drive the wrong way on an interstate or divided highway, for a short distance, for the limited purpose of making a forced vehicle stop when deemed reasonably necessary to abate an imminently dangerous situation.

In some situations, it may be necessary for members involved in pursuits or emergency response situations to drive left of center. When a member has cause to drive left of center the member is to ensure that the operation of his vehicle does not interfere with oncoming traffic. The member must have a clear line of sight so as to be able to see oncoming vehicles. Members must keep in mind that "Due Regard for the Safety of Others" is of the utmost importance when driving left of center.

If a vehicle from another agency joins a chase initiated by the Patrol and authorized Patrol vehicles occupy the primary and secondary positions, the driver of the primary vehicle, secondary vehicle, or a Patrol supervisor shall request (via the communications center) for the allied agency vehicle to disengage from the

chase. The chase need not be terminated solely due to the allied agency's refusal to disengage from the chase.

Members are not authorized to take enforcement action or engage in extraordinary vehicle operations with non-sworn passengers. Members shall not initiate or engage in a chase with non-sworn passengers in the vehicle. Exceptions to this policy require the authority of a Section Director/Troop Commander or higher authority.

Under extreme circumstances, members may initiate a traffic enforcement response in a Patrol vehicle excluded in the authorized patrol vehicle definition when the risk of injury or death to others is imminent if the suspect or violator is not apprehended. This section in no way permits members to utilize these vehicles in a chase or emergency response. Members shall not under any circumstances engage in a chase in a non-Highway Patrol Vehicle.

Chases Involving Other Agencies or Jurisdictions

- Members shall not become involved in a chase initiated by another agency except when formally requested by that agency through the communications center. Members will assume the secondary position. If two or more allied agency vehicles are chasing, members will not become involved nor remain in the chase unless special circumstances dictate otherwise, and **supervisory approval** is obtained.
- Members shall terminate a chase whenever an initiating allied agency discontinues the chase. This provision need not apply when a chasing officer of the allied agency discontinues due to mechanical or communication failure or when a supervisor authorizes the continuation of the chase **and** the violator has committed a violent felony other than felony speeding to elude and the immediate apprehension of the violator is necessary. However, the mere fact that an allied agency continues a chase does not require a member to remain in the chase if he/she feels the risks outweigh the need to continue.
- **Upon conclusion of a chase, regardless if the chase involves allied agency personnel or only Patrol personnel, members have a duty to prevent and stop illegal and inappropriate uses of force by other law enforcement officers.** Every employee has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force. Any member who observes a law enforcement officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, take reasonable steps he/she can to interrupt the flow of events before that law enforcement officer does something that makes any official action necessary. Members can serve each other and the public by simply saying or doing the right thing to prevent a fellow law enforcement officer from resorting to force illegally or inappropriately. Similarly, any member who observes a law enforcement officer using force that is illegal, excessive, or otherwise inconsistent with this directive must,

absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events and stop the use of force. Members who have the knowledge or observe an excessive use or application of force shall have the responsibility and duty to intervene by stopping, identifying and ultimately reporting same. Members are to follow implemented training principles and standards regarding the Felony / High-Risk approach.

Chases Involving Highway Patrol Motorcycles

- Members operating Patrol motorcycles shall be governed by procedures outlined in this directive and Directive B.03 (Forced Vehicle Stops).
- Members operating Patrol motorcycles are governed by Directive N.05 (Motor Unit).
- Members operating Patrol motorcycles shall not participate in chases when another agency is participating unless authorized by a supervisor.
- The necessity of an immediate apprehension must outweigh the level of danger created by the chase.
- The motorcycle operator initiating the chase will assume the primary position. He/she shall notify the communications center and request an authorized marked or unmarked Patrol vehicle to respond. When another authorized Patrol vehicle (other than a motorcycle) assumes the primary position, the motorcycle operator shall disengage from the chase and notify the communications center. Members operating Patrol motorcycles shall not assume a secondary position unless authorized by a supervisor. In the instance when a Patrol motorcycle operator is in an authorized secondary position, he/she shall disengage from the chase and notify the communications center upon the arrival of another authorized Patrol vehicle (other than another motorcycle).

Chases Involving Patrol Aircraft

- When available, the aircraft will assist in establishing a perimeter and maintain observation until the subject(s) have been apprehended or the perimeter is secured.
- The aircraft will fly at a safe altitude determined by the pilot and maintain a sufficient distance to avoid alerting the subject(s).
- Use of the searchlight or other visual aids will be at the discretion of the pilot.
- The aircraft may disengage from the chase at any time at the discretion of the pilot.

Chases into Adjoining State

- Members shall not chase a violator into any contiguous state (Georgia, Tennessee, Virginia, or South Carolina) without the approval of a Section Director/Troop Commander or higher authority, and no such authority shall be given unless the violator committed a felony in North Carolina and the likely harm from not apprehending the violator immediately warrants continuation of the chase.
- For purposes of this policy, the felony violation used to justify the chase may not be felony speeding to elude arrest.
- Members are authorized to arrest a violator in Georgia, Tennessee, Virginia, or South Carolina for a felony committed in North Carolina. Members who arrest a violator in Georgia, Tennessee, Virginia, or South Carolina must take the violator before a judicial official of the state where arrested and follow that state's procedures on completing custody. The arrestee may not be returned to North Carolina except by due process of law.
- In any case where an out of state officer chases a violator into North Carolina, the violator shall be taken before a North Carolina magistrate for processing. Under no circumstances, will the out of state officer be authorized to transport the violator back to the originating state without a court order.

Chases Involving Motorcycles

Members shall carefully weigh all risk factors associated with the pursuit of motorcycles including but not limited to the initial reason for the chase, the increased potential for excessive speeds and the maneuverability of motorcycles within traffic before initiating a pursuit. Absent exigent circumstances, members shall not engage in the chase of a motorcycle if there is a passenger on the motorcycle; nor should members continue the chase of a motorcycle if the motorcycle is weaving in and out of traffic at high speeds, lane splitting or driving on shoulders. If the suspect is taking such actions to gain distance from the member, the chase must be terminated.

Forced Vehicle Stops

- Utilization of a forced vehicle stop option must conform to the guidelines set forth in Directive B.03.
- When additional vehicles are authorized to enter the chase in order to execute a forced vehicle stop, members are permitted to utilize car-to-car communication to coordinate the maneuver. However, the driver of the primary vehicle or his/her designee shall keep the communications center apprised of the chase status.

- Members may pull up beside of a fleeing vehicle for the limited purpose of checking for children or innocent passengers prior to initiating a P.I.T. maneuver or attempting a rolling roadblock.
- Members assisting an allied agency as the secondary unit in a chase for the purpose of a rolling road block may assist with a rolling roadblock only when:
 - the primary allied agency unit passes the suspect vehicle and maintains a position in front of the suspect vehicle and;
 - the member has communication with all vehicles participating in the rolling roadblock.
 - If the rolling roadblock is unsuccessful, the member shall not become the primary unit and will assume the secondary position immediately.

Apprehension / Post Chase Responsibility

- The driver of the primary vehicle will have controlling responsibility at the scene of termination, unless relieved by a higher authority, and shall ensure that all appropriate arrests or charges are made.
- Members involved in chases shall not investigate violator collisions occurring during that chase.
- Members shall adhere to all established training recommendations and principles concerning the approach and completion of a high-risk approach technique. Members are encouraged to apply all officer safety guidelines within any interaction and to balance this safety recommendation all the while preserving life and property. After the scene is appropriately assessed and cautiously evaluated, a member's action to provide medical assistance may outweigh the need or requirement of executing a high-risk approach. In such instances, a member should commit effort toward personal officer safety first and proceed to suspect/victim to assess and potentially provide medical attention. Members may utilize the Contact / Cover technique.
- Members and/or other law enforcement officers have a sworn duty and obligation to protect members of the public. Consistent with this obligation, members should take a preventive approach, whenever possible, if observing behavior which suggests another member and/or other law enforcement officer is about to engage in unlawful or inappropriate behavior, as described more fully below.

Members and/or other law enforcement officers have an ethical and legal duty to intervene when necessary to prevent or stop another officer from using a level of force that the member or officer knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances. Members shall also intervene in any case where the member

observes another law enforcement officer treating a member of the public in any manner that is inconsistent with law or policy (i.e. conducting an unlawful detention or making an unlawful arrest). This duty also extends when the North Carolina State Highway Patrol is called to assist, or is assisting, any other law enforcement agency.

- Failure to intervene, as required by this policy, may result in disciplinary action up to and including dismissal.

VII. COMMUNICATIONS

Traffic Enforcement Response

Members are not required to notify the communications center when they initiate a traffic enforcement response.

Chases

The chasing member shall immediately notify the communications center that a chase is underway. The member shall provide the communications center with the following information:

- Unit identification
- Location, speed, and direction of travel of the fleeing vehicle
- Description and license plate number, of the fleeing vehicle, if known
- Number and description of occupants in the fleeing vehicle, if known
- Reason for initiating the chase
- External physical conditions i.e. traffic, weather, etc.
- Whether additional units are involved or following the chase

The driver of the primary vehicle will direct the chase and relay all information to include updates as external conditions change to the communications center; however, he/she may direct the driver of the secondary vehicle to relay information via radio so he/she may concentrate on driving.

Whenever a Patrol aircraft is assisting with a chase the pilot shall be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to Patrol members and supervisors.

Members shall immediately terminate a chase if the member is unable to communicate with a Patrol communications center.

Upon apprehension of the suspect/violator vehicle, the driver of the primary vehicle will immediately notify the communications center.

Communications centers and Telecommunicators shall follow chase procedures as outlined in TC-09D: Major Incidents and Special Considerations of the Telecommunications Manual to include notifying the appropriate supervisor and providing updates during the chase.

VIII. SUPERVISION

In addition to the other provisions set forth in this directive, supervisors shall also be governed by the following criteria:

Emergency Response

When appropriate, supervisors shall intervene and designate vehicles to be involved in an emergency response and may terminate such a response at any time.

Chases

An immediate or designated supervisor of a member involved in a chase will supervise the progress of the chase, consider the external physical conditions and other pertinent facts and have the authority to terminate the chase at any time. Additionally, they may designate the primary and secondary vehicles and may authorize additional vehicles if circumstances require. Supervisors must govern the execution of forced vehicle stops in accordance with Directive B.03 (Forced Vehicle Stops).

A supervisor who has been notified of and approves the continuation of a chase when the prima facie rule of evidence applies, or other chase requiring supervisor authorization must submit a written memorandum (addressed to the next level supervisor) justifying the continuation of the chase. The memorandum will be sent as an attached document with the Post Chase Report through BlueTeam. A supervisor who authorizes the continuation of a chase shall not be part of the review process in BlueTeam.

When a Patrol aircraft assists with a chase, the supervisor may direct the primary unit and/or the secondary unit to continue or terminate the chase. This decision shall be in accordance with factors listed in Section V (Chases) of this directive. The supervisor in charge shall notify the pilot to continue observation of the fleeing vehicle or abandon further efforts. The decision to terminate the aircraft's assistance is the responsibility of the concerned supervisor or higher authority and will be dictated by the circumstances on a case-by-case basis.

Permission to chase into Georgia, Tennessee, Virginia, or South Carolina requires the approval of a Section Director/Troop Commander or higher authority and no such authority shall be given unless the violator committed a felony in

North Carolina and the likely harm from not apprehending the violator immediately warrants continuation of the chase. For purposes of this policy, the felony violation used to justify the chase may not be felony speeding to elude arrest.

When feasible, a supervisor shall respond to the location where a vehicle has stopped following a pursuit. Collisions occurring during chases involving serious personal injury, fatalities, or third parties shall be investigated by a supervisor.

IX. POST CHASE REPORT

The appropriate first-level supervisor shall submit form HP-351 (Supervisor Notification of Member Involved Incident (24 Hours)) via e-mail within twenty-four (24) hours of any chase to include a TDD deployment according to the HP-351 instructions. The appropriate first-level supervisor shall e-mail a copy of the HP-351 "To:" the appropriate Unit/Troop Headquarters and "CC:" the Post Chase Board Liaison for informational and tracking purposes.

Following a member's involvement in a chase, a Post Chase Report shall be completed and submitted via BlueTeam to the Post Chase Board Liaison. Only one report should be submitted per chase and routed via the chain-of-command. In all felony cases, a copy of the Post Chase Report shall be provided to the District Attorney pursuant to the requirements of NC Gen. Stat. § 15A-903.

In the event there are two or more members involved in the same chase, the member that initiates the chase will be responsible for completing the Post Chase Report in BlueTeam.

When a chase involves multiple troops, the Director of Field Operations or his/her designee will designate which troop will be responsible for completing the Post Chase Report. During multiple district chases, troop headquarters will coordinate the completion of the Post Chase Report. Collisions involving members during multiple troop or district chases will be investigated by supervisors in the district of occurrence.

IX. REVIEW AND CRITIQUE OF CHASE

Review by Supervisor

- The member's supervisor shall review the Post Chase Report for completeness with the member prior to submission. The supervisor shall review any accompanying video(s) or audio and this directive as it applies to the incident with the member and make an initial determination about whether the member followed Patrol policy and established training practices. A supervisor that is involved in the incident or approves the continuation of a chase shall not conduct the review.
- The following dissemination process shall be followed when submitting a Post Chase Report:

- **Step 1:** Trooper completes and submits report for approval, to supervisor via BlueTeam. Post Chase Report due within five (5) calendar days of the incident to the appropriate first-level supervisor.
- **Step 2:** The appropriate first-level supervisor reviews report including video(s) or audio and relevant documentation in BlueTeam for accuracy and clarification. The appropriate first-level supervisor shall make comments (Refer to the Post Chase BlueTeam Instructions) in the “Comment” section that a video review and policy review was conducted and indicate the date the review was conducted during the approval process. If issues are found:
 - Communicate with the Trooper for clarification
 - Reject the report in BlueTeam
 - Review resubmission from Trooper
 - Approve and forward to First Sergeant or appropriate second-level supervisor for review and approval via BlueTeam
- **Step 3:** First Sergeant or appropriate second-level supervisor reviews the report including video(s) or audio and relevant documentation to check for accuracy and policy violations or training needs. The First Sergeant or appropriate second-level supervisor shall make comments (Refer to the Post Chase BlueTeam Instructions) in the “Comment” section that a video review was conducted. First Sergeant or appropriate second-level supervisor forwards the approved, completed report, with attachments, to the Unit/Troop Supervisor or Section Director for their review, no later than thirty (30) calendar days of the incident.
- **Step 4:** The Unit/Troop Supervisor or Section Director (third-level review) will only have forty-five (45) calendar days from the date of the incident to review the report including video(s) or audio and relevant documentation to verify for accuracy, clarification, and discrepancies and to approve the incident. The Unit/Troop Supervisor or Section Director shall make comments (Refer to the Post Chase BlueTeam Instructions) in the “Comment” section that a video review was conducted. The Unit/Troop Supervisor or Section Director will also identify any policy violations or training needs. For chase incidents that involve a fatality or serious personal injury, the Unit Commander of Internal Affairs will be notified and determine if policy violations may exist and classify those potential violations as deemed appropriate. (Refer to Policy Directive H.02).

The appropriate third-level supervisor will immediately forward the report via BlueTeam, “TO” the Chairman of the Post Chase Review Board. The appropriate third-level supervisor shall also carbon copy (cc) the Post Chase Review Board and the District First Sergeant. Groups for the

Chairman of the Post Chase Review Board and the Post Chase Review Board have been created in BlueTeam.

- NOTE: First Sergeants or appropriate second-level supervisor shall expedite a completed copy of the report as close to incident date as possible in order for the Unit/Troop Supervisor or Section Director to verify for accuracy, clarifications and/or discrepancy in order to comply with the forty-five (45) calendar day dissemination period.
- If a First Sergeant is involved in the chase or continuation of a chase and is required to submit a statement, then the Troop Lieutenant will take over the responsibilities associated with step 2 and 3 and the Troop Commander will take over the responsibilities associated with step 4.
- The member shall print the approved report for their record. In the event a video **or audio** of the occurrence exists, the supervisor will label the video file as the sequence number to include the members rank, first and middle initial with last name (e.g. 170725001CA Trp J K Smith). Upload the video(s) or audio file within thirty (30) calendar days of the incident at the following address:
 - G:/BlueTeam Videos/Respective Troop/District
- The appropriate District First Sergeant will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.
- Supervisors shall indicate the video has been reviewed in the “Comment” section of the BlueTeam submission process. If no video or audio exists, then an explanation shall be documented in the “Comment” section of the BlueTeam submission process. Attach a copy of the CL-29 if applicable by the appropriate level supervisor.
- Should the initial BlueTeam report be sent to the Post Chase Board later than the forty-five (45) calendar day deadline, but before sixty (60) calendar days, then a detailed explanation describing the reason the report is late in the form of an email shall be sent to the Chairman of the Post Chase Board.
- Should the initial BlueTeam report be sent to the Post Chase Board later than sixty (60) calendar days, then documentation in the form of NCVIP and HR562 (Documented Counseling Session) detailing the reason the report is late and that this discrepancy has been documented shall be emailed to the Chairman of the Post Chase Board by the Unit/Troop Supervisor or Section Director. **These unrelated documents to the Chase shall not be attached to the BlueTeam Report.**

- **Step 5:** The Post Chase Review Board reviews the incident including videos or audio and relevant documentation and discusses discrepancies and/or needed remediation. The Chairman of the Post Chase Review Board or designee shall reject a report in BlueTeam for discrepancies and provide instructions in the designated space. The rejected report will be forwarded via BlueTeam to the effected Unit/Troop Commander/Section Director requesting revision or remediation. The Chairman of the Post Chase Review Board or designee shall route approved reports “To” the BlueTeam Administrator.
- In cases involving an SBI investigation or Internal Affairs investigation, the Post Chase Board will review the BlueTeam report for accuracy and training purposes only.
- **Step 6:** When a Unit/Troop Commander/Section Director is forwarded a rejected report, he/she shall in turn forward it to the appropriate district for corrections. The Unit/Troop Commander/Section Director shall ensure the corrected report is re-submitted to the Post Chase Review Board via the chain of command within fifteen (15) calendar days.

XI. REVIEW BY BOARD

All Post Chase Reports will be reviewed and analyzed monthly or as otherwise scheduled by the Post Chase Review Board. The Board will review any video(s) and relevant documentation associated with the event. The Board may request additional information and clarification on any Post Chase Report. The Commander’s Office or designee (for the purpose of this policy, the Director of Professional Standards shall serve as the designee) will appoint the chairperson and members of the Board from the following sections.

The Director of Professional Standards shall appoint Board members for not more than two (2) years from the following sections, excluding the one member holding the rank of Captain, who will serve as the chairperson:

- Captain (Serving as Chairperson)
- Troop Lieutenant – Co-chair
- District First Sergeant
- District Sergeant
- Internal Affairs – One member
- Training Academy – A member of the Driver’s Training Unit (Post Chase Board Liaison)
- Two (2) District Troopers

- Legal Section – One staff attorney
- The Post Chase Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The objective of the board is to identify trends within the agency's chase procedures, policies and potential training opportunities. Within this review process, the board may recognize policy violations and will refer the reported incident to the appropriate board member from Internal Affairs.

The board does not have the authority to recommend discipline.

Any analysis regarding the involved employee's actions conducted by the board will be in accordance with the Highway Patrol's disciplinary procedures, the Personnel Complaints Policy, and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within agency policy and procedure and were consistent with training guidelines
 - (b) The employee's actions were in violation of agency policy and procedure or established training practices and guidelines
- The Post Chase Review Board shall submit a monthly meeting summary report to the Commander's Office within ten (10) business day addressing the following:
 - Number of reports and videos reviewed
 - Breakdown of incidents within policy and laws
 - Breakdown of reports with training issues and number of reports referred to Internal Affairs

The Training Academy shall conduct a documented annual analysis of pursuit reports, to include a review of policy and reporting procedures, approved by the Commander's Office

XII. APPLICABLE LAWS / STATUTORY LAW

Speeding to Elude Arrest (NC Gen. Stat. § 20-141.5)

- Provides the element of misdemeanor speeding to elude.
- Outlines the aggravating factors which make speeding to elude a felony.
- Defines the "prima facie" law concerning registered owners of fleeing vehicles.

NC Gen. Stat. § 20-141.5(c)

Whenever evidence is presented in any court or administrative hearing of the fact that a vehicle was operated in violation of this section, it shall be prima facie evidence that the vehicle was operated by the person in whose name the vehicle was registered at the time of the violation, according to the Division's records. If the vehicle is rented, then proof of that rental shall be prima facie evidence that the vehicle was operated by the renter of the vehicle at the time of the violation.

Provides for the termination of a chase based on factors to be considered according to departmental policy

Speed Limit (NC Gen. Stat. § 20-145)

NC Gen. Stat. § 20-145 provides a limited and conditional exception to the speed limit law.

When Speed Limit Not Applicable (NC Gen. Stat. § 20-145)

The speed limitations set forth in this Article shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any violation. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

Exceptions to the Right-of-Way Rule (NC Gen. Stat. § 20-156)

(b) The driver of a vehicle upon a highway shall yield the right-of-way to police vehicles when the operators of said vehicles are giving warning signal by appropriate light and by bell, siren, or exhaust whistle audible under normal conditions from a distance of not less than 1,000 feet. When appropriate warning signals are being given, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a flashing strobe signal or a beam of steady or flashing red light. This provision shall not operate to relieve the driver of a police vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of any arbitrary exercise of such right-of-way.

XIII. MANDATORY PROVISIONS

Seat Belts. Members shall have seat belt and shoulder harnesses properly fastened around them while operating a Patrol vehicle so equipped.

Air Bags. Members shall not attempt to render air bags inoperable in a Patrol vehicle so equipped.

Forced Vehicle Stops

Applicable to: Members

Directive B.03

Revised 11/13/2020

Effective 1/1/2015

I. POLICY

This policy establishes guidelines related to forced vehicle stops with regard for the safety of motorists and the members executing the stop. Members shall execute all vehicle stops only in strict conformance with the United States Constitution, the laws and Constitution of North Carolina, and this policy.

II. STANDARDS FOR ALL FORCED VEHICLE STOPS

Prior to attempting any forced vehicle stop members shall seek prior authorization from a district non-commissioned officer or higher authority. However, if the situation mandates immediate action and authorization is impractical or not possible under the circumstances the member(s) are authorized to establish a forced vehicle stop unless Patrol policy specifically prohibits such action being attempted. NOTE: See Section III (Stationary Roadblock).

Members must maintain radio contact with the communications center.

Use of force and arrests made shall be in accordance with constitutional and statutory law and Patrol policy.

While operating a Highway Patrol motorcycle, members shall not engage in forced vehicle stops.

III. STATIONARY ROADBLOCK

Stationary roadblocks shall be marked by signs, activated emergency lights, marked Patrol vehicles parked in conspicuous locations, or other ways to ensure motorists are aware that an authorized roadblock is being conducted. Blue lights on at least one Patrol vehicle shall be operated at all times.

A stationary roadblock should be used only as a last resort when attempting to apprehend dangerous fleeing criminals. Before such a roadblock is authorized, a troop commissioned officer or higher authority must determine that such action is necessary because it will likely result in the apprehension of a suspect who poses a danger to life and property. This officer must be satisfied that a less obstructive means would not be appropriate.

The location, equipment, time, and operation of the roadblock must be in accordance with Directive K.04 (Checking Stations).

A stationary roadblock is appropriate only when it reasonably appears that it can be established without creating undue risk of harm to innocent motorists.

When the suspect sought to be apprehended by the roadblock has a hostage in the vehicle or the member reasonably believes a hostage is in the vehicle, the priority shifts from apprehending the suspect to preserving the life of the hostage. The member is governed by Section 09 (Crisis Situations) of the *Unusual Occurrence Manual*.

IV. ROLLING ROADBLOCK

A rolling roadblock is appropriate only when it reasonably appears there is imminent danger to life and property if the vehicle is not stopped at the earliest possible time.

When a rolling roadblock is established, members shall exercise due regard for the safety of others. The roadblock must be aborted if an unreasonable risk of injury is apparent.

Members operating all vehicles involved in a rolling roadblock shall at all times use blue lights and sirens.

Unmarked Patrol vehicles should only be utilized when marked Patrol vehicles are not available.

No passing maneuvers shall be attempted if the pursuing member can be assisted by another member of the Patrol who is already in position to assist and is in front of the violator vehicle. Should the circumstances dictate, it is acceptable for members to pass the violator vehicle in order to establish the rolling road block. This passing maneuver should be performed in a safe location and on a portion of the roadway that would allow the passing Patrol vehicle to obtain enough speed so as to quickly overtake and pass the violator.

A rolling road block **should not** be executed if the suspect vehicle has attempted to strike or ram a Patrol vehicle.

Members shall not attempt a rolling roadblock on large commercial vehicles or any vehicle with fewer than 4 wheels.

Engaging in rolling roadblocks with other law enforcement agencies is permitted but only if the member has direct car to car communication with all vehicles participating in the rolling roadblock.

If members are involved in a pursuit in which they have knowledge that the violator is in fact armed or has committed previously reported assaults that resulted in death or serious injury to others, passing maneuvers shall not be attempted.

V. TIRE DEFLATION DEVICES

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 Highway Patrol during training for these devices.

Prior to utilizing TDD, members shall have completed training on the use of these devices.

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

- There is reasonable cause to believe the suspect has committed an offense justifying his/her arrest.
- The member attempting to apprehend the suspect has given notice of command to stop the suspect by blue lights and siren.
- The suspect ignores the efforts and warnings obvious and visible to a reasonable person in the suspect's position.
- Members utilizing TDD shall consider the following prior to utilization of TDD:
 - An effective and safe location for the placement of TDD
 - Deployment locations should have reasonably good sight distances to enable the member deploying the devices to observe the chase and other traffic as it approaches.
- Deployment shall not occur on:
 - Curves
 - Bridges
 - Locations where reasonable judgment under the circumstances would dictate avoidance
- The member deploying TDD should choose a location with natural barriers such as roadway overpasses, guardrails, or shrubbery. These barriers will conceal the member from the suspect's view and allow deployment of the devices in a relative position of safety.
- Traffic, construction, special events, and/or activities may create situations where the use of the device would be inappropriate.
- Position and vulnerability of the public, private property, and other assisting units and equipment shall be considered.

TDD shall not be deployed to stop any vehicle with fewer than 4 wheels.

Chasing vehicles shall coordinate with the member(s) and/or agencies deploying the devices or assisting in the chase in order to ensure the safe and effective use of the devices.

- When the decision is made to deploy the TDD, chasing units shall notify the member deploying the device as far in advance as possible of the necessity of their use.
- 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. If direct communication with outside agencies is available, it shall be utilized by the member deploying the TDD. The member deploying the device shall also notify the appropriate SHP communications center and any other involved Patrol members to advise of the deployment.
- The TDD shall be deployed in accordance with the manufacturer's recommendations and Highway Patrol training guidelines.
- After deploying the TDD, all persons at the scene should immediately seek protection.
- Once a TDD has been deployed, chasing members shall increase their following distance in order to avoid striking the devices.
- The member(s) deploying the TDD shall be responsible for securing the device 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.

In the event a third party strikes the deployed TDD, the supervisor or designee shall provide the third party with the Property Damage Claim Form to seek reimbursement for any damages caused by the TDD.

The following documents should be sent to the Commanders Office for review:

1. The Property Damage Claim Form
2. Repair receipts for the damaged tire(s) or any other resultant damage
3. Photos of the damaged tire and/or vehicle if available
4. Members statement.

The Commander's officer shall have the sole authority to accept liability for third party property damage for review by the Commander. No member may expend Patrol funds or otherwise accept liability for third party property damage without the express authorization of the Commander's Office.

If a Patrol vehicle is the primary vehicle in a chase involving another agency and a decision is made to deploy TDD, the local agency shall be informed of the deployment whenever practicable.

TDD may be used to prevent stationary vehicles from being moved in an attempt to flee a scene.

Members engaged in chases involving TDD shall indicate such use on the Post Chase Report.

VI. PRECISION IMMOBILIZATION TECHNIQUE (P.I.T.)

The use of the Precision Immobilization Technique (P.I.T.) shall be governed by sound professional judgment, procedures outlined in this policy, and in accordance with procedures established by the Highway Patrol during training for this technique

Members implementing the Precision Immobilization Technique (P.I.T.) shall have received appropriate training prior to utilizing the P.I.T. maneuver.

All of the following criteria shall be met prior to the use of the P.I.T.:

- Only members who are operating authorized Patrol vehicles, other than a motorcycle, shall be authorized to initiate the P.I.T.
- The P.I.T. **shall not** be attempted unless the member has a reasonable belief that there are no children in the vehicle.
- The P.I.T. shall not be attempted unless the member has a reasonable belief that there are no adult passengers in the vehicle. An exception to this restriction shall apply if the member can articulate that the passengers were involved in criminal behavior justifying their arrest.
- The use of the P.I.T. shall be governed by the same external physical factors as for other forced vehicle stops, i.e. traffic density, width of roadway, topography, time of day, location, speed and shall only be used when the member has determined the benefit of immediate apprehension outweighs the decision to discontinue the chase.
- The P.I.T. shall not be attempted at a speed greater than 55 mph unless one of the following criteria exists:
 - The member has probable cause to believe the occupants of the vehicle have committed a violent felony; or
 - Other extenuating circumstances exist that warrant the use of deadly force.

If a tire deflation device (TDD) is deployed, or another tire deflation technique is used, and one or more tires are deflated or flattened, the P.I.T. shall **not** be attempted on the violator vehicle if the P.I.T. maneuver is executed on the side away from the deflated or flattened tire. (Example: Violator vehicle has a deflated or flattened tire(s) on the right side of that vehicle. The P.I.T. is **not** authorized if the maneuver is applied on the left side of the violator vehicle). This restriction shall not apply in cases where the violator's behavior has risen to a level which requires the fleeing vehicle be stopped immediately due to the exceptionally reckless driving or other actions that are placing the public in immediate danger of loss of life or serious bodily injury.

The P.I.T. is authorized if the maneuver is applied on the same side as the deflated or flattened tire(s) on the violator vehicle.

Members shall not attempt to P.I.T. the following vehicles:

- Large commercial vehicles
- 2 or 3 wheel vehicles
- Convertibles
- Recreational ATVs
- Any vehicle with a high center of gravity which would be an obvious rollover risk

Members shall consider the following vehicle factors that would affect the safety of using the P.I.T.

- Pickup truck with high center of gravity and narrow wheel base
- Small car with narrow wheel base and small tires
- Van with high center of gravity and narrow wheel base

If the first attempt of the P.I.T. is unsuccessful, subsequent attempts may be attempted only after the situation has been re-evaluated by the participating member.

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

Members engaged in chases involving the P.I.T., shall indicate its use on the Post Chase Report, and if any damage occurs as a result of the P.I.T., a supervisor shall complete a DMV-349, clearly indicating across the top "For Internal Use Only" (in red ink). In addition, a HP-351 shall be completed whenever damage occurs and forwarded via email to the appropriate Unit/Troop Headquarters and CC: both the Post Chase Board Liaison and Patrol Vehicle Collision/Incident Committee distribution lists. If the P.I.T. results in injury to a person, **other than the operator of the vehicle, and/or damage to a third-party vehicle or other property is damaged**, a supervisor shall complete a

reportable DMV-349, HP-721A, the HP-351, and obtain all other applicable documents. The supervisor shall complete a Vehicle Accident/Incident Report in BlueTeam. All supporting documentation shall be attached to the Accident/Incident Report in BlueTeam and forwarded via chain-of-command to the Chairman and the Patrol Vehicle Collision/Incident Committee. All original documentation must be maintained based on the filing guide at the originating District/Section.

VII. HIGH RISK VEHICLE STOP

As described within Policy Directive B.02, upon the conclusion of a chase, members shall adhere to all established training recommendations and principles concerning the approach and completion of a high-risk approach technique. Members are encouraged to apply all officer safety guidelines within any interaction and to balance this safety recommendation all the while preserving life and property. After the scene is appropriately assessed and cautiously evaluated, a member's action to provide medical assistance may outweigh the need or requirement of executing a high-risk approach. In such instances, a member should commit effort toward personal officer safety first and proceed to suspect/victim to assess and potentially provide medical attention. Members may utilize the Contact / Cover technique.

Members and/or other law enforcement officers have a sworn duty and obligation to protect members of the public. Consistent with this obligation, members should take a preventive approach, whenever possible, if observing behavior which suggests another member and/or law enforcement officer is about to engage in unlawful or inappropriate behavior, as described more fully below.

Members and/or other law enforcement officers have an ethical and legal duty to intervene when necessary to prevent or stop another law enforcement officer from using a level of force that the member or officer knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances. Members shall also intervene in any case where the member observes another law enforcement officer treating a member of the public in any manner that is inconsistent with law or policy (i.e. conducting an unlawful detention or making an unlawful arrest). This duty also extends when the North Carolina State Highway Patrol is called to assist, or is assisting, any other law enforcement agency.

Failure to intervene, as required by this policy, may result in disciplinary action up to and including dismissal.

VIII. RECORD OF REIMBURSEMENT

District Responsibility

The District First Sergeant shall seek initial reimbursement for all Forced Vehicle Stops and P.I.T.'s when damage has occurred to a Patrol Vehicle within their respective districts.

- Document each attempt for reimbursement to the responsible party in detail on the CL-38 (Patrol Vehicle Damage Reimbursement). He/She shall diligently seek reimbursement at least once every (30) thirty days for a period of (90) ninety days from the date of the incident. If reimbursement has not been obtained in ninety (90) days, the CL-38 shall immediately be forwarded to the Unit Commander of Logistics or his/her designee.
- Contact the responsible insurance company, by telephone, and request reimbursement for damage to be paid directly to the State of N.C. Insurance settlement checks shall be made payable to the North Carolina Department of Public Safety. The reimbursement should include the amount listed on the CL-36 (Estimate of Vehicle Repair Cost) and **any additional equipment damage**. The CL-36, DMV 349, and additional equipment damaged (if applicable) should be faxed to the insurance company at the time of the request. If the insurance company agrees to make reimbursement, the First Sergeant shall instruct the insurance company to forward the settlement check to the district office. The settlement check and CL-38 shall then be forwarded directly to the Unit Commander of Logistics or designee.
- Private Sector estimate of damages may exceed the amount listed on the CL-36. In these cases, the District First Sergeant should accept either payment and forward to the Unit Commander of Logistics or designee.
- At **no time** will the First Sergeant enter into negotiations for settlement of damages. If an insurance company requests a negotiated settlement, the First Sergeant will document this information on the CL-38 and forward it immediately to the Unit Commander of Logistics or designee.
- At no time will the First Sergeant enter into any agreement related to personal injury.
- If at any time during the ninety (90) day period the insurance company denies responsibility or refuses to make reimbursement for total damages, the First Sergeant shall document this information in detail on the CL-38 and immediately forward the CL-38 to the Unit Commander of Logistics or designee.
- The District First Sergeant shall also file a CL-38A (Reimbursement of Damage to State Property) or CL-38B (Reimbursement of Damage to State Property Memo Patrol Equipment Due to P.I.T Maneuver) in the Judiciary

District of occurrence. It is the responsibility of the District First Sergeant to track reimbursement through the courts until the case is closed and/or resolved by the insurance company or for three (3) years and (1) month from the date of offense. The District First Sergeant will then document this information on the CL-38 and forward it to the Unit Commander of Logistics or their designee. If the insurance company makes a settlement payment for the damages to a patrol vehicle, the District First Sergeant shall contact the District Attorney to discuss suitable resolutions to the court restitution proceedings.

- If the CL-36 (Estimate of Vehicle Repair Cost) indicates the patrol vehicle is a "Total Loss" the District First Sergeant will not be required to attempt reimbursement from the insurance company. He/She shall document this on the CL-38 and immediately forward the CL-38 to the Unit Commander of Logistics or designee. The filing for court proceedings will still have to be completed by the District First Sergeant from the mentioned proceedings above and indicate on the CL-38 that the proceedings are filed in the Judicial System. If the insurance company makes a settlement payment for the damages to the patrol vehicle, then Unit Commander of Logistics or designee will make contact with the District First Sergeant to inform the District Attorney of this settlement, and this information shall be discussed in order to make suitable resolutions to the court restitution proceedings.
- A copy of all CL-38s must be maintained according to the District Filing Guide.

Logistics Responsibility

The Unit Commander of Logistics or designee shall be responsible for seeking reimbursement in all cases where reimbursement was not, or could not, be achieved at the district level.

Upon receipt of a CL-38 indicating reimbursement was denied, the Unit Commander of Logistics or his/her designee shall contact the responsible insurance company, by telephone, and request reimbursement. He/She shall also, regardless of whether reimbursement is agreed upon, forward a written notification letter to the insurance company. The notification letter will advise the insurance company that they have (30) thirty days to make full reimbursement and if reimbursement is not received, all documents related to the reimbursement claim will be forwarded to the Highway Patrol's Legal Section for appropriate action.

The Highway Patrol's Legal Section, in consultation with the Commander's Office, will determine the appropriate response to all unresolved pending Patrol vehicle reimbursements.

The Unit Commander of Logistics shall maintain records pertaining to monetary damages to Patrol property.

I. POLICY

This policy establishes guidelines for personnel with regards to treatment of persons in custody. It shall be the policy of the Patrol to take the precautions necessary while transporting prisoners to protect the lives and safety of members, the public, and the person taken into custody. All persons under arrest or in custody shall be searched and handcuffed prior to transportation.

II. TREATMENT OF PERSONS IN CUSTODY

Members shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with established Patrol procedures and applicable law.

III. MEMBERS MUST PROMPTLY PROVIDE OR REQUEST MEDICAL AID. MEMBERS HAVE A DUTY TO PROVIDE MEDICAL CARE.

Members shall always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, as soon as it is safe and practical, officers shall request medical aid (such as by contacting emergency medical services) and provide appropriate medical care consistent with the officer's training (such as by providing first aid and/or transportation to an emergency medical facility).

IV. VEHICLE STOPS

Vehicle stops may be based on any of the following:

- Probable cause to believe that a crime or traffic violation has occurred or is about to occur
- Reasonable articulable suspicion that a crime or traffic violation has occurred or is about to occur
- In connection with a lawfully conducted checking station
- In connection with enforcement of state and federal laws and regulations at any lawfully operated weight station.
- In connection with enforcement of federal laws and regulations by members certified to complete the North American Standard (CVSA) inspection.

V. FOOT PURSUIT (JUMP AND RUN)

If a suspect jumps and runs the escape must be reported immediately to the appropriate Communications Center. The reporting member shall give a physical and clothing description of the suspect, the location of the jump and run, any weapon information, and the last known method and direction of travel. Communications personnel shall promptly dispatch information concerning the escape to other members and affected law enforcement agencies (i.e. Sheriff's Department, Police Department, or the Division of Adult Correction).

Officer safety is paramount in these circumstances. The member may not pursue the suspect on foot prior to contacting the appropriate Communications Center and providing the required information and requesting back-up.

If the escapee is not apprehended, the affected member may have the violator's vehicle towed and stored only when authorized by law and patrol policy.

VI. DETENTION

Motorists stopped for investigation of routine criminal or traffic violations may be detained for a reasonable period of time sufficient to conduct those duties normally associated with traffic stop investigations. Such investigations include, but are not limited to; checking the status of the driver's license, vehicle registration, vehicle identification number (VIN), appropriate motor carrier documentation or other pertinent information, completing any related paperwork, and use of a canine unit to conduct a vehicle sniff for controlled substances or other contraband.

Members should not conduct violator interviews in the patrol car unless extenuating circumstances exist. Violator interviews shall be conducted with the violator seated in his/her own vehicle or in a safe location outside the patrol vehicle. Members should not check the status of a violator's license and registration while the violator is seated in the patrol vehicle unless the violator is properly handcuffed as described in Section X below. Exceptions may be made when investigating collisions or minor traffic violations during inclement weather or when the violator is elderly, frail, or has an obvious medical condition that necessitates an accommodation, or when engaged in criminal interdiction activities, as a member of the Patrol's Criminal Interdiction Unit, pursuant to Directive N.03.

If a member determines that, under the circumstances, it is necessary to handcuff a violator or vehicle occupant prior to determining whether an arrest is warranted, the member shall inform the violator or occupant that he/she is not under arrest and that he/she is being temporarily detained and handcuffed for his/her own safety and for the safety of the member. The violator or vehicle occupant shall be handcuffed with his/her hands behind his/her back as more fully described in Section X below.

VII. INTERROGATION

Members shall be thoroughly familiar with and comply with the provisions of SHP Directive I.04 as it relates to interrogation of suspects.

Violators are not normally considered to be “in custody” for Miranda purposes during an investigative stop. Accordingly, members are not normally required to give Miranda warnings prior to formally arresting a violator. If a violator is handcuffed for any reason, he/she should not be questioned or otherwise interrogated without first being given Miranda warnings; this includes a suspect who is handcuffed during detention for the safety of the member.

VIII. VEHICLE SEARCHES

Consent Searches

- Voluntary consent to search by the owner/operator of the vehicle confers authority to conduct such a search. Consent to a search must be voluntary and freely given rather than a mere submission to expressed or implied authority, duress, or coercion. Although consent to search need not, as a matter of law, be written, members shall pursuant to this policy, attempt to obtain written consent whenever practical. In those cases where an individual indicates a willingness to consent to a search of the vehicle but desires not to sign a Consent to Search (HP-52A), the member shall document the verbal consent on the HP-52A and proceed with the vehicle search. In all cases where a consent search is conducted, a copy of the HP-52A shall be furnished to the person consenting to the search. Once consent to search is obtained, members shall, as expeditiously as possible, either confirm or dispel their belief that controlled substances or other contraband are present in the vehicle. In no case shall any person or vehicle be detained for a period of time longer than is reasonably necessary under the existing circumstances. Whenever available, a Canine Team will be requested to assist in the search of the vehicle unless use of the Canine Team would delay rather than expedite the search. While conducting a vehicle search, members shall, at all times, treat the motorists in a courteous and considerate manner and provide for their comfort and safety. **Prior to conducting any vehicle search where there is a potential safety threat, or multiple occupants, the member shall contact the appropriate Communications Center and request the assistance of another member, or an officer from another law enforcement agency.**

Probable Cause Search

- Members may search a vehicle if he/she has probable cause to believe controlled substances, contraband or other evidence of criminal activity will be found in the location searched

Search Incident to Arrest

- If an occupant of the vehicle is arrested, members may search the passenger compartment of a vehicle incident to that arrest only under the following circumstances:
 - The arrestee is within reaching distance of the passenger compartment at the time of the search; or
 - It is reasonable to believe the vehicle contains evidence of the offense of arrest
- When these justifications are absent, a warrantless search of an arrestee's vehicle may not be conducted unless another exception to the warrant requirement applies. Other exceptions include consent, probable cause, or, when appropriate, inventory search.

Vehicle Frisk

- Members may frisk the passenger compartment of a vehicle for weapons with the consent of the driver or other person having lawful possession of the vehicle, or when the member has a reasonable and articulable suspicion to believe there may be dangerous weapon concealed in the passenger compartment of the vehicle.

IX. SEARCH OF PERSONS IN CUSTODY OR UNDER ARREST

Members may frisk or search persons in accordance with the U. S. Constitution, State law, and Highway Patrol policy. A canine shall never be utilized to conduct a sniff of a person for controlled substances or other contraband.

Persons who are detained may be frisked for weapons provided the member either obtains consent from the person to be frisked or has a reasonable and articulable suspicion to believe the person being frisked may be armed and dangerous. Consent to search a vehicle does not authorize a member to frisk the occupants of the vehicle.

Members may search detained persons with their consent or if the member has probable cause to believe contraband or other evidence will be found.

Members shall search all prisoners incident to arrest prior to transporting and take possession of all weapons and evidence. The only exception to this policy is when the member(s) and prisoner(s) safety is in jeopardy due to extenuating circumstances.

Members shall search any prisoner whose custody is turned over to them by another member or officer from another law enforcement agency.

Search of Prisoners of the Opposite Sex

- A member shall search a prisoner of the opposite sex only when an immediate search is necessary to ensure the safety of the prisoner, member, or others or to preserve evidence which otherwise might be destroyed. If a member of the same sex as the prisoner is not available, only a pat-down search will be conducted unless circumstances warrant an immediate, thorough search.
- A pat-down search may be delayed until the arrival of a second officer. If a second officer is not available and/or there is a safety issue, the pat-down search will not be delayed.
- Searches made under such conditions shall be made with all possible regard for decency and a witness should be present

Strip and Body Cavity Searches

- The use of strip and body cavity searches may, under certain conditions, be necessary to protect the safety of members, civilians, and other prisoners and to detect and secure evidence. Such searches shall be conducted only with proper justification and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.
- Strip searches are defined as any search of an individual requiring the removal of **all clothing** to permit the visual inspection of skin surfaces including genital areas. Strip searches may be conducted only by Patrol personnel of the same sex as the person being searched and under conditions that provide privacy from all but those authorized to conduct the search.
- Before performing a strip search of transgender individuals, members will inform them of the right to express a preference for the sex of the member who will conduct the search. If the transgender individual has a preference, at least one member of the sex requested will conduct the search. If the transgender individual does not specify or is unable to provide a preference, at least one member of the same sex as the transgender individual's gender expression will conduct the search.
- Field strip searches of a suspect may be conducted only if there are exigent circumstances and the member has probable cause to believe that the life of a member or another may be at risk, or evidence will be lost if the strip search is not performed. If a field strip search is conducted, it must be done discreetly and out of the view of the public. All **strip** searches shall be documented as follows:
 - If evidence is found as a result of a **strip** search, it shall be documented on a Seized Property Report (HP-52)

- If no evidence is found as a result of a **strip** search, the member shall write a memorandum to the First Sergeant documenting the strip search. This memorandum shall be retained in the First Sergeant's office for one (1) year for record keeping purposes only.
- If a member believes a strip search is necessary to locate contraband and the person under arrest will be committed to a jail, the member may choose to inform the jail personnel of potential contraband and allow them to perform the strip search as part of jail procedures
- Body cavity searches are defined as any search involving not only visual inspection of skin surfaces, but also the internal physical examination of body cavities, such as the rectal or vaginal cavity
- Should visual examination of a suspect during a strip search and/or other information lead a member to have probable cause to believe that a suspect is concealing a weapon, evidence, or contraband within a body cavity, the following procedures shall be followed:
 - The member shall consult with his/her immediate supervisor to determine whether probable cause exists to arrest the subject and seek a search warrant for a body cavity search. A subject can consent to a body cavity search by medical personnel.
 - A body cavity search shall be performed pursuant to a search warrant or consent by a physician or other medically trained personnel at the physician's direction. Only a member of the same sex as the person being searched shall be present when the search is conducted.
 - Body cavity searches shall be performed with due recognition of privacy and hygienic concerns.
 - The authorized medical personnel conducting the search shall furnish a copy of his/her report to the member serving the search warrant

X. PROPERTY OF PRISONERS

Members shall take all reasonable measures to protect the personal property in the possession of prisoners at the time of arrest or detention.

When a member stores or takes possession of a vehicle containing a domesticated animal or arrests an individual that has a domesticated animal in his/her possession, the member shall make reasonable efforts to ensure the safety and wellbeing of the animal. Reasonable efforts may include contacting the animal's owner or an immediate family member of the owner. If these efforts fail, an animal shelter or an animal control officer should be contacted to remove the animal.

XI. SECURITY AND TRANSPORTATION OF PRISONERS

Positional Asphyxiation

- Positional asphyxiation may occur when the position of the body interferes with respiration. The deleterious positional effect may result from either interference with the muscular or mechanical component of respiration or both. Medical evidence has shown in all cases of positional asphyxia that one or more contributory factors provide an explanation for the inability of the victim to correct the injurious and potentially lethal position; for example, alcohol/drug intoxication, concussive head injury, entrapment, restraint or physical disability.
- An arrestee who engages in strenuous physical activity while intoxicated or under the influence of drugs and is then placed facedown for any reason will possibly suffer **death**. The facedown position prevents adequate breathing because the abdomen chest walls and diaphragm muscles are hyperextended or otherwise prevented from functioning normally due to the arrestee's prone position. The combination of these factors can lead to a fatal inability of the arrestee to breathe.
- Members shall not transport anyone in a facedown prone or facedown bound (hog-tied) position. Members experiencing an arrestee who may be uncontrollable requiring them to be restrained and transported shall ensure the person is properly seated. If the person transported must be restrained by being bound or strapped down with plastic ties, it is the member's responsibility to ensure the person is not placed in a facedown position.
- **Persons under a member's control should be positioned in a way so their breathing is not obstructed.**

After gaining control and handcuffing procedures are established, members should position the person in a manner to allow the person to breathe unobstructed. This means that members should not sit, kneel, or stand on a person's chest or back, and whenever feasible should not force the person to lie on his or her stomach while restrained or handcuffed.

Procedures

- Prior to transportation, members shall handcuff all persons under arrest or in custody regardless of the charge. (If a member's safety is threatened, the member may transport a prisoner to a safe location prior to handcuffing.) Prisoners are to be handcuffed with their hands behind their backs, with the cuffs only tightened to the extent necessary to prevent escape and "double locked". Prisoners are not to be handcuffed to any part of the vehicle. (Members may use discretion in handcuffing a violator with the hands in front if there is a compelling reason such as obesity, physical, or other condition that precludes applying the handcuffs behind the violator's back). Restraining

measures in addition to handcuffing may be necessary when dealing with combative persons (e.g. flex-cuffs or hobble strap may be used as restraints and should be applied around the knees or ankles).

- Suspects should always be handcuffed in a safe location outside the patrol vehicle
- In extraordinary circumstances, members may use their discretion to make exceptions to the handcuffing policy. These exceptions may include the sick, injured, disabled, handicapped, elderly, or other persons whose physical condition may be aggravated by handcuffing. Sound professional judgment should be used when exceptions are made and alternate safety precautions should be taken to guard against injury and/or escape.
- Physically or mentally handicapped persons and persons with cognitive impairment or developmental disabilities require special care and attention. Members shall use their own discretion in determining what, if any, restraining devices will be used on handicapped prisoners and whether or not a Patrol vehicle is appropriate for transporting purposes. Members should request the assistance of EMS, or the appropriate city or county law enforcement agency when it becomes necessary to transport a person suffering from a mental illness.
- The transportation of prisoners is a constant and frequent activity with a potentially high degree of violent confrontation requiring appropriate safety and security measures
 - Members shall examine their Patrol vehicle at the beginning of each shift to ensure that it is safe, properly equipped, and free of weapons or evidence. An additional search shall be completed immediately after transporting a prisoner(s) or other person(s), including under the seats, to ensure that no weapons are accessible and that no weapons or evidence was left in the vehicle.
 - When transporting a prisoner of the opposite sex, two members will be used when available. When only one officer is available, the member will inform the Telecommunicator of the description of the prisoner, location, destination, and odometer reading. Upon arrival at destination, the member will repeat the odometer reading and location.
 - If members are transporting a prisoner without assistance, the prisoner will be placed in the right front seat. It is strongly recommended that one member not transport more than two prisoners. When it is necessary to transport more than two prisoners the arresting member will request a second unit. When it is necessary to transport two prisoners, one will be placed in the right front seat and the second in the right rear seat. Both prisoners shall be handcuffed, and the seat belts fastened. If two members are present in one vehicle, the prisoner is to be placed in the

right front seat and the second officer directly behind the driver or the prisoner.

- The safety belt will be applied and the door locked to secure the prisoner. Restraining devices will be used on all prisoners when physically possible. Mental patients, sick, injured, or handicapped persons will be restrained in the member's patrol car or provisions shall be made for transportation in an ambulance.
- Communications by the prisoner with persons other than the transporting or arresting member will be restricted until the prisoner has reached the booking location. Under no circumstances will the violator be allowed out of sight of the arresting or transporting member. If a member must leave the vehicle, the keys will be removed from the vehicle.
- A transporting member should stop and respond to law enforcement need only when the risk to third parties is clear and grave and the risk to the prisoner is minimal. Members shall not engage in any extraordinary vehicle operation while transporting prisoners unless a life-threatening situation occurs.
- If a prisoner being transported escapes from custody, the escape shall be reported immediately to the appropriate supervisor and Communications Center. The reporting member shall give a physical and clothing description of the prisoner, the location of the escape, any weapon information, and the last known method and direction of travel. Communications personnel shall promptly dispatch information concerning the escape to other members and affected law enforcement agencies (i.e. Sheriff's Department, Police Department, or the Division of Adult Correction and Juvenile Justice).
- If the escapee is not apprehended the affected member shall consult with the local District Attorney and/or the Magistrate to initiate any criminal proceedings. The affected member's immediate supervisor shall record the facts of the escape and any pertinent follow up information he/she deems necessary on a Report of Investigation (HP-721).
- Prior to entering any detention facility, members shall secure their duty and backup firearm(s) in accordance with the rules or guidelines established by the detention facility or in the trunk of the Patrol vehicle
- Prisoners turned over to jail personnel become the jailer's responsibility and members are free to resume duty after completing the required booking procedures. However, members shall notify the appropriate agency, jail facility or court when a prisoner turned over to their custody is a security risk.
- Handcuffs are not to be removed from arrestees until they are delivered to the detention facility unless the following exceptions apply:

- Handcuffs may be removed upon entry into a secure location
- Handcuffs may be temporarily removed at other locations
 - When necessary during medical treatment
 - When performing psychophysical tests for driving while impaired (DWI)
 - Other purposes deemed necessary by the arresting member
- Handcuffs should be removed only until the necessary function is completed. If the subject is combative, the handcuffs should not be removed and test(s) omitted. Members shall advise detention facility personnel of any potential medical or security hazards.
- Members shall consider their safety and that of the passenger(s) when deciding upon the transportation of authorized passengers (e.g. accident victims, stranded motorists, witnesses, or other persons required in the line of duty) in a Patrol vehicle.
- The transportation of a passenger and a prisoner at the same time is discouraged. If the situation requires transport of a passenger while transporting a prisoner, the member shall exercise every reasonable precaution to ensure his/her safety, the safety of the prisoner, the passenger, and other users of the highways.

Security and Control of Prisoners Transported to Medical / Mental Health Facilities

- Prisoner custody and wellbeing is solely the responsibility of the arresting member. If a prisoner becomes sick or is injured incidental to the arrest, the member will immediately seek medical attention through the appropriate Communications Center. The member shall be governed by the decision of the Emergency Medical Services personnel regarding the need for hospitalization. The member shall remain with the prisoner unless urgent medical circumstances exist or relieved by a supervisor. In the event the prisoner is admitted to the hospital, the member shall contact his/her supervisor concerning additional security measures from the Division of Adult Correction and Juvenile Justice. When it becomes necessary to transport a prisoner to a mental health facility for the purpose of treatment or evaluation, the arresting member must secure a "Involuntary Commitment Order" from the appropriate Magistrate's Office prior to the prisoner being transported. The arresting member shall request assistance from EMS or the appropriate city/county law enforcement agency when transporting a mentally ill prisoner pursuant to an Involuntary Commitment Order. In the event the mentally ill prisoner requires additional security, the arresting member shall be responsible to ensure that the prisoner is transported to a facility that is

equipped and staffed, to accommodate the additional security measures request.

XII. MONITORING A PERSON'S PHYSICAL CONDITION

The physical and mental condition must be monitored during the time the prisoner is in the member's custody. A prisoner who appears to be sick or injured must be provided medical attention by medical personnel.

When a member arrests a person who is unconscious, semiconscious, or otherwise apparently suffering from some disabling condition and who is unable to provide information on the cause of the condition, the member shall make a reasonable effort to determine if the person is wearing a Medic Alert bracelet or necklace containing the emergency alert symbol indicating a condition or illness which could cause loss of consciousness. Upon finding such a symbol, the member shall make a reasonable effort to obtain appropriate medical care for the individual.

A prisoner who exhibits any of the following characteristics must be taken for immediate medical attention:

- Loses consciousness (this does not include an obviously intoxicated person who goes to sleep)
- Sweats profusely without reason
- Appears very sick
- Engages in deranged or irrational conduct or speech without any obvious reason, such as impairment from alcohol or drugs
- Has an obvious injury
- Complains of significant injury or illness and requests medical attention

A prisoner who exhibits any of the following characteristics must be particularly monitored for potential physical problems:

- Old or frail
- Known diabetics or asthmatics
- Have a known history of heart or lung problems or seizure disorder
- Are substantially impaired by drugs or alcohol
- Have run or fought with member or violently resisted arrest

- Are breathing very rapidly, sweating heavily, or exhibiting pale skin
- Engage in deranged or irrational conduct or speech
- Are very obese
- Complain of health problems

XIII. COMMUNICATING WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING

As law enforcement officer, you can expect to encounter people who are deaf or hard of hearing. It is important that members understand their role in this communication and adjust or modify their response to ensure effective attention is provided. Consistent with the Americans with Disabilities Act (ADA), the North Carolina State Highway Patrol has specific legal obligations to communicate effectively with people who are deaf or hard of hearing.

Consistent with requirements defined in North Carolina General Statute, Chapter 8B-1(3) and Title II of the Federal Americans with Disabilities Act (ADA), the courts shall appoint a qualified (licensed) interpreter for any deaf or hard of hearing party or witness in any civil or criminal proceeding, including juvenile proceedings, special proceedings, and proceedings before a magistrate.

People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons. Members are encouraged to make every effort to extend appropriate, effective communication when dealing with individuals who are deaf or hard of hearing.

Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hard of hearing. These may include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.

Members may find a variety of communication aids useful in different situations and could include the following:

- Speech supplemented by gestures and visual aids can be used in some cases.
- A pad and pencil, a word processor, computer or cell phone can be used to exchange written notes.
- An assistive listening system or device to amplify sound can be used when speaking with a person who is hard of hearing.
- A sign language interpreter can be used when speaking with a person who knows sign language.

- An oral interpreter can be used when speaking with a person who has been trained to speech read (read lips). **Note:** Do not assume that speech reading will be effective in most situations. On average, only about one third of spoken words can be understood by speech reading.

The type of situation, as well as the individual's abilities, will determine which aid or service is needed to communicate effectively.

XIV. HANDLING THE MENTALLY ILL

Recognition

- Patrol members may occasionally be called upon to control or restrain an individual when mental illness provokes anti-social behavior. Suicide attempts, violent behavior, imaginary persecution, hallucinations, illusions of grandeur, and other deviations from what is considered normal or expected behavior are indications of mental illness. Careful observation of the victim, including how he/she talks, what he/she says, and how they behave can lead you to believe they are suffering from some type of mental illness. This visual observation may also be supplemented by information obtained from friends or relatives of the victim. The information gathering process will be a great aid on how to handle the situation. Some specific indicators to look for and note are:
 - Determine if Injured or Ill – Is the person physically ill or injured? There are a great many physiological reasons that can cause a person to act abnormally. A blow to the head, a high fever, shock from a crash or reaction to medication can cause a person to appear disoriented. On the other hand, a person who is mentally ill may not react to pain as we would expect a normal person to react. If there is an injury and first aid is required, do what you can for the person, but do not force treatment unless it involves a life-threatening situation.
 - Obtain Past History – Attempt to learn as much as possible about the past history of the person. Have they previously been confined? If a past record of mental illness is discovered, they should be returned to the institution where they were treated or their attending physician should be contacted.
 - Consider Hospitalization – When a member feels that a person should be hospitalized due to mental illness, the local mental health facility shall be contacted. Necessary arrangements can be made for evaluation and commitment to the nearest state hospital or medical facility for treatment or detention. The member must feel that the person is a risk to themselves or others.
 - Identify Any Criminal Behavior – Has the person committed a crime? If a crime has been committed, especially a felony, the prosecutor should be

contacted for advice. The past record of the person and the willingness of the hospital to accept him/her will have some direct bearing on this problem. In any case, the person must be removed from contact with the community until he/she can be stabilized. If a felony has been committed, the officer has the responsibility to guard the person until secured, either in a mental facility or a jail. It still remains a function of the court to determine guilt, innocence or insanity.

General Guidelines

- **Be Sympathetic** – Do not argue or antagonize the person. Most likely they will not respond to logical arguments. Take your time, keep cool and use a quiet conversational tone of voice when dealing with them. The tone of voice, more often than the words spoken, will have a great influence on the person. You must try to convince them that you are on their side and are there to help them.
- **Avoid Physical Contact** – Do not touch them unless it is absolutely necessary. The mentally ill person may be inclined to interpret this as an attempt to restrain him/her and overreact.
- **Do Not Mislead** – Do not mislead or try to trick a mentally ill person. It may work for you temporarily but can cause more serious problems later.
- **Use Available Assistance** – It may be necessary to summon medical assistance and have the person sedated if he/she is exceptionally violent. Obtain assistance whenever possible. It is always best to call for assistance from another member even if things appear to be normal. A friend or relative may be most valuable in controlling the person. Any person that appears to agitate the mentally ill person should be removed from the scene as soon as possible. Members should contact the appropriate city or county law enforcement agency for assistance when a mentally ill person requires transportation to a treatment facility.

I. POLICY

This policy establishes guidelines and procedures for dealing with persons exhibiting symptoms of mental illness.

It shall be the policy of the North Carolina State Highway Patrol to ensure that a consistently high level of service is provided to the citizens of North Carolina. Patrol personnel shall afford persons who have a mental illness the same rights, dignity, and access to law enforcement and other government and community services as are provided to all citizens while exercising due caution. Although no single policy or procedure can address all of the situations in which Patrol personnel may be required to provide assistance to persons who have a mental illness, this policy is intended to address the most common types of interactions with persons who may suffer from a mental illness.

II. AUTHORIZATION

The Americans with Disabilities Act (ADA) entitles persons with a mental illness or disabilities to the same services and protections that law enforcement agencies provide to anyone else. They should not be excluded from services or otherwise be provided with lesser services or protection than are provided to others.

The ADA, in many circumstances, may require law enforcement agencies to make reasonable adjustments and modifications in their policies, practices, or procedures on a case-by-case basis. For example, if a person exhibits symptoms of mental illness, expresses that he or she has a mental illness or requests accommodation for a mental illness (such as access to medication), Patrol personnel may need to modify routine practices and procedures, take more time, or show more sensitivity to extend the services or protections that would be extended to someone else in a similar circumstance.

In addition, Chapter 122C of the North Carolina General Statutes, referred to as the Mental Health, Developmental Disabilities, and Substance Abuse Act of 1985, establishes policy and guidelines for dealing with individuals with mental health, development disabilities, and substance abuse problems and requires that they be treated with dignity and respect. Part 9 of this Act also provides guidance for law enforcement officers when dealing with individuals who may be found intoxicated in a public place.

III. TRAINING

In order to prepare Patrol personnel, both sworn and civilian who, during the course of their normal duties, may encounter person(s) with a mental illness, the North Carolina State Highway Patrol Training Academy shall be responsible for providing mental illness training to entry-level personnel, and refresher training annually.

IV. RECOGNIZING CHARACTERISTICS OF MENTAL ILLNESS

Patrol personnel must be prepared to deal with situations involving a person(s) who has a mental illness and know how to respond to these situations in an appropriate and sensitive manner.

Symptoms of different mental illnesses may include, but are not limited to:

- Loss of memory
- Delusions
- Depression, deep feelings of sadness, hopelessness, or uselessness
- Hallucinations
- Manic behavior, accelerated thinking and speaking, or hyperactivity
- Confusion
- Incoherence
- Extreme paranoia

The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance, but are noticeable in conversation with the individual. Patrol personnel are not expected to diagnose a mental illness but to decide on the appropriate response to the individual and situation. Recognizing that symptoms may indicate mental illness could help personnel decide on an appropriate response and disposition.

Obtaining relevant information from family members, friends, or others at the scene that know the individual and his or her history or seeking advice from mental health professionals can also assist personnel in taking the appropriate action. Patrol personnel on the scene will also have to determine the severity of the behavior, the potential for change in the behavior, and the potential for danger presented by the individual to themselves or to others.

V. COMMUNICATIONS RESPONSIBILITIES

It shall be the responsibility of the Accreditation Manager to forward a copy of the updated North Carolina Area Mental Health Developmental Disabilities Substance Abuse Programs booklet, which contains available community mental health resources and authorized emergency evaluation facilities located in their area of responsibility, to each SHP Communication Center Supervisor by 1 June of each year. Upon request, the appropriate SHP Telecommunicator shall provide such information to Patrol members as requested. Communications center personnel will refer such person/persons to the local police or sheriff agency that handles mental illness situations.

VI. RESPONSE TO CALLS FOR SERVICE INVOLVING PERSONS WITH MENTAL ILLNESS

Calls for service involving persons with mental illness should normally be handled by city or county law enforcement officers. Nonetheless, members may, in some cases be the first to arrive or may be called upon to assist another agency. Accordingly, members must be familiar with the appropriate manner in which to respond to these calls for service.

When responding to a call that involves a person who has, or exhibits symptoms of a mental illness, members shall obtain as much information as possible to assess, and then stabilize the situation. The member shall gather information regarding the nature of the abnormal behavior and/or events that may have precipitated the person's behavior, and particularly the presence of any weapons.

The following guidelines detail how the responding member should approach and interact with a person who has or is suspected of suffering from a mental illness, who may be a crime victim, witness, or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations, but the safety of the responding member and the public shall be first and foremost:

- Remain calm and avoid overreacting
- Be helpful and professional
- Provide or obtain on-scene emergency aid when treatment of an injury is urgent
- Check for and follow procedures indicated on medical alert bracelets or necklaces
- Indicate a willingness to understand and help
- Speak simply and briefly, and move slowly

- Remove distractions, upsetting influences and disruptive people from the scene
- Understand that a rational discussion may not take place
- Recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment
- Be friendly, patient, accepting, and encouraging, but remain firm and professional
- Be aware that the uniform, gun, handcuffs, and other law enforcement equipment may frighten the person with a mental illness; attempt to reassure him or her that no harm is intended
- Do not mislead the person suffering from mental illness
- Release to care of family, care giver or mental health provider
- Refer or transport to mental health services **(members should contact the appropriate city or county law enforcement agency for assistance, and should only transport as a last resort)**
- Refer or transport to substance abuse services **(members should contact the appropriate city or county law enforcement agency for assistance, and should only transport as a last resort)**
- Assist in arranging voluntary admission to a mental health facility if requested, by contacting the appropriate city or county law enforcement agency
- Transport for involuntary emergency psychiatric evaluation, if the person's behavior meets the criteria for this action **(members should contact the appropriate city or county law enforcement agency for assistance, and should only transport as a last resort)**
- **Note: N.C.G.S. 122C-251 provides that transportation is to be provided by the city or county for all involuntary commitment proceedings. Accordingly, members will not normally provide transport for this purpose.**

Once sufficient information has been gathered which allows the member to stabilize a situation involving a mentally ill person(s), there are a range of options members should consider when selecting an appropriate disposition. These options include, but are not limited to the following:

- Refer or transport the person for medical treatment if he or she is injured or abused **(members should contact EMS or the appropriate city or county**

law enforcement agency for assistance, and should only transport as a last resort)

- Outright release
- Recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her
- Announce actions before initiating them
- Gather information from family or bystanders
- If the person is experiencing a psychiatric crisis, attempt to have a local mental health professional respond to the scene

While each incident may pose its own unique set of circumstances, Patrol personnel, when dealing with a person who may suffer from a mental illness, should be aware that their own actions may have an adverse effect on the outcome of the situation. Some of the actions Patrol personnel should generally avoid include:

- Moving suddenly, giving rapid orders, or shouting
- Forcing discussion
- Direct, continuous eye contact
- Touching the person (unless essential to safety)
- Crowding the person or moving into his or her zone of comfort
- Expressing anger, impatience, or irritation
- Assuming that a person who does not respond cannot hear
- Using inflammatory language, such as "mental" or "mental subject"
- Challenging delusional or hallucinatory statements
- Arrest, if a crime has not been committed

Members should remember that having a mental illness is not a crime. No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking a person who has a mental illness into custody can occur only when:

- The individual has committed a crime

- The individual presents a danger to the life and safety of themselves or others, and meets the state's criteria for involuntary emergency evaluation
- In response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility

VII. USE OF FORCE / OFFICER SAFETY

If it is determined that a serious crime has been committed, or the person is a threat to him/herself and/or others, the member shall request the assistance of another member or law enforcement agency, if possible, prior to handling the individual. If restraint or use of force is required, try to avoid any restraint, or use of force that works on the theory of leverage and pain. Mentally ill persons often do not react to pain in a normal fashion, and this could result in severe injury to the mentally ill person. The Use of Force provisions as set out in State Highway Patrol Directive B.01 shall otherwise apply.

VIII. TRANSPORTING MENTALLY ILL PERSONS

When transporting or handling a person suspected of, or suffering from, a mental illness, members shall be governed by Directive B.04, Section X (Security and Transportation of Prisoners) and Section XII (Handling the Mentally Ill)

I. POLICY

The purpose of this policy is to provide a safe and healthful environment for all employees of the Patrol who have the potential for occupational exposure to blood or other potentially infectious materials. In an effort to prevent exposure or decrease potential risk should an exposure occur, this directive identifies and increases awareness of this potential health hazard and provides guidelines and precautions to be used when encountering suspected carriers of an infectious disease. This policy is written to comply with OSHA Bloodborne Pathogen Standard 29 CFR part 1910.1030.

It is the policy of the Patrol to provide employees with the safest possible work environment that limits exposure to recognized hazards which may cause death or serious physical harm. To this end, the Patrol will provide personal protective equipment, adequate training in work practices and procedures, and ensure that employees who have a bloodborne pathogen exposure incident are provided with confidential medical evaluation and treatment. This medical evaluation and treatment will be at no cost to the employee.

Each employee has the responsibility to control exposure and prevent the spread of bloodborne pathogens and shall follow procedures outlined in this directive. Fear of contracting a communicable disease does not free employees from the obligation to perform their duties.

II. EXPOSURE DETERMINATION

This policy applies to all employees whose job duties involve the potential for occupational exposure to blood and/or potentially contaminated materials.

Exposure hazards include, but are not limited to the following:

- Administering first aid and other direct patient care (e.g. CPR, bandaging wounds, etc.)
- Blind searches
- Evidence handling, packaging, and storage
- Handling of deceased persons
- Accident scene and crime scene processing
- Decontamination of equipment and vehicles
- Effecting the arrest and control of suspects

III. UNIVERSAL PRECAUTIONS

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

IV. ENGINEERING AND WORK PRACTICE CONTROLS

Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

- Employees shall wash their hands and any other contaminated skin with soap and water if visibly soiled or with an alcohol-based sanitizer if not visibly soiled as soon as possible following contact with blood or other potentially contaminated material. If a hand washing facility is not readily accessible, employees shall then use antiseptic hand cleanser or towelettes and proceed to a hand washing facility as soon as feasible. Employees will be provided with an adequate supply of antiseptic hand cleanser or towelettes.
- Disposable (single use) gloves shall be worn at all times when it can be reasonably anticipated that an exposure to blood or infectious materials is possible. Hands shall be washed immediately with soap and water or an alcohol-based sanitizer after the removal of gloves.
- An employee who has contaminated fluids splashed in the eyes shall immediately flush the eyes with water or eyewash and as soon as possible proceed to a facility where continued flushing of the eyes is available. Eyes should be flushed for at least 10 minutes.
- Employees shall not bend, re-cap, shear, break, or remove needles or other sharps unless a mechanical device is used to reduce the likelihood of a needle-stick by a contaminated needle or other sharp implement. Contaminated needles or other sharps shall be placed in labeled, puncture-resistant containers.
- Employees shall not eat, drink, smoke, apply lip balm, or handle contact lenses in areas where occupational exposure to bloodborne pathogens may occur
- Food and drink may not be stored in places where blood or other potentially infectious materials are handled or kept
- Leak proof containers must be used to prevent leakage during collection, processing, storage, transport, or shipping and must be color-coded or labeled with the biohazard symbol prior to shipping

- All contaminated equipment must be decontaminated prior to servicing to the extent feasible. If the equipment cannot be decontaminated, the contaminated portions must be labeled and persons likely to come in contact with the equipment must be notified of the presence of contaminants prior to shipment.

V. PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment shall be worn whenever it can be reasonably anticipated that an occupational exposure may occur.

An employee will not be in violation of this directive if he/she temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the employee or his/her coworkers. The employee shall then notify his/her superior so this event can be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

All members shall be issued the following personal protective equipment:

- Disposable (single use) gloves
- A supply of 70% alcohol or other germicidal antiseptic hand cleanser or towelettes
- OSHA-approved protective eye wear with solid side shields. Corrective eye glasses and sunglasses are not considered OSHA-approved protective eye wear.
- Sharps containers
- Pocket mask resuscitators equipped with anti-backflow valve
- Hazardous materials disposal bags
- Protective face masks

If a glove allergy exists, an appropriate substitution will be provided (e.g. hypoallergenic gloves, powderless gloves, glove liners, etc).

Members shall maintain adequate supplies of protective equipment readily available for use and shall notify the immediate supervisor when such equipment is depleted or in need of replacement.

VI. HEPATITIS B VACCINATIONS

The Department of Public Safety (DPS) shall make available the Hepatitis B vaccine to all members whose job duties involve a risk of exposure to blood, body fluids, and/or other potentially contaminated materials.

- Administration of the Hepatitis B vaccine program and the required record keeping shall be the responsibility of the Patrol Medical Director in conjunction with the DPS Benefits and Safety Officer
- All members who have the potential for occupational exposure shall have the Hepatitis vaccination made available to them within ten (10) working days of employment
- Any member who chooses to decline the Hepatitis B vaccine and vaccination series shall be required to complete an Employee Hepatitis B Vaccine Declination form. If the member then decides to accept the Hepatitis B vaccination at a later date, it shall be made available.
- Members with documented HBV immunity do not require additional immunization
- If a routine booster dose(s) of Hepatitis B vaccine is recommended by the Centers for Disease Control and Prevention (CDC) at a future date, it shall be made available to the member.

VII. FIRST AID AND CPR PRECAUTIONS

Disposable single use gloves will be worn by all employees who administer first aid or CPR when there is a reasonably anticipated contact with blood, mucus membranes, or non-intact skin.

Issued pocket masks will be utilized in all CPR and mouth-to-mouth resuscitation efforts if available.

In the event of massive arterial bleeding, combative bleeding persons, or other circumstances in which blood or other body fluids may be splashed about, employees should wear gloves, masks, eye shields, rain coat, and rain hat cover.

VIII. SEARCH AND EVIDENCE-HANDLING PRECAUTIONS

Members conducting searches of bloodied individuals should wear disposable single use gloves. Members are discouraged from conducting "blind searches" in vehicles, residences, etc.

Members are encouraged to use very careful judgment before placing their hands inside an individual's pockets, clothing, etc. Outside pat-down procedures

should be carefully conducted in order to locate any potentially sharp objects within an individual's clothing.

Members who seize any hypodermic syringe that has the needle exposed will immediately place the seized item into an approved puncture proof container prior to transporting. The syringe will not be removed from the container except by mechanical means that do not require touching the syringe. Any hypodermic syringe will be treated as a potential source of exposure to an infectious disease.

IX. BODY FLUIDS AND HANDLING OF DECEASED PERSONS

All body fluid spills will be regarded as potentially infectious. Disposable single use gloves, protective eyewear, and facemasks will be worn whenever contact with body fluid spills is necessary or likely. Members should make every effort to avoid having body fluids splashed in their mouths or eyes (use protective facemask).

Members are frequently called upon by Emergency Medical Services personnel to provide supplementary manpower in the removal of injured or deceased persons. Members will continue to provide such assistance when requested; however, they will first consult with Emergency Medical Services personnel about appropriate precautions and shall then adhere to those precautions in addition to the guidelines set forth in this directive.

Members will adhere to the decontamination procedure as set forth in this directive after dealing with body fluid spills of injured or deceased persons.

X. DECONTAMINATION AND CLEANUP PROCEDURES

Employees should clean equipment such as batons, flashlights, handcuffs, etc. immediately after body fluid exposure with a freshly-mixed solution of one (1) part household bleach and ten (10) parts water applied with a spray bottle or approved viricidal wipes. Lysol Aerosol Spray is also an effective virucidal against most infectious diseases. Disposable single use gloves should be worn during the decontamination of equipment. Contaminated fluids should be washed off with hot soapy water as outlined in this directive.

Contaminated clothing shall be removed immediately and isolated in a plastic bag until laundering or dry cleaning. Heavily contaminated clothing shall be placed in a hazardous materials bag or plastic bag labeled with biohazard labels to identify and notify laundry or cleaning personnel.

Employees shall dispose of contaminated items in the following manner: The contaminated, disposable items shall be secured in the hazardous materials disposal bag provided the employee. The bag shall be placed in the hazardous materials disposal container in the district headquarters and sharps or syringes shall be placed in the sharps collection container at the district office (use a method that does not require touching the sharps).

The supervisor shall establish a collection and disposal system for contaminated disposable equipment and contaminated sharps within each district.

In the event that a body fluid spill occurs within a Patrol vehicle (does not apply to feces, nasal secretions, sputum, sweat, tears, urine, or emesis unless they contain visible blood):

- Employees should follow normal decontamination procedures as set forth in this directive (household bleach should not be used)
- Patrol vehicles contaminated with large amounts of blood should be taken to a Patrol garage for decontamination. A Biohazard Warning Label must be obtained from a supervisor or garage personnel and attached to the vehicle in a conspicuous location to alert garage or other personnel to the potentially infectious material. The label shall contain information relating to the type and location of hazardous material in the vehicle.
- Garage personnel will decontaminate the vehicle prior to returning it to service

XI. POST-EXPOSURE EXAMINATION AND FOLLOW-UP PROCEDURE

Employees who have an "exposure incident" as defined by this directive shall:

- Take all applicable precautionary post-exposure measures as set forth in this directive and **notify their immediate supervisor without delay**

Upon being notified of an exposure incident, the supervisor shall:

- Confirm that the employees have made every effort to decontaminate themselves as set forth in this directive
- Determine if a "true" exposure has occurred. When in doubt or if there is a difference of opinion, the supervisor shall contact the Patrol Medical Director or his/her designee as soon as possible for guidance and advice. The Patrol Medical Director or his/her designee shall also be contacted in all cases where the supervisor determines that a true exposure incident has occurred. The Medical Director or his/her designee will advise specific procedures to be followed for the drawing, storing, or transporting of blood samples drawn from an employee or source person if applicable.

Ensure a Body Fluid Exposure Form (DPS-187), Workers Comp – Employee Initial Report of Injury (HR-201) and Workers Comp – Accident/Incident Investigation Report (HR-203) are completed by the employee and the supervisor. If the exposed employee is unable to complete the applicable section, then the employee's supervisor will complete that portion of the form for the employee. The reverse side of the exposure form provides the proper procedures in the event of an exposure.

- **Whether or not the source person is an arrestee**, unless done by investigating health officials, interview the source individual and request that he voluntarily submit to have blood drawn and tested for Hepatitis B antigen, Hepatitis C antibody, and HIV antibody. If the source individual is willing to consent, the supervisor will make every effort to secure a signed Antibody Testing Consent and Consent to Release Medical Information Form (DPS-180). (Note: County health officials need not be contacted if source person consents to testing unless source person is immediately found infectious or already known to be infectious.)

If the source person is not an arrestee and refuses to consent to be tested or is no longer available for testing, the public health director shall be contacted and requested to institute regulatory procedures to locate and/or require testing of the source person.

- **If the source person refuses to be tested and is an arrestee**, direct the exposed employee to prepare a written affidavit detailing the extent of the exposure and all obtainable information about the suspected disease carrier (source). The affidavit should contain such available information as the name, address, sex, date of birth, and if possible, sexual history, illicit drug use history, and past medical history of the suspected carrier. The affidavit should contain any relevant information that may help the magistrate or other judicial official determine whether there is probable cause to believe that the employee was exposed to the source person in a manner that poses a significant risk of Hepatitis or HIV.
- **If the source person is an arrestee and refuses to be tested**, prepare a written Motion to Investigate Exposure (DPS-181) to be presented to the magistrate or other judicial official during the arrestee's initial appearance requesting that the arrestee be detained for a reasonable period of time, not to exceed 24 hours, for investigation by public health officials and for testing for HIV and Hepatitis B infection if required by public health officials pursuant to N.C.G.S. §15A-534.3, 130A-144, 130A-148, and 10A NCAC 41A.0202 and .0203.
- Present the Motion to Investigate Exposure (DPS-181) and Order to Investigate Exposure (DPS-182) to the magistrate at the time of the initial appearance

The Motion and Order may be standard DPS-181 and DPS-182 forms or any other suitable forms approved by the local District Attorney and/or the Chief District Court Judge.

- If the magistrate finds probable cause to believe that the employee was exposed to an arrestee in a manner that poses a significant risk of transmission of HIV or Hepatitis B, take such reasonable steps as may be necessary to assist the magistrate in serving a copy of the order on a local health director or in his absence other licensed physician or other designated representative of the local health department

- If the circumstances surrounding the exposure are determined by the health department to pose a significant risk of transmission of either HIV or Hepatitis B and the source individual is not a known carrier, ensure that this determination is communicated to the magistrate. In these cases, the magistrate or other judicial official is presented a copy of the DPS-183 or a copy of a suitable Order approved by the local District Attorney or Chief District Judge, for the purpose of ordering the taking of an adequate amount of the arrestee's blood for the purpose of testing for HIV and/or Hepatitis B.
- If the magistrate issues the order in paragraph 8, coordinate with and assist the investigating health care professional in providing such pre-test counseling for the source person as required by 15A NCAC 19A, .0202 (9)(10). Once this pre-test counseling is either accomplished or refused, unless county health officials are able to determine without testing, that the defendant is a known carrier of HIV or Hepatitis B, ensure that the arrestee's blood is drawn for the purpose of testing. If this cannot be accomplished by a trained nurse or other licensed medical practitioner at the jail, the defendant should be transported to a local medical facility (i.e. hospital emergency room) in accordance with the Order issued by the magistrate or other judicial official.
- Assist the employee in consulting with an on-duty physician for testing and/or treatment that may be recommended by the physician. The exposed employee's blood shall be collected as soon as feasible unless the employee chooses not to have his/her blood drawn. If the employee consents to base line blood collection but at that time does not consent to testing, the sample shall be preserved for not less than ninety (90) days.
- Provide the health care professional evaluating the employee with the following information:
 - A copy of the 29 CFR 1910.1030
 - A description of the exposed employee's duties as they relate to the exposure incident
 - The details related to the exposure incident
 - The name, address, and telephone number, if known, of the local health official who conducted the initial investigation so that they may obtain results of the source individual's blood testing, if available and other pertinent information
 - The medical records relevant to the appropriate treatment of the employee including vaccination status
- Ensure that the exposed employee signs the appropriate Employee Antibody Testing Consent and Authorization to Release Medical Information form

(DPS-184), allowing the treating physician and laboratory to disclose necessary information to the DPS Benefits and Safety Officer and to the Highway Patrol Medical Director for follow-up treatment and record keeping purposes as required by law.

- Complete Form DPS-187 and forward to the Patrol Medical Director and the DPS Benefits and Safety Officer
 - The Patrol Medical Director shall coordinate follow-up steps and procedures.
 - At no expense to the employee, the Medical Director or their designee with the assistance of the DPS Benefits and Safety Officer shall:
 - Inform the exposed employee of the results of testing and all applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual
 - Ensure that all necessary laboratory tests were conducted.
 - Inform the exposed employee of any medical condition resulting from the exposure to blood or other potentially infectious materials which require further evaluation or treatment as soon as may be practicable, but not later than ten (10) days after the blood has been drawn
 - Coordinate and/or provide follow-up testing, evaluation, and treatment as may be appropriate unless the exposed employee refuses to consent to such follow-up testing, evaluation, or treatment
 - Coordinate and/or provide such counseling as may be deemed appropriate
 - Maintain medical records in accordance with the provisions of 29 CFR 1910.1030(h)(1)

The Medical Director or their designee shall also ensure that the exposed employee and the DPS Benefits and Safety Officer are furnished with a copy of the evaluating health care professional's written opinion within fifteen (15) days of the completion of the evaluation, which shall contain the following information:

- The opinion for the Hepatitis B vaccination shall be limited to whether the Hepatitis B vaccination is indicated for the employee and if the employee has received such vaccination
- The opinion for the post-exposure evaluation and follow-up shall be limited to the following information:
 - The employee has been informed of the results of the evaluation

- The employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials, which require further evaluation or treatment
- All other findings or diagnoses shall remain confidential and shall not be included in the written report

XII. OSHA REPORTING

An occupational bloodborne pathogen exposure in and of itself is not recordable. An exposure which results in a recordable work injury (e.g. needle stick or laceration) or illness (diagnosed) should be recorded on OSHA Form 300.

XIII. INFECTIOUS DISEASE RISK MANAGEMENT

The Director of Medical Services shall be responsible for maintaining a constant awareness of current research and developments regarding infectious diseases, recommending policy updates concerning infectious diseases to the Commander's Office, developing, coordinating, and implementing initial and continued Departmental training on infectious diseases risk management, maintaining a list of resource consultants who will assist the Department on infectious diseases risk issues, serving as a resource person to assist employees and supervisors in dealing with specific exposure instances set forth by this directive, and evaluating the circumstances surrounding exposure incidents and evaluate the policy, work practices, engineering controls, and protective equipment in use at the time of the exposure and make recommendations for improvement if necessary.

XIV. DISCLOSURE OF CONFIDENTIAL MEDICAL INFORMATION

In accordance with N.C.G.S. § 130A-143, all information and records that identify a person who has the AIDS virus infection or who has or may have a disease or condition stated in this directive shall be kept strictly confidential. This information shall not be released to anyone without prior written approval from the Commander's Office or his/her designee.

Administration, Organization, and Troop / District Boundaries

Applicable to: Employees

Directive C.01

Revised 02/11/2021

Effective 03/2014

I. POLICY

This policy establishes guidelines and the organizational structure as related to the operation of Patrol business. The Secretary of the Department of Public Safety, under the direction of the Governor, shall adopt such rules and regulations, as he/she considers necessary for the conduct of Highway Patrol business. The Secretary may delegate to the Patrol Commander responsibility for the control, management, and direction of all employees and for the administration and operation of the Highway Patrol, with full power to assign any employee to such public service, as he/she may deem appropriate. This policy shall include the organizational charts and Troops and District boundaries. **Organizational Charts and Troops and District Boundaries are posted on the Highway Patrol internal website.**

II. ADMINISTRATION

Under the direction of the Secretary, the Patrol Commander may decentralize the administration of the Highway Patrol by delegating specific authority and duties to subordinates. Supervisory personnel are accountable for the activities of employees under their immediate control.

Highway Patrol employees shall be held accountable for the efficient performance of all duties and tasks assigned by proper authority. Each duty and responsibility is accompanied by the appropriate authority to execute the assigned task. The failure to exercise authority when required shall subject employees to disciplinary action.

To establish a chain-of-command, organizational components have been established, and the authority to direct the activities of others has been delegated to commanders, directors, and supervisors for those components. Such authority is commensurate with that needed to perform the tasks for which each is responsible. All employees are accountable to their immediate supervisor for the use of inherent authority, delegated authority, or the failure to properly use such authority.

Employees placed in charge of organizational components will direct all other employees assigned to that component. Employees will be accountable to only one immediate supervisor at a time and will follow the chain-of-command regardless of rank or position unless special circumstances require deviation. When deviation is necessary, the employee shall inform all persons bypassed at the earliest practical time concerning the information relayed, decisions made, and instructions given or received.

III. DUTIES OF THE PATROL COMMANDER

- Reports directly to the Secretary
- Exercises such powers and fulfills those responsibilities connected with his/her office as provided by law and as directed by the Governor and the Secretary
- Manages the planning, organizing, staffing, controlling, coordinating, reporting, and budgeting of the Highway Patrol
- Provides efficient and effective police traffic supervision and related services for highway users and maintains public order during emergency situations, as assigned
- Develops and implements highway safety programs and coordinates the Patrol's participation with other governmental agencies and civic groups
- Provides traffic safety information services
- Carries out those assigned duties and responsibilities set forth in Highway Patrol directives
- Supervises and evaluates the work of Field Operations, Professional Standards, Support Services, and the Training Academy

IV. ORGANIZATION

The Highway Patrol is organized into functional areas consisting of administrative, line, and support service units as set forth in the following organizational chart.

Director of Field Operations (Deputy Commander - LTC)	
Troop Operations	Troops A-I
<u>Commercial Vehicle Enforcement Section</u>	MCSAP FuelTaCS Size & Weight
Executive Protection Detail	EP Staff
Professional Standards	Inspections & Compliance Unit Internal Affairs Unit Performance Management Promotion Unit

Director of Support Operations (Lieutenant Colonel)	
Support Services	Benefits Unit Budget and Grants Unit Logistics Unit Personnel Unit Technical Services Unit

Training Academy	Armory Basic & Fast Track Schools Civilian Training Collision Investigation Training Drivers Training Emergency Medical Training Field Training Program In-Service Training Medical Office Motor Carrier Training Recruiting Program RADAR / LIDAR / Time Distance Training Trooper Selection Unit
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The state shall be divided into Highway Patrol Troops and Districts as defined herein.

Troop A – Greenville		
A/I	Manteo	Dare and Currituck Counties
A/II	Ahoskie	Hertford, Bertie, and Gates Counties
A/III	Elizabeth City	Pasquotank, Camden, Chowan, and Perquimans Counties
A/IV	Washington	Beaufort, Washington, Hyde, and Tyrrell Counties
A/V	Greenville	Pitt and Martin Counties
A/VI	New Bern	Craven and Pamlico Counties
A/VII	Kinston	Lenoir and Jones Counties
A/VIII	Morehead City	Carteret County
A/IX		<u>CVE</u> Troop A

Troop B – Fayetteville		
B/I	Fayetteville	Cumberland County
B/II	Clinton	Sampson County
B/III	Jacksonville	Onslow County
B/IV	Kenansville	Duplin and Pender Counties
B/V	Whiteville	Columbus and Bladen Counties
B/VI	Wilmington	New Hanover and Brunswick Counties
B/VII	Lumberton	Robeson County
B/VIII	Lillington	Harnett County
B/IX		<u>CVE</u> Troop B

Troop C – Raleigh		
C/I	Rocky Mount	Nash and Edgecombe Counties
C/II	Goldsboro	Wayne County
C/III	Raleigh	Wake County
C/IV	Henderson	Vance, Franklin, and Warren Counties
C/V	Wilson	Wilson and Greene Counties

C/VI	Smithfield	Johnston County
C/VII	Durham	Durham and Granville Counties
C/VIII	Roanoke Rapids	Halifax and Northampton Counties
C/IX		<u>CVE</u> Troop C

Troop D – Greensboro		
D/I	Siler City	Chatham and Lee Counties
D/II	High Point	Guilford County
D/III	Reidsville	Rockingham County
D/IV	Roxboro	Person and Caswell Counties
D/V	Graham	Alamance County
D/VI	Asheboro	Randolph County
D/VII	Hillsborough	Orange County
D/IX		<u>CVE</u> Troop D

Troop E – Salisbury		
E/I	Lexington	Davidson County
E/II	Albemarle	Montgomery and Stanly Counties
E/III	Salisbury	Rowan County
E/IV	Winston Salem	Forsyth County
E/V	King	Surry and Stokes Counties
E/VI	Concord	Cabarrus County
E/VII	Yadkinville	Davie and Yadkin Counties
E/IX		<u>CVE</u> Troop E

Troop F – Newton		
F/I	Morganton	Burke County
F/II	Wilkesboro	Wilkes, Alleghany, and Ashe Counties
F/III	Lenoir	Caldwell and Watauga Counties
F/IV	Statesville	Iredell and Alexander Counties
F/V	Hickory	Catawba and Lincoln Counties
F/IX		<u>CVE</u> Troop F

Troop G – Asheville		
G/I	Burnsville	Yancey, Avery, Madison, and Mitchell Counties
G/II	Marion	McDowell and Rutherford Counties
G/III	Hendersonville	Henderson, Polk, and Transylvania Counties
G/IV	Asheville	Buncombe County
G/V	Waynesville	Haywood and Jackson Counties
G/VI	Bryson City	Swain, Cherokee, Clay, Graham, and Macon Counties
G/IX		<u>CVE</u> Troop G

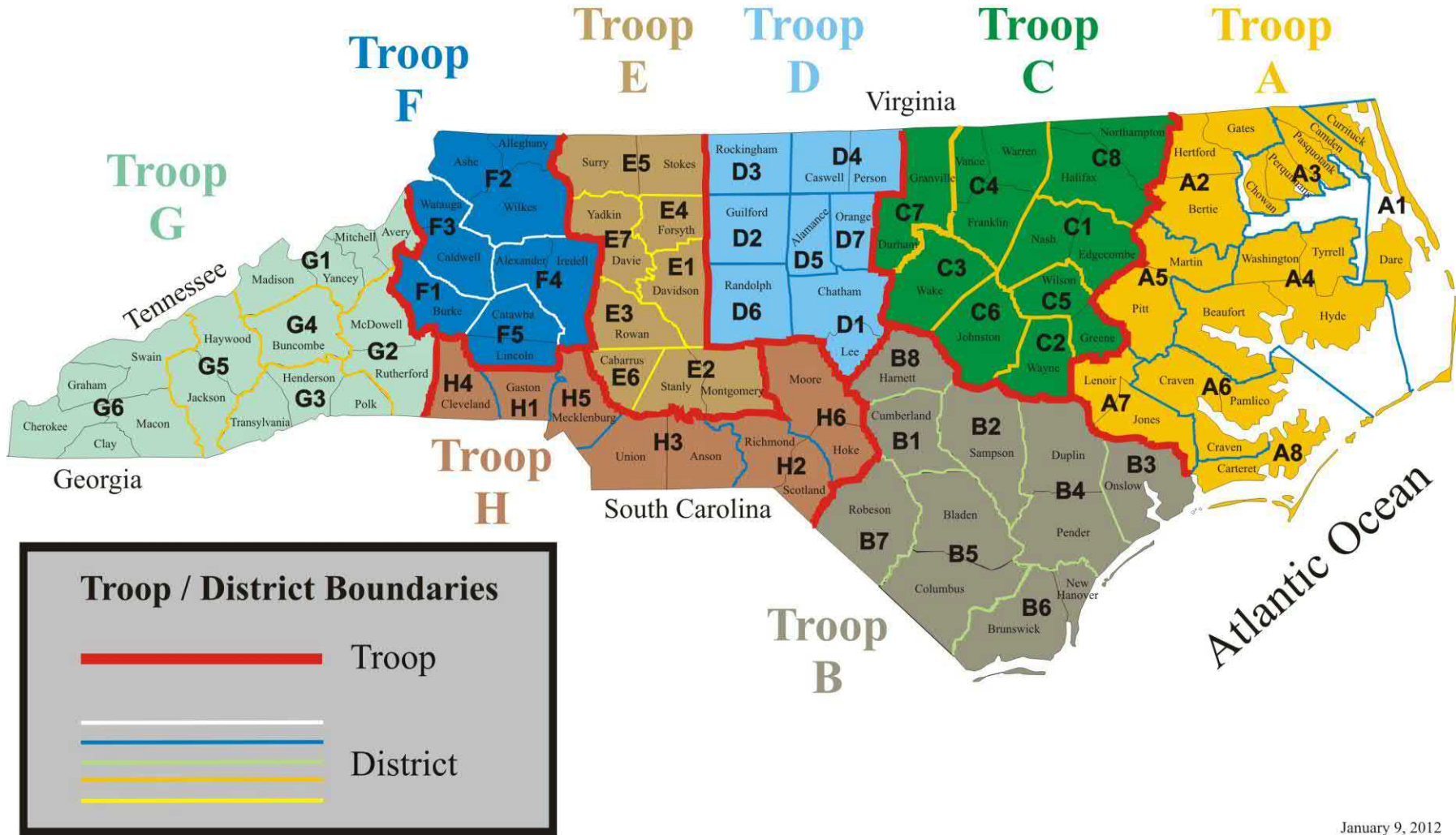
Troop H – Monroe		
H/I	Gastonia	Gaston County
H/II	Rockingham	Richmond and Scotland Counties
H/III	Monroe	Union and Anson Counties
H/IV	Shelby	Cleveland County
H/V	Charlotte	Mecklenburg County
H/VI	Aberdeen	Moore and Hoke Counties
H/IX		<u>CVE Troop H</u>

Troop I – Cary		
I/1	Winston-Salem	Criminal Interdiction Unit / Canine Training
I/II	Cary	Motor Unit
I/III	Cary	Collision Reconstruction Unit
I/IV	Raleigh	Aviation Unit
I/V	Cary	Hazardous Materials / Nuclear Safety Unit

V. ORGANIZATION REQUIREMENTS

All employees of the State Highway Patrol, to include volunteers, shall be issued an official agency photo identification card. Issued identification cards will indicate if the employee is a Member, Civilian Employee, Volunteer, or Chaplain. Employees, while on duty, shall wear and/or have in their possessions their issued IDs in accordance with this policy or the appropriate Standard Operating Procedures, and must be able to produce their IDs upon request. Members shall have in their possessions while off duty, and carrying an approved concealed weapon, their issued Highway Patrol credentials (Photo ID card and Badge).

North Carolina State Highway Patrol Troop and District Boundaries



January 9, 2012

I. POLICY

Ranking officers of the North Carolina State Highway Patrol on State, troop, and district levels shall assign a member of their respective units to serve as Officer of the Day (OD) during all non-office hours.

II. STATE DUTY OFFICER OF THE DAY

In the absence of the Patrol Commander, the Patrol's Deputy Commander shall act as Commander of the State Highway Patrol. In the absence of the Patrol Commander and Deputy Commander, the assigned State Officer of the Day (OD) shall act as Commander of the State Highway Patrol and shall have the full authority and responsibility of the Commander's Office including commitment of Patrol resources. Until relieved by higher authority, the Officer of the Day on any level shall direct, supervise, and be responsible for Patrol operations to the extent practicable and feasible, commensurate with law and policy.

The State OD shall relay pertinent information to proper authorities on the Department level at the earliest practical time. If the incident is one, which might require the deployment of personnel or equipment from other divisions or agencies of government, the State OD should notify the Secretary of the Department of Public Safety or his/her designee immediately!

The State OD will be assigned responsibilities for an entire week beginning on Monday at 8:00 a.m. and ending the following Monday at 8:00 a.m. The Secretary and all Patrol Communications Centers will be supplied a schedule of State OD assignments.

The State OD will be responsible to ensure that all members have been notified of any incident which involves the death of an active member. The State OD shall also be responsible to ensure that the Secretary of the Department of Public Safety, the Commander's Office, and all Section Directors have been notified of any major incident which requires the deployment of patrol personnel, or significant news worthy occurrence.

III. AUTHORITY AND RESPONSIBILITY OF OFFICERS OF THE DAY

Troop and District ODs will serve for periods designated by the ranking officer in each unit. The schedules for Officer of the Day assignments will be furnished to the appropriate Communications Center each week and a copy will be filed at the appropriate troop headquarters. Officers of the Day shall keep themselves available for immediate contact either by telephone, radio, or pager.

During non-office hours, Officers of the Day on troop and district levels shall report all pertinent information concerning an emergency or unusual incident to the Officer of the Day on the next higher level at the earliest practical time.

When it is not possible or necessary for the highest ranking notified Officer of the Day to proceed to the scene of an emergency or other unusual incident, he/she shall, if practicable, designate a subordinate commissioned or noncommissioned officer to proceed to the scene, direct operations, and make timely progress reports to him/her. This action shall in no way relieve the highest ranking Officer of the Day of making command decisions commensurate with need; however, the designated commissioned or noncommissioned officer on the scene shall have the authority and responsibility of directing Highway Patrol operations as emergency developments require without consulting with the highest ranking Officer of the Day, if time and logic dictate immediate action.

When it is not possible or necessary for the State OD or Troop OD to proceed to the scene of an emergency or unusual incident, he/she shall ensure that he/she is at a facility where he/she can effectively direct operations; if practicable, he/she may proceed to the nearest Patrol Communications Center to direct operations.

When the location of an emergency situation moves from one district to another or from one troop to another, the affected District and/or Troop OD in whose area the incident begins shall maintain direction and control of Patrol operations until specifically relieved by the Officer of the Day in the district or troop to which the emergency situation has moved. The Officer of the Day in whose area the emergency situation arrives shall immediately assume command, but may request and receive the assistance of the Officer of the Day from whose area the emergency situation just moved.

If the Officer of the Day on any level is not the ranking officer and an incident is one of sufficient magnitude, the Officer of the Day shall inform or have the ranking officer informed of all pertinent facts immediately.

Officers of the Day may release arrest, investigation, and personnel information to the news media only in strict compliance with Patrol directive. All Officers of the Day shall make every effort to make public as early as possible all information affecting the safety of the general public. Requests for additional information are to be directed to the State OD. The State OD shall consult with the appropriate Department of Public Safety official prior to releasing further information.

To ensure uniformity and to determine if a felony drug or currency seizure case warrants Federal adoption, it shall be the responsibility of the affected Section Director, Troop/Unit Commander responsible for the area of a felony drug or currency seizure, to contact the Criminal Interdiction Team Officer of the Day (CIT OD) after being notified by a member under his/her command of the seizure prior to making any decision to seek adoption of the case for either criminal prosecution or civil forfeiture. The CIT OD shall be responsible for notifying the

State OD in all cases where drugs or currency has been seized, by e-mail when appropriate.

I. POLICY (CALEA 16.1.2)

This policy establishes guidelines related to the manpower allocation procedure.

The Office of Traffic Safety of the National Highway Traffic Safety Administration, United States Department of Transportation contracted with The Traffic Institute of Northwestern University to develop a method of allocating manpower for State law enforcement agencies. The resulting product, the Police Allocation Manual (PAM), was an innovative manpower allocation procedure that determines the number of required staff based on an analysis of workload in terms of the amount of time required to complete various tasks.

The North Carolina State Highway Patrol has adopted the basic concept of the PAM as the primary method of projecting manpower and staffing level requirements. Although the entire process is rather complex, the basic formula in the PAM model is used to derive the average daily number of on-duty members. Highway Patrol manpower needs are computed by an automatic process of data collection and analysis. This automated process is referred to as the PATROL AUTOMATED MANPOWER ALLOCATION (PAMA).

Data elements used in the PAMA formula are captured from the State Highway Patrols Computer Assisted Dispatch (CAD) system and Information Management System (IMS). Setting performance objectives, which are basically policy decisions, is a required factor in the formula.

II. PAMA METHODOLOGY

Time Based Model (CALEA 16.1.2)

- The procedures that are used in the PAMA model to determine the total staff requirements for the delivery of statewide Patrol traffic services are based on an analysis of workload requirements and performance objectives, measured in time, and associated with major field activities. The PAMA divides all Trooper activities into four time components:
 - Reactive Time (Calls for service)
 - Proactive Time (Self initiated activities)
 - Proactive Time (Patrol on uncommitted time)
 - Administrative Time

III. AUTONOMOUS PATROL AREAS (APA) (CALEA 16.1.2)

The PAMA model procedures are designed to determine total staffing requirements for APA. For the purpose of manpower allocation, the State Highway Patrol defines an autonomous Patrol area as a single county. APA's are geographical areas, which exhibit the following characteristics:

- Virtually all of the calls for services (CFS) that originate in the area are managed and handled by Troopers assigned to the area.
- Troopers assigned to the area are rarely assigned to CFS outside of the area.
- Although Troopers may be assigned to specific geographic subdivisions within the area for patrolling purposes, a Trooper may be dispatched, if required, to a CFS anywhere within the area.

The ability to tailor the PAMA procedures to reflect the particular data collection practices of the Highway Patrol is a strength of the model. Rather than requiring the Patrol to redefine existing data collection procedures to "fit" the model, it is possible to tailor the PAMA model to accommodate changing methods of Highway Patrol data collection.

Traffic patterns and volumes vary seasonally with additional industry, vacation regions, etc. Furthermore, the shifting of personnel from one duty station to another is required on occasion to maintain a standard of professionalism within the ranks of the Patrol and nothing in this policy shall prohibit the Commander's Office from exercising its powers when deemed appropriate. **(CALEA 16.1.2)**

Highway Patrol Jurisdiction on Federal Property: National Parks, Forests, Roadways, and Reservations

Applicable to: Members
CALEA Chapter 2

Directive C.04

Revised 9/28/2011
Effective 5/1994

I. POLICY

This policy sets forth State Highway Patrol jurisdiction on federal property. This includes federal parks, national forests, The Blue Ridge Parkway, national seashores, and certain other federally owned or controlled properties. Members shall enforce all laws of the State of North Carolina in accordance with the guidelines set forth in Concurrent and Exclusive Jurisdictions.

II. NATIONAL FORESTS (CALEA 2.1.2)

Concurrent Jurisdiction – The Jurisdiction is concurrent. 16 U.S.C. 480.

Highways and Public Vehicular Areas

- State maintained roads within a national forest are highways within the meaning of N.C.G.S. § 20-4.01(13).
- Forest development roads, driveways, and parking lots, built and maintained by federal authorities are public vehicular areas pursuant to N.C.G.S. § 20-4.01(32).
- Trails or private roads should be treated as private property.

National Forests

- Croatan National Forest
- Uwharrie National Forest
- Pisgah National Forest
- Nantahala National Forest

III. GREAT SMOKY MOUNTAINS NATIONAL PARK (CALEA 2.1.2)

Concurrent Jurisdiction – The jurisdiction in the Great Smoky Mountains National Park is concurrent. (See 27 July 1984 agreement between U.S. Department of Interior and the State of North Carolina.)

Streets and Public Vehicular Areas

- State-maintained highways and interstates are highways within the meaning of N.C.G.S. § 20-4.01(13).

- Federally maintained roads, parking lots, and driveways are public vehicular areas within the meaning of N.C.G.S. § 20-4.01(32).
- Trails or private roads are treated as private property.

IV. BLUE RIDGE PARKWAY (CALEA 2.1.2)

Concurrent Jurisdiction – The Jurisdiction is concurrent. (See 27 July 1984 agreement between U.S. Department of Interior and the State of North Carolina.)

The Parkway is a federally maintained facility and is a public vehicular area within the meaning of N.C.G.S. § 20-4.01(32) and not a street or highway.

V. NATIONAL SEASHORE (CALEA 2.1.2)

Concurrent Jurisdiction – The jurisdiction is concurrent. (See 27 July 1984 agreement between U.S. Department of Interior and the State of North Carolina.)

Streets and Public Vehicular Areas

- State-maintained highways are considered highways within the meaning of N.C.G.S. § 20-4.01(13).
- Federally maintained roads, parking lots, and driveways are public vehicular areas within the meaning of N.C.G.S. § 20-4.01(32).
- Trails and private roads are considered private property.
- Beach area open to vehicular traffic is considered a public vehicular area within the meaning of N.C.G.S. § 20-4.01(32).

National Seashores

- Cape Hatteras National Seashore
- Cape Lookout National Seashore

VI. CHEROKEE INDIAN RESERVATION (CALEA 2.1.2)

Motor Vehicle Law Violations

- Cherokee Indians
 - All members of the Patrol have been granted authority to enforce the following Chapter 20 violations against Cherokee Indians:
 - N.C.G.S. § 20-4.1-4.12 (Reciprocity as to registration and licensing)

- N.C.G.S. § 20-28, 20-28.2, 20-29 (DWLR, DWI forfeiture, surrender of license)
- N.C.G.S. § 20-71 (Forging Title and Registration Card)
- N.C.G.S. § 20-114.1 (Failure to Obey LEO)
- N.C.G.S. § 20-138.1 through 20-171 (Rules of Road)
- N.C.G.S. § 20-216 through 20-218.2 (Miscellaneous Provisions)
- The Eastern Band of Cherokee Indians are issued identification cards. Such Cherokee Indians must be cited to Cherokee Court for violations of the Motor Vehicle Code. The citation should be modified to strike "State of North Carolina" and substitute "Eastern Band of Cherokee Indians."
- Non-Native Americans and Non-Cherokee Indians
 - All members have the authority to cite to federal or State courts non-Indians and non-Cherokee Indians violating the provisions of the Motor Vehicle Code for either misdemeanors or infractions adopted by the Tribe, on the Reservation.

Other Crimes

- A non-Native American or non-Cherokee Indian who commits a crime against another Native American (Cherokee or non-Cherokee) must be processed through a federal court. *Williams v. United States*, 327 U.S. 711 (1946). Members who witness such an offense being committed in their presence should detain the offender until an appropriate tribal or federal law enforcement official arrives.
- Any Native American (Cherokee or non-Cherokee) who commits any of the following crimes must be processed in federal court:
 - Murder
 - Manslaughter
 - Kidnapping
 - Maiming
 - Felonious Sexual Abuse
 - Incest
 - Assault with Intent to Commit Murder

- Assault with a Dangerous Weapon
- Assault Resulting in Serious Bodily Injury
- Arson
- Burglary
- Robbery
- Larceny of Property in Excess of \$1000 value (18 U.S.C 661; 1153; 2241)
- Any Native American (Cherokee or non-Cherokee) who commits a misdemeanor assault on a law enforcement officer is taken before the tribal court.
- Any non-Native American who commits a misdemeanor or felony under State law and the crime is not against a Native American (Cherokee or non-Cherokee) may be arrested for violating State law and processed in State court by any member of the Highway Patrol.

Highways and Public Vehicular Areas

- State maintained roads built on or running through the Reservation are highways within the meaning of N.C.G.S. § 204.01(13).
- Roads, driveways, and parking lots maintained by the Bureau of Indian Affairs (BIA) or the Cherokee Indian Tribe are public vehicular areas pursuant to N.C.G.S. § 204.01(32).

Accident Investigations

- Members are authorized to investigate all motor vehicle collisions and file the required reports for accidents occurring on State and BIA or Tribe roads on any part of the Reservation.

VII. OTHER FEDERAL PROPERTY (CALEA 2.1.2)

Except as set forth in this directive, State highways running through federal reservations remain subject to State Highway Patrol jurisdiction, as does any State highway. Federal authorities may have concurrent jurisdiction

Roadways, streets, driveways, and parking lots on property owned, occupied, or controlled by the federal government over which the State exercises concurrent jurisdiction are public vehicular areas.

The State possesses no authority over areas under exclusive federal jurisdiction. Such areas exist within military bases or other federal reservations.

Members may obtain information concerning these areas from their troop or district offices.

Concurrent jurisdiction exists over the following federal properties based upon the 27 July 1984 agreement between the U.S. Department of Interior and the State of North Carolina:

- Carl Sandburg Home National Historic Site (Henderson County)
- Fort Raleigh National Historic Site (Dare County)
- Guilford Courthouse National Military Park (Guilford County)
- Moores Creek National Military Park (Pender County)
- Wright Brothers National Monument (Dare County)

Concurrent jurisdiction also exists over the following federal properties:

- Radio Island (Carteret County)
- B. Everett Jordan Lake (Wake and Chatham Counties)
- W. Kerr Scott Dam and Reservoir (Wilkes County)

Concurrent jurisdiction exists over the following properties:

- National Wildlife Refuges:
 - Alligator River
 - Cedar Island
 - Currituck
 - Great Dismal Swamp
 - MacKay Island
 - Mattamuskeet
 - Pea Island
 - Pee Dee
 - Pocosin Lakes
 - Roanoke River

- Swanquarter
- National Fish Hatcheries:
 - Edenton
 - McKinney Lake

I. POLICY

This policy sets forth guidelines to ensure uniformity in the development, revision, and issuance of written Highway Patrol policy.

- All employees are charged with the responsibility of being familiar with and abiding by the provisions of the written policies.
- The written policy of the Patrol shall include:
 - **Policy and Procedures** consisting of written directives
 - **Forms** consisting of Patrol and other agencies' forms, reports, and instructions
 - **Memorandums** issued by the Commander's Office
 - **Standard Operating Procedures (SOP)** issued with the approval of the Commander's Office
 - **Promotional System Process Guide** issued with the approval of the Director of Professional Standards after consulting with the Commander's Office

II. FUNCTION AND PREPARATION OF WRITTEN POLICY / FORMS

Written policy governing the Patrol in its internal and external affairs shall be issued only by the Commander's Office subject to the approval of the Secretary of the Department of Public Safety. The Commander's Office shall have the authority to issue, modify, and approve written directives.

- Policy and Procedures
 - **Rules and Regulations:** Certain written policies contained within the Policy and Procedures System must be adopted as rules pursuant to the North Carolina Administrative Procedure Act of the North Carolina Administrative Code. The rules and regulations can be found in the Policies and Procedures System in the form of written directives, which have been merged with certain rules from Subchapter 9 of the North Carolina Administrative Code and previously adopted. Modification of the contents of any paragraph in these subchapters will be indicated underlining the new or revised material.
- **Written Directives:** Each written directive will be identified by a letter and an Arabic number.

- **Effective Date:** The date the policy is first issued. This date shall be considered the effective date of the rule, regulation, or written directive unless otherwise directed in writing by the Commander's Office. This date shall be placed on the front page in the upper right hand corner below the revision date.
- **Revision Date:** This date shall be placed on the front page in the upper right hand corner of the revised policy. This date shall be considered the effective date of the revision of the rule, regulation, or written directive. All portions of the policy which have been changed shall be underlined in order to identify the revised segments of any policy.
- **Forms**
 - Forms are located and updated to the Patrol's intranet site / ePolicy system where each form and applicable instructions document can be downloaded by Patrol employees for completion. All forms shall be typed or completed using black ink; however, black or blue ink may be used for signatures. Each form and instructions document shall have a number assigned by the Compliance Manager to be printed in the upper left corner of the form. The words "New" or "Rev." preceding the date (mm/yyyy) of approval shall fall immediately below the form number. The issuance or revision date shall be considered the effective date of the form.
 - The Compliance Manager may request to create a committee consisting of Process Owners to modify and/or improve a selected form. The committee shall make recommendations concerning the revision of a form to the Compliance Manager. The Compliance Manager shall be responsible for providing information concerning the progress of a form to the Commander's Office for final approval.
 - When it is determined that the creation of a new form is needed or an existing form needs to be deleted, the Compliance Manager shall be notified to start the appropriate process.

Review of Policy by Process Owner

- At least once every three (3) years, the Compliance Manager shall identify and task the Process Owner of Highway Patrol Directives to thoroughly review assigned directive(s) to ensure they accurately reflect operational procedures currently being used by the Patrol. Once the directive(s) have been reviewed by the Process Owner, all recommendations shall be forwarded to the Compliance Manager in the Professional Standards Section for review, and possible implementation upon approval of the Commander's Office.

New or Revised Written Policy / Forms

- All Section Directors, Troop/Unit Commanders shall forward, through the chain-of-command, any needed policy/form changes or recommendations affecting their sections or the agency, to the Compliance Manager as appropriate. Any employee discovering material that is no longer current or has a discrepancy is encouraged to report such information via chain-of-command to the appropriate Compliance Manager in the Professional Standards Section for all issues concerning policy or forms. The employee should make recommendations for changes or additions to the form, the form instructions, and/or any affected policy.
- Proposed changes of written policy or forms must be made in writing and directed to the appropriate manager. The Compliance Manager will evaluate the proposal(s) in consultation with the Director of Professional Standards or his/her designee and determine the appropriate course of action, which may include the member(s) making the request for the change(s) to provide all documentation that will support the proposed change(s). Additionally, the appropriate Section Director or designee must be prepared to discuss any proposed change(s) to policy or forms during scheduled senior staff meetings.
- When it is determined that a new or revised written policy/form is needed, the Professional Standards Section may:
 - Task the process owners with the responsibility of assisting with the research and development of a revision or draft policy/form.
 - Revise or draft policy and forms shall be returned to the Professional Standards Section for review, editing, and/or formatting.
 - Ensure that proposed revisions or additions are reviewed by the Commander's Office and others deemed appropriate. Recommendations for changes in the new or revised policy/form may be made during the review process. The Commander's Office shall determine what recommendations, if any are to be included. The draft should be returned the Professional Standards Section for preparation of the change(s) in policy/form.
 - Prepare the policy change in final form and submit to the Commander's Office for signature.
 - Ensure documentation is posted to the Highway Patrol ePolicy System.
- When a change of policy must be made without delay, the Commander's Office shall issue a memorandum changing the policy immediately. Each employee shall follow such memorandum even when it conflicts with existing policies. The memorandum will remain in effect until the Commander's Office revokes it or the appropriate policy is changed in accordance with this

directive. Patrol policies changed by memorandum shall also be recorded in the ePolicy System.

- The Professional Standards Section is responsible for the indexing, distribution, and/or purging of all written policies.

III. DISTRIBUTION OF WRITTEN POLICY

Each employee of the Highway Patrol and designated employees of the Department of Public Safety shall have access to the ePolicy System. Employees are responsible for the maintenance of currently posted directives.

If available, electronic copies of forms will be maintained on the Intranet.

Each employee shall be required to acknowledge that he/she has received and read his/her revised policy by electronic acceptance via the ePolicy System. Each ranking supervisor shall ensure policy acceptance by all employees via the ePolicy reporting function.

Each employee shall be required to sign for, and acknowledge receipt of the policy with the understanding that they are accepting responsibility for reviewing the content within the policy.

Supervisors will utilize the ePolicy reporting function during periodic inspections to ensure that each employee's policies are kept up to date and properly signed.

IV. OTHER CORRESPONDENCE

In order to facilitate effective, efficient communication and inform employees of specific correspondence related to legal briefs, training issues, Legislative Law Changes, or other pertinent information, the following forms of communications may be utilized: CAD, E-Mail, Mobile Data Computer (MDC), memorandum, Intranet, ePolicy System, etc.

The aforementioned forms of communications are designed to enhance employee's knowledge, skills, and abilities necessary to perform their jobs. These will supplement other types of formal training and may relate to more than one section/unit within the Highway Patrol.

Special Orders

Applicable to: Employees
CALEA Chapter 12

Directive D.02

Revised 9/29/2011
Effective 5/1994

I. POLICY

This policy establishes a guideline for the development and issuance of *Special Orders*. Highway Patrol *Special Orders* shall be issued as directed by the Commander's Office and shall pertain only to administrative matters affecting one or more employees or individuals named in the *Special Order*. It serves as direction and authority for affected employees to carry out the action called for in the order.

II. FUNCTION, FORMAT, AND DISTRIBUTION (CALEA 12.1.4)

The first *Special Order* published in each year shall be designated *Special Order* No. 1, and all succeeding *Special Orders* for the year shall be numbered consecutively. All *Special Orders* will be dated and shall be signed by the Commander's Office or his/her designee.

Special Orders will include, but are not limited to, the following personnel actions: Deaths, Retirements, Resignations, Dismissals, Promotions, Transfers, Call Number Changes, Military Leave, Leave of Absence, or Assignments of New Personnel.

Special Orders shall be posted and available on the Intranet.

Copies may be forwarded to affected State agencies per request.

First Sergeants shall forward a copy to retired employees living in their districts.

Records Accountability: Personnel, Reproduction, and Registered Symbols

Applicable to: Employees

Directive D.03

Revised 10/2014

Effective 11/10/2004

I. POLICY

This policy sets forth procedures and accountability for records, records reproduction, personnel records and the utilization of the Patrol's registered identification symbols. The use of such symbols by other persons, firms, or corporations requires **prior** written permission of the Commander's Office.

II. RECORDS REPRODUCTION

It shall be the policy of the Highway Patrol to make copies of Traffic Crash Reports (DMV-349) available for inspection as required by G.S. 20-166.1.

It shall be the policy of the Highway Patrol to reproduce and provide copies of Driving While Impaired Report (HP-327) prior to the criminal trial only with the consent of the District Attorney. The First Sergeant shall consult and comply with the policy of the District Attorney.

It shall be the policy of the Highway Patrol to reproduce and provide copies of patrol citations, summons, warrants, or other documents relating to an infraction or criminal investigation, which are on file in the office of the Clerk of Superior Court. Copies of other documents, including chemical analysis forms relating to a criminal investigation, shall not be provided to non-law enforcement personnel without the consent of the District Attorney unless the criminal charges have been adjudicated. Copies shall not be made of any document relating to juvenile proceedings.

Copies shall not be made of materials relating to personnel of the Highway Patrol, including Post Chase and Use of Force reports, except for official authorized internal use.

Requests for copies of policies and/or forms should be forwarded to the Office of Professional Standards.

Copies of driving records or other information generated from the Division of Motor Vehicles (DMV) computer or Division of Criminal Information (DCI) computer may only be provided to other federal, state, or local law enforcement agencies in accordance with DMV or DCI regulations.

Questions about which documents may be copied shall be referred via chain-of-command to Field Operations.

Refer to Directive I.06 (Juvenile Offender Procedures) for any questions relating to juvenile records.

III. PROCEDURES FOR REPRODUCING RECORDS

Any person may request a copy of a document from a district office, which has the requested document on file.

If authorized, the district secretary or district supervisory personnel shall provide a copy of the requested record as soon as possible without disruption of other office duties. Request for any record after regular working hours shall be directed to the District Supervisor on-duty or on-call.

No fee shall be collected for copies of paper reports.

All investigative reports and materials associated with pending criminal or infraction cases (such as HP-327, etc.) are NOT public records and cannot be released without the written permission of the District Attorney. With the permission of the District Attorney, the following fees are applicable:

- No charge for copying paper reports
- Actual cost of processing for photographs

If the District Attorney will not pursue criminal or infraction cases or if the cases are closed, investigatory notes and materials are public records and must be reproduced.

IV. ACCOUNTABILITY FOR FUNDS COLLECTED

The First Sergeant shall be responsible for the proper handling of any funds received in his/her respective district and shall assure that:

- Funds are submitted to the Director of Support Services within five (5) business days from receipt
- The funds are submitted to the Support Services Section, Archdale Building, Raleigh, NC 27699-4231 or Courier Box: 52-01-30
- All checks and/or money orders are to be made payable to the Department of Public Safety
- The collection of cash as payment for any reason is strictly prohibited
- If any funds are received, a memorandum directed to the Director of Support Services shall be attached containing what the funds were collected for, the amount of funds received and a photocopy of the check(s)/ or money order(s). The Director of Support Services shall be responsible for forwarding all funds received, along with a memorandum summarizing the receipts, to the Controllers Office.

V. CRASH REPORT COPIES

Traffic crash reports are made available to the public by accessing the Highway Patrol's website.

Nothing in this regulation shall prohibit members from using crash reports to release authorized information to the news media.

VI. AUTHORIZED COPYING, USE OR SALE OF PATROL SYMBOLS

Trademark registered identification symbols include, but are not limited to, the name of the Highway Patrol, the badge, the shoulder patch, the door seal on Patrol vehicles, the hat badge, and all other Patrol-specific symbols which identify the North Carolina Highway Patrol.

Employees, both active and retired, may use the Patrol symbols for business cards when there is no personal message of any kind printed or hand-written on the card. Only the name, address, telephone, facsimile and pager numbers, and e-mail address may be placed on the card. It is permissible to write in an additional address, telephone, facsimile and pager number, e-mail address, or directions. Drive safely, have a nice day, or other personal messages shall never be printed or written on the card.

All other use, or sale, of registered identification symbols requires prior written permission of the Commander's Office.

VII. UNAUTHORIZED COPYING OR USE OF PATROL SYMBOLS

Unauthorized copying or use of Patrol symbols is a violation of law and Patrol Policy and shall be dealt with according to Patrol policy.

VIII. PERSONNEL RECORDS

Location of Personnel Records of Patrol Employees

Personnel record files for each full-time employee of the Highway Patrol shall be maintained as follows:

- A master personnel file for all NCSHP employees shall be maintained in the Department's Human Resources Office in Raleigh by the Director of Human Resources under the personal supervision of the Secretary of the Department of Public Safety
- Agency level personnel files shall be maintained at each troop/district/ section for each employee assigned to that location according to the State Highway Patrol Filing Guide

IX. RULES GOVERNING THE PRIVACY OF PERSONNEL FILES

Access to all State Highway Patrol personnel files shall be governed by:

N.C.G.S. § 126-22: Personnel files not subject to inspection under N.C.G.S. § 132.6. Personnel files of State employees, former State employees, or applicants for State employment shall not be subject to inspection and examination as authorized by N.C.G.S. § 132.6. For purposes of this Article, a personnel file consists of any information gathered by the department, division, bureau, commission, council, or other agency subject to Article 7 of this Chapter which employs an individual, previously employed an individual, or considered an individual's application for employment, or by the office of State Personnel, and which information relates to the individual's application, selection or non-selection, promotions, demotions, transfers, leave, salary, suspension, performance evaluation forms, disciplinary actions, and termination of employment wherever located and in whatever form. Personnel files of former State employees who have been separated from State employment for 10 or more years may be open to inspection and examined except for papers and documents relating to demotion and to disciplinary actions resulting in the dismissal of the employee.

N.C.G.S. § 126-23. Certain records to be kept by State agencies open to inspection

- Each department, agency, institution, commission and bureau of the State shall maintain a record of each of its employees, showing the following information with respect to each such employee:
 - Name.
 - Age.
 - Date of original employment or appointment to State service.
 - The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
 - Current position.
 - Title.
 - Current salary.
 - Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau.
 - Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau.
 - Date and general description of the reasons for each promotion with that department, agency, institution, commission, or bureau.
 - Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the department, agency, institution, commission, or bureau. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal.

- The office or station to which the employee is currently assigned.
- For the purposes of this section, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.
- Subject only to rules and regulations for the safekeeping of the records, adopted by the State Personnel Commission, every person having custody of such records shall permit them to be inspected and examined and copies thereof made by any person during regular business hours. Any person who is denied access to any such record for the purpose of inspecting, examining or copying the same shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief.

N.C.G.S. § 126-24: Confidential information in personnel files; access to such information. All other information contained in a personnel file is confidential and shall not be open for inspection and examination except to the following persons.

- The employee, applicant for employment, former employee, or his/her properly authorized agent, who may examine his/her own personnel file in its entirety except for (i) letters of reference solicited prior to employment, or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee.
- The supervisor of the employee;
- Members of the General Assembly who may inspect and examine personnel records under the authority of N.C.G.S. § 120-19;
- A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file; and
- An official of an agency of the federal government, State government or any political subdivision thereof. Such an official may inspect any personnel records when such inspection is deemed by the department head of the employee whose record is to be inspected or, in the case of an applicant for employment or a former employee by the department head of the agency in which the record is maintained as necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation."

Notwithstanding any other provision of this Chapter, any department head may, in his/her discretion, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or non-employment of an applicant, employee or former employee employed by or assigned to his/her department or whose personnel file is

maintained in his/her department and the reasons thereof and may allow the personnel file of such person or any portion thereof to be inspected and examined by any person or corporation when such department head shall determine that the release of such information or the inspection and examination of such file or portion thereof is essential to maintaining the integrity of such department or to maintaining the level or quality of services provided by such department; provided that prior to releasing such information or making such file or portion thereof available as provided herein, such department head shall prepare a memorandum setting forth the circumstances which the department head deems to require such disclosure and the information to be disclosed. The memorandum shall be retained in the files of said department head and shall be a public record.

N.C.G.S. § 126-25: Remedies of employee objecting to material in file. Any employee, former employee, or applicant for employment who objects to material in his/her file may place in his/her file a statement relating to the material he/she considers to be inaccurate or misleading. An employee, former employee or applicant for employment who objects to material in his/her file because he/she considers it inaccurate or misleading may seek the removal of such material from his/her file in accordance with the grievance procedure of that department, including appeal to the State Personnel Commission. When a department, division, bureau, commission, or other agency agrees or is ordered by the State Personnel Commission or by the General Court of Justice of this State to remove inaccurate or misleading material from an employee's file, which information was placed in the file by the supervisor or other agent of management, it shall destroy the original and all copies of the material removed and may not retain any inaccurate or misleading information derived from the material removed.

N.C.G.S. § 126-27: Penalty for permitting access to confidential file by unauthorized person. Any public official or employee who shall knowingly and willfully permit any person to have access to or custody or possession of any portion of a personnel file designated as confidential by this Article, unless such person is one specifically authorized by N.C.G.S. § 126-24 to have access thereto for inspection and examination, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

N.C.G.S. § 126-28: Penalty for examining, copying, etc., confidential file without authority. Any person, not specifically authorized by N.C.G.S. § 126-24 to have access to personnel files designated as confidential by this Article, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court, but not in excess of five hundred dollars (\$500.00).

N.C.G.S. § 126-29: Access to material in file for agency hearing. A party to a quasi-judicial hearing of a State agency subject to Article 7 of this Chapter, or a State agency subject to Article 7 of this Chapter which is conducting a quasi-judicial hearing may have access to relevant material in personnel files and

may introduce copies of such material or information based on such material as evidence in the hearing either upon consent of the employee, former employee, or applicant for employment or upon subpoena properly issued by the agency either upon request of a party or on its own motion. Nothing in this Article shall impose liability on any agent or officer of the State for compliance with this provision, notwithstanding any other provision of this Article.

Employee Benefits

Applicable to: Employees

Directive E.01

Revised 12/03/2021

Effective 10/1/1999

I. POLICY

This policy sets forth procedures for employee benefits afforded to Patrol employees.

II. GENERAL

Member benefits (some optional and some compulsory) shall include Social Security, Workers' Compensation, health and other group insurance programs, Separate Insurance Benefit Fund, Special Death Benefits for Law Enforcement Officers (State and Federal), Special Separation Allowance for Law Enforcement Officers, Supplemental Retirement Income Plans (401(K) and 457b), the State's Disability Salary Continuation Plan, and other Retirement System benefits for law enforcement officers.

Nothing in this directive is intended to expand, in any way, the statutory liability of the State and/or the Department of Public Safety, but is intended only as an explanation of available benefits and required procedures. If the member needs information, which cannot be supplied at the field level, he/she may consult with the Benefits Unit. Benefit forms and the Workers' Compensation Physician list may be located and obtained on the DPS Website at the following link: <http://www2.ncdps.gov/Index2.cfm?a=000002,002675> .

The Benefits Unit shall be responsible for notifying the affected Section Director/Troop Commander concerning any member benefit matter coming to his/her attention which might have a bearing upon supervisory decisions.

III. EMPLOYEE JOB-RELATED INJURY / ILLNESS

Employee Responsibility

- When an employee suffers an on duty compensable injury, the member or the employee's representative shall immediately contact the immediate supervisor to report the injury. The employee or the employee's representative shall immediately or as soon thereafter as possible, provide the supervisor with a written statement describing the injury and how it occurred on the Employee's Initial Report of Injury / Illness (DPS-WC-EE).
- If the injury is obviously minor in nature and no medical attention is necessary, the supervisor shall have the employee resume regular duties. Should the employee and supervisor disagree on the need for medical attention as a result of the compensable injury, the employee shall report to an assigned physician immediately.

- If a compensable injury occurs which requires immediate medical treatment during physician office hours, the employee shall request the supervisor to assign an approved physician on the list at www.talispoint.com. The username is strata and the password is SONC99. If medically necessary, the employee shall go directly to the nearest emergency room or urgent care facility.
- If the injury occurs after physician office hours and is of a nature that would require examination by a physician but would pose no further harm to the employee if not immediately examined **and the injury will not cause the employee to stop work immediately**, the employee may wait until the following business day to seek treatment from an assigned authorized physician.
- When an employee is injured and disability is not apparent at the time of the injury but develops later, the employee must contact his/her immediate supervisor for assignment of a CCMSI physician before non-emergency treatment located at the following link www.talispoint.com. The username is strata and the password is SONC99. Further, the attending physician's statement will be required certifying that the employee's disability is justified. Such certification shall be provided by the employee to the immediate supervisor who will forward without delay to the Benefits Unit.
- In all cases where a physician is utilized, the employee shall provide the supervisor with a copy of the physician's statement specifying if a disability exists. If the physician's statement indicates a non-disabling injury, the employee shall be required to return to duty immediately. If disability is indicated, the employee shall provide a statement from the attending physician containing the description of such disability, the anticipated assignment, and any pertinent restrictions. The employee shall not return to duty prior to notification from the Benefits Unit via the chain-of-command for clearance to return to limited/full duty status.
- When an employee has been made aware by a treating physician that the employee is capable of performing limited/full duty, the employee shall immediately advise the immediate supervisor of same and provide the supervisor a copy of the physician's clearance letter stating date of return to work, limited/full duty status, and restrictions, if any, that may apply.

Each injured employee is personally responsible to assure any change of treatment plans and referrals to physicians other than the initial assignment to a physician by a supervisor are cleared with a CCMSI adjuster.

Supervisor Responsibility

- Upon learning of a compensable injury of an employee, the supervisor shall issue the injured employee a copy of the CCMSI First Fill Letter and the Employee's Initial Report of Injury / Illness (DPS-WC-EE) and the CCMSI Sonic-Initial Medical Treatment Authorization Form.

If applicable, the supervisor shall assign a treating physician/facility, call and advise the physician the injured employee is en-route for treatment, and further advise the physician/facility to mail all statements of charges associated with the injury to the third-party administrator (CCMSI).

- In the event of serious injury, the supervisor shall send the injured employee directly to the nearest emergency room or urgent care facility. (In the case of **severe** injury contact the Benefits Unit immediately and after business hours; the supervisor shall also contact a CCMSI (1-888-596-8771) adjuster to begin coordination of extensive medical treatment needs).
- Any request for change of doctor, referral to a specialist, or Workers Compensation related bills received should be directed to CCMSI.
- The supervisor shall investigate an employee's report of on-the-job injury. The supervisor shall complete an Employer's Accident/Incident Investigation Report (DPS-WC-IR).
- The supervisor shall obtain a detailed statement on the Employee's Initial Report of Injury / Illness (DPS-WC-EE) from the member and statements from any additional witnesses on the Voluntary Statement (HP-326A) or Member's Statement (HP-326B or HP-326B1) describing the injury and how it occurred.
- When a job-related injury/illness requires an employee to be **hospitalized immediately**, it will be the responsibility of the supervisor to obtain a statement from the attending physician relative to the employee's condition and anticipated length of disability.
- Within 24 hours of the injury or the next business day, the immediate supervisor shall forward via e-mail/fax the following supporting documents to the Benefits Unit:
 - Employer's Accident/Incident Investigation Report (DPS-WC-IR)
 - Employee's Initial Report of Injury / Illness (DPS-WC-EE)
 - DMV-349 and insurance information (if applicable)
 - Body Fluid Exposure Form (DPS-187) (if applicable)
 - Physicians statement (if applicable)

- All other available witness statements (HP-326A / HP-326B or HP-326B1)
- The hard copy of all forms associated with this injury shall be maintained in the employee's personnel file located at his/her assigned duty station.
- If the assigned treating physician confirms in writing that a disability exists, the employee is to remain on injury leave until approval to return to duty is confirmed by the Benefits Unit. The HR-205 WC Leave Request shall be completed after the first day of missed work.
- The immediate supervisor shall submit a Worker's Compensation Leave Request Form (WC-LVE-REQ) to the Benefits Unit when an employee misses the first scheduled work day due to an on-duty injury. Should the employee remain on injury leave in excess of 30 calendar days, the Worker's Compensation Leave Request Form (WC-LVE-REQ) shall be submitted to the Benefits Unit on a monthly basis thereafter until the condition changes.
- When an employee is on injury leave, the immediate supervisor shall personally contact the employee once weekly to monitor medical status, needs, and progress. Any suspicion of abuse of leave shall be immediately brought to the attention of the Benefits Unit through established channels. A physical evaluation by the Patrol Medical Director may be required.
- Upon receiving written notice an employee is cleared by the treating physician to return to limited/full duty, the immediate supervisor shall forward a copy of the physician's statement and a request form Return to Work Request/Plan (DPS-RTWP) for the employee to perform limited/full duty immediately to the Benefits Unit. Upon receipt, the Benefits Unit will confer with the NCSHP Medical Director or the designee regarding the request. If no adverse issues exist regarding the employee's return to duty, the Benefits Unit will then forward by e-mail the approval to Field Operations and the appropriate Section or Troop headquarters.

Members Only

- The salary of a member disabled as the result of a heightened risk compensable injury/illness shall continue as long as such disability lasts (if there is no refusal to perform limited duty), not to exceed two years from the date of initial incapacity. A member's injury leave for a heightened risk compensable injury/illness shall not be charged to sick or other leave during the first two (2) years of a member's disability with the exception of designated holidays.
- A member's injury leave for a non-heightened risk compensable injury/illness shall be transferred to CCMSI payroll after the 7th day is missed. A member shall use personal leave for the first 7 days of absence.

- When the member reaches maximum medical improvement, and is found capable of performing the prior job function, the Commander's Office shall return the member to a position comparable to the position held prior to the injury leave.
- In the event the disability is permanent, the member shall contact the Benefits Unit to arrange for continued benefits provided by the Workers' Compensation Act. At that time, information on continued benefits will be discussed. The member's District First Sergeant or immediate supervisor shall assist in this regard.

IV. SPECIAL INCIDENTS

Should a compensable injury include a specific occupational bloodborne pathogen exposure, a Body Fluid Exposure Form (DPS-187) shall be completed and appropriate testing done as soon as possible. The Patrol Medical Director/designee shall be contacted to aid and/or direct the testing procedures. A copy of the Body Fluid Exposure Form (DPS-187) shall be faxed to the Benefits Unit along with the Employee's Accident/Incident Investigation Report (DPS-WC-IR), and the employee's statement on the Employee's Initial Report of Injury / Illness (DPS-WC-EE). If an employee receives a specific occupational bloodborne pathogen exposure and there is no injury, all listed forms except the DPS-WC-IR shall be completed.

V. MANDATORY REQUIREMENTS

The Benefits Unit is responsible for forwarding all applicable forms to CCMSI, immediately upon receipt.

An employee sustaining a compensable job-related injury/illness as a result of the actions of a third party and who subsequently agrees to a settlement with the third party shall notify the Department's Benefits Unit prior to settlement. The Benefits Unit will take appropriate action to assure that the State is reimbursed for all benefits paid on behalf of the employee through Workers' Compensation and Salary Disability Continuation Plan.

Employees disabled from job-related injuries/illness shall, in addition to statutory requirements, be governed by policies and procedures established by the Secretary and the Patrol Commander.

Failure to follow this procedure shall bar the employee from receiving further Workers' Compensation benefits unless in the opinion of the Industrial Commission the circumstances justified the employee's action.

It is unlawful for any person, including physicians, nurses, and hospitals, to accept a fee, gift, or any remuneration for any service in connection with the claim of any person awarded compensation unless such fee or other

consideration has been approved by the Industrial Commission. No employee should pay any such fee unless so approved.

If an employee is injured while on duty, and the injury is not compensable as defined by the Workers' Compensation Act, the cost/utilization of any medical treatment the employee may deem necessary will be the sole responsibility of the injured employee. Further, any leave necessary to secure said medical treatment and/or any leave taken on account of said injury shall be governed by Directive E.04, Section IX (Leave of Absence Without Pay), as it relates to sick leave or leave without pay.

VI. LIMITED DUTY – MEMBERS ONLY

On-Duty Related Injury / Illness

A member on Workers' Compensation leave from a job-related injury/illness who has not reached maximum medical improvement and retains some disability which prevents successful performance in the original position may be required to perform limited duty. Limited duty assignments are assigned duties that fall within the member's scope of employment but do not require the same physical condition of normal duty assignments. In incidents of minor injury/illness or extended recovery periods, the member may request or the supervisor may recommend assignment to limited duty.

Refusal by a member to perform assigned limited duty work will initiate the termination of salary continuation under N.C.G.S. § 143-166.14 and medical payments under Workers' Compensation. N.C.G.S. § 143-166.19, relating to salary continuation states, upon filing of the report, the secretary or other head of the department shall determine the cause of the incapacity and to what extent the claimant may be assigned to other than his normal duties. Any person who refuses to perform any duties, to which he may be properly assigned as a result of the finding of the secretary, other head of department, or the North Carolina Industrial Commission, shall be entitled to no benefits pursuant to this Article as long as the refusal continues.

Off-Duty Related Injury / Illness

A member who suffers an off-duty disabling injury/illness that results in an inability to perform normal duties and for which the member has not reached maximum medical improvement, may request a limited duty assignment through their proper chain of command. The same medical approval for limited duty required for on-duty injury/illness is also required for off-duty injury/illness. The immediate supervisor shall examine for available work that is meaningful, productive, and suitable to the member's capacity; and the advantage of such work to the member and the Patrol when considering the member's request. Limited duty for on-duty injury/illness shall take priority over limited duty for off-duty injury/illness. If there is inadequate meaningful, productive, and advantageous work to support the number of members eligible for limited duty,

members disabled as a result of on-duty injury/illness shall be given the limited duty assignment and all others shall be denied or have their current limited duty terminated. The appropriate Section Director or his/her designee shall have discretion in determining whether limited duty will be granted and the length of any such duty.

When limited duty resulting from an off-duty injury / illness is approved, it shall not last more than 90 calendar days from the approval date. An additional 90 calendar day continuation of limited duty may be approved at the discretion of the Director of Support Services or designee. If an employee is not able to be placed back to full duty status after 180 calendar days, the employee shall use other time (i.e. sick, vacation, bonus, etc.). If the employee exhausts all leave time, the employee shall go on leave without pay as described in Directive E.04.

At the member's request, a pregnant member may perform limited duty the entire term of the pregnancy once the Return to Work Request/Plan (DPS-RTWP) is approved. Refer to E.04 Maternity Leave.

This directive does not create a right to limited duty or a right to continue limited duty. Limited duty may be terminated at any time by the appropriate Section Director, Troop Commander, or higher authority.

Requesting Process and Restrictions

Upon a request to perform limited/full duty from a member or a supervisor, the Return to Work Request/Plan (DPS-RTWP), and a letter from the member's physician authorizing return to limited/full duty shall be faxed to the Benefits Unit by the appropriate Section Director/Troop Commander.

In cases that involve off-duty, non-compensable injuries/illnesses, the supervisor shall ensure the member has signed a release of medical information form at his/her physician's office releasing any and all information relating to the injury/illness to the Patrol Medical Director and the Benefits Unit prior to faxing the request.

Upon receipt of the required faxed information, the Benefits Unit shall seek the recommendation of the Patrol Medical Director.

For On-Duty injury leave only, the Patrol Medical Director, through a consultation with the treating physician or by personal examination, shall recommend the type of limited duty the member is capable of performing. The Patrol may provide work suitable to the member's capacity that is meaningful, productive, and advantageous to the member and the Patrol. This work assignment shall be a temporary assignment and shall not exceed ninety (90) days without approval from the Lieutenant Colonel or designee. Under no circumstances will limited duty be allowed after the member has reached maximum medical improvement. Limited duty may be terminated at any time in the discretion of the Section Director, Troop Commander, or higher authority.

The Benefits Unit will furnish Field Operations a copy of the received fax/e-mail regarding the request from a Section Director/Troop Commander. Field Operations will notify the requesting Section Director/Troop Commander by e-mail if/when the member may report for limited/full duty.

The designated Section/Troop/District Supervisor shall assign and supervise limited duty.

A member assigned limited duty may not wear a uniform, drive or ride as a passenger in an assigned Patrol vehicle, and he/she must provide personal transportation to the work place. Upon the approval of the appropriate Section Director/Troop Commander, the affected member may be transported to court or any other administrative function. The member assigned Limited Duty may also have the option of driving their personal vehicle to court, in which case a request for mileage reimbursement at the approved state rate must be made by the member to his/her supervisor and approved in advance. Suitable business attire must be worn and all regulations in this manual must be complied with when performing these assignments. The limited duty supervisor may permit deviation from the dress code to accomplish specific work objectives and/or as a consideration in adjusting to seasonal temperature variance. Member's limited duty assignments shall not include enforcement action.

If the Patrol Medical Director determines that a member has reached maximum medical improvement the member shall no longer be eligible for limited duty.

If it appears a member will be on limited duty for ninety (90) calendar days or more, the issued Patrol vehicle and firearms shall be surrendered to his/her immediate supervisor. The supervisor shall transport the equipment to a location designated by the appropriate Section Director/Troop Commander for storage, required maintenance, or re-issuance. The safekeeping of property provision of Directive J.01 shall apply to any equipment stored in an evidence locker. Upon being cleared for duty, the surrendered equipment or a replacement shall be returned to the affected member immediately.

Unless otherwise determined by the Medical Director a member who receives an injury to his/her dominant or non-dominant hand, arm, or shoulder, shall re-qualify with all issued service weapons prior to submitting their request (DPS-RTWP) to return to full-duty status.

The Patrol Medical Director, in his/her discretion, may request that a member re-qualify with all service weapons because of the nature of an injury/illness prior to returning to full-duty status.

Section Director/Troop Commander shall ensure a certified Firearms Instructor completes the re-qualifying process of the injured member after approval from the member's physician and the Patrol Medical Director.

The assigned Firearms Instructor shall provide the affected Section Director/Troop Commander with the results of the injured member's re-qualification, and a memorandum describing what procedures were followed during the re-qualification process. Section Directors/Troop Commanders must forward this information to the Patrol's Armorer, who will maintain these records and notify the Benefits Unit via e-mail prior to the member being approved to return for duty.

VII. CIVILIAN EMPLOYEES

Claims

Claims processed for civilian employees shall be in accordance with Office of State Personnel policy.

Training and Orientation

Newly hired civilian employees will be provided the current employee orientation material by the Department of Public Safety.

VIII. INTERPRETATION

All employee benefits described in this directive are subject to interpretation and modification by the appropriate administering agencies, contracts with insurers, and applicable State statutes.

I. POLICY

This policy establishes guidelines for the drug screening of Patrol members and Trooper applicants to ensure a drug free workplace. This program shall include drug and alcohol testing, to enable members to be fit to carry out their assigned duties and responsibilities which will help to preserve public trust and is consistent with the high standards of the Highway Patrol.

II. CONFIDENTIALITY**Drug Test Results**

- All test results shall be released to the Commander's Office, the Director of Professional Standards, or to the Unit Commander of Internal Affairs as may be necessary for an investigation; and to the Criminal Justice Education and Training Standards Commission when applicable as required by law. The results are included in a member's personnel file maintained in accordance with State policies and procedures.

III. DRUG TESTING PROTOCOL

Drug tests administered shall comply with the procedures for specimen collection, testing, and other safeguards provided in the North Carolina Controlled substance Examination Regulation Act (Sections 95-230 through 95-235 of the North Carolina General Statutes), North Carolina Department of Labor Controlled Substance Examination Regulation (title 13, Chapter 20 of the NC Administrative Code), 12 NCAC 9B.0101, and this directive.

The laboratory shall report results of all drug tests directly to the Patrol Medical Director. In those cases where a confirmed positive result is received, the Medical Director shall:

- Conduct an interview with the member or applicant
- Interpret and evaluate all drug test results of members and applicants tested under procedures described in this directive and make a final determination as to whether the results are positive or negative.
- Advise the member or applicant of their right to have the sample re-tested and the cost associated with the re-test if the Medical Director determines the drug test results positive.

The Medical Director shall report all members' and applicants' drug screen results to the Commander's Office or his/her designee of any confirmed positive result. The Unit Commander of Internal Affairs shall be responsible for conducting an

administrative investigation in any case where a member has a confirmed positive drug screen.

Upon written request, the member or applicant in question shall have the right to have a confirmed positive urine specimen retested at the same or another approved laboratory pursuant to N.C.G.S. § 95-232(f). The requesting member/applicant shall be responsible for all reasonable expenses for chain of custody procedures, shipping, and re-testing of confirmed positive samples. The Medical Director shall inform the affected member/applicant that full payment to cover the cost of expenses associated with the re-testing must be sent to the Director of Professional Standards prior to the sample being released. Payment can be made by personal/certified check or money order made payable to: Department Of Crime Control and Public Safety. **Cash will not be an acceptable means of payment.**

IV. PROHIBITED DRUG ACTIVITY

The following rules shall apply to members:

- No member shall possess or ingest any illegal controlled substance, or other drug in a manner which is illegal under State or federal law.
- No member shall ingest any controlled substance without a prescription.
- No member shall ingest any prescribed drug(s) or controlled substance in amounts above prescribed dosage or otherwise contrary to medical advice.
- No member shall order, or have ordered on his/her behalf, any controlled substance from an internet provider, unless such drug was prescribed by a physician licensed by the State of North Carolina, with whom the member has developed a physician – patient relationship, and the drug is prescribed for a legitimate medical purpose.

V. TYPES OF MANDATORY DRUG AND ALCOHOL TESTS

Members shall be required to submit to drug testing under the following circumstances:

- **Reasonable Suspicion Testing.** A supervisor who suspects that a member is abusing drugs or alcohol based on objective factors shall contact the Unit Commander of Internal Affairs, via the chain-of-command. If the Unit Commander of Internal Affairs agrees that reasonable suspicion exists, the Unit Commander of Internal Affairs shall either authorize the supervisor to direct the member to submit to a drug screen or direct that an investigation be conducted in order to obtain additional facts prior to making a determination as to whether the member should be required to submit to a drug screen. In any case where a drug screen is authorized, the Unit Commander of Internal Affairs shall prepare a summary of the facts supporting the order to submit to

testing and these facts shall be maintained by Internal Affairs. Factors may include, but are not limited to, the following:

- Evidence of impairment during working hours
 - Incapable of performing assigned duties
 - Reduced productivity
 - Excessive vehicle collisions
 - High absenteeism
 - Observations of the member's behavior which pose a threat to the safety or health of the member or another person
 - Reporting for duty with odor of alcoholic beverage on breath
 - Any other facts and circumstances from which a rational inference that a person is using illegal drugs may be inferred.
- **Occurrence Testing.** A supervisor shall order a member to take a drug and alcohol test to eliminate the possibility that drug or alcohol use may have affected the member's actions or judgment in any case where the member:
 - Is involved in a fatal vehicle collision
 - Is involved in a vehicle collision which results in serious bodily injury as defined in N.C.G.S. § 14-32.4
 - Intentionally or accidentally discharges issued firearms, on or off-duty, other than training
 - **Random Testing.** All members shall be subject to drug tests in any unannounced, random selected testing required by the Patrol. Under the supervision of the Director of Professional Standards or his/her designee, members will be randomly selected by computer for testing. The Commander's Office or his/her designee shall determine the frequency of tests.

VI. DRUG TESTING PROCEDURES

Reasonable Suspicion or Occurrence Testing

- When the Commander's Office orders a member to submit to drug and/or alcohol testing in "Reasonable Suspicion" incidents, he/she shall immediately instruct the appropriate supervisor to accompany the member to the testing facility and ensure compliance with testing procedures.

- The member and supervisor shall report to the nearest testing facility **immediately** after notification has been made, and the member shall comply with the testing procedures.
 - For drug testing during normal business hours, the affected member shall be transported to the nearest medical facility, LabCorp facility or to the Highway Patrol Medical Director's office. For drug testing after business hours, the affected member shall be transported to the nearest medical facility. The Medical Director, if necessary, may be contacted for further instructions. Supervisors are authorized to use the same drug test kit which is used for "Occurrence Testing", when the member is transported to a medical facility other than LabCorp.
 - The local medical facility shall be advised to forward an invoice for these services to the:

Director of Professional Standards
 North Carolina State Highway Patrol
4231 Mail Service Center
 Raleigh, NC 27699-4231

- When testing for alcohol, the supervisor conducting the test shall adhere to the testing procedures outlined in Section VII "Alcohol Violations".
- During "Occurrence Testing", if the member is injured and transported to a medical facility, a copy of the results from any blood work performed shall be requested by the affected member's supervisor to be forwarded to the Patrol's Medical Director.
- The procedures to be followed for "Occurrence Testing" are posted on the Patrol's intranet under "Procedures" and then "Employee Drug Testing."
- Prior to performing the drug and alcohol screening test as a result of the aforementioned, the appropriate supervisor must notify the Patrol's Medical Staff for assistance, and Internal Affairs of the incident. It shall be the responsibility of the involved member's Troop/Unit Commander to ensure that the appropriate testing procedures are followed, and the test samples are transported to the Patrol's Medical Office on the day of the occurrence, or the next business day.
- A member who willfully refuses to comply with the testing procedures shall be considered unfit for duty, and shall be relieved of duty in accordance with Patrol Policy. The Section Director, Troop/Unit Commander shall submit a Personnel Complaint to the Unit Commander of Internal Affairs for investigation.

Random Testing

- The Director of Professional Standards shall notify the appropriate Section Director, Troop/Unit Commander of the names of personnel randomly selected for testing.
- The Section Director, Troop/Unit Commander shall instruct the supervisor of the selected member to notify the member in person to report to the testing facility without delay, and comply with the testing procedures. **A supervisor shall accompany the member to a LabCorp facility (a designated testing facility) or to the Highway Patrol Medical Director's Office.** If the affected member is off, the supervisor shall wait until the member's next scheduled work day to make notification.
- The assigned supervisor shall notify the Section Director, Troop/Unit Commander when a designated member refuses to report and/or comply with the testing procedures.
- A member who willfully refuses to report and/or comply with the testing procedures shall be considered unfit for duty, and shall be relieved of duty in accordance with Patrol Policy. The Section Director, Troop/Unit Commander shall submit a Personnel Complaint to the Unit Commander of Internal Affairs for investigation.

VII. ALCOHOL VIOLATIONS

A member shall immediately notify his/her supervisor when he/she reasonably suspects any other member or civilian employee of having any concentration of alcohol in his or her body or who detects an odor of alcohol on the member's or civilian employee's breath while the member or civilian employee is on duty.

- When warranted, a criminal investigation shall be conducted to include, but not limited to, requesting the member to submit to an alcohol-screening test (Alco-Sensor) and, when appropriate, the Psychophysical Tests, as set out in Phase III, of the Department of Health and Human Services, Forensic Test for Alcohol Branch "Driving While Impaired Report" Form. If there is probable cause to believe the member committed an implied consent offense, the appropriate criminal process shall be initiated, including **requesting** the member to submit to an Approved Breath Testing Instrument test.
 - In the event the member refuses to submit to an Approved Breath Testing Instrument test, and the member was involved in a fatal vehicle collision or a vehicle collision which resulted in serious physical injury, a warrant for blood shall be requested. In those cases where a blood test is required pursuant to a warrant, a supervisor of the member being investigated shall transport the member under investigation to a local medical facility, where a qualified person shall be requested to obtain a blood sample for alcohol testing. A standard Blood Alcohol Kit shall be utilized to collect the blood sample from the member being investigated. The supervisor shall then

follow the procedures outlined in Directive J.02, "Chemical Analysis for Alcohol" when submitting the blood sample for analysis.

- In the event a member refuses to submit to an Approved Breath Testing Instrument test, and there was no collision involved, the Approved Breath Testing Instrument operator shall indicate the test as a refusal, and the appropriate criminal process initiated.
- In those cases where criminal action is not deemed warranted, the immediate supervisor shall as soon as possible, require the member under investigation to submit to an alcohol-screening test (Alco-Sensor), and, when appropriate, the Psychophysical Tests, as set out in Phase III, of the Department of Health and Human Services, Forensic Test for Alcohol Branch "Driving While Impaired Report" Form. If the results of the Alco-Sensor test indicate any amount of alcohol, or if the member appears impaired, the supervisor shall require the member under investigation to submit to an Approved Breath Testing Instrument test of their breath. The Medical Director, if necessary, may be contacted for further instructions.
- The supervisor or other qualified person conducting the Approved Breath Testing Instrument test shall adhere to the following testing procedures:
 - Utilization of the 15 minute observation period prior to testing is required.
 - The rights of the person being tested, as found on the Test Record Ticket, do not apply and should not be read.
 - The member being tested is not entitled to a witness and the test shall not be delayed for this purpose.
 - The member shall provide sequential breath samples, from consecutively administered tests; and
 - The readings do not differ from each other by an alcohol concentration greater than 0.02.
 - For purposes of data entry on the Approved Breath Testing Instrument, the supervisor or other qualified person conducting the Approved Breath Testing Instrument test shall adhere to the guidelines titled, "For Administrative Use Only: Data Entry Prompts." These guidelines can be found under the Employee Drug Testing Procedures located on the Intranet.
 - The supervisor or other qualified person conducting the test shall prepare the Approved Breath Testing Instrument for the test, and at the appropriate time, the supervisor shall **order** the member to submit to the test. If the member refuses to be tested, or the member fails to provide an adequate breath sample, the Approved Breath Testing Instrument operator shall indicate the test as a refusal.

The Unit Commander of Internal Affairs shall be contacted for further instructions if the member tested produces a breath result indicating any amount of alcohol, refuses to submit to the Approved Breath Testing Instrument test, or fails to provide an adequate breath sample.

VIII. ADMINISTRATIVE ACTION ON DRUG TESTS

If a member possesses a Commercial Driver's License (CDL) as a requirement of his/her job, the Medical Director shall notify the North Carolina Division of Motor Vehicles within five (5) days when the effected member's drug screen produces a **positive** test result.

IX. PRESCRIBED MEDICATIONS

Members using prescribed drug(s) under a physician's direction who have been informed the drug has the potential to impair job performance must notify the appropriate supervisor prior to reporting for duty. The member shall advise the supervisor of the known side effects of such medication, the prescribed dosage, and period of use.

- Supervisors shall document this information through the use of a memorandum and maintain this memorandum in a secured file.
- A supervisor who determines that a member is unfit to perform his/her duties due to a prescribed medication shall relieve the member of duty following the provisions of Directive H.04, Section X (Additional Authorized Patrol Administrative Actions) (Relief From Duty).
- Under no circumstances shall a member be authorized to operate any state owned motor vehicle or aircraft while taking a medication that may impair the member's ability to safely operate a motor vehicle or aircraft.
- It shall be the responsibility of the supervisor who relieved the member of duty to contact the Highway Patrol Medical Director, via the chain-of-command, and advise him/her of the relieved member's condition and prescribed medication taken.

X. SUBSTANCE ABUSE

Available Treatment for Members for Substance Abuse (Alcohol)

- The Patrol encourages members who feel they have a substance abuse problem to get treatment and the Patrol will confidentially assist members to find treatment. Additionally, the Patrol will not stigmatize or penalize in any way any member who asks for or receives treatment so long as there is no violation of policy or law. However, Directive H.01, Sections XI (Use of Alcoholic Beverages), XII (Use of Alcoholic Beverages While Off-Duty), and

XIII (Use of Drugs) concerning violations of policy or law associated with the use of alcohol or unlawful use of drugs will continue to be followed explicitly.

- The request for substance abuse assistance can be made directly by the member to a member's supervisor, the "Employee Assistance Program", located in the DPS Manual, under the "DPS Alcohol / Drug-Free Workplace Policy" section, or to the Medical Director. However, a member or his or her family may seek assistance anonymously by calling a designated telephone number, which will be posted in every district and section office. This contact will provide direction, transportation, assistance with family issues, or any other appropriate service in as confidential a manner as possible.

This program is meant to provide the member with proactive means for seeking assistance for substance abuse before any conduct violation may occur.

I. POLICY

This policy establishes guidelines for the drug screening of civilian employees and civilian employee applicants to ensure a drug free workplace. This program shall include drug and alcohol testing to ensure civilian employees are fit to carry out their assigned duties and responsibilities in a manner which preserves the public trust and is consistent with the high standards of the Highway Patrol.

All new hires must, as a condition of employment, submit to a drug screen following the protocol set-forth in this policy. The Director of Professional Standards shall be responsible to ensure the potential employee is made aware of this requirement, and that such test is conducted prior to employment. Upon being hired, and after reporting to his/her Section/Troop, it shall be the responsibility of the ranking member to ensure that all newly hired civilian employees are provided a copy of this policy, and sign an HP-19 during the employee's section or troop orientation.

II. CONFIDENTIALITY

Drug Test Results

All test results shall be released to the Commander's Office, the Director of Professional Standards, or to the Unit Commander of Internal Affairs as may be necessary for an investigation. The results are included in the affected employee's personnel file maintained in accordance with State policies and procedures.

III. DRUG TESTING PROTOCOL

Drug tests administered shall comply with the procedures for specimen collection, testing, and other safeguards provided in the North Carolina Controlled substance Examination Regulation Act (Sections 95-230 through 95-235 of the North Carolina General Statutes), North Carolina Department of Labor Controlled Substance Examination Regulation (Title 13, Chapter 20 of the NC Administrative Code), and this directive.

The laboratory shall report results of all drug tests directly to the Patrol Medical Director. In those cases where a confirmed positive result is received, the Medical Director shall:

- Conduct an interview with the employee or applicant.
- Interpret and evaluate all drug test results of employees and applicants tested under procedures described in this directive and make a final determination as to whether the results are positive or negative.

- Advise the employee or applicant of their right to have the sample re-tested and the cost associated with the re-test if the Medical Director determines the drug test results positive.

The Medical Director shall report all applicant drug screen results to the Director of Professional Standards.

The Medical Director shall inform the Commander's Office or his/her designee of any confirmed positive drug screen results pertaining to an employee. The Unit Commander of Internal Affairs shall, in turn, be responsible for conducting an administrative investigation in any case where an employee has a confirmed positive drug screen.

Upon written request, the applicant or employee in question shall have the right to have a confirmed positive urine specimen retested at the same or another approved laboratory pursuant to N.C.G.S. § 95-232(f). The requesting applicant or employee shall be responsible for all reasonable expenses for chain of custody procedures, shipping, and re-testing of positive samples related to this request. The Medical Director shall inform the affected applicant or employee that full payment to cover the cost of expenses associated with the re-testing must be sent to the Director of Professional Standards prior to the sample being released. Payment can be made by personal / certified check, or money order made payable to the: Department of Public Safety. **Cash will not be an acceptable means of payment.**

IV. PROHIBITED DRUG ACTIVITY (CALEA 33.7.1)

The following rules shall apply to all employees:

- No employee shall possess or ingest any controlled substance or other drug in a manner which is illegal under State or federal law.
- No employee shall ingest any controlled substance without a prescription.
- No employee shall ingest any prescribed drug(s) or controlled substance in amounts above prescribed dosage or otherwise contrary to medical advice.
- No employee shall order any controlled substance from an internet provider, unless such drug was prescribed by a physician licensed by the State of North Carolina, with whom the employee has developed a physician – patient relationship, and the drug is prescribed for a legitimate medical purpose.

V. TYPES OF MANDATORY DRUG AND ALCOHOL TESTS

Employees shall be required to submit to drug testing under the following circumstances:

- **Reasonable Suspicion Testing.** A supervisor who suspects that a employee is abusing drugs or alcohol based on objective factors shall contact the Unit Commander of Internal Affairs, via the chain-of-command. If the Unit Commander of Internal Affairs agrees that reasonable suspicion exists, the Unit Commander of Internal Affairs shall either authorize the supervisor to direct the employee to submit to a drug screen or direct that an investigation be conducted in order to obtain additional facts prior to making a determination as to whether the employee should be required to submit to a drug screen. In any case where a drug screen is authorized, the Unit Commander of Internal Affairs shall prepare a summary of the facts supporting the order to submit to testing and these facts shall be maintained by Internal Affairs. Factors may include, but are not limited to, the following: **(CALEA 52.2.6)**
 - Evidence of impairment during work hours
 - Incapable of performing assigned job duties
 - Reduced productivity or other change in work habits
 - Excessive vehicle collisions (shall apply if the employee is require to operate a state owned vehicle)
 - High absenteeism
 - Observations of the employee's behavior which pose a threat to the safety or health of the employee or another person
 - Reporting for duty with odor of alcoholic beverage on breath
 - Any other facts and circumstances from which a rational inference that a person is using illegal drugs may be inferred.
- **Occurrence Testing.** A supervisor shall order an employee to take a drug and alcohol test to eliminate the possibility that drug/alcohol use may have affected the employee's actions or judgment in any case where the employee: **(CALEA 52.2.6)**
 - Is involved in a fatal vehicle collision (if operating a state owned vehicle), or if death occurs to another person while performing one of the job duties deemed critical by this policy. **(CALEA 1.3.8)**
 - Is involved in a vehicle collision which results in serious bodily injury (if operating a state owned vehicle) as defined by N.C.G.S. § 14-32.4, or if

another person suffers serious bodily injury while performing, or as a result of a performed task if associated with one of the job duties deemed critical by this policy. **(CALEA 1.3.6)**

- **Random Testing.** The following described employees have employment responsibilities or duties that involve public safety or safety concerns for others and, therefore, shall be subject to drug tests in any unannounced, random selected testing required by the Patrol. Under the supervision of the Director of Professional Standards or his/her designee, employees will be randomly selected by computer for testing. The Commander's Office or his/her designee shall determine the frequency of tests. Employees subject to random testing are as follows:
 - Aircraft Mechanic
 - Auto Body Mechanic
 - Auto Body Supervisor
 - Mechanic II
 - Mechanic Supervisor I
 - Mechanic Supervisor II

VI. DRUG TESTING PROCEDURES

Reasonable Suspicion or Occurrence Testing

- When the Unit Commander of Internal Affairs orders a employee to submit to drug and/or alcohol testing in "Reasonable Suspicion" incidents, he/she shall immediately instruct the appropriate supervisor to accompany the employee to the testing facility and ensure compliance with testing procedures. **(CALEA 52.2.6)**
- The employee and supervisor shall report to the testing facility **immediately** after notification has been made, and the employee shall comply with the testing procedures.
 - For drug testing during normal business hours the affected employee shall be transported to the nearest medical facility, LabCorp facility or to the Highway Patrol Medical Director's office. For drug testing after business hours, the affected employee shall be transported to the nearest medical facility. The Medical Director, if necessary, may be contacted for further instructions. Supervisors are authorized to use the same drug test kit which is used for "Occurrence Testing", when the member is transported to a medical facility other than LabCorp, and the test samples are transported to the Patrol's Medical Office on the day of the occurrence, or the next business day.

- The local medical facility shall be advised to forward an invoice for these services to the:

Director of Professional Standards
North Carolina State Highway Patrol
4702 Mail Service Center
Raleigh, NC 27699-4702

- When testing for alcohol, the supervisor conducting the test shall adhere to testing procedures outlined in Section VII Alcohol Violations.
- During “Occurrence Testing,” if the employee is injured, and transported to a medical facility, a copy of the results from any blood work performed shall be requested by the affected employee’s supervisor to be forwarded to the Patrol’s Medical Director.
- The procedures to be followed for “Occurrence Testing” are posted on the Patrol’s intranet under ‘Procedures’ and then “Employee Drug Testing.”
- Prior to performing the drug and alcohol screening test as a result of the aforementioned, the appropriate supervisor must notify the Patrol’s Medical Staff for assistance, and Internal Affairs of the incident. It shall be the responsibility of the involved employee’s Troop/Unit Commander to ensure that the appropriate testing procedures are followed, and the test samples are transported to the Patrol’s Medical Office on the day of the occurrence, or the next business day.
- An employee who willfully refuses to report and/or comply with the testing procedures shall be considered unfit to perform his/her job responsibilities and relieved as directed in Section 7 of the State Personnel Manual, (Investigatory Placement with Pay). The Section Director, Troop/Unit Commander shall submit a Personnel Complaint, in the form of a memorandum, to the Unit Commander of Internal Affairs for investigation.

Random Testing

- The Director of Professional Standards shall notify the appropriate Section Director, Troop/Unit Commander of the names of personnel randomly selected for testing.
- The Section Director, Troop/Unit Commander shall instruct the supervisor of the selected employee to notify the employee in person to report to the testing facility and comply with the testing procedures. **A supervisor shall accompany the employee to a LabCorp facility or to the Highway Patrol Medical Director’s Office.** If the affected employee is off, the supervisor shall wait until the employee’s next scheduled work day to make notification.

- The assigned supervisor shall notify the Section Director, Troop/Unit Commander when a designated employee refuses to report and/or comply with the testing procedures.
- An employee who willfully refuses to report and/or comply with the testing procedures shall be considered unfit to perform his/her job responsibilities and relieved as directed in Section 7 of the State Personnel Manual, (Investigatory Placement with Pay). The Section Director, Troop/Unit Commander shall submit a Personnel Complaint, in the form of a memorandum, to the Unit Commander of Internal Affairs for investigation.

VII. ALCOHOL VIOLATIONS

A civilian employee shall immediately notify his/her supervisor when he/she reasonably suspects any other employee or uniformed member of having any concentration of alcohol in his or her body or who detects an odor of alcohol on the employee's or member's breath while such employee or uniformed member is on duty.

- When warranted, a criminal investigation shall be conducted to include, but not limited to, requesting the employee to submit to an alcohol-screening test (Alco-Sensor) and, when appropriate the Psychophysical Tests, as set out in Phase III, of the Department of Health and Human Services, Forensic Test for Alcohol Branch "Driving While Impaired Report" Form. If there is probable cause to believe the employee committed an implied consent offense, the appropriate criminal process shall be initiated, including **requesting** the employee to submit to an Approved Breath Testing Instrument test.
 - In the event an employee refuses to submit to an Approved Breath Testing Instrument test, and the employee was is involved in a fatal vehicle collision, or vehicle collision which results in serious physical injury, a warrant for blood shall be requested. In those cases where a blood test is required pursuant to a warrant, a supervisor of the employee being investigated shall transport the employee under investigation to a local medical facility, where a qualified person shall be requested to obtain a blood sample for alcohol testing. A standard Blood Alcohol Kit shall be utilized to collect the blood sample from the employee being investigated. The supervisor shall then follow the procedures outlined in Directive J.02, "Chemical Analysis for Alcohol" when submitting the blood sample for analysis.
 - In the event an employee refuses to submit to an Approved Breath Testing Instrument test, and there was no collision involved, the Approved Breath Testing Instrument operator shall indicate the test as a refusal, and the appropriate criminal process initiated.
- In those cases where criminal action is not deemed warranted, the immediate supervisor shall as soon as possible, require the employee under investigation to submit to an alcohol-screening test (Alco-Sensor), and when

appropriate, the Psychophysical Tests, as set out in Phase III, of the Department of Health and Human Services, Forensic Test for Alcohol Branch "Driving While Impaired Report" Form. If the results of the Alco-Sensor test indicate any amount of alcohol, or if the employee appears impaired, the supervisor shall require the employee under investigation to submit to an Approved Breath Testing Instrument test of their breath. The Medical Director, if necessary, may be contacted for further instructions.

- The supervisor or other qualified person conducting the Approved Breath Testing Instrument test shall adhere to the following testing procedures:
 - Utilization of the 15 minute observation period prior to testing is required.
 - The rights of the person being tested, as found on the top of the test ticket, do not apply and should not be read.
 - The employee being tested is not entitled to a witness and the test shall not be delayed for this purpose.
 - The employee shall provide sequential breath samples, from consecutively administered test; and
 - The readings do not differ from each other by an alcohol concentration greater than 0.02.
 - For purposes of data entry on the Approved Breath Testing Instrument, the supervisor or other qualified person conducting the Approved Breath Testing Instrument test shall adhere to the guidelines titled, "For Administrative Use Only: Data Entry Prompts." These guidelines can be found under the Employee Drug Testing Procedures located on the Intranet.
 - The supervisor or other qualified person conducting the test shall prepare the Approved Breath Testing Instrument for the test, and at the appropriate time, the supervisor shall **order** the employee to submit to the test. If the employee refuses to be tested, or the employee fails to provide an adequate breath sample, the Approved Breath Testing Instrument operator shall indicate the test as a refusal.

The Unit Commander of Internal Affairs shall be contacted for further instructions if the employee tested produces a breath result indicating any amount of alcohol, refuses to submit to Approved Breath Testing Instrument test, or fails to provide an adequate breath sample.

VIII. ADMINISTRATIVE ACTION ON DRUG TESTS

In the case of random and applicant drug screens, the Medical Director shall notify the Director of Professional Standards of positive or negative test results.

In all other cases, the Medical Director shall notify the Unit Commander of Internal Affairs.

If an employee possesses a Commercial Driver's License (CDL) as a requirement of his/her job, the Medical Director shall notify the North Carolina Division of Motor Vehicles within five (5) days when the effected employees' drug screen produces a **positive** test result.

Any employee whose actions results in death or serious physical injury to anyone, after consultation between the employee's Section Director / Troop Commander and State OD, shall be removed from his/her normal assignment immediately as directed by the Patrol Commander. (CALEA 1.3.6)

IX. PRESCRIBED MEDICATIONS

Employees who perform duties that are deemed critical by the Commander's Office (**i.e. Patrol Physicians, Patrol Nurse, Agency General Counsel, Aircraft Mechanics, Courier Driver, Mail Clerk, Auto Mechanics, Radio Engineers, Civilian Weight Station Operators, CVSA New Entrant Auditors, Trades Workers or any employee who drives a state owned vehicle.**) using prescribed drug(s) under a physician's direction who have been informed the drug has the potential to impair job performance must notify the appropriate supervisor. At the beginning of his/her shift, the employee shall advise the supervisor of the known side effects of such medication, the prescribed dosage, and period of use.

- Supervisors shall document this information through the use of a memorandum and maintain this memorandum in a secured file.
- A supervisor who determines that a employee is unfit to perform his/her job responsibilities due to a prescribed medication shall relieve the employee of his/her job responsibilities, after consulting with the Unit Commander of Internal Affairs, via the chain-of-command, Under no circumstances shall a employee who is relieved of duties pursuant to this provision be allowed to leave without having a responsible person to provide transportation. The supervisor should assist the employee in making arrangements to have someone else drive him/her from the work place if necessary.
- Under no circumstances shall an employee of the Patrol be authorized to operate any state owned vehicle while taking a medication that may impair the employee's ability to safely operate a motor vehicle.
- It shall be the responsibility of the supervisor who relieved the employee of his/her job duties to contact the Highway Patrol Medical Director, via the chain-of-command and advise him/her of the relieved employee's condition and prescribed medication taken.

X. SUBSTANCE ABUSE

Available Treatment for Substance Abuse (Alcohol) (CALEA 35.1.9)

- The Patrol encourages personnel who feel they have a substance abuse problem to get treatment and the Patrol will confidentially assist personnel to find treatment. Additionally, the Patrol will not stigmatize or penalize in any way any of its employees who ask for or receive treatment so long as there is no violation of the DPS policy, State Personnel policy, or state and/or federal law. Supervisors and employees should refer to the “Employee Assistance Program”, located in the DPS Manual under the “DPS Alcohol / Drug-Free Workplace Policy” section for information related to available substance abuse programs, and the procedures for accessing these resources.

This program is meant to provide the employee with proactive means for seeking assistance for substance abuse before any conduct violation may occur.

Salaries

Applicable to: Employees

Directive E.03

Revised 12/17/2018

Effective 10/1/1999

I. POLICY

This policy sets forth the guidelines for salary benefits for employees of the Highway Patrol.

II. REGULAR SALARY

Salary grades and schedules for the various classes of Patrol positions shall be maintained by the Human Resources Section of the department.

Legislative salary increases do not affect an employee's increment status nor do they affect eligibility for annual salary increases.

III. HOLIDAY PREMIUM PAY

Employees who are required to work on days designated by the Human Resources Commission as holidays (New Year's Day, Martin Luther King, Jr.'s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving and Christmas) shall be given, in addition to regular salary, premium pay equal to one-half of their regular straight-time hourly rate for such hours worked on those days. In addition, equal holiday time off shall be given, not to exceed eight (8) hours (Refer to Directive E.04 for instructions on equal time off.).

IV. SHIFT PREMIUM PAY

Additional compensation will be provided to members who are regularly scheduled to work on either a second or third shift. The classes of eligible employees and the rate of shift premium pay is based on documented survey data of prevailing practices in the applicable labor market, and shall be determined by the Office of State Human Resources. Shift premium pay shall be in addition to any other premium pay to which the employee may be entitled, such as holiday pay. The rate of shift premium pay shall be 10% of the regular hourly salary rate.

A shift is considered to be eight (8) hours or more and is pro-rated for part-time employees. An employee shall receive premium pay for all hours worked on the second or third shift. This includes any hours worked beyond the regular second or third shift hours if the hours are necessary to complete the work assignment (i.e. Trooper is assigned to investigate a collision and the investigation extends beyond the assigned shift).

Interpretation

Regular recurring shall be interpreted to mean a position that requires a daily schedule that is repeated at specified intervals for an indefinite period of time. In addition, an employee required to **substitute** in a position eligible for shift premium pay due to a vacancy or incumbent's absence shall receive such shift premium pay for time worked in that position.

V. SPECIAL PROJECTS FOR INCREASING PREVENTIVE PATROL HOURS

To increase preventative patrol hours, special legislative or other funding may be available to pay a Trooper/Sergeant for hours worked in excess of assigned work hours. All hours worked during designated special projects shall be compensated at one and one-half (1.5) the member's hourly rate of pay.

VI. OVERTIME TO COMPLETE ESSENTIAL LAW ENFORCEMENT FUNCTIONS (NON-EXEMPT MEMBERS)

It is the Highway Patrol's policy to give compensatory time off in lieu of monetary compensation for overtime hours worked performing essential law enforcement functions, unless special legislative or other funding is available.

A Trooper/Sergeant is not authorized to work overtime without prior approval of his/her immediate supervisor or higher authority, except when completing essential law enforcement functions.

A Trooper/Sergeant required to work overtime that is anticipated to be extensive must report that information immediately to his/her supervisor. The supervisor will make arrangements for relief or authorize continued overtime accumulation. Otherwise, overtime will be reported to a supervisor as soon as possible, but no later than the next scheduled workday.

The Trooper's/Sergeant's supervisor shall review and evaluate all overtime hours to ensure justification.

The Trooper/Sergeant **work period** shall consist of 28 consecutive days in which the member is required to work 160 hours and may be required to work up to and including 171 hours. A Trooper/Sergeant must have worked the entire **work period** of 160 hours plus an additional 11 hours (171 hours total) before he/she becomes eligible to receive compensatory time off at the rate of one and one-half (1.5) hours of compensatory time off for each hour of overtime worked.

Hours worked in excess of the assigned work hours in a work period up to and including 171 hours, within a 28-day work cycle will be compensated on an hour-for-hour (minute-for-minute) basis.

Hours worked in excess of 171 hours in a work period will be compensated at a rate of one and one-half (1.5) hours of compensatory time for each hour (15-minute increments) of overtime worked in excess of 171 hours.

Compensatory time will accrue in 15-minute increments.

Authority of Federal Regulations Code 29 CFR 785.48(b), the following shall apply:

- Compensatory time for all applicable employees shall be rounded down to zero (0) minutes for one (1) to seven (7) minutes.
- Compensatory time for all applicable employees shall be rounded up to fifteen (15) minutes for eight (8) to fourteen (14) minutes.

North Carolina Office of State Human Resources (OSHR) governs the method in which overtime compensation is calculated. OSHR policy defines number of **hours worked** by an employee within a given 28-day cycle as: *“all time during which an employee is required to be on duty on the employer’s premises or at a prescribed workplace, and all time during which an employee is suffered or permitted to work whether or not required to do so “Time spent on vacation, sick leave and holidays will not be counted as time worked.”* (**OSHR Personnel Policy, Section 4**). Injury leave, educational leave, leave without pay, or other authorized leave will not be considered as hours worked.

Example #1: In a 28-day cycle, a member is assigned four work weeks of 40 hours each or 160 hours for the **work period**. However, during the fourth week the member works 45 hours or a total of 165 hours during the 28-day cycle. The Trooper/Sergeant would be compensated on an hour-for-hour basis for a total of five (5) hours of compensatory time off.

Example #2: In a 28-day cycle, a member is assigned four work weeks of 40 hours each or 160 hours for the **work period**. During two of the work weeks the Trooper/Officer works 40 hours. However during the two remaining work periods the Trooper/Sergeant works 46 hours and 47 hours respectfully for a total of 173 hours for the work period.

The Trooper/Sergeant would be compensated at an hour-for-hour basis for 11 hours and would be compensated at one and one-half hours (1.5) of compensatory time off for each hour of overtime worked in excess of 171 hours for a total of 14 hours of compensatory time off.

Example #3: In a 28 day cycle, a member is assigned three work weeks of 40 hours each (**3 weeks X 40 hours = 120 hours**) and one week the Trooper/Sergeant is assigned 32 work hours (**4 days X 8 hours = 32 hours**) and a holiday (**8 hours**). During this 28-day cycle the Trooper/Sergeant is assigned 152 hours as his/her assigned work hours in the **work period**.

During this work period the Trooper/Sergeant works the following hours:

Week	Assigned Work Period Hours	Hours Actually Worked
1	40 hours	45 hours
2	40 hours	43 hours
3	40 (32 hours actually worked and 8 hours holiday taken)	32 hours
4	40 hours	49 hours
Total	152 hours worked + 8 hours Holiday Taken = 160 hours	169 hours

In this scenario the Trooper/Sergeant will be compensated on an hour-for-hour basis for hours worked in excess of assigned work period hours up to 171 hours. The Trooper/Sergeant in this scenario earned a total of 9 hours of compensatory time off.

If a Trooper/Sergeant is required to remain by a telephone at his/her residence for immediate response to an anticipated emergency situation (not a Signal 11), as directed by the Director of Field Operations, his/her designee, the State O.D., or higher authority, the Trooper/Sergeant shall count this time as hours worked. During such times, the Trooper/Sergeant shall be governed by Directive H.01, Section XI (Use of Alcoholic Beverages).

Supervisors shall use an Emergency Callback procedure when a FLSA non-exempt employee has left the work site and is requested to respond on short notice to an emergency work situation to avoid significant service disruption, avoid placing employees or the public in unsafe situations, and/or provide emergency services to protect property or equipment.

- "Emergency Call Back" time hours will count as hours worked. When less than two (2) hours are actually worked, the member will be compensated a minimum of two (2) hours.

Compensatory time off in lieu of monetary compensation will be granted in accordance with Directive E.04. However, when funding is available, hours worked on Special Projects" and performing law enforcement activities during a gubernatorial declaration of a state of emergency/disaster will not be considered as hours worked for the purpose of receiving compensatory time off pursuant to this Directive.

VII. LONGEVITY

Longevity pay is automatic for those employees who have at least ten (10) years of aggregate qualifying service and have full-time permanent appointments.

Longevity payments shall be made in a lump sum during the monthly pay period next following the date the employee is eligible to receive longevity pay.

If an employee retires, resigns or is otherwise separated, or dies on or after the date on which he/she becomes eligible for a longevity payment, the payment shall be made to him/her or to his/her estate if he/she is deceased.

Annual longevity pay amounts are based on the length of Aggregate State service and a percentage of the employee's annual rate of base pay on the date of eligibility. Longevity pay amounts are computed by multiplying the employee's base pay rate by the appropriate percentage from the following table.

Years of Aggregate State Service	Longevity Pay Rate
10 but less than 15	1.50%
15 but less than 20	2.25%
20 but less than 25	3.25%
25 or more	4.50%

Credit for the aggregate service requirement shall not be given for temporary or part-time employment and periods of break-in-service or leave without pay in excess of one-half the workdays in a month with the exception of military leave.

Prorated Longevity

- An employee who is otherwise eligible for longevity pay and who separates from State service before the date on which the next annual payment is due may receive the prorated amount he/she has earned toward the next payment. This policy shall apply to an employee separating from state service for any reason. It will also apply to one changing from a permanent, full-time status to temporary, part-time status.
- If an employee separates from a state agency and receives a partial longevity payment and is reinstated in another state agency, the balance of the longevity shall be made upon completion of additional service totaling 12 months since the last full longevity payment. The balance due is computed on the annual salary being made at the completion of the 12 months.

The payment shall be computed the same as an annual payment except that it is prorated by an annual amount of the proportion of the year which he/she has worked toward his/her annual eligibility date. In other words, the employee will receive 1/12 of the annual amount for each month he/she has worked toward the next longevity payment. For example, if an employee received longevity on January 1 and separates on July 31, he/she would receive 7/12 of the full longevity payment. The employee will receive payment for each month he/she is in a pay status half the workdays in that month.

VIII. PAY FOR “ACTING SUPERVISORS”

In the event a supervisor with the rank of First Sergeant or above is unavailable to carry out his/her assigned duties, an immediate subordinate supervisor may be temporarily promoted (**in salary only**) and designated as “acting supervisor”

(e.g. injured, sick, or militarily activated for an indefinite period of time, other approved leave, or another type of assignment).

When a civilian employee is designated as “acting supervisor,” the provisions set forth in Section 4 of the State Human Resources Manual shall be followed.

These temporary promotions may be made when an employee is placed in an “acting” capacity for a specified period of time. At the discretion of management, one of the following may occur:

- The employee may be placed in the higher level position (if vacant) with a promotional increase and with an understanding that the employee will return to the former position and salary when the position is filled; or
- A promotional salary increase may be given in the present position with the understanding that the salary will be decreased when the “acting” capacity ends. The salary may not exceed the maximum of the “acting” salary grade.

The provisions for salary increases are **contingent on the availability of funds** and are for permanent promotions apply; however, the amount of the promotional salary increase shall be determined by the degree of assumption of the higher level duties.

Authorized Time Off

Applicable to: Employees

Directive E.04

Revised 12/03/2021

Effective 1/19/2000

I. POLICY

This policy establishes guidelines for authorized time off as well as recording time worked and leave taken.

Employees who are absent without approved leave, may be subject to disciplinary action. Thus, all employees shall request approval for authorized time off directly from their supervisor in person or by telephone.

All employees with BEACON Employee Self Service (ESS) security with time shall be required to record time worked and leave taken weekly. All supervisors with BEACON Manager Self Service (MSS) security shall approve time worked and leave taken weekly. Employees who do not have ESS security with time will have their time worked and leave taken entered by a Time Administrator weekly.

All supervisors shall ensure the accurate recording of all time worked and leave taken in BEACON for their assigned employees. All employees, with the exception of Sergeants and Troopers, will be required to enter 40 hours of time worked and/or leave taken weekly. Sergeants and Troopers shall enter at least 160 hours of time worked and/or leave taken in each 28-day cycle.

All time worked or leave taken shall be recorded in 15-minute increments (i.e. 15 min = .25, 30 min = .50 and 45 min = .75).

Authority of Federal Regulations Code 29 CFR 785.48(b), the following shall apply:

- Compensatory time for all applicable employees shall be rounded down to zero (0) minutes for one (1) to seven (7) minutes.

Compensatory time for all applicable employees shall be rounded up to fifteen (15) minutes for eight (8) to fourteen (14) minutes.

Employees taking leave for 15 calendar days or more shall be required to complete a DPS "Leave of Absence Request" form and submit it through their chain-of-command for processing and approval by the Personnel Unit.

II. EMPLOYEES SUBJECT TO DUTY

Members and key COOP-identified employees taking authorized time off for vacation shall be subject to report for duty at any time at the discretion of the Section Director or Troop/Unit Commander or higher authority.

Members and key COOP-identified employees who are off duty because of holidays or regular time off shall be subject to report for duty at any time at the discretion of their supervisor.

III. VACATION

Vacation is earned as follows:

Years of Aggregate State Service	Hours Granted Per Month	Days Earned Per Year
Less than 5 years	9 hours 20 minutes	14
5 but less than 10 years	11 hours 20 minutes	17
10 but less than 15 years	13 hours 20 minutes	20
15 but less than 20 years	15 hours 20 minutes	23
20 years or more	17 hours 20 minutes	26

General Rules

- A maximum of 20% of district members may be granted vacation leave at any one time.
- In lieu of sick leave, an employee may request to utilize approved leave.
- Thirty consecutive workdays or less may be taken at any one time, when normal conditions prevail; however, any leave of 15 calendar days or more shall be reported to the Personnel Unit by the employee's supervisor.
- On December 31, any employee with more than 240 hours (30 days) of vacation leave shall have the excess accumulation converted to sick leave, so that only 240 hours of vacation are carried forward to January 1 of the next calendar year. Vacation may be granted in 15-minute segments.
- Vacation leave will be granted as scheduled for the year by the Supervisor. Changes may be made at the employee's request provided such change does not adversely affect the operation of the district or violate the rules provided herein. Supervisors shall prepare vacation schedules each January for the current year based on the requests of each member insofar as possible. Choice of vacation dates shall be based on seniority where possible; however, scheduling shall be accomplished to enable all members desiring vacation during the months of June through August to receive at least one week during that period.
- Normally only one district noncommissioned officer shall take vacation at one time. Troop and Patrol Headquarters command personnel shall monitor scheduling of vacation for their respective headquarters personnel.
- Supervisors may grant unscheduled vacation for subordinates provided it does not impact Section / Troop / District operations.

- Employees shall not be granted vacation in excess of that actually accrued during the first six months of employment. Thereafter, upon request, employees may be permitted the full vacation leave which would accrue to their credit during the balance of the calendar year pending approval by Director of Support Services. Upon termination of Patrol employment, the employee's final pay shall have deducted from it an amount sufficient to reimburse the State for vacation taken but not earned.

If a member separates from service, payment for accumulated vacation leave shall not exceed 240 hours.

Employees whose Patrol employment terminates and those granted leave without pay to enter military service shall be paid for accrued vacation leave not exceeding 30 days, except that employees transferring to other State agencies may take their accrued vacation with them. When an employee dies, his/her estate shall be paid for accrued leave not exceeding thirty (30) days.

IV. HOLIDAYS

Official State holidays as presently determined by the State Personnel Commission, include New Year's Day; Martin Luther King, Jr.'s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving (2 days), and Christmas (2 or 3 days).

Section Directors/Troop Commanders shall ensure a sufficient number of members are scheduled to work on State observed holidays to ensure the goals and mission of the Patrol are accomplished.

Employees who are required to work on a holiday shall be given equal time off (not to exceed 8 hours) at the convenience of the Patrol. Section Directors/Troop Commanders shall ensure holiday hours are assigned and taken by employees under their command.

Eligible holiday hours may be taken up to 30-days before or after the holiday; thus, future holidays cannot be taken more than thirty (30) days in advance of the actual holiday.

Employees not required to work on a holiday shall observe the designated holiday by entering eight (8) hours holiday leave. If the employee has no balance of holiday hours, he/she must record eight (8) hours of approved leave.

When a workday greater than 8 hours has been established, all hours above 8 shall be changed to approved leave to equalize holiday benefits.

- Members who are on 10 hour shifts and off on a holiday not to include regularly scheduled days off shall use 8 hours of holiday leave (9300) and 2 hours of approved leave (9000).

If the employee works on the holiday or does not use the holiday within the 60-day window, the time is converted to Holiday Compensatory time.

Supervisors shall ensure all employees have utilized holiday compensatory time within 11 months from the time they earned it.

V. SHIFT SCHEDULE / REGULAR DAYS OFF

Members' work schedules shall be entered into the CAD at least 3-weeks in advance. Work schedules shall be posted in District Offices no less than 14 days in advance; however, changes shall be posted when circumstances dictate. Current or future leave taken by the member shall be recorded as "**0200**" on the scheduled shift line in CAD.

First Sergeants shall assign members to shifts based on collision analysis and Patrol coverage with the efficiency and morale of members being considered.

Supervisors scheduling shifts differing from the standard 8-hour shift shall ensure employees' work hours are in compliance with Section VI of this policy.

Assigned shifts may be rotated on an equitable basis to include early and late work assignments. First Sergeants shall ensure 24-hour coverage in each respective county through actual Patrol duty or early and late call status.

First Sergeants shall assign members to geographical areas within their assigned duty station. Although members may be assigned to a specific area for patrolling purposes, they may be dispatched to any location within the district or state if needed.

Unless otherwise directed by the Commander's Office, all district members shall be scheduled at a minimum of one weekend off (Saturday and Sunday) approximately every fourth week. Weekends assigned off due to training, special assignment, or annual leave shall be considered as a weekend off.

Unless prohibited by circumstances, employees shall receive 2 consecutive days off weekly. Days off shall be assigned on an equitable basis, with efficiency and the morale of members being considered.

All employees with the exception of Sergeants and Troopers will be required to work a 40-hour week. Sergeants and Troopers will be required to work 160-hours in a 28-day cycle.

Assigned Meal Hour

Shifts of 8 hours or more may include one hour unpaid meal period per the following:

Example 1. 8 hours plus 1 hour meal period equaling 9 hours scheduled, i.e. 8:00 a.m. – 5:00 p.m. shift or 6:00 p.m. – 3:00 a.m. shift.

Example 2. 10 hours plus 1 hour meal period equaling 11 hours scheduled, i.e. 6:00 a.m. – 5:00 p.m. shift or 3:00 p.m. – 2:00 a.m. shift.

- Meal periods of less than 30 consecutive minutes must be considered as hours worked for members who are non-exempt and must be compensated accordingly.
- Meal periods of at least 30 minutes may be taken within the normal work hours to meet the needs of the employee and the working unit, but shall not be used to shorten the workday without the approval of a supervisor.

The only exception to this policy is assigned meal periods shall not apply to the midnight shift, i.e. 10:00 p.m. – 6:00 a.m.

VI. COMPENSATORY TIME OFF (NON-EXEMPT)

An employee who is on call for early calls, late calls, for court, or for any other reason may not be required to remain at his/her residence. An employee is only required to leave word as to where he/she may be reached and must be close enough to his/her residence to be able to be dressed and to check on duty within 45 minutes. During on-call time, an employee may not consume alcohol. If an employee is required to remain by a telephone at his/her residence, the employee should count this as work time and be provided compensatory time.

Employees shall not be allowed to voluntarily work overtime for nonessential purposes and supervisors must ensure that compensatory time earned by employees under his/her command is justified.

28-Day Work Cycle for Trooper / Sergeant

- Whenever possible, it is the policy of the Highway Patrol to give compensatory time off in lieu of monetary compensation for hours worked overtime, unless funding is available. The work period shall consist of 28 consecutive days in which the member is required to work 160 hours and may be required up to 171 hours.
- Time worked in excess of an assigned shift, but less than 171 hours in a 28-day cycle, shall accumulate as gap time on an hour-for-hour basis. Any hours worked in excess of 171 in a 28-day cycle will accumulate as overtime compensatory time on a time-and-one-half (1.5) basis. All Compensatory time (gap & overtime) may be granted in 15-minute increments. Supervisors

are responsible for ensuring all compensatory time (gap and overtime) are utilized within 11-months from the time it was earned.

- If a Sergeant / Trooper exceeds 171 hours during a 28-day work cycle, their supervisor must notify the Troop Commander / Section Director in writing with justification for exceeding the 171-hour limit. This correspondence must be filed for one (1) year for inspection purposes.

An employee shall be allowed to take compensatory time upon request unless the supervisor determines that the Patrol will not be able to provide services of an acceptable quality to the public. The Supervisor shall then allow the employee to take his/her compensatory time at any other time he/she requests that will not unduly disrupt the functioning of the district/section.

All accumulated compensatory time for employees subject to the Fair Labor Standards Act (FLSA) (non-exempt) must be exhausted prior to retirement or prior to being promoted to a rank/job classification that is not subject to the Fair Labor Standards Act (FLSA) (exempt). Monetary compensation must be made in accordance with State Personnel policy for employees subject to the Fair Labor Standards Act (FLSA) if this time is not exhausted prior to promotion or retirement.

If an employee transfers to another agency or terminates employment, the employee shall be paid for any unused accumulated compensatory time at his/her regular rate of pay as determined in accordance with State Personnel policy.

VII. COMPENSATORY TIME OFF FOR EMPLOYEES NOT SUBJECT TO FLSA (EXEMPT)

In accordance with provisions of the Fair Labor Standards Act (FLSA) and based on the assigned duties of the position it may be designated as overtime exempt. However, it is the policy of the Highway Patrol an exempt employee may earn compensatory time under the following guidelines:

- Compensatory time begins to accrue in 15-minute increments after the supervisor works beyond his/her assigned 40-hours work week. (**Note:** The standard work week for exempt employees is five (5) days per week, eight (8) hours a day plus a meal break.)
- If the supervisor is unable to take a meal break due to a required duty response, the meal break should be recorded as time worked.

An exempt employee shall not be allowed to utilize more than 240 hours of compensatory time within a calendar year unless it is for sick leave purposes and approved by the Patrol Commander.

Compensatory time cannot be advanced.

Compensatory time off may be granted in 15-minute increments. **Prior to granting leave, his/her supervisor shall determine that the Patrol will be able to provide service of an acceptable quality to the public during their absence.**

Supervisors shall be responsible to ensure compensatory time earned by employees under his/her command is justified.

Upon separation from the Patrol, accumulated compensatory time shall not be compensated or reimbursed to an exempt employee.

Pursuant to this policy, an exempt employee shall not receive monetary compensation for compensatory time earned.

VIII. SICK LEAVE

Sick leave is granted to employees who are in pay status for one half or more of the regularly scheduled workdays and holidays in the pay period. If eligible, full-time employees will earn 8 hours of sick leave monthly. There are no limitations on the number of sick leave days an employee may accrue.

When an employee is sick on holidays or on regular days off, these days will not be charged as sick leave but will be counted as holidays and regular days off.

Sick leave may be granted only in the following circumstances:

- For illness which prevents performance of duties
- To an employee quarantined because of a contagious disease
- When there is a death in the employee's immediate family. (not to exceed 3 days) Immediate family includes spouse, parents, brothers and sisters, children, mother-in-law and father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, and step relations.
- For illness in an employee's immediate family (spouse, parent, and child including all step relationships and dependents living in the employee's household).

Upon resignation, sick leave is not permitted on terminal leave payments when an employee separates from State service. Employees separated because of lack of funds or curtailment of service shall be credited with accumulated sick leave if re-employed within five years. Employees returning to work within 90 days following separation from compulsory military service will retain all sick leave accrued prior to taking military leave.

An employee on sick or injury leave due to psychologically related problems, drug or alcohol dependency shall surrender his/her issued Patrol vehicle, firearms, uniform badges, and/or identification credentials to his/her immediate

supervisor. The supervisor shall transport the equipment to a location designated by the appropriate Section Director or Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping of property provision in Directive J.01 shall apply to any equipment stored in an evidence locker. Upon being cleared for duty, the surrendered equipment or a replacement shall be returned to the affected employee prior to his/her return to duty.

If it appears that an employee will be on sick or injury leave for 30 **calendar days or more**, the issued Patrol vehicle and/or firearms shall be surrendered to his/her immediate supervisor. The supervisor shall transport the equipment to a location designated by the appropriate Section Director or Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping provision in Directive J.01 shall apply to any equipment stored in the evidence locker. Upon being cleared for duty, the surrendered equipment or a replacement shall be returned to the affected employee. The Commander's Office or his/her designee may waive the surrendering of equipment in certain instances.

Employees transferring to or from another state agency shall be credited with accrued sick leave.

Supervisors may require a doctor's certificate for any employee taking excessive sick leave days. Feigning illness is a violation of Patrol Code of Conduct. Disciplinary action shall be administered for fictitious illness or injury.

DPS Human Resources will be entering leave taken by the employee for any leave of absence that extends for 15 calendar days or more; thus, the employee or supervisor will only enter leave taken through the 14th day of absence. Human Resources require a doctor's note for any absence that results in 15 calendar days or more when sick leave is exhausted.

IX. LEAVE OF ABSENCE WITHOUT PAY

An employee shall:

- Apply in writing to their supervisor for leave without pay,
- Give written notice of intention to return to work at least thirty (30) days prior to the end of the leave, and
- Return to duty within or at the end of the time granted, or
- Notify their supervisor immediately when there is a decision not to return.

As soon as a supervisor is made aware that an employee will be out of work for fifteen (15) calendar days or more, he/she shall notify the Personnel Unit.

The Commander's Office may grant leave of absence without pay for extended illness of an employee or his/her immediate family, for attending school to

prepare for Patrol duties, for duties with the U.S. Government in emergencies, or when the State will profit by the experience gained by the employee. (A one-year limitation applies to **special work** leaves.)

Leave of absence without pay shall not be granted to allow an employee to transfer to another gainful occupation.

Leave without pay because of illness begins when all accumulated sick leave is exhausted. An employee going on leave without pay may exhaust vacation leave or may retain part or all accumulated leave until the employee returns. The only exceptions being: (a) if an employee has accumulated vacation leave, all leave must be exhausted before going on leave without pay for vacation purposes, or (b) if an employee requests leave for other personal reasons for a period not to exceed 10 workdays, leave must be used if available. If the leave is for a period longer than 10 workdays, the employee may choose to use vacation leave or retain it for future use.

At his/her request, an employee shall be reinstated following leave of absence without pay to a position of the same class and pay range held prior to taking leave, unless his/her position is no longer available due to a budget reduction or for other reasons. Failure to report for work when leave expires shall be considered as a resignation.

If it appears the employee will be on leave of absence without pay for 30 calendar days or more, the issued Patrol vehicle and/or firearms shall be surrendered to his/her immediate supervisor. The supervisor shall transport the equipment to a location designated by the appropriate Section Director or Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping of property provision in Directive J.01 shall apply to any equipment stored in an evidence locker. Upon being cleared for duty, the surrendered equipment or replacement(s) shall be returned to the affected employee.

X. MILITARY LEAVE

Upon receipt of any military obligation, employees shall immediately submit a written memorandum to utilize any military leave, provide a copy of the original military orders, and a preferred method of communication while on leave to their immediate supervisor. The immediate supervisor shall, through their chain of command, provide the Section Director or Troop/Unit Commander all required documentation, who shall without delay forward to the Personnel Unit. The Personnel Unit shall ensure all required documentation is completed and sent to the DPS HR for processing. Upon return from an **active duty deployment**, the employee shall immediately submit a written memorandum requesting to return to duty to their immediate supervisor. The immediate supervisor shall:

- 1) Schedule an appointment with the SHP Medical Office.
- 2) Coordinate and schedule with the Training Academy any in-service training required for the calendar year.
- 3) Forward all documentation to the Personnel Unit for further processing to DPS HR.

Note: For purposes of this policy, the employee's Troop/Unit Commander or Section Director will be the designee of the Colonel.

Human Resources will be entering leave taken by the employee for any military leave that extends for 15 calendar days or more; thus, employee or supervisor will only enter time worked or leave taken on the last day prior to military leave and the first day of their return from military duty. Members must be reverted to a Monday-Friday 8x5 schedule while on Military Leave of Absence.

Prior to being granted military leave, employees shall inform their Troop/Unit Commander, through their chain-of-command, the best means in which to contact and disseminate information to them while on military leave. This may include but is not limited to a personal cell phone number and/or email address. The Troop/Unit Commander or designee shall be responsible for facilitating ongoing communication with the employee as needed during the time of leave.

Leave with Pay

- Leave with pay, up to the maximum of 120 hours during the Federal fiscal year, 1 October – 30 September, shall be granted to:
 - Members of the Uniformed Services for:
 - Active duty for training (annual training, pre-mobilization training or special schools)
 - Inactive duty training (drills – usually on weekends). If the drill is not scheduled on the employee's off-days, the employee has the option of requesting that the work schedule be rearranged, or the employee may use any unused portion of the 120 hours leave with pay, vacation, or leave without pay.
 - Members of the State Defense Militia (as defined further in this policy)
 - Civil Air Patrol members (as defined further in this policy)

Note: When a military obligation is less than 31 days, a member is authorized eight hours recoup time before and after performance of military duties or military training. This time may also be charged to the 120 hours leave with pay, leave without pay, or vacation leave.

- In addition to the above 120 hours, leave with pay shall be granted for a required physical examination relating to membership in the uniformed services.
- In addition to leave with pay for training explained above, the following shall apply when ordered to State or Federal active duty for each period of involuntary service:

- Employees shall receive up to 30 calendar days of full pay.
- After the 30-day period, employees shall receive differential pay for any period of involuntary service. This pay shall be the difference between military base pay and the employee's regular State pay if military pay is the lesser. Employees will be required to provide a copy of their Leave Earnings Statement or similar document covering the period eligible for differential pay.
- Prior to the 30 days of full pay and the differential pay, the employee may choose to use any accumulated vacation/bonus leave. The employee may also choose to have accumulated vacation/bonus leave paid in a lump sum (maximum of 240 hours of vacation leave).
- During the period of reserve active duty, whether receiving full State pay, differential pay, or no pay, the employee shall not incur any loss of total State service or retirement service or suffer any adverse service rating. The employee shall continue to accumulate sick and vacation leave, total State service credit, and receive any promotion or salary for which otherwise eligible. When federally activated, employees shall not be engaged in Patrol duties.
- When on State duty, the State continues to pay for health coverage for members of the National Guard. When on Federal active duty, coverage in the State Health Plan ends on the last day of the month in which the individual enters active duty. The military health and benefits program covers the reservists and their dependents.
- Employees and/or their dependents whose health coverage ceases because of entry into the military service are eligible for COBRA coverage for a period of up to 18 months. The employee must pay the full coverage for periods in excess of 30 days.
- If it appears that the employee will be on active military duty for 30 calendar days or more, the issued Patrol vehicle and/or firearms shall be surrendered to his/her immediate supervisor prior to the effective date of the call-up (mobilization). The supervisor shall ensure that all collected equipment is transported to a location designated by the appropriate Section Director or Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping provision of Directive J.01 shall apply to any equipment stored in an evidence locker. This directive does not apply to drills (usually on weekends), annual training, or special schools. Upon being cleared for duty, the surrendered equipment or a replacement shall be returned to the affected employee.

Additional Periods of Leave for National Guard Only

- Members of the National Guard are also granted additional time off with pay for:

- Infrequent, special activities in the interest of the State, when so authorized by the Governor or his/her authorized representative.

Periods of Leave for State Defense Militia

- The State Defense Militia is considered a reserve to the National Guard, but it is not a reserve component of the U.S. Armed Forces. Its members are not subject to obligatory service unless they are assigned to a unit that is ordered or called out by the Governor. Only under the following conditions are employees entitled to military leave with pay:
 - Infrequent special activities in the interest of the State, usually not exceeding one day, when so ordered by the Governor or his/her authorized representative
 - State duty for missions related to disasters, search and rescue, etc, again, only when ordered by the Governor or his/her authorized representative
- Under these conditions, an employee may be granted military leave not to exceed **120 hours during any calendar year**.
- Employees who are members of the State Defense Militia are not entitled to military leave with pay when volunteering for support of functions or events sponsored by civic or social organizations even though such support has been “authorized”.
- Regularly scheduled unit-training assemblies, usually occurring on weekends, are not acceptable for military leave; however, Patrol supervisors are encouraged to arrange work schedules to allow employees to attend this training.
- Duty status may be verified with the Office of Adjutant General, North Carolina National Guard; ATTN: Vice Chief of Staff – State Operations (VCSOP).

Periods of Leave for Civil Air Patrol

- While the Civil Air Patrol is not a reserve component, it is an auxiliary to the Air Force. Its members are not subject to obligatory service. When performing missions or encampments authorized and requested by the U.S. Air Force or emergency missions for the State at the request of the Governor or the Secretary of the Department of Public Safety (DPS), its members are entitled to military leave with pay not to exceed **120 hours in any calendar year**. The Governor may grant exceptions. The Secretary of DPS may verify such service upon request by the Patrol. Regularly scheduled unit-training assemblies, usually occurring on weekends, are not acceptable for military leave; however, Patrol supervisors are encouraged to arrange work schedules to allow employees to attend this training.

Leave without Pay

- Military leave without pay shall be granted for all uniformed service duty that is not covered by military leave with pay, such as:
 - Extended active duty for a period not to exceed five years plus any additional service imposed by law (see note below)
 - Full time National Guard duty (usually a three-year contract)
 - Initial active duty for training (initial enlistment)
- The following absences may be taken as leave without pay or as available vacation leave, or a combination of the two:
 - Duties resulting from disciplinary action imposed by military authorities
 - Inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.

Note: The Patrol is not required to excuse employees for incidental military activities such as volunteer work at military facilities (not in duty status), unofficial military activities, etc.

- During periods eligible for military leave without pay, the employee shall continue to earn time toward total State service if reinstated with the time limits outlined below. The employee shall not accumulate vacation or sick leave. Leave is earned only when the employee is on leave with pay or on reserve active duty.
- Employees shall submit a written request to return to duty along with a copy of their discharged papers to their Section Director or Troop/Unit Commander,

who shall forward a copy to the Personnel Unit without delay within the following time constraints:

- Within 14-days after the completion of the period of service lasting more than 30-days but less than 180-days
- Within 90-days after the completion of the period of service lasting more than 180-days
- No written request is needed for service lasting less than 31 days

XI. EDUCATIONAL LEAVE

Educational leave with pay may be granted for training (refresher, academic, and commercial courses) in a job-related course of instruction to upgrade knowledge and skills approved by the employee's supervisor and the Director of Support Services or designee. Leave with pay may not exceed actual time for classroom instruction in one such course (one course is defined as a course with a maximum credit of five semester hours or the equivalent) during the semester or quarter of instruction when the course is not offered after working hours. A reasonable amount of time for travel to and from the institution and the place of employment is also allowed. The employee's supervisor shall determine what is a reasonable amount of travel time and whether the institution is located within a distance that could be reached in a reasonable amount of time off.

Employees who are receiving reimbursement for educational expenses from veteran's benefits programs shall not apply to the State for reimbursement of their educational expenses.

The supervisor and the Director of Support Services or designee must endorse an employee's Application for Educational Assistance (form HP-136) for final approval. This form must be submitted in duplicate and one copy will be returned to the employee upon approval.

Extended educational leave without pay shall be granted in accordance with the normal leave policy.

XII. FAMILY AND MEDICAL LEAVE

When an employee is on paid leave but has not given notice of the need for FMLA leave, the supervisor shall, after a period of **10 workdays**, request that the employee provide sufficient information to establish whether the leave is for a FMLA-qualifying reason. This information shall be sent to the Personnel Unit. Supervisors shall also notify the Personnel Unit anytime an employee will be on leave for 15 calendar days or more.

Employee responsibilities include:

- When practicable, request through channels and at least 30 days in advance to take family or medical leave
- May be required to provide reasonable proof of leave taken for adoption or foster care
- May be required to provide doctor's certification of leave taken due to serious illness of the employee or of the employee's child, spouse, or parent
- Must notify supervisor if he/she will not return to work after the leave period, which may be considered a resignation

- Must surrender the issued Patrol vehicle and firearm to his/her immediate supervisor if leave will be for a period of 30 calendar days or more

Employee Options

- **Birth.** For the birth of a child, the employee may choose to exhaust available vacation and/or sick leave, or any portion, or go on leave without pay except that sick leave may be used only during the period of disability. This applies to both parents.
- **Adoption.** For the adoption or foster care of a child, the employee may choose to exhaust available vacation leave, or any portion, or go on leave without pay.
- **Illness of Child, Spouse, Parent.** For the illness of an employee's child, spouse or parent, the employee may choose to exhaust available sick and/or vacation leave, or any portion, or go on leave without pay.
- **Employee's Illness.** For the employee's illness, the employee shall exhaust available sick leave and may choose to exhaust available vacation leave, or any portion, before going on leave without pay. If the illness extends beyond the 60-day waiting period required for short-term disability, the employee may choose to exhaust the balance of available leave or begin drawing short-term disability benefits.

Maternity Leave

- There shall be no arbitrary commencement or termination dates for maternity leave. These dates shall be determined on an individual basis, based on the individual judgment and discretion of the employee and/or the employee's medical provider of the employee's ability or inability to perform the job.
- An employee who is temporarily unable to perform her job due to pregnancy, childbirth or a related medical condition shall be treated the same as any other employee with a temporary disability. All employment practices and procedures for leave relating to temporary disability apply when an employee seeks leave or an accommodation due to a pregnancy or childbirth related medical condition. The employee may be eligible for limited duty status pursuant to the Patrol's limited duty policy and state law. An employee may also be eligible to apply for FMLA, which allows up to 12 weeks of leave.

XIII. Paid Parental Leave

The purpose of parental leave is to optimize the health and well-being of parents and children, support recruitment and retention of employees, and stabilize income for new parents. The qualifying event must have occurred on or after 1 September 2019.

Eligibility determinations are made as of the date the child is born or placed via adoption, foster or other legal placement. Note: Other legal placement does not include parental custody cases or legal assignments as a Guardian ad Litem (GAL).

Paid Parental Leave will be provided as soon as practical following the Qualifying Event. Unless, it is determined that providing Paid Parental Leave will cause a Public Safety concern.

If a Public Safety Concern exists, The Patrol may delay providing Paid Parental Leave or provide Paid Parental Leave in intermittent periods. However, under no circumstances may Paid Parental Leave be denied, delayed, or provided intermittently to an Eligible State Employee who has given birth, unless the member requests intermittent Paid Parental Leave.

- Eight (8) weeks (320 hours) of paid parental leave shall be provided to **Eligible** State Employees who have given birth.
- Four (4) weeks (160 hours) of paid parental leave shall be provided to **Eligible** State Employees to care for and bond with a newborn or newly adopted, foster, or otherwise legally placed child.
- Paid Parental Leave must be used within 12 months of birth, adoption, foster or other legal placement of a child. Each week of Paid Parental Leave will be compensated at 100% of the employee's regular, straight-time weekly pay.
- Eligible State Employees may request intermittent use of paid parental Leave subject to approval by the Director of Support Services or designee.
- Paid Parental Leave runs concurrently with Family and Medical Leave.

Employee responsibilities include:

- Employee shall be required to request leave ten (10) weeks in advance (when possible) of intent to use Paid Parental Leave so the agency may ensure coverage.
- Member shall submit the requested certification of eligibility documents in order to receive Paid Parental Leave within thirty (30) days of the birth or adoption or as soon as it becomes available.
- Members shall comply with the Department of Public Safety leave request procedures absent unusual circumstances.
- Members shall be required to submit documentation providing they will use Paid Parental Leave for a Qualifying Event. Appropriate action will be taken if there is evidence an employee fraudulently requested, used, or otherwise

abused Paid Parental Leave. This action may include revoking approval and disciplinary action up to and including dismissal.

Supervisor responsibilities include:

- Upon receiving a request for Paid Parental Leave and documentation of the birth or placement, the Supervisor must notify the Personnel Unit without delay.
- Upon receiving a request for Paid Parental Leave and documentation of the birth or placement, the agency must notify the member of his or her eligibility status within five (5) business days.
- The Personnel Unit shall provide required documentation to member for completion of the certification process.

XIV. COMMUNITY SERVICE LEAVE

The purpose of community service leave is to promote employees' involvement in schools, communities, and non-profit organizations, and to recognize the commitment of employees to engage in volunteer service. Community service leave may be granted to:

- Parents for child involvement in the schools. Child is defined as a son or daughter who is a biological child, an adopted child, a foster child, a step-child, or a legal ward.
- Employees for volunteer activity in the schools or in a community service organization. Community service organization is defined as a non-profit, non-partisan community organization, which is designated as an IRS Code 501(c)(3) agency, or a human service organization licensed or accredited to serve citizens with special needs including children, youth, and the elderly.
- Employees for tutoring and mentoring in the schools. School, public or private, is defined as one that is authorized to operate under the law of the State of North Carolina and is an elementary school, middle school, high school, or childcare program

Under this policy, permanent, probationary, and trainee employees may be granted 24 hours per year or one hour per week (up to a maximum of 36 hours) for mentoring/tutoring.

The 24 hours of paid leave shall be credited to each employee on January 1 of each year, unless the employee chooses the mentoring/tutoring option. New employees shall be credited with leave immediately upon their employment, prorated at two hours per month for the remainder of the calendar year. For the 24-hour option, the full 24 hours may be taken in three consecutive workdays, or taken throughout the year in increments.

In lieu of the 24-hour award an employee may choose to tutor/mentor in a school. Leave under this option shall be used exclusively for tutoring/mentoring a student in accordance with established standards rules and guidelines for such arrangements as determined and documented by joint agreement with the Patrol and the school. The amount of community service leave for tutoring/mentoring is one hour of community service leave for each week, up to a maximum of 36 hours, that schools are in session as documented by the elected board of the local education agency or the governing authority of any non-public school. For the 36-hour option, a maximum of one hour of community service leave for tutoring/mentoring per week, up to 36 hours per calendar year, is allowable.

Note: Any time used for tutoring/mentoring, including time spent traveling to and from the school, must be accounted for either by the use of the one hour of community service leave or other leave policies.

If an employee chooses to change options during the calendar year, the maximum hours that may be granted is the maximum allowed under the new option chosen minus the amount already used. Only one type of leave is allowed.

Community service, for this purpose, is:

- Meeting with a teacher or administrator concerning the employee's child.
- Attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with non-athletic programs that are a part or supplement to the school's academic or artistic program.
- Performing school-approved volunteer work approved by a teacher, school administrator, or program administrator.
- Performing a service for a community service organization.

Note: Service does not include activities designed to promote religious beliefs such as teaching or leading religious assemblies or in raising funds to support religious activities. Service would include: activities supported by religious organizations such as working in a soup kitchen, homeless shelters, or other community activities.

Employees must receive approval from their supervisor to use this leave. The supervisor may require that the leave be taken at a time other than the one requested, based on the needs of the agency. The Patrol may require acceptable proof that leave taken is within the purpose of this policy.

If an employee transfers to another State agency, any balance of community service leave not used shall be transferred to the new agency. Under the tutoring/mentoring option, the employee should secure approval from the new

supervisor prior to the transfer so that any necessary changes may be communicated to appropriate officials.

Leave not taken in a calendar year is forfeited; it shall not be carried over into the next calendar year.

Employees shall not be paid for this leave upon separation.

Expenditures

Applicable to: Employees

Directive E.05

Revised 06/15/2020

Effective 7/1996

I. POLICY

This policy sets forth procedures for expenditures incurred during the course of your duties.

II. LODGING AND MEALS

Reimbursement for lodging, whether in-state or out-of-state, may only be made in the amount documented by a receipt of actual lodging expenses from a commercial lodging establishment in accordance with the rates mandated by the State Budget Director and found on form CNTR003 (Reimbursement of Travel and Other Expenses Incurred in the Discharge of Official Duty). Reimbursement for lunches eaten while on official business will be made only when:

- An overnight stay is required, and an employee is in travel status. Examples include special assignments, administrative transfers at the agency request and promotions.
- Meals and lodging not provided.
- All employees shall attach the original receipt(s) to expense accounts to support lodging expenses.

Overnight Travel

- Employees receive allowances for meals and lodging for full days of travel and for partial days (less than 24-hour period) when the partial day is the day of departure or the day of return and involves an overnight stay. To be eligible for specified meals on partial travel days the employee must:
 - **Breakfast.** Depart duty station prior to 6:00 a.m.
 - **Lunch.** Depart duty station prior to Noon (day of departure) or return to duty station after 2:00 p.m. (day of return).
 - **Dinner.** Depart duty station prior to 5:00 p.m. (day of departure) or return to duty station after 8:00 p.m. (day of return).
 - The rates and prorated amounts shall be paid in accordance with the amounts stipulated by the North Carolina Office of State Budget and Management (OSBM).
 - Departure and return times shall be listed on Form CNTR 003.

Out-of-State Travel

Out-of-state travel status begins the day the employee leaves the State and remains in effect through the day the employee returns to the state. In-state allowances and reimbursement rates apply when employees use hotel and meal facilities located in North Carolina immediately prior to and returning from out-of-state travel during the same travel period.

Subsistence reimbursement rates and prorated amounts shall be paid in accordance with the allowances pursuant to N.C.G.S. § 138-6(5). Subsistence reimbursement rates shall be revised on forms HP-6 (Request for Travel) and CNTR003 (Reimbursement of Travel and Other Expenses Incurred in the Discharge of Official Duty) when mandated by the State Budget Director via memorandum.

An employee may request reimbursement for actual meal and lodging expenses if they are less than the rates shown above.

No subsistence expense is reimbursable if it is incurred within 35 miles of the employee's duty station or home, whichever is less. Per Diem rates include all food, lodging, taxes, and gratuities for meals. Transportation, mileage, tolls, and cab fares are not to be included in the per diem reimbursement rates for subsistence.

Members shall submit expense accounts monthly when applying for reimbursement of expenses, except that expense accounts may be submitted for a period of less than a month for extensive special assignments resulting in major expenses.

III. TRANSPORTATION

Transportation by Personal Vehicle

- Map mileage is reimbursable. Mileage is measured from the closer, duty station or point of departure to destination (and return).
- The business standard mileage rate set by the Internal Revenue Service (IRS) will be paid in accordance to the guidelines below:
 - Approved round trip 100 miles or less will be reimbursed at a rate of 57.5 cents per mile.
 - Approved round trip exceeding 100 miles will be reimbursed at a rate of 33 cents per mile.
- Parking fees, tolls, and storage fees are reimbursable.
- Receipts are required.

Use of Public Transportation

- In lieu of using a taxi or airport shuttle, employees can be reimbursed without receipts up to \$5.00 for each one-way trip either from the airport to hotel/meeting or from the hotel/meeting to the airport. Employees may also be reimbursed without a receipt up to \$5.00 for each one-way trip for using public transportation while on official state business, other than to or from the airport.

Use of Rental Vehicles at the Employee's Travel Destination

- Rental vehicles may be used with the prior approval of the department head or his/her designee; however, rental vehicles may not be used for the sole convenience of the employee (receipt required).

Travel Involving Trips other than to and from the Airport

- The actual cost of taxi and shuttle service fees can be reimbursable when required for travel on official state business. The actual cost of taxi or shuttle service fees must be documented with a receipt. The affected employee may choose to use public transportation in this situation, provided the procedures outlined in the "Use of Public Transportation" section above is followed.

Tips and Gratuity

Reimbursable gratuity or tips must be considered reasonable for items that are not already covered under subsistence. Excessive tips will not be reimbursed. A reasonable tip would be one that a prudent person would give if traveling or conducting personal business and expending personal funds. For the purpose of this section, the following information is provided as guidance when calculating tip:

- Airports: Baggage Handling / Skycaps / Shuttle Drivers – no more than \$2.00 per bag
- Parking / Auto Related: Valets – \$2.00 per car when collecting the car
- Taxi or car service drivers (Uber, Lyft, etc.) – no more than \$5 per trip.

IV. REIMBURSEMENT

The original CNTR 003 (Reimbursement of Travel and Other Expense Incurred in the Discharge of Official Duty), along with necessary receipts for lodging and other expenses must be submitted to the DPS Controller's Office within 30 days of the end of the travel period. Copies of Forms CNTR 003 and receipts shall be kept in a central file at the Section/Location for audit purposes for a period of one

year or longer if a specific regulation requires a different retention period such as with grants.

Travel Period is defined as the calendar month during which the travel occurred. The room rate must be clearly documented on all lodging establishment receipts. Receipts must be itemized showing taxes and other charges separately. Receipts must be submitted for all employee and contractual personnel expenses incurred, excluding meals and certain other expenses specifically identified.

Each employee is responsible for his or her own request for reimbursement. Each employee shall personally sign his or her own Form CNTR 003, as (s)he is "certifying under penalties of perjury that the statements are true and accurate." The employee cannot delegate his or her signing authority to another individual. In addition, Forms CNTR 003 must be signed by the employee's supervisor, indicating that travel expenses have been approved, in order for the expense to be authorized.

V. POST OFFICE BOX, RENT, STAMPS, UTILITY, AND OTHER BILLS

Expenditure for post office box rent shall be paid through the Procurement Card (P-Card) process. The name of the town or city must be shown on the receipt along with a cancellation stamp and turned in with the procurement and transaction log when submitted for reconciliation.

Supervisory personnel that are issued a Procurement Card (P-Card) shall purchase postal stamps as needed and distribute them to subordinates. A Postal Receipt will be completed and signed by the postal employee from whom the purchases are made. The supervisor's name, the name of the city or town where the stamps are purchased, and the postage cancellation stamp must appear on the receipt that shall be attached to the supervisor's procurement and transaction log when submitted for reconciliation.

Troop and district utility bills and other authorized bills shall be submitted to the Unit Commander of Logistics, in duplicate, after being approved and endorsed by the First Sergeant and/or Section Director/Troop Commander. Such bills are to be forwarded in ample time to prevent past due charges. Medical and household moving bills are to be submitted to the Director of Support Services.

VI. MOVING EXPENSES

An employee's allowable household moving expenses may be reimbursed by the State only when a change of residence is deemed by the Commander's Office to be in the best interest of the State and the new duty station is fifty (50) miles or more from the existing residence or a change of county is involved. A change is in the best interest of the State when caused by promotion or otherwise for the advantage and convenience of the Patrol and the State. Moving expenses are not reimbursable if the employee requests the change, or if the employee is

accepting initial employment with the Patrol. Moving expenses may be reimbursed in other extraordinary circumstances if written approval is obtained in advance from the Office of State Budget.

Please note the Internal Revenue Service (IRS) considers moving expenses paid to an employee directly or indirectly as taxable compensation. If an agency elects to pay for an employee's moving expenses, then the agency must treat the payment as employee compensation for purposes of withholding federal, state, and FICA taxes. The Office of State Controller (OSC) has established payroll system payment mechanisms to ensure withholding of taxes for this type of compensation (applicable to agencies whose payroll is processed by OSC).

The employee must comply with State Budget regulations for claiming and obtaining reimbursement for moving household furnishings. Regulations provide, in part, that:

- The member must submit a memo requesting reimbursement of moving expenses to the Budget and Grants Unit and include:
 - Three (3) reputable moving firms submit firm bids for the total cost of the move using Departmental form CNTR 012 (Moving Quotation). The memo and bids are considered confidential and are to be sent via email directly to the Budget and Grants Unit (BudgetGrantsUnit@NCSHP.ORG).
- The move should be accomplished within ninety (90) days. The Secretary of the Department of Public Safety may approve an extension of an additional 90 days. Extension in excess of 180 days may only be approved by the Office of State Budget and Management. The affected employee must submit a written request to the Director of Support Services via chain-of-command **prior to the end of the 90-day period**. The memorandum must state the reason for the additional extension and what actions are being taken to solve the problem.
- Eligible employees who do not wish the State to bear any expense in the moving of household goods shall notify the Director of Support Services of this decision. The notification must be in writing and forwarded via chain-of-command prior to the expiration of the time allotted for moving.
- Claims for household-moving expenses shall not be submitted until the move is complete in all aspects and shall reflect actual expenses incurred.
- Refer to Directive E.09 Section IV (Procedures for Establishing Residence) for guidance regarding non-state funded moves.

Every effort should be made to expedite the movement of the employee's household goods. However, the time allowed for the employee's locating a new

residence and moving should be granted as leave-with-pay, for up to a total of 16 hours, which is accounted for as normal workday activities.

Payment for movement of household and personal goods includes items such as furniture, clothing and personal effects. Any item that requires special handling and/or packing, such as an animal, boat, airplane, antiques, satellite dish, campers, woodworking equipment and building materials are not considered as household or personal goods. Payment includes, and is limited to, the cost of actual packing, transporting and unpacking of a maximum of 15,000 pounds. If the moving cost is calculated on a weight basis (50 miles or more), the maximum cost to be paid can be no more than the lowest available regulated tariff rates. If additional storage is required for any such items, it is the responsibility of the employee and is not reimbursable.

The reasonable costs of disconnection of appliances as defined in this section at the old residence and reconnection or reinstallation of the same appliances at the new residence by the carrier or by a service company may be allowed up to a maximum of \$200. This would include items typically found in performing household operations such as electrical, water, gas hook-up, household appliances, and connection of a single telephone. This would not include items considered unnecessary to household operations such as television antennas, cablevision connection, satellite dish, nor any type of power tools or other equipment associated with home workshops, hobbies, or other activities. Also, utility deposits or the running of utility lines are not a reimbursable expense.

In the movement of mobile homes (in lieu of an allowance for packing, unpacking, and insurance coverage) charges not to exceed a total of \$500 are allowed for the following costs associated with the movement of mobile homes utilized as the employee's residence:

- Blocking and unblocking
- Anchoring and skirting
- Moving air conditioners and utility buildings
- Wheel rental

Whether performed by the carrier or a service company, claims for service for such services must be supported by itemization on the bill of lading or on paid receipts, as applicable, detailing in either case the appliances serviced, the work done, and the individual cost of each such service. Such services performed by the carrier, and for which he assumes complete responsibility, may be invoiced at the applicable tariff rates, and must be further supported by an affidavit signed by the employee verifying that the carrier performed the services.

Payment for travel expenses incurred in moving the employee and his/her family from the old residence to the new residence is authorized as follows:

- **For Locating New Residence.** Transportation, mileage calculated at the statutory rate for a maximum of 3 round trips by automobile with each trip not to exceed 2 days (2 days, 1 night) for total house hunting trips not to exceed 6 days (6 days, 3 nights). Subsistence for meal costs (as shown in section I) for each employee of the family per trip. If overnight lodging is necessary, subsistence for the following day is allowable. Lodging is limited to 1 double room.
- **For Day of Moving.** Mileage calculated at the statutory rate for a one-way automobile trip (a maximum of 2 vehicles). Subsistence for meal costs (as shown above) may be reimbursed for each employee of the family. If overnight lodging is necessary, subsistence for the following day is allowable. Lodging is limited to 1 double room.
- **New Duty Station.** Subsistence at the new duty station not to exceed five (5) days a week from the time he/she begins work until he/she moves into his/her new residence, not to exceed a total of forty (40) working days excluding days off. This subsistence reimbursement may be considered by the Internal Revenue Service to be income; therefore, employees should be aware of the tax liability in this situation.
- **Use of State-Owned Vehicle.** An employee promoted or administratively transferred may use his/her issued state vehicle to travel one (1) round trip per week to/from their new duty during the first forty (40) working days at the new duty station.
 - Employees residing within fifty (50) miles of their new duty station may travel daily to/from their new duty station during the first forty (40) working days at the new duty station in lieu of claiming subsistence for overnight lodging at the new duty station, upon the approval of the appropriate Section Director, Troop/Unit Commander.
 - The affected members shall check 10-86 with the appropriate communication center at the beginning of off duty travel, and 10-87 with the appropriate communication center at the end of off duty travel. Non-uniformed employees assigned a state-owned vehicle must not show driving time as "time worked" under these circumstances.
 - All requests for use of a Patrol Vehicle for off-duty travel to/from the new duty station must comply with the provisions set forth in Directive O.04 of this manual.
- **Use of Personal Vehicle.** Employees with no assigned state-owned vehicle are allowed mileage for one (1) round trip per week from the employee's current residence to the new duty station, not to exceed the first forty (40) working days at the new duty station.

Alternate Procedure. (Commonly referred to as Self-Moves) Department heads are authorized to approve moving by an alternate procedure provided the move

is supported by proper documentation and receipts. Prior written approval is required for a self-move. The memorandum should include an itemized list with estimated costs associated with the self-move. The Patrol may reimburse the actual cash expenditure made by another method, if such reimbursement does not exceed that which would have been made if a regulated common carrier had been used. This alternative may be applicable for movement of an employee's goods contained in a house trailer or by a rental trailer or truck or by a non-licensed mover.

VII. CAREER-RELATED COURSES / TUITION REIMBURSEMENT

Employees are encouraged to pursue courses (including refresher, academic, or commercial courses) to develop or improve skills or qualifications directly related to their current job classification or classification series in which they are working. Employees may be entitled to be reimbursed for approved academic courses provided funds are available. When seeking academic assistance, affected employees must follow the procedures set forth in Directive E.14 "Academic Assistance Program" of this manual.

VIII. MODIFICATION

All provisions for expenditures described in this directive are subject to modification by the Office of State Budget and Management (OSBM).

Death of a Member

Applicable to: Members

Directive E.06

Revised 9/2013

Effective 9/1995

I. POLICY

This policy sets forth a guide for members upon learning of the death of a member.

II. SECTION DIRECTOR / TROOP COMMANDER'S RESPONSIBILITIES

Upon learning of the death of a member, the appropriate Section Director/Troop Commander shall immediately inform the State OD who in turn will notify the Commander's Office and the Secretary of the Department of Public Safety. The Commander's Office will send out a statewide message giving the date, hour, and place of funeral service and interment.

The appropriate Section Director/Troop Commander or his/her designee will offer to assist the family in making burial arrangements, determining the executor of the estate, recovering all monies owed the deceased by other members, and filing an expense account for any State funds due.

If requested by the family and under the direction of the appropriate Section Director/Troop Commander, a Patrol funeral will be conducted. The Section Director/Troop Commander will:

- Notify members who are to serve as pallbearers
- Designate the uniform to be worn by members attending (Side arms and hats will be worn by all members except active pallbearers.)
- Assign members for traffic control purposes one (1) hour prior to the funeral service, including escorting the funeral motorcade and expediting safe departure from the cemetery following interment. (One member will precede the motorcade and one will follow the last vehicle in the motorcade. Marked vehicles will be used.)

The Section Director/Troop Commander or his/her designee shall perform any or all of the duties designated in this directive as deemed appropriate, even if the family does not request a formal Patrol funeral.

The Section Director/Troop Commander shall designate an officer-in-charge (he/she may designate himself/herself) to supervise members representing the Patrol at the funeral of a civilian and/or direct Patrol members at a Patrol funeral under the general guidelines of Directive E.7.

The Section Director/Troop Commander shall assign a First Sergeant to obtain all State property from the family of the deceased, except one complete uniform the family may retain for burial purposes. The returned property shall be turned over to the Section Director/Troop Commander.

III. BENEFITS AND SAFETY OFFICER'S RESPONSIBILITIES

The Benefits and Safety Officer shall offer to assist the family of the deceased in collecting all monies due them from Patrol connected mutual benefit funds.

IV. BADGES AND SERVICE SIDE ARMS

Deceased member's surviving spouses or children (or guardians of minor children) shall receive at no cost to them the badge worn or carried by the deceased member. At the discretion of the Secretary, surviving spouses or children (or guardians of minor children), upon request may receive the service side arm worn or carried by the deceased member, at a price determined by the Secretary. Such survivors making requests for the side arm referred to above, must obtain a permit as required by N.C.G.S. § 14-402 et seq. and N.C.G.S. § 20-187.2 unless the side arm shall have been rendered incapable of being fired.

If the deceased member's surviving spouse or children make such a request, the Section director shall ensure all required memorandums are completed and forwarded to the Director of Support Services. The badge the member wore will be presented to the surviving member's family on a folded flag at the funeral. If there is no Patrol graveside service, the badge will be presented at the same time the service weapon is presented.

Funerals

Applicable to: Members
CALEA Chapter 22

Directive E.07

Revised 10/3/2006
Effective 3/5/2000

I. POLICY

This policy ensures statewide conformity and uniformity in attending funerals as a member of the Highway Patrol. These procedural guidelines are recommended in both civilian and law enforcement officer's funerals.

II. GENERAL INFORMATION REGARDING FUNERAL SERVICES

When attending funeral services, members should conduct themselves at all times with the utmost reverence and solemnity due such occasions in keeping with the high standards and professional image of the Highway Patrol.

Members may elect to attend a funeral on an individual basis, as a friend of the family, or as a group representing of the Highway Patrol. If three or more uniformed members are in attendance, they are considered a group.

When it is anticipated that a group of members will attend funeral services as representatives of the State Highway Patrol, the Section Director/Troop Commander should designate a member to serve as the officer in charge. Uniformed members should assemble as one unit in a display of Patrol solidarity towards the family of the deceased. The officer in charge should assume responsibility for the conduct of attending members and should coordinate the Patrol's activities with the cemetery superintendent and/or funeral director. The desires of the family are given the fullest consideration at all times.

Members attending funerals in uniform should be dressed in the uniform of the day, including hats and sidearm, as designated by the Section Director/Troop Commander or Commander's Office as appropriate.

Uniformed members may be requested to participate in the services as active pallbearers, honorary pallbearers, or in some other capacity. If such requests are made, the officer in charge should coordinate the Patrol's activities so as not to disrupt normal procedures of the funeral.

If the casket is draped with a United States Flag, uniformed members shall face the casket and execute a hand salute at the following times:

- Any time when the casket is being moved (except when they themselves are moving)
- During cannon salutes
- During the firing of volleys
- While "Taps" is being played.

When appropriate, civilians may be saluted in lieu of removing the headdress as a form of salutation. The officer in charge should make this determination prior to the services and in accordance to the particular circumstances of the deceased.

Uniformed members attending funerals should uncover only when entering places of divine worship or other areas indoors such as funeral homes. Except during the religious service when all personnel bow their heads at the words “**let us pray**”, all members in uniform, other than the active pallbearers, should follow the example of the senior Patrol official present. If he/she uncovers, they uncover; if he/she remains covered, they remain covered. When uncovering, members should remove and hold their hats over the left side of their chest with the right hand over the heart.

III. GROUP PROCEDURES AT THE CHAPEL

Members attending funerals as a group should attempt to gather at the chapel approximately thirty (30) minutes prior to the service. Before the arrival of the family and hearse, the officer in charge should have the members assemble in formation in ranks, standing at **Parade Rest** facing the chapel. As the hearse approaches, the officer in charge should give the command, **Attention**. Under normal circumstances the members remain at **Attention** as the casket is removed from the hearse and carried into the chapel. If the situation warrants and the officer in charge deems it appropriate, he/she should give the command **Present Arms**, at which time the members execute a hand salute. As the casket is carried into the chapel the officer in charge gives the command **Order Arms**.

After the casket and honorary pallbearers (if present) enter the chapel, the officer in charge gives the command **Fall Out**. Members should enter the chapel in a column of twos and occupy seats as designated by the officer in charge as coordinated with the funeral director.

Before and after the chapel service, members who are requested to participate as honorary pallbearers should follow the procedures outlined in Part Two, Highway Patrol funerals, with one exception. When normal circumstances exist and the situation does not warrant executing a hand salute, the members remain at **Attention** as the casket is moved.

After the chapel service, members in general attendance should exit the chapel service, in a column of twos and proceed to the burial site via the proper conveyance.

IV. GROUP PROCEDURES AT THE GRAVESITE

The officer in charge should have the group members in general attendance assemble in formation in ranks, standing at **Parade Rest**, facing the grave. As the hearse approaches, the officer in charge gives the command, **Attention**. Under normal circumstances, members remain at **Attention** until the casket is carried to the grave and placed upon the lowering device. If the situation

warrants and the officer in charge deems it appropriate, he/she should give the command **Present Arms** as the casket is removed from the hearse and members should then execute a hand salute. As the casket is placed upon the lowering device, the officer in charge gives the command **Order Arms**. After the honorary pallbearers proceed to their predetermined position, the officer in charge gives the command **Parade Rest**.

Members participating as honorary pallbearers should follow the procedures outlined in Part Two (Highway Patrol Funerals), with one exception; when the situation does not warrant a hand salute, members should remain at **Attention** as the casket is removed from the hearse, carried to the grave, and placed upon the lowering device.

Members in general attendance remain in formation and at **Parade Rest** until the conclusion of the religious service.

V. CONCLUSION OF THE SERVICE

At the conclusion of the religious service, the officer in charge gives the command, **Attention, Dismissed**. Members are then free to depart the gravesite.

VI. GENERAL INFORMATION REGARDING A PATROL FUNERAL

When requested by the family of the deceased, the Commander's Office may authorize a Patrol funeral for members killed in the line of duty, members that die while still on active duty, or members that have retired with an honorable record.

The Commander's Office may authorize burial in full dress uniform for deceased members entitled to a Patrol funeral. In the case of retired members, the member's physical appearance must comply with the Highway Patrol Rules for Personal Appearance.

The Section Director/Troop Commander or a designated commissioned officer should be responsible for assembling and directing members before and during the funeral service. Arrangements should be coordinated with the cemetery superintendent and/or the funeral director. The desires of the family are given the fullest consideration possible in the selection of elements involved and the sequence of events.

Members should attend Patrol funerals in the **uniform of the day**, hat and sidearm included, as designated by the Section Director/Troop Commander or Commander's Office as appropriate.

When honorary pallbearers are desired, they should be selected by the family, the family's representative, or the Section Director/Troop Commander.

At a Patrol funeral, the casket should be draped with the United States or North Carolina State Flag. Veterans or members serving in the military at the time of

their death, (i.e., Military Reserves or National Guards) shall have their casket draped with the U.S. Flag. All other members shall have their casket draped with the NC State Flag. Members in uniform shall face the casket and execute a hand salute at the following times: when honors are sounded; at any time when the casket is being moved (except when they themselves are moving), during cannon salutes, if sounded; during the firing of volleys; and while "Taps" is being played.

At a Patrol funeral, the family or representatives of the deceased may request fraternal or patriotic organizations of which the deceased was a member to take part in the funeral service. With the immediate family approval, fraternal or patriotic organizations may conduct gravesite services at the conclusion of the Patrol portion of the ceremony signified by the flag presentation to the next of kin.

VII. PROCEDURES AT THE CHAPEL FOR A PATROL FUNERAL

Before the service begins, members in general attendance shall be formed in ranks, standing at **Parade Rest** and facing the chapel. As the hearse approaches, the commissioned officer in charge gives the command **Attention** and salutes as the hearse stops in front of the chapel. When all is in readiness to move the casket in the chapel, the commissioned officer in charge gives the command **Present Arms**. Members execute a hand salute as the casket is removed from the hearse by the active pallbearers and is placed in the chapel. As soon as the casket enters the chapel, the commissioned officer in charge gives the command **Order Arms**. After the honorary pallbearers enter the chapel; the commissioned officer in charge orders **Fall Out**.

When honorary pallbearers are present, they form two ranks, standing at **Parade Rest**, each facing the other, in order of seniority, most senior closest to the hearse, thus forming an aisle from the hearse to the entrance of the chapel. When the hearse arrives, the commissioned officer in charge gives the command **Attention**. When the casket is being borne between their ranks they shall execute a hand salute upon the command **Present Arms**. As the active pallbearers move the casket into the chapel, the officer in charge gives the command **Order Arms**. The honorary pallbearers execute the appropriate facing maneuver and follow the casket into the chapel in a column of twos. The commissioned officer in charge shall then give the command **Fall Out**. Members in general attendance may then enter the chapel. Honorary pallbearers shall occupy seats to the left front of the chapel (or other designated area). Active pallbearers occupy seats as directed.

After the chapel service, the honorary pallbearers precede the casket in column of twos out of the chapel and again form an aisle, ranks facing each other and standing at **Parade Rest**, from the chapel entrance to the hearse, with the senior member closest to the chapel. As the casket approaches, the commissioned officer in charge gives the command **Attention; Present Arms**. The honorary pallbearers execute a hand salute as the casket passes and is placed into the hearse. The commissioned officer in charge gives the command **Order Arms; Dismissed**. They then proceed to the burial site.

VIII. PROCEDURES AT THE GRAVESITE FOR A PATROL FUNERAL

Members in general attendance at the gravesite shall form ranks standing at **Parade Rest**, facing the grave as directed by the commissioned officer in charge. As the hearse approaches, the officer in charge shall give the command **Attention**. As the casket is removed from the hearse, the officer in charge shall give the command, **Present Arms** at which time members render a hand salute. The active pallbearers carry the casket (feet first) to the grave. The officer in charge gives the command **Order Arms** after the casket is placed upon the lowering device. After the honorary pallbearers (if present) proceed to their predetermined position, the commissioned officer in charge gives the command **Parade Rest**.

Honorary pallbearers standing at **Parade Rest** form two ranks and face each other; with the senior members closest to the hearse; thus forming an aisle extending from the hearse toward the grave. When the grave is too near the road to permit this formation, they take their position at the grave before the casket is removed from the hearse. As the hearse approaches, the officer in charge shall give the command, **Attention**.

When all is in readiness to remove the casket from the hearse, the officer in charge gives the command **Present Arms**. The active pallbearers remove the casket from the hearse as the honorary pallbearers execute a hand salute. The minister and/or funeral director precede the active pallbearers bearing the casket (feet first) between the ranks of honorary pallbearers. After the casket has passed and is placed upon the lowering device, the commissioned officer in charge gives the command **Order Arms**. The honorary pallbearers execute the appropriate facing maneuver and proceed to a predetermined position. The officer in charge then gives the command **Parade Rest**.

Upon placing the casket on the lowering device, the active pallbearers move to a predetermined position and await the conclusion of the service.

IX. CONCLUSION OF THE SERVICE

At the conclusion of the service, the commissioned officer in charge gives the command **Attention**. The active pallbearers or the Honor Guard move into position beside the casket and raise the flag in a horizontal position, waist high, until the conclusion of firing of volleys and/or "Taps" (optional). They then fold the flag into the shape of a cocked hat using the military method. (See Illustration) The folded flag is passed to a pallbearer who faces left at the head of the grave and places the flag, at chest level, into the hands of the senior Patrol officer present or his/her designee. The pallbearer salutes the flag for three seconds and then faces right to assume his/her original position. The active pallbearers execute a left or right face together and march away from the grave in a column of twos. The senior Patrol officer present, or his/her designee, presents the folded flag to the next of kin and expresses the Patrol's condolences.

After the family has moved away from the grave, the officer in charge gives the command **Dismissed**. Members are then free to depart the gravesite.

X. PROCEDURES FOR THE HONOR GUARD

In his/her discretion and if requested by the family, the Commander's Office may authorize the use of an Honor Guard, if requested by the family.

The Section Director/Troop Commander or his/her designee should select members to serve as an Honor Guard. The 8 member Honor Guard should consist of 6 active members, one alternate, and one bugler (optional). Selected members should be capable of displaying a high degree of proficiency in executing both stationary and moving military drill, and have a thorough understanding of ceremonial procedures. The Honor Guard should report in full dress uniform (including hat, sidearm and white gloves) or as instructed by the Section Director/Troop Commander. The Section Director/Troop Commander should designate a Patrol Lieutenant to supervise and direct the duties of the Honor Guard.

The Honor Guard shall follow the *Honor Guard Standing Operating Procedures Manual* that will be provided to each troop/section.

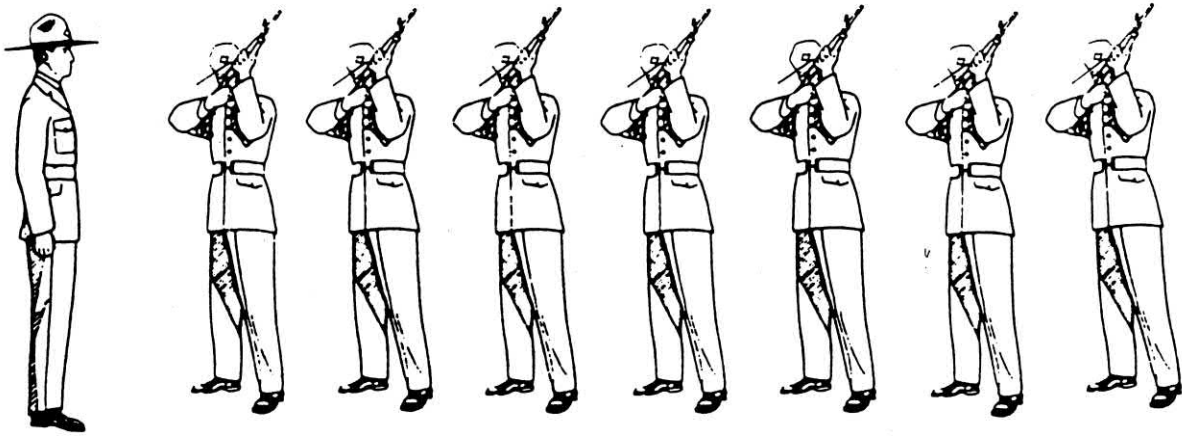
XI. MOURNING BANDS

The mourning band is worn as a visible sign of respect for active or retired law enforcement officers at the time of their death.

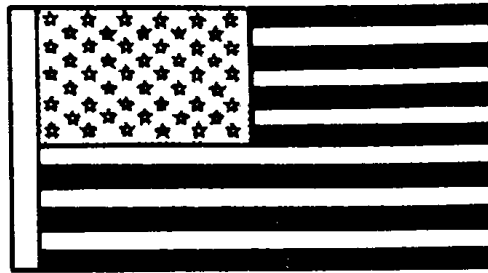
Members shall wear the mourning band under the following circumstances or at the direction of the Commander's Office:

- Upon official notification of the death of any active member(s) until midnight the day of the funeral
- While attending a retired Patrol member's funeral
- Attending any law enforcement officer's funeral in or out-of-state
- When assigned to a district or county where a law enforcement officer is killed in the line-of-duty (the band shall be worn from the time of official notification until midnight the day of the funeral)
- Attending any memorial service honoring law enforcement officers killed in the line-of-duty (i.e. Police Officers Memorial Day Ceremonies the band shall be worn from 0600 hours until midnight the day of service)

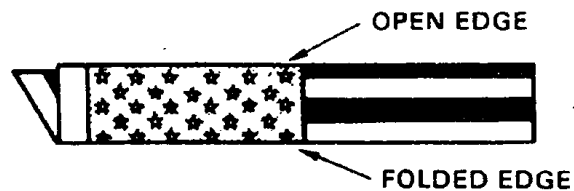
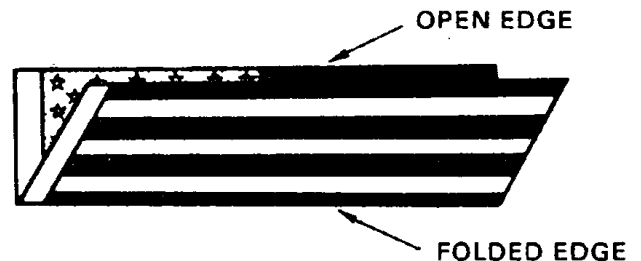
XII. HONOR GUARD POSITION FOR FIRING VOLLEYS



XIII. FLAG FOLDING PROCEDURES

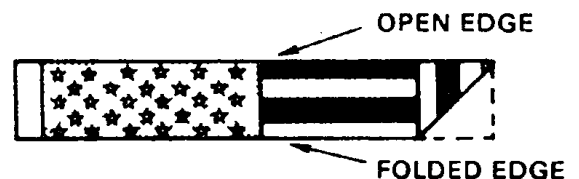


FOLD THE LOWER STRIPED SECTION OF THE FLAG OVER THE BLUE FIELD.



FOLD THE FOLDED EDGE OVER TO MEET THE OPEN EDGE.

START A TRIANGULAR FOLD BY BRINGING THE STRIPED CORNER OF THE FOLDED EDGE TO THE OPEN EDGE.



FOLD THE OUTER POINT INWARD PARALLEL WITH THE OPEN EDGE TO FORM A SECOND TRIANGLE.



CONTINUE FOLDING UNTIL THE ENTIRE LENGTH OF THE FLAG IS FOLDED INTO A TRIANGLE WITH ONLY THE BLUE FIELD AND MARGIN SHOWING.



TUCK THE REMAINING MARGIN INTO THE POCKET FORMED BY THE FOLDS AT THE BLUE FIELD EDGE OF THE FLAG.



THE PROPERLY FOLDED FLAG SHOULD RESEMBLE A COCKED HAT.



Grievance Procedure

Applicable to: Employees

Directive E.08

Revised 02/2016

Effective 12/2013

I. POLICY

State Highway Patrol Directive E.08 has been superseded by the State Human Resources Manual Employee Grievance Policy. This state policy can be found by going to the Department of Public Safety website or using the below link:

<http://oshr.nc.gov/policies-forms/discipline-appeals-grievances>

Assignments, Transfers, Retirements, Resignations, and Residence Requirements

Applicable to: Employees

Directive E.09

Revised 05/22/2020

Effective 11/10/2004

I. POLICY

This policy sets forth procedures in reference to transfers, retirements, resignations, and residence requirements of members of the Highway Patrol. All assignments and transfers shall be in the best interest of the Patrol as determined by the Commander's Office.

A member's residence must be established to ensure members can respond to calls for service in a timely manner on a 24-hour basis. Members shall reside within North Carolina and in the county of their assigned duty station or reside in an approved location within the designated response time from the county line of their assigned duty station.

II. ASSIGNMENT OF DUTY STATIONS WITHIN THE PATROL BY THE COMMANDER'S OFFICE

The Commander's Office shall assign members to duty stations in such a manner that will allow the Patrol to best fulfill its responsibilities to the entire state. Patrol members or civilian employees who are immediate family members shall not be stationed in a district, troop or section in which one may have direct supervision over the other. Members must be willing to live and work in any section of the state and may be reassigned or transferred at the discretion of the Commander's Office.

A newly promoted Sergeant may not be allowed to remain in his/her current duty station or assigned to a district where he/she has served as a member within two years of the date of promotion. The Commander's Office may provide an exception to this if the promotion is in the best interest of the Patrol.

Cadets may be assigned to the county from which they applied or any county in North Carolina, at the discretion of the Commander's Office, as long as there is an available opening at the time the Cadet is instructed to report. First consideration will be given to those members described in Section III (Transfer to another Duty Station within the Patrol at the Request of the Member) of this directive. If more than one Cadet applied from the same county, assignments will be made based on the recommendations of the Director of Field Operations.

III. TRANSFER TO ANOTHER DUTY STATION WITHIN THE PATROL AT THE REQUEST OF THE MEMBER

A one (1) year commitment to the member's initial duty station shall be required by all members upon graduation/sworn-in date from Patrol Basic School as indicated in CAD. After the one (1) year commitment has been fulfilled, a member may request to transfer to the duty station of his/her choice. If

extenuating circumstances exist, the Commander's Office may waive the one (1) year rule provided the member submits a memorandum documenting the extenuating circumstances via chain-of-command.

Members desiring to transfer into a vacant Size and Weight or MCSAP Trooper position shall meet all of the following minimum qualifications:

- Shall have a minimum of six (6) years of service prior to being considered for transfer into a vacant Size and Weight or MCSAP Trooper position
- Shall have a positive work performance history with no documented conduct issues demonstrating a continuous need for supervisory intervention in their current district(s) for the three (3) previous evaluation years
- Shall complete and pass the North American Standard (NAS) Level III – Driver/Credential/Administrative Inspection Course, and successfully complete the Field Training Inspection (FTI) program prior to transfer
- Shall be able to meet the minimum physical qualifications outlined in the Size and Weight or MCSAP Trooper job description

Transfer requests into a vacant Size and Weight or MCSAP Trooper position that do not meet the aforementioned criteria may be denied.

Members granted a transfer into a MCE position shall be required to make a two (2) year commitment to remain assigned to a MCE position. The date for this requirement will be the official transfer date. If extenuating circumstances exist, the Commander's Office may waive the two (2) year rule provided the member submits a memorandum documenting the extenuating circumstances via chain-of-command.

Each member holding the rank of Trooper, Sergeant, First Sergeant, Lieutenant or Captain who wishes to transfer to a different duty station within the Patrol shall request permission for such transfer by completing an HP-205 (*Request for Transfer*) electronically and submitting it to the Director of Field Operations via chain-of-command. Troopers' requests for transfer of duty stations within one (1) year following the date a member is sworn in shall be denied unless:

- In the discretion of the Commander's Office, extenuating circumstances warrant an exception to this policy. The requesting member should attach a memorandum stating any extenuating circumstances.
- Members who are assigned to a multi-county district who wish to transfer to another county within that district may do so without being required to meet the one (1) year minimum time in duty station requirement.

Requests for transfer shall follow the procedure as outlined below:

- Personnel Unit will post the “Trooper and Motor Carrier Allocation” report on internal website the 10th of each month or the first workday after the 10th of the month for each section, troop, and district. Vacant supervisor positions for the rank of Sergeant and First Sergeant will also be posted.
- Members shall submit transfer requests (HP-205) electronically to their District Supervisor or the appropriate supervisor in their chain-of-command on a quarterly basis (during the months of January, April, July, and October). The (HP-205) must be received electronically on or before the 15th of the above months or on the first workday after the 15th.
- District Supervisors or the appropriate supervisor in the chain-of-command shall make a recommendation as to whether the member’s request should be granted or denied, state the reasons therefore, and shall forward the request electronically to the Section Director/Troop Commander no later than the 16th of the month or the first workday after the 16th.
- Section Directors/Troop Commanders or their designees shall make a recommendation as to whether the member’s request should be granted or denied, state the reasons therefore, and transmit the request electronically to Field Operations no later than the 17th of the month or the first workday after the 17th. Section Directors, other than those assigned to Field Operations, shall make a recommendation as to whether the member’s request should be granted or denied for employees in their chain-of-command and state the reason therefore.
- Transfer requests shall be forwarded to the Commander’s Office electronically no later than the 19th or the first workday after the 19th.

The Commander’s Office shall approve or deny all transfer requests with a response electronically sent to affected members by the Personnel Unit.

In considering the member's request for transfer, the District Supervisor, Section Director/Unit/Troop Commander, Director of Field Operations, Commander’s Office shall first consider the best interest of the Patrol but shall also give consideration to the reason given by the member for requesting the transfer, the living conditions of the member and his/her family, and any special family circumstances which would justify the transfer. The Commander’s Office in his/her discretion may grant or deny the request for transfer.

When members are transferred to another duty station pursuant to their own request, they shall be responsible for all moving expenses.

Transfers to Specialized Units

Members wishing to transfer to a specialized unit must follow the transfer guidelines established by that unit. The Commander’s Office shall approve all guidelines or amendments to the guidelines. The director of each specialized

unit shall maintain approved guidelines that shall include selection criteria, vacancy announcement procedures, selection procedures, duration of assignment, and post-selection training requirements.

Supervisor Transfers

- Patrol supervisors who request to transfer to another duty station will be required to make a one (1) year commitment to remain in that duty station. The only exceptions to the one (1) year commitment in duty station requirement are:
 - District Supervisors who are assigned to a multi-county district may be allowed to transfer to another county within that district without being required to meet the one (1) year time in duty station requirement. Each District Supervisor shall request permission for such transfer in writing by completing an HP-205 (*Request for Transfer*) by following the aforementioned procedures. It shall be documented in the “Comments” section on the (HP-205) that the transfer being requested is within a multi-county district.
 - As referenced in this policy, members, at the discretion of the Commander’s Office, may be reassigned or transferred if the reassignment or transfer is in the best interest of the Patrol, without being required to meet the one (1) year in duty station requirement.
 - The one (1) year in duty station requirement mentioned in the aforementioned does not prohibit a supervisor from being eligible for promotion.

IV. PROCEDURES FOR ESTABLISHING RESIDENCE

Within 180 days of initial assignment or transfer, members shall establish their residence in accordance with this directive. In extenuating circumstances, a 90-day extension may be granted by the Section Director/Troop Commander. The Section Director/Troop Commander may grant an additional 90-day extension; however, the members must establish their residence within twelve months. The affected Section Director/Troop Commander shall submit a written report to the Unit Commander of the Personnel Unit stating the reason granting or denying each extension and describe the progress being made to solve the problem.

Moving and relocation procedures and expenses are governed by the Office of State Budget and Management. Directive E.05 (Expenditures) outlines State budget and management guidelines regarding the moving of household goods, requests for extensions, or other authorized expenses.

Section Directors/Troop Commanders are responsible for determining compliance with this policy and shall approve or deny requests to reside outside of the county of assignment.

A member's supervisor is responsible for ensuring that personnel under their supervision have a correct physical address and telephone number listed on the Computer Assisted Dispatch (CAD) System. If a member has a separate mailing address different from their current physical address, it shall be listed in the comments section on the first page of the personnel information page.

Before establishing or changing a residence, members wishing to reside outside their county of assignment must seek approval from their immediate supervisor by notification of the physical address at which they wish to reside. The following guidelines must be met when establishing a residence:

- **District Personnel:**

Troopers assigned to a district shall establish a residence in their assigned county or at a location that will allow them to respond to their assigned county within 45 minutes. Sergeants and First Sergeants shall establish a residence within their assigned district or at a location that will allow them to respond to their assigned district within 45 minutes.

- **Troop Headquarters Personnel and members assigned to Specialized Units:**

Members assigned to Troop Headquarters shall establish a residence within their assigned Troop or at a location that will allow them to respond to their duty station within 45 minutes. Members assigned to specialized units shall establish a residence within the Troop of their assigned area of responsibility or at a location that will allow them to respond to their area of responsibility within 45 minutes. (Example - A member assigned to the Reconstruction Unit in Fayetteville must live within Troop B or within 45 minutes of Cumberland County.)

- **Patrol Headquarters:**

Members assigned to Patrol Headquarters shall establish a residence within Wake County or at a location that will allow them to respond to Wake County within 60 minutes.

The member's supervisor will then determine whether the proposed location is within the designated response time of the assigned duty station. Approval must be granted **prior** to the member establishing the new residence.

The Commander's Office may approve exception to this policy on a case-by-case basis when, in the discretion of the Commander's Office, such an exception is necessary to prevent a hardship or to benefit the Patrol.

Members shall report any change of address and/or telephone number in writing to their immediate supervisor within twenty-four (24) hours.

Change of Residence Due to Promotion or Transfer

A member shall establish a residence, as defined in this policy, upon the effective date of the transfer, promotion, or as outlined above.

Regulations for Living Outside of Duty Station

- Members living in an approved location outside of the county of their assigned duty station and within the designated response time from the county line of their assigned duty station must be in their assigned duty station at the beginning of their assigned shift. Travel time outside of the member's assigned duty station is not compensatory.
- Should the need arise to make an enforcement contact or provide assistance during the period of en-route travel, members should take the appropriate action.
- All members must remain in their assigned duty station until the end of their assigned shift. Members are not permitted to leave their assigned duty station for meal hour or otherwise unless doing so in accordance with Highway Patrol policy and/or approved by their supervisor.
- This regulation shall not supersede any policy or regulation established prior to the effective date of this policy. However, any member who changes residences subsequent to this policy becoming effective shall adhere to the residence requirements provided herein.

V. TRANSFER TO OTHER STATE AGENCIES

Each member who wishes to transfer to another State agency shall follow the mandates of the State Personnel Manual. Members shall include in their request the following information:

- Reasons for the request
- Name of the agency to which the member desires to transfer
- Description of the position which the member desires
- Name of the supervisor for that position
- Desired effective date of the transfer

VI. RETIREMENT SYSTEM

All Highway Patrol personnel automatically become members of the Teachers' and State Employees' Retirement System of North Carolina upon full-time employment.

VII. RETIREMENT FOR ALL EMPLOYEES

All employees shall submit a memorandum of intent to retire to the Personnel Unit. If the requesting member meets the criteria of "Service Retirement" or "Early Retirement" as defined in Section VIII of this directive, and he/she is not currently under any investigation for serious personal conduct and/or job performance violations of Patrol policy, then the employee's request shall be classified as Honorable.

An Honorable retirement qualifies the employee for the following:

- Engraved Agency Retirement Plaque
- Agency Retirement Certificate
- Long Leaf Pine (30+ years of honorable service for Sworn employees),, Old North State (20+ years of honorable service for Sworn and Civilian employees), or the Certificate of Appreciation (5+ years of honorable service for sworn or civilian employees)
- State Highway Patrol "Retired Identification Card"
- A sworn member shall receive the badge he/she wore or carried while a member of the Patrol.
- A sworn member is eligible to purchase his/her current service side arm if he/she meets the criteria listed in Section IX

VIII. RECOGNITION OF RETIRED MEMBERS

The recognition of a member retiring from the Highway Patrol shall be allowed when one (1) of the following criteria has been met as defined by the state retirement system:

Sworn member:

- "Service Retirement," being not less than 55 years of age and completing 5 or more years of service as a sworn law enforcement officer or, at any age, having completed 30 or more years of credible service; or
- "Early Retirement," being not less than 50 years of age and completing 15 or more years of credible service as a law enforcement officer; or 25 years of service at any age and completing 15 years as a law enforcement officer.

Civilian member:

- "Service Retirement," being not less than 65 years of age and completing 5 or more years of service or, being not less than 60 years of age and completing

25 years of service or, at any age, having completed 30 or more years of credible service; or

- “Early Retirement,” being not less than 50 years of age and completing 20 or more years of credible service; or being not less than 60 years of age and completing five or more years of service.

After meeting one (1) of the criteria mentioned above, any Honorably-retiring member may request a retirement ceremony to be conducted in the Commander’s Office or at a place designated by the affected retiring member.

Upon the death of an Honorably-retired member, the Patrol Headquarters staff will assist the member's dependents in all matters pertaining to Patrol related benefits and a Patrol funeral may be provided if requested by the family. The Commander’s Office or his/her designee shall determine the feasibility of providing a Patrol funeral for a retired member.

IX. BADGES AND SERVICE SIDE ARMS

Upon request and at no cost to them, an Honorably-retiring member shall receive the badge he/she wore or carried while a member of the Patrol.

At the discretion of the Secretary of the Department of Public Safety (DPS) an Honorably-retiring member may purchase his/her service side arm at a price determined by the Secretary.

To be eligible to purchase his/her current service side arm, an Honorably-retiring member must meet one (1) of the criteria outlined in this directive, as defined by the state retirement system, submit the HP-500 to the Personnel Unit and obtain approval from the Commander’s Office, and must have carried the current side arm for not less than twelve (12) months prior to retirement. An Honorably-retiring member who does not meet the twelve (12) month criteria may elect to purchase his/her previous side arm provided he/she notified the Commander’s Office of his/her intent to retire at the time his/her current side arm was issued.

The twelve (12) month rule may be waived for an Honorably-retiring member at the discretion of the Commander’s Office, along with consultation with the Secretary of the Department of Public Safety (DPS).

An Honorably-retiring member making a request to purchase his/her current or previously-issued service side arm must complete form HP-500 and submit the form directly to the Personnel Unit at the time of the member’s retirement conference with the Benefits Unit. The member shall submit legible copies of their Patrol Identification Card and driver’s license to the Patrol Armory in compliance with N.C.G.S. § 14-404(d) and N.C.G.S. § 20-187.2. Additionally, a cashiers check or money order payable to the NC Department of Public Safety shall be submitted to the Patrol Armory.

On the last day of employment of an Honorably-retiring member that has been approved to purchase his/her service side-arm, the immediate supervisor must complete a HP-500B (Receipt of Service Weapon). The HP-500B shall then be forwarded to the Patrol Armory within ten (10) working days.

X. RESIGNATION

Members who intend to resign should notify the Commander's Office in writing via chain-of-command at least two (2) weeks prior to the date of resignation.

XI. SEPARATIONS – PERSONNEL FILES

The following Personnel Files shall be forwarded to the Personnel Unit within fifteen (15) calendar days of the employee's last scheduled working day:

- General Correspondence
- Certifications
- Copy of Training Records
- HP-35's (members only)
- Performance Appraisals (Current year and three years prior)

These Personnel Files shall then be forwarded to the Department of Public Safety Human Resources Records Coordinator where it shall be maintained for a period of five (5) years. At the completion of this five (5) year retention the DPS HR Records Coordinator shall be responsible for forwarding these files to State Archives where they shall be maintained for 30 years after separation.

The following Personnel Files shall be given back to the member:

- HP-201's and HP-201B's (if applicable to the position)
- Patient Files / Insurance Documents
- Form 19 or DPS-WC-EE
- Bi-Annual Inspection Report (if applicable to the position)
- HP-740 Residence (if applicable to the position)
- HP-745 Secondary Employment
- HP-767 Promotional Process Application (if applicable to the position)
- Commendations
- HP-341 File Transfer / Promotion Checklist

Secondary Employment

Applicable to: Employees

Directive E.10

Revised 10/30/2018

Effective 11/30/1999

I. POLICY

This policy establishes guidelines governing secondary employment for all Patrol employees.

II. EMPLOYMENT RESPONSIBILITIES (CALEA 22.3.4)

The employment responsibilities to the Patrol are primary for any Patrol employee working full-time; any other employment in which that person chooses to engage is secondary. Employees shall not engage in secondary employment without prior *written approval* from their Section Director, Troop/Unit Commander. The purpose of this approval procedure is to determine that the secondary employment does not directly or indirectly create a conflict of interest with the Patrol or impair the employee's ability to perform all expected duties.

All secondary employment shall occur on the employee's day(s) off, holidays, or vacation time, or after the employee's assigned shift has been worked.

All secondary employment ***shall be terminated in sufficient time*** to allow the employee eight (8) hours between secondary employment and on-duty time.

III. PROHIBITED SECONDARY EMPLOYMENT FOR MEMBERS

- Members shall not be certified as a law enforcement officer, deputy sheriff, or criminal justice officer for any other agency.
- Members shall not engage in any secondary employment that requires that they carry a firearm, testify in court, make arrests, detain a subject, or any employment involving the performance of uniformed security duties. This prohibition does not apply to members providing training to other law enforcement officers or agencies through a community college or university.

IV. PROHIBITED SECONDARY EMPLOYMENT (CALEA 22.3.3; 22.3.4)

Employees are prohibited from engaging in any secondary employment that would constitute a conflict of interest or reflect unfavorably upon the Highway Patrol or the employee, impair the operational efficiency of the Patrol, or adversely affect the Patrol.

Employees are specifically prohibited from engaging in the following types of secondary employment:

- Employment as a process server, re-possessor, bill collector, bail bondsman, tow of vehicles subject to repossession, or any other employment in which

police authority might be used to collect money or merchandise for private purposes.

- Employment with a wrecker/towing service or any business that involves selling or doing business with wrecker/towing service.
- Employment with a trucking company or other commercial motor vehicle business if the employee is assigned to enforce size and weight or MCSAP regulations.
- Employment as a personal investigator for the private sector that might require the employee to have access to police information, files, records, or services as a condition of employment.
- Employment at alcohol establishments where the on-premise sale and consumption of alcohol is the primary source of revenue. For the purposes of this directive, events such as festivals, sporting events, and concerts will not be considered alcohol establishments.
- Employment at any establishment of any type if the member will be required to sell or serve alcoholic beverages for on-premises consumption.
- Employment at establishments, which sell merchandise of a sexual or pornographic nature; or that otherwise, provides entertainment or services of a sexual nature. Employment at topless bars, X-rated video or bookstores, or adult entertainment establishments is prohibited.
- Employment at gambling establishments not federally licensed as a casino.
- Employment that would hinder or interfere with the employee's regular duties, including the need to leave court, training or any other assignment early or the inability to complete an assignment due to the starting time for secondary employment.
- For a business or labor group where there are labor protests, picket lines or a strike.
- Employment that involves case preparation for the defense in any criminal action or in any civil action or preceding that is related to a criminal action.
- At any business or with any group that is under investigation for illegal conduct or that may bring the employee in conflict with an investigation or enforcement action by another law enforcement agency as determined in the discretion of the Commander's Office.
- At any other secondary employment that could be viewed as a conflict of interest if the occupation is one that the affected employee must regulate with

corrective law enforcement action during official Highway Patrol duty hours, or reflects negatively upon the Highway Patrol.

V. LIMITATIONS OF SECONDARY EMPLOYMENT (CALEA 22.3.3; 22.3.4)

Employees shall not be eligible to engage in any form of secondary employment for the following:

- Performing work for any secondary employer or for self-employment during on-duty hours.
- Are on injury leave for an on duty injury or through a workers comp claim.
- Are rendered unavailable for emergencies.
- Requires the performance of duties for compensation for any person or firm or by way of self-employment during regular duty hours.
- Physically or mentally exhaust the employee to the point that his/her performance may be affected.
- Requires special consideration when scheduling employee for regular duty hours.
- Employees on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in secondary employment. Employees with prior secondary employment approval will have such approval revoked if they continue to engage in secondary employment under these circumstances.
- Any employee on medical or other leave due to sickness, temporary disability, or on light duty for an off-duty injury is not eligible until such case is reviewed and approved by the Section Director/Troop/Unit Commander. The employee shall obtain a letter from his/her attending physician or the Patrol physician describing the injury or illness, estimated time until return to full duty, and any effects of secondary employment impairing recovery time to full duty. The employee shall forward this documentation to the appropriate Section Director/Troop/Unit Commander, via chain-of-command. The Section Director/Troop/Unit Commander should consider if such continuation of employment conflicts with the mission of the Patrol or hinders the employee from returning to duty as soon as possible.

Prior secondary employment approval may be revoked if an employee is found to be in violation of any portion of Patrol policy or receives a disciplinary action. In those cases where an employee has received a disciplinary action greater than a written warning, the appropriate supervisor shall notify the Section Director/Troop/Unit Commander via chain-of-command. The Section Director/Troop/Unit Commander may revoke any existing secondary employment

or deny request for continued secondary employment for any employee who receives a disciplinary action.

VI. APPROVAL OF SECONDARY EMPLOYMENT (CALEA 22.3.4)

The Section Director, Troop/Unit Commander shall determine if such secondary employment is in the best interest of the Patrol and may approve or deny such request for secondary employment. The written request for secondary employment (HP-745) shall be submitted to the employee's immediate supervisor. The supervisor shall, after a preliminary investigation, determine if the employment would create even the appearance of a conflict of interest or otherwise impact adversely on the image of the Patrol. The supervisor shall document the preliminary investigation in the comments section of the HP-745. Supplemental information can be attached if needed. (Requests for secondary employment requiring a permit, license, or certification shall have a copy of such permit, license, or certification attached to and submitted with the HP-745.) The written request will be forwarded to the appropriate Section Director, Troop/Unit Commander for Approval.

At any time the scope, responsibilities, or duties of an approved secondary employment changes, the employee must resubmit form HP-745, which shall include the change in scope, responsibilities, or duties the employee will be performing for approval. The employee must deliver the HP-745 to their immediate supervisor without delay, and the employee **shall not** perform the new duties, responsibilities prior to the HP-745 being approved. This process shall also apply if the employee decides to pursue secondary employment with another agency, or business, even if the duties, scope, or responsibilities are the same as those being performed by the employee at a previously approved secondary employment position. A member that is requesting to terminate secondary employment must submit a memorandum to their immediate supervisor indicating this request and the date that their secondary employment will end.

VII. ELIGIBILITY

In order to be eligible for secondary employment, an employee must be in good standing with the Patrol. Continued approval of an employee's secondary employment is contingent upon such good standing. If an employee's good standing or overall job performance has deteriorated beyond acceptable standards, the affected employee's supervisor may recommend to the appropriate Section Director/Troop/Unit Commander that the affected employee be ineligible to engage in any future secondary employment function or have an active secondary employment status revoked until the employee's overall job performance standards/good standing has reached an acceptable level. This recommendation shall be in writing, and shall include the facts that lead to the supervisor's recommendation. The status of members taking part in the Safety and Courtesy Program (SAC) shall be reviewed on a case-by-case basis.

Employees must have completed their probationary periods of employment before being eligible for secondary employment. On the HP-745 the employee shall list the required duties and responsibilities to be performed. The requesting employee shall submit the HP-745 to the appropriate Section Director, Troop/Unit Commander, via the chain-of-command. The Section Director, Troop/Unit Commander shall have the authority to approve or disapprove the request of the employee.

VIII. WORKERS' COMPENSATION ISSUES

Workers' Compensation for injuries occurring while working an approved secondary employment will be resolved by the secondary employment agency, business, or firm.

Employees who incur injuries while engaged in secondary employment shall contact their immediate supervisor for the approved secondary employment agency for which they are working, to submit the appropriate North Carolina Industrial Commission Forms.

An employee who is injured as a result of performing an approved secondary employment shall as soon as possible, contact their immediate NCSHP supervisor and inform him/her about the nature of the injuries. Injured employees will be required to use an approved "Leave" (Annual or Sick) as outlined in Directive E.04, "Authorized Time Off."

IX. SAFETY AND COURTESY PROGRAM (SAC)

The Safety and Courtesy Program (SAC) allows members who reside in multi-family communities or housing, to receive reductions in rent in exchange for non-law enforcement services. These members are encouraged to interact with residents and apartment managerial staff or landlords as necessary, as long as the activities performed are not construed as part of the member's official duties as a member of the North Carolina State Highway Patrol.

Members acting under the capacity of the SAC program shall not become involved in notification of evictions, collection of rent, bad checks, and enforcement of complex rules, regulations or policies.

Members encountering situations requiring law enforcement authority shall immediately notify on-duty law enforcement personnel and serve as a liaison in acquiring such services. However, members shall act appropriately and in accordance with Patrol policy where authorized to act in compliance with their sworn oaths as listed in Directive I.01 (Authority to arrest or detain while out of uniform/off-duty). Members acting under the capacity of the SAC program shall not become involved in domestic or neighborhood related disputes and shall not respond to calls for service in their complexes in which they reside.

The Highway Patrol will not become involved in any civil litigation arising between the housing management and the affected member. All financial

correspondence will occur between the involved member and the housing/complex authority. Members are reminded to report this benefit, as described in the North Carolina and Federal Internal Revenue Services' codes.

Members interested in participating in the SAC program are required to submit the HP-745 to his/her immediate supervisor, who shall be responsible for forwarding the HP-745 to the appropriate Section Director, Troop/Unit Commander for approval with the following information:

- Member's full name and duty station
- Date of expected occupancy
- Name of authorizing property manager
- Services to be provided as a result of the arrangement

X. SUPERVISOR CONTACT OF SECONDARY EMPLOYER (CALEA 22.3.4)

The immediate supervisor of any employee engaging in approved secondary employment shall personally contact the employee's employer by 15 February of each year of secondary employment to ensure that all conditions are being met and shall record this contact in the annual review portion of the HP-745A. If the employee is self-employed, the immediate supervisor shall conduct an interview with the employee during the same period mentioned above, to ascertain compliance with this directive.

XI. OTHER RESTRICTIONS (CALEA 22.3.4)

No employee shall engage in secondary employment while on duty or off duty while in a Patrol issued uniform. No employee shall use a cell phone to conduct secondary employment while on duty. No leave without pay will be granted for the purpose of secondary employment under any circumstances unless approved by the Commander's Office. No State property, including vehicles, firearms, Patrol issued uniforms, identification credentials, and telephones shall be used in any manner while engaging in approved secondary employment.

XII. REAPPROVAL PROCESS (CALEA 22.3.4)

Secondary employment approvals shall expire on 15 February of each calendar year. If the employee desires to continue secondary employment, the HP-745A must be submitted via chain-of-command to the appropriate supervisor by 31 January of each calendar year for approval. Employees approved for secondary employment will be responsible for submitting the HP-745A requesting annual re-approval. The appropriate supervisor shall forward the HP-745A via chain-of-command to the appropriate Troop Commander/Section Director if the annual review for re-approval is denied. All reviews of secondary employment shall be completed by 15 February.

If policy violations are found, and the immediate supervisor recommends the secondary employment be revoked or approval is denied, then those recommendations are to be submitted with the HP-745A immediately to the Troop Commander/Section Director.

A member that is requesting to terminate secondary employment must submit a memorandum to their immediate supervisor indicating this request and the date that their secondary employment will end.

XIII. ATTENDING COURT

Employees who may be required to go to court to testify about any matter or incident that may arise while performing an approved secondary employment shall be required to attend court during the member's off-duty time. Employees shall not wear any Patrol issued uniform or equipment that could give a reasonable person the impression that employee is testifying on behalf of the Highway Patrol.

I. POLICY

Law Enforcement Officers, support personnel, and their families have always borne unique burdens because of the stresses related to law enforcement work. A foundation for shouldering these burdens has been support, care and counseling from various sources. Since the stresses and burdens borne by law enforcement are more complex than ever before, there is a need to improve access to various sources of counseling. Thus, the North Carolina Highway Patrol (NCSHP) hereby establishes a volunteer chaplaincy program to provide guidance; assistance and counseling to its employees and their family members who wish to access its services to work in conjunction with the Members Assistance Team.

II. APPOINTMENT OF CHAPLAINCY PROGRAM COORDINATOR AND TROOP CHAPLAIN COORDINATOR

The Commander's Office shall be responsible for appointing the Chaplaincy Program Coordinator, after a thorough review of qualified applicants. The Chaplaincy Program Coordinator shall appoint a Troop Chaplain Coordinator for each Troop from qualified applicants.

III. QUALIFICATIONS OF CHAPLAINCY PROGRAM COORDINATOR

Those who wish to be considered for the position of Chaplaincy Program Coordinator must meet the same qualifications as a Volunteer Chaplain, submit a résumé detailing his/her qualifications, and be interviewed by the Commander's Office.

IV. DUTIES OF THE CHAPLAINCY PROGRAM COORDINATOR

The Chaplaincy Program Coordinator shall report directly to the Director of Professional Standards or designee, and shall be responsible for the following:

- Assign duties and responsibilities to the Troop Chaplain Coordinator
- Oversee the Chaplaincy Program to ensure organizational goals are being met
- Verify the credentials of all Chaplaincy Program Candidates
- Select and supervise appointed Troop Chaplain Coordinator
- Periodically contact appointed Chaplains to discuss and address areas of mutual concern, and to receive in-put on program improvements

- Prepare an annual (December) report for the Director of Professional Standards or designee, outlining the activities of all Volunteer Chaplains, and make recommendations for program improvement

V. DUTIES OF THE TROOP CHAPLAIN COORDINATOR

The Troop Chaplain Coordinator shall report directly to the Chaplaincy Program Coordinator, and shall be responsible for the following:

- Perform duties as assigned by the Chaplaincy Program Coordinator
- Supervise Volunteer Chaplains assigned to the Troop area
- Serve as Program Coordinator in the absence of the Chaplaincy Program Coordinator when assigned by the Chaplaincy Program Coordinator, the Director of Professional Standards or designee, or Commander's Office
- Prepare and forward to the Chaplaincy Program Coordinator quarterly, a written report outlining the activities performed by Volunteer Chaplains under his/her supervision

VI. APPOINTMENT OF VOLUNTER CHAPLAINS

The Chaplaincy Program Coordinator shall appoint Volunteer Chaplains, and provide the Commander's Office with a list of selected Chaplains for review.

The Chaplaincy Program Coordinator shall be responsible to ensure an updated list of Volunteer Chaplains is regularly forwarded to the Director of Professional Standards or designee, who shall maintain and post a list of all approved Volunteer Chaplains and their contact numbers on the Patrol's Intranet.

VII. QUALIFICATIONS OF CHAPLAINS

To be considered for appointment as a Volunteer Chaplain, applicants should:

- Submit a resume or letter of application to the Chaplaincy Program Coordinator detailing his/her qualifications
- Participate in an interview with the Chaplaincy Program Coordinator.
- Be a regular or duly ordained, ecclesiastically certified, minister, priest, imam or rabbi endorsed by a recognized religious body
- Must have a minimum of five (5) years of service in full time public ministry
- Must demonstrate strong communication skills

- Have successfully completed educational programs, credits or courses in the areas of psychology or counseling. At least a bachelor's degree is preferred, but not required.
- Have an interest in the Chaplaincy Program and exhibit a broad base of experience, maturity and flexibility
- Have a caring and considerate attitude towards all employees regardless of their race, sex, creed or religion
- Be available to serve on a twenty-four hour basis, as a volunteer
- Possess a valid North Carolina driver's license
- Agree to a criminal history background check and driver's history check
- Agree to attend, as available, relevant seminars and training, guided by the procedures as recognized and endorsed by the International Critical Incident Stress Foundation as made available
- Be willing to work under the supervision of the Chaplaincy Program Coordinator and/or Troop Chaplain Coordinator

VIII. CONFIDENTIALITY AND CHAPLAIN COUNSELING

A Chaplain shall neither be expected nor required to disclose any information which is communicated and entrusted to him/her by Patrol employees who are seeking counsel and advice of the chaplain in his/her capacity as a minister with the expectation that such information be kept confidential. This provision shall not be construed to expand or diminish the confidentiality provision as set out in N.C.G.S. § 8-53.2.

These confidentiality provisions should not be construed to impede or prevent a Chaplain from reporting his or her chaplaincy work to the Chaplaincy Program Coordinator in a timely manner. He/She shall report such information to the Commander's Office if the situation is one that could affect the reputation of the Patrol.

IX. ACCESS TO HIGHWAY PATROL EMPLOYEES AND PROPERTY

Chaplains are authorized to visit employees and have reasonable access to all buildings and on-site locations as may be appropriate. This includes reasonable use of rooms, offices or other space for meetings so long as that use does not interfere with the operation of the Patrol.

X. RELIGIOUS VIEWS

Because we are an agency with employees who have different religious beliefs, Chaplains must take a non-denominational approach when they are interacting with NCSHP Personnel, unless they have been requested by the affected employee or the employee's family to share a specific doctrine the Volunteer Chaplain is currently practicing.

XI. REQUESTS FOR CHAPLAIN ASSISTANCE

Employees and family members may access chaplaincy services for personal counsel, advice or other support commonly provided by clergy. Supervisors shall make reasonable efforts to accommodate Chaplains in rendering these services to employees.

The names and methods of contacting Chaplains shall be posted on bulletin boards, Patrol's Intranet, and other appropriate locations throughout the Patrol.

XII. RIDE-ALONGS BY CHAPLAINS

In the performance of their duties, Patrol Chaplains may ride in a Patrol vehicle when approved by a First Sergeant or higher authority. The Communications Center shall be advised any time a Chaplain is in a Patrol vehicle. Chaplain ride-alongs are part of the Chaplaincy Program; however, a member may decline to have a Chaplain ride-along with him/her. At no time during the course of the ride-along should a Chaplain interfere with the member in the performance of his or her law enforcement duties. Chaplains who request a ride-along shall sign form HP-3 (Ride Agreement), waiving all claims for any injuries suffered during a ride-along each time they ride along with a member.

Chaplains shall not interfere with any Patrol employee in the performance of his/her duties.

XIII. GENERAL DUTIES

Chaplains shall be available upon request of any employee to perform the following services:

- Counsel employees and members of their families
- Visit sick and injured employees and members of their family in the hospital
- Assist member with making death notifications when requested
- Serve as liaison with other clergy in the community
- Serve in funerals, religious and civil ceremonies, Training Academy graduations, awards ceremonies, swearing in of new members, etc; when

requested by the Commander's Office or designee and/or when requested by cadets, employees, or their families

- Inform the appropriate Troop Chaplain of all activities which they are involved as a representation of the Highway Patrol on a weekly basis

XIV. NOTIFICATION OF CHAPLAINS OF SPECIAL CIRCUMSTANCES

The appropriate supervisor shall notify the State OD of special circumstances when the services of a Chaplain may be needed. This typically may occur when a serious injury, illness or death has happened to an employee or a member of the employee's immediate family, or when a major accident or other disaster strikes.

XV. NORTH CAROLINA STATE HIGHWAY PATROL POLICY DIRECTIVES

Chaplains are expected to comply with all applicable Patrol directives in the performance of their duties. Misconduct of a Chaplain (such as drunkenness, moral misconduct or violation of Patrol Directives) is grounds to be removed as a Chaplain by the Chaplaincy Program Coordinator, and/or the Commander's Office.

XVI. CHAPLAINCY PROGRAM PHOTO IDENTIFICATION CARDS

All Volunteer Chaplains will be issued a distinctive photo identification card. The card must be worn on the outer clothing at all times when representing the Patrol while in the performance of his/her approved duties. All Volunteer Chaplains shall also be required to produce their Patrol issued ID for viewing upon request.

Following acceptance of an individual to serve as a Volunteer Chaplain, the Chaplaincy Program Coordinator shall submit a request via e-mail to the Director of Professional Standards or designee requesting an identification card for the Volunteer Chaplain.

Identification cards are the property of the NCSHP, and Volunteer Chaplains shall return his/her issued identification card to the Chaplaincy Program Coordinator upon separation from the Chaplaincy Program. The Chaplaincy Program Coordinator shall forward all returned identification cards to the Director of Professional Standards or designee.

A Volunteer Chaplain shall not use his/her issued identification card as a means of obtaining privileges not otherwise available to the general public.

If an identification card is lost or stolen, the affected Chaplain shall promptly inform the Chaplaincy Program Coordinator, who shall contact the Director of Professional Standards or designee as soon as practicable, for the purpose of obtaining a replacement identification card. A replacement identification card will be issued upon receipt of a written request from the Chaplaincy Program Coordinator.

The Chaplaincy Program Coordinator and the Director of Professional Standards or designee shall be the sole authorities who may authorize the issuance of an identification card for assigned Chaplains.

Awards and Recognition

Applicable to: Employees

Directive E.12

Revised 10/2014

Effective 08/2011

I. POLICY

This purpose of this policy is to establish guidelines for the employee awards and recognition program for the North Carolina State Highway Patrol.

II. AWARDS

Award of Valor

Forms: HP-11

- Agency's highest award for heroism
- Recipient must have demonstrated outstanding judgment, courage, personal bravery, and a selfless act of heroism involving risk of life to prevent injury, loss of life, or prevent damage to or loss of property
- The saving of a life or the success of the voluntary heroic act is **not** essential
- An employee who subsequently dies from this act will be nominated for posthumous awarding with the award being presented to the surviving spouse or next of kin
- An employee can be considered for this award in addition to other Patrol awards presented from the same incident. **In order to qualify for this award, the citizen's act has to directly involve the saving of a member/employee or arrest of suspect involved in SHP related arrest.**
- Members who received the North Carolina Award of Honor and the Patrol Award of Valor are authorized to wear the approved ribbon
- The committee will annually review all Valor award recipients for possible submission for the State of North Carolina Award of Honor as described in N.C.G.S. § 20-187.1

Purple Heart Award

Forms: HP-11

- Recipient who has been **injured or wounded** by an act of aggression or assault upon him/her while performing assigned duties
- The injury must be of a serious nature to have required treatment by hospital personnel and be of a significant nature to deserve recognition

- A recipient who dies from this act will be nominated for posthumous awarding with the award being presented to the surviving spouse or next of kin

Samaritan Award

Forms: HP-11

- Recognition of an employee who participated in or assisted in any event of an exceptional nature to save the life of another person or to prevent injury **without** risk of personal life. **A citizen may be nominated for this award only if the rescue involves a SHP employee.**
- This act may have occurred on or off duty. The saving of a life or the success of the voluntary heroic act is not essential.

Meritorious Service Award

Forms: HP-11 for the

- Award can be used to nominate individuals, groups, districts, or sections
- Recognition for outstanding service, accomplishment, clearly placing the employee or group above their peers in one or more categories: Devotion to Duty, Innovations, Public Service, Human Relations, and Cost Saving Initiatives
- Recognition should be given to implementing quality practices. Quality practices are processes that support the delivery of our services in the most effective and efficient way. These may include but are not limited to the following:
 - Saves time, saves money, cuts waste, reduces paperwork, eliminates duplication, eliminates steps in processes

Humanitarian Award

Forms: HP-11

- Recognition for an employee for outstanding volunteer public service that significantly contributes to individuals, groups, organizations, or communities in North Carolina. Volunteer humanitarian actions or public service works should have occurred off-duty and with no compensation.

Captain T. L. Cheek Collision Reduction Award

- The District that has the overall largest percent decrease in reportable collisions over the previous year

Taylor / Cogdill Award

- Awarded to the Troop that has the overall largest percent decrease in reportable Commercial Motor Vehicle collisions over the previous year

Citizen Appreciation Award

- Recognition of a citizen or group who has significantly contributed to the success and mission of the Highway Patrol. Partnerships and contributions are toward enhancing the quality and morale of the agency or creating a better public image of the Highway Patrol (such as positive personal interaction with our employees, through public awareness, project assistance, working to establish partnerships with our agency, or collaboration on projects).

Honorary Trooper Award

- This prestigious award is presented by the North Carolina State Highway Patrol Commander's Office. This special award is to recognize an individual for their significant contribution to the Highway Patrol and is the highest level of recognition that may be bestowed on an individual outside of our agency.
- Nominations can be made on a HP-11 and forwarded to the Commander's Office via the chain-of-command for consideration

III. NOMINATION PROCESS

- Supervisor may nominate employees or groups for any award listed above by submitting the HP-11. Multiple names can be listed on one HP-11 for the same event. The forms and all supporting documentation should be submitted via e-mail to the Awards Coordinator through the appropriate chain-of-command in a Word document. A submission via e-mail is sufficient approval and does not require hard copy signatures.
- An employee that wishes to nominate another employee may do so by contacting the nominee's supervisor and providing all the necessary information so that the HP-11 may be completed. Once the HP-11 is completed, it is to be submitted in the same manner as listed above.
- Section Directors must recommend or not recommend all nominations. If not recommended, the Section Director must list the reasons why not recommend the nomination. Regardless, all nominations are forwarded to the Awards Coordinator.
- Award ceremonies will be held every May and November of each calendar to present those awards received in the previous six (6) months. *Nominations for the May ceremony must be received by the Awards Coordinator by 15 April for the May ceremony and 15 October for the November ceremony.*

IV. AWARDS COMMITTEE

The Director of Professional Standards will appoint four (4) members to serve on the Awards Committee that will consist of the following:

- Awards Coordinator, First Sergeant (The Awards Coordinator will be responsible for organizing, processing all awards and is a permanent committee member).
 - One (1) Sergeant, chairperson in the absence of the First Sergeant
 - Two (2) Members
 - One (1) Civilian Employee
- No Troop or Patrol Headquarters will have more than one (1) representative serving on the committee. No employee will serve more than two (2) terms on the committee.
- Committee members will serve a 2-year term. Appointments begin 1 January of each appointed year
- Committee members will be replaced if promoted, transferred, or leave employment with the Patrol. Appointees who complete the terms of others will serve on the committee until the initial term is completed and may not be appointed again.
- The Awards Coordinator will notify the Director of Professional Standards of term expirations on 1 December of the last year of the members' terms. New appointments will be made by 15 December. The Awards Coordinator will notify the new appointees of the date of the first bi-annual meeting.
- Committee members who are nominated for an award will not be allowed to carry a vote for that nomination
- The committee will meet bi-annually, or as needed, to review award nominations. The first meeting will be held between 15 and 20 January. At least three (3) committee members are required to conduct business.
- Upon receiving the nominations, the Chairperson may require additional information from the nominator concerning the circumstances of the nomination
- When required, supporting documentation shall accompany the nomination for the award

- The act that is the basis for the nomination significantly surpasses that normally exhibited by a civilian employee or member in that position
- Achievement was acquired in spite of an organizational change, a reduction in work force, or a physically challenging work environment
- Achievement resulted in improved services or response to customers, or significant savings in time, money, or materials for the Patrol, Department, or State in general
- Participation was in an activity outside the scope of normal employment that reflects favorably on the Patrol. This act may be as the primary participant or in the assisting capacity.
- The committee will review all HP-11(s) submitted and provide a vote. The decision will be based upon a simple majority vote.
- Nominations will be reviewed within ten (10) calendar days once received by the Awards Coordinator. The Awards Coordinator will forward all nominations to the Director of Professional Standards and the Commander's Office for approval.

V. PRESENTATION OF AWARDS

Upon approval from the Commander's Office, the Awards Coordinator will coordinate and organize the award ceremony to include:

- Reserving a location for the ceremony
- Assisting the Commander's Office in official notification to awardees
- Coordinate award ceremony date with Commander's Office
- Ordering all awards
- Process all invoices related to awards
- Notifying the PIO for media release
- Complete a program for the ceremony
- Disseminating all ceremony announcements to SHP employees

Awards of Valor and Purple Heart Awards will be awarded by the Commander's Office. The Patrol will hold an award ceremony bi-annually in May and November of each year.

VI. DEPARTMENT OF PUBLIC SAFETY AND GOVERNOR'S LEVEL AWARDS

The employees that are awarded agency level awards and meet the criteria will be nominated for the North Carolina Department of Public Safety's *Badge of Excellence Award*

The employees that are awarded the *Badge of Excellence Award* and meet the criteria will be nominated for the *Governor's Award for Excellence*

I. POLICY

This policy sets forth guidelines for the application and selection process for employment with the North Carolina State Highway Patrol. It shall be the policy of the Highway Patrol to give equal opportunity for employment without regard to race, religion, color, creed, national origin, sex, age, or physical disability to all persons otherwise qualified, except where specific age, sex, or physical requirements constitute bona fide occupational qualifications necessary for proper and efficient administration and operation of the Highway Patrol.

II. EQUAL EMPLOYMENT OPPORTUNITY

The commitment to equal career opportunity shall be undertaken through a continuing program of equal employment opportunities involving but not limited to the following activities:

- Recruitment
- Interviewing
- Selection
- Hiring
- Promotion
- Training
- Compensation and Benefits

The Highway Patrol program of equal employment opportunity shall be undertaken at every supervisory level to ensure that personnel policies and practices will guarantee equal opportunities for all members of the Highway Patrol in compliance with all applicable State and federal laws and regulations.

All elements of the selection process for Trooper positions shall be administered, scored, evaluated, and interpreted in a uniform manner.

III. VETERAN'S PREFERENCE POINTS

In appreciation for their service to this State and this Country, Honorably Discharged veterans, surviving spouses and surviving dependents of disabled veterans and spouses of veterans who suffer a service-connected disability, who meet the minimum employment standards of this Directive, will have ten (10)

preference points added to their overall applicant screening score (T-score) at the conclusion of the applicant's initial Screening.

IV. BASIC REQUIREMENTS FOR ENFORCEMENT MEMBERS

Trooper (Sworn School)	Trooper (Non-Sworn Basic School)
Must be U.S. Citizen as of date of application	Must be U.S. Citizen as of date of application
Must be at least 21 years of age prior to first day of patrol school and no more than 39 years of age on the first day of patrol school.	Must be at least 21 years of age prior to first day of patrol school and no more than 39 years of age on the first day of patrol school
Must be NC resident and possess a valid NC driver license as of the first day of basic school.	Must be NC resident and possess a valid NC driver license as of the first day of basic school.
Must have a minimum of an Accredited high school diploma, or Certificate of High School Equivalency (i.e. G.E.D. General Educational Development Certificate)	Must have a minimum of an Accredited high school diploma, or Certificate of High School Equivalency (i.e. G.E.D. General Educational Development Certificate)
Vision requirements: <u>20/30</u> vision in each eye; uncorrected vision of no more than 20/200 in each eye. Must be corrected to <u>20/30</u> vision in each eye with corrected lenses. Must not be totally color blind, affected by night blindness, and be able to pass depth perception test.	Vision requirements: <u>20/30</u> vision in each eye; uncorrected vision of no more than 20/200 in each eye. Must be corrected to <u>20/30</u> vision in each eye with corrected lenses. Must not be totally color blind, affected by night blindness, and be able to pass depth perception test.
Must obtain a minimum score of 50 percent for his/her age and gender on the <u>Modified</u> Cooper Fitness Test.	Must obtain a minimum score of 50 percent for his/her age and gender on the <u>Modified</u> Cooper Fitness Test.
Must have satisfactorily completed in its entirety an accredited BLET basic training course with the successful completion of the State Comprehensive Examination. (Note: Must be sworn in as a Trooper within one (1) year of the successful completion of the State Comprehensive Examination.)	Must have taken the reading component of a nationally standardized test and scored at or above the tenth (10 th) grade level, or the equivalent. (Note: Test date must be within 12 months of the Basic School start date.)

An applicant must meet the minimum standards for law enforcement officers established by the North Carolina Criminal Justice Education and Training Standards Commission.

No applicant will be accepted who, during the five (5) years preceding the date of application for employment, was charged with, pled guilty to, entered a plea of no contest, or has been convicted of the traffic offense of Driving While Impaired

(DWI) or an equivalent offense from another state, or another implied consent offense (i.e. DUI, "Driving Under the Influence") or speeding to elude arrest.

No applicant will be accepted who has been convicted for the offense of Driving While Impaired (DWI) or an equivalent offense from another state on more than one (1) occasion.

No applicant will be accepted who, at the time of application has any criminal or traffic charge(s) or investigation(s) pending other than minor traffic offenses. The following are not minor traffic offenses and will disqualify an applicant from the process: DWI, DUI (alcohol or drugs), duty to stop in the event of an accident, driving while license revoked, reckless driving, and speeding to elude arrest.

No applicant will be accepted who, during the three (3) years preceding the date of application or employment, has held a driver license which was in a state of revocation or suspension or has committed, pled guilty to, entered a plea of no contest, or has been convicted of a traffic offense which resulted in the suspension or revocation of his/her driving privileges. An applicant must have a valid North Carolina driver license on the first reporting date of Basic School.

An applicant who has been dismissed from a sworn or certified position with the Patrol or another criminal justice agency for misconduct or unsatisfactory job performance or who resigns from the Patrol or other criminal justice agency following an allegation of misconduct or unsatisfactory job performance is not eligible to apply for a Trooper position for a period of five (5) years from the date of dismissal or resignation. Special consideration may be accepted based on circumstances at the Commander's discretion.

A former Trooper, who resigned from the Patrol for reasons unrelated to allegations of misconduct or unsatisfactory job performance, may reapply at any time provided the member is otherwise qualified for employment as set forth in this directive. Except as otherwise specifically set out herein, former Troopers who apply shall be subject to all requirements for employment as set forth in this directive including successful re-completion of the Basic School.

Former Troopers may reapply for employment with the Patrol provided the former Trooper:

- Has successfully completed Basic School
- Holds a General Certification and remains eligible for certification as a law enforcement officer according to the rules and regulations promulgated by the North Carolina Criminal Justice Commission
- Was not under an active disciplinary action, other than a "Written Warning", at the time of separation. **(In any case where a member resigns while under an active written warning and is later reemployed under this provision, the written warning will be reactivated and the member will be required**

to complete the remaining months at the time of his/her separation from the Patrol).

- Has not previously reapplied for a Patrol position under this provision
- Submits an application for re-employment with the Highway Patrol within ten (10) months of date of separation

Former members meeting all requirements above may, in the discretion of the Commander's Office, be exempt from the requirement of having to re-complete the Basic School and shall not be subject to the maximum age requirement applicable to other applicants. These members may, in the discretion of the Commander's Office, be reinstated at the rank and salary equivalent to that held at the time of separation. If a member has not completed the Field Training and Evaluation Program at the time of separation, the Director of Training or their designee shall establish training guidelines that the member will be required to complete.

V. APPLICATION PROCESS FOR ENFORCEMENT MEMBERS

Application packages for Trooper positions will be disseminated in accordance with the procedures established by the Director of Training and will be accepted and processed throughout the year or for a period of time designated by the Commander's Office.

Applicants shall initially apply for the HP-720 Orientation Packet by going to <https://oshr.nc.gov/work-nc/job-application-system> entering required personal information and submitted through the NEO GOV system. The applicants then will receive an Orientation Packet through an email from the Trooper Selection Unit.

The HP-720 Application Orientation Packet containing the following information:

- Each prospective applicant will be required to read and sign the HP-720 Application Orientation Packet acknowledging understanding of these requirements set forth in this directive and acceptance of these conditions of employment
- Unless already a career State employee, Trooper Cadet Applicants shall, as a condition of employment, sign an acknowledgment and agreement to serve in a probationary status while attending the Basic School and at all times for a period of 24 months
- During the probationary period, the employee's performance will be continuously evaluated by a supervisor. The Commander's Office reserves the right to evaluate performance and determine continued employment in the best interest of the Patrol.

- Prospective applicants will be given a description of the different basic schools and qualifying criteria for Sworn and Non-Sworn Basic Schools
- Each prospective applicant must possess a valid North Carolina driver license and Social Security Card and have them in possession on the first day of Basic School

Any omitted or incorrect information on application documents may result in disqualification from the application process for one (1) year. Falsification of any record, giving false information, or willfully withholding any pertinent information deemed to be untruthful, shall be grounds for employment rejection for five (5) years.

An applicant orientation packet shall consist of the following:

- HP-720 North Carolina Highway Patrol Application Orientation Packet
- North Carolina Criminal Justice Education and Training Standards Commission Form F-3 (Personal History Statement). This form should be completed **but not notarized**.
- Highway Patrol Applicant Vision Test Form (HP-720A)
- Military Records Request (HP-720B) active military personnel, reservists or National Guard members only

Supporting Documents required to be submitted with the application packet:

- Certified copy of the applicant's birth certificate
- 4"x6" vertical from the waist up photograph not more than six (6) months old
- A **CERTIFIED** High School transcript, G.E.D. (General Educational Development) Certificate (with the **CERTIFIED** score sheet), or Homeschooled transcript (include the list of each course taken, respective **CERTIFIED** grades, and proof of the school's certification with the State Department of Non-Public Instruction). Applicants who attended or graduated from a college, community college or university must submit a copy of their official **CERTIFIED** transcripts from the institution(s) they attended. **Order all transcripts as soon as possible. All transcripts must remain in a sealed envelope. The seal can only be broken by Trooper Selection/Recruiter.**
- A photocopy of the applicants Official High School Diploma
- HP-720E (Authority to Release Information and Agreement Not to Sue) – **Must be notarized**

- HP-720F (Authority for Release of Financial Information and Agreement not to Sue) - **Must be notarized**
- U. S. Selective Service Registration Verification Form (Obtain at <https://www.sss.gov/verify/>).
- Proof of Completion - Nationally Recognized Reading Comprehension Exam (ACCUPLACER, COMPASS, TABE, etc.) (Contact your local Community College to schedule the test). Note: This is not required if applicant is a current Law Enforcement Officer or has obtained a current BLET Certification.
- Reading Comprehension Test Results Form – Have the Reading Test Administrator complete this form once the test results are obtained.
- Photocopy of your valid Driver's License and Social Security Card.
- Applicant must submit a certified criminal history records check from each county in which he/she has resided since the age of sixteen (16) and each county or jurisdiction where he/she has been charged with an offense. Applicants may be required to provide other supporting documentation as required by the Director of Training.
- Applicant must submit a certified copy of their driving history from each state they have ever held a driver's license. This must come from a state agency. A non-certified copy purchased online will not suffice.
- Applicants with prior military experience must have received an honorable or uncharacterized discharge and provide a copy of their DD-214 including character of service (Block 24).

The applicant shall sign and date the original HP-720 Application Orientation Packet signifying the packet has been reviewed, and that he/she understands and agrees to all of the conditions.

The applicant shall immediately meet with their Troop Recruiter to forward the HP-720 Application Orientation Packet and supporting documents for processing, in accordance with the procedures established by the Director of Training. The official date of the application is contingent upon the following: the application is received by the Trooper Selection Unit, and all required application documents are included in the application and complete.

At the discretion of the Director of Training and the approval of the Patrol Commander, the application process may be altered to meet the needs of the North Carolina Highway Patrol to fill vacant Trooper positions.

VI. REJECTION BY DIRECTOR OF TRAINING

Employment consideration throughout the application process is dependent upon compliance with Certification Eligibility Guidelines for Law Enforcement Officers

as established by the Criminal Justice Education and Training Standards Commission and North Carolina State Highway Patrol policy. All selection

materials and required application documents are maintained in secured files at the Training Academy and disposed of in accordance with Patrol policy and State law.

The Director of Training shall determine whether an applicant meets the minimum qualifications as identified in this directive. If not, the Director shall notify the applicant in writing and place the application in the inactive applicant file at the Training Academy.

In any case where an applicant is determined to meet the minimum qualifications for employment but, in the discretion of the Director of Training, is not an acceptable candidate for employment the Director may, after conferring with the Commander's Office, notify the applicant in writing of his/her rejection.

Applications submitted and under consideration will become inactive for the period of time indicated under the following circumstances

- Failure to meet the Modified Cooper Physical Fitness requirements for the test: applicant may request a retest within the initial screening processing schedule for the Basic School applied to. The Trooper Selection Unit will make arrangements to allow for retesting of applicants under this policy and will notify applicants of the date of the retest. Failure to retest or meet minimum standards may result in one (1) year denial from date of the failed test or retest. **During retesting the applicant will not receive a score higher than the minimum standard score of 50 percent.**
- It is strongly recommended that the applicant take a reading comprehension test meeting the requirements as set forth in 12 NCAC 09B.0203 and submit the results during the initial screening processing to the Trooper Selection Unit for review to determine if the applicant meets this eligibility standard.
- Knowingly falsifying any record, knowingly give false information during the application process or willfully withholding any pertinent information amounting to untruthfulness: five (5) years from date of application or from the untruthful act, whichever occurs last
- Refusal to participate in and successfully complete required testing will be considered a withdrawal of application
- Use of marijuana anytime within the two (2) years preceding the date of application: two (2) years from the date of application. Applicants who use marijuana subsequent to the date of submission of application shall be rejected for employment for a period of two (2) years from the date of use.
- Failure to comply with any condition(s) set out in the Conditional/Final offer of employment will be considered a withdrawal of application

VII. PRE-EMPLOYMENT POLYGRAPH EXAMINATION

It shall be the policy of the North Carolina Highway Patrol to utilize pre-employment polygraph screening as an administrative tool for Trooper applicants. Failure to report for examination, refusal to participate or failure to comply with the polygraph examination protocol for the test will be considered a withdrawal by the applicant.

The scope of questions arising during pre-employment polygraph screening relate to life experiences in areas referenced in the Personal History Statement (Form F-3).

Information obtained during the pre-employment polygraph interview and polygraph examination may be used for rejection and/or removal from the employment process.

If, following the polygraph exam, facts are disclosed that are not per-se disqualifying but, in the opinion of the Director of Training, reveal that the applicant is not an acceptable candidate for employment the Director may, after conferring with the Commander's Office, notify the applicant in writing of his/her rejection. A rejection under this provision shall be for not less than one (1) year from the date of application or disqualifying event.

VIII. BACKGROUND INVESTIGATION

When an applicant has met the requirements set forth in this directive, the Director of Training shall require a background investigation be conducted on a reasonable number of applicants consistent with projected vacancies. The investigator shall follow the procedures outlined in the Background Investigator's Training Course, reference materials and the Forms and Reports Manual instructions for the Report of Background Investigation (HP-719).

IX. ELIGIBILITY LISTS

The Director of Training shall maintain separate eligibility lists for sworn and non-sworn applicants. Eligible applicants being considered for employment as a Trooper Cadet are subject to different qualifications and requirements, and may be processed separately or together, at the discretion of the Director of Training.

Each applicant shall be screened for employment in the order of Total Applicant Score (T-Score), unless an exception is approved by the Director of Training or the appropriate designee.

Applicants with the same Total Applicant Score (T-Score) shall be ranked on the eligibility list in the order of their official date of application.

The date that the Trooper Selection Unit certifies the application package is complete shall be the official date of application.

An applicant who is denied employment will be eligible to reapply in accordance with this directive.

X. REVIEW BY THE DIRECTOR OF TRAINING

Upon completion of the background investigation, the investigator shall submit the HP-719 with the entire file in accordance with the procedures established by the Director of Training.

XI. APPLICANT REVIEW PROCESS

At the discretion of the Director of Training, an Applicant Review Process shall be conducted in accordance with the procedures established by the Director of Training.

XII. CONDITIONAL OFFER OF CADET EMPLOYMENT

When an applicant has successfully completed the Applicant Review Process, he/she may be extended a conditional offer of employment. When accepted by the applicant, the conditional offer of employment is an agreement to employ the applicant as a Cadet if certain conditions are met:

- Availability of a funded Cadet position with the manner of selection for Cadet positions determined in accordance with this policy.
- Applicant must possess the sufficient physical, mental, and emotional fitness necessary to perform the essential job functions, which will be determined by a licensed doctor and psychologist.
- Applicant must have made full disclosure of any pending criminal or civil action(s) and/or charges filed against him / her
- During the period from the time of the conditional offer until employment, the applicant's conduct will be consistent with the high standard of moral and lawful conduct expected of a member of the North Carolina State Highway Patrol, and the applicant must not commit or be charged with a criminal violation of law, including traffic laws. An applicant may not have any pending criminal charge, investigation, or traffic offense on the date he/she reports to the Basic School.
- Continue to meet or exceed all basic qualifications, requirements and personal characteristics set out in Highway Patrol applicant regulations.
- Understand that if a final offer of employment is made, the applicant will not be allowed to begin and/or continue training at the Basic School if he/she fails to maintain any of the above described standards.

XIII. PHYSICAL SCREENING

The Director of Training shall notify qualified applicants to report to a designated location at a designated time for the purpose of physical screening. If an applicant fails to appear for an physical screening, he/she will be given one alternative date for physical screening. Failure of an applicant to comply with the second physical screening date will be considered a withdrawal by the applicant.

Members of the applicant screening team shall accomplish the following during physical screening:

- Complete the following forms:
 - Consent Form and Physical Activity Readiness Questionnaire (PAR-Q). This is a release from liability for physical injury and a method of medical screening administered prior to the physical fitness test. The physical fitness testing is conducted in accordance with the guidelines established by The Cooper Institute for Aerobics Research, Dallas Texas and the NC Criminal Justice Education and Training Standards law enforcement officer physical fitness lesson plan.
- Applicants, who have not passed a 10th grade reading test, may be administered the exam. Applicants must possess a minimum of a tenth (10th) grade reading comprehension level pursuant to 12 NCAC 09B.0203 prior to the polygraph examination.
- Administer the physical fitness test under the guidelines established by the NC Criminal Justice Education and Training Standards and the Cooper Institute for Aerobics Research, Dallas Texas. This test shall be administered by certified physical fitness instructors.
- Arrange for the administration of a nationally recognized law enforcement entrance screening test to all applicants who meet the minimum physical fitness requirements. These examinations shall be administered in accordance with the instructions provided by the administrator's manual and forwarded to the independent organization managing this test, which has been approved by the Director of Training or his/her designee, for grading. There is no minimum score which an applicant must achieve to receive further employment consideration.

Total Applicant Scores will be computed by adding veteran's preference points, the physical fitness test score and the entrance test score. All examinations produce scores ranging from 1-100. The Total Applicant Score will range from 2-210. This score will be used to rank all applicants. Top-down selection of applicants will be made based on the applicant list. Ties will be broken based on the application date.

Applicants will be notified of their Total Applicant Score after the physical screening is completed. The Director of Training will notify those applicants that are rejected or fail to meet the standards set forth in this directive.

The Director of Training will identify the top applicants based on the Total Applicant Score for further processing.

XIV. PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

The Director of Training shall make arrangements for physical and psychological examinations of an adequate number of applicants to fill the Basic School.

The Director of Training shall notify the Patrol Medical Services Director of each examination and forward a copy of the results of the applicant's vision and Cooper fitness tests. The Director of Training shall arrange an appointment for each applicant with the Patrol Medical Services Director, shall inform each applicant of the date and time of his/her appointment, and shall provide each applicant with the required medical forms. Each applicant must complete the medical forms and present the completed forms to the Patrol Medical Services Director at the scheduled appointment.

The Director of Training shall make arrangements for a licensed psychiatrist and/or psychologist to conduct an emotional stability and psychological fitness examination of each selected applicant. The examination will be based upon valid and useful methods and shall employ nondiscriminatory procedures.

Each applicant must meet the physical standards set by the Patrol Medical Services Director.

No applicant shall ingest any illegal controlled substance nor ingest any prescribed drugs in amounts above recommended dosages. As a condition of employment and to ensure a fit and drug free Patrol, applicants for Trooper positions shall be required to take a drug test not more than 60 days prior to the date of employment as a Cadet. The sample to be tested will be collected and tested by procedures established by the Patrol Medical Services Director.

Applicants shall be disqualified from further consideration for employment under the following circumstances:

- Refusal to submit to a required drug test
- When the initial drug screening, confirmation drug test, and the Patrol Medical Services Director's investigation of the test results indicate the applicant has engaged in illegal drug use

After the Patrol Medical Services Director has completed the medical examination, he/she shall recommend to the Director of Training whether or not the applicant is fit for duty or requires further medical evaluation as necessary to make this determination.

XV. APPLICANT SELECTION BY THE COMMANDER'S OFFICE

The Commander's Office or his/her designee shall approve the final selections for the Basic School. He/She may accept or reject the recommendations of the Applicant Review Process, the licensed psychiatrist and/or psychologist and the Director of Medical Services. He/She shall determine the eligibility of the applicants for admission to the Basic School based on priority and other requirements set forth in this directive.

The Commander's Office reserves the right to cancel a Sworn Basic School. In the event a Sworn Basic School is not feasible, applicants actively under consideration will continue to be processed for the next school for which they qualify. These applicants will be considered based upon the Total Applicant Score they have previously earned and based upon the active status of their application. They will also be subject to all other qualifications and requirements for employment listed in this directive including the length of time they can remain on the eligibility list.

The Director of Training shall notify each applicant of his/her eligibility for the Basic School approximately two weeks before the school begins. However, should any vacancy occur in the list of candidates scheduled to attend the school prior to the beginning of the Basic School, the Commander's Office or his/her designee may notify the approved applicant next in line.

If the applicant fails to appear for the Basic School or is rejected by the Commander's Office, he/she shall not be permitted to reapply to the Patrol for a period of one (1) year from the date the applicant fails to appear and/or is rejected. This provision may be waived by the Commander's Office if he/she discovers extenuating circumstances, which warrant a waiver.

If an applicant, who is not rejected, is not selected to attend a Basic School based on a low T-Score, they will be eligible to apply for the next Basic School. The applicant will have to submit a new application packet and complete all pre-employment processes.

XVI. BASIC SCHOOL

Upon acceptance of an applicant by the Commander's Office, the Director of Training shall send each approved applicant all necessary information concerning the Basic School including required employment forms.

Each applicant shall report to the site of the Basic School at the time and on the date the school begins. As soon as practical after reporting, Cadets will be required to complete a physical fitness assessment.

Employees of the Patrol attending the Basic School shall be referred to as Cadets.

While attending Basic School, Cadets shall be subject to all regulations, policies, procedures, and standards of conduct set forth in the Cadet Guide and Highway Patrol policy. Each Cadet shall receive a copy of the Cadet Guide. An additional copy is available for inspection at the Patrol Basic School.

Any Cadet who is dismissed or resigns from employment during Basic School or the Field Training and Evaluation Program will be ineligible to reapply for a Trooper position for twelve (12) months from the date of dismissal or resignation. The Commander's Office may waive the provisions of this directive if there are extenuating circumstances.

Any Cadet, who resigns from employment during Basic School due to a hardship or injury, with the concurrence of the Director of Training, may apply for reinstatement in the next available Basic School. The provisions of this directive shall not apply except when determined necessary by the Commander's Office as a result of an interim background investigation, physical examination, physical fitness assessment, and drug testing. The Commander's Office may approve the reinstatement.

Any Cadet who leaves Basic School as a result of being required to fulfill a federal military obligation shall be reinstated to attend the next available Basic School upon his/her return in accordance with Directive E.04, Section X, "Military Leave".

XVII. OATH OF OFFICE / FIELD TRAINING

Unless already a career State employee, each Cadet who graduates from the Basic School shall be sworn in as a Probationary Trooper (PT) of the Patrol.

Each Probationary Trooper shall be required to successfully complete the Field Training and Evaluation Program which includes intensive field training and evaluation. The Probationary Trooper must score **acceptable** on each category and must be recommended for continued employment by the review board.

I. POLICY

The purpose of the Academic Assistance Program is for workforce planning and development. It provides a tool for managers and employees to support academic activities that directly relate to the organization's identified knowledge, skills, and behaviors (organizational competencies), and which support the mission, vision, and values of the organization. The Academic Assistance Program is not an employee benefit, right or entitlement; it is a management program for workforce development. Denial of participation in the Academic Assistance Program is not grievable, except on grounds of discrimination.

Use of the Academic Assistance Program shall be identified, described and documented in the employee's development plan within his/her work plan. This provides a measurable link between the employees' increased competency and the agency's workforce planning efforts.

The Academic Assistance Program provides reimbursement of academic costs if funds are available at the agency level, and/or time off the job if the course is available only during working hours.

II. ELIGIBILITY

Eligible Employees - Full-time employees who have gained permanent status are eligible for this program.

Ineligible Employees - Employees in part-time, probationary or temporary status are not eligible for academic assistance.

Selective Service Registration - N.C.G.S. § 143B-421.1 requires employees eligible for selective service to be registered in order to be reimbursed academic costs. The federal Selective Service law specifies that males, both US citizens and immigrant aliens residing in the US and its territories, ages 18 through 25, shall register with the Selective Service.

III. APPROVED COURSES

Management, when making the determination whether to provide academic assistance to take a specific course, must consider the basic principle: "deemed beneficial to both the agency and the employee." Completion of the course should have a direct benefit to the organization. The improved knowledge, skills and abilities gained by the employee should benefit the individual in completion of his/her current and/or potential job duties. Management should consider workforce planning, succession planning and career development in approving employees to receive academic assistance.

Guidelines to consider in course selection:

- Courses which provide knowledge and skills directly related to maintaining or improving current job skills (“current job” means same status and pay); courses mandated by law or regulation or which are required by the employer in order for the employee to retain the job;
- Courses directly related to the employee’s current job or a documented workforce need

When approving courses, management must consider workforce planning in developing employees who demonstrate the ability to perform at a higher level of responsibility. Hard to recruit classifications are areas in which an employee could be approved to take courses outside his/her current classification level to meet future work needs.

Job-related degrees and corresponding non-work related courses within a degree program may be approved at the discretion of the Director of Support Services.

Academic assistance shall not be approved for courses where management has determined that neither the course nor degree is of benefit to the agency.

The Patrol Commander or designee may approve exceptions to the approved course policy.

IV. ACADEMIC COURSES

Academic courses are defined as a course/degree provided by an accredited community college/college/university. The course must provide academic credit (as opposed to CEUs), be listed in the college/university course catalog and charge tuition in the traditional meaning of tuition (as opposed to only registration fees). Accreditation must be via an accrediting agency authorized by the U.S. Department of Education.

Eligible Sources - Academic courses/degrees from accredited community colleges/colleges/universities via traditional classroom, video-based, distance learning, web-based, e-learning and certain correspondence courses (see Ineligible Sources below) are eligible for approval.

Ineligible Sources - Correspondence/college/university courses not accredited by the US Department of Education or the American Council on Education/CREDIT are ineligible under this policy.

V. AUDITED COURSES

Academic courses that are audited are eligible for academic assistance; however, an employee may be reimbursed for the same course or course

equivalent only once. Reimbursement requires a statement written on school letterhead and signed by the instructor that the employee attended at least 85% of the scheduled class meetings during the academic term.

VI. THESIS / DISSERTATION RESEARCH COURSES

Job related thesis/dissertation research courses at the masters/doctoral level are restricted as follows:

- All required written examinations for the degree shall be successfully completed before the course is approved
- A maximum of fifteen (15) hours leave may be approved for each academic credit hour. All leave hours must be used during the academic term and may not be accumulated.
- A maximum total of nine (9) academic credit hours is allowed for any one employee

VII. CERTIFICATION / LICENSING

Certification/licenses resulting solely from attainment of academic degrees shall be considered under academic assistance for academic coursework. Incumbent employees who meet minimum educational requirements for employment and for whom certification/licensing is required after employment or is deemed desirable by management and approved by the Patrol Commander or designee are eligible for academic assistance under the following conditions:

- Certification/licensing is mandated; or
- Certification/licensing is a policy requirement of the employing agency

Academic assistance is authorized for certification or licensing only if the certification or license is attained via academic course work.

VIII. ORIGIN OF REQUEST

The employee or management may initiate requests for academic assistance.

Employee initiated course to:

- Maintain/enhance current skills
- Develop new skills/competencies for career development within the agency

Management initiated course to:

- Ensure employees have mandated licensure or certification

- Address a shortage of skilled workers in specific classifications
- Develop a pool of employees for succession planning
- Build specific high priority skills
- Address performance expectations of the employee as specified on the performance management improvement plan

The designation, “management initiated,” can only be determined with the approval of the Patrol Commander or designee.

IX. REIMBURSEMENT

Academic Costs

- Eligible employees approved for academic assistance may be reimbursed academic costs charged by the academic source at which the employee is enrolled. Academic costs are defined as charges assessed by an academic source to every person enrolling for the course. These charges are required of everyone and are neither negotiable nor discretionary for the individual enrolling in the course. Academic costs include in-state tuition, fees and course/lab fees. Course/lab fees must always be itemized. Reimbursement of course/lab fees may require a written statement from the academic source justifying the fee as a required fee in addition to other fees.

Amount of Reimbursement

- University of North Carolina Institutions and Institutions of the North Carolina Community College System – 100% of academic costs for up to six (6) credit hours per year.
- All academic institutions other than institutions of The University of North Carolina and institutions of the NC Community College System – Up to the maximum academic cost charged by the UNC institutions for up to six (6) credit hours per year. Reimbursement of tuition and fees from out-of-state colleges/universities shall not exceed the amount as specified above.

The agency may also, with a bona fide business justification, reduce the amount of reimbursement per employee to a set amount less than the tuition and fees and/or limit the number of courses for which any one employee may be reimbursed in an academic term. If the agency chooses to reimburse an amount less than the academic costs specified in the paragraph “Academic Costs” this information shall be available to all employees at the beginning of the fiscal year and apply this limitation in a fair and equitable manner to all employees requesting academic assistance in that fiscal year.

Graduate professional programs (medicine, veterinary medicine, business, etc.) with unusual course/lab fees, tuition or other fees will be considered on a course

by course basis. The Patrol Commander or designee may approve payment of these academic costs.

Non-Reimbursable Expenses

- Reimbursement shall not be made for:
 - Charges specifically related to processing or receiving continuing education units (CEUs)
 - Application, examination, and graduation fees
 - Transportation costs
 - Textbooks and supplies

Other Financial Assistance

- Financial assistance from any other financial aid program shall not be duplicated under this program. However, the difference, if any, between such aid and the allowable costs under the Academic Assistance Program may be reimbursed.

Free Tuition

- When employees of an educational institution or any other State agency are granted free tuition and non-negotiable fees, the value of this tuition and non-negotiable fees must be considered as part of the allowable academic costs

Management may consider any current disciplinary action for job performance or personal conduct prior to approval of the application for reimbursement.

If funds are available, the applicant shall receive reimbursement of approved academic costs upon submitting evidence of satisfactory completion or challenge of a pre-approved course. Completion is defined as “Satisfactory,” “Pass,” or a grade of “C” or better for undergraduate courses, and a “B” or better for graduate courses. An “Incomplete” shall not be reimbursed until a final grade is issued.

Requests for reimbursement should be submitted within 30 days of completion of the course or receipt of grade.

Tax Status

- Congress enacted the Economic Growth and Tax Relief Reconciliation Act of 2001 which allows an employer to offer its employees up to \$5,250 in tax-free (job related and non job-related) educational assistance for undergraduate and graduate level courses. The American Taxpayer Relief Act of 2012 permanently extends this benefit.

X. ACADEMIC LEAVE

An approved course should be taken on the employee's own time. If a course can be taken only during working hours, eligible employees must request academic leave prior to the beginning of the course on the Application for Academic Assistance (HP-136) allowing sufficient time for the academic assistance request to be reviewed. Academic leave may be granted unless the supervisor identifies work conditions that will not permit the employee to be absent from the job. Supervisors are encouraged to develop alternate work arrangements to complete the work assignments and also grant academic leave. Reasonable travel time as determined by the supervisor may be permitted to attend approved courses.

Management may approve academic leave, and, if approved, academic leave shall not be charged to the employee's vacation leave.

Academic leave during work hours shall not exceed one course (up to five academic credit hours) per academic term. Exceptions to the leave restriction may be addressed using the Academic Leave with Pay provisions of this policy. See chart below to determine how many hours of leave may be granted during an academic term.

Credit Hours Taken During Semester / Quarter / Summer Session	Total Number Hours Leave That May Be Granted
1	15
2	30
3	45
4	60
5	60

XI. COURSES TAKEN AT AGENCY REQUEST

Because of specific high priority skill needs of the department and/or division, employees may be requested by management to take specific courses or degree programs. Under these circumstances, the following applies:

- All limitations under the provisions of the Academic Assistance Policy are waived. Employees are still responsible for requirements for withholding taxes and FICA.
- All expenses to the individual should be reimbursed related to acquiring the necessary course or degree to include: travel costs; examinations and administrative fees; textbooks and other course materials. Any books or materials paid for by the division become the property of the division. Refer to Textbook Reimbursement for specific information on reimbursement of textbooks.

If courses taken at agency request exceed the credit hour per fiscal year limitation of the Academic Assistance program, then the situation shall be administered under the policy provision for Extended Academic Leave.

The designation "At Agency Request" can only be determined with the approval of the Patrol Commander or designee.

Courses specified as part of an employee's improvement/development plan are not considered to be at agency request unless approved by the Patrol Commander or designee.

XII. EXTENDED LEAVE

Courses taken at agency request that exceed the credit hour per fiscal year limitation must follow the Extended Academic Leave policy. An agency wishing to initiate a program for a number of employees to participate in a degree or certificate program must also refer to the Extended Academic Leave policy. The State may provide leave with pay or leave without pay for certain types of academic courses. The references to these specific policies are set out below.

Academic Leave Without Pay - Extended academic leave without pay may be granted in accordance with the normal leave policy as outlined in the Leave Without Pay Policy of the State Human Resource Commission, or Directive E.04, "Leave of Absence Without Pay" of the Highway Patrol Policy Manual.

Academic Leave With Pay - Extended academic leave with pay may only be granted with Office of State Human Resources approval.

State agencies may consider any employee (permanent, probationary, trainee or time-limited) for extended academic leave to participate in job or career-related work-study, scholarship or fellowship programs based upon the following criteria:

- Verification that both labor market and organizational needs exist for development in the program requested
- Equal opportunity provided in selection of candidates
- Employees are informed of agency policies and procedures regarding:
 - Announcement and application procedures
 - Screening and selection of employees
 - Limitations and restrictions on academic courses
 - Leave, salary, benefit conditions, withholding taxes and FICA, and
 - Reimbursement agreement

Requests for extended academic leave initiated by the employee and which do not meet with the above criteria will be administered according to the Office of State Human Resources policy on leave without pay.

XIII. TEXTBOOK REIMBURSEMENT

If the employee takes a course “At Agency Request,” the agency may reimburse the employee for required course textbooks but the textbooks become property of the Patrol. Exception: If an employee enrolls in a microcomputer course through the Professional Skills Program, sponsored by Wake Technical Community College, “At Agency Request,” the agency will be invoiced for required textbooks unless the employee requests to retain the textbook as personal property.

Textbooks purchased by the agency must be stamped as NCSHP property and remain with the agency if the employee terminates employment. The Director of Support Services is responsible for determining the processes for ensuring textbooks purchased by the agency are stamped as agency property. Procedures for obtaining textbook reimbursement are as follows:

- The employee is responsible for obtaining a receipt for the textbook whether the textbook is bought at the class or from a bookstore
- The employee shall claim reimbursement for a textbook by completing a Reimbursement of Travel and Other Expenses Incurred form (CNTR-003), attaching the receipt, and submitting the form and receipt through the agency’s chain-of-command for approval. The agency forwards the reimbursement request to the office of Support Services.
- If the employee wants to personally own and retain the course textbook, the employee is not eligible to receive reimbursement for the textbook. The employee is ineligible for textbook reimbursement unless he/she is taking the course “At Agency Request.”

XIV. APPLICATION PROCEDURES

Instructions for Initiating the Application for Academic Assistance (HP-136)

- Prior to beginning the course, the employee shall complete the Application for Academic Assistance (HP-136) according to instructions listed on the application form
 - Discuss proposed course with his/her supervisor to determine that the course is job related and eligible for academic assistance
 - Complete Section I of the application and submit the application for Troop/Unit Commander supervisory approval (Section II) prior to enrollment

- **Supervisory Approval.** The Troop/Unit Commander completes Section II by signing and dating the form and checking the block “The proposed course is considered to be directly related to the employee’s work assignment and will be beneficial to job performance.” Approved applications shall be forwarded to the Director of Support Services for approval. If the course is not approved by the Troop/Unit Commander, a written explanation shall be provided to the employee. A copy of the completed application and denial letter shall be provided to the Director of Support Services /designee.
- **Director of Support Services.** The Director of Support Services signature authorizes approval to encumber funds from the agency’s budget for approved academic costs and/or for the employee to receive academic leave, if necessary. Agency approval indicates request is in accordance with the provisions of the Academic Assistance Policy. The agency shall indicate the reimbursable amount and budget code in Section II of the form. If the course is not approved by the agency, a written explanation shall be provided to the employee. Agency approval indicates that:
 - ❖ The employee is eligible to participate in the Academic Assistance program
 - ❖ Course is deemed beneficial to the agency and the employee
 - ❖ Course is provided by an accredited institution
 - ❖ Money is available to reimburse employee
- **Special Authorizations.** The Director checks the appropriate block(s) if the Application for Academic Assistance is approved as an “Exception to the approved course policy” and/or if the course is authorized “At Agency Request” and forwards the application to the Patrol Commander for approval.

- Complete one form for each course.

- The application should be submitted in advance, in accordance with schedules established by the Director of Support Services, to allow time for appropriate review, approval and notification to the employee prior to the beginning of the course. The Director of Support Services may approve an application received after a course begins if circumstances warrant and if academic assistance funds are available in the division’s budget.
- Employees applying for academic assistance shall receive a written response from the office of the Director of Support Services regarding approval/disapproval of academic assistance requests which notes any changes in the application or conditions of approval

Instructions for Filing for Reimbursement after Course Completion

- After completing the course, the employee files for reimbursement using the pre-approved Application for Academic Assistance according to the instructions listed on the form:
 - Attach a receipt (cancelled check will not be accepted) and official course grade or verification of satisfactory completion to the pre-approved Application for Academic Assistance. The department interprets successful completion as a grade of “C” or better if the course is taken for undergraduate academic credit or a “B” or better if the course is taken for graduate academic credit (or an equivalent grade on an alternative grading system).
 - Complete Section III (Reimbursement Application) of the pre-approved Application for Academic Assistance by entering the amount to be reimbursed, signing and dating the application
- The employee shall forward the original pre-approved Application for Academic Assistance, receipt, and course grade or verification of satisfactory course completion to Support Services for reimbursement approval. Upon approval, the Support Services Director/designee shall forward the request to the Fiscal Section for payment. A copy of the approved request shall be returned to the employee.
- Requests for reimbursement should be submitted within thirty (30) days of course completion

XV. VEHICLE USE

Members may drive their assigned vehicles to the location of instruction.

XVI. ADMINISTRATIVE RESPONSIBILITY

The Commander’s Office, with guidance from the Office of State Human Resources, is responsible for the interpretation of this policy and administration of the Academic Assistance Program within the State Highway Patrol. The Director of Support Services will annually assess compliance with this policy.

The Director of Support Services is responsible for retaining records of academic assistance activity according to department retention schedules and shall maintain signed copies of all approved and denied applications along with the following information for each **approved** application:

- Employee’s Name and Position
- School Attended

- Name of Course
- Course Begin/End Dates
- Course Level (Undergraduate/Graduate)
- Mandated/Required for Certification/Licensure
- Academic Credit Hours
- Academic Leave Granted
- Course Grade
- Amount of Reimbursement
- Other Special Course Features (Audit, Thesis/Dissertation Research Credit, "At Agency Request", or Extended Academic Leave)

Denied applications shall include the accompanying justification letters.

The Director of Support Services is responsible for retaining statistical records of academic assistance activity. This information shall be reported annually upon request and shall include the following data:

- Total number of employees participating in the Academic Assistance Program
- Total amount reimbursed
- Total number of employees granted Academic Leave
- Total number of employees taking courses at agency's request
- Total number of employees granted Extended Academic Leave
- Total number of employees taking audited courses
- Total number of employees taking courses for the purposes of mandated/required certification/licensing

Statistical information should be kept on a fiscal year basis, beginning on July 1 and ending on June 30. All information should be available to the Office of State Human Resources as requested.

Member Health and Welfare

Applicable to: Members

Directive E.15

Revised 8/19/2021

Effective 08/2002

I. POLICY

This policy provides all members of the Patrol with a medical services program which shall provide the following:

- Occupational medical services including pre-hire fitness examinations and fitness for duty
- Acute and urgent medical care, both routine and during times of disaster
- Programming and training to support disease prevention and health promotion for members
- Medical direction for the Patrol Emergency Medical Services program
- Medical support and involvement in an Early Intervention System

II. CONFIDENTIALITY

Medical Information

- All medical information collected by the Medical Director shall be confidential and shall not be disclosed by the Medical Director outside the Patrol unless:
 - The involved member permits such disclosure
 - Such disclosure is required by law or court order
- The following medical information, collected by the Medical Director, shall be immediately reported to the Commander's Office:
 - Information suggesting a member may be a danger to himself or herself
 - Information suggesting a member may be a danger to another person
 - A violation of State or Federal law, or a serious violation of Patrol Policy as defined in Directive H.04

III. PHYSICAL AND EMOTIONAL REQUIREMENTS FOR MEMBERS OF THE PATROL

The Patrol Medical Director shall establish medical requirements and standards for applicants and members of the Patrol based upon the physical demands of the Patrol duties, subject to approval by the Secretary or designee.

The Medical Director shall make physical and/or emotional examinations of all Patrol members on a schedule to be determined by the Medical Director with approval from the Patrol Commander based upon the age and physical condition of the member and other determining medical factors.

If a Patrol supervisor believes that a medical problem is affecting a member's performance on his/her job, he/she may, as part of his/her complete evaluation of the member's performance require that the member be given a medical examination in addition to the periodic examinations described in this directive.

Members who are on leave due to a suspected illness or injury may be required, at the discretion of the Commander's Office, to be examined under the Patrol Medical Services Program, and the examining physician shall determine whether the member is able to return to duty. Members who have had a major surgical operation or serious or prolonged illness may not return to duty until they have been cleared by the Medical Director. Members who have been on prolonged military leave or any other prolonged leave of absence may not return to duty until the Medical Director has cleared them.

A member who is involved in a critical incident or any other situation, either on or off duty, which may otherwise affect his/her mental well-being, may be referred to a psychologist or psychiatrist for evaluation.

Any member who is directly involved in a shooting, that results in injury, or any other critical incident that results in death to any party, will be referred to a psychologist. In all such cases, the referral is mandatory and implies no judgment concerning the correctness or incorrectness of the member's actions. Following any such incident and referral, the Medical Director shall determine the members' medical and psychological fitness for duty.

All members of the Patrol shall keep physically and emotionally fit and must be able at all times to meet the strength and agility requirements established by the Patrol Medical Director, as described in this directive.

The Medical Director shall keep the Patrol administrative staff informed as to the physical and emotional fitness of each member by means of a code as follows:

- **Fit for full duty.** Shall apply to any member who is determined by the Medical Director to be physically and emotionally capable of performing all of the essential
- duties of a sworn member and any additional duties that may be required by virtue of the member's particular rank and position within the Patrol.

- **Fit for limited duty.** Shall apply to any member who, in the judgment of the Medical Director, has a physical or emotional condition that renders the member incapable of performing all of the essential duties of a sworn member in a safe, effective manner but who is capable of performing certain non-sworn duties.
- **Not fit for duty.** Shall apply to any member who, in the judgment of the Medical Director, has a physical or emotional condition that precludes the member from performing even non-sworn administrative duties in a safe, effective manner.

The determination by the Medical Director as to which code to assign to each member shall be based on his/her evaluation of the physical and emotional demands of the rank and assignment currently held by the member.

The Medical Director can require consultative evaluations from medical and psychiatric or psychological specialists in the process of evaluating fitness for duty. While recommendations as to fitness for duty from health care providers chosen by the member will be carefully considered, the Medical Director shall have the authority to require consultation with one or more medical specialists chosen by the Medical Director and approved by the Commander's Office. In all cases, the Medical Director's decisions on fitness for duty supersede any others pending the formal process of appeal described in Section XI.

IV. INABILITY OF MEMBER TO PERFORM ESSENTIAL JOB FUNCTIONS

If the Commander's Office determines after receiving a recommendation from the Medical Director, that a member has some physical or emotional problem which reduces or eliminates his/her ability to perform the essential job functions of a sworn member, the Commander's Office may take one of the following actions: place the member on leave, reassign the member, transfer the member to a non-law enforcement position, or dismiss the member for that reason provided, however, no member shall be dismissed from State employment until a reasonable effort has been made to reassign or transfer the member to a non-sworn position for which he/she is physically and otherwise qualified. Members may appeal the decision of the Commander's Office only when authorized to do so pursuant to state law and the "Employee Grievance Policy" (refer to SHP Directive E.08)

V. APPEALS BASED UPON THE DECISIONS OF THE MEDICAL DIRECTOR

A member who is a career state employee and who is dismissed or demoted by the Commander's Office, based on the advice of the Medical Director, may appeal the decision (per the State Human Resource Manual, "Employee Grievance Policy") by submitting a grievance with the Department within 15 calendar days of the event.

VI. EARLY INTERVENTION SYSTEM

The Early Intervention System will assist Patrol supervisors in identifying potential problems with members and provide a method to improve their performance. A

member may exhibit negative behavioral patterns that may be indicative of escalating behaviors leading to more serious misconduct.

Supervisors shall review the following reports on an ongoing basis, attempting to identify members who exhibit behavior that may require intervention:

- Use of Force Reports
- Complaints (Internal and external)
- Internal Affairs investigations (Personnel Complaints, HP-343, HP-721, etc.)
- Performance Evaluations (Trooper and Managers Performance Appraisal)
- Excessive Use of Leave (BEACON reports)
- Preventable Patrol Vehicle Collisions

If any of the following criteria is met within a twelve (12) month period, the Early Intervention System will create an alert in the Internal Affairs Unit:

- Three (3) Use of Force Incidents; or
- Two (2) Complaints (that do not require completion of a Personnel Complaint); or
- Two (2) Internal Affairs Investigations where a Personnel Complaint was completed; or
- Three (3) Preventable Patrol Vehicle Collisions; or
- Four (4) Combination of events (any combination totaling 4 of the above)

Once an Early Intervention Alert is received in the Internal Affairs Unit, the alert shall be assigned via BlueTeam to the Unit/Troop Commander for appropriate action and documentation.

Supervisors who identify members in need of early intervention shall develop a proactive plan of action to improve performance by providing the appropriate counseling or training designed to correct the particular behavior. The plan of action may include, but is not limited to:

- Remedial training that is requested through the appropriate chain-of-command channels and is approved by the Director of Training. All remedial training shall be documented through the member performance appraisal system.
- Intervention by the Medical Director

Supervisors shall continue to monitor the member's subsequent performance to prevent the need for formal disciplinary action. It is not the intent of this policy to circumvent the Patrol's disciplinary process.

Supervisory intervention, including corrective action and second-level supervisory review, will be documented:

- Immediately following identification of the member
- In the alert generated by the Early Intervention System
- In the member's next performance review

All components of the Early Intervention System will be reviewed annually by the Unit Commander of Internal Affairs to ensure members who are having job related problems that could escalate to more serious cases of misconduct if not abated through early intervention, are being identified.

Post-Intervention Monitoring and Documentation

- The second level supervisor will ensure appropriate documentation was provided in the alert generated by the Early Intervention System
- The immediate supervisor will monitor the member for any further problematic behavior
- The course of action taken and progress made by the member will be documented by the immediate supervisor in the Performance Improvement Plan section of the member's next Performance Evaluation
- Early Intervention Reports generated by the Early Intervention System will be maintained by the Internal Affairs Unit.

VII. INFLUENZA IMMUNIZATION OF BASIC SCHOOL CADETS AND STAFF

Description

This policy provides a strategy for providing a safer training environment for North Carolina State Highway Patrol cadets and basic school staff through the annual influenza vaccination.

Background

Influenza ("flu") is a contagious, viral disease that is spread by coughing, sneezing, and close contact with others. Complications of flu can cause extended illness,

hospitalization, and death. Those who reside in communal living situations, such as barracks or dormitories, are at an increased risk of contracting the flu. Other high-risk populations include children, the elderly, individuals with compromised immune systems, and those with certain chronic medical conditions. The best way to prevent influenza and reduce the spread of the disease to others is through vaccination. Routine annual influenza vaccination for adults has been recommended by the Centers for Disease Control and Prevention (CDC) since 2010.

Rationale

This policy is intended to:

- Reduce the incidence and spread of a highly contagious disease for those residing in campus dormitories.
- Protect Training Academy employees, students, visitors, and their families from influenza infection through annual immunization of all Basic School Cadets, Sworn Basic School Staff, Medical Staff, and others who are in regular, direct contact with the Basic School Operations.
- Promote a healthy, productive Training Academy community.

Policy for Annual Influenza Immunization

All Basic School Cadets, Sworn Basic School Staff, Medical Staff, and others who are in regular, direct contact with the Basic School Operations must be immunized against influenza each year unless an exemption has been granted pursuant to this policy. Other employees who request immunization pursuant to this policy may receive the vaccination but are not mandated by this policy.

Influenza vaccine will be available each influenza season through scheduled on-campus clinics facilitated by the North Carolina State Highway Patrol Medical Director to all Basic School Cadets, Sworn Basic School Staff, Medical Staff, and others who are in regular, direct contact with the Basic School Operations.

Basic School Cadets, Sworn Basic School Staff, Medical Staff, and others who are in regular, direct contact with the Basic School Operations who are vaccinated prior to the scheduled vaccination pursuant to this policy may provide proof of immunization. This proof may include immunization records, a receipt or note from a physician, licensed independent practitioner (e.g., physician's assistant), or pharmacist.

Exemptions for immunization may be granted only for medical contraindications or religious beliefs. Exemptions for personal or philosophical reasons will not be accepted. Exemptions will be evaluated on an individual basis as follows:

- **Religious Beliefs** - Personnel claiming exemption due to religious beliefs must complete the Religious Immunization Exemption Certificate confirming that such immunizations are not consistent with their religious beliefs. The Religious Immunization Exemption Certificate must be submitted to the Highway Patrol Medical Office annually, no later than the first day of Basic Patrol School or August 31st, whichever occurs first.
- **Medical Contraindication** - Personnel claiming exemption due to medical contraindication must complete and submit the Medical Exemption Statement form. Medical exemptions are submitted one time and will be kept on file for affected employees. The Medical Exemption Statement must be submitted no later than the first day of Basic Patrol School or August 31st, whichever occurs first. Once approved, medical exemption statements do not require annual submission.

Each request for medical exemption will be evaluated by the North Carolina State Highway Patrol Medical Director. Standard criteria for medical exemption will be established based on current recommendations from the Centers of Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP). Basic School Cadets, Basic School Staff and other identified employees who are exercising a medical exemption may be asked to provide proof of medical contraindications to the North Carolina State Highway Patrol Medical Office/Director. The Medical Director shall notify the individual requesting the exemption and the Director of Training/Major of the decision to grant or deny the request.

Infection Control

Basic School Cadets, Sworn Basic School Staff, North Carolina State Highway Patrol Medical Staff, and others who are in regular, direct contact with the Basic School Operations employees will be responsible for reporting to the Medical Director, through the individual's proper chain of command, symptoms consistent with influenza-like disease/upper respiratory tract infections and adhering to work restrictions/quarantine as applicable. Symptoms of contagious illness commonly include (but are not limited to) fever, cough, fatigue, body aches, vomiting, and diarrhea.

Basic School Cadets, Sworn Basic School Staff, North Carolina State Highway Patrol Medical Staff, and others who are in regular, direct contact with the Basic School Operations employees will be responsible for reporting to the Medical Director, through the individual's proper chain of command, a positive influenza test. Approval is required from the Medical Director before returning to campus.

Immunization Records

The North Carolina State Highway Patrol Medical Director will maintain a record of influenza immunization for Basic School Cadets, Basic School Staff, and other identified employees. Medical records will be maintained in a secure manner consistent with the Health Insurance Portability and Accountability Act (HIPAA).

Dates of Annual Immunization

Immunizations will begin annually in September (pending availability of the vaccine). The Highway Patrol Medical Office will be responsible for communications regarding the schedule of on-site flu shot clinics and the availability of vaccines. All identified personnel under this Policy who are not claiming exemption must be vaccinated prior to April of each calendar year.

Compliance

The Director of Training and Medical Director shall be responsible for the proper administration of this policy according to the guidelines found herein.

Compliance with the policy is a condition of employment for Basic School Cadets and is a condition of assignment for Basic School Staff and other identified employees.

VIII. COVID-19 IMMUNIZATION OF BASIC SCHOOL CADETS AND STAFF

Description

This policy provides a strategy for providing a safer training environment for North Carolina State Highway Patrol Cadets and Staff Personnel through COVID-19 vaccination.

Background

COVID-19 is a contagious, viral disease that is spread by coughing, sneezing, and close contact with others. Complications of COVID-19 can cause extended illness, hospitalization, and death. Those who reside in communal living situations, such as barracks or dormitories, are at an increased risk of contracting this virus. Other high-risk populations include the elderly, individuals with compromised immune systems, pregnant women, and those with certain chronic medical conditions including, but not limited to, hypertension, diabetes, and heart disease. The best way to prevent COVID-19 and reduce the spread of disease to others is through vaccination. COVID-19 vaccination for adults has been recommended by the Centers for Disease Control and Prevention (CDC) since 2020.

Rationale

This policy is intended to:

- Reduce the incidence and spread of a highly contagious disease for those residing in campus dormitories
- To protect Training Academy employees, students, visitors, and their families from COVID-19 infection through immunization of all Basic School Cadets, Sworn Basic School Staff Personnel, Medical Staff Personnel, and others who are in regular direct contact with the Basic School Operations
- To promote a healthy, productive Training Academy community

Policy for COVID-19 Immunization

Prior to the first day of Basic School, all Basic School Cadets, Sworn Basic School Staff Personnel, Specialized Instructors, Medical Staff Personnel, and others who are in regular direct contact with the Basic School Operations must be fully vaccinated against COVID-19 per CDC recommendations unless an exemption has been granted pursuant to this policy.

To be fully vaccinated and in compliance with CDC guidelines, at least 14 days must have passed after completion of a COVID vaccine series or single-dose COVID vaccine.

COVID-19 vaccines are available through local health departments, pharmacies, state-sponsored vaccine events, and medical clinics. Assistance with access to vaccination clinics can be facilitated by the North Carolina State Highway Patrol Medical Services.

Basic School Cadets, Sworn Basic School Staff Personnel, Specialized Instructors, Medical Staff Personnel, and others who are in regular direct contact with the Basic School Operations who are fully vaccinated must provide proof of immunization. This proof may include immunization records, a receipt or note from a physician, licensed independent practitioner (e.g., physician's assistant), or pharmacist.

Exemptions for immunization will only be considered for medical contraindications or religious beliefs. Exemptions for personal or philosophical reasons will not be accepted. Exemptions will be evaluated on an individual basis as follows:

- Religious Beliefs - Personnel claiming exemption due to religious beliefs must complete the Religious Immunization Exemption Certificate (COVID-19) confirming that such immunizations are not consistent with their religious beliefs. The Religious Immunization Exemption Certificate (COVID-19) must be

submitted to the Highway Patrol Medical Office per the deadline set by the Patrol Medical Director.

- Medical Contraindication - Personnel claiming exemption due to medical contraindication must complete and submit the Medical Exemption Statement (COVID-19) form. The Medical Exemption Statement (COVID-19) must be submitted to the Highway Patrol Medical Office per the deadline set by the Patrol Medical Director.

Each request for medical exemption will be evaluated by the North Carolina State Highway Patrol Medical Director. Standard criteria for medical exemption will be established based on current recommendations from the Centers of Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP). Basic School Cadets, Sworn Basic School Staff Personnel, Specialized Instructors, and other identified employees who are exercising a medical exemption may be asked to provide proof of medical contraindications to the North Carolina State Highway Patrol Medical Office/Director. The Medical Director shall notify the individual requesting the exemption and the Director of Training/Major of the decision to grant or deny the request.

Infection Control

Basic School Cadets, Sworn Basic School Staff Personnel, Specialized Instructors, Medical Staff Personnel, and others who are in regular direct contact with the Basic School Operations employees will be responsible for reporting to the Medical Director, through the individual's proper chain of command, symptoms consistent with COVID-19 disease and adhering to work restrictions/quarantine as applicable. Symptoms of contagious illness commonly include (but are not limited to) fever, cough, shortness of breath, fatigue, body aches, sore throat, loss of sense of smell or taste, and diarrhea.

Immunization Records

The North Carolina State Highway Patrol Medical Director will maintain a record of COVID-19 immunization for Basic School Cadets, Sworn Basic School Staff Personnel, Specialized Instructors, and other identified employees. Medical records will be maintained in a secure manner consistent with the Health Insurance Portability and Accountability Act (HIPAA).

Compliance

The Director of Training and Medical Director shall be responsible for the proper administration of this policy according to the guidelines found herein.

Compliance with the policy is a condition of employment for Basic School Cadets and is a condition of assignment for Basic School Staff and other identified employees.

Member's Assistance Team (MAT)

Applicable to: Employees

CALEA Chapters 1; 22; 26; 35

Directive E.16

New

Effective 9/27/2011

I. POLICY (CALEA 26.1.4)

This policy provides all employees of the Patrol with medical direction for a comprehensive employee assistance program that includes professional and peer support after critical incidents and for employees who are experiencing personal or family crisis. **(CALEA 26.1.4; 35.1.9)**

II. PROCEDURES FOR THE MEMBER'S ASSISTANCE TEAM (CALEA 1.3.8; 22.2.3; 22.2.4; 22.2.6; 35.1.9)

Confidentiality (CALEA 22.2.6; 35.1.9)

- Information from debriefings, defusing, Post **Critical Incident Seminars (PCIS)** and one-on-one counseling sessions gained by members of the MAT, the Medical Director, or the Patrol Psychologist will be held confidential with the following exceptions:
 - Information suggesting the employees are a danger to themselves
 - Information suggesting the employees are a danger to another person
 - Information indicating serious violations of State or Federal law, or a serious violation of Patrol policy as defined in Directive H.04.
- Information meeting these criteria shall be reported to the Patrol Medical Director. The Medical Director shall in turn report such information to the Commander's Office or his/her designee as soon as possible.
- To promote an ethical practice, the Member's Assistance Team Program requires MAT members to adhere to a Code of Ethics. Violation of these standards of conduct or codes of ethic, which may affect a MAT member's Critical Incident Stress Management (CISM) performance, shall be the basis for an investigation and possible disciplinary procedure.
- These Ethical Standards are applicable to the members of the Member's Assistance Team whenever those members are assigned to an official CISM activity or intervention.
- The MAT Program has a responsibility to assure that MAT members are provided a copy of the Ethics Code and applicable training. Program members have an obligation to be familiar with the MAT/CISM Ethics Code and its application to program activities.

- If a MAT Member violates the Ethical disclosure of Confidential Information, the MAT/Coordinator shall record the violation and recommend termination of the membership on the MAT team to the Patrol Medical Director.

It shall be the policy of the NC State Highway Patrol to provide access to Employee Assistance Programs and/or the Member's Assistance Team that will provide peer support. MAT is designed to assist in the identification and resolutions of concerns or problems (personal or job related) which may adversely affect an employee's personal or professional well-being and/or job performance. **(CALEA 35.1.15f)**

These personal concerns may include, but are not limited to health, marital status, family, substance abuse, emotional/stress and other personal matters. **(CALEA 22.2.10a)**

The Medical Office will ensure that professional support for employees is available when their needs exceed the training of any MAT peers involved.

It shall be mandatory that an employee's supervisor notify the Medical Director or MAT Coordinator when the employee is involved in a critical incident or traumatic life event.

Critical incidents / traumatic life event can include, but are not limited to, incidents which involve the following:

- Enforcement situations in which there is discharge of a firearm
- Use of force situations in which there is death or serious injury of any person
- Vehicle pursuits with death or serious injury to any person
- Situations in which there is serious injury or threat of death to an employee
- Accidental discharge of a firearm with injury
- Death of an employee
- In the line-of-duty death
- Serious injury of an employee
- First fatality investigation by a Provisional Trooper
- Collisions involving state-owned vehicles which results in serious injury or death
- Incidents involving:

- Unusually large numbers of victims
- Victims who are familiar to or have a special relationship with employees involved
- Prolonged, stressful involvement of employees
- Special or unusual media attention

Upon the occurrence of a critical incident involving SHP employees or families of members, the responsible supervisor or the officer-of-the-day will contact the SHP Medical Office and provide information on the nature of the incident, the employees involved, and the location of the incident and the current status of the incident.

Supervisors should contact the Medical Office or MAT Coordinator upon the occurrence of situations where an employee has not had an emergent or critical incident but is being affected by concerns or problems (personal or job related) which may adversely affect an employee's personal or professional well-being or job performance.

Referrals for critical and non-critical events can come from other sources:

- Self-referrals from employees
- Referrals by concerned peers
- Referrals by supervisors
- Referrals by family members
- Referrals following airing of an incident by the news media

MAT peer program efforts should support the goals of our agency mission by helping to build partnerships with all levels of government and the public. In doing so, our MAT program may participate in the aiding of our communities by providing peer support upon request. Requests for MAT interventions in our communities and to other agencies shall be made to the MAT Coordinator or Medical Director. The MAT Coordinator will consult the Medical Director and the Director of Professional Standards, in consultation with the Commander's Office, who must approve any external MAT deployments.

The Medical Director, a MAT Zone Coordinator, or the Wellness Coordinator in consultation with the Troop and District Supervisor of the involved employees will determine the resources needed for the response and the timetable for activities.

During office hours, the Medical Director will request the commitment of the MAT via the chain-of-command, or during non-office hours or on holidays, the Medical Director will contact the State OD with the request.

The purpose of the MAT is to provide assistance through crisis intervention and peer-support. Therefore, MAT members shall be guided by the following:

- MAT peer members will adhere to the MAT SOP on all deployments and interventions.
- No activities by MAT personnel shall be considered part of any investigation or operational critique.
- MAT program personnel will not interfere with administrative and criminal investigations following critical incidents.
- MAT personnel will state a warning to employees involved in defusings or other activities that they should not make statements of fact that may be important to any criminal or administrative investigation.
- MAT personnel engaged in defusings, debriefings, PCIS, one-on-one discussions or any other interactions with involved employees will stop employees who appear to be making statements of fact that are important to a criminal or administrative investigation.
- No MAT personnel will provide advice or recommendations that might be considered or are represented to be the appropriate domain of professional medical, psychological, legal or administrative personnel.
- No notes or recordings or other records of information exposed during MAT programs will be made or maintained.
- MAT personnel responding will travel in Patrol vehicles and wear the appropriate approved attire and will be considered on-duty and on special assignment.

MAT operations will be organized according to the "Incident Command" system. The team leader will act as the deployment I.C. and be responsible for assuring that daily briefings and assignments of activities are made as appropriate and for organizing an operational review for the MAT before demobilization. The I.C. is responsible for providing a summary of deployment activities utilizing appropriate MAT forms.

The MAT program will not supplant the responsibility of the Medical Director and Patrol Supervisors to assure that all employees involved in critical incidents be properly referred for any necessary professional psychological or psychiatric evaluation and treatment.

The MAT program will be reviewed annually by a committee of MAT personnel appointed by the Medical Director. A report of this review will be provided to the Commander's Office on or before 31 August of each year.

The Medical Director, in consultation with the Director of Professional Standards, can immediately suspend from the program any MAT member(s) who violate this policy or any other Patrol policy.

I. POLICY

It is the policy of the North Carolina State Highway Patrol to ensure that all sworn members can perform their essential job functions. This policy is designed to promote a minimum fitness level and a healthier member.

The North Carolina Police Officer Physical Abilities Test (POPAT) test will be a required component of the annual performance process for sworn members. The goal is to promote agency-wide physical fitness and improve the individual member's health and welfare with potential long-term benefits.

Along with the mandatory testing components for sworn members, the North Carolina State Highway Patrol is committed to supporting all of our employees in their quest for excellent physical health. We will continually explore new programs and wellness ideas in order to assist our employees in obtaining and maintaining optimal physical health.

II. FITNESS REQUIREMENTS

All sworn members are required to meet the Patrol's fitness requirements as outlined in this directive. The Patrol will use one standard within its fitness program:

- **Fitness Standard** – The standard all sworn members must meet.

All sworn members are required to complete the POPAT course annually in the Fitness Standard times below approved by the Patrol:

Scenario #1 - Chase/Apprehension Phase: 6:00 minutes or less

Scenario #2 – Rescue Phase: 3:00 minutes or less

- Members who complete the course in the Fitness Standard times or faster are deemed to have met the Patrol's Fitness Standard
- Members who do not complete the course within the required Fitness Standard times are deemed to not have met the Patrol's Fitness Standard and therefore require improvement. This does not apply to a member who suffers an injury while performing the POPAT test and is unable to complete the test as a result of the injury.

III. FAILURE TO MEET THE FITNESS STANDARD

A member who fails to complete the POPAT course within the Fitness Standard time will be expected to demonstrate improvement toward meeting the Fitness Standard time.

The Director of Training will notify the member's supervisor, in writing, through the chain-of-command upon a failure to meet the Fitness Standard time. The member's supervisors will be responsible for documenting the failure as part of the member's annual Performance Appraisal.

Upon a member's failure to meet the Fitness Standard time, the member will be scheduled for an appointment with the Medical Director or designee in conjunction with the Training Academy staff where he/she will be provided with fitness and health guidelines intended to support improvement toward meeting the Fitness Standard time.

IV. MAKE-UP ANNUAL FITNESS TESTING

The Director of Training or designee will schedule make-up days for the annual fitness testing sessions as needed.

Members will be required to complete the missed annual testing within ninety (90) days of returning to full duty.

V. ASSISTANCE TO MEMBERS

The Patrol recognizes the benefit to provide assistance to members who want to improve their physical fitness and/or have difficulty in meeting the Patrol's fitness standards. This may go beyond merely meeting the Fitness Standard and trained instructors are available to develop personalized exercise plans and goals.

The Patrol will offer assistance to members by:

- Providing referrals for health screening and fitness assessment.
- Providing guidance in and/or a referral for the development of an individual physical fitness training program to include individual education and goal setting.
- The Medical Director or designee may refer members for health and nutrition advice through the Patrol's contracted health care insurance provider.
- The Medical Director or designee, in conjunction with the Training Academy Staff, will provide ongoing support and evaluation of officer wellness and fitness.
- The Director of Training will provide an annual report to the Commander's Office.

VI. North Carolina Police Officer Physical Abilities Test (POPAT)

The North Carolina POPAT course effective on 1 July 2015 is as follows:

Scenario #1: Chase/Apprehension

Start Position in Chair

1. Chair to Cone 1 (40 ft.) and back (around chair) 2 times
2. Chair to Cone 2 (60 ft.) while completing the following obstacles:
Broad Jump, Fence Climb, and Crawl
3. Cone 2 to mat
4. "Roll Drill," 3 repetitions (a-d equals 1 repetition)
 - a. Start on top of 100 lb. heavy bag with left knee on mat
 - b. Roll to right until bag is over body
 - c. Continue to roll in the same direction until back on top of heavy bag (complete when right knee touches mat)
 - d. Perform complete turn to left until left knee touches mat
5. 20 Pushups
6. "Roll Drill," 3 repetitions
7. Mat to Cone 2 while completing the following obstacles:
Broad Jump, Fence Climb, and Crawl
8. Cone 2 to step box
9. 30 Steps (up and down) on step box
10. "Roll Drill," 3 repetitions
11. 20 Pushups
12. "Roll Drill," 3 repetitions

Scenario #2: Rescue

1. Run from Cone 1 to Cone 2 (50 ft.) and back 2 times
2. 30 steps (up and down) on step box
3. Run from Cone 1 to Cone 2 (50 ft.) and back 2 times
4. Drag 175 lb. dummy from Cone 3 to Cone 4 (25 ft.) and back to Cone 3 (past line adjacent to cone each way)

I. POLICY

It is the policy of the North Carolina State Highway Patrol to provide a performance management system which evaluates employees' accomplishments and behaviors related to goals and organizational values to achieve organizational mission, goals, and business objectives. An integrated performance management system enables employees to develop and enhance individual performance while contributing to the achievement of organizational mission, goals, and business objectives.

II. OBJECTIVES

In establishing this Performance Management Policy, the State Highway Patrol seeks to achieve the following objectives:

- Facilitate effective communication between employees and immediate supervisors;
- Ensure employees have a clear understanding of the performance expected of them and how their individual work contributes to achievement of the State Highway Patrol's mission;
- Ensure employees provide, as well as receive, input into the development of individual goals and ongoing information about how effectively they are performing relative to established goals
- Identify and implement opportunities for employee development and discussion of career objectives; and
- Provide policy consistency

III. COVERED EMPLOYEES

This policy applies to all sworn, non-sworn, probationary, trainee and permanent employees. This policy does not apply to temporary employees.

IV. PERFORMANCE CYCLE

The State Highway Patrol's performance cycle is from July 1 through June 30. The annual performance evaluation shall be completed, approved, discussed with the employee and entered into the system of record within sixty (60) calendar days of the cycle end date. The State Human Resources Director has the ability to change the dates of the standard performance cycle; however, all covered employees shall be

notified a minimum of sixty (60) calendar days prior to the start of the new performance cycle

V. DOCUMENTATION OF PERFORMANCE

The Highway Patrol recognizes a need for on-going, 'face-to-face' performance counseling which provides professional guidance to an individual to encourage improved performance, career counseling relative to such topics as advancement, specialization, or training appropriate for employee's position and which assists the supervisor to better understand a subordinate's strengths and weaknesses. This directive sets forth policy on documenting performance once a counseling session is complete.

Within the State Highway Patrol, employees' performance shall be documented throughout the appraisal cycle using a pre-formatted performance record.

Supervisors must document all disciplinary actions imposed on employees under their supervision on a performance record.

Only trained supervisors may enter performance records on subordinates. If an employee is promoted to a supervisory position before training is received, the employee may enter performance records in the interim only after approval from the Troop/Unit Performance Appraisal Liaison, in consultation with the Program Administrator. The newly promoted supervisor must complete the full training conducted by the Program Administrator before completing an interim or annual evaluation.

A minimum of two performance records must be completed per Job Task listed under each Goal in order to rate the employee's performance in that particular area on the Annual Performance Appraisal. This minimum requirement does not relieve supervisors from documenting the full range of the employee's performance.

While in Basic School, State Highway Patrol Cadets will initiate their Performance Plan within the Performance Management System. Documentation in the Performance Management System for Probationary Troopers will start following the completion of ROE # 2 during the Field Training Officer's program.

VI. FREQUENCY OF PERFORMANCE REVIEWS

Performance Reviews are required in the following instances:

- **Permanent State Employees:** The immediate supervisor shall establish a performance plan for the employee during the first sixty (60) calendar days of the performance cycle. The immediate supervisor shall conduct an interim review at

the midpoint of the performance cycle and shall conduct a final performance evaluation annually, within 60 calendar days of the cycle end date. The permanent employee shall have been functioning under an issued performance plan for at least six (6) months cumulatively over the performance cycle to be assigned a final overall performance rating.

- **Probationary Employees:** The immediate supervisor shall establish a performance plan for the employee during the first sixty (60) calendar days of employment; however, if the probationary employee's start date is during the last sixty (60) calendar days of the current performance cycle, then the immediate supervisor shall establish a performance plan for the employee during the first sixty (60) calendar days of the next performance cycle. The immediate supervisor shall review the probationary employee's performance by conducting documented performance feedback discussions during the first twelve (12) months of employment. A probationary employee is expected to perform the work at the level expected for this position and consistently meet what is expected in terms of quality, quantity, timeliness, cost, and customer satisfaction on all individual goals and individual values. If the employee's performance indicates he or she is not suited for the position and cannot be expected to meet satisfactory performance standards, the employee shall be separated.

The immediate supervisor shall conduct an interim review at the midpoint of the performance cycle and shall conduct a final performance evaluation annually, within sixty (60) calendar days of the cycle end date. If the probationary employee's start date is within sixty (60) calendar days of either the interim review or the annual performance evaluation, then an interim review or annual performance evaluation is not required. The probationary employee shall have been functioning under an issued performance plan for at least six (6) months cumulatively over the performance cycle to be assigned a final overall performance rating. To meet the business needs of the work unit, periodic reviews may be conducted as frequently as necessary.

- **Time-Limited and Trainee Employees:** The immediate supervisor shall establish a performance plan for the employee during the first sixty (60) calendar days of employment; however, if the time-limited employee's start date is during the last sixty (60) calendar days of the current performance cycle, then the immediate supervisor shall establish a performance plan for the employee during the first sixty (60) calendar days of the next performance cycle. The immediate supervisor shall review the time-limited employee's performance by conducting documented performance feedback discussions. A time-limited employee is expected to perform the work at the level expected for this position and consistently meet what is expected in terms of quality, quantity, timeliness, cost, and customer satisfaction on all individual goals and individual values. If the employee's performance indicates he or she is not suited for the position and cannot be expected to meet satisfactory performance standards, the employee

shall be separated. The immediate supervisor shall conduct an interim review at the midpoint of the performance cycle and shall conduct a final performance evaluation annually, within sixty (60) calendar days of the cycle end date. If the probationary employee's start date is within sixty (60) calendar days of either the interim review or the annual performance evaluation, then an interim review or annual performance evaluation is not required. The time-limited employee must have been functioning under an issued performance plan for at least six (6) months cumulatively over the performance cycle to be assigned a final overall performance rating. To meet the business needs of the work unit, periodic reviews may be conducted as frequently as necessary. Employees in trainee classifications will have either a probationary or permanent appointment type. The immediate supervisor shall follow the performance management process based on employee appointment (i.e., probationary or time-limited), as outlined in this policy, for employees in trainee classifications.

- **Transfers, Promotions, Demotions:** When an employee transfers (lateral, demotion, reassignment, or promotion) within State government, the existing immediate supervisor shall assess performance and document progress and/or recommended ratings prior to the transfer. If the transfer (lateral, demotion, reassignment, or promotion) occurs during the interim review or annual performance evaluation, then the existing immediate supervisor shall complete the transferring employee's interim review or annual performance evaluation. If the transfer (lateral, demotion, reassignment, or promotion) does not occur during the interim review or annual performance evaluation, then the existing immediate supervisor shall provide written performance information (i.e., documentation in the system of record or email) specific to the employee's achievement of established goals and values to the receiving immediate supervisor. If the transferring employee has been functioning under an issued performance plan for at least six (6) months at the time of the transfer, then the existing immediate supervisor shall recommend performance ratings for goals and values in the system of record, prior to the transfer.
- **Change in Immediate Supervisor:** When there is a change in immediate supervisor, the existing immediate supervisor shall provide written performance information (i.e., documentation in the system of record, email, etc.) specific to the employee's achievement of established goals and values to the receiving immediate supervisor. If the change in immediate supervisor occurs during the interim review or annual performance evaluation, then the existing immediate supervisor shall complete the interim review or annual performance evaluation. If the employee has been functioning under an issued performance plan for at least six (6) months at the time of the change in immediate supervisor, then the existing immediate supervisor shall recommend performance ratings for goals and values in the system of record prior to the change.

- **Separation:** When an employee separates from State Highway Patrol, the immediate supervisor shall assess performance and assign a final overall performance rating, unless the employee's separation is due to a documented disciplinary action, retirement, disability, illness or death. The separating employee must have been functioning under an issued performance plan for at least six (6) months cumulatively over the performance cycle to be assigned a final overall performance rating.

VII. THE PERFORMANCE MANAGEMENT PROCESS

A. Stage One: Performance Planning

1. Each employee shall have an annual Performance Plan to include at least three (3) but not more than five (5) strategically aligned critical individual goals (not an exhaustive list of all responsibilities required for continued employment and does not duplicate information in the position description), a description of how goals shall be measured, and the level of performance required to meet expectations and values. Goals shall be written at the "Meets Expectation" level. The State Highway Patrol shall facilitate calibration discussions to systematically assess goal validity and ensure the Patrol's consistency for all sworn and non-sworn positions.
2. Within ninety (90) calendar days of the onset of a PM cycle, the Office of State Human Resources shall publish and communicate two (2) to four (4) organizational values, which shall be standard for all employees subject to this policy. The Department of Public Safety may choose to add up to five (5) additional organizational values, selected from a predefined list published and communicated by OSHR within ninety (90) calendar days of the onset of the PM cycle.
3. Organizational values shall be 50% of the total weight relative to overall performance. The North Carolina State Highway Patrol will determine weight of specific goals; however, goal weight shall be no more than 50% of the total weight relative to overall performance.
4. Immediate Supervisor shall hold a performance planning discussion with each employee and put a performance plan in place with each employee within forty-five (45) calendar days of:
 - a. The beginning of the performance management cycle;
 - b. The employee's entry into a position;
 - c. A new (probationary or trainee) employee's date of employment; or

- d. Any significant change to the performance expectations of the current Performance Plan.
5. Once signed by the immediate supervisor and next-level manager/supervisor, the employee shall review, sign, and date the performance plan. If the employee refuses to sign the performance plan, the immediate supervisor shall document, on the performance plan, the employee's refusal.
6. Each employee shall have ready access to his or her performance plan either via paper or electronically.

B. Stage Two: Performance Feedback

1. Throughout the performance cycle, the immediate supervisor shall document and validate, based on direct observation and/or feedback from others, employee performance results and behaviors on a regular and consistent basis. In addition, the immediate supervisor shall provide feedback to the employee, both positive and corrective, when appropriate. Both the immediate supervisor and employee should document activities and accomplishments related to goals and behaviors during the performance cycle.
2. Immediate supervisor shall conduct a minimum of three (3) formal performance discussions annually, for each employee and timed accordingly:
 - the performance planning discussion, at the beginning of the performance cycle (After July 1st but before August 15th);
 - an interim review at the performance cycle mid-point (After January 1st but before February 15th); and
 - the annual performance evaluation, at the end of the performance cycle (After July 1st but before August 15th)

The formal discussions provide immediate supervisor and employees with an opportunity to discuss any changes in the Patrol's priorities or employee development goals, review progress and, if necessary, revise performance plans, initiate individual development plans, or address performance problems and identify steps the employee should take to improve or adjust priorities through the remainder of the performance cycle. Additional formal and informal discussions shall also be conducted as needed throughout the performance cycle to adjust cycle goals, document progression, or address fluctuating business requirements.

3. All formal coaching and counseling sessions and formal performance discussions shall be documented.
4. During the Annual Performance Appraisal review each immediate supervisor and employee (sworn and civilian) shall review and sign a new job description.

Addressing Poor Performance

If at any time during the performance cycle an employee is not performing at the satisfactory level for the position, the immediate supervisor will consider the totality of the circumstances in determining at what step to begin the performance discussion. For the majority of performance discussions, the immediate supervisor shall provide feedback to the employee regarding the need for him/her to improve his/her performance. If performance does not improve following the feedback provided by the immediate supervisor, for the majority of performance discussions, the immediate supervisor shall:

Conduct a Documented Counseling Session (DCS) to:

- discuss ways to improve the employee's performance and/or values-based behavior.
- seek input from the employee about whether the performance issue can be corrected through a process change or to determine if the employee needs to receive additional training on current procedures/processes,
- outline the steps to be taken to improve performance, including the specific timeframe for improvement, identify the consequences, including progressive disciplinary action, of failure to improve.
- establish a follow-up date(s).
- DCS (HR562) Link:
https://www2.ncdps.gov/emp/HR/HR562%20DCS_Revised%20by%20PHH%2020190403_LC%20Rights.pdf

If performance improves to the satisfactory level during the established timeframe and performance is maintained at the satisfactory level, then the immediate supervisor should document the employee's performance improvement electronically or in writing.

C. III. Stage Three: Annual Performance Evaluation and Rating Scale

1. At the end of the performance cycle, the immediate supervisor shall evaluate employee performance relative to the three (3) to five (5) individual goals as well as the selected organizational values. Immediate supervisor shall use quantitative and qualitative information collected throughout the cycle and documented by various sources, including information documented by the employee, to determine the extent to which the employee's actual performance has met the expectations defined in the performance plan. The immediate supervisor shall evaluate performance based on the collected performance.
2. Each individual goal and value shall be rated using the standardized rating scale. The standardized rating scale shall consist of three (3) levels defined as follows:
 - ***Exceeds Expectations*** - (3) Performance consistently exceeds documented expectations and measurements. The employee consistently does work going far beyond what is expected in terms such as quantity, quality, timeliness, cost, and customer satisfaction. Performance that "Exceeds Expectations" is due to the effort and skills of the employee. Performance is consistently characterized by exceptionally high quality work that requires little or no improvements or corrections. An employee at this level repeatedly makes exceptional or unique contributions to the organization that are above the requirements of his/her duties and responsibilities. An employee performing at this level should be readily recognized by their organization as an outstanding contributor to the organization's mission.
 - ***Meets Expectations*** – (2) Performance consistently meets and occasionally exceeds the documented expectations and measurements. The employee performs according to expectations. The employee does the job at the level expected for this position and consistently meets what is expected in terms such as quantity, quality, timeliness, cost and customer satisfaction. The performance is due to the employee's own effort and skills. An employee performing at this level is dependable and makes valuable contributions to the organization. The employee's judgments are sound, and he or she demonstrates knowledge and mastery of duties and responsibilities. Most employees should meet expectations in a functional, performing work unit.

- ***Does Not Meet Expectations*** – (1) Performance does not meet expectations and measurements and supervisory attempts to encourage performance improvement are unsuccessful. The employee is performing the job at an unsatisfactory performance level in terms such as quantity, quality, timeliness, cost, and customer satisfaction and performance improvement counseling by the immediate supervisor has not resulted in adequate employee performance improvement. Immediate supervisors are required to continue addressing performance issues with an employee with this rating level, documenting management efforts to encourage satisfactory performance. Performance counseling sessions should be guided by next-level management, and may result in disciplinary consequences for the employee who fails to demonstrate improvement.
- 3. The employee's final annual performance evaluation rating shall be based on results achieved cumulatively over the performance cycle relative to his/her individual goals and organizational values. The final annual performance evaluation rating shall reflect timeliness, quantity, and quality of job performance relative to established goals and identified values. A final annual performance evaluation rating that is higher or lower than what is expected of someone in the position shall be supported by appropriate documentation. An employee who performs below the satisfactory level of performance on any goal or value shall not be awarded a final annual performance evaluation rating above the satisfactory level of performance, regardless of the level of results achieved or adherence to values.
- 4. The immediate supervisor shall assign a final annual performance evaluation rating and conduct an annual performance evaluation meeting with each employee. The immediate supervisor shall not submit final annual performance evaluation ratings for employees unless an annual performance plan, supported by ongoing performance documentation, has been completed in accordance with this policy.
- 5. Once signed by the appropriate levels of management, the employee shall review, sign, and date the annual performance evaluation. The employee's signature on the annual performance evaluation acknowledges his/her receipt of the evaluation. If the employee refuses to sign the annual performance evaluation, the immediate supervisor shall document the employee's refusal on the performance evaluation.
- 6. Each employee shall have ready access to his/her annual performance evaluation either via paper or electronically.

VIII. PERFORMANCE MANAGEMENT RESOURCES AND TRAINING

The State Highway Patrol Performance Management Program Administrator shall:

- Coordinate the development, implementation, and ongoing administration of performance management within the organization
- Provide performance management training to all newly hired or promoted first line supervisors, to be successfully completed within the first three (3) months of the first line supervisor's new role;
- Within the Highway Patrol, The Director of Support Services or the Program Administrator shall designate one Lieutenant from each Troop/Unit as the Performance Appraisal Liaison (PAL). The designated PAL will be responsible for reviewing the interim and annual performance evaluation process within his/her Troop/Unit for all employees. The PAL will also serve as mediator for any rater error or appeal disputes within her/his Troop/Unit. Designated Performance Appraisal Liaisons will receive specialized training from the Program Administrator.
- Provide annual refresher training to all designated Performance Appraisal Liaisons for each Troop/Unit.

IX. CONFIDENTIALITY AND RECORDS RETENTION

Performance evaluations are confidential documents under G.S. 126-22. Any information shared during calibration sessions shall be treated as confidential and shall not be shared outside of the calibration session. A breach of confidentiality shall be considered personal misconduct and may result in disciplinary action up to and including dismissal.

Annual performance evaluations and supporting documentation shall be securely retained for at least three (3) years, and then maintained according to the applicable records retention schedule.

X. PERFORMANCE RATING DISPUTE

Career State employees or former career State employees may grieve an overall performance rating of "Does Not Meet Expectations" in accordance with State Highway Patrol Policy Directive E.08 (Grievance Procedure).

A. Ratings Inconsistent with Policy and Training

In the course of monitoring and evaluating the performance management system, the Program Administrator may identify performance management ratings that appear inconsistent with the standards established in policy and training. The following actions shall be taken:

1. Contact the Performance Appraisal Liaison of the affected employee;
2. Describe the performance management rating being questioned and the reason for questioning the rating, and;
3. Request action on the part of the affected employee

B. Dispute of Final Evaluation by Subordinate Supervisor's Supervisor

In the event a supervisor identifies a potential rating error in a subordinate supervisor's rating(s), he/she shall discuss the rating(s) with the subordinate supervisor. After discussion, the subordinate supervisor may adequately explain the rating or change the rating. If the supervisor still disagrees with the subordinate supervisor, the supervisor may direct him/her to make the adjustment. If a subordinate supervisor conducts the performance appraisal interview with his/her employee(s) and subsequently changes a rating, the subordinate supervisor must provide the affected employee with a copy of the new rating. The affected employee may appeal the rating change in accordance with this policy.

If it is discovered that an employee is not following the procedures prescribed by this Policy Directive or Performance Management Training, the appropriate Performance Appraisal Liaison shall immediately take steps to correct the improper action through remedial training after consultation with Program Administrator. A memorandum describing the improper action and corrective action taken shall be completed and submitted to the Program Administrator.

C. Performance Appraisal Appeal by Employee

An employee may appeal any Overall Performance Rating of "Does Not Meet Expectations" within 15 calendar days of completing the Annual Performance Rating. The overall performance rating differs from the ratings of the individual performance goals. After rating each individual performance goal, supervisors shall rate the employee's overall performance.

D. Dispute Involving a Rating in an Individual Performance Category by Employee

Within fifteen (15) calendar days of completing the Annual Performance Appraisal, any employee who disagrees with a rating "Does Not Meet Expectations" in an individual performance goal area must dispute the rating to his/her supervisor. Upon being notified of the rating disagreement, the supervisor and employee must attempt to resolve the performance rating issue. If the employee still disagrees with the rating, the employee should try to resolve the issue by consulting with the next level manager. If the employee disagrees with the rating decision of the next level manager, then the employee should attempt to resolve the issue by meeting with the Troop/Unit Performance Appraisal Liaison. The Troop/Unit Performance Appraisal

Liaison shall review all information gathered during the appeals process and consult with the Program Administrator who will make a final decision on the appeal. There shall be no further appeal. The Director of Professional Standards, in consultation with the Patrol Commander, will make the final decision on an appeal from a commissioned officer.

Promotion and Reallocation Procedures

Applicable to: Members

Directive F.02

Revised 12/14/2021

Effective 06/21/2018

I. POLICY

This policy sets forth guidelines for the promotion process and reallocation procedures of the North Carolina State Highway Patrol.

II. ADMINISTRATION

- Under authority of the Commanders Office, the Director of Professional Standards will facilitate the promotion process.
- The Program Administrator within Professional Standards will be responsible for management of the promotion process. The testing vendor will be responsible for design, implementation and scoring of the promotion process.
- Promotion results will be retained for a maximum of three (3) years and secured by the Program Administrator in consultation with the testing vendor. Promotion processes are expected to be administered each calendar year. The published promotion eligibility list will expire on June 30th of each calendar year.
- At the end of each promotion process, participants will be given the opportunity to provide feedback and suggestions which will be reviewed by the Director of Professional Standards and the Commander's Office for consideration in future processes.
- All changes to the promotion process will be approved by the Commander's Office and included in this Directive and/or the Promotion Guide.
- Make up tests will only be allowed in extreme circumstances, if approved by the Director of Professional Standards, or in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA).

III REALLOCATION TO SENIOR TROOPER AND MASTER TROOPER RANKS

- Reallocation to the rank of Senior Trooper and Master Trooper shall be based on length of service, recommendations of unit supervisors and unit commanders and shall not be governed by the requirements of this directive. However, Troopers who are currently under an active disciplinary action shall not be eligible for reallocation to Senior Trooper or Master Trooper until such disciplinary action becomes inactive.
- Patrol Troopers may be reallocated to Senior Trooper upon the completion of three (3) years of service and upon recommendation of their supervisors.

- Senior Troopers may be reallocated to Master Trooper upon the completion of six (6) years of service and upon the recommendation of their supervisors.
- In addition to the years of service requirement, members who have a break in service and are rehired under the former member provisions of E.13 must have a minimum of twelve (12) months of continuous active service at the current rank as of the date of reallocation.
- Supervisors requesting reallocation of members must submit a Request for Reallocation to Senior / Master Trooper (HP-767A), via chain-of-command, to the Personnel Unit.

IV. EXEMPT SUPERVISOR RANKS AND POSITIONS

The below ranks and positions are exempt from the State Human Resources Act and the promotional processes set forth in this directive:

Patrol Commander

General Statute 20-185 provides that the Patrol Commander [Commanding Officer], whose rank shall be designated by the Governor, shall be appointed by the Governor. The Patrol Commander currently holds the rank of Colonel.

Lieutenant Colonel

A member holding the rank of Captain or higher may be promoted to the rank of Lieutenant Colonel.

Major

A member holding the rank of Captain may be considered for promotion to Major. A member who wishes to be considered for promotion to Major shall submit a resume to the Commander's Office containing the following information:

- Patrol or other law enforcement related experience
- Education
- Management experience
- Community relations activities
- Law enforcement and community relations honors and awards

The Commander's Office will review the resumes and select a minimum of three (3) candidates to be interviewed if available.

The Commander's Office, and/or their designees will interview candidates. At a minimum, promotions will be based on interview ratings.

V. NON-EXEMPT SUPERVISOR RANKS AND POSITIONS

The below ranks and positions are subject to the State Human Resources Act and shall follow the promotional processes outlined herein:

Captain

A member holding the rank of Lieutenant may be considered for promotion to Captain. A member who wishes to be considered for promotion to Captain shall submit a resume to the Commander's Office containing the following information:

- Patrol or other law enforcement related experience
- Education
- Management experience
- Community relations activities
- Law enforcement and community relations honors and awards

The Commander's Office will review the resumes and select the most qualified applicants to continue in the promotional process. Notwithstanding the number of vacancies to be filled, the minimum number of candidates selected to continue in the promotional process shall be three (3). The process shall consist of, at a minimum, a structured panel interview with the Commander's Office or its designee.

Exception: If there are less than three (3) applicants, this provision will be inapplicable.

Lieutenant

A member holding the rank of First Sergeant with two (2) years of experience in grade by the date the Promotion Eligibility List is posted on July 1st of the current year may be considered for promotion to Lieutenant. A member who wishes to be considered for promotion to Lieutenant must indicate their interest by completing the online Promotion Process Application.

First Sergeant

A member holding the rank of Sergeant with three (3) years of experience in grade by the date the Promotion Eligibility List is posted on July 1st of the current year may be considered for promotion to First Sergeant. A member who wishes to be considered for promotion to First Sergeant must indicate their interest by completing the online Promotion Process Application.

Sergeant

A member holding the rank of Master Trooper with eight (8) years of sworn experience (SHP sworn time) by the date the Promotion Eligibility List is posted on July 1st of the current year may be considered for promotion to Sergeant. A member who wishes to be considered for promotion to Sergeant must indicate their interest by completing the online Promotion Process Application.

Participation in the Promotion Process for Promotion to Lieutenant, First Sergeant, and Sergeant

- Members who wish to be considered for promotion to Lieutenant, First Sergeant and Sergeant must indicate their interest by completing the online Promotion Process Application located on the Patrol's Intranet under the Professional Standards section by the deadline, or it shall be deemed that the member does not wish to participate in the promotional process.
- All participating members are encouraged to review the supporting information on the Highway Patrol's Intranet site.
- The deadline for submission of the online Promotion Process Application is December 15th of each applicable process year, unless amended by departmental announcement. All applications must be approved by the member's supervisor by this date for each candidate to participate.

VI. ELIGIBILITY REQUIREMENTS FOR PROMOTION

- Any member who receives a disciplinary action, with the exception of a written warning, shall not be eligible to participate in the promotion process until such disciplinary action becomes inactive.
- Any member who has an active written warning and who is not otherwise ineligible for promotion shall be eligible to participate in the promotion process but shall not be eligible for promotion until the written warning becomes inactive.
- In order to participate in the promotion process, eligible candidates must have achieved a rating of "Meets Expectations", or better, in all performance categories from their previous annual performance appraisal.

Exception: If the member has a "Below Expectations" rating on his/her previous or current annual performance appraisal as a direct result of a Written Warning that is still active, then the member is still eligible to participate in the promotion process. However, the member will not be eligible for promotion until the written warning becomes inactive and

suitable progress to improve performance in the deficient performance category(s) have been achieved and appropriately documented in the form of an NCVIP comment within a member's performance plan.

- A member participating in the promotion process, or who is on the current promotion list, who fails to maintain ratings of at least "Meets Expectations" in all performance categories, during the member's Annual Performance Evaluation (APE), will be removed from the promotion process or the current promotion list.
- Any member who is participating in the promotion process, or who is on the current promotion list and receives an active disciplinary action, to include a written warning, shall be deemed ineligible for promotion, until such time that the member meets the requirements of this section.
- Any candidate who has a break in service must have a minimum of twelve (12) months continuous service by the online application deadline

VII. THE PROMOTIONAL PROCESS FOR LIEUTENANT, FIRST SERGEANT AND SERGEANT

Components of the Promotional Process

Candidate overall promotional scores shall consist of four (4) components:

- Job Knowledge Written Examination
- Assessment Center
- Administrative Interview
- Preference Points

Job Knowledge Written Examination

All Ranks: All candidates for promotion to Sergeant, First Sergeant and Lieutenant must complete a comprehensive and job-related job knowledge written examination.

The written examination will be based on sources (e.g., policy manual, general statutes, etc.), which will be disclosed to candidates no fewer than 45 days before test administration.

Advancement to the Assessment Center

Candidates shall advance to the Assessment Center as follows:

- The maximum number of candidates which shall advance to the Assessment Center will vary by rank, and can be found in the below chart:

Rank	Maximum Number of Candidates*
Sergeant	100
First Sergeant	50
Lieutenant	30

- Candidates shall advance to the Assessment Center, in rank order, beginning with the highest score on the written job knowledge examination until the maximum number of eligible candidates is met within each rank.

Exception: If two (2) or more candidates tie for the last available position, all of the candidates tied for that position shall be allowed to advance to the Assessment Center.

Assessment Center Structure

The Assessment Center shall be a structured process in which candidates respond (orally or in writing) to questions and/or a variety of situations or exercises.

The assessors shall be trained in testing, measurement, and evaluation and may include any of the following:

- Individuals external to the agency;
- Law enforcement professionals holding an appropriate level of rank or position (i.e., at or above the rank being assessed).

The assessment panel shall consist of no fewer than two (2) assessors.

Administrative Interview

The Administrative Interview shall be a structured interview process conducted in conjunction with, or separately from the Assessment Center.

All candidates who participate in the Assessment Center shall be eligible to participate in the Administrative Interview.

The assessors of the Administrative Interview may consist of the following:

- Individuals external to the agency with training in testing, measurement and evaluation.
- Law enforcement professionals holding an appropriate level of rank or position (i.e., at or above the rank being assessed).
- Members of the Commander's Office, or their designee(s).
- The assessment panel shall consist of no fewer than two (2) assessors.

Preference Points

Preference points refer to *preferred experience(s)*, which may augment candidates' final promotional score. Preference points shall have no impact on who advances to the Assessment Center.

There are two (2) categories of preference points:

- Education Points:
 - Education points will only be calculated for terminal degrees. Members who have obtained a bachelor's, or advanced degree, from an accredited university or community college that is recognized and listed by the Council for Higher Education Accreditation (CHEA) will receive preference points.
 - Education points are calculated as follows:
 - 1 point for associate's degree
 - 2 points for bachelor's degree
 - 3 points for master's degree or above
- Military Points:
 - Members may receive credit for fulltime active duty military experience prior to joining the North Carolina State Highway Patrol as noted on a DD-214. Prior military experience is defined as any member who served fulltime, active duty capacity in a branch of the US Military prior to employment with the Patrol. Members who served or are serving in the National Guard or Reserves may also qualify for military points. Certifications of service shall be submitted using official documentation from the unit in which the member served/serves.
 - Military points are calculated as follows:
 - 3 points for two (2) or more years of active duty with an honorable discharge, or two (2) or more years of duty within the

National Guard or Reserves with an honorable discharge, if applicable.

The maximum preference points a candidate can achieve within one category is 3 points. For example, if a candidate has a bachelor's degree (2 points) and a master's degree (3 points), the candidate may only use the points from the master's degree (3 points). Candidates may not add the points from both degrees.

The maximum preference points a candidate can achieve across all categories is 5 points. For example, if a candidate has a master's degree (3 points) and served two (2) years in the military (3 points), the candidate would have the maximum allowance of 5 points added to the final promotional score.

Placement on the Promotional List

Candidates shall be placed in top down rank order on the promotional list for their respective rank, based upon the following formulas:

Rank	Formula
Sergeant	Final Promotional Score = (Written Exam Score * .25) + (Assessment Center Score * .55) + (Administrative Interview Score * .20) + Accumulated Preference Points
First Sergeant	Final Promotional Score = (Written Exam Score * .25) + (Assessment Center Score * .55) + (Administrative Interview Score * .20) + Accumulated Preference Points
Lieutenant	Final Promotional Score = (Written Exam Score * .20) + (Assessment Center Score * .60) + (Administrative Interview Score * .20) + Accumulated Preference Points

VIII. PROMOTION ELIGIBILITY LIST

The Director of Professional Standards will receive the lists of Troopers, Sergeants, and First Sergeants in descending order of their overall promotional score from the testing vendor and submit them to the Commander's Office for approval to post.

- Scores will be computed to the thousandth of a point
- If the scores of any candidates are equal, the candidate with the highest score on the assessment center will determine their rankings.

- In the event scores remain equal following the above step, the final ranking will be determined based on the candidate's organizational tenure, with the candidate with the longest tenure receiving the higher placement on the list.
- In the event scores remain equal following the above step, the Patrol Commander will determine the ranking
- At a **minimum**, a promotion eligibility list of the top fifty (50) Troopers, the top thirty (30) Sergeants, and the top twenty (20) First Sergeants, will be posted based upon the overall promotion score.
- Each promotion eligibility list will be divided into blocks of ten (10) candidates for each rank. The first block shall be comprised of the top ten (10) candidates of each prospective rank based upon their Total Promotion Score.
- Promotions will be filled from the first block of ten (10), of the promotional list, until all eligible candidates have been promoted, bypassed, or have declined a promotion before moving onto the next block of ten (10).
- The Commander's Office may select any of the candidates in the first block
- Promotions into supervisory positions may be made from the promotional list (in effect at the time), based upon organizational needs, and at the discretion of the Patrol Commander
- The Commander's Office may select the highest-ranking member on the promotion list who possesses the qualifications for a specialized position. These specialized positions and their required qualifications are posted on the Patrol's Intranet. A member that accepts a promotion into a specialized position must remain in that position for a minimum of two (2) years unless they were selected for the promotion within the current block of ten (10).
- Promotional candidates who are offered a promotion and declines the promotion, shall submit a written memorandum through the chain-of-command to the Commander. The promotional candidate will then be placed at the bottom of the promotion list.
- A promotional candidate who is currently under criminal, and/or administrative investigation or has a criminal court action pending or a pending civil action in which the disposition of the court action could cause the member to be unable to perform his/her duties shall be bypassed until the matter has been resolved to the satisfaction of the Commander's Office
- A promotional candidate who receives any disciplinary action to include a written warning shall be bypassed and shall not be eligible for promotion.

- A promotional candidate on the current promotion list who is unfit for duty due to an off-duty or on-duty injury/illness shall be bypassed until they are declared fit for duty by the Patrol Medical Director.
- At the discretion of the Commander's Office, a bypassed candidate may be offered a promotion at a later time

IX. CANDIDATE FEEDBACK

After completion of the promotion process, all eligible candidates will receive scores on the following components:

- Job Knowledge Written Examination
- Assessment Center
- Administrative Interview
- Preference Points

All promotion candidates will receive a comprehensive written feedback document developed by the testing vendor that will be disseminated by the Commander's Office or their designee(s) at the completion of the promotion process.

Quality

Applicable to: Employees
CALEA Chapters 12; 15

Directive G.01

Revised 02/16/2018
Effective 1/1998

I. POLICY

To provide a spirit of excellence by continuously improving quality through the involvement of all employees and focusing on services that exceed customer expectations.

II. FOUNDATION OF NORTH CAROLINA STATE HIGHWAY PATROL (NCSHP) QUALITY (CALEA 12.1.4)

The Highway Patrol Foundation of Quality is based upon the following five (5) factors:

- Leadership
- Employees
- Strategic Planning (**CALEA 15.1.3; 15.2.1**)
- Process
- Measurement and Assessment

These factors align and are identical to the Department of Public Safety's (DPS) Five Pillars of Quality.

III. LEADERSHIP

It is the responsibility of senior leaders to set direction, build, and sustain a leadership system conducive to high performance, individual development, initiatives, organizational learning, and enhanced customer partnerships and satisfaction.

Quality Management Board (QMB) Structure (CALEA 15.2.2)

- The QMB is composed of all senior leadership to include:
 - Colonel
 - Lieutenant Colonel
 - Majors
 - Other Sworn and Non-Sworn Section Directors
 - Troop Commanders

- Others designated by the Commander's Office

Quality Management Board (QMB) Responsibilities (CALEA 15.1.3)

- The QMB is responsible for implementing the Highway Patrol's Quality Policy and providing direction and guidance for successful implementation of these initiatives to the field personnel. This includes:
 - Establishing, tracking and evaluating the effectiveness of the Highway Patrol's Strategic Plan **(CALEA 15.2.2)**
 - Linking with Highway Patrol Sections, Units, Troops, and Districts to provide:
 - Continuity of direction and leadership in focusing on quality improvement across the organization
 - Monitoring and evaluating results
 - Integrating best practices within sections, units, troops and districts
 - Promoting quality awareness
 - Communicating progress
 - Meeting routinely to advance quality improvement throughout the State Highway Patrol

IV. EMPLOYEES

The Highway Patrol's greatest and most valuable asset is its employees. The Patrol's success depends increasingly on the knowledge, skills and motivation of the work force and the opportunity to learn and practice new skills. The Highway Patrol will create a work environment that encourages employees to realize their fullest potential and to pursue quality and continuous improvement within the work place. This will be accomplished by:

- Recruiting, selecting, and retaining qualified employees
- Providing competency-based training and career development opportunities for employees
- Increasing employee empowerment, involvement, and innovation in the work place
- Encouraging and rewarding employee contributions and successes through formal and informal recognition systems

- Measuring employee satisfaction on a regular basis and establishing action plans to address organizational and employee issues
- Enhancing open communications throughout the organization

V. STRATEGIC PLANNING (CALEA 15.1.3; 15.2.1)

Strategic planning provides annual systematic planning. The State Highway Patrol must have an effective Strategic Planning process that integrates quality requirements into overall organizational planning. The plans must include strategies for:

- Achieving a vision of the future
- Setting focused, short and long-term directions for quality leadership, operational performance and customer satisfaction goals
- Translating these directions into a clear and actionable plan

The Strategic Plan will include:

- Mission
- Vision
- Values
- Trends and Implications (**CALEA 15.1.3**)
- Goals
- Objectives (**CALEA 15.1.3**)
- Strategies
- Activities

The Highway Patrol Strategic Plan will be linked and aligned with the DPS Strategic Plan.

The Highway Patrol Strategic Plans goals and objectives will be annually reviewed and updated at The Annual Strategic Plan Goals and Objectives review meeting.

VI. PROCESS

To provide excellent service to our customers, it is imperative that the Highway Patrol and its sub-units continuously review and improve key and critical processes. This evaluation considers all process variables including people, machines, equipment, raw materials, methods, and environment that produces a given product or service. **(CALEA 15.1.3)**

Process Management

- The Highway Patrol shall identify, prioritize, and improve designated key and critical processes.
- The Highway Patrol will use data and benchmarking techniques in assessing processes and organizational performance.

Process Improvement

- When improving processes, divisions will seek input from those who use or are affected by the process.
- Teams may be formed to improve processes as follows:
 - The task is complex and is important to justify the time invested.
 - There is no crisis and there is time for team development.
 - The task or process is cross-functional.
 - The path to proceed is unclear with no prior mandated outcome or solution.
- Teams will utilize quality management and planning tools to select the best practices in making process improvements.
- Leadership will consciously strive to support team decisions.

VII. MEASUREMENT AND ASSESSMENT

Measurement

- The use of data, analysis, and measurement shall be the primary means to support decision-making in:
 - Strategic planning
 - Process improvement
 - Performance improvement

- Customer satisfaction
- Employee development and satisfaction

Benchmarking

- Comparisons, benchmarking information, and data will be used to drive improvement of overall performance and process improvements.

Organizational Assessment

- Regular organizational assessments, based on the Public Sector Performance, will be used to determine progress toward organizational goals and to develop action plans.

I. POLICY

This policy sets forth standard guidelines for Staff Inspections, Line Inspections and Bi-Annual Personnel Inspections. These inspections will encompass a comprehensive review of administrative files, current processes, and review of issued equipment, personnel, and the agency's computer assets. All components of the inspection process will be utilized to determine organizational efficiency and the overall readiness of the agency to respond to the needs of the public

II. STAFF INSPECTIONS

The Inspection Unit shall inspect troop and district operations as well as section and subsection operations to determine whether resources are being used effectively, efficiently and in accordance with Patrol Policy, and whether resources are adequate to perform the assigned duties of the Patrol. All findings will be documented on form HP-340 (Inspection Report) and form HP-340A (Observational Checklist). Staff Inspections may be announced or unannounced as determined by the Commander's Office or the Director of Professional Standards.

Mandatory Staff Inspections shall be conducted by the Inspections Unit, within all organizational components, at least every three (3) years in accordance with the published "Calendar of Inspections," which is located on the Highway Patrol's internal website.

Deficiencies identified during Staff Inspections that indicate a rating of BS (Below Standards) and/or CA (Corrective Action) on any category of the HP-340 shall be discussed by the Inspections Unit Manager and the affected troop/district/section/subsection supervisor. Each category of the HP-340 indicating a rating of BS (Below Standards) and/or a rating of CA (Corrective Action) that cannot be immediately corrected will require a separate response in a single memorandum. This memorandum shall be prepared by the affected district first sergeant, subsection manager/supervisor, or other designee, and should describe any and all Corrective Action(s) to bring those areas into compliance. The memorandum shall be forwarded to the appropriate Section Director or Troop/Unit Commander who will forward a copy to the Unit Manager of Inspections. This memorandum shall be filed in the affected section/sub-section or troop files no later than thirty (30) calendar days from the day the final Inspection Report is received by the affected Section Director or Troop/Unit Commander.

The results of all Staff Inspections shall be recorded on forms HP-340 and HP-340A, and be reviewed by the Unit Manager of Inspections who will then prepare an overview of the Staff Inspection results and submit his/her findings to the Director of Professional Standards, and respective Section Director or

Troop/Unit Commander within fifteen (15) working days of the completion of the Staff Inspection. After review, the Staff Inspection results shall be filed in accordance with the respective Filing Guide requirements. All required responses may be encompassed in a single memorandum to the Unit Manager of Inspections, via the chain-of-command, no later than thirty (30) calendar days from the day the final Inspection Report is received by the affected Section Director or Troop/Unit Commander. Upon final review of the findings, the Unit Commander of Inspections shall forward a copy of the Staff Inspection Summary to the Director of Professional Standards and the Commander's Office for his/her reviews.

During the next Staff Inspection, the inspection team shall review the previous Line Inspection Report (HP-340) while conducting the Staff Inspection. Each category which was rated Meets Standards/Corrective Action or Below Standards, the deficiencies noted on the HP-340 shall be inspected to ensure the corrections which could not be made at the time of the previous inspection were corrected by the appropriate supervisors. If the corrections were not made from the previous Line Inspection, then the applicable category or categories will be rated Below Standards and documented on the current HP-340.

III. LINE INSPECTIONS

Troop Lieutenants (working in tandem), Section Directors or their designee shall inspect troop and district operations as well as section and subsection operations to determine whether resources are being used effectively, efficiently and in accordance with Patrol Policy, and whether resources are adequate to perform the assigned duties of the Patrol. All findings will be documented on forms HP-340 and HP-340A. Line Inspections may be announced or unannounced as determined by the Commander's Office, the Director of Professional Standards, or the appropriate Section Director or Troop/Unit Commander.

Mandatory Line Inspections shall be conducted at least yearly, other than the year when a Staff Inspection is conducted, in accordance with the published "Calendar of Inspections," which is located on the Highway Patrol's internal website.

Deficiencies identified during Line Inspections that indicate a rating of BS (Below Standards) and/or CA (Corrective Action) on any category of the HP-340 shall be discussed by the troop/section inspecting officer and the affected troop/district/section/subsection supervisor. Each category of the HP-340 indicating a rating of BS (Below Standards) and/or a rating of CA (Corrective Action) that cannot be immediately corrected will require a separate response in a single memorandum. This memorandum shall be prepared by the affected district first sergeant, subsection manager/supervisor, or other designee, and should describe any and all Corrective Action(s) to bring those areas into compliance. The memorandum shall be forwarded to the appropriate Section Director or Troop/Unit Commander who will forward a copy to the Unit Manager of Inspections. This memorandum shall be filed in the affected section/sub-section or troop files no later than thirty (30) calendar days from the completion date indicated on the HP-340.

The results of all Line Inspections shall be recorded on forms HP-340 and HP-340A, and be reviewed by the respective Troop Commander/Section Director. After review, the Line Inspection results shall be filed in accordance with the respective Filing Guide requirements and a copy of the Line Inspection shall be forwarded to the Unit Manager of Inspections within thirty (30) calendar days after completion of the Line Inspection.

During the next Line Inspection, the Troop Lieutenants shall review the previous Staff/Line Inspection Report (HP-340) while conducting the Line Inspection. Each category which was rated Meets Standards/Corrective Action or Below Standards, the deficiencies noted shall be inspected to ensure the corrections which could not be made at the time of the previous inspection were corrected by the appropriate supervisors. If the corrections were not made from the previous Staff/Line Inspection, then the applicable category or categories will be rated Below Standards and documented on the current HP-340.

IV. BI-ANNUAL PERSONNEL INSPECTIONS

Supervisors shall conduct detailed Bi-Annual Personnel Inspections as outlined on the Bi-Annual Personnel Inspection Instructions. Bi-Annual Personnel Inspections must be conducted in April (March 15th – May 15th Inspection Period) and October (September 15th –November 15th Inspections Period) of each respective calendar year for Troopers and Sergeants to ensure operational readiness. All First Sergeants shall be inspected during their Troop/Section Line Inspection. Commissioned Officers shall be inspected during their Staff Inspections. Bi-Annual Personnel Inspections shall be conducted during the member's normal duty hours.

Deficiencies identified in the member's personal grooming, uniforms, vehicle, or equipment that cannot be immediately corrected at the time of the inspection shall be corrected and re-inspected within five (5) working days or as soon as practical after the Bi-Annual Personnel Inspection.

In addition to the mandatory Bi-Annual Personnel Inspections, supervisors may conduct detailed personal inspections at any other time they deem appropriate, (Special Assignments i.e. State Fair, races, football games, other special assignments not mentioned, formal inspection conducted by the appropriate Section Director or Troop/Unit Commander). All inspections shall be conducted in a professional manner and at a location that is inconspicuous to the general public.

Members who are on leave for an injury, illness, maternity, military, education (e.g. SPI, AOMP, FBI), or light duty shall be inspected upon immediate return to full duty status in order to ensure operational readiness.

The inspecting member responsible for conducting the inspection must print a copy of all four (4) pages of the member's CAD-PIF data, (HPC-723.8) to include specialized training codes, before the inspection begins. The member being inspected shall be given a copy of the data prior to the inspection and shall be responsible for reviewing and or updating the information if applicable. During

the inspection, the inspector shall review the information together with the member to ensure accuracy. Both the member and the inspector shall sign the revised CAD information and attach same to the final Bi-Annual Personnel Inspection Report.

Deficiencies in Vital Equipment

- If a member's patrol vehicle, firearm, or other issued vital equipment is found to be unsafe at the time of inspection, it shall be taken out of service until replaced or the deficiency is corrected. The item replaced or corrected shall be re-inspected and all events documented on the Bi-Annual Personnel Inspection Report.
- Should any issued equipment be lost, stolen, or damaged to the point it is rendered ineffective, a memorandum from the member documenting the facts shall be directed to the Ranking Supervisor and then forwarded to the Director of Support Services, Logistics Unit (as soon as possible) via chain-of-command. This should be noted in the comments section of the Bi-Annual Personnel Inspection Report.

Rules of Personal Conduct and Job Performance

Applicable to: Members

CALEA Chapters 12; 26; 35

Directive H.01

Revised 4/8/2008

Effective 8/27/1999

I. POLICY

This policy establishes policies and rules for governing the conduct and performance of Patrol members. **(CALEA 12.2.1; 35.1.9)**

II. GENERAL POLICIES AND PROCEDURES (CALEA 26.1.1; 35.1.9)

The Highway Patrol Rules of Personal Conduct and Job Performance shall govern the official and unofficial actions of each uniformed member of the Patrol. All members shall conduct themselves, both on and off duty, in a manner which will not in any way reflect negatively upon the professional image of the Patrol or of any of its members.

Each member charged with a violation of the rules of conduct or job performance should be charged with a violation under a specific section, when applicable. Any member against whom a charge is filed shall be given notice of the specific section he/she is alleged to have violated. A member charged with violating one of the specific subsections in this directive shall not also be charged with violating Sections III (Conformance to Laws), IV (Violation of Rules), V (Unbecoming Conduct), or VI (Unsatisfactory Job Performance) for the same conduct.

If an investigation reveals that a member has not violated the subsection under which he/she is charged but has instead violated some other subsection, or that the member should be charged with a different type of violation, the investigator shall contact the Unit Commander of Internal Affairs for directions as to how to proceed.

An accumulation of disciplinary actions taken against a member may be deemed sufficient cause for dismissal, demotion, or other disciplinary or administrative action as provided in this manual.

III. CONFORMANCE TO LAWS (CALEA 26.1.1)

Each member shall obey the laws of the United States, the State of North Carolina and of local jurisdictions. If facts revealed by a thorough investigation indicate there is substantial evidence that a member has committed acts which constitute a violation of a civil or criminal law, ordinance, or infraction other than a parking ordinance, then the member may be deemed to have violated this subsection, even if the member is not prosecuted or is found not guilty in court.

The reporting provisions located in Directive H.02, Section V, "Employee Criminal Charges / Arrest Notification Procedures" shall be adhered to.

IV. VIOLATION OF RULES (CALEA 26.1.1)

Members shall not commit any act or fail to perform any act which would constitute a violation of any of the rules, regulations, directives, orders, or policies of the Patrol, whether or not they are stated in this directive. Ignorance of Patrol rules, regulations, directives, orders, or policies shall not justify any such violation. Members shall be responsible for their own acts, and they shall not unjustly attempt to shift to others the responsibility for executing or for failing to execute a lawful order or a Patrol duty.

V. UNBECOMING CONDUCT (CALEA 26.1.1; 35.1.9)

Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably upon the Highway Patrol and in keeping with the high standards of professional law enforcement. Unbecoming conduct shall include any conduct that constitutes unacceptable personal conduct pursuant to State Personnel Policy and any conduct which tends to bring the Patrol into disrepute, or which reflects discredit upon any member(s) of the Patrol, or which tends to impair the operation and efficiency of the Patrol or of a member, or which violates Patrol policy.

VI. UNSATISFACTORY JOB PERFORMANCE (CALEA 26.1.1; 35.1.9)

Members shall maintain sufficient competency to properly perform their duties and to assume the responsibilities of their positions. Members shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Patrol.

Examples of unsatisfactory performance include but are not limited to the following:

- Failure to properly supervise subordinates
- Lack of knowledge of the proper application of laws the member is required to enforce
- Unwillingness or inability to perform assigned tasks
- Failure to conform to work standards established for the member's rank, grade, or position
- Failure to take appropriate enforcement action at any time
- Absence without leave
- Unnecessary absence from assigned duty

The following will be considered prima-facie evidence of unsatisfactory performance:

- Repeated poor job performance evaluations
- Repeated infractions of policy, regulations, manuals, or directives

VII. TRUTHFULNESS (CALEA 26.1.1)

Members shall be truthful and complete in all written and oral communications, reports, and testimony. No member shall willfully report any inaccurate, false, improper, or misleading information.

VIII. COURTESY (CALEA 26.1.1; 61.1.8,)

Members shall be as courteous to the public as possible. Members shall be tactful in the performance of their duties. They shall exercise the utmost patience and discretion in performing their duties and shall be as polite as possible with the public. While in uniform, members shall not use coarse, violent, profane, obscene, or insolent language or gestures and shall not publicly express any prejudice concerning race, religion, politics, national origin, life style, or similar personal characteristics.

IX. ABUSE OF POSITION (CALEA 26.1.1)

Members are prohibited from using their official positions or their official identification cards and badges for:

- Intimidating or harassing of anyone for personal reasons
- Obtaining privileges not otherwise available to them or to someone else
- Avoiding the consequences of illegal acts

Members are prohibited from lending their identification cards or badges or any replica thereof to another person or permitting these items to be photographed or reproduced.

X. SEEKING OR ACCEPTING GIFTS, FAVORS, OR BRIBES (CALEA 26.1.1)

Except as authorized by Directive H.03, members shall neither solicit nor accept from any person, business, or organization any gift, favor, or bribe.

XI. USE OF ALCOHOLIC BEVERAGES (CALEA 26.1.1)

Members shall not ingest any intoxicant while in uniform.

Members shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, nor shall they have any odor of intoxicants on their breath.

Members shall not bring or allow to be brought into or store alcoholic beverages in any Patrol facility or vehicle, except alcoholic beverages which are being held as evidence, and then only in conformance with Patrol procedures.

XII. USE OF ALCOHOLIC BEVERAGES WHILE OFF DUTY (CALEA 26.1.1)

While off duty, members shall refrain from ingesting any intoxicants to the extent that such ingestion results in appreciable impairment which would tend to discredit the member or the Patrol or to render the member unfit to report for his/her next regular tour of duty, including having any amount of intoxicant in his/her system.

XIII. USE OF DRUGS (CALEA 26.1.1)

Members shall not ingest any illegal controlled substance that is illegal under State or federal law.

Members shall not ingest any controlled substance without a prescription.

Members shall not ingest any prescribed drug(s) in amounts above prescribed dosage.

Members shall not possess any illegal controlled substance or any controlled substance without a prescription other than for evidentiary purposes and then only in conformance with Patrol procedures.

Members shall not knowingly use performance enhancing drugs (Anabolic-Androgenic Steroids, Testosterone, Human Growth Hormone) or any other controlled substance that may be used for the purpose of performance enhancement, unless prescribed for use as a medical necessity by a board certified physician who is licensed by the State that he/she generally practices medicine. Except in emergency, life and death circumstances, members who have a prescription for any performance enhancing drug must consult with the Patrol's Medical Director prior to using the drug. Members who are prescribed any performance enhancing drug will not be allowed to report for duty without prior approval of the Medical Director.

XIV. CONFIDENTIALITY OF INFORMATION (CALEA 26.1.1)

Members shall treat the official business of the Patrol as confidential. Information regarding official business shall be disseminated only to those persons for whom it is intended and only in accordance with established Patrol procedures. Members may remove and/or copy official records or reports from Patrol files or from Patrol installations only in accordance with established State Personnel, Departmental, and Patrol procedures. Members shall not divulge the identity of persons giving confidential information except when properly authorized for the performance of Patrol duties.

XV. REPORTING FOR DUTY (CALEA 26.1.1)

Members shall report for duty at the time and place required by assignment or orders and shall be capable of performing their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they can immediately assume their duties. A subpoena or order to appear in court or at an administrative hearing shall constitute an order to appear for duty as provided in this section.

XVI. FICTITIOUS ILLNESS OR INJURY (CALEA 26.1.1)

Members shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the Patrol as to the condition of their health.

XVII. HIGHWAY PATROL REPORTS (CALEA 26.1.1)

Members shall submit all necessary reports on time and in accordance with established Patrol procedures.

XVIII. INSUBORDINATION (CALEA 12.1.3; 26.1.1)

Members shall promptly obey any lawful order of a superior officer. This will include orders relayed from a superior officer by an employee of the same or lesser rank. Any disrespectful, mutinous, insolent or abusive language, conduct, or attitude directed toward a superior officer or the authority or the position shall be considered insubordination.

XIX. CONFLICTING OR ILLEGAL ORDERS (CALEA 12.1.3; 26.1.1)

Members who are given an order, which is in conflict with a previous order, rule, regulation, directive or manual shall respectfully point out the conflict to the officer issuing the order. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for issuing and carrying out a conflicting order shall rest upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order previously issued. Members shall not obey any order that would require them to commit any illegal act. If in doubt as to the legality of the order, members shall request the issuing officer to clarify the order or shall confer with a higher authority.

XX. OPERATION OF VEHICLES AND AIRCRAFT (CALEA 26.1.1)

Members shall operate official vehicles and aircraft in a careful and prudent manner and shall obey all laws of the State, Federal Regulations, and all Patrol policy pertaining to such operation.

XXI. USE OF PATROL EQUIPMENT (CALEA 26.1.1)

Members shall utilize Patrol equipment only for its intended purpose in accordance with established Patrol procedures and shall not deliberately or through carelessness, abuse, damage, or lose Patrol equipment. All Patrol equipment issued to members, including manuals, shall be maintained in proper order.

Members shall immediately notify the Director of Support Services Section via chain-of-command of any Patrol equipment that is lost or damaged.

A member may receive disciplinary action for lost, damaged, or stolen equipment when caused by negligence of the member. The member's immediate supervisor shall investigate and make recommendations to the appropriate Section Director/Troop Commander. The appropriate Section Director/Troop Commander, with the advice and assistance of the Unit Commander of Internal Affairs will determine whether to conduct a further investigation.

If it is determined that a member was negligent, disciplinary action may be imposed against the member for lost, damaged or stolen equipment. In appropriate circumstances, the State Highway Patrol may take or seek additional appropriate action against the negligent member to obtain restitution.

XXII. REQUESTS FOR ASSISTANCE (CALEA 26.1.1)

When any person applies for assistance or advice, either by telephone or in person, members while on duty or in uniform shall accept all pertinent information in an official and courteous manner and will properly and judiciously act upon such information in a manner consistent with established Patrol procedures.

XXIII. IDENTIFICATION (CALEA 26.1.1)

Members while on duty, while in uniform, or while acting in the capacity of a law enforcement officer shall furnish their names and other identification to any person requesting that information except when the withholding of such information is necessary for the performance of Patrol duties.

XXIV. CITIZEN COMPLAINTS (CALEA 26.1.1; 35.1.9)

Members shall courteously and promptly accept and record complaints made by citizens against any member or any Patrol policy or procedure in accordance with Patrol policy.

XXV. CONDUCT WHILE UNDER INVESTIGATION (CALEA 26.1.1)

Any member being investigated for any reason shall cooperate with investigating officers and shall be subject to the policy set forth in this manual.

XXVI. NEGLECT OF DUTY (CALEA 26.1.1)

Members shall not be inattentive to duty nor neglect their duties. Members shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty or which would impair their ability to perform such duty.

A supervisor's failure to take appropriate action when he/she has personal knowledge of violations of the Rules of Personal Conduct and Job Performance by subordinates; shall be considered serious neglect of duty.

XXVII. ASSOCIATIONS (CALEA 26.1.1)

Members shall avoid regular or continued association or dealings with persons whom they know, or should know, are under criminal investigation or indictment or who have a reputation for ongoing involvement in felonious or criminal behavior, except as necessary in the performance of official duties.

XXVIII. VISITING PROHIBITED ESTABLISHMENTS (CALEA 26.1.1)

Members shall not willfully visit, enter, or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State of North Carolina, or the local jurisdiction are regularly violated or reputed to be regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

XXIX. GAMBLING (CALEA 26.1.1)

Members shall not engage in any form of gambling which is in violation of federal, State, or local laws.

XXX. PAYMENT OF DEBTS (CALEA 26.1.1)

Members shall not undertake any financial obligations which they know or should know they will be unable to meet and shall pay all just debts promptly. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial irresponsibility shall be cause for disciplinary action.

Financial difficulty stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that the member is making a reasonable, good faith effort to settle all accounts.

Members shall not become financially obligated to subordinates or supervisors.

XXXI. ENDORSEMENTS AND REFERRALS (CALEA 26.1.1)

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service such as an attorney, ambulance service, towing service, bondsman or mortician.

In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members shall proceed in accordance with established Patrol policy.

XXXII. PUBLIC APPEARANCES AND STATEMENTS (CALEA 26.1.1)

Members shall not publicly criticize or ridicule the Patrol, its policies, or other members by speech, writing, or other expression when such criticism or ridicule directly or visibly affects or would reasonably be expected to directly or visibly affect the operation of the Patrol.

Without official approval, members shall not address gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or periodical, or release or divulge investigative information or any other matters pertaining to the Patrol while holding themselves out as having an official capacity in such matters. Official approval may be given to conduct highway safety programs and otherwise release information concerning highway safety matters so long as this activity does not conflict with the official position of the Highway Patrol.

XXXIII. LABOR ACTIVITIES (CALEA 26.1.1)

Members shall have the right to join labor organizations, but nothing shall compel the Patrol to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

Members shall not engage in any strike. Strike includes the concerted failure by more than one member to report to duty, willful absence from one's position, unauthorized holidays, feigned sickness, the stoppage of work, and improper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

XXXIV. SEEKING PREFERENTIAL TREATMENT (CALEA 26.1.1)

Members shall not solicit petitions, influence, or intervene with any person outside the Highway Patrol for purposes of preferential treatment, advantage, transfer, advancement, promotion, or change of duty or duty station for themselves or for another member. Members should not knowingly encourage others to take such action on their behalf.

XXXV. OBSTRUCTION OF INVESTIGATION (CALEA 26.1.1)

Patrol members shall not intentionally delay or obstruct the Patrol's response to a complaint or minimize the importance of a problem being complained against or obstruct the proper investigation of a problem which is the subject of a complaint. Patrol members shall not refuse to answer any question which is narrowly and directly related to any matter under investigation.

Investigation of Complaints and Charges Against Highway Patrol Employees

Applicable to: Employees

Directive H.02

Revised 11/13/2020

Effective 10/11/2011

I. POLICY

This policy provides guidelines for accepting, recording, resolving, and forwarding complaints.

For the purpose of this policy, a personnel complaint (complaint) is defined as: an allegation from any source pertaining to a specific act or omission by an employee which if true would constitute a violation of policy or law.

II. ACCEPTING, RECORDING, RESOLVING, AND FORWARDING COMPLAINTS

Accepting Complaints

- A complaint or charge against an employee may originate from within the Patrol or from the general public. Charges from within the Patrol shall be processed as hereinafter provided in this directive. Complaints from the general public shall be courteously accepted by any employee of the Patrol and shall be processed as hereinafter provided in this subchapter. No employee shall attempt to dissuade any person from lodging a complaint. A supervisor has the obligation to investigate possible violations of policy even if the person providing the information does not want a complaint filed.

Resolving Complaints Based on Misunderstanding of Patrol Policy

- In the case of complaints involving a misunderstanding of traffic laws or Patrol policy on the part of the complainant, the employee receiving the complaint shall attempt to resolve the complaint by explaining the law or the policy to the complainant. If unable to resolve the complaint, the employee shall refer the complaint to his/her supervisor, who shall attempt to resolve it. If the supervisor is unable to resolve it, the supervisor shall refer the complaint on up the chain-of-command.

Recording Complaints Alleging Violation of Code of Conduct

- If the complaint involves a possible violation of the Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance by any employee of the Patrol, the employee receiving the complaint shall accept the complaint, record the information and forward the information to his/her appropriate supervisor, who shall be responsible for completing a Personnel Complaint in BlueTeam, if warranted, after consultation with the appropriate Section Director/Troop Commander. Such a complaint shall be accepted and

recorded even when the identity of the complainant and/or the employee is unknown.

- If the complainant indicates no desire to make a formal complaint but has indicated a violation of Patrol policy by an employee, this information must be transmitted to a supervisor. The supervisor must document the information and determine if such information warrants further inquiry to determine if a complaint should be filed by the supervisor. If the supervisor determines a violation of policy may have occurred, the supervisor shall complete the Personnel Complaint in the BlueTeam system, after consultation with the appropriate Section Director/Troop Commander.
- Supervisors shall record, utilizing the BlueTeam Comment on a Trooper, any complaints received which no personnel complaint is generated in BlueTeam and submitted for further investigation. The supervisor shall record any action taken using the Comment on a Trooper form in BlueTeam to ensure all complaints are recorded. The Comment on a Trooper shall be reviewed by the next level supervisor and forwarded to the "BlueTeam Administrator".

Forwarding Complaints Alleging Violation of Code of Conduct

- After completing a Personnel Complaint in BlueTeam, the supervisor shall immediately forward the complaint and any other appropriate documents to the Unit Commander of Internal Affairs. The Unit Commander of Internal Affairs shall acknowledge the receipt of all complaints to the complainant.

III. ADDITIONAL AUTHORIZED PATROL ADMINISTRATIVE ACTIONS

Relief from Duty

A supervisor may, on his/her own initiative, relieve a subordinate employee from duty for a period of not more than one workday at a time when he/she considers the subordinate employee unfit for duty when the subordinate employee:

- Refuses to submit to a drug test or refuses to comply with the testing procedures
- Has a physical or mental condition which might, in the judgment of the supervisor, render the subordinate employee incapable of adequately performing duties
- Has a physical or mental condition which makes a subordinate employee likely to perform duties in such a way as to embarrass or discredit the Patrol or jeopardize the safety of any person or property.

A supervisor who relieves a subordinate employee from duty shall immediately notify, via chain-of-command, the Section Director/Troop/Unit Commander and shall take possession of his/her issued Patrol vehicle, firearms, badges, and

identification credentials during the period of relief from duty. The Commander's Office may at this time order the relieved employee to be examined under the provision of this manual or order an Investigatory Leave in the event of a drug test refusal.

Investigatory Leave with Pay (ILWP)

The Commander's Office may temporarily place an employee on Investigatory Leave with Pay. The Commander's Office or his/her designee shall contact the Department of Public Safety (DPS) Human Resources Employee Relations office before proceeding with this action. Investigatory Leave with Pay shall be used to temporarily remove an employee from work status. Placement on investigatory leave with pay does not constitute a disciplinary action. However, the information discovered during the investigation may lead to disciplinary action. An employee may be placed on Investigatory Leave with Pay for any of the following reasons:

- To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action
- To provide time within which to schedule and conduct a pre-disciplinary conference
- To avoid disruption of the work place and/or to protect the safety of persons or property

Placement on Investigatory Leave with Pay does not constitute a disciplinary action as defined in this directive or State Law and cannot be appealed.

The employee will be notified, in writing of the reason for Investigatory Leave with Pay no later than the second scheduled workday after the beginning of the placement. The leave shall not exceed **30 calendar days** without written approval of extension from the Office of State Human Resources Director. In those cases where an extension is granted, the employee will be notified in writing of the extension, the length of the extension, and the reason for the extension.

If no action has been taken by the agency by the end of the thirty-day (30 day) period and no further extension has been granted, the agency must either take appropriate disciplinary action based on the findings from the investigation or return the employee to active work status.

Under no circumstance is it permissible to use placement on Investigatory Leave with Pay for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

An employee on Investigatory Leave with Pay will surrender his/her issued Patrol vehicle, firearms, uniform badges, and/or identification credentials. The supervisor placing the employee on Investigatory Leave shall ensure the

equipment is collected and transported to a location designated by the appropriate /Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping of property provision of Directive J.01 shall apply to any equipment stored in an evidence locker. Upon being cleared for duty, the surrendered equipment shall be returned to the affected employee.

Administrative Duties

If it is deemed to be in the best interest of the Highway Patrol, the Commander's Office may authorize a member to be placed on Administrative Duties in lieu of Investigatory Leave.

- A member assigned Administrative Duties will surrender his/her issued Patrol vehicle, firearms, uniform badges, and identification credentials. The supervisor placing the member on Administrative Duties shall ensure the equipment is collected and transported to a location designated by the appropriate /Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping of property provision of Directive J.01 shall apply to any equipment stored in an evidence locker. Upon being cleared for duty, the surrendered equipment shall be returned to the affected member.
- A member assigned Administrative Duties may not wear a uniform or drive or ride as a passenger in an assigned Patrol vehicle to and from the work place. The member shall be responsible for providing personal transportation to and from the workplace. Upon the approval of the appropriate supervisor, the affected member may be transported to a doctor's appointment, court, meal break, or any other administrative function. At **no time** will a member assigned Administrative Duties be allowed to ride as a passenger in an authorized Patrol vehicle during non-work hours. The member assigned Administrative Duties may also have the option of driving their personal vehicle to court, at which case, a request for mileage reimbursement at the approved state rate must be made by the member to his/her supervisor in advance. Suitable business attire must be worn and all regulations in this manual must be complied with when performing these assignments. The affected member's supervisor may permit deviation from the dress code to accomplish specific work objectives and/or as a consideration in adjusting to seasonal temperature variance. Member's administrative duties assignments shall not include enforcement action.
- Employees shall ensure they possess, in good standing, all credentials required by law, rule or regulation. Failure to obtain and maintain the legally required credentials is a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed for this reason shall be under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance, including a Pre-Dismissal Conference, written statement of the reason for the action, and appeal rights if a Career State Employee.

Administrative Duty Following Critical Incidents

Procedures following a critical incident:

- Any member whose actions or use of force results in a death or serious physical injury to anyone, after consultation between the member's Section Director/Unit/Troop Commander and State OD, shall be removed from their normal duty assignment immediately. The member's Section Director/Unit/Troop Commander shall request the Director of Support Services to place the member on Administrative Duty **upon being authorized by the Commander's Office**. The Section Director/Unit/Troop Commander shall follow-up in writing in the form of a memorandum outlining the reason(s) for the Administrative Duty and the member's limitations while on Administrative Duty. The memorandum shall be completed no later than the first scheduled workday after placing the member on Administrative Duty. The memorandum shall be forwarded to the Unit Commander of Internal Affairs via the chain-of-command. The Unit Commander of Internal Affairs shall provide a copy of the memorandum to the Director of Professional Standards. The Director of Support Services will oversee and track the affected member's Administrative Duty. Administrative Duty is not limited to shootings but shall include actions or uses of force which result in a death or serious injury including the **Precision Immobilization Technique (P.I.T.)**.
- A supervisor shall order a member to take a drug and alcohol test to eliminate the possibility that drug or alcohol use may have affected the member's actions or judgment in any case where the member:
 - Intentionally or accidentally discharges his/her issued firearm, on or off duty. Exceptions to this include if a member is in training or if a member uses his firearm to put down a domestic or non-domesticated animal.
 - Is involved in a fatal motor vehicle collision.
 - Is involved in a motor vehicle collision which results in an apparent serious bodily injury as defined in N. C. General Statute § 14-32.4.
 - Has utilized the Precision Immobilization Technique (P.I.T) which results in an apparent serious bodily injury as defined in N. C. G. S. § 14-32.4 or death.
- A member on Administrative Duty may be required to surrender his/her issued Patrol vehicle, firearms, uniform badges, and identification credentials.
- A member assigned Administrative Duty may not wear a uniform or drive or ride as a passenger in an assigned Patrol vehicle to and from the work place. The member shall be responsible for providing personal transportation to and from the work place. Upon the approval of the appropriate supervisor, the affected member may be transported to a doctor's appointment, court, meal break, or any other administrative function. At no time will a member

assigned Administrative Duty be allowed to ride as a passenger in an authorized Patrol vehicle during non-work hours. Suitable business attire must be worn and all regulations in this manual must be complied with when performing these assignments. Member's Administrative Duty assignments shall not include enforcement action.

- Members who are involved in any critical incidents shall be referred to the Patrol Medical Office for evaluation of fitness-for-duty determination outlined in Directive E.15 (Member Health and Welfare).

IV. RESPONSIBILITY OF SUPERVISOR

It shall be the responsibility of the District First Sergeant, or, the ranking supervisor of a Troop/Unit to contact the District Attorney's Office when a member under their supervision is placed on Investigatory Leave, or Administrative Duties in lieu of Investigatory Leave. The affected supervisor should advise the appropriate court official of the member's inability to represent the Highway Patrol, and all requests for court appearances should be made by subpoena in the name of the affected member.

V. PRELIMINARY INVESTIGATIONS

Upon notification of incidents not clearly defined as violations of Patrol Policy or law or where the identity of the involved member(s) or employee(s) cannot be readily ascertained, the Unit Commander of Internal Affairs may direct a preliminary investigation be conducted. The purpose of this investigation shall be to gather additional foundational information to determine if in fact any violation(s) on the part of members has occurred. The investigation may evolve into a formal complaint dependent upon discovery of further evidence. Preliminary investigations, whether conducted in the field or within the Internal Affairs Unit, are assigned sequential numbers and are filed when completed at the Internal Affairs Unit.

VI. CLASSIFYING AND ASSIGNING COMPLAINT INVESTIGATIONS

Classification:

- The Unit Commander of Internal Affairs shall classify the alleged complaint as a Personal Conduct, Grossly Inefficient Job Performance, or Job Performance violation and direct an investigation.

Personal Conduct

- Personal Conduct violations are defined as actions which no reasonable person could or should, expect to receive prior warnings, or as otherwise defined in State law. As indicated by NC OSHR Disciplinary Action Policy,

Personal Conduct violations may include intentional or unintentional acts and may be job-related (on duty) or off duty so long as there is sufficient connection between the off duty conduct and the employee's job. Further definition of Personal Conduct Violations shall be found in The NC OSHR Disciplinary Action Policy Section IV. C. Disciplinary Action for Personal Conduct Violations are discussed in Policy H.04, Section V.

Grossly Inefficient Job Performance

- Grossly Inefficient Job Performance violations are defined as when an employee fails to satisfactorily perform job requirements as specified in his/her job description, work plan, or as directed by the management of the work unit or agency, and that failure results in the creation of the potential for death or serious bodily injury to Patrol employee(s), to members of the public, or to person(s) over whom the employee has responsibility; or the loss of or damage to State property or funds that result in a serious impact on the State and/or the Patrol. Disciplinary Actions for violations of Grossly Inefficient Job Performance are discussed in Policy H.04, Section V.

Job Performance

- Job Performance violations are defined as unsatisfactory job performance or less than serious violations of policy, which supervisors can educate, correct, and continue to promote improved employee performance. Specific examples are provided in the NC OSHR Disciplinary Action Policy Section IV. A.

Assigning Complaint Investigations:

- Once classified, the Unit Commander of Internal Affairs shall consider the following criteria in determining whether an investigation is assigned to supervisors other than Internal Affairs personnel: severity of the potential policy violation being investigated, and the prior work/disciplinary history of the accused employee.
- When an investigation is assigned to supervisors other than Internal Affairs personnel, the Section Director/Troop Commander shall designate the level of supervisory personnel to conduct the investigation.

VII. INVESTIGATION OF COMPLAINTS BY THE SECTION, TROOP, OR DISTRICT SUPERVISORY STAFF LEVEL

Designation of Investigator

- The supervisor responsible for imposing disciplinary action against an employee accused of a Personal Conduct, Grossly Inefficient Job Performance, or Job Performance violation may designate a subordinate within the supervisor's command to investigate the complaint. An investigator

must hold at least the rank of Sergeant. In complex investigations, any supervisor may request that the Internal Affairs Unit at Patrol Headquarters in Raleigh assist or take charge of, any specific investigation.

Conduct of the Investigation

- Before permitting the investigation to begin, the supervisor of the employee being investigated shall notify the employee of the investigation except in cases where such notification would jeopardize the investigation. Should the employee admit the conduct alleged and that such conduct is, in fact, a violation of policy, then the supervisor, in consultation with Internal Affairs, may impose the appropriate disciplinary action without further investigation. In the event the employee denies the violation with which the employee is charged, the investigation shall proceed as hereinafter provided.
- The employee shall be given an opportunity to supply the investigator with evidence or witnesses favorable to the employee. No decision as to whether the employee violated the rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance shall be made against a charged employee until the employee has had a reasonable opportunity to produce evidence or witnesses and has had an opportunity to explain the employee's actions.
- The employee chosen to investigate the case shall not go outside the employee's assigned jurisdiction or neglect regular duties in order to carry out such investigation without the authority of the immediate supervisor. No investigative action shall be taken in any case where it might jeopardize a simultaneous or subsequent investigation.
- The investigator shall make every effort to complete the investigation within 30 calendar days. If unable to do so, the investigator shall inform the supervisor requesting the investigation who shall in turn notify Internal Affairs as to the reasons why the investigation cannot be completed within 30 calendar days and shall estimate the additional time needed to complete the investigation.
- Upon conclusion of the investigation, the complainant shall be notified that the investigation has been completed.
- If upon completion of the investigation, the First Sergeant or other supervisor authorized to impose disciplinary action determines that the final disposition of the investigation is unfounded, not sustained, or exonerated; the supervisor shall (after conferring with the Unit Commander of Internal Affairs) inform the employee and forward the Report of Investigation and all related documents to the Unit Commander of Internal Affairs for filing in the employee's personnel file.

If, upon completion of the investigation and after allowing the charged employee an opportunity to explain his/her actions, the supervisor determines that the allegation is sustained and that the employee should be disciplined, the

supervisor shall confer with the appropriate Section Director/Troop Commander and shall administer disciplinary action within the options authorized by the Unit Commander of Internal Affairs. Prior to authorizing the imposition of a written warning, the Unit Commander of Internal Affairs or their designee may consult with DPS Human Resources. Prior to authorizing the imposition of a suspension without pay, the Unit Commander of Internal Affairs or their designee shall consult with DPS General Counsel's Office and with DPS Human Resources.

VIII. INVESTIGATION OF COMPLAINTS BY THE INTERNAL AFFAIRS UNIT

The Unit Commander of Internal Affairs shall be responsible for the supervision of all complaints initiated at the request of the Commander's Office. The DPS Office of Special Investigations (OSI) will review all internal investigations involving in-custody deaths and shootings involving Patrol members.

Internal Affairs Investigation Procedures

- The Internal Affairs Unit shall notify the employee to be investigated and the employee's Section Director/Troop Commander that an investigation is to be made except in cases where such notification would jeopardize the investigation. In the event the charged employee admits the violation with which the employee is charged, the Internal Affairs Unit shall prepare for the Commander's Office a statement of the facts. The entire file, containing all documents pertaining to the investigation, shall be given to the Commander's Office for consideration, pursuant to the provisions of this directive. In the event the charged employee denies the violation with which the employee is charged, then the investigation shall proceed as hereinafter provided.
- The employee shall be given an opportunity to supply the investigator with evidence or witnesses favorable to the employee. No decision as to whether the employee violated the Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance shall be made against a charged employee until the employee has had a reasonable opportunity to produce evidence or witnesses and has had an opportunity to explain his/her actions.
- If an investigation uncovers evidence of a possible criminal violation by an employee, the Internal Affairs Unit shall immediately notify the Commander's Office which decides whether appropriate authorities should be notified and take such other disciplinary or administrative action necessary consistent with the provisions of this policy.
- If an investigator uncovers evidence of additional violations of policy, an additional Personnel Complaint need not be completed in BlueTeam. The employee must be informed of the allegations and must be given an opportunity to respond to the potential new charges.
- Upon completion of the investigation, the Internal Affairs Unit shall prepare a summary report of the investigation setting forth the facts of the case and

shall submit the summary report to the Director of Professional Standards for review in accordance with Directive H.04, Section XII.

- If, upon review of the investigation, the Director of Professional Standards determines that he or she is inclined to recommend disciplinary action in the form of a written warning, the Director of Professional Standards or their designee may first consult with DPS Human Resources.
- If, upon review of the investigation, the Director of Professional Standards determines that he or she is inclined to recommend any form of disciplinary action for which a pre-disciplinary conference is required (any disciplinary action more serious than a written warning), the Director of Professional Standards or their designee shall first consult with the DPS General Counsel's Office and with DPS Human Resources.
- Upon conclusion of the investigation, the complainant shall be notified that the investigation has been completed.

Responsibility and Rights of Employees Under Investigation

- Employees under investigation for possible violations of the Patrol Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance shall truthfully and fully answer all questions asked of them by investigator(s) concerning the incident being investigated.
- When a supervisor or investigator reasonably suspects that an employee has violated the Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance, the supervisor or investigator may require the employee to submit to tests such as medical, ballistics, or chemical analysis or agree to participate in a lineup or be photographed. The employee may also be requested to furnish financial disclosure statements in connection with the case under investigation, after approval of the Commander's Office.
- When an employee is to be investigated for a non-criminal violation of the Patrol Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance, the employee shall be notified that the investigation is to take place unless such notification would jeopardize the investigation.
- Any employee who is the subject of an internal investigation may be ordered by the assigned investigator(s) to cooperate in the investigation and to appear before investigator(s) at a reasonable time and place to submit to questioning or other investigative procedures.
- Investigations conducted pursuant to this directive are for non-criminal violations or for violations that may be criminal but for which the purpose of the investigation is purely administrative in nature. Accordingly, the employee may be ordered to respond to questions which are narrowly and directly

related to the matter under investigation. The employee shall not be permitted to have an attorney present during the questioning.

- Highway Patrol property may be searched at any time even if assigned to and used exclusively by an individual employee. An employee's personal property found on State-owned property or within a State-owned vehicle may be searched at any time. All other personal property of an employee shall not be subjected to search and seizure except in accordance with law.
- An employee shall provide the investigator with any evidence and the names of witnesses who may have information about the matter under investigation.

IX. INVESTIGATION BY OFFICE OF SPECIAL INVESTIGATIONS (OSI)

Notwithstanding any other provision contained herein, the Secretary of the Department of Public Safety may direct that the responsibility for conducting an internal investigation be assumed by the Office of Special Investigations.

X. EMPLOYEE UNDER ARREST / INVESTIGATION NOTIFICATION PROCEDURES

- Each employee shall immediately notify a supervisor if he/she is arrested, charged with a criminal offense, or is the subject of any investigation by an outside law enforcement agency involving allegations that, if true, could constitute a felony or misdemeanor.
- Each member shall immediately notify the North Carolina Criminal Justice Standards Division (Standards Division) in writing at the address below, if the member is arrested or charged with, or pleads no contest to, or pleads guilty to any criminal offense other than a minor traffic offense. Such notification shall comply with the requirements of the North Carolina Administrative Code (12 NCAC 09B.0101) (<http://reports.oah.state.nc.us/ncac.asp>) and a copy of the written notification shall be forwarded by the member to the Commander's Office.

North Carolina Criminal Justice Standards Division
North Carolina Department of Justice
Mailing Address: P. O. Drawer 149, Raleigh, NC 27602
Physical Address: 1700 Tryon Park Drive, Raleigh, NC 27610
Phone: 919-661-5980
Fax: 919-779-8210

- All certified members and applicants shall notify the Standards Division and the Commander's Office in writing of all criminal offenses for which the member is arrested or charged. This notice requirement, which must be given within 30 days, applies to all felony and misdemeanor offenses and includes

traffic offenses if identified in the Class B Misdemeanor Manual. It also includes the offense of driving under the influence (DUI) or driving while impaired (DWI);

- All certified members and applicants shall, within 30 days, notify the Standards Division and the Commander's Office in writing of all criminal offenses for which the member pleads no contest to, pleads guilty to, or of which the member is found guilty.

Domestic Violence Protective Orders and Civil No Contact Orders

All certified members and applicants shall, within thirty days of service, notify the Standards Division of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the member.

Obligations of the Commander's Office*

- Within thirty days of the date the case was disposed of in court, the Commander's Office or designee, provided the Office has knowledge of the member's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
- Within thirty days of the issuance of all Domestic Violence Protective Orders (G.S.50B) and Civil No Contact Orders (G.S.50C), the Commander's Office or designee, provided the Office has knowledge of the order, shall also notify the Standards Division of these orders.
- *This obligation shall not apply if the member has made the required notification(s) to the Standard's Division. Duplicate notifications are not required.

Content of Written Notification

All required notifications must be in writing. Additionally, the notification must:

1. Specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition; and
 2. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication.
- Any member who charges or arrests a Highway Patrol employee with any felony or misdemeanor violation of law shall immediately notify an on-duty/ on-call supervisor, who shall be responsible for notifying the Unit Commander of Internal Affairs of the incident.

- Each employee is required to immediately report any conviction, finding of guilt, or plea of no contest, or determination of responsibility involving the violation of any law or ordinance other than a parking ordinance to a supervisor.
- Each employee, sworn and non-sworn, shall immediately notify a supervisor if his/her driving privilege is suspended or revoked.
- The immediate supervisor must ensure the Unit Commander of Internal Affairs is immediately notified, via the chain-of-command, in any case where an employee (sworn or non-sworn) is arrested, charged, or the subject of an investigation involving any felony violation or any misdemeanor.
- In any case where a Division of Criminal Information (DCI) certified employee is arrested, charged, or being investigated for a felony or any misdemeanor not related to a traffic offense, the Unit Commander of Internal Affairs must notify the Executive Officer of Technical Services within **twenty (20) hours** of the arrest. The Executive Officer of Technical Services will ensure the State Bureau of Investigation, Criminal Information and Identification is notified in writing within **twenty-four (24) hours** of the arrest and the DCI user is disabled by the Patrol's Senior Terminal Coordinator.
- In any case where a sworn member is arrested for or charged with, pleads no contest to, pleads guilty to, or is found guilty of a criminal offense, the Unit Commander of Internal Affairs shall consult with the Patrol's Legal Staff to determine whether notification must be made to the Standards Division pursuant to 12 NCAC 9B .0101 (8).

XI. FINAL DISPOSITION

- When an internal investigation involves a complaint alleging a personal conduct violation, grossly inefficient job performance violation, or a job performance violation, one of the following findings will be made:
 - Unfounded: When it is determined that no factual basis exists for the complaint
 - Exonerated: When it is determined that the alleged conduct did in fact occur, but it is excused or justified by the circumstances
 - Not Sustained: When it is determined that there are insufficient facts found to prove or disprove the allegation.
 - Sustained: When it is determined that the facts support the allegation of the complaint.

Gifts, Favors, and Donations

Applicable to: Employees
CALEA Chapter 26

Directive H.03

Revised 9/27/2011
Effective 2/17/2000

I. POLICY

This policy establishes guidelines for employees of the Patrol governing the solicitation and acceptance of gifts, favors, special accommodations, and donations. **(CALEA 26.1.1)**

Employees shall neither solicit nor accept from any person, business, or organization any gift, favor, special accommodations, or donation for the benefit of the employee, his/her family or the Patrol if the person, business or organization giving the gift (1) seeks to influence action of an official nature, or (2) seeks to affect the performance or non-performance of an official duty, or (3) has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official duty.

The solicitation or acceptance of gifts, favors, special accommodations or donations from or on behalf of attorneys, wrecker companies, companies who are in the direct business of the transportation of persons or property in commerce, or persons or entities who anticipate partial treatment by any employee of the Highway Patrol or the Division of the State Highway Patrol or contractors, subcontractors or suppliers of the Department of Crime Control and Public Safety are strictly prohibited.

Employees shall not use their official position to solicit for themselves or others special privileges, such as free admission to places of amusement, discounts on purchases, or other favors.

II. EXCEPTIONS

Notwithstanding the general prohibition of this policy, employees may accept gifts, favors, or special accommodations as follows:

- Promotional or souvenir items of nominal value that are widely distributed by the provider
- Any discount offered to the general public or to all State Employees
- Admission to races, football games, and other special events if the employee has been assigned to work traffic related to that event
- Meals furnished as part of a pre-planned agenda during conferences, seminars, meetings, or banquets sponsored by professional organizations and associations so long as such meals are generally offered to all participants

- Refreshments offered to all participants in vendor-sponsored training seminars, trade association meetings, and other gatherings meeting the standard described in Section I (Policy) above
- Gifts of nominal value from persons or entities not described in the third paragraph of the above stated policy provision may be received so long as their acceptance will not influence or appear to influence the discharge of the employee's official duties. A gift has a nominal value if valued at \$30 or less. Receipt in one or more related transactions of items individually valued at less than \$30 but whose total value is greater than \$100 per year is considered a gift of significant value. Accordingly, employees may accept an occasional free cup of coffee or discount on a meal without violating this policy. The total value of the discount in a one-year period may not exceed \$100 from or on behalf of any one person or establishment.
- Customary gifts, favors, and special accommodations between an employee (or his/her immediate family) and relatives or friends when it is clear that the employee's status within the Patrol does not motivate the gift or favor.

Employees may participate in safety related meetings or seminars, product information seminars, training sessions, or technology conferences that contribute to highway safety, staff development, introduction to new technology, or maintenance of existing technology, so long as the event is not offered in exchange for favored treatment, and there is no reasonable appearance of impropriety. Otherwise, the individual employee or the Patrol, rather than a vendor, must bear the employee's costs of transportation, lodging, and subsistence for participating in such events. If the Patrol pays expenses, all reimbursements must be in accordance with established policy.

Solicitation and Acceptance of Donations

- Employees may solicit or accept donations from individuals, private profit or not-for-profit entities, or other entities only if the following restrictions are met:
 - The potential donor is not an attorney, wrecker company, companies who are in the direct business of the transportation of persons or property in commerce, or person or entity acting on behalf of an attorney or Wrecker Company, or companies who are in the direct business of the transportation of persons or property in commerce or a contractor, subcontractor or supplier of the Department of Crime Control and Public Safety.
 - The potential donor submits written correspondence confirming the donation neither implies nor creates any expectation of receiving partial treatment from any employee of the Patrol or the Division of The State Highway Patrol.
 - Acceptance of the donation is approved by the Commander's Office

- Donations that may be solicited or accepted, in accordance with this directive include donations for professional associations and organizations to defray meeting expenses when Patrol employees are members of those organizations.

III. PROCEDURES

Initiatives to solicit donations and donations offered by any individual, private for profit or not-for-profit entity, or other entity shall be authorized and approved as follows:

- Donations of \$1,000.00 or less may be authorized and approved by the Commander's Office
- Donations exceeding \$1,000.00 shall be reviewed and approved by the Secretary of Crime Control and Public Safety or his/her designee

IV. DISCLOSURE

If, after all reasonable efforts are made to refuse any gift, favor, or donation, an employee still receives any gift, favor, or donation contrary to the restrictions set out in this directive, the employee shall report that receipt in writing to the Commander's Office via chain-of-command.

V. CONSULTATION WITH LEGAL STAFF

Employees are urged to consult with departmental general counsel or members of the Attorney General's staff when an ethical question arises under this policy. These attorneys are subject to Canon IV of the North Carolina Annotated Rules of Professional Conduct. This rule requires that the lawyer preserve the confidence of his/her client. It is the policy of the Department that this attorney/client relationship be preserved. Such consultation is intended to generate full and frank disclosure of facts for proper initial representation of the client and advice on seeking further legal assistance.

VI. APPLICATION OF POLICY / SANCTIONS

Employees shall adhere to all provisions of this policy. Failure to do so shall be considered a serious personal conduct violation as defined by Directive H.04 (Highway Patrol Disciplinary System) and shall subject the employee to disciplinary action up to and including dismissal.

I. POLICY

This policy sets standards to govern the disciplinary system of employees of the Highway Patrol.

II. DISCIPLINARY AUTHORITY

The disciplinary actions described in this section are authorized for violations of the Patrol Code of Conduct by employees of the Highway Patrol.

Disciplinary actions to be imposed against employees shall be determined by the type of violation of the Code of Conduct. Violations may be designated as Personal Conduct, Grossly Inefficient Job Performance, or Job Performance. Disciplinary actions for the respective types of violations and the supervising authority eligible to recommend or impose the appropriate disciplinary actions shall be as set forth in this directive.

III. NON-DISCIPLINARY ACTIONS

Work deficiencies can sometimes be corrected through counseling and/or training. These corrective actions are not to be considered disciplinary in nature. Nonetheless, investigations of job performance and conduct deficiencies sometimes indicate a need for training and/or counseling. In such cases, training and/or counseling, although not a form of disciplinary action may be imposed in conjunction with or in lieu of disciplinary action.

Documented Counseling Session (DCS) is held to:

- Discuss ways to improve the member/employee's performance and/or values-based behavior,
- Seek input from the member/employee about whether the performance issue can be corrected through a process change or to determine if member/employee needs to receive additional training on the current procedure/processes,
- Outline the steps to be taken to improve performance, including the specific timeframe for improvement,
- Identify the consequences, including progressive disciplinary action, of failure to improve, and
- Establish a follow-up date(s).

- For some values-based behaviors and performance concerns, immediate improvement may be necessary (e.g. safety concerns, etc.)

A DCS is recorded using the Form, HR-562. Navigate to the following link for the Documented Counseling Session (HR-562) form:

- https://weare.ncdps.gov/emp/HR/HR562%20DCS_Revised%20by%20PHH%2020190403_LC%20Rights.pdf.

Once a DCS is completed, it shall be attached to a NCVIP entry in the Performance Management system.

Although the issuance of a HR-562 form is not considered a disciplinary action, it is considered by DPS Human Resources Department, and the Office of State Human Resources, to be a final action. As a result of these new guidelines, the NCSHP is required to revise the protocols under which the HR-562 is used. Therefore, the following procedures are in effect immediately:

- For any incident that **will** be referred to one of the NCSHP Boards (PVCIC, Post Chase, Use of Force) or **may** be referred to the Internal Affairs Unit, the NCVIP and HR-562 may be completed by Supervisory Members but **shall not be served**. The **unserved** NCVIP and HR-562s shall be sent to the relevant Board (or to the Unit Commander of Internal Affairs) via Blue Team. It will be determined by the Internal Affairs personnel on the pertinent Board or the Internal Affairs Unit when the documents can be served. These forms shall not be served until authorization is received from the applicable Board or the Internal Affairs Unit.
- For any incident that WILL NOT be referred to one of the NCSHP Boards or the Internal Affairs Unit for further investigation, the NCVIP and HR-562 may be completed and served by supervisory members.

Ordinarily, a DCS shall be conducted prior to beginning disciplinary actions for performance issues. **The DCS will remain active on a member's record for 18 months, even if performance or conduct issues have been resolved.** Any disciplinary action issued for unsatisfactory job performance without a prior DCS must first be approved by the agency Human Resources Director or his/her designee.

IV. TYPES OF DISCIPLINARY ACTIONS

When an internal investigation is found to be sustained, there are four specific types of disciplinary actions authorized by state law and this directive. These disciplinary actions are as follows:

Authorized Disciplinary Actions for Personnel subject to the Fair Labor Standards Act (FLSA) Provisions (Certain Civilian Employees or Members ranked Sergeant or below):

- Written warning
- Disciplinary suspension without pay for not less than one work day, and not more than two work weeks
- Demotion. Disciplinary demotions may be accomplished in three ways:
 - The employee may be demoted to a lower pay grade with a reduction in salary as long as the new salary rate does not exceed the maximum of the salary schedule for the new lower pay grade.
 - The employee may be demoted to a lower pay grade without a reduction in salary as long as the new salary rate does not exceed the maximum of the new lower pay grade.
 - The employee may be demoted with a reduction in salary rate while retaining the same pay grade. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade or the special entry rate, if in effect.
- Dismissal

Authorized Disciplinary Actions for Personnel Exempt from Certain Provisions of the Fair Labor Standards Act (FLSA) (Certain Civilian Employees and Members ranked First Sergeant or higher):

- Written Warning
- Disciplinary suspension for not less than one week and not more than two weeks
- Demotion as defined above
- Dismissal

V. SIGNIFICANCE OF TYPE OF VIOLATION

Personal Conduct discipline is intended to be imposed for those actions for which no reasonable person could or should, expect to receive prior warnings, or as otherwise defined in State law. Employees may be disciplined, as a result of unacceptable personal conduct, up to and including dismissal without any prior warning or disciplinary action. Authorized disciplinary actions for Personal Conduct violations are listed in Section VI of this directive.

Grossly Inefficient Job Performance disciplinary actions are intended to be used in addressing unsatisfactory performance that results in the creation of the potential for death or serious bodily injury to Patrol employee(s), to members of the public, or to person(s) over whom the employee has responsibility; or the loss of or damage to State property or funds that result in a serious impact on the State and/or the Patrol. Authorized disciplinary actions for Grossly Inefficient Job Performance are the same as specified for Personal Conduct violations above. Employees may be dismissed on the basis of Grossly Inefficient Job Performance without any prior warning or disciplinary action.

Unsatisfactory Job Performance disciplinary actions are intended to promote improved employee performance. When a Documented Counseling Session (DCS) fails to correct employee performance, the manager/supervisor may address the matter by issuing a formal disciplinary action, the first level of which is a written warning. Other authorized disciplinary actions for Job Performance violations are the same as specified by Personal Conduct violations in Section VI of this directive except that a suspension or demotion must be preceded by at least one prior disciplinary action; dismissal must be preceded by one or more written warnings followed by another written warning or other form of disciplinary action.

The above sections are not mutually exclusive since certain actions may fall into all three categories depending upon the facts of each case. Pursuant to State law and this directive, no disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

VI. PERSONAL CONDUCT VIOLATIONS

The Unit Commander of Internal Affairs shall classify every complaint or allegation as a Job Performance, Grossly Inefficient Job Performance, or Personal Conduct type violation. If classified as a Personal Conduct violation, the Unit Commander of Internal Affairs shall then determine whether the allegation relates to a serious or less serious violation.

Personal Conduct Violations Deemed Serious

- Only the Commander's Office may impose disciplinary action for Personal Conduct violations classified as serious by the Unit Commander of Internal Affairs. He/She shall impose one of the following disciplinary actions for a serious Personal Conduct violation:
 - Written warning
 - Disciplinary suspension without pay
 - Demotion
 - Dismissal

- The Commander's Office may, at its discretion, impose a written warning, rather than a more serious form of discipline for a personal conduct violation when all of the surrounding circumstances and the past work record of an employee being disciplined appears to warrant such a reduction in the level of disciplinary action and one or more of the following mitigating factors is present:
 - The property damage was minor
 - The physical injury was negligible
 - No disciplinary action has been taken against the employee in the past
 - There are other mitigating circumstances which the Commander's Office considers to be significant in the individual case at hand
- If the Commander's Office imposes a written warning pursuant to this provision, the reasons shall be stated in the written warning itself or in a memorandum to be filed in the employee's personnel file.

Personal Conduct Violations Deemed Less Serious

- Personal Conduct violations classified by the Unit Commander of Internal Affairs as "less serious" may be handled by the Troop/Unit Commander. The exception to this rule is when the investigation was conducted by Internal Affairs, in which case the Commander's Office shall impose the appropriate disciplinary action.
- Troop/Unit Commanders may impose the following types of disciplinary action for less serious personal conduct violations:
 - Written Warning; or
 - Disciplinary suspension without pay for 1, 2, or 3 days
- Prior to placing a career status employee on disciplinary suspension without pay, the Troop/Unit Commander shall conduct a pre-disciplinary conference with the employee in accordance with this directive. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights.

VII. GROSSLY INEFFICIENT JOB PERFORMANCE VIOLATIONS

Grossly Inefficient Job Performance violations shall not be classified for the purpose of determining levels of disciplinary action. Disciplinary action imposed shall be the same as for serious personal conduct violations as set out in Section

VI of this directive. Disciplinary action for Grossly Inefficient Job Performance may be imposed by the Commander's Office.

VIII. JOB PERFORMANCE VIOLATIONS

When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee shall receive. A DCS shall be issued prior to beginning disciplinary actions for most performance issues. Any disciplinary action issued for unsatisfactory job performance without a prior DCS must first be approved by the agency HR Director or designee. After the first written warning, a supervisor may give additional written warnings or a higher level of disciplinary action.

Job Performance violations shall not be classified for the purpose of determining levels of disciplinary action. Disciplinary actions for violations of rules pertaining to Job Performance shall be the same as set out in this directive.

The Troop/Unit Commander and District First Sergeant are responsible for ensuring the satisfactory performance of work assignments. Accordingly, unless the Internal Affairs Unit conducts the investigation, or the employee has an active disciplinary action; disciplinary actions for Job Performance violations will ordinarily be imposed by the Troop/Unit Commander or District First Sergeant. Unless the employee has a prior active disciplinary action, the only disciplinary action that may be imposed for Unsatisfactory Job Performance is a written warning. Troop/Unit Commanders or District First Sergeants may impose written warnings. Disciplinary suspension without pay for 1, 2, or 3 days shall be imposed by the Troop/Unit Commander.

The Commander's Office may impose the following levels of disciplinary action for a Job Performance violation:

- Written warning
- Disciplinary suspension without pay for not less than 1 day and not more than two (2) work weeks (after receipt of at least one prior active disciplinary action)
- Demotion (after receipt of at least one prior active disciplinary action)
- Dismissal (after receipt of at least one active written warning followed by one other active disciplinary action)

IX. INACTIVE DISCIPLINARY ACTIONS

A disciplinary action is deemed inactive for the purpose of this section in the event that:

- Eighteen (18) months have passed since the warning or disciplinary action; the employee does not have another active warning or disciplinary action which occurred within the last eighteen (18) months

X. REPEAT VIOLATIONS

Prior Job Performance and Personal Conduct violations which are active may be considered in deciding on the level of disciplinary action to be imposed for a subsequent Job Performance violation.

Previous Personal Conduct, Grossly Inefficient Job Performance, and Job Performance violations, whether active or inactive, may be considered in deciding the level of disciplinary action being imposed for Personal Conduct and Grossly Inefficient Job Performance violation(s). Employees may be disciplined for Personal Conduct and Grossly Inefficient Job Performance violations, up to and including dismissal, without prior warning or disciplinary action.

In those cases where an employee has an active disciplinary action of any type, the Commander's Office shall impose the disciplinary action unless he/she delegates such responsibility to the Troop/Unit Commander. In such cases, the Troop/Unit Commander may impose disciplinary action as set out in this directive.

The date the disciplinary action was imposed as documented on the Personnel Charge Sheet (HP-343), will be the beginning date for purposes of determining the expiration of the time periods set forth above. The date the subsequent violation occurred shall be the date used to determine whether the subsequent violation occurred within the active time limits of a previous disciplinary action.

XI. PROCEDURE FOR TAKING DISCIPLINARY ACTION

Investigation

- Upon learning that an employee under his/her supervision may be in violation of Patrol rules, the First Sergeant or appropriate supervisor after consultation with his/her Troop/Unit Commander shall immediately forward a Personnel Complaint via BlueTeam to the Unit Commander of Internal Affairs for determination of the type violation involved in accordance with this directive.
 - If the violation is determined to be a less serious Personal Conduct violation or a Job Performance violation, the Unit Commander of Internal Affairs shall arrange for an investigation as provided by this policy, either by the Internal Affairs Unit or by a designated Troop/Unit or district supervisor.
 - If the violation is determined to be a serious Personal Conduct or Grossly Inefficient Job Performance violation, the investigation shall be conducted by the Internal Affairs Unit.

- The investigation shall be recorded on a Report of Investigation (HP-721) and submitted to the Unit Commander of Internal Affairs.
- Whenever an investigation reveals that what first appeared to be a less serious Personal Conduct or Job Performance violation is in reality a serious Conduct or Grossly Inefficient Job Performance violation, the investigator shall confer with the Unit Commander of Internal Affairs and, if requested, forward the pending investigation file to the Unit Commander of Internal Affairs, who shall be responsible for overseeing the completion of the investigation.

Determining Level of Disciplinary Action to be Taken

- Field Investigations - Troop/Unit Commanders and Other Supervisors
 - When a Troop/Unit Commander or other supervisor authorized to impose disciplinary action determines, as a result of an investigation the allegation(s) is sustained, the Troop/Unit Commander or other supervisor authorized to impose disciplinary action shall confer with the Unit Commander of Internal Affairs, via the chain-of-command, and administer disciplinary action within the options authorized.
 - If a Troop/Unit Commander or other supervisor authorized to impose disciplinary action determines that the disposition of an investigation of a subordinate employee is unfounded, exonerated, or not sustained, the Troop/Unit Commander or other supervisor authorized to impose disciplinary action shall confer with the Unit Commander of Internal Affairs, via the chain-of-command, and prepare a memorandum or investigation report specifying why the disposition is unfounded or exonerated or why the investigation is not sustained.
 - If the Troop/Unit Commander determines the disposition of the investigation is unfounded, exonerated, or not sustained, he/she shall so notify the employee and place a copy of the notification in the employee's personnel file
- Internal Affairs Investigations
 - Upon receipt of a Personnel Complaint from the Troop/Unit Commander or other supervisor, the Unit Commander of Internal Affairs shall supervise the investigation of the case and shall prepare for the Director of Professional Standards an investigation file, setting forth the facts of the case.
 - The Director of Professional Standards shall review the file and may order additional investigation if deemed necessary. After the investigation is complete, he/she shall forward the investigation file, and his/her recommendation for disciplinary action, if any, to the Commander's Office.

- If the recommendation of the Director of Professional Standards is a written warning, the Director of Professional Standards or their designee may first consult with DPS Human Resources. If the recommendation of the Director of Professional Standards is any form of disciplinary action for which a pre-disciplinary conference is required, the Director of Professional Standards or their designee shall consult with the DPS General Counsel's Office and with DPS Human Resources prior to making the recommendation to the Commander's Office.
- The Commander's Office shall review the file and determine the type of violation and/or level of disciplinary action to be taken. He/She shall notify the Director of Professional Standards or appropriate supervisor of his/her decision. The Director of Professional Standards shall forward the file to the Unit Commander of Internal Affairs for the purpose of taking the appropriate action.
- If the Commander's Office determines that the employee should be placed on disciplinary suspension without pay, demoted or dismissed, no such action shall be imposed prior to notifying the affected employee of a pre-disciplinary conference consistent with DPS Human Resources policy. Any employee, who fails to attend the Pre-Disciplinary Conference without prior notification to the Commander's Office, shall forfeit their rights to a Pre-Disciplinary Conference. The Commander's Office will proceed with the decision for disciplinary action.
- If the Commander's Office determines the disposition of the investigation is unfounded, exonerated, or not sustained, he/she shall so notify the employee and place a copy of the notification in the employee's personnel file.

Procedural Requirements

- Written Warning
 - To issue a written warning to a subordinate employee, a supervisor authorized to conduct disciplinary action must conduct a disciplinary conference with the subordinate employee during which he/she is told:
 - That he/she is being administered a written warning
 - The specific issues that are the basis for the warning
 - What specific improvements must be made
 - The time frame allowed for making the required improvements and/or corrections. Absent a specified time frame in the warning, 60 days is the time frame allowed for unsatisfactory job performance and immediate correction is required for Grossly Inefficient Job Performance or Unacceptable Personal Conduct

- The consequences of failing to make the required improvements/corrections
- The employee shall be given a copy of the written warning memorandum and Personnel Charge Sheet/Disposition (HP-343). The action shall take effect immediately
- First Sergeants and other supervisors shall forward a copy of the written warning memorandum and Personnel Charge Sheet/Disposition (HP-343) to the Unit Commander of Internal Affairs
- Written warnings cannot be appealed unless a violation of N.C.G.S. § 126-16 or 126-25¹ is alleged.
- Disciplinary Suspension Without Pay
 - To place a subordinate employee on disciplinary suspension without pay, the Director of Professional Standards or Troop/Unit Commander (or designee) imposing the disciplinary action must comply with the following procedural requirements:
 - In matters of unsatisfactory job performance, ensure that the subordinate employee has received at least one prior disciplinary action. In matters of Grossly Inefficient Job Performance or Unacceptable Personal Conduct there are no pre-conditions.
 - The Director of Professional Standards or their designee shall schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the pre-disciplinary conference must be given to the employee of the time, location, and the reason for which the demotion, suspension or dismissal has been recommended.
 - The notice must inform the employee of the type of disciplinary action being considered and that a lesser disciplinary action is possible and the specific acts or omissions that are the reasons for the recommendation.
 - The employee shall be given written notice of the conference at least twenty-four (24) hours in advance.
 - Furnish the subordinate employee a statement written setting forth the specific acts or omissions that are the reasons for the suspension.
 - Limit attendance to the subordinate employee, the supervisory employee summarizing the conference, and the person conducting the conference. The purpose of the pre-disciplinary conference is to review

¹ <https://ncleg.gov/Laws/GeneralStatuteSections/Chapter126>

the reason for suspension with the affected employee and to listen to and to consider any information put forth by the employee in order to ensure that a suspension decision is sound and not based on misinformation or mistake. Other personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference. Additionally, audio recording devices, video recording devices, and transmission devices are not permitted during the conference.

- The employee shall have an opportunity to respond to the proposed suspension, refute information supporting the recommended suspension action, and offer information or arguments in support of the employee's position. This opportunity does not include the right to present witnesses.
- Copies of the written document imposing the suspension and the Personnel Charge Sheet/Disposition (HP-343) shall be forwarded to the Unit Commander of Internal Affairs
- If the proposed disciplinary suspension is to be imposed by the Commander's Office or Troop/Unit Commander, the procedures set out in this directive shall apply. Additionally, at the conclusion of the conference, the Director of Professional Standards or Troop/Unit Commander designee shall brief the Commander's Office or Troop/Unit Commander who shall review and consider the response of the employee and reach a final decision.
- To allow time following the conference for the Commander's Office or Troop/Unit Commander to review all necessary information, the final decision to impose suspension should not be communicated to the employee prior to the beginning of the next business day or after the end of the second business day following the conclusion of the pre-disciplinary conference.
- If the Commander's Office or Troop/Unit Commander decides to carry out the suspension, written notification shall be provided to the employee. The written notice shall contain the employee's appeal rights.
- If the disciplinary suspension is carried out, the affected employee may be asked to surrender his/her issued Patrol vehicle, firearms, uniform badges, and/or identification credentials. The supervisor imposing the suspension shall ensure the equipment is collected and transported to a location designated by the appropriate /Troop/Unit Commander for storage, required maintenance, or re-issuance. The safekeeping of property provision of Directive J.01 shall apply to any equipment stored in an evidence locker. Upon being cleared for duty, the surrendered

equipment or a replacement shall be returned to the affected employee.

- Demotion

- To demote an employee, the following procedural requirements shall be followed:
 - In matters of unsatisfactory job performance, the Unit Commander of Internal Affairs shall ensure that the employee has received at least one active prior disciplinary action
 - In matters of Grossly Inefficient Job Performance or Unacceptable Personal Conduct, there is no requirement for previous disciplinary action; an employee may be demoted for a current incident of Grossly Inefficient Job Performance or Unacceptable Personal Conduct without any prior disciplinary action
 - The Director of Professional Standards or designee shall schedule and conduct a pre-disciplinary conference. Advance oral or written notice of the pre-disciplinary conference must be given to the employee of the time, location, and the conduct or reason for which demotion has been recommended.
 - The notice must inform the employee of the type of disciplinary action being considered and that a lesser disciplinary action is possible and the specific acts or omissions that are the reasons for the recommendation.
 - The employee shall be given written notice of the conference at least twenty-four (24) hours in advance
 - The Director of Professional Standards or designee shall limit attendance to the subordinate employee, the supervisory employee summarizing the conference, and the person conducting the conference. The purpose of the pre-disciplinary conference is to review the reason for the demotion with the affected employee and listen to and consider any information put forth by the employee in order to ensure that a demotion decision is sound and not based on misinformation or mistake. Other personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorneys representing either side may attend the conference. Additionally, audio recording devices, video recording devices, and transmission devices are not permitted during the conference.
 - The procedures set out in this directive, to the extent applicable, shall apply. Additionally, at the conclusion of the pre-disciplinary conference, the Director of Professional Standards or designee shall brief the

Commander's Office who shall review and consider the response of the employee and reach a decision whether or not to order that the demotion be carried out.

- To allow time following the conference for the Commander's Office to review all necessary information, the final decision to impose demotion should not be communicated to the employee prior to the beginning of the next business day or after the end of the second business day following the conclusion of the pre-disciplinary conference.
 - The employee must be advised in the notice of how and to what extent the demotion will affect the employee's compensation rate or classification title, and the employee must also be advised of any applicable appeal rights in the document effecting the demotion
- Dismissal
 - To dismiss an employee the following procedural requirements shall be followed:
 - The Director of Professional Standards or designee shall schedule and conduct a pre-disciplinary conference with the affected employee
 - Advance written notice of the pre-disciplinary conference must be given to the employee of the time, location, and the reason(s) for which dismissal has been recommended.
 - The notice must inform the employee of the type of disciplinary action being considered and that a lesser disciplinary action is possible and the specific acts or omissions that are the reasons for the recommendation.
 - The employee shall be given written notice of the conference at least twenty-four (24) hours in advance
 - The Director of Professional Standards or designee shall limit attendance to the employee, the supervisory employee summarizing the conference, and the person conducting the conference. The purpose of the pre-disciplinary conference is to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee to ensure that a dismissal decision is sound and not based on misinformation or mistake. Other personnel may be present, when the person conducting the conference determines a need for security exists. No attorneys representing either side may attend the conference. Additionally, audio recording devices, video recording devices, and transmission devices are not permitted during the conference.

- In the conference, the Director of Professional Standards or designee shall give the employee oral or written notice of the recommendation for dismissal including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal, refute information supporting the recommended dismissal action, and offer information or arguments in support of the employee's position. Every effort shall be made by the Director of Professional Standards or designee to ensure that the employee has had a full opportunity to set forth any available information in opposition to the recommendation to dismiss prior to the end of the conference. This opportunity does not include the right to present witnesses.
- At the conclusion of the pre-disciplinary conference, the Director of Professional Standards or designee shall brief the Commander's Office, who shall review and consider the response of the employee and reach a decision on the specific reasons for dismissal.
- To allow time following the conference for the Commander's Office to review all necessary information, the decision to dismiss should not be communicated to the employee prior to the beginning of the next business day following the conclusion of the pre-disciplinary conference or after the end of the second business day.
- The effective date of a dismissal for **Unsatisfactory Job Performance** shall be determined by the Commander's Office. A status employee who is dismissed for unsatisfactory job performance may be given up to two weeks working notice of his/her dismissal, at the discretion of the Commander's Office. Instead of providing up to two weeks working notice an employee may be given up to two weeks' pay in lieu of the working notice, at the discretion of the Commander's Office. Such working notice or pay in lieu of notice is applicable only to dismissals for Unsatisfactory Job Performance. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than **14 calendar days** after the notice of dismissal.

XII. DISCIPLINARY ACTION LETTER

If management decides to demote, suspend or dismiss the employee, then the employee shall receive a written disciplinary action letter either in person or by certified mail (or equivalent) with return receipt requested.

- The written disciplinary action letter must include:
 - The basis for the disciplinary action;
 - The effective date of the disciplinary action;
 - The specific acts or omissions that are the reason(s) for the disciplinary action;
 - The employee's right to appeal and a copy of the grievance policy.

XIII. UNIFORMS AND EQUIPMENT COLLECTION

Any employee, who is dismissed, resigns in lieu of being dismissed, or resigns prior to the completion of an internal investigation shall surrender all issued uniforms, equipment, and badges to include all previous ranking badges, and Highway Patrol identification credentials that are in the possession of the affected employee. It shall be the responsibility of the appropriate Troop/Unit Commander to ensure that all items mentioned above are collected, inventoried, and forwarded to the Logistics Unit. If, during the course of the inventory, it is discovered that any item was not surrendered, a memorandum shall be prepared by the supervisor conducting the inventory, and forwarded to the Director of Support Services, via the chain-of-command, for proper action.

XIV. APPEAL PROCESS FOR DISCIPLINARY ACTION

See Directive E.08 of the North Carolina State Highway Patrol Policy Manual for the appeal process.

I. POLICY

This policy establishes standards in reference to military courtesy within the ranks of the North Carolina State Highway Patrol.

II. CUSTOMS OF THE SERVICE

The Highway Patrol is a Para-military organization. A member's demeanor and bearing must exemplify training, discipline, integrity, ability and courage through the observance of certain military courtesies.

III. THE HAND SALUTE

An important military courtesy is the hand salute, which is a greeting that conveys respect from both the subordinate and person of higher rank. The salute will be rendered to cabinet level appointed officials in the chain of command and commissioned officers by commissioned officers of lower rank, non-commissioned officers, Troopers, and all sworn officers.

Salute Properly

- A properly executed salute indicates pride in oneself and reflects esprit de corps of the organization.

How to Execute the Hand Salute

- The proper salute is rendered by raising the right hand smartly until the tip of the forefinger touches the headgear just above and slightly to the right of the right eye. The fingers are lined tightly together and the thumb lies snugly along the side of the hand. The hand and wrist are straight so that they form a straight line from the fingertips to the elbow. The upper arm (elbow to shoulder) should be horizontal. In rendering the salute, your head and body should be facing toward the person being saluted. The hand is brought to the correct position in one motion without any preparatory movement. The salute is held until the officer or person being saluted returns the salute and drops his/her hand. The hand is then brought directly down to its natural position, without slapping the leg. Any flourish in the salute is improper.

IV. WHOM TO SALUTE

- President of the United States
- Governor of North Carolina
- Secretary of Department of Public Safety

- Commissioned Officers of the Patrol
- All senior commissioned officers of the Armed Forces and the National Guard (having the rank equivalent to a Major of the Highway Patrol) when Patrol members meet them on formal occasions or during the course of a visit to a military installation

V. WHEN TO SALUTE

The hand salute shall be given:

- When a member meets, anyone entitled a salute, and the member is wearing headgear, indoors or out.
- Out-of-doors by members who are not in formation when the National Colors pass or when the National Anthem is played.
- Out-of-doors by the member in charge of a formation when the National Colors pass or when the National Anthem is played. Other members of the formation shall not salute unless directed by the member in charge of the formation.
- Indoors by a member who is wearing headgear when the National Colors pass or when the National Anthem is played.

VI. GENERAL RULES REGARDING SALUTES

Members shall:

- Salute persons entitled to a salute when they are approximately six paces away and hold the salute until the salute is returned, an appropriate greeting rendered, or the person has passed six paces beyond the member.
- Salute on the first note of the National Anthem and hold the salute until the music ends. Members shall face the colors when saluting.
- If the National Colors are not present, face the direction of the music.
- Salute the National Colors when they are approximately six paces away and end the salute when they have passed six paces beyond where the member is standing.
- Salute and greet with "Good morning, Sir/Ma'am," or other appropriate greeting.

- Hold the salute during a flag raising or lowering ceremony until the order to terminate the salute is given by the flag detail leader.
- Salute while "Taps" is played at a Patrol or military funeral.
- If not wearing headgear, and under arms, stand at attention when the national anthem is played or the National Colors are presented. This is the appropriate courtesy in lieu of a salute.

Members shall not:

- Salute while not wearing headgear.
- Smoke while saluting.
- Salute with one hand while the other is in pocket.
- Sit while giving the salute.
- Salute with any object in one's right hand.

Political Activities

Applicable to: Employees
CALEA Chapter 22

Directive H.06

Revised 9/27/2011
Effective 9/26/1995

I. POLICY

This policy governs employees of the Highway Patrol in regard to participation in political activities.

II. STATE EMPLOYEES

State employees are subject to the provisions of N.C.G.S. § 126-13, N.C.G.S. § 126-14, and to the disciplinary action set out in N.C.G.S. § 126-15 which provides for possible dismissal or removal from office for violations of Chapter 126.

III. EMPLOYEES AS INDIVIDUALS

As an individual, each employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America. In keeping with these rights, employees are encouraged to register to vote and to vote. Employees may also contribute financially to political campaigns.

IV. MEMBERS AS STATE LAW ENFORCEMENT OFFICERS

Members as State law enforcement officers and as full-time representatives of the State of North Carolina shall not:

- Take any active part in managing a campaign, campaign for political office, or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he/she receives compensation from the State.
- Otherwise use the authority of his/her position or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof.

V. ENGAGING IN POLITICAL ACTIVITY WHILE OFF DUTY (CALEA 22.3.3)

The policy of the Patrol is not to interfere with the right of an employee to engage in political activity during non-duty hours. For this purpose, "duty hours" means regularly scheduled working hours or at other times when an employee is actually performing duties for the Patrol.

VI. CANDIDACY FOR OFFICE (CALEA 22.3.3)

The good of the entire organization must take precedence over an employee's personal desire to serve the public as an elected official. Any employee who decides to seek political office must inform the Commander's Office via chain-of-command. The Commander's Office will not interfere with the employee's right to seek election.

Any candidacy of an employee for election to a public office requiring full-time service is presumed to create a conflict of time which interferes with the performance of responsibilities owed to the Patrol and requires the employee to obtain a leave of absence or resign from the Patrol. Prior to filing, if the employee is able to establish to the satisfaction of the Commander's Office that, contrary to the presumption, such candidacy in fact will not create a conflict of time which interferes with Patrol employment, a leave or resignation will not be required. The employee seeking such an exception to this policy must file a written request with the Commander's Office via chain-of-command, setting forth any information the employee believes verifies that the candidacy will not create such a conflict. The Commander's Office will review the request and make a decision about any exemption.

The Commander's Office will grant any employee seeking election to a full-time public office a leave of absence without pay when an employee has insufficient vacation or compensatory time. Any leave of absence must begin at the time that candidacy is formally announced or at the time of filing with the Board of Elections, whichever occurs first, and shall last until the member completes the election process.

Personal Use of Social Networking Websites

Applicable to: All Employees

CALEA: N/A

Directive H.07

New

Effective 4/17/2012

I. POLICY

This policy is necessary to ensure that all employees understand and use appropriate discretion in their personal use of social media outlets, both on and off duty. All employees have the right to use social media outlets as deemed reasonable; however, all employees shall conduct themselves, both on and off duty, in a manner which will not in any way reflect negatively upon the professional image of the Patrol or of any of its employees.

Terms that may be referred to or implied throughout this directive include, but are not limited to: blog, page, profile, social media outlets (i.e. Facebook, MySpace, Twitter, Nixle, Flickr, YouTube, Digg, Reddit, etc.), social networks, Web 2.0, and wiki.

II. PERSONAL USE – PRECAUTIONS AND PROHIBITIONS

Patrol employees are cautioned that speech on or off duty made pursuant to their official duties is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Patrol. Patrol employees shall abide by the following guidelines when using social media outlets:

- Patrol employees are free to express themselves as private citizens on social media sites to the degree that their speech does not:
 - Impair working relationships of the Patrol for which loyalty and confidentiality are important
 - Impede the performance of duties
 - Impair discipline and harmony among coworkers and the community
 - Negatively affect the public perception of the Patrol
- Patrol employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Commander's Office or designee.
- Employees shall not display Patrol logos, uniforms, or similar identifying items on personal web pages for political gain.
- For safety and security reasons, Patrol employees are cautioned not to disclose their employment with the Patrol. Additionally, Patrol employees shall not:

- Post information pertaining to any other employee of the Patrol without his/her permission
- Display Patrol logos, uniforms, or similar identifying items on personal web pages
- Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a Patrol employee.
- When using social media, Patrol employees should be mindful that their speech becomes part of the **worldwide** electronic domain. Therefore, adherence to the Patrol's Code of Conduct is required in the personal use of social media. In particular, Patrol employees are prohibited from:
 - Speech containing obscene or sexually explicit language, images, or acts
 - Statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals
 - Speech involving themselves or other Patrol employees reflecting behavior that would reasonably be considered reckless or irresponsible
- Engaging in prohibited speech may provide grounds for undermining or impeaching an employee's testimony in civil or criminal proceedings. Patrol employees thus sanctioned are subject to discipline up to and including termination.
- Patrol employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Highway Patrol without express authorization.
- Patrol employees should be aware that they may be subject to civil litigation for:
 - Publishing or posting false information that harms the reputation of another person, group, or organization (defamation)
 - Publishing or posting private facts and personal information about someone without that person's permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person
 - Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose
 - Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner

- Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Patrol at any time without prior notice.
- Employees should be aware that privacy settings and social media sites are constantly changing, and it should never be assumed that personal information posted on such sites is protected.
- Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

I. POLICY

This policy sets forth guidelines for arrest and citation procedures.

II. ARREST AUTHORITY

Troopers have jurisdiction to arrest anywhere in the state of North Carolina except for such property that may be designated as exclusive federal jurisdiction. Members are expected to be familiar with any territorial jurisdictional issues that may exist within their assigned area of responsibility. The subject matter jurisdiction for Troopers is set out in Articles 3 and 17 of Chapter 20 of the General Statutes. All members are expected to be knowledgeable of their statutory authority contained in these statutes.

Authority to Arrest or Detain While Out of Uniform

- It is the general policy of the Patrol that enforcement action should not be taken by members while out of uniform but rather reports of any suspected or observed criminal activities should be made immediately to on-duty authorities.
- However, members who are not in uniform may arrest or detain violators in compliance with this subsection:
 - When off duty and within the legal boundaries of this State, a member may make an arrest or detain a person only when:
 - A violent crime has been committed in his/her presence; and
 - Perpetrator will not be apprehended unless immediately arrested or detained or may cause physical injury to himself/herself or others unless immediately arrested or detained; and
 - Member identifies himself/herself as a law enforcement officer and possesses his/her badge and identification as a member of the Patrol; and
 - Member complies with Patrol directives governing arrest
 - A member who makes an arrest or detains a person pursuant to the provisions listed above shall immediately contact appropriate on-duty law enforcement officials and must surrender the person detained to such law enforcement officials unless such contact or surrender is impractical.

- Under no circumstances shall a member attempt to stop or engage in the chase of a vehicle unless operating an authorized Patrol vehicle.

III. ENFORCEMENT POLICY

Charging Policy

- Members shall issue a North Carolina Uniform Citation or arrest for all definite, clear-cut and substantial violations. Members shall not issue citations or make arrests for frivolous, technical, or borderline violations. Factors such as race, sex, economic standards, familial, political or fraternal affiliation shall not influence a member in any manner whatsoever. Every arrest made or citation issued shall be in accordance with North Carolina law and Patrol policy. Members who violate the law or Patrol directives may be subject to discipline by the Patrol.

Warning Tickets

- Warning tickets may be issued by members for the following reasons:
 - Upon discovery of a mechanical defect in a vehicle that needs correction, but which does not amount to a definite, clear-cut, substantial violation of the Motor Vehicle Laws
 - For conduct constituting a potential hazard to the motoring public which does not amount to a definite, clear-cut, substantial violation of the Motor Vehicle Laws
 - To require a driver to produce his/her driver's license or motor vehicle registration card at a later time

IV. EXERCISING POWER OF ARREST

Infractions

- A member may not arrest but may issue a citation to any person he/she has probable cause to believe has committed an infraction (N.C.G.S. § 15A-1113).
 - A member who has probable cause to believe a person has committed an infraction may detain the person for a reasonable period of time in order to complete and serve the citation. An infraction and a misdemeanor may be charged on the same citation.
 - Reasonable force may be used to stop and detain a person for the purpose of issuing a citation. A person who resists, obstructs, or delays a law enforcement officer in the issuance of a citation for an infraction or in bonding for an infraction may be charged with obstructing or delaying an

officer in the performance of his/her duties (N.C.G.S. § 14-223) and be arrested for that offense.

- If the person who is charged with an infraction is a nonresident from a state that is not a member of the nonresident violator compact, a member shall take the person before a magistrate for bonding. The Administrative Office of the Courts is now printing a list of states in the North Carolina Uniform Citation book which are not members of the compact.

Misdemeanors

- A member may arrest, as opposed to issuing a citation to, a person for committing a misdemeanor only when the requirements of N.C.G.S. Chapter 15A have been met and;
 - The misdemeanor charged is a violation of the Motor Vehicle Act which, upon conviction, will result in the suspension or revocation of a person's license under the laws of North Carolina, and the suspect is from a state which is a member of the Nonresident Violator Compact; or (CALEA 61.1.5)
 - The misdemeanor charged is **any** violation of the Motor Vehicle Act and the suspect is a nonresident from a state which is not a member of the *Nonresident Violator Compact*, provided that members may cite a nonresident who has substantial, consistent and recurring contacts with the State of North Carolina (e.g. a commuter); or
 - The misdemeanor charged is a violation of the Motor Vehicle Act and would result in the suspension or revocation of a person's license under the laws of North Carolina and the person is a resident of North Carolina, provided that if a resident appears to be capable of operating the vehicle in a safe and lawful manner and the member has reasonable grounds to believe the offender will appear as cited, a citation should be issued instead of arresting the individual; or
 - The suspect is a resident of North Carolina, and the member has reasonable grounds to believe the suspect will not submit to the jurisdiction of the court; or
 - The misdemeanor charge is not a violation of the Motor Vehicle Act and the suspect is **not** a resident of North Carolina; or
 - The misdemeanor is one involving violence and arrest reasonably appears necessary in order to prevent violence or damage to property; or
 - The person charged seems to be dangerous to himself/herself, others or property

Felonies

- A member who charges a person with committing a felony shall always arrest the suspect when the requirements of N.C.G.S. Chapter 15A have been met.

V. FINGERPRINTING PROCEDURES

Duties of the Arresting Member

- Pursuant to N.C.G.S. § 15A-502, members who arrest a suspect for commission of a felony shall fingerprint the suspect and forward the fingerprints to the State Bureau of Investigation.
- Members shall fingerprint and photograph any arrestee who cannot be identified by a valid form of identification, if the arrestee is charged with:
 - An offense involving impaired driving, as defined in N.C.G.S. § 20-4.01(24a), or
 - Driving while license revoked if the revocation is for an Impaired Driving License Revocation as defined in N.C.G.S. § 20-28.2.
- Members shall not take photographs or fingerprints of a suspect when the only offense charged is a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes. An exception to this prohibition exists when a suspect operates a motor vehicle on a street or highway, the person is cited for a motor vehicle moving violation, and the person does not produce a valid drivers license upon the request or the member has a reasonable suspicion concerning the true identity of the person.

VI. DEOXYRIBONUCLEIC ACID (DNA) COLLECTION PROCEDURES

Duties of the Arresting Member

- N.C.G.S. § 15A-266.3A and 15A-502A require the collection of a DNA sample for DNA analysis upon arrest for certain criminal offenses an exception to this requirement exists if the member determines that a DNA sample has previously been obtained and is stored in the State DNA Database
- DNA required to be obtained shall be obtained by the arresting member at the time of arrest or when fingerprinted unless the member makes a warrantless arrest, in which case the DNA sample shall not be obtained until the magistrate makes a determination that probable cause exists pursuant to N.C.G.S. § 15A-511
- A new DNA collection kit shall be used for each individual from whom a DNA sample must be collected

- Universal precautions are to be used when handling the DNA Collection Kit in accordance with Directive B.06 (Bloodborne Pathogens)
- Juvenile offenders N.C.G.S. § 7B-2201 (see Directive I.06)

VII. PROCEDURES FOLLOWING ENFORCEMENT ACTIONS

N.C.U.C. Citations

- When a member cites an offender to appear in court, he/she should cooperate with the offender in giving appropriate directions to the appropriate court and shall not accept any money, bail bond, bail bond card, securities, or other articles of value from the offender when cited for a felony, misdemeanor, or infraction violation; however, those members trained to enforce the laws pertaining to the transportation of commerce in and through the state may collect money for civil penalties issued for violations of North Carolina law.
- The member shall sign the citation and request the offender to sign in the appropriate block on the original and deliver a copy of the citation to the offender. If the offender refuses to sign the citation, the member shall indicate such refusal by writing “refused to sign” in the defendant’s signature block.
 - If the offender is issued an e-citation it is not necessary to request the offender to sign the e-citation
- Members shall deliver the N.C.U.C. to a judicial official of the General Court of Justice, for filing within five calendar days of issuance, or prior to the designated court date, whichever should come first
 - All e-citations shall be transmitted electronically to AOC by the issuing member by the end of his/her assigned shift

Members shall inform every accused person of the specific law he/she is charged to have violated. If facts are subsequently discovered which require additional charges to be filed, the offender shall be informed of the additional charges prior to trial.

Any member who cites or arrests any person shall comply with all of the requirements and procedures of N.C.G.S. Chapter 15A and any other applicable law, including.

- When a member arrests a person, he/she shall, without unreasonable delay, take the offender before a judicial official of the General Court of Justice as defined in N.C.G.S. Chapter 15A and as provided in this manual
- Upon arrest, the member shall, without unnecessary delay, advise the offender of his/her right to communicate with counsel, family and friends, and must allow him/her reasonable time and opportunity to do so

If facts discovered at a later date indicate additional definite, clear-cut and substantial violations, additional citations or other criminal process (criminal summons or warrant for arrest) shall be obtained and issued to the violator.

Implied Consent Summary Report (HP-327)

Any member who cites or arrests any person for an Implied Consent violation (N.C.G.S. Chapter 20-16.2) shall prepare an Implied Consent Summary Report (HP-327). The HP-327 will be submitted to the member's supervisor with their weekly paperwork. The district first sergeant or their designee shall ensure the HP-327 is delivered to the appropriate district attorney's office before the defendant's first court date.

If In-Car video of the stop exists **and** the District Attorney's office completes the request for video on page 2 of the HP-327, the district first sergeant, or their designee, shall ensure a video copy of the stop is completed. The copy should be delivered to the district attorney's office within 30 days of the returned request.

Under no circumstances should an original DVD be removed from the district office or should a copy be given to a defense attorney. All requests from defense attorneys should be redirected to the district attorney's office.

Juvenile Information: Refer to Directive I.06.

VIII. NONRESIDENT VIOLATOR COMPACT (NRVC)

North Carolina has joined with other states in a Nonresident Violator Compact (NRVC). The NRVC provides a driver from a Compact State is not to be bonded for motor vehicle violations, but issued a citation. The home state of the driver will revoke the driver's license if the driver fails to appear in court or pay the citation in a timely manner. The driver from a jurisdiction which is a member of the NRVC should not be arrested and bonded except for the following offenses:

- Felonies involving the use of a motor vehicle
- Death by vehicle (N.C.G.S. § 20-141.4)
- Driving while subject to an impairing substance (N.C.G.S. § 20-138.1)
- Driving a commercial vehicle while subject to an impairing substance (N.C.G.S. § 20-138.2)
- Driving by a person under 21 while drinking or after having consumed alcohol or controlled substance (N.C.G.S. § 20-138.3)
- Driving with open container after drinking (N.C.G.S. § 20-138.7A)

- Operating a commercial vehicle after consuming alcohol (N.C.G.S. § 20-138.2A)
- Operating a school bus, school activity bus, or child care vehicle after consuming alcohol (N.C.G.S. § 20-138.2B)
- Impaired Instruction (N.C.G.S. § 20-12.1)
- No operator's license (N.C.G.S. § 20-7)
- Possess fictitious, canceled, revoked, suspended or altered license, or counterfeit, sell, lend, or permit use of license by another or any other violation of N.C.G.S. § 20-30.
- Driving while (license) suspended, revoked or disqualified, or permitting an owned vehicle to be so operated. (N.C.G.S. § 20-28; N.C.G.S. § 20-34)
- Driving a commercial motor vehicle without being licensed to do so, or driving a commercial motor vehicle while license suspended, or subject to a disqualification or out of service order (N.C.G.S. § 20-37.12)
- Violations concerning the transportation of hazardous materials
- Violations of the fuel tax law

A driver from a state that is a member of the NRVC may under unusual circumstances be arrested and bonded for any other offense for which a mandatory court appearance is required by the Conference of Chief District Court Judges.

A member who charges a motorist from a reciprocating state with a violation of the Motor Vehicle Code covered by the NRVC shall issue the violator a citation and request the violator to sign the reciprocal agreement contained on the citation. A violator who agrees to comply with the citation but refuses to sign the citation is not required to be bonded. The member may write **refused to sign** in the signature block and give a copy of the citation to violator. Violators who refuse to agree to the reciprocal agreement, or who have committed an offense, for which the NRVC does not apply, shall be taken to a magistrate for bonding.

IX. ARREST OF DEAF PERSONS

In dealing with deaf or hearing-impaired persons, members must recognize impairment through the observation of their actions. Careful attention should be made of the person's hands and movement. He/She may be reaching for a pen and pad in clothing or glove compartment as a means of communication, instead of reaching for a weapon. Clues that a person is deaf or has a hearing impairment are as follows:

- Appears alert but fails to respond to any sounds
- Points to the ears, or to the ear and mouth, perhaps while shaking the head
- Speaks with a flat or harsh, unintelligible monotone

The individual may initiate one of the following types of communication. If not, the member may try each to determine the most reliable by asking one question at a time that requires a short answer.

- **Sign Language.** Whenever possible, secure a qualified interpreter. (It may be necessary to use a family member or friend temporarily, in an emergency situation.)
- **Writing Notes.** Writing notes requires patience because of poor handwriting skills or shorthand used by some deaf persons.
- **Lip Reading.** The least reliable method, understanding only 30% of what is said under ideal lighting conditions.

In accident investigation situations, listen to both sides, being careful not to exclude the person who is deaf. Face the deaf person when speaking and communicate by writing notes.

The arrest of a deaf person requires the procurement of an interpreter under N.C.G.S. § 8B-2(d).

Procedure for procuring an interpreter for arrested deaf persons in interrogation, warning, notification of rights, arraignment, bail hearing or other preliminary proceeding:

- The Department of Human Resources provides a listing of qualified interpreters for the hearing impaired to the Clerk of Superior Court of each county. The appointment of an interpreter must be made by a judicial official of the appropriate court; therefore a local Magistrate is the first judicial official available on a 24-hour basis.
- The member arresting a deaf person must take the arrestee before a judicial authority (Magistrate) for appointment of an interpreter. If arrested for an offense for which a chemical analysis is to be given, an interpreter or waiver must be obtained before the test is given. No answer, statement or admission taken from a deaf person without a qualified interpreter present and functioning is admissible in court for any purpose.
- The deaf person entitled to the services of an interpreter may waive these services through a waiver approved in writing by the person's attorney. If the person does not have an attorney, the waiver approval must be made in writing by the appointing authority.

Manual Communications Guide for Field Officers

- The Communications Guide contains graphic communication illustrations for situations involving law enforcement officers and deaf persons. It contains basic communication signs and signals to enable a law enforcement officer to establish communications prior to the arrival of an interpreter.
- The Communications Guide is to be supplied to each member and shall be retained in the Patrol vehicle for use should the need arise.

X. OPERATOR'S LICENSE TO REMAIN IN DRIVER'S POSSESSION

When an arrested person is allowed to drive his/her vehicle to a judicial official's office, he/she should have in his/her possession both his/her operator's license and the registration card for the vehicle he/she is operating. At no time shall the member escorting an arrested person keep these items in his/her possession while allowing an arrested person to drive his/her vehicle to the judicial official's office.

XI. ADDITIONAL PROCEDURES CONCERNING THE CARRYING OF CONCEALED HANDGUNS BY PERMIT HOLDERS AND QUALIFIED LAW ENFORCEMENT AND RETIRED LAW ENFORCEMENT OFFICERS

Due to the potential that persons contacted during the course of our duties may be lawfully armed with some type of handgun, the following procedure shall be followed:

- If a member is confronted with a person lawfully carrying a concealed handgun, the member should courteously and professionally seek information concerning the location of the handgun. Other instructions cautioning the person against making movements in the direction of the handgun may also be appropriate at this time.

Absent suspicious circumstances, the person shall not be disarmed. In rare instances when suspicious circumstances, based on sound articulable reasons, exist or develop to a degree to cause a member to perceive a threat to his/her or another person's safety, the person may be disarmed. When the decision to disarm the person is made, the member shall clearly and professionally communicate his/her intentions to the person and shall give clear and concise instructions. He/She shall attempt to explain that the handgun will be secured temporarily and will be returned upon the completion of the contact. After the contact is concluded, and if circumstances permit, a brief explanation to the person as to why he/she was disarmed may be appropriate.

- Upon disarming the person, the handgun shall be unloaded if it can be done safely. In all cases, the handgun shall be secured. The handgun shall not be placed back into a vehicle occupied with other passengers but shall be placed in the Patrol vehicle or in the trunk of the violator's vehicle.

- After the member has completed all business with the person whom he/she has disarmed and no custodial arrest is to be made, and there is no violation of the concealed handgun statute, the member, just prior to leaving the scene, shall return the handgun and ammunition. Members shall not return a loaded handgun, but shall place it in the vehicle, trunk, or other location where the member feels secure.

If the handgun owner is to be placed under arrest for any reason and the handgun is not seized for evidence, the following procedures shall be followed:

- If the vehicle is to be towed, it is permissible, with the consent of the handgun's owner on a **signed** Consent to Tow, Remove, or Store Vehicle or Leave Vehicle at the Scene (HP-305), to leave the handgun secured in the trunk of the vehicle.
- If the vehicle is to be left at the scene, the member shall take possession of the handgun, complete a Seized Property Report (HP-52), with a copy to the owner, and secure the handgun in the evidence locker at the appropriate Highway Patrol District Office until such time as the lawful owner of the weapon may retrieve the handgun. Should the subject be released from custody by lawful authority before the handgun can be secured in the evidence locker, the member shall return the handgun to the lawful owner upon release from custody or, if appropriate, to a sober responsible adult designated by the owner after the owner signs Form HP-52.
- If a sober, responsible adult takes possession of the vehicle, the member may, at the request of the handgun owner leave the handgun in the trunk or other locked compartment of the vehicle.

If the handgun owner is to be placed under arrest for any reason and the handgun is seized for evidence, the member shall complete a HP-52 and secure the handgun in the evidence locker at the appropriate Highway Patrol District Office.

If the handgun owner has a concealed carry permit, the charging officer shall ensure the Sheriff's Department or other governmental agency (for out of state permit holders) which issued the permit to carry a concealed handgun is notified through the Division of Criminal Information Computer System (DCI) for any violation of the permit. If the handgun owner is a qualified law enforcement officer or qualified retired law enforcement officer, the charging officer shall ensure the law enforcement agency where the officer is employed or from which he or she retired is notified through DCI of any violation that may affect on the officer's or retiree's continued eligibility to carry a concealed firearm.

At any time when a seized weapon is returned, the owner shall be required to sign the HP-52.

Leaving Assigned Duty Station While on Duty

Applicable to: Members
CALEA

Directive I.02

Revised 07/10/2017
Effective 9/1/1995

I. POLICY

Uniformed members of the Patrol shall be governed by the provisions of this policy when leaving their assigned duty stations.

II. LEAVING DISTRICT OR TROOP AREA

Members on duty shall not leave their assigned Patrol district without authorization from their supervisor.

III. LEAVING THE STATE

Members shall not leave the State while on duty except when authorized by the Troop Commander or his/her designee, or for the purposes of collision investigation and the member has obtained permission from their district supervisor.

When an emergency situation or collision requires members to travel into another State, members shall not remain in the other State longer than is absolutely necessary.

Members required to leave the State for emergency purposes shall be governed by the following:

- Members shall notify the nearest Communications Center of their call number, destination, mission, and estimated time of return to the State.
- Members shall notify the Communications Center immediately upon their return to the State, and the information shall be entered on the communications log.
- Emergency travel authorization reports shall be filed with the First Sergeant as soon as possible after returning to the State. A single copy of the report will be filed for record purposes only at district office.

Speed Enforcement

Applicable to: Members
CALEA Chapter 61

Directive I.03

Revised 10/24/2007
Effective 9/1995

I. POLICY

A member shall be governed by North Carolina Criminal Justice Education and Training Standards Commission Manuals entitled Radar Operator Training Course and Time-Distance Operators' Training, prepared and distributed by the North Carolina Justice Academy according to statutory requirements. For the purpose of this directive, those documents will be referred to as Training Manuals. **(CALEA 61.1.5; 61.1.9)**

II. ENFORCEMENT VOLUME (CALEA 61.1.5; 61.1.9)

The enforcement of speed and other motor vehicle laws by the Patrol for the sole purpose of building an activity record shall be prohibited, and such action shall not be permitted or tacitly condoned by any supervisor at any level.

Each member shall diligently enforce the speed law, according to North Carolina State Law and North Carolina State Highway Patrol policy, for the ultimate purpose of reducing the volume and severity of traffic collisions resulting from excessive speed.

III. ENFORCEMENT QUALITY (CALEA 61.1.5; 61.1.9)

The quality of speed enforcement shall be considered equally as important as the amount of enforcement. Each member shall strictly adhere to the Patrol's speed enforcement policy, which is to issue citations or make arrests only for definite, clear-cut and substantial violations. Motorists shall receive the benefit of any doubt. In no case shall a citation be issued or an arrest made for a frivolous, technical or borderline violation.

IV. SPEED MEASURING INSTRUMENTS (CALEA 61.1.5; 61.1.9)

Speed measuring instruments shall be used by members as assigned by supervisory personnel. Supervisory personnel in Field Operations shall determine the distribution of available speed measuring instruments, tuning forks, and stop watches throughout the State according to need.

Section Directors/Troop Commanders shall be responsible for ensuring that members under their command are properly trained and certified to operate speed-measuring instruments.

Section Directors/Troop Commanders shall have the responsibility to ensure that all speed measuring instruments, tuning forks, and stop watches assigned to their respective troops are tested for accuracy by a qualified technician, in accordance with N.C.G.S. § 8-50.2, 12 NCAC 9C, .0602, .0603, and .0604. Section Directors/Troop Commanders shall further ensure that such tests are

conducted when a Time Distance Instrument is installed in a vehicle and on each unit that undergoes an internal repair by a Radio Engineer. The results of the above test shall be recorded on forms provided by the Criminal Justice Education and Training Standards Commission and distributed according to Patrol policy. **(CALEA 61.1.9)**

V. OPERATION OF SPEED MEASURING INSTRUMENTS (CALEA 61.1.5; 61.1.9)

Speed measuring instruments shall be tested for accuracy and operated in conformance with the requirements of N.C.G.S. § 8-50.2; § 17C-6; Title 12, Chapter 9 of the North Carolina Administrative Code, the Manufacturer's Operational Manual, and Training Manuals.

No speed measuring instrument shall be operated for enforcement purposes by a member who has not been certified to operate such instrument by the Criminal Justice Education and Training Standards Commission.

A member shall not operate speed measuring instruments not owned by the North Carolina State Highway Patrol.

VI. SPEEDOMETER ACCURACY TESTS (CALEA 61.1.5; 61.1.9)

Members shall deny all requests from motorists to check the accuracy of motorists' vehicle speedometers with Patrol speed measuring devices or by any other means.

I. POLICY

This policy establishes guidelines to be followed during field interviews and interrogations of persons in custody. This directive in no way alters or amends N.C.G.S. Chapter 15A dealing with criminal procedure. Members shall, at all times, afford every person in custody or under investigation his/her full citizenship rights as secured by the Constitution and laws of the United States and the state of North Carolina. Under no circumstances shall a member conduct an investigation or interrogation in a manner, which he/she knows or should know, is in violation of the constitutional rights of any individual.

Information obtained from field interviews could assist in the prevention of crimes or may help with the identification and apprehension of criminals. Information gathered that is not within the Highway Patrol's scope of duty shall be provided to other law enforcement agencies for investigative purposes.

II. GENERAL LAW AND PROCEDURE

General Custodial interrogation, statements, and confessions are vitally important in the preparation of a criminal case. A suspect's statements, freely and voluntarily given, are normally admissible into evidence. However, statements made by a suspect while in custody, in response to one or a series of questions, are admissible only when given pursuant to the procedural guidelines established by **Miranda v. Arizona** and similar cases. North Carolina appellate court decisions clearly place the burden on the State to prove a confession was made freely and voluntarily, after a suspect was apprised of his/her rights and executed a valid waiver thereof. Many criminal cases are decided on the basis of the admissibility of a statement or confession. The following directive shall apply to all custodial interrogations made, and statements or confessions taken, by State Highway Patrol personnel:

Miranda Warnings – When Required

- Any member who wishes to use a suspect's custodial response to his/her questions in court must:
 - Advise the suspect of his/her Miranda rights, and
 - Obtain a valid waiver of those rights
- This rule is equally applicable to felony and misdemeanor suspects. Several conditions affect the necessity of Miranda rights:
 - **Miranda** warnings apply only to custodial interrogations. A person is in "custody" under the **Miranda** Rule when officers have (1) formally arrested

the person or (2) restrained the person's movement to a degree associated with a formal arrest. A person in jail is in custody even if the person is being questioned about a crime unrelated to the crime that is the basis of the incarceration. "Custody" is not the same as "seizure" and a member need not give Miranda warnings during an investigative stop or while issuing a motorist a ticket unless the member's actions indicate to the motorist that he/she will be arrested. A member's unarticulated intention to arrest the person is irrelevant to determining "custody".

- A member may engage in general on-the-scene questioning at a crime scene or a scene of a motor vehicle collision without giving **Miranda** warnings
- Members gathering information for motor vehicle collision reports while having the motorist in the vehicle need **not** give **Miranda** rights until the member indicates to the motorist that he/she will be arrested
- A suspect who has been handcuffed should always be considered to be "in custody" for Miranda purposes. This is true even though he or she may have been told that he or she is not under arrest or that he or she is being handcuffed solely for officer safety or a part of an investigative detention.
- **Miranda** affects only the courtroom admissibility of the suspect's answers to interrogation. If the suspect volunteers information without any questioning or prompting, **Miranda** is not applicable.

Form of Warning and Waiver

- Normally, oral **Miranda** warnings followed by oral waivers of **Miranda** rights are sufficient. A written acknowledgment of **Miranda** warnings and waivers of **Miranda** rights should be obtained in all felony and serious misdemeanor cases. Members must be particularly careful to secure a written **Miranda** waiver in misdemeanor investigations which could later result in felony charges such as, a left of center accident investigation which could lead to a death by motor vehicle or manslaughter charge. In any event, the form and content of the warning and waiver must follow Patrol procedure.

Juvenile **Miranda** rights are to be given to those people under 18 years of age unless they are married, emancipated or are members of the armed forces.

III. MANDATORY POLICIES

Members shall advise a suspect of his/her constitutional rights prior to any custodial interrogation.

Members shall read the **Miranda** card word for word to the suspect. Free-lancing, recitation from memory, or paraphrasing is not approved. Strict adherence to this policy enables an officer to testify in court to precisely what

he/she told the suspect. This removes any doubt as to the suspect's knowledge and waiver of his/her constitutional rights. When testifying in court, members should read the card word for word precisely as they did to the suspect.

Members shall obtain affirmative waivers of the right to remain silent, as well as the right to an attorney. A simple "I understand my rights" does not constitute a waiver. The suspect must affirmatively waive these rights. An oral waiver is sufficient for most misdemeanors. A written waiver is necessary where the facts and circumstances indicate that the misdemeanor is of a serious nature, or that felony charges could be pending. All suspects charged with felonies should be asked to complete written waivers.

The arrest of a deaf person requires the procurement of an interpreter in interrogation, warnings, notification of rights, arraignment, bail hearing, or other preliminary proceedings. Members shall be governed by Directive I.01, Section VII (Arrest of Deaf Persons) prior to the interrogation of a deaf person.

Care should be taken to ensure non-English or limited-English speaking suspects understand their rights and that an interpreter be used in appropriate cases. Members have a Constitutional and ethical responsibility to ensure that non-English and limited-English speaking suspects are afforded the same equal protection of the law as English-speaking suspects.

IV. WRITTEN WAIVERS AND STATEMENTS

Miranda Rights

Adult Miranda Warnings (HP-306) should be completed in all cases requiring a **written** waiver of rights.

- Orally advise the suspect of his/her rights BY READING THE MIRANDA CARD
- Ask him/her to read and sign HP-306
- If the suspect cannot read, have someone read the form to him/her and enter the following below the waiver of rights:

The above statement of my rights has been read and explained to me by _____. I understand my rights and freely and voluntarily waive them.

Signed _____ Date _____
Witness _____ Time _____

If the accused cannot write, allow him/her to make his/her mark in the place for his/her signature, and be certain to have the document witnessed.

Confessions and Written Statements

- The waiver of rights (HP-306) should be completed as above
- When the confession is reduced to writing, it should begin immediately after the waiver and on the same page. The pages of a confession should end in the middle of a sentence so that a portion of the sentence is carried over to the next page. The pages should be numbered, and all pages, except the first and last, should be signed or initialed by the subject in the margin. Errors should be stricken with a single line only, the correction inserted, and the markings initialed by the subject.
- If the person making the confession cannot read, the following statement should be added at the bottom of the confession:

The above statement consisting of _____ pages has been read to me by _____ and it is true of my own knowledge and is the statement made by me to _____ on the _____ day of _____, 20____.

Signed _____

Witnessed _____

Date _____

Time _____

If the suspect cannot write, he/she should make his/her mark in the appropriate place for his/her signature. The mark should be witnessed.

V. JUVENILE INTERROGATION PROCEDURE N.C.G.S. § 7B-2101

When interviewing or interrogating a juvenile, refer to Directive I.06, Section IX (Interrogation/Interview of a Juvenile) and also, [G. S. § 15A-211](#), Electronic Recording of Interrogations.

VI. SHOW-UP IDENTIFICATIONS

- A “show-up” identification is a one-on-one viewing between a suspect and the witness(es). Show-up identifications may be used within a short time after the commission of an offense and may be conducted at or near the location of the offense. Show-up identifications may be used to rule out suspects and to inform police if further investigation is necessary.

VII. SHOW-UP IDENTIFICATION PROCEDURE

- An investigator conducting an investigatory detention of a suspect may conduct a show-up identification with a witness to the offense. In the event the suspect and the witness are at different locations immediately following the suspect’s apprehension, if practical, the witness should be moved to the location of the suspect for the show-up to occur. If it is not practical for the

witness to be moved, the suspect may be moved a short distance for the show-up to occur.

- If necessary for officer safety, a suspect may be handcuffed during the show-up. In situations involving a show-up identification where there are multiple witnesses, the suspect shall be viewed by only one witness at a time. Witnesses shall not be allowed to speak to one another until all have completed their viewing.
- During a show-up identification, the witness shall receive no communicated instructions from the investigator, or any other law enforcement personnel present, other than being told to look at the suspect and to state whether they recognize the suspect. Should the witness recognize the suspect, the investigator shall inquire as to the circumstances of the recognition.
- Without commenting upon or communicating his opinion as to the validity of the witness's identification, the investigator shall document both the fact of identification and the level of confidence in the identification exhibited by the witness in a written report

VIII. FIELD INTERVIEWS

Members are to remain alert for possible suspicious activities and other information during the course of their normal duties that may assist the Patrol or other law enforcement agencies in identifying and apprehending criminals. Such activity should be documented on the Field Interview Report (HP-326).

District First Sergeants are responsible for contacting local law enforcement agencies within their districts to coordinate the distribution of completed field interview forms.

Members should be aware that Miranda may or may not apply during field interviews.

IX. DOCUMENTING FIELD INTERVIEWS

The HP-326 shall be used to document field interviews made by members when an arrest is not made.

- The full identity of the person interviewed should be determined and documented on the form
- The narrative portion should contain sufficient information to explain why the individual(s) was questioned and should include details of suspected criminal activity, statements, or actions observed by the member

The interviewee(s) should be questioned when there is a reasonable suspicion; however, he/she cannot be forced to answer any questions, and should be

permitted to leave if evidence of criminal activity is not corroborated within a reasonable period of time.

X. GANG VALIDATION CRITERIA / FIELD INTERVIEWS

Members are to remain alert for possible gang activities and other information during the course of their normal duties that may assist the Patrol or other law enforcement agencies in identifying and apprehending criminals. Such activity should be documented on the Gang Validation Criteria / Field Interview Report (HP-325).

Members are responsible for contacting the Field Liaison Officer Coordinator within their Troop to coordinate the distribution of completed Gang Criteria Validation / field interview forms.

Members should be aware that Miranda may or may not apply during field interviews.

XI. DOCUMENTING GANG VALIDATION CRITERIA / FIELD INTERVIEWS

The HP-325 shall be used to document Gang Validation Criteria / Field interviews made by members whether an arrest is not made or not.

- The full identity of the person interviewed should be determined and documented on the form.
- The narrative portion should contain sufficient information to explain why the individual(s) was questioned and should include details of suspected gang activity, statements, or actions observed by the member.

The interviewee(s) should be questioned when there is a reasonable suspicion; however, he/she cannot be forced to answer any questions, and should be permitted to leave if evidence of gang activity is not corroborated within a reasonable period of time.

XII. INTERVIEW AND INTERROGATION GUIDELINES

Patrol members shall adhere to the following guidelines in regards to interview and interrogation:

- Troop Commanders shall designate approved interviews and interrogations rooms
- All duty weapons should be secured prior to conducting an official interview or interrogation to reduce potential officer safety concerns in the event a person becomes combative. Weapons should be secured in the officer's holster(s) being worn, attached to the issued Sam Browne (if applicable), or secured in a designated gun locker as determined by the troop commander. Temporary storage lockers may be designated as approved weapons storage as long as

the district has designated one of the compartments as weapons storage and the key is available to the interviewing member.

- Ensure, for employee safety and occasional check-up purposes, that facility personnel (e.g., dispatch, supervision, etc.) are aware of the location and potential duration of the interview. Visual observations or raised voice tones may signal a need for interruption. If the interviewer needs assistance, the officer shall verbally or physically request assistance from facility personnel or summon assistance using assigned portable radio.
- The interview shall be conducted in private, generally with only the officer and one other person present. Special circumstances may require a parent, guardian or legal representative to be present for interviews.
- The interview room or area shall have only those items necessary (i.e., table, chairs, documentation resources, etc.) to conduct the interview and to provide for the safety and/or comfort of both the officer(s) and the person(s) being interviewed
- A ten minute break must be offered each 50 minutes unless the interview is at a critical stage or other circumstances make taking the break impractical; in either case, a break is to be offered at the first opportunity. The duration of the interview should be predicated upon the totality of circumstances, including the type of investigation, cooperativeness of interviewee, factors external to the interview, etc. All individuals shall be afforded an opportunity to address personal needs during an interview. Individuals requesting to use the facilities (restroom, water, etc.) may be escorted by the officer at all times during the interview or detention process.
- The location should be familiar to the officer and free from telephones and other distractions. Open squad rooms in district offices do not qualify as approved locations for the purpose of conducting interviews/interrogations.

XIII. ELECTRONIC RECORDING OF INTERROGATIONS

Custodial Interrogations conducted at any place of detention shall be recorded in its entirety if it involves a criminal investigation of a juvenile or if the investigation is related to any of the following crimes: 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. Please refer to [NC General Statute § 15A-211](#).

NOTE: This does not apply to interviews or interrogations that take place in a patrol vehicle.

Arrest of Foreign Nationals

Applicable to: Members
CALEA Chapters 1; 61

Directive I.05

Revised 11/10/2004
Effective 9/1994

I. POLICY

This policy establishes guidelines for the treatment of foreign nationals. **(CALEA 1.1.4; 61.1.3)**

II. TREATY PROVISIONS (CALEA 1.1.4; 61.1.3)

The U.S. Department of State is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States. The legal requirements are as follows:

- Whenever a member arrests, imprisons, or otherwise detains a foreign national such member must promptly inform the detainee of his/her right to have his/her government informed of such event. **(CALEA 1.1.4)**
- If the detainee asks to exercise this right, the detaining member should initiate the notification of the appropriate foreign consulate or embassy without delay and make a written record of such notification.
- Subject to local laws and regulations regarding access to detained persons, consular officers have the right to visit their nationals who are in prison, custody, or detention to converse and correspond with them and to arrange for their legal representation. A foreign consular officer should not take action on behalf of such a person if the person being held expressly opposes such action.
- While the above requirements are universally applicable, members must be aware that treaties exist with certain countries, which require **mandatory** notification when these nationals are confined or detained. In these cases, the foreign national has no choice regarding the notification.

III. PROCEDURES (CALEA 1.1.4; 61.1.3)

A foreign national who is given a citation or posts bond and is allowed to proceed does not require consular officials to be notified.

If an arrested or detained person identifies himself/herself as a foreign national or a citizen of a "treaty country," the following procedures should be followed:

- He/She should be informed of his/her right to contact his/her consular official and encouraged to do so. If he/she requests that such notification be made, it should be done immediately through proper channels.

- If the arrested person is from a **treaty country** that requires mandatory notification of consular officials, such notification must be done without delay.
- The member making the arrest or detaining foreign nationals shall in all cases notify the Section Director/Troop Commander through proper channels. The Section Director/Troop Commander, if necessary, will direct the appropriate Patrol Communications Center to notify the appropriate embassy in Washington, D.C.
- In every case the arresting member should prepare and forward to the Commander's Office, through proper channels, a full report of the incident as it relates to the arrest or detention and any notice given to consular officials.
- Because of language barrier problems, members should be exceptionally careful to extend all usual and customary courtesies to the person arrested or detained.

IV. TREATY COUNTRIES (CALEA 1.1.4; 61.1.3)

These countries require notification of the nearest consulate or embassy **regardless of whether** the arrestee/detainee so wishes, and must be made without delay:

Mandatory Notification Countries and Jurisdictions	
Algeria	Malta
Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas, The	Nigeria
Barbados	Philippines
Belarus	Poland (non-permanent residents only)
Belize	Romania
Brunei	Russia
Bulgaria	Saint Kitts and Nevis
China ¹	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia, The	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia
Hong Kong ²	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine

Mandatory Notification Countries and Jurisdictions	
Kazakhstan	United Kingdom ³
Kiribati	U.S.S.R. ⁴
Kuwait	Uzbekistan
Kyrgyzstan	Zambia
Malaysia	Zimbabwe

¹ Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

² Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "SAR". Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports – i.e. immediately, and in any event within four days of the arrest or detention.

³ British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

⁴ Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

Notification Procedures (CALEA 1.1.4; 61.1.3)

- The telephone numbers for consular offices are provided and entered in each Patrol Communications Center computers for access by Communications personnel.
- Members who arrest or detain a foreign national shall, if requested or required, notify the Section Director/Troop Commander and request that the consular office of the foreign national be notified. If the Section Director/Troop Commander approves the request, he/she shall direct the Communications Center to make such notification and provide documentation of pertinent information to support a written report of the incident.
- The Telecommunicator, upon instructions from the Section Director/Troop Commander, shall make the necessary contact with the consular office as outlined in Directive 9 of the *Telecommunications Manual* without delay. Documentation of the date, time, and any other pertinent information shall be

provided to the Section Director/Troop Commander and arresting member to support a written report of the incident.

V. ARREST OF NATO MILITARY PERSONNEL (CALEA 1.1.4; 61.1.3)

NATO military personnel on official visits to this country are governed by a treaty agreement between the United States and other NATO countries.

If NATO military personnel are arrested, the arresting member shall immediately notify Patrol Headquarters or Troop "B" Headquarters. A member of Troop "B" or Patrol Headquarters will notify the Provost Marshal's Office, Fort Bragg, NC, of such arrest and provide procedural instructions as to jurisdiction and disposition.

VI. FOREIGN DIPLOMATIC AND CONSULAR PERSONNEL (CALEA 1.1.4; 61.1.3)

It is important that members of the Patrol treat foreign diplomatic and consular personnel with respect and due regard for the privileges and immunities to which they are entitled under international law. Members should not, however, allow themselves to adopt a "hands off" attitude in connection with traffic or criminal law enforcement actions involving diplomats. Foreign diplomats who violate traffic laws should be cited and allegations of serious crimes should be fully investigated and promptly reported to the U.S. Department of State.

Diplomatic Immunity (CALEA 1.1.4; 61.1.3)

- Diplomatic agents, which include ambassadors and other diplomatic officers, members of their administrative and technical staff and their families forming the immediate household, enjoy immunity from criminal arrest and civil suit.
 - Persons who enjoy any degree of privileges and immunities possess a diplomatic passport issued by their country with a "diplomatic" ("A" or "G") visa entered by U.S. authorities. The Department of State has also issued distinctive license plates and operator's permits to persons entitled to privileges and/or immunities in the United States. **The diplomatic passport, distinctive registration plates, and operator's license should not be relied upon as conclusive indications of the status or immunity of the bearer, but the possession of these documents are an indication that the bearer might be entitled to these privileges and immunities.**
 - If the persons state that they have diplomatic immunity, members should courteously request further identification. Temporary duty visitors and/or persons who have just joined the diplomatic mission may not yet have received the appropriate U.S. identity documents; therefore, members should confirm the status of these individuals through the U.S. Department of State (telephonic information/verification procedures are provided in this directive).

Identification (CALEA 1.1.4; 61.1.3)

- The forms of identification noted above provide an indication of possible immunity of a person possessing them. The only authoritative identity document is the identity card issued by the U.S. Department of State, Protocol Office.
- There are three types of cards – Diplomatic (blue border for diplomats), Official (green border for employees), and Consular (red border for consular personnel). The three and three-quarters inch by two and one-half inch identification card (3" x 2") will contain the bearer's photograph, name, title, mission, city and state, date of birth, identification number, expiration date, and an U.S. Department of State seal on the front of the card. A brief statement of the bearer's immunity will be printed on the reverse side.
- As noted above, newly arrived members of diplomatic and consular staffs may not yet have these official identity documents, therefore, members should be prepared to contact the U.S. Department of State, Protocol Office for verification if confronted with such situations.

Traffic Enforcement (CALEA 1.1.4; 61.1.3)

- Citations
 - Stopping of diplomatic or consular officers and issuing a traffic citation does not constitute an arrest or detention and is permissible, although the signature of the person on the citation may not be required. A member should follow normal procedures and intervene in a traffic violation that he/she observes, even if immunity bars further action at the scene. The member should always stop persons committing moving violations, issue a citation if appropriate, and forward a full written report through the proper channels to the Commander's Office.
- Impaired Driving
 - Sobriety tests may be offered, but may not be required or compelled. If the member judges the individual to be intoxicated, the member should not (even in case of diplomatic agents) permit the individual to continue to drive. The member's primary concern is the safety of the community and the intoxicated individual. The member has the following options in this situation:
 - With the individual's permission, take the individual to the nearest law enforcement facility or other location where he/she may recover sufficiently to drive
 - Summon or allow an individual to summon a friend or relative to drive
 - Call a taxi for the individual

- Provide the individual with transportation
 - Members should fully document the facts of the incident and prepare a written report to be forwarded to the U.S. Department of State from Patrol Headquarters via chain-of-command (it is the policy of the U.S. Department of State to suspend the operator's license of foreign mission personnel not considered to be responsible drivers).
- Vehicles or Property (**CALEA 61.1.3**)
 - The property of a person enjoying full immunity, including his/her vehicle, may not be searched or seized. Such vehicles may not be impounded, but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If the vehicle is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit members to verify the vehicle's status through standard access to NLETS. Should the vehicle prove to have been stolen or used by unauthorized persons in the commission of a crime, the immunity to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible.

Telephonic Information / Verification (CALEA 1.1.4; 61.1.3)

- Members who encounter individuals who claim immunity and cannot present satisfactory identification or believe that invalid identification is being presented should initiate an inquiry to the U.S. Department of State to verify the individual's status. Such an inquiry shall be made through the Section Director/Troop Commander and Patrol Communications Center. The Communications Center shall make necessary inquiries as outlined in Directive 9 of the *Telecommunications Manual*.

I. POLICY

The North Carolina State Highway Patrol will manage each juvenile case in a manner that ensures appropriate enforcement action to best meet the needs of the juvenile and to protect the public. Chapter 20 violations involving 16 and 17-year-old offenders shall be processed in the same manner as adult offenders, subject to juvenile Miranda, electronic recording and parental and/or school principal notification when applicable. All members and agency components will be responsible for actions relating to juvenile cases and will coordinate efforts, as appropriate, with other agencies including their county local Human Services and the Section of Juvenile Justice of the North Carolina Department of Public Safety.

The State Highway Patrol, consistent with its mission of reducing crime in our communities, affirms the importance of addressing juvenile crime issues in a reasonable and prudent manner. Through educational programs and proper handling of juvenile offenders, the Patrol will attempt to reduce juvenile crimes and recidivism rates.

II. CRIME PREVENTION, SAFETY, AND EDUCATION PROGRAMS

Written documentation (HP-51) regarding school visits and other crime prevention or safety presentations in which juveniles are specifically targeted shall be submitted to the District First Sergeant on a weekly basis. The District First Sergeant shall ensure that all documentation related to school visits and juvenile safety presentations are entered into the Patrol's intranet Traffic Safety Information (TSI) reporting page.

III. INTERAGENCY RELATIONS

The Department will share policies and procedures with other elements of the juvenile justice system. Review and comment from other agencies and organizations involved in juvenile justice will be solicited by direct request.

IV. OPTIONS FOR HANDLING JUVENILES

Members taking juveniles into temporary custody shall use the most appropriate course of action for each situation while considering the needs of the juvenile, and the protection of the public safety. The member may:

- Release the juvenile, with or without first counseling the juvenile
- Release the juvenile to the juvenile's parent, guardian, or custodian
- Refer the juvenile to community resources

- Seek a petition; or
- Seek a petition and request a custody order

Members must seek a petition and request a custody order for the following Non-Divertible Offenses (N.C.G.S. § 7B-1701):

- Murder
- First or second-degree rape
- First or second-degree sexual offense
- Arson
- Chapter 90 felony drug offense
- First-degree burglary
- Crime against nature
- A felony involving infliction of serious injury or committed with a deadly weapon

V. FINGERPRINTING AND DEOXYRIBONUCLEIC ACID (DNA) COLLECTION PROCEDURES

Fingerprinting – Duties of the Member

- Under N.C.G.S. 15A-502, members are not authorized to take photographs or fingerprints of a juvenile alleged to be delinquent except under Article 21 of Chapter 7B of the General Statutes.

Deoxyribonucleic Acid (DNA) Collection Procedures – Duties of the Member

- When jurisdiction over a juvenile is transferred to the superior court, a DNA sample shall be taken from the juvenile if any of the offenses for which a juvenile is transferred are included in the list of offenses included in N.C.G.S. §15A-266.3A.
- Universal precautions are to be used when handling the DNA Collection Kit in accordance with Directive B.06 (Blood borne Pathogens).
- A new kit must be used for each individual from whom a DNA sample must be collected.

VI. REFERRING TO AN INTAKE COUNSELOR

At a minimum, a juvenile who commits an offense in the following categories will be referred to an intake counselor:

- Delinquent acts that would be felonious if committed by an adult
- Delinquent acts involving weapons
- Serious gang-related delinquent acts
- Delinquent acts involving aggravated assaults
- Delinquent acts committed by juveniles under probation or by those with a case pending; and
- Repeated delinquent acts within a twelve (12) month period

Other situations that may require referral to an intake counselor are:

- Cases in which it has been determined that parental supervision is not effective; and
- Cases in which juveniles are alleged undisciplined, such as runaways and truants. In these cases, the member will instruct the parent, guardian, or social worker to file the undisciplined petition. Filing of the petition from anyone other than the parent or social worker will not be accepted.

VII. ABSCONDER

A member who takes a juvenile into custody as an absconder will immediately confirm the order for secure custody immediately as listed in National Crime Information Center (NCIC) and ensure medical attention if needed. The member will contact the administrators of the youth development center or detention center from which the juvenile absconded and arrange for immediate transportation back to the appropriate authorities if so ordered by the existing court order or provide transportation to the nearest approved facility providing secure custody. A court counselor shall be contacted for paper work and/or procedures.

VIII. ABUSED, NEGLECTED, OR DEPENDENT JUVENILE

A member may take physical custody of a juvenile if they believe the juvenile is abused, neglected, or dependent. Members will immediately contact the appropriate local law enforcement agency to initiate temporary custody procedures in accordance with the current Department of Social Services procedures and Chapter 7B, "Juvenile Codes", of the NC General Statutes. A member who releases a juvenile to another agency shall complete and forward

Form HP-326B (Member's Statement) to the investigating agency with the pertinent information relating to suspected abuse or neglect.

IX. INTERROGATION AND/OR INTERVIEW OF A JUVENILE

Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody and advise the custodian of their rights to be present with the juvenile until a determination is made as to the need for secure custody or parental release.

The officer(s) conducting the interrogation or interview will explain departmental and juvenile justice system requirements to the juvenile and parent/guardian/custodian being interrogated or interviewed by reading their rights prior to questioning and having them sign a HP-306A (Rights of a Juvenile).

Any juvenile in custody must be advised:

- That the juvenile has the right to remain silent;
- That any statement the juvenile makes can be and may be used against them;
- That the juvenile has the right to have a parent, guardian, or custodian present during questioning; and
- That the juvenile has a right to consult with an attorney and that one will be appointed for them if the juvenile is not represented and wants representation.

When the juvenile is less than 16, no in-custody admission or confession resulting from interrogation or interview may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney. If no attorney is present, the parent, guardian, or custodian as well as the juvenile must be advised of the juvenile's rights set out above. However, a parent, guardian or custodian may not waive any right on behalf of the juvenile.

If the juvenile indicates in any manner and at any stage of questioning in an interrogation or interview that they desire to have an attorney present, the member shall cease questioning immediately and not initiate any further questioning until an attorney has been provided and is present.

If the juvenile indicates in any manner and at any stage of questioning in an interrogation or interview that they desire to have a parent, guardian, or custodian present, the member shall cease questioning immediately and not initiate any further questioning until the parent, guardian or custodian has been provided and is present.

If the juvenile indicates in any manner and at any stage of questioning in an interrogation or interview that they do not wish to continue, the member shall cease questioning.

A statement resulting from custodial interrogation or interview will only be admissible if the court finds that the above-described procedure was followed and that the juvenile aged 16 or 17 knowingly, willingly, and understandingly waived their rights.

No more than two (2) officers should normally engage in the interview or interrogation of a juvenile. The duration of interview or interrogation involving juveniles should normally be limited to no more than two (2) hours at any one session.

Juvenile Miranda warnings are not required if the juvenile is not in custody for Miranda purposes.

ELECTRONIC RECORDING OF INTERROGATIONS PURSUANT TO N.C.G.S. § 15A-211

A member conducting a custodial interrogation of juvenile, at any place of detention, **must record the interrogation in its entirety**. For purposes of this requirement, a “place of detention” is defined as: “A jail, police or sheriff’s station, correctional or detention facility, holding facility for prisoners, or other facility where persons are held in custody in connection with criminal charges.” Interrogations that take place in the member’s patrol vehicle are not subject to this requirement.

The electronic recording required by this provision is defined as: “An audio recording that is an authentic, accurate, unaltered record; or a visual recording that is an authentic, accurate, unaltered record.” A visual and audio recording shall be simultaneously produced whenever reasonably feasible.

If an interrogation is recorded pursuant to this requirement and the juvenile is subsequently convicted of an offense related to the interrogation, the recording shall be retained for not less than one (1) year after the completion of all appeals of the conviction.

The electronic recording requirements of N.C.G.S. 15A-211 and this section are not applicable to juveniles who are not in custody for Miranda purposes.

X. ISSUING CITATION

The manner in which parental notification is made is to be recorded on the citation.

Juveniles Aged 16 or 17

- A juvenile who is 16 or 17 years of age and charged with a G.S. Chapter 20 motor vehicle offense may be issued a citation and processed as an adult.

- Unless the juvenile qualifies under the once an adult, always an adult doctrine, in any non-motor vehicle case where a juvenile is 16 or 17 years of age, **NO citation shall be issued to the juvenile**, but a copy may be given to the intake counselor and to the parent, guardian, or custodian if not objected to by the intake counselor or magistrate.
- In addition to any other applicable notification requirements, a member who issues a citation to a juvenile who is 16 or 17 years of age must notify the minor's parent, guardian, or custodian as soon as practicable, in person or by telephone if the minor is cited for any of the following motor vehicle offenses:
 - Passing a stopped school bus N.C.G.S. § 20-217
 - Reckless driving N.C.G.S. § 20-140
 - Hit and run, property damage only N.C.G.S. § 20-166(b)
 - Following too closely N.C.G.S. § 20-152(a)
 - Driving on the wrong side of road N.C.G.S. § 20-146
 - Illegal passing N.C.G.S. § 20-150; and
 - Driving while impaired N.C.G.S. § 20-138.1

Juveniles under 16 years

- Unless the juvenile qualifies under the once an adult, always an adult doctrine, in any case where a juvenile has not reached their 16th birthday (delinquent or undisciplined), **NO citation shall be issued to the juvenile**, but a copy may be given to the intake counselor and to the parent, guardian, or custodian if not objected to by the intake counselor or magistrate.

Juveniles Who Are Considered Once an Adult, Always an Adult

- A juvenile shall be processed as an adult for any criminal offense the juvenile commits after a district or superior court conviction if either of the following applies:
 - The juvenile has previously been transferred to and convicted in superior court.
 - The juvenile has previously been convicted in either district or superior court for a felony or a misdemeanor. Violations of the motor vehicle laws punishable as a misdemeanor or infraction shall not be considered a conviction for the purposes of this subsection unless the conviction is for an offense involving impaired driving as defined by G.S. 20-4.01(24a)

XI. TAKING A JUVENILE INTO TEMPORARY CUSTODY

Criteria

- In accordance with N.C.G.S. § 7B-1900, a juvenile may be taken into temporary custody by a law enforcement officer without a court order in the following circumstances:
 - If grounds exist for the arrest of an adult in identical circumstances under N.C.G.S. § 15A-401(b);
 - If there are reasonable grounds to believe that the juvenile is an undisciplined juvenile; or
 - If there are reasonable grounds to believe the juvenile is an absconder from any residential facility operated by the Division or from an approved detention facility or from an out-of-state juvenile facility confirmed by NCIC.

XII. DURATION

A juvenile taken into temporary custody shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless a petition or motion for review has been filed and an order for secure or non-secure custody has been entered.

XIII. SEARCH PROCEDURES

Search procedures for juveniles are the same as for adults.

XIV. PARENTAL NOTIFICATION

A member who takes a juvenile into temporary custody for any crime must, as soon as possible, notify the minor's parent, legal guardian or custodian as soon as possible. If the minor's parent, guardian, or custodian cannot be located in person or by telephone, the member shall follow up in writing by mailing within 24 hours a "Notice of Arrest" (Form HP-200E) to the minor's parent, guardian, or custodian. If the parent, guardian, or custodian cannot be located, a next-of-kin of the minor shall be notified as soon as practical. If the member meets the parent, guardian, or custodian in person, the HP-200E may be given to them at that time.

Members must notify the juvenile's school principal for any non-motor vehicle felony (i.e. felonious drug violation) (N.C.G.S. § 15A-505).

The manner in which notification is made to the juvenile's parent, guardian, custodian, and school principal shall to be recorded on the citation.

Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody and advise that custodian of their rights to be present with the juvenile until a determination is made as to the need for secure custody or parental release. **For the purpose of this section, the term "custodian" is inclusive of the term parent or guardian, as it relates to the right to be present with the juvenile.**

XV. NON-TESTIMONIAL IDENTIFICATION ORDER

Non-testimonial identification procedures shall not be conducted on any juvenile without a court order issued pursuant to N.C.G.S. § 7B-2103 through N.C.G.S. § 7B-2109 unless the juvenile has been charged as an adult or transferred to Superior Court for trial as an adult, in which case the procedures for an adult shall apply. Only a prosecutor may request a non-testimonial identification order.

Non-testimonial identification means identification by **fingerprints**, palm prints, footprints, measurements, **blood specimens**, urine specimens, saliva samples, hair samples or other reasonable physical examination, handwriting samples, voice samples, **photographs**, and lineups or other similar identification procedures.

Chemical analysis procedures do not require a non-testimonial identification order.

XVI. FINGERPRINTS AND PHOTOGRAPHS

A law enforcement officer shall fingerprint and photograph a juvenile who was 10 years of age or older at the time the juvenile allegedly committed a non-divertible offense as listed under the options of handling a juvenile's non-divertible offense, when a complaint has been prepared for filing as a petition and the juvenile is in physical custody of law enforcement. A non-testimonial identification order is not required under these circumstances.

The fingerprints and/or photographs shall be maintained in the juvenile offender's file until the case has been disposed of by the court system. If the juvenile was adjudicated delinquent, the photograph and/or fingerprints shall be forward as required to the State Bureau of Investigations (SBI). If the juvenile was found not-guilty, or if the intake counselor did not file a petition, then the photographs and/or fingerprints shall be destroyed.

Any evidence obtained by a non-testimonial order is not public record.

If the intake counselor did not seek a petition and fingerprints and/or photographs were taken, they must be destroyed. If the case went to trial and the juvenile was adjudicated delinquent, then the fingerprints and/or photograph shall be forwarded to the SBI.

XVII. ALCO-SENSOR / INTOXILYZER ADMINISTRATION

A member has no authority to force or require a juvenile under the age of 18 to submit to an alco-sensor test or a chemical analysis without a court order; however, just as with adults, a juvenile may be requested to submit to an alco-sensor test. Also, a member who has reasonable grounds to believe that a juvenile has committed an implied consent offense may take a juvenile into custody and request that the juvenile submit to an Intoxilyzer test. Failure of the juvenile under the age of 16 to submit to the test shall not result in a revocation by the Division of Motor Vehicles (DMV) and no report shall be sent to DMV. Likewise, the 30-day pretrial revocation N.C.G.S. § 20-16.5 does not apply to a juvenile under the age of 16. The Juvenile Rights form (HP-306A) should be used when requesting a juvenile to submit to an Intoxilyzer test.

Juveniles that have reached their 16th birthday are treated as adults for purposes of chemical analysis and driver's license revocations.

XVIII. JUVENILE RECORDS

Unless jurisdiction of the juvenile has been transferred to superior court, **all law enforcement records and files concerning a juvenile shall be kept separate from the records and files of adults** and shall be withheld from public inspection. The following persons may examine and obtain copies of law enforcement records and files concerning a juvenile without an order of the court in accordance with G.S. 7B-3001:

- Juvenile;
- Juvenile's parent, guardian, custodian, or the authorized representative thereof;
- District Attorney or Prosecutor;
- Court counselors; and
- Law enforcement officers sworn in this state.

XIX. RECORD KEEPING FOR CITATIONS / JUVENILE RECORDS

The court disposition of cases involving juveniles is not a matter of public record. Charges brought against juveniles will be prepared on the North Carolina Uniform Citation (N.C.U.C.), and a petition will be filed by juvenile court officials when warranted.

Any time a citation is written to any juvenile age 16 or 17 for a non-motor vehicle offense or under the age of 16 for any offense, the citation must be maintained separately from any adult pending or adjudicated citations.

A member who issues a citation to any juvenile age 16 or 17 for a non-motor vehicle offense or under the age of 16 for any offense, shall submit all copies of the N.C.U.C., any evidence, and notes to the First Sergeant with their weekly reports, **except** the original N.C.U.C. which may be given to the Juvenile Court Counselor to aid in the preparation of the petition. The citation and disposition information will be entered in the Information Management System (IMS) by the First Sergeant and should appear on the member's next Citations Adjudicated Report. The citation number will be flagged on the adjudicated list by the pound (#) sign for record keeping.

The First Sergeant will maintain all juvenile files in a secured file cabinet and record the citation number as the case number. The Trooper will track only those cases in which that evidence (i.e. fingerprints and photographs) was collected. If evidence was collected, the member will notify the First Sergeant when the case is completed in juvenile court. The case can be disposed of either by the intake counselor not seeking a petition or by going to trial. If evidence was collected and the intake counselor did not seek a petition or the juvenile was found not guilty, then the evidence must be destroyed. If the juvenile was adjudicated delinquent, then the photographs and fingerprints will be forwarded to the SBI. The citation will remain in the file for the two (2) years as required for the retention schedule for citations.

XX. ACCIDENT, USE OF FORCE, AND POST CHASE REPORTS

Juveniles' names and addresses may be recorded on a Crash Report (Form DMV-349), Use of Force Reports, and the Post Chase Report in the same manner as an adult's information is recorded. However, charges may not be reflected on any of these reports.

XXI. MEDIA RELATIONS

Information from an investigation that **shall not** be released concerning a traffic collision, incident, or crime without prior approval of the Section Director/Troop Commander/designee or higher authority includes:

- Specific information, which, if disclosed, could jeopardize an investigation, the apprehension of a suspect, or the prosecution of an offender;
- Evidence that is part of an ongoing criminal investigation shall not be released without prior authorization by the District Attorney;
- The name, photographs, and address of any juvenile (under age 18) who is a suspect or defendant in a case subject to a juvenile court jurisdiction;
- The identity of any critically injured or deceased person prior to notification of the next of kin;
- The results of any investigative procedure such as lineups, polygraph examinations, fingerprint comparisons, ballistic tests, or similar procedures.

The fact that these tests have been performed may be revealed without further comment; and

- The specific cause of death unless officially determined by a medical examiner.

Evidence / Property Collection, Analysis, and Disposal

Applicable to: Members

Directive J.01

Revised 08/05/2019

Effective 10/1/2015

I. POLICY

This policy establishes comprehensive guidelines for the proper collection, preservation, and control of evidence/property for which the Patrol is responsible, and to assure that physical evidence relevant in a criminal trial can be admitted as evidence after analysis. In order for physical evidence to be admitted at trial, a chain of custody must be proven. The evidence must be kept in such condition that its integrity and characteristics are not compromised between the time of collection and the time of technical examination.

It is the policy of the Patrol that all members properly collect, process, control, and care for any evidence/property that may come into their possession.

II. HANDLING SEIZED PROPERTY

Seized property shall be handled in accordance with established Patrol directives and procedures set forth in the North Carolina State Bureau of Investigation Evidence Guide.

Members shall not convert to their own use, alter, destroy, remove, or tamper with any seized property or other material found in connection with an investigation or other Patrol action.

ALL SEIZED PROPERTY SHALL BE DEPOSITED IN A TEMPORARY STORAGE FACILITY OR TURNED OVER TO A PROPERTY SUPERVISOR BEFORE THE COLLECTING MEMBER ENDS HIS/HER TOUR OF DUTY.)

Seized property shall not be stored in personal desks, lockers, vehicles, homes, or other places that are not secure or would compromise the chain of custody.

Sensitive items (e.g. cash, jewelry, or other small valuable properties) estimated to be worth \$1,000 or more shall be delivered in person to a property supervisor for storage in a permanent storage facility and not deposited in a temporary storage facility.

III. RESPONSIBILITY FOR EVIDENCE

Members will normally concern themselves with the investigation of highway-related criminal incidents. The investigation of other criminal incidents will be turned over to other appropriate law enforcement authorities unless otherwise directed by a Section Director/Troop Commander or higher authority. If another

agency assumes investigative responsibility, the Patrol then becomes an assisting agency.

The first member on the scene of a collision/crime shall be responsible for the protection and security of the scene and shall be designated as the primary investigating officer unless otherwise relieved by a higher authority. The primary investigating officer shall be responsible for processing the scene unless a supervisor determines the Collision Reconstruction Unit (CRU) should be contacted or as directed in Directive L.03. CRU will be responsible for processing scenes for trace evidence. Should the situation dictate capabilities beyond the CRU investigator, the CRU immediate supervisor shall contact the State Bureau of Investigation (SBI) or other appropriate agency with processing capabilities. If the SBI is needed during regular business hours, the local SBI office should be contacted. If assistance is needed after regular business hours, the SBI may be contacted at (800) 334-3000.

At the scene of a collision/crime one member should be designated responsible for collecting, processing, and preserving all evidence. Other members, as needed, shall assist the officer in charge of locating evidence. Only the officer in charge shall handle or mark for identification any evidence found at the scene unless absolutely necessary for another member to do so. Materials and substances should be collected from a known source, whenever available, and submitted to the proper SBI Laboratory for comparison with evidence collected.

To maintain a short chain of custody, no more persons than necessary shall be involved in handling evidence. A chain of custody shall be documented on the Seized Property Report (HP-52) and maintained detailing the transfer of evidence.

Members shall utilize Patrol video recorders and cameras to record essential evidentiary information. The use of Patrol video recorders and cameras will be governed by Directive J.05 (Use of Patrol Video Recording Devices, 35MM Cameras, and Digital Cameras).

To ensure a smooth flow of information and timely closure, dyed diesel investigations shall be assigned to individual North Carolina Department of Revenue (NCDOR) investigators. The NCDOR investigator will have the responsibility to inspect, audit, and assess the violator. The NCDOR investigator will keep a case file and ensure all needed steps are completed prior to closure. Diesel Compliance Officers are responsible for the collections of dyed fuel samples as referenced and authorized in N.C.G.S. § 105-269.3.

Evidence seized, found, or held for safekeeping shall be stored in a secured evidence locker, located in the State Highway Patrol District where the evidence was obtained by the member. This procedure shall also apply to evidence obtained by Motor Carrier Enforcement (MCE) Troopers. The only exception to this procedure is, evidence obtained by members of the Criminal Interdiction Unit, and MCE Troopers during assigned shift(s) at a weigh station. A MCE Trooper

that seizes evidence or collects motor fuel samples while actually working an assigned shift at a weigh station shall secure all seized evidence in the temporary storage facility located at the weigh station, if one is available. CIU members shall continue to store evidence seized, found, or held for safekeeping at the location designated by the Commander of Troop I.

IV. TECHNICAL EXAMINATION OF PHYSICAL EVIDENCE

Proper evidence submission procedures are essential for analysts to evaluate evidence, maintain the chain of custody, and maintain the physical integrity and evidentiary value of submitted items.

Evidence submitted for examination must be in a sealed package. Members are responsible for completing a Request for Examination of Physical Evidence (SBI-5) and placing the original and first copy in a sealed envelope attached to the outside of the evidence package. The third copy shall be attached to the HP-52.

All evidence, with the exception of blood kits, shall be submitted via U.S. Mail, or delivered in-person if practical. Blood kits may be submitted via the courier system; however, they shall only be placed in an outdoor courier box when the courier is scheduled to run (i.e. blood kits should not be placed in outdoor courier boxes during holidays and weekends). When evidence is submitted via the U.S. Mail, the property supervisor mailing the evidence shall pay the postage. Reimbursement shall be filed on the Department of Public Safety Reimbursement of Travel and other Expenses Incurred (CNTR-003). If evidence is personally delivered all copies of the SBI-5 must accompany the evidence. One copy will be returned to the member as a receipt and shall be attached to the original HP-52. Results of the analysis will be sent to the submitting member in writing.

The evidence package shall be marked "Attention: Evidence Control." Do not indicate drugs, firearms, or victim/witness names on the outside of the package. Evidence from only one case should be mailed in each package. Evidence shall be submitted to the appropriate State Crime Laboratory.

Location	Address	Phone Number
North Carolina SBI	Post Office Box 2000 Garner, North Carolina 27529	(919) 662-4500 Ext. 501
<u>North Carolina</u> <u>Western Crime Lab</u>	<u>300 Saint Pauls Road</u> <u>Hendersonville, NC 28792</u> <u>Courier# 06-90-01</u>	(828) <u>654-0525</u>
<u>North Carolina</u> <u>Triad Crime Lab</u>	2306 West Meadowview Road Greensboro, NC 27407 Courier # 02-18-57	(336) 315-4900

Note: The North Carolina Triad Crime Lab applies to toxicology cases only and does not affect any other discipline. Regular drug submissions from applicable counties shall continue to be submitted to the Raleigh or Western Crime Laboratories.

For Commercial Deliveries Only:	For Commercial Deliveries Only:
121 East Tryon Road Raleigh, North Carolina 27603	9B Walden Ridge Drive Asheville, North Carolina 28803

Note: The North Carolina Western Crime Lab accepts only drugs, arson, and latent evidence.

V. TYPES OF EVIDENCE

Blood / Blood Stained Items

- Universal precautions must be taken for all seized property that has or may have which have blood or other body fluids on them, these items must be handled carefully due to blood borne pathogens. **If there is an exposure, Directive B.06 shall be followed.**
- Blood stained items should be allowed to air dry before packaging in a paper container. **Never use plastic to package blood or blood stained items.**
- Normally, blood is not returned to the submitting member after being analyzed. The HP-52 shall be completed for all blood submitted. All blood submitted for analysis shall be packaged in accordance with Section IV of this directive.
- Blood submission procedures set forth in Directive J.02 (Chemical Analysis for Alcohol) shall be followed
- Members shall request that the appropriate county medical examiner take blood alcohol samples from all deceased traffic collision victims. The blood sample of a deceased person shall be mailed to: Office of the Chief Medical Examiner, Attention: Toxicology Laboratory, Room 1001 Brinkhous-Bullitt Building, University Of North Carolina, Chapel Hill, NC 27599-7580 (919-966-2253).

Hypodermic Syringes

- Syringe handling is one of the greatest dangers regarding infectious diseases. Never touch the exterior of a syringe without gloves (which do not prevent needle sticks). There is potential for contamination by bodily fluids, chemicals, or drugs. Upon finding a syringe, the member shall place it in the

issued sharps container for transport, processing, or disposal. **If there is an exposure, Directive B.06 (Blood borne Pathogens) shall be followed.** If the content is to be submitted for analysis, the guidelines outlined in the North Carolina State Bureau of Investigation Evidence Guide shall be followed.

Computer Seizures

- When computer equipment is seized for evidence, the member shall refer to the SBI Evidence Manual, Computer Evidence Section, for proper handling procedures. If the computer equipment is to be stored as evidence in a permanent or temporary storage facility, it shall be logged and stored in the same manner as all other evidence outlined in this Directive.

Cell Phone / Electronic Device Seizures

- When electronic devices are seized for evidence, the member shall contact the Collision Reconstruction Unit (CRU), for proper handling procedures. If the electronic device is to be stored as evidence in a permanent or temporary storage facility, it shall be logged and stored in the same manner as all other evidence outlined in this Directive. CRU trained examiners and specialized equipment will be used to analyze evidence found in electronic devices when authorized by search warrant or exigent circumstances.

Controlled Substances

- A controlled substance submitted for analysis shall be packaged separately from other evidence. General packaging and sealing guidelines shall be followed.

Firearms

- Firearms shall be deposited in an unloaded condition
- Firearms shall be handled carefully to avoid accidental discharge. Firearms are to be unloaded and secured with a nylon cable tie. For semi-automatics, a nylon cable tie is placed through the magazine well and out the ejector port. For revolvers, a nylon cable tie is placed through the cylinder. Ammunition shall be stored with the firearm in a separate sealed clear evidence bag. The envelope shall be sealed with tamper evident tape with an Evidence Identification Tag (HP-52B) attached to the outside of the bag. Rifles or shotguns obtained shall be unloaded and secured by a nylon cable tie if possible. The HP-52B shall be attached to a wire tie tag using the supplied wire.

Currency

- General Guidelines
 - Currency shall be handled carefully. Whenever currency is discovered on a defendant or in the area being searched or inventoried, the finding member shall summons another member immediately to avoid accusations of theft and maintain integrity.
 - If the amount of money can be easily counted, the finding member in addition to another member being utilized as a witness shall count the money. Each member shall count the money independently to ensure accuracy. Financial institutions (i.e. banks or credit unions) should be utilized to obtain an official count.
 - If it is not possible to use another member as a witness, the member should secure another credible witness (e.g. officer from another agency, paramedics, etc.).
 - The name of the witness shall be indicated in the Remarks section on the HP-52.
 - Currency shall be properly packaged, sealed with tamper evident tape, and initialed by the member and witness.
 - Currency subject to seizure must be packaged separately from other property.
 - Currency totals of \$1,000 or more shall be hand delivered to a property supervisor for storage in a permanent storage facility. Currency totals less than \$1,000 may be deposited in a temporary storage facility.
 - Do not take currency without probable cause to believe it is evidence of a crime or subject to seizure and/or forfeiture; or the person(s) in control of the vehicle denies ownership of the currency. The member has no right to take currency from an individual based on social status, race, religion, age, gender, demeanor, clothing, etc.; however, the member is obligated to secure the currency for safekeeping if the owner has been separated from it.
 - At no time should currency be returned to an individual(s) without determining they are entitled to it. Upon the return of any currency, the section entitled Final Disposition of Seized Property on the original HP-52 shall be signed by the owner or claimant and utilized for documentation and receipt.

- Seizures Involving U.S. Currency
 - Seizures of currency may be accomplished in different ways. It may be seized by the North Carolina Department of Revenue, Tax Enforcement Division as payment on non-tax paid and controlled substances. The Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), Homeland Security and other federal law enforcement agencies may also seize currency. It is important to first determine the threshold amount your respective DEA resident office will adopt. These preset limits vary from \$1,000 – \$5,000 with an arrest and \$10,000 without an arrest.
 - Factors considered by DEA are:
 - Probable cause to believe the currency was proceeds from the sale of drugs
 - Reports of investigation and search affidavits
 - Statements made by suspects and witnesses
 - Prior criminal history of suspects
 - Prior drug intelligence of suspects (obtained primarily through EPIC check)
 - Employment or means of support or income of suspects
 - Supporting evidence such as: documentary, video/audio tape recordings, records seized during the execution of searches (i.e. currency transaction reports, bank deposit slips, bank withdrawal slips), denominations of currency, bundling and amount of currency, tally sheets, drug distribution paraphernalia, safe deposit box keys, drugs present, written disclaimers, canine reaction and alert to seized currency and location around where the currency was seized
- Currency Seizure without Arrest
 - The aforementioned factors should be considered during each vehicle stop that leads to the discovery of currency. When no arrest is made and the amount of currency meets or exceeds the threshold limit set by your DEA resident office, the Duty Agent should be contacted to determine if the currency may be seized. Be prepared to provide the circumstances surrounding the stop.

- If the seizure of currency is adopted, members shall provide the individual(s) with an HP-52 in reference to this directive noting that an undetermined amount of U.S. currency was seized. Regardless of whether the property becomes evidence, safekeeping, found, or an asset seized, the package will always be sealed with tamper evident tape and appropriately initialed. A bank will officially count the currency and a cashier's check will be issued to the U.S. Marshal's Service remitted by the North Carolina State Highway Patrol. Upon issuance of the cashier's check, the Seized Property Currency Denomination Sheet (HP-52E) shall be completed.
- The completed seizure packet must be delivered to the adopting agency within ten (10) calendar days. The cashier's check and completed U.S. Department of Justice form (DAG-71) must be delivered to the adopting agency within sixty (60) days following the seizure.
- **Currency Seizure with Arrest**
 - When a vehicle stop is made that leads to the discovery of currency and subsequent arrest pursuant to a drug violation, the aforementioned factors should also be considered.
 - The member has the option to contact DEA and present facts surrounding the case. DEA will make the determination if the currency associated with the arrest meets the adoptable limit. If they determine the currency may be seized then the seizure process will be completed in the same manner as outlined above. Generally, the only difference between federal seizures, with or without arrest is the threshold currency amounts. Both require probable cause and documentation supporting the association of the currency with the illegal drug trade.
 - The member's second option involving currency with a drug arrest is to contact the North Carolina Department of Revenue, Tax Enforcement Division. Information concerning the threshold amount of drugs is listed on the back of the Report of Arrest and/or Seizure Involving Nontax Paid (unstamped) Controlled Substances and Counterfeit Controlled Substances (BD-4).

Alcohol

- Alcoholic beverages are to be treated the same as other evidence collected. Alcoholic beverages should only be entered into the evidence system if used in the prosecution of an arrest. Alcoholic beverage containers should be sealed in an attempt to preserve the liquid and/or odor.

- Tamper evident tape should be used to mark the top level of contents on partially filled containers. This should be noted on the HP-52.
- Do not take alcoholic beverages for safekeeping.
- Under no circumstances shall a member take possession of confiscated or found alcoholic beverages for their personal use, or for the personal use of any third party.

Forfeited Vehicles / Storage of Large Items

- Any member who has occasion to take custody of a vehicle under the provisions of N.C.G.S. § 18B-504 (transporting liquor or materials) or any similar provision shall make every effort to have such vehicle assigned to the Department by the court as provided by statute. Vehicles seized pursuant to N.C.G.S. § 20-141.3 (unlawful racing) must be delivered to the Sheriff of the county in which the offense is committed, or placed under said Sheriff's constructive possession if delivery of actual possession is impractical.
- In every instance where a member has occasion to take custody of a vehicle under the provisions of N.C.G.S. § 90-112 (forfeiture of vehicle used in connection with controlled substances), N.C.G.S. § 14-86.1 (transporting stolen property or used in a larceny), or any similar provision; such vehicle shall be removed from the scene, and retained by the Patrol under the terms of these statutes or the equivalent. If the vehicle is thereafter forfeited, it will be transferred to the Department for further disposition as provided by law. Vehicles seized under N.C.G.S. § 20-28.3 (seizure, impoundment, and forfeiture of vehicles for offenses involving impaired driving while license revoked) shall be governed by this statute.
- Any vehicle seized for evidence as a part of a motor vehicle collision shall be documented on HP-52 indicating the reason for seizure and location of the seized vehicle

Intake of Dyed Diesel Violation Reports from NCSHP

- Dyed diesel violations initiated by North Carolina State Highway Patrol Diesel Compliance Officers (DCO) shall conform to sampling requirements and evidence collection procedures that are consistent with policy and procedure. DCO shall ensure that samples of motor fuel are properly collected, labeled, and forwarded for analysis to the appropriate testing facility. **The collecting member shall not complete form HP-52 for collection of sampling of motor fuels.**
 - Collection of Motor Fuel Samples by DCO

- Motor fuel sample collection shall be consistent with the sampling techniques demonstrated in the Internal Revenue Federal Compliance Officer (FCO) Manual. An Internal Revenue Service Dyed Diesel Fuel Inspection Notice form (IRS-916) must be presented prior to sampling any vehicle from which a federal sample is obtained.
 - The materials necessary for the collection of motor fuel will be provided by the North Carolina Department of Revenue (NCDOR) or the Internal Revenue Service
 - Two samples (one federal, one state) shall be collected and labeled using the IRS Sample Bottle Sealing and Identification label (Form 9667)
 - The two small labels are to be placed in a cross pattern on the sealed bottle cap. The bottle label shall be affixed around the bottle in a manner to cover the ends of the crossed labels. The labels shall include the date the sample was taken, DCO name and the registration plate number of the vehicle from which the sample was removed. The collecting DCO shall initial the label.
 - A Receipt of Sample and Dyed Fuel Information Sheet provided by the NC Department of Revenue shall be completed by the DCO and routed with the sample. The original copy of the Internal Revenue Service Dyed Fuel Chain of Custody Form (IRS-12013) and the Dyed Fuel Information Sheet Form (HP-601) shall accompany each sample (two collection bottles are one sample).
- Evidence Handling and Disposition of motor fuel samples
 - The DCO shall be responsible for notifying a NCDOR Motor Fuel Investigator upon collection of dyed fuel. The investigator shall advise the DCO when a pick-up of the motor fuel samples may be made.
 - If the Motor Fuel Investigator can arrange for pick-up of the two samples prior to end of the duty day, the fuel samples may be turned over with the original copy of the IRS-12013 and HP-601 for routing and disposition
 - Samples not disposed of by the end of the duty day shall be delivered to a temporary storage facility consistent with this directive. **The storing of motor fuel in a Temporary Storage Facility does not pose a health/safety hazard, and does not violate OSHA rules as long as the total amount stored in the temporary locker is less than one (1) gallon and copies of Material Safety Data Sheets (MSDS) for “Motor Fuel” are properly maintained in the MSDS Booklet located in the affected office.**

- The NCSHP Property Supervisor shall follow-up with the collecting DCO to ensure that an NCDOR representative has been contacted on any dyed fuel that has been stored in a temporary NCSHP storage facility. The MCE Property Supervisor shall be responsible for this function when dyed fuel is placed in a weigh station temporary storage facility, when a motor fuel sample is collected by a DCO during his/her assigned shift at a weigh station.
- The NCDOR Investigations Supervisor shall make arrangements to have a motor fuels investigator or representative pick-up the samples as appropriate
- The Motor Fuels Tax Division shall accept responsibility to maintain the custody and control of both samples. The federal sample shall be forwarded to an IRS FCO as appropriate.
- A reference copy or photocopy of the IRS-12013 and HP-601 shall be forwarded by the NCDOR to the appropriate NCSHP Property Supervisor
- Dyed diesel violation reports forwarded to the NCDOR Investigations Supervisor by NCSHP shall be assigned for investigation and follow-up by NCDOR. If a NCDOR Investigator initiates or receives a dyed diesel violation report directly from a DCO, a copy of the information sheet must be forwarded to the NCDOR Investigation Supervisor for case assignment.
- It shall be the policy of the NCDOR Investigations Unit, upon identifying a dyed diesel violation, to immediately inspect the fuel supply tanks of any additional vehicles owned or leased by the violator. If the DCO contacts the investigator directly, the investigator should determine if an immediate inspection of the violator's additional diesel vehicles is necessary. This decision should be reached by considering the number of vehicles that may need inspection and distances involved. The determination may be made upon the information obtained from the violator or DMV records.
- The purpose of an immediate inspection is to determine if the violator has additional vehicles in which dyed diesel is being used. The potential revenue collection must be weighed against the cost when making this decision. The investigator shall have the discretion to postpone the immediate inspection and conduct the follow-up inspection at an appropriate time and place.

VI. TEMPORARY STORAGE FACILITY AND PERMANENT STORAGE FACILITY LOCATIONS

Each district office, sub-station, and weigh station should house a drop box, which will serve as a temporary storage facility. Once the seized property has been deposited and locked in a temporary storage facility, it cannot be accessed by anyone other than an authorized property supervisor.

Each district shall have only one permanent storage facility site. The permanent storage facility shall be placed in an area accessible only to authorized property supervisors.

VII. RESPONSIBILITIES OF THE DISTRICT FIRST SERGEANT

- The District First Sergeant has the ultimate responsibility and is accountable for all seized property obtained within his/her respective district, this includes evidence obtained by MCE Troopers. The District First Sergeant shall be responsible to ensure that MCE Troopers have access to the evidence storage facilities located in the NCSHP District Office, or sub-office under his/her supervision. The District First Sergeant shall designate two Sergeants as property supervisors, one primary and one secondary. In the event two Sergeants are not available, the District First Sergeant shall assume the role of either primary or secondary property supervisor. The Troop MCE Lieutenant shall designate at least two MCE sergeants as property supervisors for each weigh station in their assigned Troop.
- The District First Sergeant shall be responsible for maintaining the Forensic Advantage district distribution list, including administrator and user rights.
- In the event of a delayed fatality involving blood evidence, the District First Sergeant shall ensure that Forensic Advantage is notified via email that the case involves a fatality.

VIII. RESPONSIBILITIES OF THE PROPERTY SUPERVISOR

Only a property supervisor and District First Sergeant shall have access to the temporary storage facility and the permanent storage facility within their district(s). Each supervisor that has access to the permanent storage facility shall document every entry on form HP-52H, "Evidence Control Log for Permanent Storage Facility."

The MCE Property Supervisors shall have the responsibility of transferring evidence from the temporary storage facility at assigned weigh stations, to a permanent storage facility located at the appropriate Highway Patrol District Office. The MCE Property Supervisor shall contact the Patrol Property

Supervisor assigned to that district where the evidence is to be secured, and make arrangements for such transfers.

A Property Supervisor shall:

- Transfer seized property from a temporary storage facility to a permanent storage facility upon notification that seized property has been deposited. Seized property shall not remain in temporary storage due to errors on completed forms by the members. The original HP-52 with errors shall be placed in the HP-52 log book and a copy submitted to the member for corrections. Once the corrections have been made to the HP-52 by the member, place the corrected copy in the HP-52 log book.
- Maintain all seized property records to include the HP-52J (Backup Evidence Log)
- Ensure proper handling procedures are followed
- Submit evidence to the appropriate laboratory
- Conduct quarterly seized property inspections/inventories in accordance with this directive

For convictions of any implied consent offense for which a Class B2-E felony punishment is imposed, the evidence must be preserved during the period of incarceration and mandatory supervised release, except in cases where the person convicted entered and was convicted on a plea of guilty, in which case the evidence shall be preserved for the earlier of three (3) years from the date of conviction or until released. Class B-2 through E felonies include the following implied consent offenses: Second degree murder, Repeat Felony Death by Vehicle, Aggravated Felony Death by Vehicle, and Felony Death by Vehicle.

- Transfer seized property to member(s) for court
- Dispose of seized property that has been adjudicated upon receipt of proper court orders, which includes but is not limited to found contraband
- Turn over found property to the Sheriff of the county from which it was seized if the owners or claimants cannot be found
- Release evidence or found property to authorized persons
- Answer any questions pertaining to evidence handling procedures
- Contact the appropriate Motor Carrier Supervisor when an issue arises as a result of evidence stored by a MCE Officer.

- Ensure that a copy of the Internal Revenue Service Dyed Fuel Chain of Custody Form (IRS-12013) and the Dyed Fuel Information Sheet Form (HP-601) is made and placed in the evidence file for all motor fuel samples stored in a temporary storage facility.

IX. RESPONSIBILITIES OF THE SEIZING MEMBER

The member seizing property is required to provide safekeeping and maintain a minimal chain of custody of seized property.

A member seizing property shall:

- Complete the HP-52 and any other applicable forms (i.e. SBI-5, DAG-71, HP-52E, BD-4, IRS-12013, HP-601 completed for seized motor fuel samples, etc.)
- Follow procedures established in this directive
- Obtain a sequence number from the appropriate Communications Center if property is found or held for safekeeping, record that number on the HP-52B, and place the HP-52B on the outside of the packaged property
- Deposit seized property in a temporary storage facility or deliver it to a property supervisor
- Notify a property supervisor as soon as practical that seized property has been placed in a temporary storage facility. Notification can be accomplished by:
 - Personal notification (verbally, in writing or email)
 - Via Patrol radio
 - Via CAD, through the appropriate Patrol Communications Center, if no property supervisor is working
- Notify the prosecutor of the seized property and take it to court when needed
- Be cognizant of cases involving evidence for the purpose of timely disposals
- Obtain court ordered evidence dispositions for disposal to include implied consent offenses involving blood

X. CITATION / SEQUENCE NUMBER

The citation number will be used to track the evidence through the court system. If multiple citations are issued, the citation with the charge relating to the evidence shall be used. In cases involving found property or property held for safekeeping, the member shall contact the appropriate Patrol Communications Center requesting a sequence (slip log) number. A sequence (slip log) number will provide accountability for the seized property. Evidence tracking log numbers assigned by property supervisors will provide an additional internal accountability for seized property.

XI. SEIZED PROPERTY REPORT (HP-52)

The collecting member, prior to depositing or storing seized property including blood and vehicles, shall prepare a Seized Property Report (HP-52). (Note: when submitting blood, a separate HP-52 should be used.)

Normally only one defendant is listed on each HP-52; however, if contraband is seized from two or more suspects and no one claims possession, the co-defendants charged shall be listed in the areas provided. If different items are seized from different defendants out of the same occurrence, the HP-52 shall be completed for each defendant.

The HP-52 should be used as an inventory receipt in lieu of the Inventory of Seized Property (AOC-CR-206) in all cases except when evidence is seized pursuant to a search warrant.

Items seized pursuant to a search warrant shall be listed on the AOC-CR-206. The seizing member must follow the procedure outlined in N.C.G.S. 15A-254 "List of Seized Items".

Items seized as the result of a search based on consent or any other warrant-less search shall be recorded on the HP-52 and a copy delivered to the person from whom the property was seized, if known, or the person in apparent control of the property. A copy of the HP-52 may be delivered in person or by first class mail. However, if the individual from whom the property was seized is cited and released or arrested and charged with a misdemeanor and the description of the property is included in the charging language of the offense, then the charging document shall be a sufficient inventory.

Guidelines

- Check only one block for the type of seized property on the report. If there is more than one type of property (evidence, safekeeping, found, asset seizure), an additional HP-52 shall be used.

- The asset seizure block is checked only if the items seized are subject to forfeiture through the State's Judicial System or if they have been adopted for federal forfeiture
- It is appropriate to initially check the evidence block on seizures, as the collecting member will not normally know if the item can be seized until conferring with a state or federal law enforcement agency
- Each item obtained and its description shall be documented in the Type of Container/Description of Seized Property section.
- Item numbers are to be listed in sequential order (e.g. 01, 02, 03, etc.). Up to eight items may be entered on the HP-52. If the case has more than eight items, additional HP-52's are to be used. Each additional HP-52 will require a new tracking number.
- Consolidation of like items, especially for safekeeping and found property, should be listed under one item in the Type of Container/Description of Seized Property section (e.g. one wallet: list contents – money, credit cards, etc.; clothing: list articles of clothing – shirt, trousers, shoes, etc.)
- If it is anticipated that an item will be transferred from a storage facility to another location (i.e. a crime laboratory) the item should not be consolidated, but should have its own item number on the HP-52.
- Transfer of seized property shall be documented in the Chain of Custody on the original HP-52
- If an item has a serial number, it should be checked through NCIC
- How the seized property came into possession must be addressed in the Brief Description of How Seized Property was Obtained section

XII. GENERAL PACKAGING AND SEALING

Packaging material will be available at each temporary storage facility and permanent storage facility. These materials shall consist of assorted sizes of paper bags, manila envelopes, sharps containers, tamper evident tape, permanent markers, wire, labels, nylon cable ties, and tags.

All seized property shall be identified with an HP-52B.

Only tamper evident tape shall be used to seal all packages.

Seized property shall be packaged according to the following guidelines:

- All seized property entering the evidence system shall be sealed and labeled
- All seams of the evidence package must be sealed with tamper evident tape. This sealing includes all manufactured seams on envelopes and paper bags (including the sides and bottom of the bag). Glued flaps on envelopes do not constitute proper seals. Evidence/Property tamper bags only have to be taped across the manufacturers opening. **STAPLES SHOULD NEVER BE USED.**
- **The collecting member must initial and date the tape across all taped seams so that part of the writing is on the tape and the package**
- Purses and wallets should be placed inside a paper bag or envelope and sealed
- For evidence too large or bulky to seal in a package, attach an HP-52B to a wire tie tag using the supplied wire. Place a piece of tamper evident tape across any opening (e.g. suitcase, briefcase, etc.).
- Bottles, jars, and cans must be capped tightly to avoid leakage and sealed with tamper evident tape. The tape must extend across the top of the lid and down both sides of the body of the container. Initials and date shall be applied once sealed.
- Scrapings, paint chips, glass chips, human hair, and fibers shall be placed in clean, unused receptacles with no probability of leakage or contamination

XIII. OPENING AND RESEALING EVIDENCE

Under normal circumstances, once sealed, evidence shall not be opened except for analysis or introduction into court. When sealed evidence must be opened, the following procedures shall be complied with:

- Sealed evidence shall be opened in the presence of a witness
- The evidence package shall be opened in a manner that will preserve the information on the tamper evident tape. Do not break the old seal. A slit/cut in another area of the package will preserve the seal.
- All parts of the old package shall be placed in a new package for resealing. The new package must be sealed with tamper evident tape on all seams with initials of the witness and person that opened the package, along with the date.

XIV. HANDLING EVIDENCE WITH THE COURTS

Procedures for obtaining evidence for court are as follows:

- The member notifies the property supervisor
- The property supervisor delivers the seized property to the member
- The *Chain of Custody* on the original HP-52 shall be completed
- The property supervisor furnishes a copy of the original HP-52 to the member after completing the *Chain of Custody*
- Member takes the seized property to court along with the copied HP-52
- If the court takes possession of the seized property or orders it returned to the owner/claimant, the member shall obtain a receipt from the court which shall be filed with the original HP-52. The member is responsible for returning the seized property to the property supervisor if not utilized during court. The member may deliver the seized property to the property supervisor or deposit it in the temporary storage facility. If deposited in the temporary storage facility, the member shall notify the property supervisor that seized property has been deposited. The copied HP-52 shall accompany the seized property in either case.
- The property supervisor collects the seized property
- The *Chain of Custody* on the original HP-52 shall be completed. The property supervisor furnishes a copy of the original HP-52 to the member after completing the *Chain of Custody*.

XV. FOUND PROPERTY

When property is found, the HP-52 shall be completed. It will be necessary to obtain a sequence number for the report. Every attempt to locate the legal owner of found property shall be conducted by a property supervisor and/or the obtaining member. Information on the HP-52 (i.e. telephone number, address, etc.) may be utilized with other information secured by the collecting member. All attempts to contact the owner(s)/claimant shall be documented on the HP-52 in the *Remarks* section. A member who finds or acquires any property while acting within the course of his/her employment may not claim possession. Upon verification and return of the property to the legal owner or claimant, proper documentation must be made in the section *Final Disposition of Seized Property*. **Found property, if unclaimed, shall be retained for at least 180 days from date of receipt.** At the expiration of 180 days, a property supervisor shall turn the property over to the Sheriff of the county in which it was seized, for sale

pursuant to N.C.G.S. § 15-12. A court order for the destruction of found contraband shall be obtained if the Sheriff of the county in which it was seized will not accept it. If the found property is a firearm, it will be disposed of in accordance with N.C.G.S. 15-11.2, as outlined below in section XVII. DISPOSAL PROCEDURES FOR FIREARMS.

XVI. EVIDENCE RECORDS / DISPOSITIONS

All seized property obtained shall be documented on the HP-52. Each report shall be maintained and completed according to directions set forth in the *Highway Patrol Forms and Reports System*. Seized property report files shall be set up and maintained by a property supervisor.

District files shall be set up in the following manner and maintained by the property supervisor.

- Two main seized property files shall be set up: one titled *Seized Property Pending* and one titled *Seized Property Adjudicated*.
- The two main files shall have four sub files consisting of the following:
 - Evidence
 - Asset seized
 - Safekeeping
 - Found Property
- A **copy** of the HP-52 shall be maintained in the district files
- The original HP-52 is to be filed in a notebook and maintained in a secured area, separate and apart from all seized property stored in a Permanent storage facility. Any other documentation (e.g. SBI-5) shall be filed with the original HP-52. The notebook shall be organized in the following manner:
 - When a property supervisor receives evidence that must be placed into permanent storage he/she shall enter a tracking log number on the HP-52I (Evidence Tracking Log). The Tracking Log shall be kept in the front of the evidence notebook, and must be **handwritten**.
 - Write the tracking number on the HP-52 in the designated space
 - Place the HP-52 in the front of the evidence notebook, behind the HP-52I. The first HP-52 in the notebook must reflect the most recent evidence placed into permanent storage.

- An HP-52 completed and submitted to the SBI for blood analysis shall **not** be assigned a tracking number. No entry of the HP-52 shall be made on the HP-52I or the HP-52J (Backup Evidence Log). An HP-52 completed for blood shall be maintained in the evidence notebook (in a separate section), or maintained in a separate notebook.
- Complete the HP-52J and enter the tracking number in the appropriate location
- The property supervisor must then write, with a permanent black marker, the tracking log number on the top right corner of the HP-52B that was placed on the evidence package
- A copy of the HP-52 signed by the property supervisor indicating the date the seized property was deposited in permanent storage shall be furnished to the member submitting the seized property as receipt
- The transfer of seized property between individuals and final disposition shall be documented on the original HP-52
- A property supervisor transferring seized property shall complete the *Chain of Custody* section on the original HP-52. A copy of the HP-52, showing the transfer, shall be furnished to the member receiving the seized property as receipt.
- Upon disposal, the original HP-52 shall be filed in the district files, in the adjudicated section, and retained as directed in the *North Carolina Highway Patrol Forms and Reports System*. The copy may then be discarded.
- All seized property shall be disposed of in accordance with State Law. A court order from the appropriate judicial official must be signed and turned over to a property supervisor prior to the disposal of any seized property. If seized property is turned over to the court for any reason, a receipt shall be obtained by the member from the clerk of court and delivered to a property supervisor showing disposition. North Carolina State Highway Patrol Order for Disposition (HP-52F) shall be utilized for the disposition of all evidence.
- Incinerators should be utilized for disposing large amounts of drugs. BFI in Burlington, (919) 558-8900, is one such agency with an incinerator, which may be utilized.
- The member collecting seized property is responsible for obtaining court ordered dispositions. It is his/her responsibility to deliver the court-ordered dispositions to the property supervisor within five (5) working days after the appropriate judicial official has signed the court order(s). Upon receiving a

court ordered disposition, the property supervisor shall, after verifying that the time for filing an appeal has expired and that no notice of appeal has been filed, comply with the disposition order. Unless notice of appeal is given, the property supervisor shall dispose of the property within 120 days of receipt of the disposition order. If an appeal is filed, the property supervisor shall notify the member who seized the property who shall then be responsible for contacting the court to have the order rescinded.

- **All Evidence, other than blood, shall be disposed of within 120 days after the final court dispositions, unless the evidence is to be maintained per court order if needed in conjunction with another law enforcement agency's case, or if needed for any civil proceedings. Documentation concerning the extended evidence possession shall be maintained with the original HP-52. Found property shall be disposed of pursuant to this directive. Blood evidence shall be disposed of pursuant to Section XVIII.**
- **Court cases entered as "Dismissed with Leave" (VL) are cases that can be called for trial at any time by the courts, and therefore, any evidence related to the case should be properly secured until a final court disposition has been entered, or written documentation from the District Attorney (DA) indicating the evidence in question is no longer needed. Written documentation from the DA should be attached to the HP-52. A disposition order, signed by a judge, is required prior to disposing of evidence in these cases.**
- When evidence is permanently removed from permanent storage, all references to that evidence shall be immediately removed from the HP-52J by the property supervisor

XVII. DISPOSAL PROCEDURES FOR FIREARMS

Firearms in the custody of the Patrol will fall into one of the following categories:

- 1.) Firearms seized as evidence and there was a conviction under N.C.G.S. 14-269, 14-269.7, or any other offense involving the use of a deadly weapon.

The disposition of firearms meeting this criteria are governed by N.C.G.S. 14-269.1. To dispose of a firearm which falls into this category, the Property Supervisor or his/her designee should:

- Determine if the firearm meets any of the disqualifying criteria listed below which would prohibit it from being transferred to the Patrol for official use or sale.
- If the firearm possess any of the disqualifying characteristics, the Property Supervisor or his/her designee should request the court to

order the firearm be turned over to the Sheriff of that county to be destroyed, in accordance with general statute.

- If the firearm does not have any of the disqualifying characteristics, the Property Supervisor or his/her designee should request the court to order the firearm be turned over to the Patrol for either official use or sale, in accordance with general statute.
- The Property Supervisor or his/her designee should complete the template memorandum, on behalf of the appropriate Troop or Unit Commander, requesting in writing that the firearm be turned over to the agency for official use or sale.
- The courts findings and order for disposition of the firearm will be documented on AOC-CR-218, side 2, PETITION AND ORDER DISPOSING OF DEADLY WEAPON UPON CONVICTION, which will be signed by the proper court official(s). The AOC-CR-218 will replace the HP-52F, so as the Patrol will not request unnecessary duplication of the judicial order.

2.) Firearms seized as evidence and there was not a conviction.

The disposition of firearms meeting this criteria are governed by N.C.G.S. 15-11.1. To dispose of a firearm which falls into this category, the Property Supervisor or his/her designee should:

- Determine if the firearm meets any of the disqualifying criteria listed below which would prohibit it from being transferred to the Patrol for official use or sale.
- If the firearm possess any of the disqualifying characteristics, the Property Supervisor or his/her designee should request the court to order the firearm be turned over to the Sheriff of that county to be destroyed, in accordance with general statute.
- If the firearm does not have any of the disqualifying characteristics, the Property Supervisor or his/her designee should request the court to order the firearm be turned over to the Patrol for either official use or sale, in accordance with general statute. A request in writing is not required for firearms within this category.
- The courts findings and order for disposition of the firearm will be documented on AOC-CR-218, side 1, PETITION AND ORDER DISPOSING OF FIREARM UPON PROSECUTER'S PETITION, which will be signed by the proper court official(s). The AOC-CR-218 will replace the HP-52F, so as the Patrol will not request unnecessary duplication of the judicial order.

3.) Firearms that are being held which were not seized as evidence (i.e. safekeeping or found property).

The disposition of firearms meeting this criteria are governed by N.C.G.S. 15-11.2. To dispose of a firearm which falls into this category, the Property Supervisor or his/her designee should:

- Ensure the unclaimed firearm shall be retained for at least 180 days from the date of receipt.
- After the expiration of 180 day period, the firearm is eligible to be transferred to the Patrol Armory.

Firearms that meet any of the following criteria shall not be transferred to the Patrol for official use or sale:

- Firearms which have had the manufacturer's serial number removed (partially or fully), altered, defaced, or destroyed.
- Firearms which are deemed unsafe for use due to wear, damage, age, or modification.
- Firearms that meet the definition of a "weapon of mass death and destruction", as defined under N.C.G.S. 14-288.8.

Magazines affiliated with semi-automatic firearms are considered a part of the firearm. Items such as slings, optics/scopes, and other accessories attached to the firearm are also considered part of the firearm. The AOC-CR-218 will cover disposition of the firearm itself and any magazine(s) and/or attached accessories. Other property which may have been seized in conjunction with the firearm (such as holsters and ammunition) are not covered by the AOC-CR-218. Judicial order for these types of items should be documented on the HP-52F. The Property Supervisor or his/her designee should list these types of seized property under the fields on the HP-52F pertaining to disposition pursuant to N.C.G.S. 15-11.1. The description section within the HP-52F should include the following language, "Retained by the N.C. State Highway Patrol to be utilized for training purposes or destruction."

Once one of the following has occurred, the District Property Supervisor shall make an appointment with the Patrol Armorer or his/her designee for delivery of the property to the Patrol Armory:

- Judicial order has been issued directing the firearm to be turned over to the Patrol for official use or sale, for firearms which were seized as evidence.
- After the expiration of the 180 holding period, for unclaimed firearms, not seized as evidence.
- Judicial order has been issued directing the other property which may have been seized in conjunction with the firearm (such as holsters and ammunition) to be retained by the N.C. State Highway Patrol to be utilized for training purposes or destruction.

Upon delivery to the Patrol Armorer or his/her designee, a review of the firearm, the AOC-CR-218 and/or the HP-52F will be conducted. The review will include compliance with general statute and established protocols. Seized firearms and property seized in conjunction with the firearm which is not in compliance will not be accepted by the Patrol Armory and will remain in the custody of the District Property Supervisor.

When the Patrol Armorer or his/her designee accepts the firearm and/or property seized in conjunction with the firearm, he/she will complete the appropriate areas of the HP-52. This will document the transfer of the property from the District Property Supervisor to the Patrol Armory. The original HP-52, AOC-CR-218, HP-52F, and any other supporting documentation will accompany the property. Copies of all documents will be provided to the District Property Supervisor.

The Patrol Armory shall maintain a record and inventory of all firearms received, as well as the disposition of the firearm, including any funds received from a sale of a firearm or any firearms or other property received in exchange or trade of a firearm, in accordance with N.C.G.S. 14-269.1, 15-11.1, and 15-11.2.

XVIII. DISPOSAL PROCEDURES FOR IMPLIED CONSENT OFFENSES INVOLVING BLOOD

- The North Carolina State Crime Laboratory Report (DHHS-3176) **containing blood alcohol results** shall be attached to the original HP-52. These HP-52s shall be maintained until the cases have been disposed of through the judicial system. Upon adjudication, the original HP-52 must have a copy of the email from Forensic Advantage attached stating that the blood evidence has been destroyed. The original HP-52 and attached email shall be filed in the district files in the adjudicated section and retained as directed in the HP-52 form instructions prior to the next quarterly inspection. The pending file copy may then be discarded.
- Each county District Attorney's office will be responsible for notifying the North Carolina State Crime Lab of the disposition or preservation of blood evidence.

XIX. INSPECTIONS

An inventory of all seized property shall be conducted each time a different supervisor is assigned as either the primary or secondary property supervisor and at each time a new District First Sergeant reports for duty. The purpose of this inventory is to ensure that records are correct and properly annotated, and to ensure the continuity of custody and the integrity of the seized property system.

When a new District First Sergeant reports for duty, the inventory shall be conducted jointly by the newly assigned District First Sergeant and a Troop Lieutenant within thirty (30) days of the reporting date. When either a new primary or secondary property supervisor is appointed the inventory shall be conducted jointly by the newly assigned property supervisor and the District First Sergeant. Findings shall be submitted to the appropriate Section Director/Troop Commander in memorandum form by the Lieutenant or First Sergeant conducting the inventory and filed at the troop and district level.

- Upon completion of the evidence inventory inspection with the newly promoted District First Sergeants, it shall be the responsibility of the appropriate Troop Lieutenant to notify the appropriate personnel assigned to Patrol's Technical Services Unit (TSU), to ensure that the new District First Sergeant has been granted access to the district's evidence folder located on the PvtGShares Network Drive. The Troop Lieutenant will ensure that the Forensic Advantage administrator list is revised appropriately.
- When the District First Sergeant appoints a new property supervisor; the First Sergeant shall notify the appropriate personnel with the NCSHP Technical Services Unit (TSU). The First Sergeant will ensure that the new property supervisor has been granted access to the district evidence folder located on the PvtGShares Network Drive. The District First Sergeant will ensure that the Forensic Advantage administrator list is revised appropriately.

Quarterly inspections by a property supervisor shall only be conducted within the first thirty (30) days following the end of the quarter to determine adherence to procedures used for the control of property. The inspection shall determine that a permanent storage facility is being maintained in a clean and orderly fashion, the integrity of the seized property is being maintained, seized property is being protected from damage or deterioration, proper accountability procedures are being maintained, and seized property having no further evidentiary value is being disposed of promptly. Any discrepancy shall be addressed immediately. **Findings of the inspections/inventories and corrective action taken, if applicable, shall be submitted in memorandum form to the District First Sergeant. The current HP-52J shall be attached to the memorandum when submitted. Memorandums along with the HP-52J shall be filed and maintained by the District First Sergeant for a period of one year.**

During each quarterly inspection, the property supervisor shall access the Administrative Office of the Courts' (AOC) and Forensic Advantage files to determine the case status (pending/adjudicated) of all seized property. These findings shall be documented on the HP-52.

Unannounced inspections of all property storage areas shall be conducted by the Troop Commander or Troop Lieutenant at least once a year. During this unannounced inspection, each property storage area shall be inspected for

cleanliness and order. At least five (5) items of evidence shall be audited to ensure the chain of custody is properly recorded. A written memorandum documenting this inspection shall then be filed and maintained by the district First Sergeant along with the attached HP-52J.

XX. DISPOSITION OF EVIDENCE WHEN A MEMBER TRANSFERS

When a member transfers from one NCSHP Section, Troop, or District to another NCSHP Section, Troop, or District all evidence of the transferring member shall remain in the NCSHP District where the evidence was seized.

I. POLICY

This policy governs a member's conduct in the enforcement and administration of the Patrol's chemical analysis program for alcohol. One of a member's most important functions is the detection and apprehension of persons driving while impaired (DWI). It is Patrol policy to afford each person suspected of DWI the opportunity to submit to a chemical analysis. It is also Patrol policy to obtain a blood, breath, or urine sample to determine the presence of an impairing substance from any person who is believed to be impaired and to have caused a crash resulting in serious injury or death to another or who is a habitual impaired driver, even if the person refuses to submit to a chemical analysis under the implied consent statute. This directive describes a member's duties and responsibilities in carrying out this policy.

II. ALCOHOL SCREENING TEST DEVICES (ALCO-SENSOR)

A member may request the driver of a vehicle to submit to an alcohol screening test within a relevant time after driving if the member has:

- Reasonable grounds to believe the driver has consumed alcohol and has:
 - Committed a moving traffic violation
 - Was involved in an accident or collision
- A reasonable and articulable suspicion that the driver has committed an implied consent offense and the driver has been lawfully stopped for a driver's license check or lawfully encountered by the officer in the performance of his/her duties.

Alcohol Screening Test Procedures

- The member shall determine that the driver has removed all food, drink, tobacco products, chewing gum, and other substances and objects from the mouth. Dental devices and oral jewelry need not be removed.
- Unless information is volunteered that the driver has consumed an alcoholic beverage within the previous fifteen (15) minutes, a member may administer a screening test immediately. If a test made without observing a waiting period results in an alcohol concentration reading of 0.08 or more, the officer shall wait five (5) minutes and administer an additional test. If the results of the additional test show an alcohol concentration reading more than 0.02 under the first reading, the member shall disregard the first reading.

- If a member has any questions concerning any screening test results, the driver may be requested to submit to one or more additional screening tests and if appropriate.
- In administering any screening test, a member shall use only an approved Patrol-issued alcohol-screening device and in accordance with the operational instructions supplied with or listed on the device. However, the waiting periods set out in this policy supersede any waiting period specified by the manufacturer of the device.

Calibration – Alcohol Screening Devices

- Calibration of alcohol screening test devices shall be verified at least once every thirty (30) days by employment of a control sample from an ethanol gas canister. The results shall be recorded on the ethanol gas canister log for alcohol screening test devices.
- Pre-typed logs shall not be used. Calibration dates **shall** be chronologically listed. Members shall not white-out entries, skip lines, or otherwise compromise the integrity of the ethanol gas canister log. If an error is made, the member making the error shall make a single pen-strike through said error and place his/her initials immediately adjacent to the error. If the error is substantial, a new entry shall be made on the next available line.

Placing Alcohol Screening Devices Out of Service

- Alcohol screening devices shall be placed out of service when the member assigned the device is or will be absent from normal duties for a period of thirty (30) or more consecutive days. A supervisor shall calibrate and briefly document the reason for out of service on the ethanol gas canister log (i.e. injury / administrative leave, special assignment, training, or repair) and shall also document the name of the member who is assigned the device on the ethanol gas canister log (i.e. assigned to Trooper John Smith). If a member chooses not to place the device out of service, they are responsible for calibration of the device as required by policy. Out of service screening devices shall be maintained at the District, Unit, or Section office in the custody of the supervisor.

The device shall not be utilized again until a supervisor calibrates the unit back into service on the ethanol gas canister log. Before a supervisor allows a member to use the screening device, the supervisor shall calibrate the device and record the results on the ethanol gas canister log. The supervisor shall note the name of the member who is assigned the device (i.e. assigned to Trooper John Smith).

- In the event that a supervisor wishes to temporarily assign a member the supervisor's alcohol screening device, the supervisor shall calibrate the supervisor's assigned device and record the results on the ethanol gas canister log. The supervisor shall note the name of the member who is being temporarily assigned the device (i.e. assigned to Trooper John Smith) and the reason for the temporary assignment. Upon returning the device to the supervisor, the supervisor shall calibrate the supervisor's assigned device and record the results on the ethanol gas canister log. The supervisor shall note the name of the member who is being temporarily assigned the device (i.e. assigned to Trooper John Smith) and the reason the member is returning the screening device back to the supervisor.
- Spare or unassigned alcohol screening devices **shall not** be maintained at the District or Unit level. Unassigned or spare screening devices may be maintained at the Troop or Section level.
- Out of service calibration entries made on the ethanol gas canister log shall be made chronologically and in sequence with all other entries. Supervisors verifying calibration on an alcohol screening test device shall complete all applicable blanks for each canister test conducted.

Use of Screening Test Results or Refusals

- The fact that a driver showed a positive or negative Alco-Sensor result or a driver's refusal to submit to an Alco-Sensor test, may be used by the member in determining whether there is probable cause to believe:
 - That the driver has committed an implied-consent offense under N.C.G.S. § 20-16.2; and
 - That the driver had consumed alcohol and that the driver had in his or her body previously consumed alcohol, but not to prove a particular alcohol concentration.
- Members may, for the purpose of establishing probable cause, testify in court that a driver showed a positive result on an Alco-Sensor test. Members may not, however, testify as to the actual alcohol concentration revealed by the Alco-Sensor test.
- Negative or low results on the Alco-Sensor test may be used in factually appropriate cases by the member, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol.

III. PRE-CHARGE CHEMICAL ANALYSIS

A person stopped for or questioned concerning the commission of an implied consent offense may request a chemical breath analysis pursuant to N.C.G.S. § 20-16.2(i). A member must honor this request only when made to the member before the member charges the suspect with an implied consent offense and only when chemical analysis of the breath is available. If a chemical analysis of the breath is available, a member may not charge the suspect with an implied consent offense until after the pre-charge chemical breath analysis is administered. A member may, however, continue the investigation and charge the driver with any other offense(s) the member has probable cause to believe the driver has committed, other than an implied consent offense. Once the investigation is completed, if the member has reasonable grounds to believe the driver has committed an implied consent offense, the member shall not charge the driver with the implied consent offense, but shall proceed in accordance with this directive. If the member does not have reasonable grounds to believe the driver has committed an implied consent offense, the driver shall be informed that the pre-charge test will not be available, since the driver is not subject to being charged with an implied consent offense.

When members have reasonable grounds to believe that the person stopped has committed an implied consent offense and the person has requested a pre-charge chemical analysis, the members must complete the Request for Pre-Charge Chemical Analysis (DMV-S784) and request the suspect to sign the form prior to transporting the suspect to a chemical analysis site. If the suspect refuses to sign the DMV-S784, the member may immediately charge the person with the implied consent offense and process the suspect as if the request for the pre-charge test had never been made. A member shall not transport any person who has requested a pre-charge breath analysis to a chemical analysis site unless:

- The suspect has signed DMV-S784
- The suspect has refused to sign the DMV-S784 and the member has charged the suspect with an implied consent offense

After the suspect signs the DMV-S784, the member shall secure the suspect's vehicle in compliance with Patrol policy and transport the suspect in the Patrol vehicle to the analysis site. If the member has reasonable suspicion to believe that the suspect may be armed, the member may frisk the suspect. The suspect must be handcuffed in accordance with Patrol policy but must be told he/she is not under arrest. A suspect who refuses to peaceably accompany the member to the analysis site shall be immediately charged with an implied consent offense, if probable cause exists. A member shall then proceed as in any implied consent charge.

A member shall administer the pre-charge chemical analysis under the same terms, conditions, and procedures as any other implied consent chemical analysis, except that the chemical analyst must advise the suspect of his/her pre-charge chemical analysis rights pursuant to Form DMV-S784A (Rights of Person Who Requests a Pre-Charge Chemical Analysis) and obtain the suspect's signature on the form.

The chemical analyst must perform the pre-charge chemical analysis according to the procedures established for all other chemical analyses of the breath. The chemical analyst must, prior to trial, furnish the suspect with a copy of the appropriate form showing the time the breath sample was taken and the results of the analysis. The results of the pre-charge chemical analysis may be used in the pre-trial civil revocation proceeding and the trial of any implied consent offense with which the member charges the suspect.

If the suspect refuses to sign the DMV-S784A or if the suspect refuses to submit to analysis, the analyst shall make the appropriate notation on the DMV-S784A and record the time. If probable cause still exists, the member who detained the suspect shall thereupon charge the suspect with the appropriate implied consent offense. The charging member must then request the suspect to submit to a chemical analysis pursuant to N.C.G.S. § 20-16.2, proceeding as in all other cases of a person charged with an implied consent offense and who had not requested a pre-charge chemical analysis. The suspect's refusal to submit to a pre-charge chemical analysis pursuant to the suspect's request under N.C.G.S. § 20-16.2(i) does not constitute a willful refusal for license revocation purposes. The person must be charged, informed of the driver's chemical analysis rights and requested to submit to the test. If the person still refuses, then this second refusal amounts to a willful refusal for purposes of the pre-trial civil revocation and the one-year revocation by DMV.

After the suspect submits to a pre-charge chemical analysis and the member completes the pre-charge chemical analysis, the member may charge the suspect with an implied consent offense if probable cause still exists. The member shall complete all required paperwork and may utilize the results of the pre-charge chemical analysis in any civil or criminal proceedings. If the results of the pre-charge chemical analysis are 0.08 or more the results of the pre-charge test shall be used as a basis for a pre-trial civil revocation as provided in N.C.G.S. § 20-16.5.

IV. DUTIES OF A CHARGING OFFICER

Members shall, at the scene of a stop for DWI or other implied consent offense:

- Carefully note the suspect's mental and physical appearance and other relevant evidence to be used as sworn testimony at trial; the member may

engage in investigative techniques to determine the suspect's level of impairment

- Seize physical evidence of impairment such as alcohol and drug containers
- Charge a suspect who the member has probable cause to believe has committed an implied consent offense [for purposes of implied consent the term “charge” means that a person is arrested or that criminal process for the offense has been issued. N.C.G.S. § 20-16.2(a1)]
- Record the time of the observation, and enter the time of charge on the citation (members shall not use the time of booking)
- Secure a charged person's vehicle consistent with Patrol policy
- Not transport a suspect unless the suspect is charged or has properly requested a pre-charge chemical analysis as described herein or is in need of immediate medical assistance

A member shall, while en route to the analysis location:

- Observe the charged person. A member shall carefully note any signs of illness or injury. Charged persons shall not be permitted to consume any tobacco, food, or drink while en route to the analysis site. A member shall immediately report to the chemical analyst any sign of illness or injury detected, or any food, tobacco, or drink consumed.
- Take the most direct route possible to the analysis site
- Question an arrestee only after informing suspect of Miranda Rights and obtaining a valid waiver thereof. A member shall conduct all questioning in full compliance with Directive I.04.

Designation of Type of Chemical Analysis

- Any charging officer who has reasonable grounds to believe that a person charged has committed an implied-consent offense shall obtain a chemical analysis of the person. The charging officer or chemical analyst shall designate the type of test or tests to be given, and may request the person charged to submit to the type of chemical analysis designated. Breath, blood, urine or other bodily substance or a combination of these tests are authorized. The willful refusal to submit to any such test shall be treated as a willful refusal and reported in accordance with this directive. Patrol policy is to designate the evidential breath alcohol instrument provided for by 10A NCAC 41B and maintained by the Forensic Tests for Alcohol Branch (henceforth shall be referred to as “the approved instrument” within this

Directive) for drivers who are not hospitalized and who appear to be impaired by alcohol. If the results are negative or low and inconsistent with the observation of the charging officer, then an additional blood test may be requested and obtained. If a subsequent chemical analysis is requested, the driver shall again be advised of the implied-consent rights in accordance with N.C.G.S. § 20-16.2.

- For drivers who are hospitalized or if impairment is believed to be based upon drugs other than alcohol, a blood test may be designated. When a driver causes a crash resulting in death or serious injury to another or is believed to be a habitual impaired driver pursuant to N.C.G.S. § 20-138.5 and the driver refuses a breath or blood test, the charging officer shall whenever practicable obtain a search warrant and obtain blood or urine samples from the driver. Nothing in this directive shall be construed as a limitation on the authority of a charging officer to use any lawful means to obtain samples of a driver's breath, blood, urine, or other bodily substances for analysis to determine the presence of an impairing substance(s), however, absent articulable exigent circumstances or consent, a charging officer must obtain a search warrant prior to the withdrawal of blood or urine. When a blood or urine test is specified as the type of chemical analysis, a physician, registered nurse, EMT, or other qualified person shall withdraw the blood or obtain the urine sample. For the purpose of this policy, members of the State Highway Patrol who are certified as an EMT shall be prohibited from personally withdrawing blood, urine, or other bodily substances for the purpose of analysis to determine the presence of an impairing substance(s).

At the Chemical Analysis Site

- The charging officer must, upon arrival at the chemical analysis site, inform the chemical analyst of the charged person's name, the charge against him/her, and the time of charge (a member who is the charging officer may also be the chemical analyst if the member holds a current permit from the Department of Health and Human Services (DHHS) for the approved instrument and the chemical analysis is performed on the approved instrument).
- After the chemical analyst advises the charged person of the implied consent rights, the charging officer shall:
 - Allow the charged person to telephone an attorney for advice/or to contact witnesses to view the testing procedures if the person so desires. If witnesses are requested, the charging officer shall determine if a witness has arrived prior to the test being administered.

- In the presence of the chemical analyst, request the charged person to submit to a chemical analysis. The manner and tone of this request is important and often influences whether the charged person submits to an analysis.
- During the chemical analysis of the breath, the charging officer shall remain with the charged person at all times.
- A member shall, if at all possible, complete a Driving While Impaired Report (DHHS-4064) for every charged person. Prior to any questioning, a member must inform a charged person of his/her constitutional rights as required by the **Miranda** decision and obtain a valid verbal waiver or signed form HP-306 thereof.

Results of 0.08 or More

- When a chemical analysis reveals a charged person has an alcohol blood concentration of 0.08 or more, the charging officer shall complete form AOC-CVR-1/DHHS 3907 and DHHS-4064. (A separate AOC-CVR-1/DHHS-3907 must be obtained from the chemical analyst if the charging officer is not the chemical analyst.)

Refusals

- When a charged person willfully refuses to submit to any chemical analysis, the charging officer shall complete Forms AOC-CVR-1/DHHS-3907 and DHHS-4064 (A separate AOC-CVR-1/DHHS-3907 must be obtained from the chemical analyst if the charging officer is not the chemical analyst). No implied consent chemical analysis shall be given, but the member may obtain a court order to, compel the person to provide blood or urine samples for analysis. The member may compel the person to provide blood or urine samples without first obtaining a search warrant only under circumstances where articulable exigent circumstances exist.

V. DUTIES AND RESPONSIBILITIES OF THE CHEMICAL ANALYST

Qualifications and Statutory Procedures

- Members administering a chemical analysis of the breath must possess a valid permit from the Department of Health and Human Services (DHHS).
- All chemical analyses shall be administered in full compliance with North Carolina General Statutes and the rules and regulations of the DHHS. Members are charged with knowledge of current statutory law and regulations.

- When administering a chemical analysis of the breath using the approved instrument, all chemical analysts shall conduct breath analyses using the operational procedures set forth on the DHHS-4079.

Administration of Chemical Breath Analyses

- Members shall not administer a chemical analysis in motor vehicles unless specifically authorized by their supervisor or higher authority, or unless extremely unusual circumstances exist (such as handicapped or violent person).
- The chemical analyst who may be the charging officer shall be present with the charged person in the chemical analysis room.
- The chemical analyst shall orally and in writing inform the charged person of his/her implied consent rights using form DHHS-4081.
- The chemical analysts shall follow the operational procedures for the approved instrument as set forth on form DHHS-4079 and follow the applicable DHHS Rules and Regulations governing chemical analysis.
- A charging officer who is not also the chemical analyst shall, in the chemical analyst's presence, request the charged person to submit to a chemical analysis.
- In cases where a charged person agrees to submit to the chemical analysis, the chemical analyst shall, after the appropriate waiting period, administer the chemical analysis.
- Members shall not mark or alter the analysis results in any way. A copy of the results (DHHS-4082) shall be attached to the AOC-CVR-1/DHHS-3907. A signed copy of this DHHS-4082 shall be furnished to the person charged.
- The charged person or his/her attorney shall be furnished a copy of the results of the chemical analysis results.

VI. ADDITIONAL PROCEDURES

When results of two chemical analyses indicate an alcohol concentration of **0.36** or more, the charged person shall be given medical attention as soon as possible.

If the charged person has an attorney or witness present during any waiting period prior to administering the chemical analysis of the breath and the attorney or witness interferes in any way, the attorney or witness should be asked to leave the analysis room. Such a request should not be made until the attorney has had

a reasonable opportunity to confer with the charged person. The accused should not be interrogated after the attorney leaves the room.

Members requesting a chemical analyst from another agency to administer a chemical analysis shall conform to the terms, rules, procedures and regulations of that agency.

Members who administer chemical analyses for other law enforcement agencies shall do so only under the rules and regulations of the DHHS and Patrol policy.

VII. OBTAINING AND ANALYZING BLOOD SAMPLES UNDER THE IMPLIED CONSENT STATUTE

Whenever a breath or blood test is designated, the charging officer who possesses a current permit from DHHS authorizing him/her to administer chemical analysis of the breath may advise the charged person of his/her implied consent rights using the DHHS-4081.

If a person is unconscious or otherwise incapable of refusing the test, and there are reasonable grounds to believe the person has committed an implied consent offense, a member shall obtain a Search Warrant (AOC-CR-155) for Blood or Urine prior to obtaining the sample, whether roadside or at a medical facility. Notification of implied consent rights is not necessary under these circumstances. Members may obtain blood or urine evidence without a search warrant only when sufficient articulable exigent circumstances exist.

When a suspected alcohol-impaired operator of a vehicle is injured to the extent that the chemical analysis must be given at the site of a medical facility, the charging officer shall designate a blood test in lieu of the breath analysis.

The member must comply with the provisions of the implied consent statute prior to obtaining the blood sample. The driver must be charged with an implied consent offense, e.g. the citation completed and signed. The driver's copy of the citation need not be served if the driver is undergoing treatment or is unconscious, but can be left with the driver's personal effects. The driver, unless unconscious, must be read the implied consent rights and allowed to consult with an attorney or have a witness view the testing procedures as long as this procedure is not delayed for more than 30 minutes from the completion of the reading of the rights.

When a person qualified to take a blood sample requests written confirmation of the member's request for the sample, a member shall complete form HP-332B or make a written notation in the hospital record prior to withdrawal of the blood.

An unexpired blood alcohol Vacutainer blood collection kit, such as Vacutainer or Venoject, which contains a preservative and an anticoagulant (gray top test

tubes), shall be made available to a physician, registered nurse, EMT, or other qualified person to obtain the blood sample. The charging officer shall record the name of the qualified person who withdraws the blood and the person's title. Whenever practicable and authorized by medical personnel, the member shall observe the withdrawal of the blood and take the blood sample from the person withdrawing the blood to reduce the number of persons needed to prove a chain of custody.

A sample of 20-ml of blood in two 10-ml test tubes shall be obtained, when possible. Upon receipt of the blood samples, the member shall check the kit to determine if the samples are present and that there is not a needle or other unnecessary items in the kit.

Blood samples need not be refrigerated, but should be protected from the heat. A blood sample should not be left more than an hour in the Patrol vehicle or trunk or in the Courier box during hot weather.

The blood sample shall be forwarded to the State Crime Lab as provided in Directive J.01 (Evidence/Property Collection, Analysis, and Disposal) through the Forensic Advantage web portal. If the District Attorney requests, the blood sample may be sent to a private laboratory. The costs of such an analysis will not be paid by the Patrol but must be authorized by the Court to be paid by AOC.

The State Crime Lab will only analyze the blood for the presence of alcohol and not other drugs unless the member makes a special request. Under current SBI policy, an analysis for drugs, other than alcohol will only be performed when:

- Alcohol concentration is less than 0.08 and the case involves a death or serious injury
- A request is made by the elected District Attorney or a certified Drug Recognition Expert (DRE) has evaluated the case, in which case the member shall note that fact in the remarks section of the SBI-5 submission form.

The State Crime Lab will perform a drug screen for the following categories of drugs:

- Cocaine
- Marijuana and THC
- Opiates
- Benzodiazepines
- Barbiturates

If a charging officer suspects the presence of another type of drug, the officer must list the drug on the analysis request form so that the State Crime Lab can screen for it.

Upon receipt of the results of the chemical analysis of the blood which reveals an alcohol concentration of 0.08 or more, the charging officer shall take the affidavits of the charging officer and chemical analyst(s) to the clerk of superior court of the county in which the offense occurred and request that the pre-trial civil revocation proceeding be commenced.

VIII. CHEMICAL ANALYSIS FOR FATALITIES, SERIOUS INJURIES, AND FELONY IMPAIRED DRIVERS

Patrol policy is that breath, blood, and/or urine samples shall be obtained from drivers who are believed to be impaired and to have caused a crash involving the death of or serious injury to another or who are believed to be a habitual impaired driver. When a member has reasonable grounds to believe a driver is impaired and has caused a crash resulting in death or serious injury to another or is suspected of being a habitual impaired driver pursuant to N.C.G.S. § 20-138.5, the member shall offer the driver a chemical analysis pursuant to the implied consent statute, N.C.G.S. § 20-16.2. If there is evidence of drug use other than alcohol, the charging officer shall designate a blood test, in place of or in addition to a breath test. If the driver refuses to provide the requested sample(s), the member shall obtain a search warrant for the driver's blood and urine for purpose of analysis to determine the presence of alcohol and/or drugs. If a search warrant is impracticable, the member is not required to obtain one but must explain in the crash file the reason that the search warrant was not obtained.

The search warrant form for blood or urine in DWI Cases (AOC-CR-155) should be used.

When a search warrant for blood is being served a doctor, nurse, EMT or other qualified person should draw the blood in the presence of the charging officer. The person withdrawing the blood should be told that the blood is for the purpose of determining the presence of alcohol or other drugs.

If a driver physically resists providing a blood sample reasonable force can be used to restrain the driver and the blood withdrawn over his/her objection. Hospital procedures used to restrain unruly patients can be used. If the driver physically resists or refuses to provide a urine sample, none shall be obtained without consulting with the District Attorney. A driver who resists providing a blood or urine sample may be charged with resisting, obstructing or delaying a public officer in violation of N.C.G.S. § 14-223.

Urine will show previous drug use and not current drug use. It can be used to corroborate a blood test, but is primarily of value when the driver has fled the scene and is not arrested until several hours later. Urine may show the presence of drugs, when the blood does not. When a urine sample is obtained, the sample must be obtained in accordance with the medical facilities policy to assure reliability of the sample and the privacy of the driver. Urine samples must be refrigerated. The charging officer must determine from the facility how to preserve the sample for later analysis. The SBI laboratory can analyze urine, but it is time consuming and expensive and should only be requested after consultation with the District Attorney's Office.

Search warrants must be served and returned to the court in accordance with Chapter 15A of the General Statutes and an inventory of seized property (AOC-CR-206) must be completed when blood or urine is seized.

IX. DRIVERS TREATED AT OUT OF STATE HOSPITALS

A driver in the border counties may be taken for treatment at medical facilities located outside the State of North Carolina. For the purposes of collision investigation, members may proceed out of state after obtaining permission from a district supervisor. Members shall use the North Carolina implied consent procedures to obtain a blood sample from the driver. The member shall not arrest the driver, but shall charge him/her by issuing and signing the citation. If the driver refuses to submit to the implied consent test, the member shall follow the procedure for the pre-trial civil revocation and the DMV revocation. Search warrants issued in North Carolina are **not** valid outside the State of North Carolina. Blood and/or urine samples, other than under implied consent, should only be obtained after consultation with the District Attorney of the county in which the charges are to be filed.

A driver who is located out of state shall not be arrested but may be cited to appear in court. If the driver has committed a felony, the charging officer must obtain arrest warrants and have them entered into the Division of Criminal Information (DCI). The driver must then be arrested by an officer from the state in which the driver is located. The driver must then be extradited back to North Carolina. Extradition must be handled by the District Attorney's Office. Drivers charged with a misdemeanor may also be extradited using the same procedure.

Hospital records from out of state hospitals should be obtained through the District Attorney for the county in which the charges are filed.

X. HOSPITAL RECORDS AND OTHER EVIDENCE OF IMPAIRMENT

Pursuant to N.C.G.S. § 90-21.20B, if a person is involved in a vehicle crash, any health care provider who is providing medical treatment, is required to provide the investigating member with the person's name, current location, and disclose

whether the person appears to be impaired by alcohol, drugs, or another substance. An investigating member is also entitled to access to visit and interview the person upon request, except when the health care provider requests temporary privacy for medical reasons. A member who receives identifiable health information under this section shall not disclose this information to others except as necessary to the investigation or otherwise allowed by law.

Hospitals may take blood samples for analysis for alcohol or other drugs to be used in the treatment of the driver. The results of such analyses are confidential and cannot be obtained without the consent of the patient or a court order. When a driver has received treatment which will likely to have had a blood sample taken for analysis, it is Patrol policy for the investigating member to contact the District Attorney's Office in the county in which the charges are pending to seek a court order to obtain the results of any blood test. Even if the driver has submitted to an implied consent test, the District Attorney's Office must be contacted and informed of the hospital test so that the District Attorney can decide whether to seek these records.

Emergency medical services who take a driver to a medical facility may make written observations of both the level of impairment of the driver and statements about consumption of impairing substances. These records are confidential, the same as hospital records, and can only be obtained by court order. The District Attorney is to be informed of the existence of these records.

Pharmacy records may demonstrate the amount of drugs a driver is prescribed and the recommended dosage. The pharmacy records can be obtained by a subpoena which can be issued by the District Attorney. If a particular prescribed drug is found, the manufacturer may issue warnings about drinking and/or driving after taking this drug. These drug warnings can be obtained from any pharmacy which dispenses this type of drug. Such warnings are not confidential and the charging officer can obtain them.

XI. CONTROLLED DRINKING PROGRAM

All controlled drinking programs which the Patrol sanctions or participates in must have prior approval of the appropriate Section Director/Troop Commander or higher authority.

Members conducting the analysis shall possess a valid permit to perform chemical analyses issued by the DHHS.

Controlled drinking programs will be limited to civic, military, school, college, and media groups.

Controlled drinking programs shall be conducted according to the following guidelines:

- All requests for controlled drinking demonstrations from court or judicial officials shall be referred to the Forensic Test for Alcohol Branch in Raleigh.
- Programs shall be conducted under closely controlled conditions in a proper scientific environment.
 - All chemical analyses shall be administered under the same standard operating procedures as are actual chemical analysis used for court purposes. The operational checklist shall be used.
 - The breath of each drinking subject shall be analyzed before drinking begins.
 - The number of drinking persons should be kept to a minimum.
 - Drinking persons shall be supervised and escorted by a non-drinking participant at all times.
 - Alcohol concentration should not be allowed to exceed 0.12.
 - All alcohol concentrations shall be recorded in the lowest hundredth, the same as if the reading were for court purposes.
 - Only one breath-testing instrument shall be used at a given demonstration. Under no circumstances shall more than one instrument be used to test the same subject for comparison purposes.
 - Arrangements shall be made for the supervision of drinking persons after the demonstration ends.
 - 15A NCAC 19B .0400 – .0407 of the Rules of the DHHS, Commission for Health Services governing controlled drinking programs shall be strictly adhered to during all such programs.

Court

Applicable to: Employees
CALEA

Directive J.03

Revised 9/29/2011
Effective 5/1/1994

I. POLICY

This policy sets forth guidelines in reference to court attendance and demeanor.

II. ATTENDING COURT

Employees shall attend court at times required and be prepared to testify. If unforeseen circumstances prevent an employee's prompt attendance in court, the employee shall notify the appropriate court officials by the quickest means and request a delay of the case. Employees shall ensure persons cited to court are notified as to any continuance. This rule shall also apply when an employee is placed on special assignment; however in this situation, the employee's supervisor should assist with the notification.

Employees shall respond to a subpoena from a federal or a state court as a first priority and shall notify a supervisor if given an order which conflicts with the subpoena.

Employees shall respond to the first subpoena served when ordered to report to two (2) courts at the same time; however, employees shall respond to a subpoena from a federal court or a superior court in preference to a conflicting subpoena from a lower court, even if the latter is served first. In all cases, employees shall promptly notify the second court of the subpoena served from the higher court.

Employees shall notify their supervisor when they are to attend court outside of their assigned section/district. Patrol uniforms shall be worn, and Patrol cars shall be driven unless otherwise authorized by the Section Director/Troop Commander.

Employees assigned Limited or Administrative Duties shall follow the provisions set forth in Directive E.01, Section VI (Limited Duty) and Directive B.01, Section V (Administrative Leave and Review) when he/she is required to attend court.

Employees shall request and obtain a leave of absence when they are requested or subpoenaed to appear in any court proceeding, whether administrative, civil, or criminal, which does not involve appearing in their official capacity. The approved leave of absence shall be charged to annual leave for the employee. Civilian clothing and private or commercial travel shall be used. Employees shall be prohibited from carrying any firearm into any court proceeding while attending in an off-duty or non-official capacity.

All requests to appear or attend any work-related court proceeding out-of-state shall be made via chain-of-command for approval or disapproval to the Commander's Office.

III. PERSONAL APPEARANCE, COURTROOM DEMEANOR, AND INTERFERENCE WITH CASES

Interference with Cases, Reduction of Charges, Plea Bargaining

- Employees shall not interfere with cases assigned to other employees for investigation except by order of a superior officer. Employees shall not interfere with any arrest, prosecution, or administrative proceeding brought by other employees of the Patrol or by any other agency or person. If employees have knowledge that an arrest or prosecution would bring about a manifest injustice, they shall report the matter to their supervisor.
- Employees shall not attempt to influence another employee concerning a case assigned to him/her. Employees shall not intercede on behalf of any person in any case assigned to another employee or any other law enforcement officer.
- Employees shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless circumstances require immediate action.
- Employees shall not engage in plea bargaining with defendants or defense counsel. All inquiries made to employees concerning reduction of charges shall be courteously referred by the employee to the District Attorney or assistant district attorney.
- Employees shall not reduce charges on their own volition. Employees shall bring charges in every case commensurate with available evidence. Employees shall not alter charges once they are written based solely upon the attitude of the violator.
- Employees shall be neat in their personal appearance and conduct themselves with dignity in the courtroom.
- Employees shall not wear issued BDUs, Jumpsuits, Class B Uniforms or Flight Suits to court. If an employee is advised his/her presence is needed for a court case, the employee shall request to have the case postponed to allow him/her time to change into a uniform that is appropriate for court. If the employee's request is not granted, the employee shall contact his/her supervisor of the failed attempt to have the case postponed, and he/she shall proceed to court without further delay.
- Employees shall avoid any action that would indicate a special interest in securing a conviction and shall not give an outward appearance of dissatisfaction with decisions.

IV. ACTING AS BAILER, ACCEPTING BAIL

Employees shall not act as bailers, sureties, or otherwise agree to be responsible for any confined person other than for employees of their immediate families. Employees shall not receive or accept money to be turned in as a fine or bail for persons charged, cited, or convicted of violations.

V. CIVIL CASES

Except when they are parties to a legal action, employees shall not participate in the proceedings of civil sessions of court and shall not testify in civil actions unless legally summoned.

Employees instituting a civil action arising out of their official duties shall notify the Commander's Office prior to taking such action. Employees shall not use their official positions as a means of forcing or intimidating persons with whom they are engaged in a civil action to settle the action in their favor.

Employees who are named as a defendant in a civil action arising out of their official duties shall personally notify the Patrol's Legal Section immediately upon receipt of the Complaint and Summons, by telephone. The Patrol's Legal Section shall be responsible for notifying the Commander's Office of the Complaint and Summons.

VI. SERVICES OF SUBPOENA / FEES DERIVED FROM CIVIL AND CRIMINAL COURTS

Employees shall serve subpoenas only when ordered to do so by a judge or magistrate, or when subpoenas are connected with operations of the Patrol. Employees shall courteously decline to serve subpoenas under any other circumstances, as this is a function of the Sheriff's Office.

When employees attend criminal or civil courts whether in-state or out-of-state in connection with or growing out of official duties performed, all compensation or fees received as a witness shall be immediately remitted with a report to Patrol Headquarters through channels. Civil lawsuit court attendance growing out of matters officially investigated, processed, or coming to the official attention of employees is considered as official court attendance.

Employees may keep fees received from court attendance in private lawsuits.

Employees who are called upon to attend court as grand or petit jurors will be granted permission to attend court without loss of pay or leave. They will be entitled to keep their juror's pay plus their regular salary, but cannot charge expenses to the State.

No employee shall authorize or knowingly permit any person to sign a return on any warrant for the purpose of collecting a financial fee.

Wrecker Service Vehicle Towing / Notification / Inventory

Applicable to: Employees

Directive J.04

Revised 9/17/2021

Effective 12/10/2015

I. POLICY

This policy sets guidelines for the towing, notification, storage, and inventory of vehicles. It shall also set forth guidelines for the management of wrecker services.

It is the policy of the Highway Patrol to remove all vehicles parked, disabled, or left standing on the roadway or main-traveled portion of the highway and vehicles left on the highway right-of-way that present a hazard or potential hazard as authorized by State law. If the towing, storage, or removal of a vehicle is necessary, every effort should be made to ascertain the owner, operator, or legal possessor's preference with regard to towing. The last registered owner of a vehicle towed and/or stored shall be provided with the towing notification information required by State law.

II. VEHICLE REMOVAL PROCEDURES

Vehicles on the Paved or Main-Traveled Portion of the Highway

- A member who encounters a vehicle parked, disabled from a collision or otherwise left standing on the paved or main-traveled portion of the highway shall:
 - Remove the vehicle to a position off the roadway
 - With consent from the owner, operator, or legal possessor, transport and store the vehicle
 - Without consent from the owner, operator, or legal possessor, transport and store the vehicle if the vehicle presents a hazard, a potential hazard or otherwise as authorized by State law
- A member shall permit an objecting owner, operator, or legal possessor to remove a vehicle to a safe position off the roadway, if the driver is competent and licensed to drive the vehicle. A member may transport and store a vehicle, which cannot be safely parked off the roadway as authorized in this directive.

Vehicles off the Paved or Main-Traveled Portion of the Highway

- A member investigating an accident or collision in which a disabled vehicle is located off the paved or main-traveled portion of the highway may transport and store the vehicle. If the owner, operator, or legal possessor objects, a

member shall not transport and store a vehicle unless, as standing, the vehicle creates a hazard.

- A member who observes a vehicle unlawfully parked or disabled on the right-of-way, but not on the main-traveled portion of the highway may remove and store the vehicle only if the vehicle interferes with the regular flow of traffic or otherwise constitutes a hazard.
- A member shall not transport and store a vehicle unlawfully parked on the highway right-of-way, which does not interfere with the regular flow of traffic or otherwise constitutes a hazard until the vehicle remains on the highway right-of-way for a period of twenty-four (24) hours or more, has been vandalized, or is otherwise abandoned. A member shall tag such vehicle with an Unattended Vehicle Tag (HP-303) prior to transportation and storage.
- A member who is checking vehicles for occupants during extreme weather events and the use of the HP-303 (Unattended Vehicle Tag) is impractical, shall affix an approximately three (3) feet in length piece of crime scene tape to the exterior door mirror of the vehicle closest to roadway. Members checking abandoned vehicles during extreme weather events that do not have exterior mirrors shall notify the appropriate Communication Center of the vehicle's description and location. The tape will serve as a universal statewide practice by allied emergency service agencies to indicate whether a vehicle has been checked for occupants and eliminate the duplication of search efforts for stranded motorists.

III. SECURING VEHICLES WHEN OPERATOR IS ARRESTED

Upon arresting or placing a vehicle operator in custody a member shall:

- With consent of owner, operator, or legal possessor, allow another licensed, competent individual to drive or move the vehicle to a position off the roadway
- If no licensed, competent operator is present, or if the owner, operator, or legal possessor will not consent to such removal:
 - Move the vehicle, if necessary, to a position off the roadway, lock the vehicle, and return the key to the owner, operator, or legal possessor, except that, in any case where the operator of the vehicle is arrested for DWI, a member shall either turn the keys over to the magistrate/jailer or to a sober, responsible person; or
 - With or without consent of the owner, operator, or legal possessor, transport and store vehicle in accordance with Section IV of this directive

Vehicles Subject to Seizure

- Vehicles, which are authorized by law to be seized, or which may be evidence in a criminal proceeding may be towed or stored

IV. VEHICLES TRANSPORTED AND STORED OVER OBJECTION OF OWNER

A member may transport and store a vehicle over the objection or without consent of the owner, operator, or legal possessor when:

- The vehicle cannot be lawfully parked off the roadway
- The vehicle is lawfully parked off the roadway but creates a hazard
- The owner, operator, or legal possessor refuses or is unable to remove the vehicle from the roadway
- The vehicle is subject to seizure pursuant to N.C.G.S. § 20-28.3 or other lawful authority

V. PARKING VEHICLES OFF THE ROADWAY

A member who removes or allows a vehicle to be removed to a position off the roadway shall:

- Lawfully park the vehicle in an apparently safe and secure location off the main-traveled portion of the highway
- Place the vehicle in a position that creates no apparent hazard or other interference with the regular flow of traffic

A member shall take reasonable precautions to secure the vehicle and its contents against theft, vandalism, and other damage by locking the vehicle (if possible) and returning the keys to the owner, operator, or legal possessor. In any case where the operator of the vehicle is arrested for driving while impaired (DWI), a member shall either turn the keys over to the magistrate/jailer or, when appropriate, to a sober, responsible person.

VI. TRANSPORTING AND STORING VEHICLES

Members shall arrange transportation and safe storage of vehicle(s). A member who authorizes the transportation and storage of a vehicle shall, immediately notify the appropriate Communications Center and request a wrecker service. The authorizing member shall furnish information necessary to complete a Signal 4 (Report of Vehicle Stored or Recovered). In situations where the registration information, or the registration plate does not correspond with the vehicle registration information, and the vehicle identification (VIN) cannot immediately be established, the storing member shall notify a DMV Inspector, and request assistance in locating the VIN in order to notify the last known registered owner.

Once this information has been obtained, the member shall notify the Telecommunications Center, and initiate a Signal 4.

If the vehicle is being stored as a result of a collision involving serious personal injury or fatality, the authorizing member shall ensure a next-of-kin has been notified as to the location of the vehicle, **prior to completing the Signal 4.**

A member shall notify the Communications Center and complete a Signal 4 whenever he/she transports or stores a vehicle if the operator/legal possessor is either not present or is present but is not the registered owner of the vehicle. If the vehicle is towed, stored, or removed to the shoulder of the road or left at the scene at the request of or with the consent of the registered owner, a Signal 4 is not required. The member shall complete and mark the applicable entries on a Vehicle Towing Authorization/Inventory (HP-305) and obtain the signature of the registered owner.

Refusal to sign the HP-305 shall be deemed a withdrawal of the consent or request to tow. In such a situation, members shall be governed by Section IV of this directive.

A member shall, when notified by a magistrate of a hearing regarding payment of towing or storage fees, appear in person at the hearing or file a Towed/Stored Vehicle Affidavit (HP-305.1) with the magistrate prior to the hearing.

When necessary for accident reconstruction or a criminal investigation in which multiple vehicles are involved in an incident a single storage location shall be designated. The storage facility of the first wrecker service dispatched shall be used unless otherwise designated by a supervisor.

When necessary for an accident reconstruction or a criminal investigation, a member shall designate at which indoor or other storage facility a vehicle shall be stored to ensure preservation of the evidence. The storage facility shall be the first wrecker service dispatched unless otherwise designated by a supervisor.

DWI seized vehicles shall be towed and stored in accordance with instructions from the state or regional contractor.

VII. NOTIFICATION

Unless exempted by vehicle seizure law, the Troop Communications Center must notify the registered owner when a vehicle is towed and stored. In order to accomplish this, the authorizing member shall immediately notify the appropriate Troop Communications Center of the following:

- Description of the vehicle
- Place where the vehicle is stored
- Procedure the owner must follow to have the vehicle returned to him

- Procedure the owner must follow to request a probable cause hearing on the towing

Upon notification by the member who authorized the towing or storage of a vehicle in the absence of the registered owner, the Troop Communications Center shall, as soon as practicable, attempt to notify the owner of such towing and/or storage. The Troop Communications Center shall attempt to contact the owner by telephone and provide the owner with the location of the vehicle. At least three (3) attempts must be made for vehicles registered in North Carolina and one (1) attempt for vehicles registered out-of-state. The Telecommunicator must record the person contacted or the attempts made. Whether or not the owner is reached by telephone, a copy of the Vehicle Towing/Notification (HPC-305.2), which is computer-generated at the Troop Communications Center, shall be mailed to the last registered owner by the Troop Communications Center.

In the absence of an HP-305 signed by the registered owner, Form HPC-305.2 shall be mailed to the owner within 24 hours. A duplicate copy of the HPC-305.2, which is also computer-generated, will print automatically in the district office of the member.

Whenever a vehicle with neither a valid registration plate nor registration is towed, in the absence of an HP-305 signed by the registered owner, the authorizing member shall attempt, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and provide the information to the Troop Communications Center and they shall attempt to make the notification as described herein.

Whenever a vehicle is seized pursuant to N.C.G.S. § 20-28.3, (DWI Seizure), the charging member shall, immediately notify the appropriate Communications Center and request the wrecker service designated as the county DWI seizure contractor to transport and store said vehicle. The authorizing member shall furnish information necessary to complete a Signal 4 (Report of Vehicle Stored or Recovered) and indicate it as a DWI seizure.

VIII. RELEASE OF VEHICLES

If no legal justification to hold the vehicle exists, a member shall immediately authorize the release of a stored vehicle to the owner upon proof of ownership.

IX. VEHICLE INVENTORY

A member who authorizes the transportation and storage of a vehicle in the absence of an HP-305 signed by the owner, operator, or legal possessor shall take precautions to protect all property in and on the vehicle prior to removal from the scene.

An HP-305 signed by the owner, operator, or legal possessor is documentation that the vehicle was not removed from the possession of such person; therefore, the completion of a vehicle inventory is not required.

The storage and security of the vehicle and its contents become the responsibility of the towing company when the vehicle is towed from the scene and stored at the wrecker service storage facility. If the vehicle is to be stored at a Patrol facility, the storing member shall conduct an inventory itemizing all property contained in the vehicle.

All vehicles, which are inventoried pursuant to these rules, shall be inventoried at the time of storage unless an emergency situation dictates otherwise.

- The inventory must be complete, listing all items that are toxic, explosive, flammable, or of monetary value.
- Unless locked or securely wrapped, all containers in the vehicle (whether opened or closed) shall be opened to determine contents unless evidence is discovered to indicate that opening the container may subject the member to exposure of toxic, flammable, or explosive substances. Locked or securely wrapped luggage, packages, and containers shall not be opened except as otherwise authorized by law or by owner consent, but shall be indicated on the inventory list as locked or securely wrapped items.
- Any evidence found in plain view is admissible. Locked or securely wrapped containers (luggage, attaché cases, etc.) are considered as units of inventory and shall not be searched without obtaining consent or a search warrant unless there is evident danger to the member or public.
- The member shall seek to obtain a search warrant when there is probable cause for a search of the vehicle or its contents when time and conditions permit.

X. REIMBURSEMENT OF WRECKER OPERATORS

A member shall promptly obtain a statement of transportation and storage fees from the wrecker operator involved when the court orders the release of any vehicle without payment of transportation and storage costs. The member shall promptly transmit to the Director of Field Operations via chain-of-command the statement and a copy of the HP-305.1 in addition to any other relevant information.

The Director of Field Operations, in consultation with the Commander's Office, shall determine whether to appeal the action of the magistrate.

The Patrol shall compensate the wrecker operator for reasonable transportation and storage fees in cases where no appeal is taken. When an appeal is taken, the Patrol shall not compensate wrecker operators until all appeals are exhausted.

XI. FINANCIAL INTEREST

No employee of the Patrol shall hold any financial interest or any form of ownership interest in any wrecker service. No member may be employed by a wrecker service, nor shall any member be assigned to a county where any relative of the member has any financial interest in, or is employed by a wrecker service. For the purpose of this rule a "relative" includes, spouse, father, mother, brother, sister, son, daughter, grandmother, grandfather, grandson, and granddaughter. Also included in the term "relative" are the step-, half-, and in-law relationships.

XII. IMPARTIAL USE OF SERVICES

In order to perform its traffic safety functions, the Patrol is required to use wrecker services to tow disabled, seized, wrecked, and abandoned vehicles. Members of the Patrol shall assure the impartial use of wrecker services through strict compliance with these rules. In no event shall any Patrol member recommend any wrecker service, motor club, or automobile membership service to the owner or driver of a wrecked or disabled vehicle, nor shall any member recommend the services of a particular wrecker service, motor club, or automobile membership service in the performance of his/her duties. Members shall, whenever possible and practicable, dispatch the wrecker service requested by the motorist requiring such services.

XIII. ROTATION, ZONE, CONTRACT, AND DEVIATION FROM SYSTEM

The Troop Commander shall arrange for the Communications Center to maintain a rotation wrecker system within each district of the troop (If the wrecker system is administered by a local law enforcement agency, this shall not apply), which shall include the following:

- Separate computerized small and large rotation wrecker lists and manual rotation lists for the entire district whereby wrecker services are called in the order they appear on a list
- A zone system within the district with a rotation wrecker list being maintained in each rotation wrecker zone
- A zone, contract, or other system operated in conjunction with one or more local agencies
- A combination of any such system

The Highway Patrol shall use the wrecker service requested by the vehicle owner or person in apparent control of the motor vehicle to be towed. Patrol members shall not attempt to influence the person's choice of wrecker services, but may answer questions and provide factual information. If no such request is made,

the Patrol system in place in the rotation wrecker zone will be used, absent an emergency.

The Troop Commander, in his/her discretion, may deviate from any of these rules in emergency situations if there are insufficient wrecker services of the type needed within a district to meet the needs of the Patrol.

The Telecommunicator shall enter in the computerized list the name of the wrecker service contacted and the response by the service to the request. The date and time of the call is automatically recorded in the computerized list as well as the identification number of the Telecommunicator making the entry.

In the event the computerized rotation list is not in service (CAD is down); the member requesting wrecker service shall be notified by the appropriate Telecommunications Center and a wrecker from the manual rotation wrecker list shall be utilized. The Telecommunicator shall refer to the manual list that is maintained by the Telecommunicator Center Supervisor at each communication center. The wrecker service name shall be entered on the slip log; the slip log shall indicate CAD down.

XIV. REMOVAL OF VEHICLES FROM ROADWAY “QUICK CLEARANCE”

Pursuant to N.C.G.S. § 20-161(f), whenever a portion of the state highway system is closed or partially blocked by a wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic, the priority shall be to clear the roadway as soon as possible.

Investigating member(s) are authorized to request the closest available zone rotation wrecker service and/or available Department of Transportation (DOT) resource for the purpose of removing the obstruction from the roadway only after first obtaining concurrence from the on-call DOT representative via the appropriate Telecommunications Center. Members shall ensure that the requested wrecker service is capable of responding without delay, and is properly staffed and equipped to handle the request for service. All requests for assistance from DOT shall be made through the appropriate Telecommunications Center, where a list of on-duty/recall DOT personnel with the authority to concur with the decision to implement Quick Clearance shall be maintained.

It shall be the responsibility of Troop Commanders to work in cooperation with DOT personnel to ensure that an on-duty/recall list of personnel is available and up-to-date at the Communications Center assigned to his/her Troop.

XV. WRECKER SERVICE REGULATIONS (14B NCAC 07A.0116)

The Troop Commander shall include on the Patrol Rotation Wrecker List only those wrecker services which agree in writing to adhere to the following provisions:

- A wrecker service desiring to be included on the Highway Patrol Rotation Wrecker List shall, complete and submit to the District First Sergeant, form HP-304A (Application / Re-Application for Wrecker Rotation Inclusion) form.
- In order to be listed on a rotation wrecker list within a zone, a wrecker service shall have a full-time business office within that Rotation Wrecker Zone that is staffed and open during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays and must have a storage facility. The Wrecker service shall have someone available to accept telephone calls from the Patrol, and to allow access to towed vehicles, or to retrieve towed vehicles by the registered owner, operator, or legal possessor during business hours. The business office may not be the same physical address as the owner's residence unless zoned for commercial purposes and advertised as a business property. A representative from the wrecker service is required to be available on call on a 24-hour basis for emergencies. The wrecker service shall allow vehicles to be retrieved between the hours of 8:00 a.m. to 5:00 p.m., seven days a week, excluding holidays. An individual (registered owner, legal possessor, or operator) shall not be charged a storage fee for days that he/she could not retrieve his/her vehicle as a result of an action or omission on the part of the wrecker service (such as where the wrecker service was not open, did not answer the telephone, or a representative was not available to release the vehicle).
- Wrecker service facilities and equipment, including vehicles, office, telephone lines, office equipment, and storage facilities shall not be shared with or otherwise located on the property of another wrecker service and shall be independently insured.
- The wrecker service must also have a secure storage facility capable of storing any vehicle towed as a result of a Highway Patrol rotation wrecker call. Storage facilities **may not be shared**, and vehicles towed at the request of the Patrol **must be placed in the approved storage facility**. A storage facility for a small wrecker shall be located within the assigned zone. For wrecker services with large wreckers, the storage facility for vehicles towed with the large wrecker may be located anywhere within the county. To be listed on the large rotation wrecker list, a wrecker service shall have at least one large wrecker located within the county and designated for the sole use in that county. To be listed on the small rotation wrecker list, a wrecker service shall have at least one small wrecker located within the assigned zone and designated for the sole use in that assigned zone. A wrecker shall not be on more than one rotation wrecker list. In any case where husband and wife or other family members are engaged in the business of towing vehicles and desire to list each business separately on the wrecker rotation list, the wrecker service shall establish that it is a separate legal entity for every purpose, including federal and state tax purposes. Nothing in this Rule precludes a wrecker service from responding to private calls outside the assigned zone or county.

- Each wrecker shall be equipped with legally required lighting and other safety equipment to protect the public, and such equipment must be in good working order.
- Each wrecker on the Patrol Rotation Wrecker List shall be equipped with the equipment required on the HP-304B (Rotation Wrecker Inspection Form), which is located in FuelTaCS, and such equipment must, at all times, be operating properly.
- The wrecker service operator must remove all debris, other than hazardous materials (those amounts required to be handled by local Hazardous Materials Teams) from the highway and the right-of-way prior to leaving the incident/collision scene. Hazardous materials consist of those materials and amounts that are required by law to be handled by local Hazardous Materials Teams. This service must be completed as part of the required rotation service and shall not be charged as an extra service provided. Hazardous materials or road clean-up other than debris may be billed in quarter-hour increments after the first hour on scene.
- The wrecker service shall be available to the Patrol for rotation service on a 24-hour per day basis and accept collect calls (if applicable) from the Patrol. Calls for service shall not go unanswered for any reason; unless the wrecker company has notified the Patrol it cannot respond as set forth in the rules, failure to respond to calls for service may result in removal from the rotation wrecker list.
- The wrecker service shall respond, under normal conditions, in a timely manner. Failure to respond in a timely manner may result in a second rotation wrecker being requested. If the second wrecker is requested before the arrival of the first rotation wrecker, the initial requested wrecker shall forfeit the call and shall immediately leave the collision/incident scene.
- For Patrol-involved incidents, the wrecker service shall respond only upon request from Patrol authority or at the request of the person in apparent control of the vehicle to be towed.
- The wrecker service shall **charge reasonable charges** for work performed and present one bill to the owner or operator of any towed vehicle. Towing, storage, and related fees charged **in relation to a Patrol Rotation call may not be greater than fees normally charged for the same services, labor and conditions as non-rotation calls.** Wrecker services may secure assistance from another rotation wrecker service when necessary, but only one bill shall be presented to the owner or operator of the vehicle for the work performed and this service may be in addition to, but not in place of, units of the original service contacted. A price list for recovery, towing, and storage for all small wreckers shall be established and furnished in writing to the appropriate District First Sergeant on an HP-304C (Small Wrecker/Rollback Rotation Price List) by the wrecker service. Upon approval by the District First Sergeant, the wrecker service shall maintain a copy of

the approved price list on file at the place of business. The District First Sergeant shall cause this price list to be filed under the appropriate wrecker service file located in the district office for review as necessary. Prices indicated on this form shall be the maximum amount that will be charged for a particular service; however, this does not prevent charges of a lesser amount for said service. The District First Sergeant shall approve all price lists submitted within their respective District **if** they are determined to be reasonable, consistent with fees charged by other Highway Patrol rotation wrecker services within the District and do not exceed the wrecker service's charges for non-rotation service calls that provide the same service, labor, and conditions. The wrecker service shall notify the District First Sergeant in writing **prior to any price change** actively going into effect. Storage fees shall not begin to accrue until the next calendar day following the initial towing of the vehicle. Wrecker service towing fees for recovery and transport of vehicles after 5:00 p.m. and on weekends may not exceed the towing fees for recovery and transport of vehicles charged during regular "Business Hours" by more than 10 percent. A mileage fee may only be charged if the customer requests the vehicle to be towed to a location outside of the assigned wrecker zone or county. If a mileage fee is warranted, the wrecker driver shall inform the owner, operator or legal possessor of the vehicle of any additional charge for mileage prior to towing.

- Each Troop Commander shall designate a Troop Lieutenant to serve as a Rotation Wrecker Liaison for his/her respective Troop
- The individual price list for each respective wrecker service shall be maintained within each small wrecker and shall be given to the owner, operator or legal possessor of a vehicle being towed as a result of a Highway Patrol rotation wrecker call upon request
- All wrecker operators shall have a valid driver's license for the type of vehicles driven; a limited driving privilege shall not be allowed
- Wrecker owners/operators/employees shall not be abusive, disrespectful, or use profane language when dealing with the public or any member of the Patrol and **shall cooperate at all times with members of the Patrol**
- The wrecker service shall adhere to all Federal and State laws and local ordinances and regulations related to registration and operation of wrecker service vehicles and have insurance as required by N.C.G.S. § 20-309(a)
- The wrecker service shall employ only wrecker operators who demonstrate the ability to perform required services in a safe, timely, efficient, and courteous manner and who satisfy all of the requirements of wrecker drivers established or referenced herein. The wrecker service shall not take any passengers who have been convicted, pled guilty to, or received a prayer for judgment continued (PJC) for any of the offenses listed in Subparagraph (a)(21) of this Rule, with the exception of a Chapter 20 violation to the incident/collision site, when responding to calls.

- The wrecker service must immediately notify the District First Sergeant of any insurance lapse or change. The wrecker service shall also ensure the NC Highway Patrol is listed as "Certificate Holder" on the Certificate of Liability Insurance, in c/o the District First Sergeant, complete with the current mailing address for the Highway Patrol District Office tasked with the responsibility for ensuring compliance with Highway Patrol policy regarding the respective wrecker service.
- The wrecker service shall notify the Patrol without delay whenever the wrecker service is unable to respond to calls
- Notification of rotation wrecker calls shall be made to the owner/operator or employee of the wrecker service. Notification shall not be made to any answering service, pager, or answering machine.
- Pursuant to N.C.G.S. § 20-101 (d) Wrecker service vehicles shall be marked on each side with the name and address of the registered owner of the vehicle, and the name and address of the wrecker service if different printed on the side of the vehicle with letters not less than three inches in height. This shall not apply to motor vehicles subject to 49 C.F.R. Part 390. No magnetic or stick-on signs shall be used; however, decals are permissible. The wrecker service operator shall provide a business card to the investigating officer or person in apparent control of the vehicle before leaving the scene.
- Each wrecker service vehicle must be registered with the Division of Motor Vehicles in the name of the wrecker service and must be insured by the wrecker service. Dealer tags shall not be displayed on wreckers that respond to rotation calls.
- Secure all personal property at the scene of a collision to the extent possible, and preserve personal property in a vehicle which is about to be towed
- Upon application to the Patrol Rotation Wrecker List, the owner shall ensure that he/she and each wrecker driver has not been convicted of, pled guilty to, or received a prayer for judgment continued (PJC):
 - Within the last five (5) years of the following offenses:
 - A first offense under N.C.G.S. § 20-138.1, 20-138.2, 20-138.2A, or 20-138.2B
 - Any misdemeanor involving an assault, an affray, disorderly conduct, being drunk and disruptive, larceny, or fraud
 - Misdemeanor Speeding to Elude Arrest or
 - A violation of N.C.G.S. § 14-223, Resist, Obstruct, Delay

- Within the last ten years of:
 - Two or more offenses in violation of N.C.G.S. § 20-138.1, 20-138.2, 20-138.2A, or 20-138.2B
 - Felony speeding to elude arrest or
 - Any Class F, G, H, or I felony involving sexual assault, an assault, affray, disorderly conduct, being drunk and disruptive, fraud, larceny, misappropriation of property, or embezzlement.
- At any time of:
 - Class A, B1, B2, C, D, or E felonies
 - Any violation of N.C.G.S. § 14-34.2, Assault with deadly weapon on a government officer or employee, 14-34.5, Assault with firearm on a law enforcement officer; or 14-34.7, Assault on law enforcement officer inflicting injury
 - Any violation of N.C.G.S. § 20-138.5, Habitual DWI; or
 - Three (3) felony offenses in any federal or state court or combination thereof. The commission of a felony is not considered to be a second or subsequent felony unless it is committed after the conviction of or guilty plea to the previous felony.
 - For convictions occurring in federal court, another state or country, or for North Carolina convictions for felonies which were not assigned a class at the time of conviction, the North Carolina offense which is substantially similar to the federal or out of state conviction, or the class of felony which is substantially similar to the North Carolina felony shall be used to determine whether the owner or driver is eligible. Any question concerning a criminal record shall be discussed with the First Sergeant or his/her designee.
- Immediately upon employment or upon the request of the District First Sergeant, the owner of the wrecker service shall supply the Patrol with the full name, current address, date of birth, last four digits of social security number, and a black and white photocopy of driver's license, and when applicable, a black and white copy of a valid work VISA or other INS documentation for all wrecker drivers and owner(s) in order for the Patrol to obtain criminal history information. The Wrecker Service shall also provide a certified copy of the driving record for the owner and each driver authorized to drive on rotation upon initial application and upon the hiring of a driver if hired after initial application. Following this initial request the Wrecker Service shall provide a certified copy of the driving record for the owner and each rotation wrecker driver under their employment at the time of periodic wrecker inspections. The wrecker service shall inform the

District First Sergeant immediately if the owner or a driver is charged with, convicted of, enters a plea of guilty or no contest to, or receives a prayer for judgment continued (PJC) for any of the crimes listed above after a wrecker service is placed on the rotation list it is the responsibility of the wrecker service to inform the patrol immediately.

- Upon request or demand, the rotation wrecker service shall return personal property stored in or with a vehicle, whether or not the towing, repair, or storage fee on the vehicle has been or will be paid. **Personal property, for purposes of this provision, includes any goods, wares, freight, or any other property having any value whatsoever other than the functioning vehicle itself.**
- The wrecker service shall tow disabled vehicles to any destination requested by the vehicle owner or other person with apparent authority, after financial obligations have been finalized
- Unless the vehicle is being preserved by the Patrol as evidence, the wrecker service shall allow insurance adjusters access to and allow inspection of the vehicle at any time during normal working hours
- Being called by the Patrol, to tow a vehicle, does not create a contract with or obligation on the part of the Patrol or Patrol personnel to pay any fee or towing charge except when towing a vehicle owned by the Patrol, a vehicle that is later forfeited to the Patrol, or if a court determines that the Patrol wrongfully authorized the tow and orders the Patrol to pay transportation and storage fees
- Being placed on the Patrol Rotation Wrecker List does not guarantee a particular number or quantity of calls, does not guarantee an equivalent number of calls to every wrecker service on the rotation wrecker list, nor entitle any wrecker service to any compensation as a consequence for not being called in accordance with the list or when removed from the rotation wrecker list
- Failure to respond to any call by the Patrol shall result in the wrecker service being placed at the bottom of any rotation wrecker list
- Rotation wrecker services and facilities are subject to inspection by the District First Sergeant or designee at any time
- Rotation wrecker services shall be completely inspected on three year intervals beginning in 2016
- Annually, during non-inspection years, the District First Sergeant shall review and have on file, valid insurance policies for each company and criminal/driver histories of each company owner and driver listed. The District First Sergeant or their designee shall update FuelTaCS with the updated insurance policy date as well as add or delete drivers and/or

vehicles, if needed. The HP-304B shall be re-printed, signed by the District First Sergeant and placed in the file in the district office.

- A rotation wrecker service, upon accepting a call for service from the Patrol, must use its own wrecker. Wrecker companies shall not refer a call to another wrecker company or substitute for each other.
- If a rotation wrecker service moves its business location or has a change of address, the owner of the wrecker service shall notify the District First Sergeant of the new address or location. Notification shall be made in writing no later than ten days prior to the projected move.
- A wrecker service may dispatch either a wrecker or a car carrier “rollback” in response to a Patrol rotation wrecker call, except where the wrecker service is advised by the Patrol that a particular type of recovery vehicle is needed due to existing circumstances
- A rotation wrecker driver or employee shall not respond to a Patrol related incident with the odor of alcohol on his/her breath or while under the influence of alcohol, drugs, or any impairing substance
- A wrecker service shall have in effect a valid hook or cargo insurance policy issued by a company authorized to do business in the State of North Carolina in the amount of not less than \$50,000 for each small wrecker and \$150,000 for each large wrecker. In addition, each wrecker service shall have a garage keeper’s insurance policy from an insurance company authorized to do business in the State of North Carolina covering towed vehicles in the amount of not less than \$100,000.
 - The District First Sergeant shall conduct an investigation of each wrecker service desiring to be placed on the Patrol Rotation Wrecker List and determine if the wrecker service meets the requirements set forth in this policy. If the District First Sergeant determines that a wrecker service fails to satisfy one or more of the requirements set forth in this policy, the First Sergeant shall notify the wrecker service owner of the reason(s) for refusing to place it on the rotation wrecker list. Any wrecker service that fails to comply with the requirements of this policy shall be removed from the rotation wrecker list.
 - The Troop Commander or designee shall ensure that a wrecker service will only be included once on each rotation wrecker list. Exceptions to this requirement may be made for specialized or large capacity wreckers when none are available for a county or zone.
 - If the Troop Commander or designee chooses to use a contract, zone, or other system administered by a local agency, the local agency rules govern the system

- If a wrecker service responds to a call, it shall be placed at the bottom of the rotation wrecker list unless the wrecker service, through no fault of its own, is not used or is not entitled to receive compensation for the call. In that event, it shall be placed back at the top of the rotation list.

XVI. SANCTIONS FOR NOTIFICATION

If a District First Sergeant determines that a violation of these rules has occurred, the First Sergeant may:

- Issue a written warning and request for compliance
- Remove the wrecker service from the rotation wrecker list until corrective measures have been taken to bring the wrecker service into compliance with these rules and verification of such compliance has been demonstrated; or
- If the violation is major or in the case of repeat violations, in consultation with the Troop Commander, remove the wrecker service from the rotation wrecker list for a specific period of time not to exceed one year

The severity of the sanction imposed shall be commensurate with the nature of the violation and prior record of the wrecker service.

If a wrecker service owner commits, is convicted of, pleads guilty to, or receives a prayer for judgment continued for any of the offenses specified in Section XV (Wrecker Service Regulations) of this directive, the wrecker service shall be removed from the rotation wrecker list for the designated period of time as set out in that section.

A wrecker service shall not employ or continue to employ, as a driver, any person who commits, is convicted of, pleads guilty to, or receives a prayer for judgment continued (PJC) for any of the offenses specified in Section XV (Wrecker Service Regulations) of this directive. This prohibition is for the designated period of time as set out in that section. A wrecker service that willfully violates this provision shall be removed from the rotation wrecker list for one year.

A wrecker service driver or owner who responds to a Patrol related incident with an odor of alcohol on his/her breath shall immediately be removed from the rotation wrecker list for one year. If the owner was not the driver and had no knowledge that the driver had been drinking, the wrecker service shall not be removed if the driver is prohibited from responding to Patrol calls for one year. This period of removal is in addition to any removal that may result from any violation of Section XV (Wrecker Service Regulations) of this directive.

A rotation wrecker service driver, owner, or employee shall not respond to a Patrol related incident with an odor of alcohol on his/her breath or while under the influence of alcohol, drugs or any impairing substance.

A willful misrepresentation of any material fact may result in removal from the rotation wrecker list.

For any violation of these rules for which no specific period of removal or disqualification is established, a wrecker service shall be removed, at a minimum, until the violation is corrected.

A wrecker service which is removed from the rotation wrecker list does not become eligible for reinstatement merely because ownership has been transferred to a family member.

A wrecker service, which is removed from the rotation list, must demonstrate compliance with all rules in order to be reinstated.

At the conclusion of any suspension, the owner of the affected wrecker service shall reapply for inclusion on the Highway Patrol rotation wrecker list.

XVII. RECORDING WRECKER REQUESTS

Members investigating collisions shall enter on the Collision Report form the authorization for removal of vehicles from the scene.

Members shall submit written verification of wrecker requests on Patrol Form HP-305.

Members observing any violations of the rotation wrecker rules shall notify the District First Sergeant.

Complaints concerning any wrecker service on the rotation wrecker list, whether instituted by the public or by a member, shall be investigated by the District First Sergeant or designee.

XVIII. HEARING PROCEDURES

If the District First Sergeant refuses to include a wrecker service on the rotation wrecker list, the wrecker service may appeal the First Sergeant's decision, in writing, to the Troop Commander or designee within 20 calendar days of receipt of the decision. The Troop Commander or designee may, conduct a hearing or review the record. In either event, the Troop Commander or designee shall render a decision, in writing, within 10 calendar days of receipt of the appeal. The Troop Commander or designee's decision, if unfavorable, may be appealed to the Office of Administrative Hearings (OAH), pursuant to the provisions of Chapter 150B of the North Carolina General Statutes.

If a District First Sergeant issues a written warning to a wrecker service for a violation of any of the Rules, the wrecker service may, within twenty (20) calendar days of receipt of the warning, submit a written response to the First Sergeant in mitigation, explanation, or rebuttal. After considering the mitigation,

explanation, or rebuttal, the First Sergeant may reconsider and remove the written warning.

If a District First Sergeant determines that a violation of these rules has occurred and removal from the rotation wrecker list is warranted, the District First Sergeant shall notify the affected wrecker service, in writing, of this determination and afford the wrecker service an opportunity to be heard. The hearing shall take place within ten (10) calendar days of actual notice. If notice is sent by mail, it shall be sent via certified mail (Return Receipt Requested) and the hearing shall take place within thirteen (13) calendar days of the date the notice is placed in the mail. The hearing shall take place within ten (10) calendar days of the request for hearing and not less than three (3) calendar days written notice. If a District First Sergeant removes a wrecker service from the rotation wrecker list, the wrecker service may appeal the removal to the Troop Commander or his/her designee, in writing, within twenty (20) calendar days of receipt of the notice. The Troop Commander, in his/her discretion, may conduct a hearing or review the record. If the Troop Commander decides to conduct a hearing, he/she will give the wrecker service not less than ten (10) calendar days notice. He/She shall render a decision, in writing, within ten (10) calendar days of receipt of the appeal or date of the hearing, whichever occurs last. The Troop Commander's decision, if unfavorable, may be appealed to the Office of Administrative Hearings (OAH) pursuant to the provisions of Chapter 150B of the North Carolina General Statutes.

Hearings conducted by District First Sergeants and/or Troop Commanders or their designee's shall be informal and no party shall be represented by legal counsel.

A wrecker service that is removed from the rotation wrecker list and subsequently placed back on the list, for any reason, shall not be entitled to additional calls, priority listing, or any other form of compensation.

Ordinarily, a wrecker service may remain on the rotation wrecker list pending a final decision of the Troop Commander or designee. A District First Sergeant, with the concurrence of the Troop Commander or designee, may, however, summarily remove a wrecker service from the rotation wrecker list in those cases where there exists reasonable grounds to believe a violation enumerated in Section XV (Wrecker Service Regulations) or any other violation relating to the safe and proper operation of the business or which may jeopardize the public's health, safety, or welfare.

Use of Patrol Video Recording Devices and Still Photography Cameras

Applicable to: Members

Directive J.05

Revised 9/17/2021

Effective 7/15/2015

I. POLICY

This policy establishes guidelines for the use and operation of video recording devices, still photography cameras, and the maintenance and storage of video and still recordings.

II. GENERAL USE AND OPERATION GUIDELINES FOR VIDEO RECORDING DEVICES

No video recording device shall be installed in any State Highway Patrol vehicle unless owned and installed at the direction of the Patrol.

A member shall not contact any vendor for technical support. All correspondence and requests for service shall be routed through the chain-of-command to the Technical Services Unit (TSU) or Logistics Radio and shall include the Troop Radio Engineer.

Members operating Patrol vehicles equipped with recording devices shall have the recording devices and body microphones up and ready for operation at all times and shall ensure that camera angles and views are not obstructed in any way to prevent recordings from being viewed. Members shall record all traffic stops and chases. Members shall record crash scenes which may pose any special concerns determined by the member and any crash involving serious personal injury or fatality; therefore, recording media (DVD) shall be kept in the recorder at all times. The recorder (both audio and video) shall be turned on when the member first suspects a driver of committing a violation and turned off when the driver is arrested or released. At the time the recorder is activated, the commercial radio in the Patrol car shall be turned off or the volume decreased significantly. Members shall also record (both audio and video) all events when a patrol vehicle is in motion while lights and/or sirens are activated, other significant events, situations, and circumstances including but not limited to, armed encounters, acts of physical violence, verbal confrontations with or from the violator, and felonious activity.

- The recorder draws voltage from the battery at a high rate and must not be left on except when recording an event that requires to be recorded
- The vehicle engine will be running while the recorder is activated so as to prevent battery drainage

Whenever a recorded incident or traffic stop results in the requirement for a Use of Force/Assault Report or a Chase Report, the member shall remove the recorded media from the recorder after processing the subject. Members

equipped with digital video recorders shall immediately finalize the digital video disc of the incident and remove it from the recorder. The member shall attach the upper portion of the HP-52B **OR** an HP-52D on the disc envelope, sleeve or hard case containing the digital video disc, and the lower portion to the citation. No adhesive labels shall be used on the digital video disc. The recorded digital video disc (DVD) shall be placed in the temporary evidence locker or delivered to the member's immediate supervisor. Duplication of the recorded incident or traffic stop shall be made according to the Use of Force/Assault and Chase Report guidelines.

If a video depicts the stop or arrest of a driver for: (1) an Implied Consent Offense, (2) a collision resulting in death or serious injury, (3) or any other criminal case involving an incident of major significance, (e.g. Drug Seizure, Arrest of Wanted Felon), the video when full, the member shall attach the upper portion of the HP-52B **OR** an HP-52D on the video disc envelope, sleeve or hard case containing the digital video disc, and the lower portion to the citation. No adhesive labels can be used on the digital video disc. The appropriate HP-60 series form shall be completed, and the evidence block checked.

Members assigned a WatchGuard 4RE Camera shall manually select the appropriate category of the stop from the list on the control panel at the conclusion of each stop. If a video depicts the stop or arrest of a driver for: (1) an Implied Consent Offense, (2) a collision resulting in death or serious injury, (3) or any other criminal case involving an incident of major significance, (e.g. Drug Seizure, Arrest of Wanted Felon), the member shall manually click on the "retention" button on the in-car screen of the WatchGuard 4RE Camera. The retention button will change from green to red which will prevent the video from purging after 90 days. It is the responsibility of the member to notify their immediate supervisor if they did not complete this step so the settings can be adjusted manually once the video is downloaded to the WatchGuard 4RE Server. In cases of immediate need to retrieve video footage of an incident it shall be the responsibility of the member's supervisor to retrieve the USB Drive from within the locked panel on the WatchGuard 4RE hard drive case.

It shall be the responsibility of the member who produced the video to contact the District Attorney (D.A.) prior to the court date, and make him/her aware that a video recording is available, and present the video for viewing by the D.A. upon his/her request. If the D.A. decides the video recording should be used as evidence in the case, the supervisor shall copy the stop to a DVD+R to prevent any alteration or modification to the video needed for court purposes.

All videos shall be stored in a secure video storage facility (**accessible only to the district first sergeant or designee**) at the SHP District Office until the recorded media is no longer needed, or all court proceedings have been adjudicated or on the WatchGuard 4RE Server. The provisions set-forth in Section III of this Directive, "Identification and Storage of Videos," shall be followed as a result of any recording involving injury to any person.

In addition to the time and date, which will be automatically displayed, the member shall verbally give the following information into the wireless microphone if circumstances permit:

- Location of incident
- Description of vehicle, if applicable
- Number of occupants in the vehicle or persons involved in the incident, including race and sex, if known
- Vehicle license plate number and state of issue

If asked, the member recording an event shall inform the person that recording equipment is in use.

No member shall cease recording an event solely because a person makes such a demand except upon the order of a supervisor.

The digital video recording speed shall be set for optimal resolution and to maximize video disc usage.

III. IDENTIFICATION AND STORAGE OF VIDEOS

Issue and Storage of Blank Digital Video Discs

- All blank digital video discs shall be sequentially numbered on the actual DVD with a CD or DVD marker (not a Sharpie or ink pen) before being issued by a supervisor. Under no circumstances should members be allowed to issue disc to themselves. All discs shall be labeled and issued by a supervisor. The numbering format shall be as follows: member's call number, current year, video number. Example: (B640-15-04)
- Each disc shall be stored in a disc envelope, sleeve or hard case and sequentially numbered. The receiving members will be required to sign for all blank digital video discs on the appropriate video log.
- Blank digital video discs shall be stored in a climate controlled, secure area
- Members shall carry only the number of digital video discs that will be needed during the members scheduled shift

When the full digital video disc memory warning light indicates the disc is approaching its capacity, members shall finalize the digital video disc and download the video recordings according to instructions and as prompted by the video display monitor. When completed, members shall place the digital video

disc inside a disc envelope, sleeve or hard case and write the following information on the envelope:

- Name (First two initials and last name) of member responsible for generating the recording. Example (C. A. White)
- The video number. Example (B640-15-04)
- First and last date the disc was used
- If the disc includes the recording of an event, which is the subject of an incident, crash report, or potential evidence in court, document the date and approximate time of the event and attach an HP-52B **OR** an HP-52D to the disc envelope, sleeve or hard case.

Adhesive labels can be used only on the DVD envelope, sleeve, or hard case.

If any person is injured during a recorded incident, the video shall be maintained for at least three (3) years and one (1) month from the date of the recording.

If a fatality is recorded, the video shall be maintained for five (5) years from the date of the recording.

Evidentiary videos shall be placed in a secure area until no longer needed for court purposes. A video containing a recorded incident or traffic stop that results in the requirement of an Use of Force Report or Chase Report shall be maintained in a secured location until no longer needed for court purposes, but not less than three (3) years and one month. All other videos must be stored for a minimum of ninety (90) days.

In-car video from cameras that utilize a wireless or thumb drive transfer to a server should refer to the WatchGuard 4RE Standard Operating Procedures (SOP) on the Patrol's Intranet. Members shall follow the operating procedures set forth in this SOP.

WatchGuard 4RE Storage

It shall be the responsibility of the assigned member at the beginning of his/her shift to ensure the USB and Hard Drive Storage is displaying correctly on the WatchGuard 4RE Display Screen. Members shall allow time within their work shifts to allow the download of video evidence to the WatchGuard 4RE Server.

IV. OWNERSHIP, CUSTODY, CONTROL, DISPLAY, AND COPYING OF RECORDINGS

All recordings generated by members of the North Carolina Highway Patrol are the property of the Patrol. Recorded digital video discs used as evidence that are potentially subjected to continuing judicial review (appeals, etc.) shall

continue to be governed by the joint control of the Patrol and the affected prosecuting authority.

- No video shall be duplicated for a member's personal use without authorization from his/her Section Director/Troop Commander or higher authority
- Duplication of non-evidentiary videos for release to the public can be authorized only by the Section Director/Troop Commander or higher authority, who will designate the location for duplication

V. DISCLOSURE AND RELEASE OF DASH CAM VIDEO

The disclosure (viewing) and release of dashboard video recordings shall be governed in accordance with N.C.G.S. 132-1.4A. Without a Court Order, Troop Commanders may only disclose a recording to a district attorney, assistant district attorney, another law enforcement agency or one of the following persons:

1. A person whose image or voice is in the recording; or
2. A "personal representative" of a person whose image or voice is in the recording. A "personal representative" can be a parent, guardian, spouse, attorney or court-appointed guardian of the estate of a deceased person.

Process for Requesting Disclosure

- A person requesting disclosure of a recording is required to submit a **written** request to the "head of the custodial law enforcement agency." In the case of the Highway Patrol, the authority to disclose recordings in the field has been delegated by the Patrol Commander to Troop Commanders. Accordingly, Troop Commanders are authorized to disclose recordings consistent with the provisions of N.C.G.S. 132-1.4 and this directive.
- Upon receipt of a written request for disclosure, Troop Commanders must, **as promptly as possible**, either disclose the portion of the recording relevant to the person's request or notify the requestor of the agency's decision not to disclose the recording to the requestor.
- Troop Commanders, in cases where the incident resulted in an arrest or a use of force that resulted in physical injury or complaint of physical injury to any person that was captured on the recording for which disclosure is requested, are directed to consult with the North Carolina Highway Patrol's legal section prior to any disclosure and/or release.

Time Limitation on Responding to Requests for Disclosure

N.C.G.S. 132-1.4A provides that if a law enforcement agency denies disclosure **or** fails to provide disclosure more than three business days after the request for disclosure, the person may apply to superior court in any county where any portion of the recording was made for a review of the denial. Accordingly, Troop Commanders shall make every effort to communicate a decision ***within three (3) business days of the written request.***

Process for Approving Requests for Disclosure

- Recordings in the custody of the Highway Patrol may only be disclosed as authorized by N.C.G.S. 132-1.4A.
- The recording shall be made available for viewing or listening to by the person requesting disclosure, at a time and location chosen at the discretion of the Troop Commander.
- A person who receives disclosure may not record or copy the recording.

Denial of Requests for Disclosure

If the Highway Patrol denies a request for disclosure or fails to provide disclosure more than three (3) business days after a request for disclosure is made, the person seeking disclosure may apply to the superior court in any county where any portion of the recording was made for a review of the denial of disclosure by filing a *PETITION FOR REVIEW OF DENIAL OR DELAY OF DISCLOSURE OF CUSTODIAL LAW ENFORCEMENT AGENCY RECORDING (AOC-CV-272)*.

Notice of and an opportunity to be heard must be given (by the Petitioner) to:

1. The head of the custodial law enforcement agency;
2. Any law enforcement agency personnel whose image or voice is in the recording and the head of that person's employing law enforcement agency; and
3. The district attorney.

Release of Recording to a Person Entitled to Disclosure

Release is significantly different than disclosure and there are two (2) different rules that apply, depending on who is seeking release of the recording.

Expedited Release Process

Any person authorized to receive disclosure or the custodial law enforcement agency may petition the superior court in any county where any portion of the recording was made for an order releasing the recording to a person authorized to receive disclosure.

The form used to petition for release is captioned: *PETITION FOR RELEASE OF CUSTODIAL LAW ENFORCEMENT AGENCY RECORDING (AOC-CV-270)*.

If the petitioner is a person authorized to receive disclosure, notice and an opportunity to be heard must be given to the Troop Commander.

Non-Expedited Release Process

Persons not entitled to disclosure may also petition the court for an order releasing the recording using the same AOC Form as described above. However, petitioners who are not entitled to “disclosure” are required to pay the Civil Superior Court filing fee.

The following persons must be notified of the hearing and those persons, or their designated representative, must be given an opportunity to be heard at any proceeding:

1. The head of the custodial law enforcement agency;
2. Any law enforcement agency personnel whose image or voice is in the recording and the head of that person’s employing law enforcement agency; and
3. The district attorney.

Public Records Requests

Recordings are not public records as defined by G.S. 132-1. However, in any case where a person who is entitled to “disclosure” submits a public records request, it should be considered as a request for disclosure and processed accordingly. All other public records requests for dash camera recordings should be referred to the Public Information Officer or to legal for an appropriate response.

Mandatory Release of Recordings to District Attorney

The Highway Patrol is required by law to disclose or release recordings without a court order to a district attorney or assistant district attorney:

1. For review of potential criminal charges;
2. In order to comply with discovery requirements in a criminal prosecution; or
3. For use in criminal proceedings in district court or for any other law enforcement purpose.

Subpoenas

This Directive is not intended to change the way in which the Highway Patrol responds to subpoenas. Subpoenas (other than for members to appear and testify) should be forwarded to the General Counsel’s office without delay.

Digital Video Recording Transfer and Archive Procedures

- In order to preserve and maintain the original recording integrity and chain of custody of digital video recordings, all captured digital recordings shall be finalized and archived as soon as practical
- Digital video recordings shall be transferred by the member from the video recorder directly to a new, Read-Only media format (DVD+R). The file name for the DVD+R shall match that of the SHP case or incident number. This disc shall be considered an Archived Digital Video Recording of the case and shall be secured and stored in accordance with the provisions set-forth in Section III of this Directive, "Identification and Storage of Videos."
- The Archived Digital Video footage disc, and disc envelope, sleeve or hard case shall be labeled to reflect the following information
 - Patrol case file number
 - Date the video were taken
 - Location of the scene and
 - Name of the member recording video footage
- Additionally the Patrol Case File Number shall be written on the DVD with a CD or DVD marker (not a Sharpie or ink pen). Adhesive labels can only be used on the DVD envelopes, sleeves or hard cases.
 - When an additional copy of the video is needed it shall be copied to a new "Read-Only" media format, DVD+R by a District Supervisor. This DVD+R will be labeled as a "Copy" and shall reflect the same information on the disc as the original Archived Digital Recording. A copy of the original DVD+R can be sent to TSU for printing. Any additional copies of the Archived DVD should be labeled as copies. These subsequent copies would be at the request of a defense attorney, prosecutor, or by any other party under the public records law.
 - Members shall not make enhancements to any Archived Digital Video Recordings. TSU will be responsible for any digital enhancements and will ensure a copy of the original Digital Recording is preserved along with the *enhanced or modified* recording.

Developed and printed film or digital recordings from archived video footage (DVD+R) sent to TSU will be returned to the appropriate supervisor. If an individual requests photographs which have not been processed as outlined above, the appropriate supervisor shall pay for processing and be governed by Directive D.03. Reimbursement may be filed on the Department of Public Safety Reimbursement of Travel and Other Expenses Incurred (CNTR003).

Members transferring to new duty stations shall not take evidentiary videos, photographic film, or digital recordings with them to their new duty station.

Display of evidentiary videos prior to adjudication of the crime or infraction shall be limited to Patrol employees, law enforcement officials, and those persons specifically designated by the affected District Attorney.

VI. USE OF RECORDINGS FOR TRAINING PURPOSES

The Section Director/Troop Commander or his/her designee shall view any video believed to be of value for training purposes.

If a video is determined to be of value for training purposes and will not be required as evidence, the First Sergeant shall forward the original tape or digital video disc directly to the Technical Services Unit (TSU) video production staff for duplication. If a video is needed as evidence, it shall be forwarded to the TSU video production staff after the criminal procedure has been completed.

All videos which are not the subject of criminal proceedings, which contain unusual events, shall be forwarded by the First Sergeant to the TSU staff for duplication. Unusual events requiring a Report of Investigation Personnel Complaints/Incident Reports (HP-721), which should be recorded, include but are not limited to: Patrol car collisions, hazardous materials incidents, school bus collisions, multiple-fatality collisions, and natural disasters.

Recorded videos which contain footage depicting non-criminal events, including collisions which may be utilized for civil proceedings, shall be forwarded directly to the TSU staff for possible use as training aids.

The TSU video production staff and designated Training Academy staff will review and evaluate a video to determine its training value for reproduction as needed.

The original digital video disc will be returned to the district office from where it originated.

VII. NOTICES OR CHALLENGES TO THE EVIDENTIARY VALUE OF RECORDINGS

Successful court challenges to the use or propriety of recorded evidence shall be detailed in writing and forwarded via chain-of-command to Field Operations.

The outline of successful court challenges should include the circumstances or conduct questions and a summary of the courts ruling as well as a notation and discussion of any restriction or sanction levied pursuant to the court ruling.

VIII. INSPECTION, MAINTENANCE, AND REPAIR

Assigned video recording devices must be inspected by the member prior to each work shift to evaluate and ensure the equipment is functional. Members shall confirm that their name and call numbers are displayed on the in-car screen of a WatchGuard 4RE Camera if assigned.

Equipment failure of video recording equipment shall be reported to the member's supervisor and arrangements made for repairs at the earliest possible time. The member shall notify the communications center that their camera is out of service for accountability purposes. Unless otherwise instructed, the equipment should remain in the assigned vehicle and not be removed. All equipment failures and repairs related to the video recording devices shall be documented by Troop Radio Shop Personnel on a CL-29 for documentation purposes. The CL-29 shall be forwarded with BlueTeam entries if the video equipment was inoperable at the time of a reportable occurrence.

Routine maintenance on the equipment must be performed in accordance with the manufacturer's instructions contained with the equipment.

IX. SUPERVISOR PROTOCOL

Whenever a recorded incident or traffic stop results in the requirement for a Use of Force/Assault Report, Chase Report, Patrol Car Collision, or Complaint, the supervisor shall log the video on the appropriate video log and store the recorded media in a secured location or ensure the video is properly labeled on the WatchGuard 4RE Server and the retention period is correct.

- District supervisors shall randomly review recorded traffic stops on DVDs and the WatchGuard 4RE Server to ensure that policies and procedures are followed. Upon review of a video the applicable supervisor shall document the review on the HP-60 for a DVD System. If the supervisor is reviewing a recording on the WatchGuard 4RE Server the applicable supervisor after the review shall click on Event Details, Edit Details, and under the Secondary Event Tags SHP Number add the following text: Reviewed by [list rank and name] and date of review (ex. Reviewed by Sgt. J. A. Doe, 02/01/2021) and click save changes. This Secondary Event Tag will create a searchable feature under the Secondary Tags Tab using the keyword "Reviewed". This review shall always be completed and documented on events such as Use of Force, Chases, Patrol Car Collisions and Complaints.

Recorded DVDs shall only be erased by a District Supervisor. The standard retention of a recording on the WatchGuard 4RE Server is 90 days before the event will self purge. District Supervisors shall randomly review recorded DVDs and Watchguard 4RE recordings prior to erasure/destruction to ensure compliance with policies and procedures.

X. SPECIAL PROVISIONS

Upon request, a supervisor shall arrange to have the video recording equipment demonstrated to interested judicial personnel and others reasonably affected by its use.

All requests for exhibit, display, and demonstration of equipment by interested parties shall be directed to the Section Director, Troop/Unit Commander or his/her designee.

Except as authorized by this policy, all copying, reproduction, or display of a recorded media or any segment thereof generated by the Patrol must be authorized by the Commander's Office or his/her designee.

XI. GENERAL USE AND OPERATION GUIDELINES FOR STILL PHOTOGRAPHY CAMERAS

Members may utilize still photography cameras for the following:

- Collisions resulting in death or injuries requiring hospitalization
- Patrol car collisions
- Any incident in which a member is assaulted or uses force which results in observable injuries to the member or another person
- At the request of another law enforcement agency
- Any other incident, investigation, manmade, or natural disaster where the member determines that photographs will be helpful to establish facts or circumstances in civil or criminal actions or for any other legitimate purpose
- **ALL** photographic equipment is property of the North Carolina State Highway Patrol and is intended for use in documenting evidence and other activities deemed appropriate by a Patrol Supervisor
- Members shall be responsible for submitting exposed film or digital camera storage media to a district supervisor

Digital Recordings

- A member who is issued a digital still camera will receive one (1) flash/memory card and have access to a SHP computer for downloading the recordings to a "Read-Only" media format (CD-R or DVD-R). Members issued digital cameras shall not have photo-editing software including but not limited to Nikon View, Adobe PhotoShop, etc. on their computer. The only exception to this requirement is members of the Accident Reconstruction Unit

may be allowed to have access to approved photo-editing software on their computers with the approval of a Reconstruction Unit Supervisor.

- When a member utilizes digital recordings, the following guidelines shall be adhered to in order to ensure the integrity of the digital recordings:
 - A flash/memory card shall only contain digital recordings from one SHP case
 - The recording quality setting on the camera must be set to “normal” and the recording resolution to “large.” Check with TSU Photo Staff for settings specific to particular brands and models.
 - Digital cameras will be set to sequentially number each recording. The sequential numbers will continue, regardless of whether or not the previous recordings have been downloaded, deleted, or copied to storage media (compact flash card). Upon reaching the maximum capable number of recordings in a sequence, the camera will be zeroed (example: 0001 through 0025 are captured, downloaded and deleted; the next recording will be 0026).
 - No recordings shall be deleted during the crime scene photography process. A Trooper or supervisor may review the captured digital recordings via the camera’s monitor prior to leaving the crime scene to ensure that all necessary photographs have been obtained. No device or software shall be connected to the digital camera which could allow for alteration of the recordings stored within the camera’s flash/memory card.
 - Digital recordings should only be deleted from the flash/memory card(s) after the recordings have been downloaded and saved to an inalterable state in a Read-Only media format (CD-R or DVD-R)
 - Under **no** circumstances will a “Re-Writeable” disc format be utilized for digital recordings

Digital Recording Transfer and Archive Procedures

- In order to preserve and maintain the original recording integrity and chain of custody of digital recordings, all captured digital recordings shall be archived as soon as practical
- Recordings shall be transferred directly to a new, Read-Only media format (CD-R or DVD-R). The file name for the CD-R or DVD-R shall match that of the SHP case number. This disc shall be considered the Archived Digital Recordings (ADR) or Negatives of the case and shall be secured and stored in a secure manner by the First Sergeant.

- The Archive Digital Recordings **disc case or sleeve** shall be labeled to reflect the following information
 - Film numbering code (example: 16-08-01 where 16 represents the year 2016, 08 represents the month of August, and 01 represents the first roll of film for the month of August)
 - Date the photographs were taken
 - Location of the scene/address, and
 - Name and initials of the member taking the photographs
- The Archived Digital Recording disc themselves shall be labeled with the Film numbering code only (example: 16-08-01)
- Labels shall be written on the CD-R or DVD-R with a CD marker (not a Sharpie or ink pen). Adhesive labels can be used only on the CD case or sleeve.
 - A second transfer of all digital recordings shall be made to a new, "Read-Only" media format, CD-R or DVD-R. This disc will be labeled as a Working Digital Recording (WDR) disc to be retained by the Member/Scene Investigator. The WDR shall reflect the same information on the disc and the disc case/sleeve as the ADR. Only the WDR can be sent to TSU for printing. Any additional copies of the digital recordings should be labeled as WDR. These would be copies requested by defense or prosecutor or by any other party under the public records law.
 - The member shall review both the ADR and the WDR discs with the digital recordings, prior to formatting (erasing) the flash/memory card
 - Members shall not make any enhancements to any Archived Digital Recordings (ADR). If digital enhancements are needed, the WDR disc shall be submitted to the Accident Reconstruction Unit or to TSU Photo staff.
- Developed and printed film or digital recordings from WDR discs sent to TSU will be returned to the appropriate supervisor. If an individual requests photographs which have not been processed as outlined above, the First Sergeant or appropriate supervisor shall pay for processing and be governed by Directive D.03. Reimbursement may be filed on the Department of Public Safety Reimbursement of Travel and Other Expenses Incurred (CNTR-003).
- First Sergeants shall preserve any processed film, unprocessed film, and/or digital camera storage media (ADR disc) that may contain evidentiary matters in a secure manner. First Sergeants shall maintain a 35mm Film/Digital Media Log (HP-60A).

- All processed film, unprocessed film, and/or digital camera storage media (ADR) that may contain evidentiary matters shall be maintained until all civil and criminal litigation is concluded or for three (3) years and one (1) month, whichever is longer. All media related to fatalities shall be maintained until all civil and criminal litigation is concluded or for five (5) years, whichever is longer. At the end of the applicable period, the First Sergeant or appropriate supervisor shall give all film, prints, negatives, or digital camera storage media to the investigating officer, who shall be allowed to dispose of the items, save them, or develop any unprocessed film at his/her expense.
- Transfer of digital camera recordings over the Highway Patrol Intranet or via e-mail and/or downloading digital camera recordings to devices not owned by the State Highway Patrol is prohibited without prior approval from a Section Director/Troop Commander or higher authority. Under no circumstances should digital camera recordings be transferred via the mobile data network. These restrictions will not apply to Technical Services Unit staff members when in the process of testing and/or evaluating new technologies, nor to the Commander's Office or his/her designee in extreme cases when it is determined the need for the recording(s) outweighs the risk to the wireless network.

I. POLICY

It is the policy of the Patrol to maintain close community relations. This will allow the Patrol to meet the needs of the citizens of North Carolina as well as its visitors and develop public confidence.

II. OBJECTIVES

To minimize traffic collisions and the resulting fatalities through educational programs and safety awareness campaigns

To provide the public with a clear image of the Patrol by publicizing objectives, concerns and successes in serving the public

III. RESPONSIBILITIES

Each employee of the Patrol shall be responsible for the overall achievement of this policy. The public's image of the Patrol is often determined by the day-to-day contacts its employees have with the public; therefore, each employee shall exhibit professionalism and maintain objectivity in their dealings with the public.

District First Sergeants shall be responsible for initiating and overseeing all community relations functions within their respective districts.

District First Sergeants shall assist with the establishment of community groups which have purposes consistent with the mission of the Patrol.

District First Sergeants or their designee shall maintain a liaison with active community groups in their area. Ideally, the community groups should represent a cross section of the area population.

District First Sergeants or their designee will coordinate community relations programs in their respective districts.

Employees are encouraged to participate in community activities while off duty that may foster cooperative efforts in resolving community issues.

IV. PROCEDURES

Safety Education Programs and Safety Awareness Campaigns

Safety education programs and safety awareness campaigns shall be used to promote highway safety, reduce the number and severity of traffic collisions, and reduce criminal acts committed on the highways

- Programs and campaigns shall be developed to identify specific groups of people (children, senior citizens, teens, and motorcyclists, etc.) by the Public Information Officer
- Statewide initiatives and campaigns shall be coordinated through Field Operations
- Due to the diverse demographics of the State of North Carolina, employees are encouraged to develop programs that identify groups that may be unique to their area

Partnerships

- Troop Commanders shall ensure that community relation programs are being established and will add additional programs as needed.
- The District First Sergeant or their designee shall maintain a liaison with traffic safety units of local enforcement agencies. They shall assist the local agencies in traffic collision reduction programs dealing with fatalities and other collisions on the highways.

Executive Protection

Applicable to: Members
CALEA Chapters 22; 46

Directive J.07

Revised 11/10/2004
Effective 3/2/2000

I. POLICY

The Executive Protection Detail provides protection to the Governor and performs such duties and services deemed necessary by the Governor as directed by N.C.G.S. § 20-189. This policy establishes guidelines for the preparation of operational plans for the members of the Executive Protection Detail and field members who may be assigned to assist with an executive protection detail.

II. RESPONSIBILITIES (CALEA 46.2.6)

The member in charge of the Executive Protection Unit or his/her designee shall designate a member who is responsible for the following:

- Coordinating, planning, and surveying travel routes and activities involving a protectee's travel into other areas of the state or nation, and coordinate activities involving a protectee's security with any outside agencies to include the United States Secret Service
- Making an advance inspection of all sites and facilities to be visited by a protectee
- Identifying the appropriate emergency first aid, ambulance, and medical facilities during advance preparations
- Maintaining an intelligence file on those persons considered to be a threat to the safety of the Governor, First Family, or other protectees
- Coordinating any crisis situation involving a protectee with other Patrol members and agencies

III. REQUIREMENTS AND EQUIPMENT (CALEA 46.2.6)

Members assigned to the Executive Protection Detail must have completed a 40-hour training course in Executive Protection.

Field members assisting with an executive protection detail must have completed a 40-hour training course in Executive Protection.

The Executive Protection Training Course shall include but is not limited to the use of:

- Special communications equipment to include high and low band radios, special walkie-talkies with ear pieces, pagers, and cellular telephone equipment

- Any authorized special weapons
- Unmarked patrol vehicles used by the Executive Protection Detail
- Advance procedures and threat responses
- Special motorcade driving techniques

Special issued items shall include but are not limited to the following:

- A distinctive lapel pin to be used as identification
- Body armor to be worn at their discretion
- Special weapons
- An unmarked car with confidential license plates
- Special walkie-talkies with ear pieces for communication, high and low band radios, pagers, and cellular telephone equipment

I. POLICY

It is the policy of the Patrol that victims and witnesses of crimes be treated with dignity and compassion. Specific provisions of this policy are established to enact the requirements of the North Carolina State Constitution, the Fair Treatment for Victims and Witnesses (Chapter 15A, Article 45) and the Crime Victims' Rights Act (Chapter 15A, Article 46). Nothing in this policy prevents or prohibits employees from providing assistance to victims or witnesses who would not otherwise be eligible for assistance as provided in the Fair Treatment for Victims and Witnesses (Chapter 15A, Article 45) and the Crime Victims' Rights Act (Chapter 15A, Article 46). Reasonable assistance in coping with crimes and any related criminal proceeding shall be given.

II. RESPONSIBILITIES

Members shall be governed by Section 37 of Article I of the North Carolina State Constitution, the Fair Treatment for Victims and Witnesses (Chapter 15A, Article 45) and the Crime Victims' Rights Act (Chapter 15A, Article 46).

Victim assistance information (i.e. brochures and cards) shall be maintained at each Patrol facility and accessible to all employees for dissemination to qualifying victims.

Members shall provide assistance to victims/witnesses as may be reasonably necessary, which may include referrals to other agencies (i.e. Office of the District Attorney: Victim/Witness Coordinator, Sheriff's Department, or local Police Department).

Members shall maintain or have access to all forms pertaining to the Crime Victims' Rights Act such as the Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B) and the Crime Victim Rights Form.

Each District First Sergeant shall consult with their District Attorney's office to determine the preferred method for receiving Crime Victims' Rights Act forms, Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B), and any other preferences related to victim notification.

Each district First Sergeant shall designate an individual within their district office to serve as a point of contact for the notification requirements established under the Crime Victims' Rights Act (Chapter 15A, Article 46) and to be responsible for tracking each step of this process using a complete HP-20C-Victim Notification Tracking Log.

It is the responsibility of victims/witnesses to request assistance, if desired, after the available services are made known to them and the required forms are provided.

Patrol Telecommunicators shall have access to victim assistance resources enabling them to provide assistance to qualifying victims, 24 hours a day, seven (7) days a week. Patrol Telecommunicators shall have the ability of accessing victim/witness referral resources from a web link on the Patrol's intranet. Upon notification by a qualifying victim of a crime, the Telecommunicator shall notify the law enforcement agency with primary responsibility for investigating the crime. They shall provide the victim with the toll-free telephone number for the appropriate victim/witness service, or the telephone number to the Victim Services Division (1-800-826-6200). In the event of a computer systems failure, at least one victim assistance brochure or card shall be posted in a location that is accessible to all Telecommunicators.

Members shall ensure the confidentiality of victims/witnesses and their role in case development.

Members shall also ensure the prompt return of any seized property from victims/witnesses not needed for prosecution (except for contraband, disputed property, and weapons used in the course of a crime).

III. VICTIM NOTIFICATION PROCEDURES

N.C.G.S. § 15A-830(a)(6a) provides that felony property crimes and offenses against the person trigger the victim notification requirements of N.C.G.S. § 15A-831:

- Felony property crimes-includes a felony violation of one of the following:
 - Subchapter IV of Chapter 14 (N.C.G.S § 14-51 through 14-69.3);
 - Subchapter V of Chapter 14 (N.C.G.S § 14-70 through 14-125).
- Offenses against the person-includes a violation of one of the following:
 - Chapter 20 offenses, only if an element of the offense involves impairment of the defendant, **or** injury **or** death to the victim. (Note: *The offense must involve some personal injury or complaint of personal injury to some person in order to be an offense against the person.*);
 - Subchapter III of Chapter 14 (N.C.G.S § 14-17 through 14-50.43);
 - Subchapter VII of Chapter 14 (N.C.G.S § 14-177 through 14-208.45);
 - Article 39 of Chapter 14 (N.C.G.S § 14-313 through 14-321.2);
 - A valid protective order under N.C.G.S § 50B-4.1, including, but not limited to N.C.G.S § 14-143.3 and 14-269.8;
 - Article 35 of Chapter 14 (N.C.G.S § 14-269 through 14-277.5), if the elements of the offense involve communicating a threat **or** stalking;

- An offense that triggers the enumerated victim's rights, as required by the North Carolina Constitution.

Once an investigating officer identifies a victim of a felony property crime or an offense against the person, as outlined above, the member is required to provide the victim with the Crime Victim Rights Form within 72 hours.

In situations where the victim is deceased, N.C.G.S. § 15A-830(b) provides that a victim's family member, as defined in N.C.G.S. § 15A-830(a)(3a), is entitled to the rights provided by the Crime Victims' Rights Act (Chapter 15A, Article 46) and shall be provided a Crime Victim Rights Form, within 72 hours of identifying the victim.

If the victim is a minor or is legally incapacitated, a parent, guardian, or legal custodian, is entitled to exercise the victim's rights provided by the Crime Victims' Rights Act (Chapter 15A, Article 46).

For victims of delinquent acts by a juvenile as defined by N.C.G.S. § 7B-2051, resulting in a petition being filed by an Intake Counselor, the District Attorney's office shall be responsible for victim notification.

Once the Crime Victim Rights Form has been provided to the victim, it is their responsibility to return it to the district office's designated point of contact, within 10 business days of receipt. Upon receiving a completed form, the designated point of contact shall promptly provide the completed form to the prosecuting District Attorney's office. Should the victim fail to return the form within 10 business days of receipt, or refuse to take receipt of the form from the member in the first place, there are no further member requirements concerning the Crime Victim Rights Form.

In addition to the Crime Victim Rights Form, a Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B) must also be completed and returned to the District Attorney's office as part of the notification process. In most cases, the investigating officer and the arresting officer will be the same person and the same agency. If the investigating member is also the arresting member, the Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B) shall be completed and provided to the designated point of contact following the identification of a victim of a qualifying offense and the arrest of the suspect. This form shall be provided to the District Attorney's office by the designated point of contact within 72 hours of the arrest. This form must be provided to the District Attorney's office in the manner described regardless of whether the identified victim has returned the Crime Victim Rights Form to the district office's designated point of contact.

However, when the suspect(s) is not arrested at the time of the crime and an arrest warrant is issued, with the possibility of someone other than the investigating agency making the arrest, the following procedures shall be followed:

- The Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B) shall be completed by the investigating member. The investigating member retains the original form if an arrest has not been made. (The District Attorney's office does not get a copy until there is an arrest).
- When the suspect is arrested, the investigating officer shall provide the Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B) to the designated point of contact. The designated point of contact shall then forward a copy to the District Attorney's office that will be responsible for prosecuting the case. This must be completed within 72 hours of receiving notice of the suspect's arrest.

If a defendant has been released on bail pending the outcome of an appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency as soon as practical. After receiving notice from the custodial institution, the investigating agency must notify the victim, within 72 hours, by utilizing a completed Post Trial Release Notification (HP-20B).

Protection of Victims / Witnesses

- *N.C.G.S. § 14-226 states if any person shall by threats, menaces or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any of the courts of this State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such court, shall be guilty of a Class H felony.*
- When a member is made aware of any attempts to tamper with or retaliate against a victim/witness, regarding a Patrol case, the victim/witness shall be referred to the District Attorney's office, prosecuting the case, for assistance in obtaining applicable warrants or voluntary protective custody as provided in N.C.G.S. § 15A-804.

IV. ASSISTANCE PROVIDED DURING FOLLOW-UP INVESTIGATIONS

Scheduling of line-ups, interviews, and other required appearances should be done at the convenience of the victims/witnesses.

Following the arrest of an individual believed to have committed a qualifying crime, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest within 72 hours. In the event another agency arrests an individual on outstanding warrants for a felony property crime or an offense against the person where the Patrol is serving as the investigating agency, identified victims shall be notified of the arrest by the designated point of contact, by any reasonable method, within 72 hours of receiving notice of the arrest.

Procedures involved in the prosecution of their cases shall be explained.

Victims/Witnesses should be contacted periodically during the follow-up investigation to ensure needed assistance is being received for an updated report on the status of the investigation.

Under the Crime Victims' Rights Act, a crime victim may enforce the rights guaranteed under the Act. If a victim believes that a law enforcement agency has not acted in accordance with the Act, the victim may file a motion with the court to have the matter judicially reviewed. Pursuant to N.C.G.S. § 15A-834.5(c1), before a victim can file this motion, they are required to first file a written complaint with that agency, to afford the agency an opportunity to resolve the issue stated in the written complaint in a timely manner. If the designated point of contact receives a written complaint from someone seeking to enforce victim's right under the Act, they shall report the matter to the district First Sergeant. The district First Sergeant shall consult with the prosecuting District Attorney's office to determine whether the individual qualifies as a victim under the Act. If the individual qualifies as a victim, they shall be provided a Crime Victim Rights Form, and the Crime Victims' Rights Act Victim Information Sheet (Law Enforcement) (AOC-CR-180B) shall be completed by the designated point of contact and submitted to the District Attorney's office in the same manner as described above. If, after consulting with the District Attorney's office, it is determined that the person does not qualify as a victim under the Act, the district First Sergeant shall respond to the individual in writing informing him or her that the written complaint has been reviewed and the Patrol has determined that no further action is required under the Act.

V. COOPERATION WITH OTHER AGENCIES

Members shall assist and cooperate with other agencies providing victim/witness assistance to the extent possible and in keeping with the mission of the Patrol.

As stated above, if a member arrests an individual on outstanding warrants for a crime covered under the Crime Victims' Rights Act (Chapter 15A, Article 46), and that crime is being investigated by another agency, the arresting member shall inform the investigating law enforcement agency of the arrest, by any reasonable method, within 72 hours.

Patrol members should not unnecessarily duplicate services provided by other agencies.

Members should inform the public and media of services provided by NC DPS Victim Services.

VI. VICTIM ASSISTANCE SERVICES

SAVAN (Statewide Automated Victim Assistance and Notification)
1-877-627-2826

Department of Public Safety, Victim Services
1-800-826-6200

Conference of District Attorneys, Victim Service Coordinator
1-919-733-3484

North Carolina Attorney General's Office, Citizens' Rights Section
1-919-716-6780

North Carolina Victims' Compensation Program
1-800-826-6200

North Carolina Victim Assistance Network
1-800-348-5068

North Carolina Coalition Against Domestic Violence
1-919-956-9124

North Carolina Coalition Against Sexual Assault
1-919-676-7611

Mothers Against Drunk Driving
1-800-248-6233

National Victim Center
1-800-394-2255

I. POLICY

This policy establishes guidelines for the release and dissemination of public information concerning Departmental activities to the media and general public.

II. COOPERATION WITH THE MEDIA

Members shall cooperate fully with all reporters and news media representatives. The presence of media representatives at an accident, crime or disaster scene, the taking of photographs, audio or videotape at the scene, and the asking of questions relative to the incident shall not constitute unlawful interference with the members' duties. Members may restrict or exclude media representatives from public areas under the following circumstances:

- When any representative of the news media attempts to resist, obstruct, or oppose a member in the execution of a lawful duty;
- When a member deems it essential to restrict access to a scene in order to preserve important evidence (members should explain the reasons for the restriction and lift the restriction at the earliest time to permit access by the media); and
- When another person would be placed in immediate danger or the risk of harm to other persons or property would substantially increase.

The Highway Patrol recognizes authorized identifications from all local, national, and international news organizations. Failure of media personnel to present authorized identification may be grounds for restricting access to incident scenes.

Members shall return calls to the media representatives as promptly as practical. Public information will be released to the media as promptly as circumstances allow in an objective, factual, and impartial manner. Public information may be provided to media representatives via fax, e-mail, telephone, or in person. When information must be denied to a media representative, the basis for denial will be fully and courteously explained.

Reporters may ride along with Members provided they have signed a Rider Agreement (HP-3), and have received authorization from either the Section Director/Troop Commander or his/her designee. If the ride along is approved, the appropriate Section Director/Troop Commander or designee shall notify the PIO that is on call. Members **may** take enforcement action while reporters are in their vehicle. Members are reminded that they must consider the safety of themselves and the reporter while taking enforcement actions. Members shall **not** engage in a chase while a reporter is present in the patrol vehicle.

Members may release information and statements to the media on matters such as routine arrests, traffic collision investigations, and other general activities.

Members shall refer all requests by the media for information on internal investigations, resignations, dismissals, serious patrol car incidents, injuries inflicted on others by members or serious injuries inflicted on members of the Patrol to the affected Section Director/Troop Commander, Highway Patrol PIO, and/or DPS Communications Officer

Upon receipt of information about events or activities that may have media interest, the Communications Center shall notify the Troop Officer of the Day (OD) as soon as possible.

The affected Section Director/Troop Commander shall be responsible for ensuring that the State OD is informed of events that may have media interest and for notifying the DPS Communications Officer or State Highway Patrol PIO.

A member investigating any of the following incidents shall notify the State Highway Patrol PIO and/or DPS Communications Officer as soon as possible. These incidents can attract a usual amount of media attention.

- Crashes involving more than 3 fatalities
- Crashes or events that will block a major interstate or multi-lane highway for an extended period of time
- Crashes that involve a significant hazardous materials spill or airborne contamination
- Crashes involving or the arrest of a prominent person (i.e. elected officials, celebrities, and other law enforcement officers) especially for DWI
- Chases that end in a crash involving injury or a violent confrontation with the suspect, or that go on for an extended period of time
- Discharge of a firearm at or by a member, except when a member is putting a wounded animal out of its misery
- Death or serious injury of a member
- Patrol crashes involving injury
- Death or serious injury of a suspect while in custody
- Any major drug arrest or seizure
- Any natural or manmade disaster, which the State Highway Patrol has responded to

- Any unusual use of State Highway Patrol assets (i.e. using the helicopter in a chase or to apprehend a suspect on foot, the successful use of a defibrillator, the apprehension of a suspect by a canine)
- Any hostage situation or plane crash to which Highway Patrol personnel have responded
- Any other event that has or may attract more than the usual amount of media interest

III. INVESTIGATIVE INFORMATION

From the initial stage of a criminal investigation (i.e. Hit and Run PD, PI, F) information that shall be released upon request:

- Type or nature of the traffic collision, incident, or crime being investigated
- Location, date and time, injuries sustained, damages, and a general description of how a traffic collision, incident, or crime occurred including legal alcohol concentration (AC) as reported on the Intoxilyzer Test Record Ticket or the SBI Lab Report or the fact of a willful refusal
- Requests for aid in locating evidence, witnesses, suspects, or information beneficial to the investigation
- Identity of any critically injured or deceased person or persons after the next of kin has been notified

Information from an investigation that **shall not** be released concerning a traffic collision, incident, or crime without prior approval of the Section Director/Troop Commander or his/her designee or higher authority includes:

- Specific information which if disclosed could jeopardize an investigation, the apprehension of a suspect, or the prosecution of an offender
- Evidence that is part of an ongoing criminal investigation shall not be released without prior authorization by the appropriate District Attorney
- Name, photograph, and address or photograph of any juvenile (under age 16) who is a suspect or defendant in a case subject to a juvenile court jurisdiction
- Identity of any critically injured or deceased person prior to notification of the next of kin
- Results of any investigative procedure such as line-ups, polygraph examinations, fingerprint comparisons, ballistic tests, or similar procedures.

(The fact that these tests have been performed may be revealed without further comment).

- Specific cause of death unless officially determined by a medical examiner.

IV. ARREST / SUMMONS INFORMATION

Following an arrest, issuance of an arrest warrant, summons or indictment, the following shall be released if requested:

- Alleged offense(s), and the name, age, address, and occupation of the defendant
- Time and place of arrest/offense, whether pursuit or resistance was encountered, whether weapons were used, the charges against the suspect, and a description of contraband or other evidence seized
- Identity of the arresting officer and the duration of the investigation
- Amount of bond, scheduled court dates, and place of the suspect's detention

V. ACCESS TO PRIVATE PROPERTY

A member shall not escort the media onto private property or authorize the media to enter onto private property. It is the media's responsibility to obtain permission of the property owner to enter onto or remain on private property. No member shall interfere with media's photographing, filming, or videotape recording of private property while the media remains on public property. The member shall not act as intermediary between the property owner and the media.

VI. SPECIAL CONSIDERATION – CRIMINAL MATTERS

Personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include allowing closer access of media personnel and equipment than is available to the general public but only to the degree that it does not interfere with the investigation of the Patrol.

The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, or destroyed. Once evidence has been processed, removed, and secured by the agency in charge, the media may be allowed to enter by permission of the officer in charge at the scene.

Suspects or accused persons in custody shall not be posed, and members should not make arrangements for photographs, telecasts, or interviews of suspects nor shall personnel pose with suspects or accused persons in custody.

VII. SPECIAL CONSIDERATION – NON-CRIMINAL MATTERS

At the scene of significant traffic collisions, aircraft crashes, manmade or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not directly interfere with the mission of the Highway Patrol, fire, medical, or other emergency relief workers.

Information from a personnel file shall not be released without the express permission of the member, or the Secretary, or his/her designee.

When multiple agencies are involved in the investigation at the scene of a traffic collision, major fire, natural disaster, or other catastrophic event or crime scene, the agency having primary jurisdiction should be responsible for releasing or coordinating the release of media information.

The home address, social security number, and telephone number of any active or former member of the Patrol; the home address, social security numbers, telephone numbers, and places of employment of any such member's spouse or children; and the names and location of any schools and day care facilities attended by children of such members are not public record and will not be released to members of the media.

VIII. CHANGES IN MEDIA POLICIES AND PROCEDURES

When developing changes in policies and procedures relating to the public information function, every effort should be made to contact statewide or local media representatives, to seek their participation and input regarding the changes. Media participation in such changes can lead to a more effective working relationship with members of the media on a statewide and local basis.

IX. DPS COMMUNICATIONS OFFICE CONTACT INFORMATION

The DPS Communication Officers rotate on-call duty weekly. The on-call Communication Officer should be paged through Communications at (919) 733-3861, or as listed on the DPS Emergency Duty Roster.

**Assignment, Use, and Disposition of North Carolina
Uniform Citations and eCitations; CVSA Decals; CMV
Replacement Seals; CMV Out-of-Service Decals**

Applicable to: Members / New Entrant Auditors

Directive J.10

Revised 08/27/2020

Effective 02/2011

I. POLICY

This policy sets the standard in citation maintenance and accountability issues.

II. ACCOUNTABILITY

North Carolina Uniform Citations (N.C.U.C.) are supplied to Patrol Headquarters by the Administrative Office of the Courts. Each citation is numbered and the Patrol is accountable for the use and disposition of each citation. The Administrative Assistant to the Director of Field Operations manages and controls the supply and accountability for North Carolina Uniform Citations used by the Patrol. The troop Administrative Lieutenant and each First Sergeant shall sign a receipt (HP-200B) for citation books issued to their units and/or members. Citations are to be stored in a secure area by the First Sergeant or Lieutenant who maintains custody. Each member shall sign a receipt (HP-200B) for citation books received from the First Sergeant and shall be accountable for the issuance and disposition of each citation. Citation receipts (HP-200B) shall be completed and retained as required by the Patrol *Forms and Reports Manual*.

Electronic North Carolina Uniform Citations (eCitations) are assigned sequentially in blocks of 25 citations by the Administrative Office of the Courts (AOC). Each member directly downloads eCitations to their Mobile Data Computer (MDC) via the Criminal Justice Information Network (CJIN) and the Mobile Data Network (MDN).

Members shall issue citations in a numerical sequence and record the number of citations issued or voided each week on the Weekly Report of Daily Activity (HP-201). Members shall not issue citations to persons from citation books issued to another member. When necessary, a complete or partial citation book may be transferred from one member to another through the Information Management System (IMS) function of un-assigning from the member currently assigned a book of citations and reassigning it to the receiving member. A member shall notify their supervisor prior to such transfer, who may approve the transfer and shall, if approved, make the appropriate changes in the IMS.

Upon the assignment of citations to a member, the First Sergeant is responsible for the immediate entry of the assignment in the IMS. If this is not practical, the assigning supervisor shall ensure that the assigned date utilized in the IMS conforms to the actual date of receipt by the receiving member and shall be noted on a (HP-200B).

III. CITATION MAINTENANCE

Each enforcement member, if applicable, will receive the following three (3) reports for citation maintenance:

- Assigned and Missing Citations (HPC-200), accountability of citations issued to Patrol members listing the citations issued to a member which have been assigned, but are without issue or disposition information. This report will be available for printing on the 15th day of January, April, July, and October.
- Adjudicated Citations (HPC-200.2), containing a listing of citations in the IMS with a status of "D" (issued and disposed) or "J" (administratively adjudicated). This report will be available for printing on the 15th day of May and the 15th day of November.
- Exception Citations Worksheet (HPC 200.3) is provided to each affected Patrol member for correction of errors and/or omissions of required information from completed citations. This report will be available for printing on the 15th of every month.

IV. DUTIES AND RESPONSIBILITIES

HPC-200 (Assigned and Missing Citations)

- An Assigned and Missing Report, (HPC-200) will be available for printing on the 15th day of January, April, July, and October. When a citation(s) appears on the report two (2) consecutive quarters the First Sergeant shall inquire to determine if the assigned member has the citation in their possession. If it is determined that the assigned member does not have the citation(s) in their possession, the First Sergeant shall conduct a report of investigation on Form HP-721. The results of the investigation shall be forwarded to the appropriate Section Director/Troop Commander. Following review by appropriate member, the HPC-200 shall be signed and dated by the member and their supervisor. The HPC-200 shall be maintained in accordance with the NCSHP Filing Guide.

HPC-200.2 (Adjudicated Citations)

- The adjudicated citations are to be purged from the member's N.C.U.C. books or pending files when they appear on the Citations Adjudicated Report (HPC-200.2).
- Affected members may either destroy or retain these citations for their records as they deem appropriate. In the event a Patrol member decides not to retain these citations, they must be thoroughly destroyed by shredding in order to protect the confidential information provided by the violator at the time of charge.

- Adjudicated eCitations are kept on the member's MDC and will not show up on the adjudicated citation report (HPC-200.2). The citations are kept online in the IMS for a period of twenty-four (24) months after they have been adjudicated.
- Under no circumstances will a supervisor administratively adjudicate any citation (with the exception of Juveniles, Long Warrants, and Citations with no existing court record).

HPC-200.3 (Exception Citations)

An Exception Citations Worksheet, (HPC-200.3) will be automatically transmitted to each affected district on or about the 15th of each month. This is a citation error report and will list citations, by serial number, for each member where an error has been detected. Each affected member shall receive a copy of the report and shall correct any indicated error. The report will be returned to the First Sergeant, who shall be responsible for updating corrected citation errors as instructed in the IMS Manual.

IV. MEMBER'S PATROL SERVICE TERMINATED

Members shall retain and be responsible for the proper maintenance of all citations issued by them until their employment as a uniformed member of the Patrol is terminated.

When a member's service with the Patrol terminates, they shall submit all pending and unused citations to their First Sergeant. The unused citations shall be *unassigned* in IMS **within 48 hours of termination of service** and may be *reassigned* to another member using the HP-200B. For eCitations, the First Sergeant should "Void Unused Citations" and transmit from the member's MDC all unused eCitations to AOC.

The First Sergeant shall become the custodian of all pending citations of the terminated member.

V. FIRST SERGEANT TRANSFERRED

When a First Sergeant is transferred, pending citations assigned to him/her as a result of a terminated member are automatically assigned by IMS to the newly assigned First Sergeant.

VI. CASES INVOLVING JUVENILES

The court disposition of cases involving juveniles is not a matter of public record. Charges brought against juveniles will be prepared on the N.C.U.C., and a petition will be filed by juvenile court officials when warranted.

A member who issues a citation to any juvenile age 16 or 17 for a non-motor vehicle offense or under the age of 16 for any offense, shall submit all copies of

the N.C.U.C. to the First Sergeant with his/her weekly reports, **except** the original N.C.U.C., which shall be given to the Juvenile Court Counselor to aid in the preparation of the petition. The citation issuance and disposition information will be entered in the IMS by the First Sergeant and should appear on the member's next Citations Adjudicated Report.

VII. VOIDED CITATIONS

If a member makes an error in the preparation of a citation, he/she shall print in bold lettering across the face of the citation the word **VOID** and insert his/her name and registry number in the appropriate places. A detailed explanation shall be entered in the *Member's Notes* section of the citation.

All copies of voided citations, including eCitations, will be submitted to the First Sergeant attached to the HP-201 at the end of the week. The officer's copy of the eCitation shows when and why the eCitation was voided.

The First Sergeant shall be responsible for voiding citations as instructed in the *IMS Manual* and shall file all voided citations with the member's adjudicated citations.

An N.C.U.C. shall not be voided without sound reason. The voided citation must contain detailed notes as to the reason it was voided. The First Sergeant shall review all voided citations and, when questionable or used excessively, may require an explanation for each citation voided.

The Voided Citations Report (HPC-200.4) and the Issue and Disposition Entry (HPC-200.5), (Report of Citation Issue or Disposition Entries made by Highway Patrol Personnel), will be automatically transmitted by IMS to the troop headquarters of the affected member for printing and review. The report will identify and list citations entered through any IMS terminal not identified as a data terminal of the **Administrative Office of the Courts**. The Section Director/Troop Commander may initiate an investigation of questionable entry circumstances during troop staff inspections. A semi-annual summary of these reports will be automatically transmitted to Field Operations for review.

VIII. LONG WARRANTS

Any member causing the issuance of a long warrant shall attach a completed **original court copy** of the N.C.U.C. to the warrant prior to submitting it to a judicial official unless the charge was made through NCAWARE. If the charge is made through NCAWARE, the member shall enter the Tracking Number on the HP-201B and a N. C. U. C. does not need to be completed.

If a N. C. U. C. is completed the words **Long Form Warrant Issued** shall be printed in bold print on the face of the N.C.U.C. in the space immediately below the File No. space and above the form title "North Carolina Uniform Citation". The remaining copies of the citation shall be submitted with the current weekly

HP-201B. Members should track the disposition of the case and ensure that correct information has been accurately entered.

IX. COMMERCIAL VEHICLE SAFETY ALLIANCE DECALS

The Commercial Vehicle Safety Alliance supplies Commercial Vehicle Safety Alliance (CVSA) Decals to the SHP MCEA Section. The MCEA Section manages and controls the supply and accountability for CVSA decals. The MCEA Section sends a memorandum to the applicable Troop/Section and issues a sequentially numbered block of decals for distribution. The MCE Lieutenant issues the decals, using a HP-200B, to their assigned MCE Sergeants for distribution to their CVSA certified personnel. Each MCE Sergeant is responsible for issuing the decals to individual CVSA certified members on the HP-200B. Each member signs and acknowledges receipt of the decals received and is accountable for the disposition of each decal. The HP-200B is completed and retained as required by the Patrol Forms Instructions and Filing Guide. Any excess decals should be stored in a secured location by the appointed supervisor. When necessary, decals may be transferred from one member to another using the HP-200B through the appointed supervisor.

Members shall issue decals to a motor carrier in a numerical sequence and record the number on the Driver/Vehicle Examination Report (ENF-500). At all times, members shall issue decals to motor carriers' vehicles that undergo and successfully pass a Level I or Level V North American Standard Inspection. Decals shall be issued if the violations are not one of the thirteen critical items listed in the CVSA Inspection Manual.

Supervisors shall utilize the following process when dealing with expired/unused CVSA decals:

- Expired/unused CVSA decals shall be collected from each member at the end of each quarter utilizing form HP-200B.
- Supervisor shall then locate the decals under the member's forms maintenance account in the FuelTaCS program.
- Once located and highlighted, select the CHANGE STATUS button at the bottom of the page and choose "Unused."
- Upon changing the status, supervisor shall destroy all decals, rendering them unusable via shredding or cutting, and enter "CVSA Decals destroyed by (Supervisor's Name)" into the Notes section prior to saving changes.

X. COMMERCIAL MOTOR VEHICLE REPLACEMENT SEALS

The MCEA Section manages and controls the supply and accountability for Replacement Seals. The MCEA Section sends a memorandum (upon request for replacement seals) to the applicable Troop/Section and issues a sequentially numbered block of seals for distribution. The MCE Lieutenant issues the seals,

using a HP-200B, to their assigned MCE Sergeants for distribution to their CVSA certified personnel. Each MCE Sergeant is responsible for issuing the seals to individual CVSA certified members on the HP-200B. Each member signs and acknowledges receipt of the replacement seals received and is accountable for the disposition of each seal. The HP-200B is completed and retained as required by the Patrol Forms Instructions and Filing Guide. Any excess seals should be stored in a secured location by the appointed supervisor. When necessary, seals may be transferred from one member to another using the HP-200B through the appointed supervisor.

Members shall issue replacement seals to motor carriers in a numerical sequence and record the number of the seals removed and the number of the seals replaced along with the member's signature on the Driver/Vehicle Examination Report (ENF-500). At all times, members shall issue replacement seals to motor carriers, whereby a commodity inspection has occurred to check the commodity for load securement and or hazardous materials. The old seal(s) shall be attached by some means to the bill of lading so the carrier has proof of the chain of custody. Motor Carriers that undergo a North American Standard Inspection, Level One, Level Two, Level Four, Level Five, or Level Six inspection, are subject to a commodity inspection. Statue authority to conduct commodity inspections is located under N.C.G.S. § 20-381 (a) (3). **NOTE:** The only time a member shall conduct a commodity inspection and remove a carrier/shippers seal, is in conjunction with one of the above listed level of inspections. **Members shall not use this authority to conduct searches for any other reason than load securement and hazardous material commodity checks.**

These seals do not have an expiration date and shall remain with the member until separation from the Patrol. In this instance, the seals shall be returned to the member's supervisor, unassigned, and stored in a secured location by the appointed supervisor until reassigned using the HP-200B.

XI. COMMERCIAL MOTOR VEHICLE OUT-OF-SERVICE DECALS

The MCEA Section manages and controls the supply and accountability for Out-of-Service decals. The MCEA Section sends a memorandum (upon request for Out-of-Service decals) to the applicable Troop/Section and issues a sequentially numbered block of decals for distribution. The MCE Lieutenant issues the decals, using a HP-200B, to their assigned MCE Sergeants for distribution to their CVSA certified personnel. Each MCE Sergeant is responsible for issuing the decals to individual CVSA certified members on the HP-200B. Each member signs and acknowledges receipt of the decals received and is accountable for the disposition of each decal. The HP-200B is completed and retained as required by the Patrol Forms Instructions and Filing Guide. Any excess decals should be stored in a secured location by the appointed supervisor. When necessary, decals may be transferred from one member to another using the HP-200B through the appointed supervisor.

Members shall issue the Out-of-Service decals to motor carriers vehicles in a numerical sequence and record the number on the Driver/Vehicle Examination Report (ENF-500). At all times, members shall issue Out-of-Service decals to motor carriers in accordance with 49 CFR Part 396.9 of the Federal Motor Carrier Safety Regulations. Motor Carriers that undergo a North American Standard Inspection, Level One, Level Two, Level Four, Level Five, or Level Six inspection shall have affixed an Out-of-Service decal to each unit which is in violation of the North American Standard Out-of-Service Criteria. **NOTE:** Out-of-Service decals are not issued for driver violations listed in the North American Standard Out-of-Service Criteria. They are only issued for equipment violations.

These decals do not expire and will remain with the member until separated from the Patrol. In this instance the decals shall be returned to the member's supervisor, unassigned, and stored in a secured location by the appointed supervisor until reassigned using the HP-200B.

I. POLICY

This policy establishes a standardized process to secure, by use of a legal order issued by the Clerk of Court's Office, a North Carolina Driver's License that has been suspended or revoked for an Implied-Consent Offense. This policy also establishes a standardized process for the web-based NCAWARE System.

II. REVOCATIONS

Administrative Office of the Court (AOC) Civil Revocation 4 (CVR-4): An official Driver's License Pick-Up Order issued by the Clerk of Court's Office, by authority of N.C.G.S. § 20-29, N.C.G.S. § 20-16.5(e) and N.C.G.S. § 20-16.5(f).

III. DISTRIBUTION OF CIVIL REVOCATION ORDERS

The Clerk of Court will issue an AOC CVR-4 Pick-Up Order(s) (Civil Revocation Order) on drivers who are charged with an Implied-Consent Offense, and who fail to surrender their Driver's License within the time prescribed in the statute. These Orders will be issued to the Highway Patrol to be served only when the charging officer is a state law enforcement officer or when charging officer was a local law enforcement officer, but the person does not reside in the local agency's territorial jurisdiction.

Upon receipt of the civil revocation order(s), the District Supervisor shall log the order on form HP-47A.

The District Supervisor shall assign the civil revocation order to a member, utilizing form HP-47.

The member shall have forty-five (45) days to serve the order (or return the order unserved) starting with the date that the order is obtained from the Clerk of Court's Office.

The disposition of all orders shall be recorded on the HP-47A and HP-47.

The HP-47 shall be filed by the District Supervisor in accordance to the HP-47 form instructions. The civil revocation orders shall then be returned to the Clerk of Court's Office in the county where the pick-up order was generated within three (3) working days of service of the order or expiration of forty-five (45) days of issuance by the Clerk, whichever shall first occur.

Upon receipt of a civil revocation order from the Clerk of Court, the District Supervisor shall, prior to assigning the order to be served, verify that:

- The charging officer was a member of the Patrol or other state agency or,
- If the charging officer was an employee of a local law enforcement agency, the person resides outside the agency's jurisdiction.

If the member is unable to locate the defendant after a diligent and reasonable effort, the order shall be returned as **“Unable to Locate.” Under no circumstance** shall the assigned member return any civil revocation order marked “Unable to Locate” unless the address has been physically checked by the member and all reasonable attempts to locate the violator's whereabouts have failed.

Upon completing service of a civil revocation order, the member shall fill out the **“Return for Service”** section on the AOC CVR-4 form. This includes date received, date served, date returned, the member's signature, the member's registry number, and agency.

There are three specific blocks located on the AOC CVR-4 form that the member will check, when action is taken.

The three blocks include the following:

- By personally serving the person named above and picking up the attached driver's license.
- The person named above demonstrated that he/she is not currently licensed.
- The person named above was not served for the reasons listed below

The member shall physically write the explanation under the third block of why the civil revocation order was not served, and list any new address that they may have obtained. If the defendant has moved to another county within the state, then the member shall forward the AOC CVR-4 with an attached HP-47 to the Troop/District Supervisor in the county in which the defendant currently resides via courier mail.

All civil revocation orders served by the member or marked “Unable to Locate” must be documented utilizing the HP-47A (Warrant/Process Log) and the HP-47 (Request for Service of Warrant/Process Order).

Members who are assigned to serve civil revocations shall indicate the number of orders served in the “Process Served” block located in the recorded performance section on the HP-201. All time that is accrued shall be indicated in the “Court” block in the activity section of the HP-201.

IV. SERVICE OF DRIVER'S LICENSE PICK-UP ORDERS

When a member receives notification, via Mobile Data Computer (MDC), Communications Center and/or other means, that indicates a driver's license is revoked, suspended, or inactive, and the North Carolina Department of Motor Vehicles (NCDMV) has issued a pick-up order for the driver's license the member shall retrieve the driver's license. In addition, the member shall perform the following:

- Issue a traffic citation and/or affect an arrest for DWLR and, where appropriate, a violation of N.C.G.S. § 20-30(1)
- Complete an "Acknowledgement and/or Receipt for Surrender of NC License/Registration Plate" form (DL-53A)
- Provide the violator with the pink copy of the DL-53A
- The member retains the white copy of the DL-53A for record and/or court disposition
- The member shall submit the yellow copy of the DL-53A, with the seized driver's license stapled thereto, without undue delay to his/her supervisor for forwarding to NCDMV

V. SERVICE OF REGISTRATION NUMBER PLATE PICK-UP ORDERS

When a member receives notification, via MDC, Communications Center and/or other means that indicates the NCDMV has issued a pick-up order for a registration number plate, the member shall retrieve the registration number plate. In addition, the member shall:

- Issue a traffic citation and/or affect an arrest for N.C.G.S. § 20-111 and/or other appropriate violation(s)
- Complete an "Acknowledgement and/or Receipt for Surrender of NC License/Registration Plate" form (DL-53A)
- Provide the violator with the pink copy of the DL-53A
- Retain the white copy of the DL-53A for record and/or court disposition
- Submit the yellow copy of the DL-53A taped to the backside of the seized registration plate without undue delay to his/her supervisor for forwarding to NCDMV

VI. NORTH CAROLINA WARRANT REPOSITORY (NCAWARE) SYSTEM

The North Carolina Warrant Repository (NCAWARE) system is a web-based statewide program administered by the Administrative Office of the Courts (AOC) to electronically process and serve warrants.

The District Supervisor or designee shall:

- Check NCAWARE for warrants once every thirty (30) days.
- Issue warrants to members within seven (7) days
- Print a DRAFT copy of the warrant to be used for **informational purposes only** and distributed to the member for attempted service. **A DRAFT copy shall not be utilized for actual warrant service.** The assigned member shall keep this DRAFT copy in a secure location to prevent any confidentiality conflicts. An ORIGINAL copy of a warrant shall be printed only when the process is ready for service or is being forwarded to an “inactive” district. An ORIGINAL printed copy of the warrant shall be valid for twenty-four (24) hours at which time it will expire and must be destroyed (i.e. shredded).
- Within forty-five (45) days of a warrant assignment by a District Supervisor, a member shall make a minimum of four (4) attempts to serve the warrant and shall log each attempt at service into NCAWARE. If a member discovers a fictitious address was previously given or other extenuating circumstances making the service of the warrant impossible, it is not necessary to make four (4) attempts to serve the warrant; however, the member shall log this information into NCAWARE.
- After twelve (12) months, the unserved warrant shall be returned to the Clerk of Court’s office.
- Cross-reference any printed warrant via NCAWARE to verify that the warrant has not already been entered into the system.

VII. NCAWARE (WARRANT PROCESS) – ATTEMPTED SERVICE FROM LIVE DISTRICT TO LIVE DISTRICT

Districts live in the NCAWARE system shall not be required to complete forms HP-47 and HP-47A.

Prior to service of warrant, member shall reaffirm that the warrant is still active in the NCAWARE system to avoid legal issues.

- A member providing service must update Warrant disposition within NCAWARE as soon as feasible after service; however, updates shall be performed absolutely no later than the end of his/her assigned shift. This will prevent the attempted service or service of a previously executed warrant.

- A member attempting service must update Warrant disposition within NCAWARE immediately after each attempted service. This provides statewide real-time status information on all warrants.

VIII. NCAWARE (WARRANT PROCESS) – ATTEMPTED SERVICE FROM LIVE DISTRICT TO INACTIVE DISTRICT

The District First Sergeant or designee shall assign the warrant in NCAWARE to the Inactive District for service prior to printing (this will alleviate the twenty-four (24) hour service requirement).

The District First Sergeant or designee shall print the hardcopy and submit the warrant in the traditional manor with the HP-47 attached.

Served

- Member from inactive District providing service must notify originating District or Communications Center from an inactive district with the warrant's current disposition immediately after service. Communications Center shall be notified only after normal business hours or if District OD is unavailable.
- The originating District or Communications Center shall be responsible for entering the warrant service information into NCAWARE.
- HP-47 shall be returned via traditional manner within forty-five (45) days.

Non-Served

- Member attempting service shall return form HP-47 to the originating District immediately after four (4) attempts of service.
- The originating District or Communications Center shall be responsible for entering the warrant service information into NCAWARE.
- HP-47 shall be returned via traditional manner within forty-five (45) days.
- Originating District or Communications Center shall immediately update NCAWARE with each attempted service. Communications Center shall be notified only after normal business hours or if District OD is unavailable.
- HP-47 shall be retained in accordance with Standardized Inspection Guidelines (SIGs).

IX. SERVICE OF WARRANTS / PROCESSES

Any member assigned any warrant/process shall make every effort to serve that warrant/process without undue delay within the time allotted. Members shall follow the instructions set-forth by form HP-47 for documenting all dispositions

related to that warrant/process and return that warrant/process to his/her supervisor.

A supervisor who receives a warrant/process returned “**Unable**” to locate shall personally ensure that the member assigned to serve the warrant/process in accordance with this directive has made every effort to locate the person named on the warrant/process. The affected supervisor shall also ensure that all dispositions relating to the warrant/process are accurately documented on Forms HP-47 and HP-47A.

X. WARRANT PROCESS – ATTEMPTED SERVICE FROM INACTIVE DISTRICT TO INACTIVE DISTRICT / INACTIVE DISTRICT TO LIVE DISTRICT

Warrant process shall be handled in traditional manner per forms HP-47 / HP-47A instructions.

I. POLICY

This policy defines responsibilities for selective enforcement.

II. GENERAL

The ultimate goal of selective traffic enforcement is the protection of life and property through the reduction of traffic collisions. The management of vehicular and pedestrian traffic requires an effective selective traffic enforcement program as well as the best practical response to demands for service. An effective selective traffic enforcement program requires uniform, sustained enforcement operations in locations and at times, which have proven to be most hazardous to highway users.

District First Sergeants shall be responsible for developing and maintaining effective selective enforcement programs within their respective districts. District supervisors should consider the application of techniques that utilize the assignment of personnel and equipment in locations and at times that target specific, unlawful, and hazardous driving behavior. These techniques should be based on available statistical data and other information including but not limited to the following:

- Calls for service
- Traffic volume
- Traffic and road conditions
- Seasonal variations in traffic volume and/or collisions
- Citation Summary Reports
- NC Vision Zero Reports

III. PERSONNEL ASSIGNMENT

First Sergeants shall selectively assign available personnel and equipment with enforcement priorities directed at the types of violations of highest traffic collision potential in rural areas. Assignment shall be based upon the analysis of date, time, location, violations, and other causative factors in vehicle collisions. The Section Director/Troop Commander may approve deviation of this assignment method if practical limitations such as geographical make up, traffic volume, or personnel availability render it impractical to conform.

Each member is responsible for using all available on-duty time for traffic collision preventive patrol. The assignment on a selective basis by the First Sergeant shall not relieve the member of this responsibility.

Each First Sergeant shall evaluate the District Selective Enforcement programs to ascertain its effectiveness on a continuing basis. A more frequent evaluation should be conducted as traffic density and collision rates increase.

I. POLICY

This policy defines and sets forth standards for Patrol methodology and traffic supervision.

II. TRAFFIC SUPERVISION

A member's ultimate duty is to protect the public. To accomplish this goal, the member is responsible for the supervision of the State's highway transportation system, which consists of vehicles, highways, and highway users. Traffic supervision duties include law enforcement, traffic direction and control, collision investigation, and performing services for the motoring public.

Members shall take enforcement action (verbal or written warnings, citations to court, or physical arrest) consistent with law and Patrol policy.

Members are to prioritize all calls for service according to their severity and respond accordingly.

III. PREVENTIVE PATROL

Members shall devote all duty time not specifically required for other official functions to preventive patrol in their assigned area(s) or specific roadways where such patrol is needed. The most current NC Vision Zero data analytics reports, and any other data driven reports shall assist the district First Sergeant in determining the high collision roadways within a district.

Patrol movement should be planned and constantly changing so as to create a climate of Patrol visibility throughout the area. Wolf-packing techniques should be utilized to give the appearance of having an elevated number of enforcement members.

Stationary patrols may be used at high traffic volume or high collision experience locations but should normally not be maintained for more than thirty minutes at one time.

Special attention shall be given to pedestrians and bicyclists, and enforcement action should be taken as necessary.

Members will generally be governed by existing circumstances while on preventive patrol; however, they shall routinely:

- Provide information, aid, and courtesy services to highway users

- Members shall make every reasonable effort to locate and provide assistance to stranded motorists by obtaining the necessary mechanical assistance, wreckers, service vehicles, or relaying messages as a method to seek assistance. Members should use good officer safety techniques in an effort to provide protection for themselves and stranded motorists while rendering assistance. When extenuating circumstances prevent stopping to assist, the member shall report the circumstances and the location to the appropriate Communications Center.
- If information is received at a Communications Center of a stranded motorist and no Patrol member is readily available, the Telecommunicator may notify the appropriate district supervisor. If the district supervisor is notified, he/she shall ensure that the appropriate service is rendered. The Telecommunicator is permitted to call for specific assistance (i.e. wrecker, road assistance, IMAP Unit, etc.) if necessary to render the appropriate assistance.
- Ensure roadways are kept free of debris. If a member is able to remove the debris without assistance, he/she shall do so. If not, he/she shall contact the Communications Center to call the appropriate Department of Transportation District Highway Engineer. If the debris creates a traffic hazard, the member shall remain on the scene in order to direct traffic until the debris is removed. Debris located off the roadway but on the state right-of-way that does not create an immediate hazard must be reported to the Department of Transportation District Highway Engineer. A Highway Condition Report (HP-320) shall be completed and submitted to the district First Sergeant for all debris, which must be removed by the Department of Transportation. The district First Sergeant will ensure the HP-320 is promptly entered into the Department of Transportation's Citizens Action Request System (CARS).
- Report all highway defects (i.e. potholes, missing and/or broken traffic barriers) and inoperative traffic control devices or down traffic control signs to proper authorities. When the highway defect or inoperative or down traffic control device or sign creates a hazard to the public, a member shall request the communication center to contact the appropriate Department of Transportation Highway Engineer or local official to correct the problem. The member shall remain on the scene in order to direct traffic until the defect or traffic control device is repaired or until no hazard to the public remains. A HP-320 shall be completed for all highway defects and traffic control device and traffic sign problems, including when the communication center was notified and submitted to the district First Sergeant. The district First Sergeant will ensure the HP-320 is promptly entered into CARS.
- Check vehicles that reasonably appear to be abandoned or disabled for occupants and have all abandoned vehicles removed from the highway consistent with state law and Patrol policy as outlined in Directive J.04. Abandoned vehicles shall be marked with a HP-303 (Abandoned Vehicle Tag) indicating the vehicle has been inspected by a Patrol member and is subject to removal from the roadway after twenty-four (24) hours.

- Notify communications immediately to contact the proper agency to assist in fire suppression and emergency medical treatment. Members may have to provide immediate first aid to individuals who are in apparent medical distress or unconscious, or use their fire extinguisher until assistance arrives.
- Members should be alert for behaviors and actions of individuals that could constitute a threat of terrorism to our national security. Such behaviors should be documented, and the proper state or federal authorities should be notified.

IV. STOPPING VEHICLES

Members shall use all reasonable precautions to assure their safety and that of others when making enforcement contacts and performing other traffic supervision functions. Patrol car warning lights shall be activated during enforcement contacts and during other stops, which could create potentially hazardous situations or conditions.

When performing traffic supervision functions, members shall stop a vehicle or pedestrian only when they have reasonable suspicion that the vehicle is being operated in violation of the law, or the driver or other occupants of the vehicle or the pedestrian has committed or is committing a violation of the law. **Members must be able to state the facts on which they based their decisions to stop the vehicle or pedestrian.** (Stopping vehicles without reasonable suspicion such as at a checking station or roadblock is governed by other policy.)

When operating unmarked Patrol vehicles, members shall make every reasonable effort to ensure that drivers or pedestrians being stopped or checked are able to identify them as Patrol members. Such efforts include but are not limited to the following: wearing Patrol hats, turning on dome lights, identifying themselves by means of their public address system, and, if possible and practical, stopping vehicles at night in a lighted area. In addition, members shall, activate their blue lights and use their sirens, in accordance with N.C.G.S. § 20-190.1.

Members shall be constantly alert to possible assault during enforcement contacts and take reasonable steps to protect themselves at all times.

Unless officer safety issues or other circumstances necessitate otherwise, members shall immediately advise persons stopped for enforcement purposes the reason they were stopped and the action to be taken (citation, physical arrest, warning, etc.). Conversation by the member shall be courteous and as brief as circumstances permit. Unnecessary statements, which are likely to provoke anger or lead to arguments, shall not be made by any member.

When a motorist has been stopped, the Patrol vehicle should be parked to the rear of the motorist's vehicle and positioned so as to afford the greatest degree of protection to the member and motorist.

- At night, when the Patrol vehicle is equipped with *take-down* lights and is properly positioned to the rear of a stopped motorist's vehicle, the *take-down* lights shall be used to illuminate the motorist's vehicle and its occupants
- The *take-down* lights shall be activated only when the Patrol vehicle is stopped and is positioned so as not to cause the lights to project directly into the face of oncoming traffic
- Members should use the passenger side approach to a stopped vehicle when a normal driver side approach is deemed too dangerous, or to gain an advantage on a suspicious person(s)

Citations may be written at the location best suited to existing circumstances, but **no** citation shall be written or a motorist questioned while the member or motorist is standing between the Patrol vehicle and the stopped vehicle.

When conducting violator interviews or when checking the status of a violator's driver's license and/or vehicle registration, members shall comply with the provisions found in Directive B.04, Section V; "Detention" of this manual.

V. BIAS BASED PROFILING OF INDIVIDUALS PROHIBITED

Members shall take no enforcement actions, including but not limited to stops, field contacts, arrests, searches, or seizures of persons, property, or forfeitures based solely upon race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

Members shall report vehicle stop information as required by N.C.G.S. § 143B-903 and Patrol policy.

The Commander's Office shall conduct random organizational reviews of traffic stop data collected in the web application found on the State Bureau of Investigation (SBI) web page.

- The Commander's Office shall determine the report configuration that will be reviewed. The eight basic report configurations are:
 - Drivers and Passengers Search by Sex, Race, and Ethnicity
 - Enforcement Action Taken by Driver's Age
 - Enforcement Action Taken by Driver's Sex, Race, and Ethnicity
 - Initial Purpose of Traffic Stop by Driver's Sex, Race, and Ethnicity
 - Initial Purpose of Traffic Stop by Enforcement Action Taken
 - Initial Purpose of Traffic Stop by Physical Resistance Encountered

- Initial Purpose of Traffic Stop by Driver's Age
- Type of Search by Basis of Search
- In the event the Commander's Office or the Director of Professional Standards wishes to review more specific information such as troop, district, stop data, or any other data pertaining to an individual, he/she shall submit the officer's confidential identification number to the Division of Criminal Information (DCI). DCI will run the report based on the specific criteria and deliver it to the Commander's Office or the Director of Professional Standards in printed format.
- Random organizational reviews conducted by the Commander's Office shall be documented via a memorandum and maintained on file for a period of three (3) years
- Disclosure of traffic stop data is governed by General Statute and allows the Commander's Office to review individual internal specific data. Any external disclosure of individual specific data requires a court order.
- During the first quarter of each calendar year, the Commander's Office and senior staff members shall conduct an annual administrative review of agency practices including citizen concerns. The Commander's Office and his/her command staff shall ensure that information concerning profile related training in the areas of field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, and discrimination are scheduled to be completed annually. Additionally, the Patrol's Public Safety Information Officer shall provide a summary of reported citizen and community concerns. This information will be used to determine if the Patrol needs to develop public information forums or programs to address identified concerns.

VI. RADIO MESSAGES

While performing routine duties, members shall be especially alert for radio messages relating to stolen vehicles, wanted felons, escaped prisoners, reports of violent crimes, missing persons, missing/runaway/abandoned/abducted children, or other matters which require extraordinary vigilance on the part of the member.

Members shall immediately answer all radio messages specifically directed to them.

Traffic Direction at Public Gathering for Private Purposes

Applicable to: Members
CALEA

Directive K.03

Revised 11/10/2004
Effective 5/1994

I. POLICY

This policy sets a standard for traffic direction at private functions.

II. GATHERINGS FOR PRIVATE PURPOSES

Members shall not direct traffic as a result of public gatherings for private purposes unless there is a threat to public safety. If traffic at private events presents a safety hazard, members shall notify a District Supervisor.

An investigation of all continuing traffic hazards created by public gatherings for private purposes shall be conducted by the First Sergeant to determine whether action should be taken by the Patrol.

III. REQUESTS FOR ASSISTANCE

Members shall not direct the parking of cars at any public or private gathering unless directed to do so by the commissioned or noncommissioned officer in charge of the traffic detail.

Any request for assistance from a commercial source for Patrol services shall be referred to the appropriate Section Director/Troop Commander for approval or disapproval.

Checking Stations

Applicable to: Members

Directive K.04

Revised 4/2015

Effective 5/1998

I. POLICY

This policy establishes procedures for conducting suspicionless seizures of vehicles at fixed checkpoints and Special Operations checking stations.

II. STANDARDS FOR ALL CHECKING STATIONS

The site for every checking station shall be selected with due regard for the safety of motorists and the members operating the checking station. Sufficient distance must be provided to allow a motorist traveling at the speed limit to stop his/her vehicle in a normal manner under the existing conditions. No checking station shall be conducted without at least two uniformed members present and at least one marked Patrol vehicle.

All checking stations shall be marked by signs and/or activated emergency lights, marked Patrol vehicles parked in conspicuous locations, or other ways to ensure motorists are aware that an authorized checking station is being conducted. Blue lights, on at least one Patrol vehicle shall be operated at all times.

With the exception of Special Operations checking stations, all checking stations shall provide for the stopping of every vehicle. Individual members shall not vary from this policy, except that the member in charge of the checking station may allow variance from this requirement if 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.

Checking stations shall be operated so as to avoid unnecessary traffic congestion and delay to motorists.

Adequate area must be available off the traveled portion of the highway to allow for the safety of motorists when enforcement action is taken.

Patrol vehicles must be parked to allow access to the highway for pursuit in any direction.

Members must maintain radio contact with the Communications Center.

III. STANDARD CHECKING STATION

Members may conduct checking stations to determine compliance with motor vehicle laws. Examples for which this type of checking station may be used, includes, verification of drivers' licenses, vehicle registration checks, insurance checks, seat belt compliance checks and driving while impaired. At a minimum, however, members conducting a standard checking station shall check for a valid driver's license and for evidence of impairment.

All checking stations, day or night, shall be approved by a district supervisor or higher authority. The supervisor shall designate the purpose, location and approximate time of operation of the checking station. The placement of checkpoints should be random or statistically indicated, and, unless statistically indicated, supervisors shall avoid placing checking stations repeatedly in the same location or proximity. Supervisors shall use Form HP-14 (Checking Station Authorization) for this purpose.

A supervisor who authorizes establishment of a checking station shall specify, on Form HP-14 (Checking Station Authorization Form), whether drivers shall be asked to produce, proof of registration or insurance information or any combination thereof in addition to producing a valid driver's license. The driver of every vehicle stopped shall, at a minimum, be asked to produce his or her driver's license and to state his or her name and address. Members shall visually examine the driver's license and compare the information thereon with the physical characteristics of and information provided by the driver. Additionally, every driver shall be observed for signs of impairment. Accordingly, every driver shall be instructed to roll his or her window down and members shall be observant for an odor of alcohol or drugs, bloodshot eyes, slurred speech or open containers. Members working the checking station shall have no discretion to deviate from this pattern. If a member determines there is a reasonable suspicion to believe that a driver or other vehicle occupant has violated a provision of Chapter 20 or any other provision of law, the member may detain the driver or occupant for a reasonable period of time in order to investigate further.

Regardless of the designated purpose of the checking station, the operator of any vehicle stopped at the checking station may be requested to submit to an alcohol screening test under N.C.G.S. § 20-16.3 if during the stop the member determines the driver had previously consumed or has an open container of alcoholic beverage in the vehicle. Members may consider the results of any alcohol screening test or the driver's refusal in determining if there is reasonable suspicion to investigate further. A driver shall not be charged with resisting, obstructing or delaying a public officer solely for refusing to submit to an alcohol screening test.

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 additional policy.

Standard Checking Stations shall comply with the United States and North Carolina Constitutions and shall be conducted in accordance with the provisions of N.C.G.S. § . 20-16.3A and 20-29.

IV. INFORMATIONAL CHECKING STATION

Members may conduct informational checking stations for the purpose of seeking motorists' assistance in solving a crime. This type of checking station may be appropriate in cases involving death or serious injury and where motorists may be able to provide pertinent information to help identify the offender or otherwise provide pertinent information related to the death or injury.

Informational checking stations should, whenever feasible, be approved, by a district supervisor. The authorizing supervisor shall designate the purpose, location and approximate time of operation of the checking station on Form HP-14.

Because an informational checking station is not designed to determine whether a vehicle's occupants are violating a provision of the motor vehicle law, drivers shall not be asked to produce a drivers' license or any other documentation. If, however, during the course of the stop, a member determines there is a reasonable suspicion to believe that a driver or other vehicle occupant has violated a provision of Chapter 20 or any other provision of law, the member may detain the driver or occupant for a reasonable period of time in order to investigate further and the operator of any vehicle may be requested to submit to an alcohol screening test under N.C.G.S. § 20-16.3 if during the stop the member determines the driver had previously consumed or has an open container of alcoholic beverage in the vehicle.

V. SPECIAL OPERATIONS CHECKING STATION

The First Sergeant or higher authority must determine that a Special Operations checking station is necessary because it may likely result in the apprehension of a suspect who poses a danger to life and property or the rescue of a hostage or abducted person.

The location, equipment, time, and operation of the checking station must be in accordance with policy.

When the suspect sought to be apprehended by the checking station has a hostage or abducted person in the vehicle or the member reasonably believes a hostage or abducted person is in the vehicle, the priority shifts from apprehending the suspect to preserving the life of the hostage or abducted person. The member is governed by the Highway Patrol Unusual Occurrence Manual Section 9, Crisis Situations.

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.

Members shall wear their body armor at all times while operating the checking station.

Supervisors should periodically check the checking station for the purposes of insuring officer safety and updating information.

VI. MULTI-AGENCY CHECKING STATION

Checking stations involving other agencies or law enforcement officers must be approved by the District First Sergeant or higher authority and conducted pursuant to the provisions of this Directive. Exceptions to this provision may only be granted by the Director of Field Operations.

Automated License Plate Recognition

Applicable to: Members

Directive K.05

Revised 03/01/2016

Effective 03/2014

I. POLICY

This policy establishes procedures for using Automated License Plate Recognition (ALPR) systems to identify vehicles that have a specific interest to law enforcement.

II. DEFINITION

An ALPR system consists of cameras connected to a computer processing unit that converts images of license plates into computer-readable data. These cameras can be mounted to a patrol vehicle or set up in a stationary location. The license plate data is compared against a database of license plates associated with stolen vehicles and plates, wanted and missing persons, and other databases designed to enforce laws or further criminal investigations. The images and associated data, such as date, time and GPS coordinates, are then stored in accordance with laws and departmental policy.

III. USE OF ALPR SYSTEMS

Prior to utilizing ALPRs members shall be trained in the proper operation and use of the technology.

Each member assigned to operate an ALPR shall ensure that a diagnostic check is performed and that the unit is properly functioning.

It shall be the responsibility of each ALPR operator to ensure the download of the most recent hotlist occurs on the mobile computer prior to deployment of the system.

Use of ALPR systems mounted to patrol vehicles shall be used only for legitimate law enforcement purposes. These purposes include identification of registration plates which are stolen, canceled, revoked, have insurance stops or pickup orders. It also includes plates assigned to Commercial Vehicles that have been placed out of service, or owe delinquent fines or penalties to NCDOT. Members using ALPRs shall not operate an ALPR in areas or in a manner that is designed to harass or intimidate citizens.

The Motor Carrier Enforcement Administration Section Director or his/her designee shall complete an annual report for The Commanders Office detailing the effectiveness of the Automatic License Plate Reader Program. This report should be submitted no later than the 15th day of January for the preceding year.

IV. PROCEDURE WHEN THE ALPR SYSTEM ALERTS ON A VEHICLE

The ALPRs can sometimes misread a plate and does not recognize the state of origin. Additionally, the data against which the plates are compared are not updated in real time. Therefore, when the ALPR alerts on a plate, members shall follow these procedures:

- **MEMBERS SHALL NOT TAKE ANY ENFORCEMENT ACTION BASED SOLELY ON THE ALPR ALERT**
- ALPR alerts must first be confirmed through DCI/NCIC prior to taking any enforcement action
- When the ALPR system alerts on a plate, members shall:
 1. Confirm the characters and state displayed on the vehicle registration was not misread and match the alert.
 2. After confirming the characters and state, members shall run the plate through DCI or other appropriate official database to confirm the reason for the alert.

V. DATA RECORDED BY THE ALPR SYSTEMS

Data obtained and/or stored through use of ALPRs shall not be disseminated outside the Department. However, data obtained and stored through use of ALPRs may be shared with other law enforcement agencies that request access for a legitimate law enforcement purpose upon approval by the Unit Commander of the Technical Services Unit in consultation with the Commander's Office. All LPR-generated data will be purged after a 90 day retention period unless a longer retention period has been identified for court or investigative purposes consistent with the requirements set forth in G. S. 20-183.24. Access to the ALPR database is limited to official law enforcement purposes only.

Patrol Relays and Escorts

Applicable to: Members
CALEA Chapter 61

Directive K.06

Revised 10/24/2007
Effective 9/1994

I. POLICY

This policy establishes rules governing relays and escorts by Highway Patrol personnel. (CALEA 61.3.3)

II. AUTHORIZATION / CLASSIFICATION

Patrol relays of personnel, papers, or equipment shall be kept to an absolute minimum and must be authorized by a Troop Officer of the Day (OD), Section Director/Troop Commander, or higher authority. A relay may be authorized by the Section Director/Troop Commander or Troop OD at the originating point of the relay or by the Section Director/Troop Commander or Troop OD at the destination point of the relay.

Ordinary relays shall be designated **10-5**. When it is necessary to relay persons, equipment, papers, or blood to a given point under a time limit (**Rush**), the signal shall be designated **10-5R**. When it is necessary to arrange an emergency relay involving human life, the signal shall be designated **10-5E**.

Members shall arrange for the safe transportation of stranded motorists or accident victims when requested. Members may arrange such transportation within their assigned area of responsibility under their own authority. Members requested to transport persons outside their area of responsibility must obtain authorization from their district supervisor.

III. PROCEDURE

Upon receiving signal **10-5**, members shall proceed at an ordinary rate of speed and shall execute all Patrol duties, as they carry out the **10-5**.

When members receive a signal **10-5R**, they shall proceed without loss of time, at a speed not in excess of the speed limit. They shall give reasonable attention to normal duties, as required by law.

Upon receiving a signal **10-5E**, members shall travel at a speed, which is reasonable and prudent under the conditions then existing. While actively engaged in the **10-5E**, the blue lights and siren shall be in use. In no instance shall unnecessary risk be taken.

When a member transports a stranded motorist or accident victim within his/her area of responsibility, he/she shall advise the appropriate Communications Center of the origin, destination, and reason for the relay. When transporting persons of the opposite sex, members shall also provide the Communications Center with his/her beginning and ending odometer reading. A member shall consider the safety of himself/herself and that of the passenger(s) when deciding

upon the transportation of authorized passengers in a Patrol vehicle. If transportation outside the area of responsibility is approved by the district supervisor, the same procedures shall be followed.

IV. HUMAN PARTS / MEDICINE

Section Directors/Troop Commanders shall periodically analyze the number and types of requests by hospital authorities for Highway Patrol relays of blood, human parts, or medicine. These items will not be relayed by the Patrol except under conditions involving imminent danger to life or serious injury, and then only when no other logical means of transportation is available.

Section Directors/Troop Commanders shall seek and maintain a cooperative relationship with hospital administrators regarding all matters of mutual concern. Care will be taken to allow hospital authorities to use the Highway Patrol for relays only when absolutely necessary.

V. ESCORTING EMERGENCY VEHICLES (CALEA 61.3.3)

Members shall not escort ambulances or other emergency vehicles unless special circumstances require. Exceptions may be made when a driver of an emergency vehicle cannot reach a hospital or other destination without assistance.

VI. ESCORTING PRIVATE VEHICLES (CALEA 61.3.3)

Members shall not escort private vehicles making emergency runs unless special circumstances exist.

VII. ESCORTING FUNERAL PROCESSIONS (CALEA 61.3.3)

Members shall not escort funeral processions without authorization from a supervisor.

VIII. ESCORTING GROUPS (CALEA 61.3.3)

Members shall not provide a Patrol escort for any organization or group without prior authorization from a Section Director/Troop Commander or higher authority.

IX. MOTOR UNIT MOTORCADE ESCORTS

All motorcade escorts performed by the Patrol's Special Operations Motor Unit shall be done in accordance with the North Carolina Highway Patrol Motorcade Operations Guidelines posted on the Patrol's Intranet site.

X. EMERGENCY MEDICAL RELAYS

Emergency medical relays may be made by Patrol members whenever an actual emergency situation exists. The procedures listed below shall be followed:

- Emergency relays will be authorized only when there is imminent danger of death or additional injury to the person being treated.
- An emergency relay may be authorized only when there is no alternate means of transportation available which could effectively perform the service.
- Hospital personnel must contact the local Section Director/Troop Commander, his/her designee, or the Patrol OD through the Raleigh Communications Center to obtain authorization for a medical relay.

XI. SECURITY ESCORTS FOR HAZARDOUS MATERIALS

Patrol members may be assigned to assist in the security of certain shipments of hazardous materials and other commodities. Members engaged in these assignments shall follow all rules, SOPs and/or protocols provided by the Hazardous Materials Coordinator for each shipment. These documents will remain on file with the Hazardous Materials Coordinator and are not public records.

I. POLICY

This policy establishes guidelines for the investigation of a motor vehicle collision.

II. COLLISIONS TO BE INVESTIGATED

Members shall proceed immediately to the scene of any motor vehicle collision assigned to them for investigation unless the assignment is changed by a supervisor or unless another member or allied agency assumes responsibility for conducting the investigation. Members responding to motor vehicle collision calls shall abide by Directive B.02 (Extraordinary Patrol Vehicle Operation).

When an assignment relating to a motor vehicle collision is completed, the assigned member shall notify the Telecommunicator whether a NC Crash Report (DMV-349) will be filed. If no report is to be filed, the Telecommunicator will ensure that the slip log shows the assignment was not for a motor vehicle collision. If a report is to be filed, the Telecommunicator will provide the member with a slip log sequence number that must be entered on the DMV-349. This number will allow the slip log assignment and the collision reports filed to be compared to ensure all assigned collisions are investigated and reports filed.

Regardless of territorial jurisdiction, any member who initiates an investigation of a collision may not relinquish responsibility for completing the investigation or for filing criminal charges as appropriate without clear assurance that another law enforcement officer or agency has fully undertaken responsibility. In such cases he/she shall render reasonable assistance to the succeeding officer or agency if requested.

Members shall complete NC Crash Report (DMV-349) for each motor vehicle collision they are assigned to investigate or which they discover while on patrol that results in any personal injury or property damage of \$1,000 or more. Members shall indicate non-reportable on the DMV-349 for collisions that do not involve personal injury and involve less than \$1,000 total property damage. Non-reportable (DMV-349) reports shall be filed in the district office. Members shall submit the DMV-349 to the district office immediately after completing the investigation. Members must complete forms HP-49A (Collision Scene Measurements) and HP-326A (Voluntary Statement) from drivers and witnesses on all collisions except animal collisions that involve property damage only. These forms shall be retained by the investigating member and shall be available when requested by a District Supervisor. Members shall complete the HP-49 (Collision Investigation Checklist) along with all the applicable forms listed on the HP-49 when the collision involves a fatality (F), serious injury (PI), or a hit and run in which the driver remains unidentified and results in any personal injury.

Hit and Run Collisions

- Hit and Run collisions involving a fatality or serious personal injury represent an especially high priority and every reasonable effort shall be made to locate the unidentified driver. Upon being notified of such a collision the supervisor of the investigating member shall as soon as practical notify and consult with the Collision Reconstruction Unit Duty Officer. A Collision Reconstruction Unit Supervisor will ensure an on site review of the investigation is conducted by a Collision Reconstruction Unit investigator within 48 hours to determine if further investigative measures are necessary.
- As such, the investigative file (HP-49) and all evidence recovered during the investigation shall be retained until such time as the unidentified operator involved in the collision is located and all criminal and civil court proceedings are completed. (Note: this includes all photographs, videos, and digital recordings).
- The District First Sergeant shall ensure that the investigative file (HP-49) for each hit and run collision involving a fatality is reviewed annually during the month of August to determine if any new information leading to the identification of the unknown driver is available. A separate file for hit and run fatal collisions shall be maintained as directed by the filing guide. This annual review will continue until after three (3) years from date of incident or at such time as the driver is identified and all criminal and civil court proceedings are complete. At such time the file will become inactive.
- During the annual review of the investigative file (HP-49), the supervisor conducting the review shall compose a detailed memorandum containing all additional steps taken or information received to identify the unknown driver in the form of a memorandum. The memorandum outlining steps taken must be placed in the HP-49 file upon completion.
- The supervisor conducting the review may consider taking, but is not limited, to the following steps to gather additional information by:
 - Re-interviewing witnesses and family members.
 - Contacting media (TV, Radio, Newspapers).
 - Having the Collision Reconstruction Unit re-exam the investigative file.

Animal Collisions

- When submitting an Animal Collision report, the full DMV-349 will be used with the exception of the diagram, unless a fatality(s) or personal injury(s) occur.

All burned vehicles, not the result of a collision, shall be reported as follows:

- If a motor vehicle is in transport (motor vehicle in motion) and a fire starts in the motor vehicle, it is considered a non-collision crash. Therefore, if the motor vehicle was in transport on a roadway and the fire resulted in a fatality, personal injury, or property damage of \$1,000 or more, a (**reportable DMV-349**) shall be filed.
- If a motor vehicle is in transport (motor vehicle in motion) and a fire starts in the motor vehicle, it is considered a non-collision crash. Therefore, if the motor vehicle was in transport on a roadway and the fire resulted in property damage of less than \$1,000 and had no fatality or personal injury, a (**non-reportable DMV-349**) shall be filed.
- If a motor vehicle was not in transport and off the roadway at the time a fire started, a (**non-reportable DMV-349**) shall be filed regardless of the amount of property damage, personal injury, or fatality.

When an unsafe highway condition exists as a result of a motor vehicle collision, the investigator will immediately take necessary action to ensure that highway users are placed on notice and protected. Corrective measures may include replacing of highway signs, notifying the local North Carolina Department of Transportation engineer, and placing emergency flares. The investigator will ensure that a CARS tag is affixed to any damaged guardrail, cable barrier, road sign, etc., if applicable. A Highway Condition Report (HP-320) will be completed and submitted to the District First Sergeant. The District First Sergeant will ensure the HP-320 is promptly entered into the Department of Transportation's Citizens Action Request System (CARS) and routed as required to ensure necessary follow-up. The vehicle owner's name, address, and insurance company (where available) will be included in the State Property section of the form for all collisions involving damage to State-owned property.

Supplemental motor vehicle collision reports must be submitted when:

- The original report was incomplete because of lack of information or an incomplete investigation.
- A correction in the original report is necessary because of inaccurate information.
- If a person dies of injuries sustained in a motor vehicle collision within one year of the collision, a supplemental DMV-349 must be completed and filed. The narrative of the supplemental DMV-349 shall contain the date of death. If applicable, the District First Sergeant shall ensure that Forensic Advantage is notified via email that the case involves a fatality.

Supplemental reports shall be completed within 30 days of being notified of the change on a DMV-349 and shall include the date, time, day of the week, and

location of the collision as well as the names of the drivers (or the names of owners if names of drivers were not shown on the **original report**). The additional information or correction to be made shall be included. The Supplementary Report block at the top left-hand corner shall be marked to indicate the status of the report. Supplemental reports shall be **attached to a copy of the original report** and forwarded in the same manner as original reports.

Reporting Motor Vehicle Collisions in Construction Zones

- **Construction Zone.** A section on a public highway right-of-way within which the DOT, public utilities, or private contractors are performing some construction or maintenance which may affect highway users and necessitates advisory sign or motor vehicle control.
- When a member investigates a collision in a construction zone in which the construction zone conditions contributed to the collision, the member shall immediately notify the Communications Center. The Telecommunicator receiving the report shall immediately relay all reported information to the appropriate DOT district engineer's office.
- Whenever a member investigates a motor vehicle collision occurring in a highway construction zone, the member shall forward a copy of the DMV-349 without delay to:

NC Department of Transportation
Chief Engineer of Operations
1503 Mail Service Center
Raleigh, NC 27699-1503

III. COLLISION INVOLVING A FATALITY OR CRITICAL INJURY

A member assigned to a collision shall notify the supervisor on duty when one or more persons are killed or critically injured or when it appears likely that felony charges may arise as a result of the collision. If felony charges are likely the supervisor shall be responsible to ensure a thorough investigation is conducted, including the immediate response of the Collision Reconstruction Unit as outlined in Directive L.03. The primary district investigator **shall** request a blood sample from any driver charged with any of the implied consent offenses set out in G.S. 20-141.4, including Misdemeanor Death by Vehicle. However, if the driver submits to a breath sample and the sample shows an alcohol concentration of .08 or more, then requesting a blood sample shall be in the discretion of the member. If a person is charged with any of the offenses in G.S. 20-141.4, other than Misdemeanor Death by Vehicle, and refuses to submit to a blood test, the member shall seek a search warrant for blood. If a person is charged with Misdemeanor Death by Vehicle (i.e. there is no probable cause to believe the person is impaired) and refuses to submit to a blood test, the member shall **not**

seek a search warrant for blood but the refusal shall be treated as an implied consent refusal pursuant to G.S. 20-16.2(d1).

In all fatal or critical injury collisions, video and/or still photographs shall be taken of the interior and exterior of vehicles, skid marks, gouge marks and other relevant aspects of the collision scene. Vehicles involved in serious or fatal collisions should be secured as evidence if warranted. If more than one vehicle is secured as evidence, the vehicles shall be secured at the same location, when possible. Vehicles with supported Event Data Recorders (EDR) shall be imaged by a field level reconstructionist, certified as an EDR technician (EDT Training Code). Fatal collisions involving a single vehicle that do not result in injury or death to a third party are not required to be imaged.

All EDR Image Portable Document Format (.PDF) files shall be stored using the following procedures:

- EDR image files shall be transferred directly to a new, Read-Only media format (CD-R). The file name for the CD-R shall match that of the SHP sequence number. This disc shall be considered the Archived Digital Recordings (ADR) of the image and shall be stored in the primary member's HP-49 investigation folder.
- The Archive Digital Recordings disc, and disc case or sleeve shall be labeled to reflect the following information
 - Crash sequence number
 - Date image was taken
 - Location of the scene/address, and
 - Name and initials of the member taking the image
- Labels shall be written on the CD-R with a CD marker (not a Sharpie)

If the investigation requires EDR data interpretation, a request shall be made through the chain-of-command to the Troop I Commander. This request shall be forwarded to the Collision Reconstruction Unit First Sergeant or his designee for EDR analyst assignment. (Requires HP-49 Change see HP-49 w EDR Info.dotx)

In non-fatal/critical injury collisions, if the primary district investigator suspects the operator of driving while impaired or other especially reckless conduct that result in felony charges the notified supervisor shall determine if a Collision Reconstruction Unit investigator will assist in the investigation and prosecution of the offender. If a Collision Reconstruction investigator is not immediately available, one shall be assigned as soon as possible.

The Collision Reconstruction investigator assigned shall have the authority to request additional investigation resources when needed. The notified supervisor

directing the investigation shall assist the Collision Reconstruction Unit as necessary to secure additional resources.

All other collision special assistance should be handled by a troop level Field Reconstructionist assigned to that troop as outlined in Directive L.03.

Criminal charges for any fatality shall be filed after consultation with the District Attorney or based upon any existing standing policy.

Fatality or Serious Bodily Injury Collisions Involving Underage Alcohol Use

- Any member assigned to investigate a motor vehicle collision that involves fatality or serious bodily injury, where there is alcohol involved, and the driver and/or passenger(s) is underage and suspected of possessing or consuming alcohol, shall notify Alcohol Law Enforcement (ALE) immediately.
- The primary district investigator shall contact the appropriate Communications Center and request an on-duty/call ALE Agent, and request that he/she report to the scene of the collision for the purpose of conducting a separate investigation. The requesting member shall make every effort to secure and preserve all evidence relating to the underage possession/consumption of alcohol.

IV. NOTIFYING RELATIVES OF COLLISION VICTIMS

Investigating members shall notify the nearest relative of deceased collision victims without delay. Notification may be made by other officials or by medical personnel; however, the primary district investigating member should make certain that proper notification is made in each instance.

- Members must be tactful in delivering the message. If possible, a friend of the person receiving the message should be present.
- Messages should not be delivered by telephone unless all efforts to deliver the message in person have failed.
- Messages shall not be delivered to young children or to domestic help.
- Members shall give relatives information concerning the location of the victim, where the collision took place, and the location of the vehicle.
- Members shall offer to assist the person receiving the message in any practical way.
- Members shall use extreme caution in notifying relatives or in releasing names of deceased persons before positive identification of the deceased person is made.

Members shall make a reasonable effort to notify a relative or a friend of a person hospitalized due to injuries received in motor vehicle collisions if the injured person is unable to do so.

The above listed procedures shall also be considered when delivering requests for next of kin or emergency notifications that are initiated by other agencies. This should ensure that the requests are carried out promptly and in a considerate manner.

V. IDENTIFICATION CREDENTIALS OF COLLISION VICTIMS

Any driver's license or credentials identifying a collision victim as an organ donor or as having a medical problem requiring special attention should be left in the victim's possession when being transported to a hospital.

VI. ROUTING AND REVIEW OF COLLISION REPORTS

Electronic Submission

Members shall electronically transmit the DMV-349 to the server for review by district supervisor(s) immediately after completing an investigation. A supplementary report shall be completed and filed if required.

Supervisors will sign into the e-Crash server to review transmitted reports at least one time prior to the end of their shift. All reports approved by the supervisor shall be transmitted to DMV immediately. All reports, rejected by the supervisor, will appear in the trooper's status list with a status of "Rejected (Sup)." The rejected report will include complete comments as to the reason for rejection. The trooper will make the required corrections to the report and re-transmit the report to the Supervisors' queue on the e-Crash server. The District Supervisor shall ensure all DMV-349s are accurate and submitted promptly.

Written Submission

Members shall submit the original copy of the DMV-349 to the district office immediately after completing an investigation. The investigating member shall complete the collision diagram and sign the report. A supplementary report shall be completed and filed if required.

All DMV-349s and HP-49 packets, if applicable, will be reviewed by a district supervisor and initialed on the back, bottom right hand corner. Incomplete or inaccurate reports will be returned to the member for correction. The District Supervisor shall ensure all DMV-349s are accurate and submitted promptly to NC DMV.

VII. INVESTIGATION OF FATAL SCHOOL BUS COLLISION

A member shall immediately notify his/her First Sergeant when he/she investigates a school bus collision where occupant(s) is fatally injured or where

occupant(s) is injured so critically that death seems imminent. The scene supervisor shall contact the Collision Reconstruction Unit through the chain-of-command and is assigned to assist with the investigation of these collisions. The District Supervisor shall immediately initiate a direct telephone call to:

The National Response Center
(800) 424-8802 or (800) 424-8803
Washington, DC

and report the following information:

- Date, time, location, distance, and direction from nearest town
- Number and location of critically injured and deceased person(s)
- Type of collision (bus, car, single vehicle, fixed object, other), make, model, year, and body manufacturer of school bus
- Extent of property damage
- Name of investigating member, duty station, telephone number, and supervisor's name and telephone number

The primary district investigator shall not hold the scene of a fatal school bus collision for the arrival of the federal investigation team; however, the First Sergeant shall upon request provide all reasonable assistance to any investigation team assigned to investigate a selected fatal school bus collision.

VIII. NOTIFYING THE FEDERAL HIGHWAY ADMINISTRATION OF MAJOR HIGHWAY COLLISIONS OR INCIDENTS

According to the procedure set forth below, the Highway Patrol shall notify representatives of the FHWA, Region Four, Raleigh, when any of the following major catastrophic types of collisions or incidents occur.

- Collisions/incidents causing multiple fatalities, numerous injuries, or significant property damage involving fire, explosion, or the release of hazardous materials which necessitates the evacuation of the immediate area and the closing of roads, streets, or highways
- Highway collisions/incidents involving the deaths of ten or more persons
- Any collisions/incidents involving school buses which result in fatalities and/or disabling injuries whether or not occurring on the school bus
- Any incidents causing significant damage or closure over eight hours to a major highway or bridge facility such as an Interstate or principle arterial road, except for closures involving maintenance, construction, etc. where the public

has been notified in advance via newspaper, radio, or television announcements

- Any incidents causing major damage to highway facilities
- Bridge failures or closures (specify if the closure resulted from bridge inspections)
- Chain reaction collisions/incidents involving 20 or more vehicles regardless of the fatalities, injuries, or highway closure
- Any major traffic alteration due to an evacuation or natural or manmade disaster
- Any collision/incident resulting in death or serious injury of a prominent individual such as a member of Congress, senior Executive Branch or military official, diplomatic dignitary, or other major public figure

When any of the preceding events occur, the investigating member in charge shall report the collision/incident to the appropriate Communications Center for relay to the Communications Center in Raleigh. The report is to include a narrative description of the event, casualties, scope of highway stoppage, or estimated dollar value of damage, and location and general description of the roadway (i.e. urban; suburban; rural; straight, level; hilly two-lane; four-lane; divided; etc.).

The Communications Center in Raleigh shall make necessary notifications as outlined in Directive 9 of the *Telecommunications Manual*.

IX. REPORTING MOTOR VEHICLE COLLISIONS INVOLVING MEAT OR POULTRY PRODUCTS

In cooperation with the United States Department of Agriculture and in an effort to reduce the possibility of contaminated meat and poultry products being offered to the general public, members shall report motor vehicle collisions involving meat or poultry products, using the following procedure:

- When a motor vehicle collision occurs involving a commercial transporter of meat or poultry products, members shall notify their troop Communications Center, which shall notify the Raleigh Communications Center. Members shall report the location of the collision, the carrier, and the type of product involved.
- The Raleigh Communications Center shall make necessary notifications as outlined in Directive 9 of the *Telecommunications Manual*.

X. REPORTING COLLISIONS INVOLVING ANY FOOD, DRUG, OR COSMETIC

The Food and Drug Protection Division of the North Carolina Department of Agriculture is charged with enforcing the North Carolina Food, Drug, and Cosmetic Act. Part of its responsibility is to respond to collisions and disasters where any food, drug, or cosmetic may have become distressed.

When a collision or disaster occurs involving food, drug, or cosmetic, members shall notify their troop Communications Center which shall notify the Raleigh Communications Center. Members shall report the location of the collision, the carrier, and type of product involved.

The Raleigh Communications Center shall make necessary notifications as outlined in Directive 9 of the *Telecommunications Manual*.

XI. COLLISIONS INVOLVING TRANSPORTED LIVE/DEAD ANIMALS AND POULTRY

The North Carolina Department of Agriculture, Veterinary Division is charged with enforcing the North Carolina Food, Drug, and Cosmetic Act. Part of its responsibility is to respond to collisions and disasters where the transportation of live or dead animals or poultry are involved.

When a collision or disaster occurs involving live or dead animals or poultry, members shall notify their respective Troop Communications Center which shall notify the Raleigh Communications Center. Members shall report the location of the collision, the carrier, and type of product involved.

The Raleigh Communications Center shall make necessary notifications as outlined in Directive 9 of the *Telecommunications Manual*.

XI. ASSISTING CIVILIAN INVESTIGATORS IN MOTOR VEHICLE COLLISION INVESTIGATION

Members may return to the scene of a collision to assist interested persons with investigations. Members shall only provide a factual description of the scene and shall not express any opinion as to the reason for the collision or as to the fault of any person involved in the collision.

Members may return to collision scenes to assist the District Attorney with the investigation of criminal cases.

I. POLICY

This policy designates the responsibilities to the supervisor and the member involved in a Patrol vehicle collision / incident / P.I.T.

II. DUTIES OF INVOLVED MEMBER

Any member involved in a traffic collision while driving a State-owned vehicle shall, as quickly as possible, notify a supervisor of the district in which the collision occurs, or other appropriate supervisor and advise the specific location, the extent of injuries, and the extent of property damage. If possible, involved members shall obtain:

- Names, addresses, and driver's license numbers of other drivers
- Other vehicle identification numbers, license plate numbers, and names of vehicle owners
- Names of other drivers' insurance companies and policy numbers
- Names and addresses of all witnesses

If the collision or P.I.T occurs during a chase, the member shall complete a Post Chase Report in accordance with Directive B.02 and/or Directive B.03.

III. DUTIES OF INVESTIGATOR

The appropriate first-level supervisor shall investigate all Patrol vehicle collisions occurring within their respective districts. The appropriate first-level supervisor shall submit form HP-351 (Supervisor Notification of Member Involved Incident (24 Hours)) via e-mail within twenty-four (24) hours of the Patrol Vehicle collision, incident, or P.I.T. according to the HP-351 instructions. The appropriate first-level supervisor shall e-mail a copy of the HP-351 "To:" the appropriate Unit/Troop Headquarters and "Cc:" Patrol Vehicle Collision-Incident Committee Liaison for informational and tracking purposes.

Reporting supervisors shall refer any requests to accept or deny liability to the General Counsel's Office to ensure consistency with existing facts and law. District supervisors shall not agree to accept liability for a patrol vehicle collision.

The investigator shall conduct an investigation and complete the required collision report on the NC Crash Report (DMV-349).

The investigator shall conduct a more detailed investigation to obtain information not recorded on NC Crash Report (DMV-349). This information is recorded on a

Report of Investigation (HP-721A) and documented on a Vehicle Accident/Incident Report in BlueTeam for internal management purposes. Exception to a HP-721A is permissible for non-domesticated animal collisions. The investigator shall complete only the following; Supervisor Notification of Member Involved Incident (HP-351, to be submitted within 24 hours), NC Crash Report Form (DMV-349), Member's Statement (HP-326B1), and Estimate of Vehicle Repair Costs (CL-36) for proper submission into BlueTeam. The investigator shall immediately arrange to have damaged State-owned vehicles removed to the nearest reliable garage if the vehicle(s) are not drivable. Patrol garages shall be used when practical. Damaged Patrol vehicles shall not be driven unless the damage is minor.

The appropriate first-level supervisor shall ensure that a Report of Investigation (HP-721A) is completed and documented on a Vehicle Accident/Incident Report in BlueTeam for internal management purposes. The appropriate first-level supervisor shall ensure that a preventable collision is documented on a NCVIP and HR-562 unless the collision involves a fatality or serious personal injury. For collisions that involve a fatality or serious personal injury, the Unit Commander of Internal Affairs will be notified and determine if policy violations may exist and classify those potential violations as deemed appropriate. (Refer to Policy Directive H.02).

When the investigation is completed, the First Sergeant or appropriate second-level supervisor shall review the investigation and confer with the investigating member. The First Sergeant or appropriate second-level supervisor that conferred with the investigating member's decision shall be documented on the HP-721A. The First Sergeant or appropriate second-level supervisor forwards the approved, completed report, with attachments to the Unit/Troop Supervisor or Section Director (third-level review) for his/her review, no later than thirty (30) calendar days of the occurrence via the Vehicle Accident/Incident Report in BlueTeam. The Unit/Troop Supervisor or Section Director (third-level review), shall confer with the Unit Commander of Internal Affairs or their designee to make sure no further discipline is necessary. The Unit/Troop Supervisor or Section Director (third-level review) shall then forward the BlueTeam report within forty-five (45) calendar days of the incident "To:" the Chairman of the PVCIC Board for review, and "Cc:" PVCIC-Board Members, unless an extension was granted by the Chairman of the PVCIC Board.

- In cases involving a SBI investigation or Internal Affairs investigation, the PVCIC Board will review the BlueTeam report for accuracy and training purposes only.
- In the event a video(s) or audio of the occurrence exists, the supervisor will label the video(s) or audio file as the sequence number to include the members rank, first and middle initial(s) with last name (e.g. 170725001CA Trp. J K Smith). Upload the video(s) or audio file within 30 days of the incident at the following address:

➤ G:\BlueTeam Videos\Uploads\Respective Troop\District.

- The appropriate District First Sergeant will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.
- Supervisors shall indicate the video(s) or audio has been reviewed in the “Comment” section of the BlueTeam submission process. If no video(s) or audio exists, then an explanation shall be documented in the “Comment” section of the BlueTeam submission process. Attach a copy of the CL-29 if applicable.
- Should the initial BlueTeam report be sent to the PVCIC Board later than the forty-five (45) calendar day deadline, but before sixty (60) calendar days, then a detailed explanation describing the reason the report is late in the form of an email shall be sent to the Chairman of the PVCIC Board.
- Should the initial BlueTeam report be sent to the PVCIC Board later than sixty (60) days, then documentation in the form of NCVIP and HR562 (Documented Counseling Session) detailing the reason the report is late and that this discrepancy has been documented shall be emailed to the Chairman of the PVCIC Board by the Unit/Troop Supervisor or Section Director (third-level review), unless an extension was granted by the Chairman of the PVCIC Board. **These unrelated documents to the collision/incident shall not be attached to the submitted BlueTeam Report.**
- The appropriate supervisor will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.

If the member is involved in a serious PI or fatal crash, the appropriate first-level supervisor shall ensure the following steps are taken:

- Notify the Collision Reconstruction Unit (CRU) is notified as soon as possible to travel to the scene. The Collision Reconstruction Unit will be responsible for completing the collision investigation including the DMV-349.
- For purposes of this section, Serious Injury is defined as an injury, other than fatal, which results in one or more of the following: Severe laceration resulting in exposure of underlying tissue/muscle/organ or resulting in significant loss of blood; broken or distorted extremities (arm or leg); crush injuries; suspected skull, chest, or abdominal injury other than bruises or minor lacerations; significant burns (second- and third-degree burns over 10 percent or more of the body); unconsciousness when taken from the crash scene.
- If the patrol vehicle is equipped with a video recording camera, ensure the camera hard drive is secured and the Collision Reconstruction Unit (CRU) is notified

- Remove the MDC from the involved member's patrol vehicle and remove the battery to preserve any time stamps
- Complete an HP-52 for Safe Keeping
- Notify the Collision Reconstruction Unit (CRU) so a copy of the hard drive can be made, and the MDC can be returned to the member
- After a copy has been made, the original hard drive shall be stored in the district office's permanent storage locker under Safe Keeping, ensuring chain of custody and preservation of any relevant data

A supervisor shall order a member to take an alcohol/drug test to eliminate the possibility that drug use affected the member's actions or judgment in any case where the member:

- Is involved in a fatal vehicle collision
- Is involved in a vehicle collision which results in serious bodily injury

IV. PATROL VEHICLE INCIDENT

Unintentional Damage

- A member who has damage to his/her assigned Patrol vehicle that does not involve a collision, shall immediately notify his/her supervisor of such damage.
- The appropriate first-level supervisor shall conduct an investigation to determine the extent of the damage, the cost of repair, and the circumstances under which the damage occurred. The investigative results shall be reported as a Patrol Vehicle Incident on a HP-721A, and the supervisor shall complete a Vehicle Accident/Incident Report in BlueTeam.

Upon completion of the investigation, the First Sergeant or appropriate second-level supervisor shall review the investigation and confer with the investigating member. The First Sergeant or appropriate second-level supervisor that conferred with the investigating member's decision shall be documented on the HP-721A. The First Sergeant or appropriate second-level supervisor forwards the approved, completed report, with attachments to the Unit/Troop Supervisor or Section Director (third-level review), no later than thirty (30) calendar days of the occurrence via the Vehicle Accident/Incident Report in BlueTeam. The Unit/Troop Supervisor or Section Director (third-level review) shall then forward the BlueTeam report within forty-five (45) calendar days of the incident "To:" the Chairman of the PVCIC Board for review, and "Cc:" PVCIC-Board Members.

- In the event a video(s) or audio of the occurrence exists, the supervisor will label the video(s) or audio file as the sequence number to include the members rank- first and middle initial(s) with last name (e.g. 170725001CA Trp. J K Smith). Upload the video file within 30 calendar days of the incident at this address:
 - G:\BlueTeam Videos\Uploads\Respective Troop\District.
 - The appropriate supervisor will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.
 - Supervisors shall indicate the video has been reviewed in the “Comment” section of the BlueTeam submission process. If no video(s) or audio exists, then an explanation shall be documented in the “Comment” section of the BlueTeam submission process. Attach a copy of the CL-29 if applicable.
- Should the initial BlueTeam report be sent to the PVCIC Board later than the forty-five (45) calendar day deadline, but before sixty (60) calendar days, then a detailed explanation describing the reason the report is late in the form of an email shall be sent to the Chairman of the PVCIC Board.
- Should the initial BlueTeam report be sent to the PVCIC Board later than sixty (60) days, then documentation in the form of NCVIP and HR562 (Documented Counseling Session) detailing the reason the report is late and that this discrepancy has been documented shall be emailed to the Chairman of the PVCIC Board by the Unit/Troop Supervisor or Section Director (third-level review), unless an extension was granted by the Chairman of the PVCIC Board. **These unrelated documents to the collision/incident shall not be attached to the submitted BlueTeam Report.**

Intentional Damage

- Any member who has intentional damage to his/her Patrol Vehicle or any Patrol Equipment in the vehicle, caused by someone other than the member, shall notify his/her supervisor of such damage. The supervisor shall determine if restitution for the damage will be sought through the court system. The supervisor shall also ensure that the person(s) responsible for causing the damage has been charged with Damage to State Property. **(Damaged uniform equipment does not apply)**

The appropriate first-level supervisor shall conduct an investigation to determine the extent of the damage, the cost of repair or replacement, and the circumstances under which the damage occurred. The investigative results shall be reported as a Patrol Vehicle Incident on a HP-721A. Upon completion of the investigation, the First Sergeant or appropriate second-level supervisor shall review the investigation and confer with the investigating member. The First

Sergeant or second-level supervisor that conferred with the investigating member's decision shall be documented on the on the HP-721A. The First Sergeant or appropriate second-level supervisor forwards the approved, completed report, with attachments to the Unit/Troop Supervisor or Section Director (third-level review) for his/her review, no later than thirty (30) calendar days of the occurrence via the Vehicle Accident/Incident Report in BlueTeam. The Unit/Troop Supervisor or Section Director (third-level review) shall then forward the BlueTeam report within forty-five (45) calendar days of the incident "To:" the Chairman of the PVCIC Board for review, and "Cc:" PVCIC-Board Members.

- In the event a video(s) or audio of the occurrence exists, the supervisor will label the video(s) or audio file as the sequence number to include the members rank, first and middle initial(s) with last name (e.g. 170725001CA Trp. J K Smith). Upload the video(s) or audio file within 30 calendar days of the incident at this address:
 - G:\BlueTeam Videos\Uploads\Respective Troop\District.
 - The appropriate supervisor will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.
 - Supervisors shall indicate the video has been reviewed in the "Comment" section of the BlueTeam submission process. If no video(s) or audio exists, then an explanation shall be documented in the "Comment" section of the BlueTeam submission process. Attach a copy of the CL-29 if applicable.
- Should the initial BlueTeam report be sent to the PVCIC Board later than the forty-five (45) calendar day deadline, but before sixty (60) calendar days, then a detailed explanation describing the reason the report is late in the form of an email shall be sent to the Chairman of the PVCIC Board.
- Should the initial BlueTeam report be sent to the PVCIC Board later than sixty (60) days, then documentation in the form of NCVIP and HR562 (Documented Counseling Session) detailing the reason the report is late and that this discrepancy has been documented shall be emailed to the Chairman of the PVCIC Board by the Unit/Troop Supervisor or Section Director (third-level review), unless an extension was granted by the Chairman of the PVCIC Board. **These unrelated documents to the collision/incident shall not be attached to the submitted BlueTeam Report.**
- The First Sergeant or appropriate second-level supervisor shall complete a Reimbursement of Damage to State Property Form (CL-38A) and add as an attachment to the completed HP-721A. The First Sergeant or appropriate second-level supervisor shall attach a copy of the CL-38A to a copy of the

citation charging Damage to State Property and distribute as indicated on the CL-38A instructions.

V. ADMINISTRATIVE REVIEW

The Unit/Troop Supervisor or Section Director (third-level review) shall consider any special circumstances in all Patrol vehicle collisions, incidents or P.I.T.'s. Upon review of the HP-721A and the Vehicle Accident/Incident Report, he/she shall make comments (Refer to Vehicle Collision/Incident Report BlueTeam Instructions) in the appropriate space in BlueTeam indicating their approval/disapproval of the recommendations. The Director of Field Operations makes comments regarding their approval/disapproval for collisions or incidents involving the rank of Unit/Troop Supervisor or Section Director or higher. If the reviewing Supervisor disapproves the recommendation, he/she shall state the reason(s) for disapproval in the comments section during the approval process in BlueTeam.

In the event a video(s) or audio of the occurrence exists, the Unit/Troop Supervisor or Section Director (third-level review) shall indicate comments (Refer to Vehicle Collision/Incident Report BlueTeam Instructions) in the "Comment" Section of BlueTeam submission process that the video(s) or audio have been reviewed.

The designated Unit/Troop Supervisor or Section Director (third-level review) shall forward the report via BlueTeam, "To:" the Chairman of the Patrol Vehicle Collision/Incident Committee (PVCIC), and "Cc:" the PVCIC-Board Members distribution list within forty-five (45) calendar days of the date of the collision/incident. Due to the complexity of these types of investigations, an extension can be granted by contacting the Patrol Vehicle Collision-Incident Board Chairperson via chain of command. The extension should only be granted for substantiated reasons. (i.e. Recon Unit assisting, Serious Injury of a member, etc...). NOTE: Dissemination of these reports shall be completed within forty-five (45) calendar days of the date of occurrence, unless an extension is granted.

VI. ADMINISTRATIVE ACTIONS FOR PATROL VEHICLE COLLISIONS

Due to the risk factor involved in Patrol vehicle operation and the potential for Patrol vehicle collisions to occur during such operation, written warnings may be given upon approval from the Unit Commander of Internal Affairs or their designee.

Investigating members and reviewers should be certain the collision did not result from carelessness or intentional misuse of the Patrol vehicle. In that event, charges of personal conduct or more serious disciplinary actions may be appropriate. If a pattern of poor driving develops and improvement does not occur, the member may be required to attend the Precision Driving Course. If improvement still does not occur, progressive disciplinary action should be taken.

The Unit/Troop Supervisor or Section Director (third-level review) shall determine whether there is sufficient information to support the recommendation and shall take such action as may be deemed appropriate. If the Unit/Troop Supervisor or Section Director (third-level review) determines that the Patrol vehicle collision or incident was preventable, he/she shall consult with the Unit Commander of Internal Affairs or designee to determine the action to be taken (NCVIP, HR-562 or disciplinary action, if any). If the collision or incident involves the rank of Unit/Troop Supervisor or Section Director or higher, the Director of Field Operations shall make this determination and take such action as may be deemed appropriate.

The Director of Training or designee in conjunction with the Patrol Vehicle Collision-Incident Committee (PVCIC) shall maintain records as to frequency and causes of Patrol vehicle collisions and make recommendations for the reduction of collision frequency to the Commander's Office, with a copy to the Director of Field Operations and the Director of Support Services.

A member involved in a Patrol vehicle collision may be required to undergo medical examinations approved by the Commander's Office or designee.

Without exception, all Patrol personnel involved in a preventable Patrol vehicle collision and/or incident shall be required to undergo the appropriate driver training at either the Highway Patrol Training Academy, Troop/District level and/or undergo other administrative measures designed to improve his/her driving skills. A remedial drivers training instructional flowchart is located on the HP-721A instructions as a visual aid in the determination of proper remedial driver training for all preventable Patrol vehicle collisions.

This may apply at the discretion of the Unit/Troop Supervisor or Section Director (third-level review) even when the Patrol vehicle collision or incident is indicated as non-preventable and no disciplinary action is being taken.

When appropriate, disciplinary action shall be imposed in compliance with the Patrol's Disciplinary System and Rules of Personal Conduct and Job Performance. There is no need to complete a Personnel Complaint.

VII. REPAIRS TO PATROL VEHICLES

Patrol Vehicles shall be repaired at Patrol garages unless otherwise authorized by the Director of Support Services.

The Unit/Troop Supervisor or Section Director, and the Troop Garage Foreman must approve all repairs made before a release is signed.

The Director of Support Services is the sole authority to execute a release of an insurance carrier for the Patrol.

VIII. RECORD OF REIMBURSEMENT

District Responsibility

The appropriate first-level supervisor shall seek initial reimbursement for all Patrol vehicle collisions occurring within their respective districts. When a Patrol vehicle is damaged as a result of negligence by a non-member, reimbursement will be attempted by the appropriate first-level supervisor in the following manner:

- Document each attempt for reimbursement in detail on the CL-38 (Patrol Vehicle Damage Reimbursement). He/She shall diligently seek reimbursement at least once every (30) thirty days for a period of (90) ninety days from the date of the collision. If reimbursement has not been obtained in ninety (90) days, the CL-38 shall immediately be forwarded to the Unit Commander of Logistics or his/her designee.
- Contact the responsible insurance company, by telephone, and request reimbursement for damage be paid directly to the State. Insurance settlement checks shall be made payable to the North Carolina Department of Public Safety. The reimbursement should include the amount listed on the CL-36 (Estimate of Vehicle Repair Cost) and **any additional equipment damage as indicated on the HP-721A** (Report of Investigation) and/or SBI-78 (State Property Incident Report). The CL-36, DMV 349, and additional equipment damaged (if applicable) should be faxed to the insurance company at the time of the request. If the insurance company agrees to make reimbursement, the appropriate first-level supervisor shall instruct the insurance company to forward the settlement check to the district office. The settlement check and CL-38 shall then be forwarded directly to the Unit Commander of Logistics or designee.
- **Note:** Private Sector estimate of damages may exceed the amount listed on the CL-36. In these cases, the appropriate first-level supervisor should accept this payment and forward to the Unit Commander of Logistics or designee.
- At **no time** will the appropriate first-level supervisor enter into negotiations for settlement of damages. If an insurance company requests a negotiated settlement, the appropriate first-level supervisor will document this information on the CL-38 and forward it immediately to the Unit Commander of Logistics or designee.
- At no time will the appropriate first-level supervisor enter into any agreement related to personal injury
- At any time during the ninety (90) day period the insurance company denies responsibility or refuses to make reimbursement for total damages, the appropriate first-level supervisor shall document this information in detail on the CL-38 and immediately forward the CL-38 to the Unit Commander of Logistics or designee

- If a CL-38A/CL-38B has been completed, it is the responsibility of the appropriate first-level supervisor to track reimbursement through the courts until the case is closed or for three (3) years and (1) month from the date of offense. The appropriate first-level supervisor will then document this information on the CL-38 and forward it to the Unit Commander of Logistics or their designee.
- If the CL-36 (Estimate of Vehicle Repair Cost) indicates the Patrol vehicle is a "Total Loss" the appropriate first-level supervisor will not be required to attempt reimbursement. He/She shall document this on the CL-38 and immediately forward the CL-38 to the Unit Commander of Logistics or designee.
- A copy of all CL-38s must be maintained according to the District Filing Guide

Logistics Responsibility

The Unit Commander of Logistics or designee shall be responsible for seeking reimbursement in all cases where reimbursement was not, or could not, be achieved at the district level.

Upon receipt of a CL-38 indicating reimbursement was denied, the Unit Commander of Logistics or his/her designee shall contact the responsible insurance company, by telephone, and request reimbursement. He/She shall also, regardless of whether reimbursement is agreed upon, forward a written notification letter to the insurance company. The notification letter will advise the insurance company that they have (30) thirty days to make full reimbursement and if reimbursement is not received, all documents related to the reimbursement claim will be forwarded to the Highway Patrol's Legal Section for the appropriate action.

The Highway Patrol's Legal Section, in consultation with the Commander's Office, will determine the appropriate response to all unresolved pending Patrol vehicle reimbursements.

The Unit Commander of Logistics shall maintain records pertaining to monetary damages to Patrol property.

IX. STATE FLEET AUTOMOBILE LIABILITY

The web-based reporting system listed below is a system that all State Agencies must comply with. The term "Supervisor" in this system does NOT apply to our Patrol Supervisors. The Patrol Supervisors are merely entering the data into the web-based system.

Members investigating any collision involving a State-owned vehicle assigned to the Patrol, shall notify The North Carolina Association of Insurance within forty-eight (48) hours of occurrence in a manner dictated by the following descriptions.

When a collision occurs, the investigating supervisor shall report a claim using the following procedure; except for the following collisions:

1. There is no third-party property damage, no third-party injuries, and no passengers in the Patrol Vehicle (Uniformed Patrol passengers are exempt).
2. The collision involves a deer or any type of wild, non-domesticated animal or other debris (roadway hazards).
 - Navigate to the North Carolina Auto Claims System Website at <https://autoweb.ncaia.com>
 - The user I.D. is the member's email e.g. (first.last@ncshp.org)
 - The password is case sensitive – Ncshpxxxx! (xxxx=Registry Number)

The investigating supervisor shall be prepared to provide the following information listed below;

- Accident Location; City, County and State.
- Date and time of accident
- Reporting members' work telephone and work e-mail address.
- Driver's Name address and Operator's License Number
- State Owned Vehicle information (Make, Model and VIN.)
- If applicable, Other Driver's Information
- If applicable, any other property damage involved (include property owner's information)
- Up to (3) three entries for any passenger injuries or other personal injuries resulting from crash.
- Name of Investigating Officer and Agency
- Names and Addresses of any known witnesses.

A Traveler's adjustor will contact the reporting supervisor within (2) two business days after the claim has been submitted electronically.

X. HIGHWAY PATROL DRIVING FACILITY

The Division of Motor Vehicles (DMV) has classified the Patrol Driving Facility in the same category as the Charlotte Motor Speedway, a driving facility not open to the general public, thereby relieving the Highway Patrol from the obligation of submitting a DMV-349 to DMV.

Collisions occurring at the Highway Patrol Driving Facility will be investigated in a manner similar to that set out in this directive with the following exceptions:

- The HP-721A shall be completed for internal use only, and be considered a training incident. The HP-721A must have a diagram of the collision attached when the report is submitted.
- This provision applies to designated training vehicles used for driver training at the Patrol Driving Facility only. In addition, this only applies to collisions occurring within the confines of the Patrol Driving Facility.
- Upon completion of the investigation, the investigator shall prepare a memorandum directed to the Training Academy Executive Officer, in which he/she shall identify the causes of the incident and recommend administrative action.
- After the Executive Officer has reviewed the report of investigation, he/she shall prepare a memorandum directed to the Director of Training in which he/she shall summarize his/her conclusions as to incident causes and recommendation of administrative action.
- The Director of Training or designee shall review Reports of Investigation and cover memorandums to determine if proper recommendation of administrative action was taken by subordinate supervisors and shall make any additional recommendation he/she may deem necessary. The Director of Training will inform the Director of Support Services of the incident and provide him/her with a copy of the Report of Investigation if needed.

XI. PATROL VEHICLE COLLISION-INCIDENT COMMITTEE (PVCIC)

Following a member's involvement in a collision, incident or P.I.T., a Report of Investigation (HP-721A), report for non-domesticated animal collision or the required P.I.T. documents shall be completed by an appropriate first-level supervisor and submitted via the electronic format of BlueTeam protocols "To:" the Patrol Vehicle Collision-Incident Board Chairperson and "Cc:" PVCIC – Board Members distribution list within forty-five (45) days of the occurrence date. Only one report should be submitted per occurrence and routed via the BlueTeam protocol that will automatically track chain-of-command. Due to the complexity of these types of investigations, an extension can be granted by contacting the Patrol Vehicle Collision-Incident Board Chairperson via chain of command. The extension should only be granted for substantiated reasons. (i.e. Recon Unit assisting, Serious Injury of a member, etc...).

XII. PATROL VEHICLE COLLISION-INCIDENT COMMITTEE REVIEW AND CRITIQUE

All Reports of Investigations (HP-721A), Non-domesticated animal collisions, and P.I.T's will be reviewed and analyzed based on entry into BlueTeam on a monthly basis by the Patrol Vehicle Collision-Incident Committee (PVCIC). The

PVCIC may request additional information and clarification on any HP-721A, Non-domesticated animal collision, or P.I.T. information supplied.

The Director of Professional Standards or designee will appoint the chairperson and members of the Board from the following sections for not more than two (2) years:

- One Captain or Higher Ranking Official (Serving as Chairperson)
- Internal Affairs – One Member
- Training Academy – One Member (PVCIC Board Liaison)
- Logistics Unit- One Member
- Legal Section – One staff attorney

The Patrol Vehicle Collision-Incident Committee shall submit a summary report of reviewed HP-721A(s), Non-domesticated animal reports, and P.I.T.'s to the Commander's Office and Director of Training on a yearly basis to make informed decisions on Training and Equipment needed to reduce the frequency of collisions amongst our members.

The PVCIC will identify trends and/or safe driving concerns for our members and will make recommendations for the development of Driver Training, Safety Equipment for Patrol Vehicles, In-service Training, and/or any other essential programs to ensure the safety of our members. The PVCIC was not developed to take the place of a Supervisory role for remediation or any disciplinary action that would be appropriately based on Policy and Procedures.

Collision Reconstruction Unit

Applicable to: Members

Directive L.03

Revised 04/2016

Effective 06/2015

I. POLICY

This policy defines the function and responsibilities of the Collision Reconstruction Unit.

II. COLLISIONS TO BE INVESTIGATED

The Collision Reconstruction Unit (CRU) may be assigned to reconstruct any collision resulting in serious personal injury or fatality subject to felony charges (e.g. Alcohol or Drug induced collisions) at the discretion of the Troop I Commander

The Collision Reconstruction Unit shall be assigned to all collisions involving a Patrol vehicle resulting in serious personal injury or fatality and to all Trooper involved shootings in order to assist the SBI with evidence collection.

The CRU team completing a collision reconstruction report involving a Patrol vehicle, if at all possible, shall not be based in the same area as the Patrol member involved.

All other reconstruction requests must be approved by the Troop I Commander or his/her designee.

The primary district investigator assigned to investigate collisions meeting the above criteria shall immediately notify a supervisor and proceed with a collision investigation as defined in Directive L.01. The primary district investigator shall ensure evidence is preserved, witnesses are identified and interviewed, and shall be responsible for the completion of any required North Carolina Crash Report Forms (DMV-349), and shall make all charges.

When the notified supervisor determines that a collision/criminal case meets the above criteria, the supervisor shall contact the Troop OD. The Troop OD shall then make contact with the Troop I OD and the State OD. The notified supervisor shall direct the initial investigation until relieved by the Collision Reconstruction Unit member.

Once the Collision Reconstruction Unit member has made contact with the on-scene district supervisor, the following information shall be provided:

- Date, time, and location of the collision
- Crash situation including any circumstances which require immediate attention
- The number and type(s) of vehicles involved

- Suspected or confirmed hazardous material involvement (if possible the type material)

Reports of Investigation (HP-721A) will be the responsibility of a district supervisor for the County where the collision occurred.

III. AT-SCENE COLLISION INVESTIGATIONS

When a member of the Collision Reconstruction Unit is responding to conduct an on-scene investigation as directed by subsection II, the district supervisor, prior to the arrival of the Collision Reconstruction Unit member shall:

- Ensure a thorough and complete investigation is being conducted. This includes, but is not limited to:
 - Obtain detailed written or recorded statements from all witnesses and participants
 - Mark on-scene physical evidence and complete field sketch
 - Document and collect evidence
 - Photograph and sufficiently document the entire collision scene, vehicle involved, physical evidence, before-during-after collision indicators, area of impact, and other relevant aspects of the collision.
- It is imperative that the on-scene investigator/supervisor establishes a perimeter around the crash scene and designates a single entrance/exit point. A member must be designated to monitor personnel authorized to enter the perimeter. Persons authorized in the perimeter should be limited to EMS personnel attending to the needs of the injured, fire personnel needed to extinguish a fire and assist with extrication of victims and Patrol personnel needed to investigate the scene. Non-essential personnel should not be allowed to enter the crash scene perimeter. A list of persons entering the perimeter should be maintained.
- The Collision Reconstruction Unit investigator at the scene shall assume all duties as the on-scene coordinator and be responsible for directing the investigation. District Supervisors will provide the Collision Reconstruction Unit investigator (s) with sufficient resources to conduct the reconstruction.

IV. OTHER COLLISION RECONSTRUCTION REQUESTS

Collisions not included in subsection II of this policy, needing special assistance from a certified reconstructionist, should be assigned to a Field Reconstructionist. If the investigation exceeds the capability of a Field Reconstructionist, the Collision Reconstruction Unit may be assigned to provide special assistance with collision investigations requested through the proper chain-of-command.

Assignment of Collision Reconstruction Unit investigators will be made at the discretion of the Troop I Commander or his/her designee. Prior to making the request it must be determined by the requesting Troop Commander or his/her designee that the assistance needed exceeds the capabilities of the investigating member, Troop Field Reconstructionist, or supervisor.

- During normal duty hours (0800-1700), on-scene investigation requests shall be made to the Troop I Commander or his/her designee through the appropriate chain-of-command. After normal duty hours requests will be made through the chain-of-command to the Troop I OD.
- Requests for post collision reconstruction from within the Patrol shall be made through the chain-of-command to the Troop I Commander. The request shall be forwarded to the Collision Reconstruction Unit First Sergeant or his/her designee who will review the request and make a recommendation to the Troop I Commander.
- Requests from outside the Patrol shall be directed through the chain-of-command to the Troop I Commander. The Collision Reconstruction Unit First Sergeant will review the request and make a recommendation regarding the reconstruction request to the Troop I Commander.

Reconstruction assistance will be classified as:

- Consultation (Assessment) – render advice regarding collision issue(s).
- Single Issue Reconstruction – addresses a single issue or question.
- Limited Reconstruction – reconstruction addresses multiple issues or questions.
- Comprehensive Reconstruction – all aspects of the investigation/reconstruction are conducted.

V. POST CRASH RECONSTRUCTION

The Collision Reconstruction Unit First Sergeant will determine the special assistance needed to support the requestor and forward his recommendation to the Troop I Commander or his/her designee. If approved, a date, time and location for an initial briefing with the assigned reconstructionist, initial investigating member, and others deemed appropriate will be arranged by the requesting District First Sergeant. The member who conducted the initial investigation shall be assigned a work schedule that will allow him/her to be accessible to the Unit Reconstructionist.

VI. RECONSTRUCTION REPORTS

A written report will be generated for single issue, limited and comprehensive reconstructions. The Reconstruction Unit First Sergeant will be responsible for

approving all reports prior to releasing the results outside the Unit. Reports will be maintained by the Collision Reconstruction Unit.

Requests for copies of completed reports must be made in writing to the Collision Reconstruction Unit. The Collision Reconstruction Unit First Sergeant shall maintain an itemized price list of materials used to produce reports. This price list shall be used to calculate the amount to charge for requested reports. The Collision Reconstruction Unit will maintain the original report for a period of five years or until the matter is adjudicated in the Courts and all appeals exhausted.

VII. FIELD RECONSTRUCTIONIST EVENT DATA RECORDER (EDR) TECHNICIAN PROGRAM

Field level reconstructionists will be assigned and trained as Event Data Technicians (EDT) by a certified Event Data Instructor (EDI) assigned to the Collision Reconstruction Unit (CRU). As directed by Directive L.01, EDT's will image all supported vehicles involved in critical injury / fatality crashes investigated by the Highway Patrol. Technician(s) assigned to this program shall never attempt to interpret the data. Only CRU members certified as Event Data Analyst (EDA) shall interpret data received during downloads. Technician(s) assigned to the EDT program will require yearly EDR in-service conducted by the Collision Reconstruction Unit. EDR Image Portable Document Format (.PDF) files shall be stored using the following procedures:

- EDR image files shall be transferred directly to a new, Read-Only media format (CD-R). The file name for the CD-R shall match that of the SHP sequence number. This disc shall be considered the Archived Digital Recordings (ADR) of the image and shall be stored in the primary member's HP-49 investigation folder.
- The Archive Digital Recordings disc, and disc case or sleeve shall be labeled to reflect the following information
 - Crash sequence number
 - Date image was taken
 - Location of the scene/address, and
 - Name and initials of the member taking the image
- Labels shall be written on the CD-R with a CD marker (not a Sharpie)

VIII. RECONSTRUCTIONIST QUALIFICATIONS

The member must have successfully completed a course of specialized collision investigation/reconstruction training from an accredited training facility (e.g. Northwestern University Traffic Institute or the Institute of Police Technology and Management), or have a Baccalaureate Degree in Civil Engineering.

IX. RECONSTRUCTION UNIT MEMBER

A member assigned to the Collision Reconstruction Unit must be trained and qualified as a traffic collision reconstructionist.

X. EVIDENCE COLLECTION AND MAINTENANCE

All evidence collected during the process of a collision reconstruction shall conform to Directive J.01 of Highway Patrol Policy and shall be stored and maintained at the District Office where the collision occurred.

I. POLICY

This policy establishes procedures and responsibilities related to critical and hazardous incidents/unusual occurrences and to adopt the North Carolina Emergency Operations Plan, the North Carolina State Highway Patrol Unusual Occurrence Manual, and the North Carolina Emergency Highway Traffic Regulation Plan as the official plans for response to emergencies and/or disasters.

II. COMMAND AND CONTROL

Statutory Provisions

- The Governor shall have general direction and control of the State Emergency Management Program and shall be responsible for carrying out the provisions of N.C.G.S. § 166A-5, Article 1.
- N.C.G.S. § 143B-476(c) states in the event the Governor, in the exercise of his/her constitutional and statutory responsibilities, shall deem it necessary to utilize the services of more than one subunit of State government to provide protection to the people from natural or manmade disasters or emergencies, including but not limited to wars, insurrections, riots, civil disturbances, or accidents. The Secretary of the Department Public Safety (DPS), under the direction of the Governor, shall serve as the chief coordinating officer for the State between the respective subunits so utilized.
- The Secretary has the authority pursuant to N.C.G.S. § 166A-5(2) to activate state and local plans applicable in emergency/disaster situations.
- After obtaining permission from the Secretary, his/her representative, or the Governor, the Commander's Office or his/her designee may commit Patrol forces to assist local officials.

III. OFFICER IN CHARGE (CALEA 12.1.2)

The Director of Field Operations is responsible for coordinating the Highway Patrol's planning functions for response to critical and hazardous incidents/unusual occurrence. If unavailable, the State Officer of the Day (OD) will assume command and become the principle adviser until relieved by higher authority. **(CALEA 46.1.1)**

The Director of Field Operations shall maintain liaison with the North Carolina Emergency Management Division to coordinate Patrol operations and plans with other affected agencies concerning critical and hazardous incidents/unusual occurrences.

Upon receiving information of an critical and hazardous incidents/unusual occurrence, the appropriate Section Director/Troop Commander or Troop OD shall immediately confer with local officials to determine the nature of the occurrence and need, if any, for State assistance, and shall then relay this information to the appropriate Director of Field Operations or State OD. The District First Sergeant or other non-commissioned district supervisor shall be the liaison between the Patrol and the local agencies until the appropriate Section Director/Troop Commander is contacted.

IV. GENERAL OPERATING PROCEDURES

In the event a Patrol member is the first law enforcement officer on the scene of an unusual occurrence, the following procedures shall be followed:

- Advise appropriate Patrol supervisory personnel and the agency with primary jurisdiction
- Secure the area and set up a perimeter for the safety of law enforcement and emergency personnel
- Request the assistance of appropriate fire, medical, or law enforcement service applicable to the situation
- The Patrol member shall be relieved of these responsibilities only when a Patrol supervisor arrives at the scene and assumes command or the Incident Command System is put into operation.

Patrol members may respond to unusual occurrences at the request of the law enforcement agency with primary jurisdiction as set forth in this directive or upon authority of the Commander's Office or his/her designee.

Patrol members shall maintain all issued equipment in a manner, which will allow a rapid response to requests for assistance in these situations.

Special equipment designated for use during a critical and hazardous incidents/unusual occurrence, which is stored at a troop and/or section, shall be inspected monthly to determine operational readiness. Such equipment may include but is not limited to, pepper foggers, gas guns and gas masks, portable and primary generators. Section Directors/Troop Commanders or their designees are responsible for ensuring an inspection is conducted. Findings of the inspection (memorandum or e-mail) shall be filed at the appropriate troop and/or section and maintained for two (2) years. **(CALEA 81.3.1; 81.3.2)**

Communication during unusual occurrences will be coordinated by the agency with primary jurisdiction. When feasible, proper communication procedures and other crucial information will be addressed with all cooperating agencies in a briefing prior to initiating any Patrol activity associated with the incident! Patrol

mobile command/communications vehicles may be utilized upon approval of a Section Director/Troop Commander or higher authority.

The Department of Public Safety Public Affairs Office or a designated spokesperson from the agency with primary jurisdiction will coordinate all media releases and public information.

The Highway Patrol Legal Staff shall address legal issues.

Requests for additional law enforcement, military support personnel, or other emergency services personnel will be made at the discretion of the Commander's Office or designee, the Secretary of DPS or his/her designee, and the head of the law enforcement agency with primary jurisdiction.

Members making arrests shall be governed by Patrol policy while assisting the agency with primary jurisdiction.

The supervisor in charge shall keep assigned members apprised of the overall situation and the appropriate state of readiness for members and equipment during all phases of an unusual occurrence. At the conclusion, members will be advised to return to assigned duties by the supervisor in charge.

At the conclusion of a critical and hazardous incident/unusual occurrence, or special event, the Special Incident Report (HP-335) shall be completed as outlined in Section 01 "Basic Guidelines", of the North Carolina State Highway Patrol Unusual Occurrence Manual, "Special Incident Report".

V. NORTH CAROLINA STATE HIGHWAY PATROL UNUSUAL OCCURRENCE MANUAL

General Plans

- Basic guidelines for responding to critical and hazardous incidents/unusual occurrences are contained in the North Carolina State Highway Patrol Unusual Occurrence Manual. It shall be accessible to all Patrol members and each Patrol Communications Center.

Procedures

- The developments of specific procedures for critical and hazardous incidents/unusual occurrences are impractical, due to the variances associated with the different types and causes of emergencies and disasters. Therefore, general guidelines for these types of situations must be flexible so modification can be made as needed. The North Carolina State Highway Patrol Unusual Occurrence Manual shall be used in emergency/disaster situations to supplement the North Carolina Emergency Operation Plan (NCEOP).

- Patrol members shall be governed by procedures and guidelines set forth in the North Carolina Highway Patrol Unusual Occurrence Manual, with said publication hereby incorporated by reference the same as if fully set out herein.

Information Unique to a Troop

- Section Directors/Troop Commanders shall personalize their Manual to include additional information, which may be useful for their troop. Section Directors/Troop Commanders shall review and update their manuals as needed.
- Section Directors/Troop Commanders shall ensure written plans for handling special events, within their respective troops (e.g. entertainment/sporting events, races, fairs, festivals, large spectator attended events) as outlined in the North Carolina Highway Patrol Unusual Occurrence Manual, SPECIAL EVENTS, Operational Plan section are maintained. Section Directors/Troop Commanders shall review written plans and update as needed.

Hazard Communications

Updated Includes: Globally Harmonized System (GHS)
CALEA

Directive M.02

Revised 12/22/2017
Effective 01/27/00

I. POLICY

It is the policy of the North Carolina Highway Patrol to identify hazardous chemicals/materials in the work place by compiling a hazardous chemicals list, using Safety Data Sheets (SDS), ensuring containers are labeled, and by providing training to all affected employees in compliance with the Federal OSHA Hazard Communication Standard (29 CFR 1910.1200). This policy incorporates the updated Globally Harmonized System (GHS) requirements.

II. HAZARDOUS MATERIALS LIST

All known hazardous materials used by Highway Patrol employees and stored on Highway Patrol property will be identified by the appropriate Section Director/Troop Commander or his/her designee and placed on the Hazardous Materials Inventory Sheet (HCS-1) and placed in the Hazard Communication Notebook. Materials will be listed by chemical name and trade name and shall be updated as necessary. A copy of the latest corresponding SDS for each chemical will be included in these notebooks.

Each location where hazardous materials are used and/or stored will maintain a Hazard Communication Notebook. The Highway Patrol vehicle is considered an employee work location. A Hazard Communication Notebook for the Highway Patrol vehicle will be stored and maintained at each of the Highway Patrol Communications Centers.

Each Section Director/Troop Commander will ensure all notebooks are reviewed and, if necessary updated when hazardous materials are added or removed from the work place, whichever occurs first. Each supervisor is responsible for notifying his/her Section Director/Troop Commander whenever hazardous materials are added or deleted from their inventory.

III. SAFETY DATA SHEETS (SDS)

Each Highway Patrol location that uses and/or stores hazardous materials shall have a SDS on file in the Hazard Communication Notebook for each chemical.

- The SDS shall be readily accessible to all employees in the work area at all times. All SDS must be in compliance with GHS (16 sections).
- No hazardous material shall be received without a current SDS.

IV. LABELS

Each container of hazardous chemicals/materials shall be properly labeled and updated as necessary. Updated GHS Labels shall list the following information as required:

- Product Identifier/Chemical identity
- Hazard and Precautionary Statements
- Signal Word (Danger or Warning)
- Name and address of the manufacturer, importer, or other responsible party
- Visual Pictogram – if required
- Emergency and first aid procedures may be separate or incorporated into Precautionary or other Subsidiary Statements

Improperly labeled hazardous chemicals/materials are not to be accepted.

No existing labels shall be removed or defaced on containers of hazardous materials unless the containers are immediately re-marked with the proper information as required by regulations.

As provided in the Federal and State OSHA Standards, the following labeling exemptions may be followed:

- Signs or placards may be posted if there are a number of stationary containers within a work area, which have similar contents and hazards, as long as the signs or placards contain the required information set forth in this policy.
- No labeling shall be required for portable containers into which hazardous chemicals are transferred from labeled containers as long as the chemicals are intended for immediate use by the employee making the transfer.

V. EMPLOYEE TRAINING

All employees who work with or could be potentially exposed to hazardous chemicals shall receive the following basic training:

This written policy, and the the Hazard Communication Program.,

- Chemical and physical properties of hazardous materials (e.g. flash point, reactivity), and methods and observations that can be used to detect the presence or release of chemicals

- Physical hazards of chemicals (e.g. potential for fire, explosion, etc.)
- Health hazards, including signs and symptoms of exposure to chemicals and any medical condition known to be aggravated by exposure to the chemical
- Procedures to protect against hazards (e.g. personal protective equipment that is required, proper use, and maintenance; work practices or methods to assure proper use and handling of chemicals; and procedures for emergency response if necessary)
- How to read and interpret the information of both GHS labels and SDS's, and how employees may obtain additional hazardous information
- Watch the Highway Patrol's hazardous communications GHS training Video or other presentation that covers updates to the regulations

In addition to the above initial training, it shall be the responsibility of each supervisor to ensure that their employees receive thorough training in the specific hazards to which they are exposed on the job. Supervisors shall provide initial/additional training whenever:

- New hazardous materials are introduced into the workplace
- Whenever a new employee enters the workplace

Written documentation of each training session listing employees attending, subjects covered, and date shall be filed with the Training Academy (HPTC-1).

VI. HAZARDOUS NON-ROUTINE TASKS

Employees may occasionally be required to perform hazardous tasks for which they are not responsible on a regular basis (e.g. firearms and pepper gas training). Prior to beginning such projects, the supervisor shall provide the employees with information about the hazardous materials to which they may be exposed. This information shall include but is not limited to:

- Specific chemical hazards
- Specific physical hazards
- Specific health hazards
- Protective safety measures the employee can use
- Measures taken to lessen the hazards, including ventilation, removal of employee or employees from spill area, and emergency procedures

- Applicable provisions as set forth in this directive

VII. OUTSIDE CONTRACTORS

Section Directors/Troop Commanders or the responsible supervisor shall ensure that the following information is provided prior to the beginning of work to outside contractors whose employees are working on Highway Patrol premises:

- Hazardous chemicals to which they may be exposed while on the job site
- Precautions which should be taken to lessen the possibility of exposure
- The location and availability of SDS's in the area where the outside contractors are working
- Prior to performing any work on Patrol property the contractor shall be provided with a copy of this directive

Section Directors/Troop Commanders or the responsible supervisor shall also be responsible for contacting each outside contractor prior to the beginning of work to gather and disseminate information concerning chemical, physical and health hazards the contractor is bringing onto Highway Patrol premises and to which Highway Patrol employees may be exposed while on the job. Any outside contractor that works with or uses hazardous chemicals/materials is required to have hazardous communication training provided by their employer. Any Section Directors/Troop Commanders or supervisor may request a copy or verification of the contractor's hazardous communication training from their employer.

VIII. OSHA REPORTING

An occupational hazardous materials exposure incident (e.g. ingestion, inhalation, injection, absorption) shall be classified as an injury since it usually results in an instantaneous event or exposure. It shall be recorded on OSHA Form 300 if the incident results in the recommendation of medical treatment beyond first aid.

IX. HAZARD COMMUNICATION RISK MANAGEMENT

The Highway Patrol Hazardous Materials Coordinator shall be responsible for:

- Periodic on-site inspections ensuring Patrol compliance in the Hazard Communication Program
- Recommending policy updates concerning the Hazard Communication Program to the Director of Professional Standards

- Developing, coordinating, and implementing initial Hazard Communication Standard Training and recommending additional training when the hazard changes or when a new hazard is introduced in the work place
- Evaluate the circumstances surrounding hazardous materials exposure incidents and evaluate the policy, work practices, engineering controls, and protective equipment in use at the time of the exposure and make recommendations for improvement if necessary

Note to Emergency Responders: The 2016 DOT Emergency Response Guidebook discusses the New GHS labeling to include hazards associated with the visual pictograms.

This updated policy covers OSHA Hazardous Communication Standard; Globally Harmonized System (GHS) Final Rule dated May 25, 2012.

I. POLICY

This policy establishes guidelines for the procedural operation of the Highway Patrol Aviation Unit and to establish procedures governing the utilization and deployment of an Unmanned Aircraft System (UAS) platform.

II. GENERAL

Highway Patrol aircraft shall be used to provide support for Patrol operations. Helicopters may be available to other agencies for law enforcement or public safety purposes subject to the availability of personnel and equipment.

Members shall not use privately owned aircraft or Unmanned aerial systems in performing official Highway Patrol functions, whether on or off duty, without first obtaining approval of the Commander's Office or his/her designee.

Members shall not use Highway Patrol owned aircraft or Unmanned Aerial Vehicles or Systems for anything other than the official Highway Patrol duties.

The Aviation Unit will be assigned to Troop I.

Members selected to be on a UAS squad are subject to all policies, procedures, Standard Operating Procedures and Standard Operating Guides pertaining to Aviation.

Members selected to be on a UAS squad are subject to jurisdiction of Troop I concerning all UAS operations.

The Aviation Unit Commander, with approval from the Troop I Commander shall construct and maintain a Standard Operating Procedure that supplements this policy and details the daily operations of the Unit. The Aviation Unit Standard Operating Procedure shall discuss topics such as, maintenance, flight operations, training operations, safety/risk management, and NVG operations.

The Aviation Unit Commander, with approval from the Troop I Commander shall construct and maintain forms and reports that supplement the Highway Patrol forms reports. The Aviation Forms and Reports Manual shall document accountability of the processes described in the Unit's Standard Operating Procedure.

The Aviation Unit Commander, with approval from the Troop I Commander shall construct and maintain Unmanned Aerial Systems chapter(s) as part of the Aviation Unit Standard Operating Procedure that supplements this policy and details the daily operation of UAS specific to the Unit operating UAS.

III. USE OF AIRCRAFT

Use of Highway Patrol Aircraft will be granted on a priority basis with life-threatening situations given first consideration.

Valid helicopter missions include, but are not limited to:

Search

- Disaster operations (natural and man-made disasters, hurricanes, tornadoes, and nuclear accidents)
- Evacuation of stranded persons in remote areas during disasters
- Land and water (missing persons, hunters, boaters, etc.)

Enforcement Operations

- Criminal Interdiction and drug law enforcement
- Search for dangerous felons and escapees
- Surveillance of motor vehicle violations on the highways of North Carolina
- Hostage situations (containing suspects or surveillance if situation is mobile)
- Other law enforcement activities (i.e. vehicle pursuits, etc.)

Photography & Evidence Collection

- Criminal Investigations – Preserve and document evidence as part of a criminal investigation
- Non-criminal documentation – Gather and preserve information that may be vital during future events or public safety operations

Traffic Control

Assist with traffic control at special functions such as State Fair, football games, or auto races.

Transportation

Transportation of persons or property as determined to be necessary by the Secretary, the Commander's Office, or their designees. Only the Commander's Office can authorize the transport of a passenger

whose presence is not required to perform, or is associated with the performance of a governmental function.

Short Haul Rescue

Capable aircraft may be used for short haul rescue. Short haul rescue is conducted as part of the North Carolina Helicopter Aquatic Rescue Team (NCHART). NCHART Standard Operating Guidelines will dictate rescue response and procedures.

Valid missions for Unmanned Aerial Systems are restricted to the specific function and purpose of the tenant unit that has been approved by the Patrol Commander's office to augment their duties with UAS. Mission profiles are detailed in the Aviation Standard Operating Procedure (AV-SOP) specific to that unit.

IV. REQUESTS FOR SERVICE

Helicopter Mission Requests – Internal Source

Internal source requests for helicopter missions made will be made through the chain of command to the affected Troop OD. The affected Troop OD may forward the request to the Troop I OD as they deem appropriate.

Helicopter Mission Requests – External Source

All external source requests for helicopter missions made between 6:00 AM and 12:00 midnight will be made directly to an on-duty Aircraft Operations supervisor. If there is not an on-duty Aircraft Operations supervisor available, the on-duty aircrew will be contacted directly.

Any requests for helicopter missions services made between 12:00 midnight and 6:00 AM will be made to the Troop I Officer of the Day.

The Troop I Officer of the Day will be notified of any helicopter mission requests generated after normal business hours.

The Unit Commander, with approval from the Troop I Commander, will establish an after-hours request procedure.

Information Needed for Missions

Certain information is necessary for the pilots who will be flying the mission. This information should be sent with the initial request. This information includes:

- Location – Global Positioning that provides the latitude and longitude is by far the best method of determining location. Road numbers and names, large intersections, and geographical landmarks are also useful.
- Description – An accurate and complete description of the suspect or items being looked for is a must.
- Weapons – The aircrew must know if weapons are involved and what type. This information will determine to what extent the aircraft can be used. Also members on the ground should notify the aircrew if shots are being fired. The aircrew most likely will not hear this due to the engine and rotor noise.
- Point of Contact – The aircrew will need to know who the point of contact is on the scene (name, radio call sign or number, and a telephone number).
- Air-to-Ground Communications Plan – Determination if the helicopter aircrew will be talking to ground units with their legacy radio system or if a VIPER State Events talkgroup will be used for coordination. VIPER State Events talkgroups can be reserved through the State Emergency Operations Center at (919) 733-3300.
- Suitable Landing Zone – If the aircrew is required to land the helicopter during the mission, a suitable landing zone will be needed. Landing zones should be open areas that are easily accessible and free of obstructions. This area should be at least 100' x 100' with less than a five degree slope. The landing zone should be a firm surface that can hold the weight of the aircraft. Good examples of landing zones would be: athletic fields, blocked highways, agricultural fields without tall crops, etc.

Unmanned Aerial Systems Mission Requests – Internal Source

Unmanned Aerial Systems are restricted to the specific function and purpose of the tenant unit that has been approved by the Patrol Commander's office to augment their duties with UAS.

Mission profiles and procedures are detailed in the Aviation Standard Operating Procedure (AV-SOP) specific to that unit.

Launch of an Unmanned Aerial System shall be coordinated with the Aviation Unit OD to ensure de-confliction with manned air assets.

Unmanned Aerial Systems Mission Requests – External Source

Use of Unmanned Aerial Systems outside the specific function and purpose of the tenant unit is prohibited without prior consent of the Patrol Commander's office.

If use of Unmanned Aerial Systems outside the specific function and purpose is approved by the Patrol Commander's office, the launch is still required to be coordinated with the Aviation Unit OD.

Only members of the State Highway Patrol may manipulate the controls of an Unmanned Aerial Vehicle or Unmanned Aerial Systems owned by the State Highway Patrol. Exceptions to this rule are made at the discretion of the Patrol Commander.

V. SAFETY

Any and all manned aircraft have the right-of-way and priority over an Unmanned Aerial System flight. A UAS Operator must immediately land their UAV when a manned aircraft is operating in the same vicinity. Protection of life and property of a manned aircraft is a greater priority than the rapid collection of evidence or information gathered by use of a UAS.

Since helicopters and Unmanned Aerial Systems are typically occupying the same airspace, helicopter aircrews and UAS operators shall monitor and make "blind" radio calls on Aviation VHF frequency 123.025 to ensure separation from other medical or electronic news gathering aircraft operating at low altitudes.

All public safety officials must use caution when the aircraft is landing and taking off as strong winds produced by the rotors may cause debris to be blown around.

Helicopters are extremely loud. Repeated exposure to these high noise levels can damage hearing. Issued hearing protection used during firearms should be used if you are near the aircraft.

Wait for a signal from the pilot or operator before approaching any aircraft.

Always approach the aircraft from the front. Never approach the aircraft from the rear. Do not approach the helicopter from the upslope side.

All headgear should be removed prior to approaching a helicopter.

Secure the landing zone. All persons near the landing zone should stay at least 100 feet from the touchdown area.

All bystanders should be kept at least 200 feet from the landing zone or area of operations.

No person shall smoke within 50 feet of any aircraft.

VI. MISSIONS

An approved mission request shall be forwarded to the pilot who shall make the final decision as to whether the flight shall be initiated or postponed. The pilot shall give valid consideration to the weather conditions at the base, along the route of flight and the mission location. The time of the request regarding night flying shall also be considered. The pilot's recommendation as to the safety of the proposed mission shall be the ultimate deciding factor pertaining to the use of the aircraft.

No helicopter pilot shall be permitted to perform a solo law enforcement mission as the Pilot-in-Command until he/she has obtained a commercial helicopter rating and a written recommendation has been effected by the Chief Pilot or his/her designee.

No UAS flight shall be conducted without a two person team consisting of a licensed UAS operator and a visual observer.

The UAS operator is directly responsible for, and is the final authority over, the actual operation of the UAS. UAS operators have absolute authority to reject a flight based on personnel safety, public safety or violation of FAA regulations. UAS operators are responsible for compliance with NCSHP policy and FAA regulations.

VII. WEATHER MINIMUMS

Helicopters

- Flight into low-level IFR, thunderstorms, or other severe weather is prohibited.
- Day weather minimums are 500-foot ceiling and 1 mile visibility
- Night weather minimums are 1,000-foot ceiling and 3 miles visibility
- Weather minimums may be waived with approval of the Chief Pilot

Unmanned Aerial Vehicles

- Flight into low-level IFR, thunderstorms, or other severe weather is prohibited
- No UAS operations will be conducted when the ceiling is less than 500' at ground level (AGL)
- Flight at night is prohibited unless waived by the FAA.

VIII. PILOT & UAS OPERATOR QUALIFICATIONS

Helicopter Pilots

Helicopter pilots assigned to the Aviation Unit must be properly licensed for the type of aircraft assigned and must abide by the rules and regulations of the North Carolina State Highway Patrol and applicable Federal Aviation Administration regulations.

A unit Helicopter Pilot-in-Command must possess at least a commercial helicopter rating, FAA Night Vision Goggle certification, a second-class medical certificate, and written approval from the Chief Pilot or his/her designee.

Unmanned Aerial System Operators

The Aviation Unit Commander and the Unit Commander of tenant unit approved to utilize UAS will work together to develop a squad of members to be UAS Operators for that unit.

Members assigned to a UAS squad within their assigned unit must meet the requirements for and successfully pass the FAA Part 107 Remote Pilot Certification and NC UAS Government operator permit administered by NC Department of Transportation, Division of Aviation

Only those personnel authorized by the Aviation Unit Commander to operate a UAS will be charged to do so.

Only members who hold a current Federal Aviation Administration Part 107 certificate may manipulate the controls of an Unmanned Aerial Vehicle or Unmanned Aerial Systems.

Aviation Unit Candidates

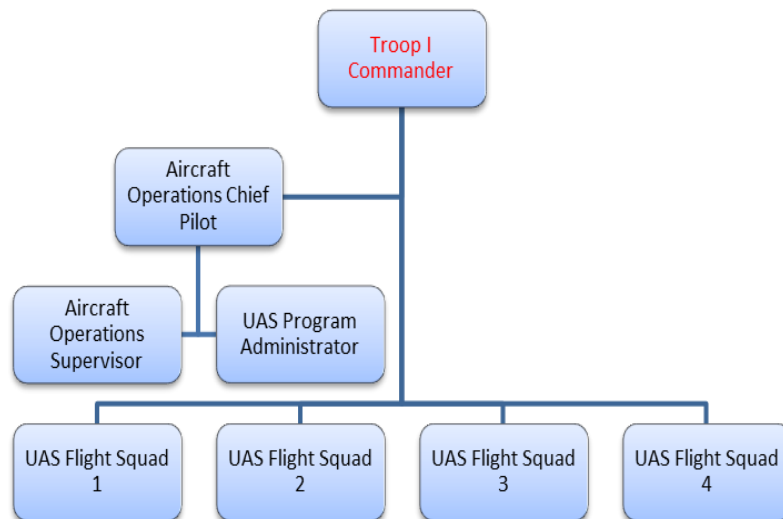
Members requesting transfer into the Aviation Unit shall meet the following minimums.

- Must have at least 3 years' experience as a NC State Highway Patrol Trooper.
- Must possess at least a private pilot's license or applicable aviation experience as determined by the Commander's Office or his/her designee.
- Must be capable of passing a FAA Second Class Medical Exam.

- Must successfully complete the Aircraft Operations Unit application process. This process will be maintained in accordance with Directive E.09 Section III (Transfer to Another Duty Station within the Patrol at the Request of the Member).

Unmanned Aerial System Squads

The UAS squads will be asymmetrical in nature, being compromised of agency members to serve the mission needs of the agency and assist other local, state, and federal agencies when a need exist. UAS squad members will remain assigned to their respective agency duty assignment, and will conduct UAS operations as a secondary function. Squad members will be selected from all agency units with a bias towards sections that will most likely utilize UAS services and that have a greater flexibility to afford additional duties. The following matrix displays the organizational structure of the UAS Squad Administration.



Pilot & UAS Operator Currency Requirements

Each pilot or UAS Operator shall be responsible for meeting the recent experience requirement of the Federal Aviation Regulations (FAR).

Each helicopter pilot in command shall fly a minimum of 1 hour of night vision goggle time each forty-five (45) days.

Each helicopter pilot in command shall fly a minimum of 1 hour instrument flight training time each forty-five (45) days.

Each helicopter pilot shall maintain a second-class medical certificate as a minimum.

Recurrent training shall be conducted in accordance with the Aviation Unit SOP specific to the aircraft flown or operated.

An FAA bi-annual flight review shall be successfully completed by each pilot.

An agency annual flight review shall be successfully completed by each UAS operator. The annual flight review will be conducted by an FAA flight or ground instructor.

IX. RECORDS

Flight Log Report

A flight plan shall be submitted into the aviation management software prior to each flight of a helicopter or UAS.

The Pilot-in-Command or Unmanned Aerial Systems operator shall be responsible for updating the remarks on the flight plan as soon as practical.

Contact with Communication Centers

The appropriate Communications Center shall be notified before the helicopter departs the duty station.

The appropriate Communications Center shall be contacted by the helicopter aircrew at least once every hour with a status report.

The appropriate Communications Center shall be notified once the helicopter is on the ground upon completion of the flight.

Maintenance Records

Helicopter maintenance records are the responsibility of the Aviation Maintenance Supervisor and shall be maintained at the Aviation Unit district Office.

A virtual copy of helicopter maintenance records shall be maintained in the aviation management software system.

Unmanned Aerial Vehicles maintenance records are the responsibility of the member issued the Unmanned Aerial System and shall be maintained with the vehicle.

A virtual copy of Unmanned Aerial system maintenance records shall be maintained in the aviation management software system.

Pilot & Operator Training Records

Pilot and Operator training records shall be completed by the flight instructor or the individual conducting the training session. Training records are maintained in the aviation management software system.

X. INSPECTIONS

All patrol aircraft shall be maintained in accordance with applicable aircraft maintenance and aircraft flight operations manuals, Unit SOP, and Federal Aviation Administration regulations.

Use of Canine Teams

Applicable to: Members
CALEA Chapter 84

Directive N.02

Revised 6/10/2009
Effective 6/10/2009

I. POLICY

This policy establishes procedures for the supervision, operation, training, and utilization of the Patrol's canine teams.

II. GENERAL

Trained canine teams are a valuable law enforcement aid for use in drug detection and promoting favorable public relations. This directive addresses the procedures for the use and certification of canine teams, canine training, and the use of controlled substance training aids.

Canines are the property of the State Highway Patrol and shall be used solely for official Patrol business. Canines will be utilized only in accordance with State and Federal laws and consistent with the provisions of this directive.

III. ORGANIZATION

Supervision

The Criminal Interdiction Unit (CIU) First Sergeant or his/her designee shall be responsible for the supervision of each canine team unless the canine team is in training, at which time the Canine Training Coordinator will be responsible for the supervision of the canine teams.

The Training Academy's Canine Training Coordinator will supervise and document all canine training, maintain all records and files associated with each canine, ensure the annual certification of canine teams, and ensure all other canine needs are met.

All canine requests and utilizations except requests for vehicle sniffs on traffic stops initiated by Patrol personnel require the prior approval of a CIU Supervisor.

Public displays (such as school demonstrations, civic clubs, etc.) to demonstrate the canine's skills and abilities may be conducted with the approval of a CIU Supervisor. All public displays or demonstrations will be conducted on lead and documented on an HP-51.

IV. PROCEDURES

A canine handler's primary responsibility shall be to perform his/her assigned duties as a member of the Patrol and make use of the canine whenever a situation warrants.

When conducting a search, members shall secure the scene and remove all persons and animals present. Whenever possible, the scene should not be disturbed in any manner prior to the deployment of the canine. The investigating or requesting member shall be responsible for the seizure of evidence and case follow-up.

Canines will remain on a lead at all times when outside of the Patrol vehicle unless the deployment requires off-lead conditions. When transporting or allowing someone in their vehicle, canine handlers will ensure that the canine is secured in the vehicle kennel without access to the person.

Under no circumstances will a canine be allowed to sniff a person for controlled substances. Canine teams will not be used to conduct random, non-specific searches.

Canine handlers will not permit **anyone** except another certified Patrol handler to pet, handle, or give commands to their canine. If someone attempts to do so, the person should be informed that canines can become protective if approached. If a handler is unable to command his canine, the Canine Training Coordinator or his/her designee shall be contacted immediately to secure the canine.

Members shall perform only canine handler techniques and/or training methods for which they have received training. No member shall intentionally cause harm to or willfully or neglectfully treat a canine in a manner that is likely to result in harm to the canine. No member shall kick, punch, or beat any canine except in cases where a person's safety and/or life are at risk. Teasing, agitating, or roughhousing with a canine or the handler in the presence of the canine is strictly prohibited. Other behaviors or compliance techniques that are expressly prohibited include, but are not limited to, the use of tasers or similar devices, helicoptering, tying off, or suspending the canine off the ground.

Handlers shall not use their assigned canine for intentional breeding purposes or enter their assigned canine in **any** show or trial.

A veterinarian shall not be permitted to euthanize a Patrol canine without prior approval from the Commander's Office except in an emergency when a delay would cause undue pain and suffering. A necropsy will be performed on all canines that have died of unknown causes.

V. TRAINING

Unless approved by the Director of Training or his/her designee, no Patrol member shall sponsor any canine training. Members shall not attend any outside canine training classes or work with outside agency trainers without prior approval of the Director of Training.

The CIU First Sergeant will schedule canine training in coordination with the Canine Training Coordinator. All canine teams are required to attend mandatory training sessions that will consist of a minimum of two (2), eight (8) hour sessions

per month. This scheduled training should not exceed three (3) weeks between sessions. Any canine team that misses two (2) or more consecutive training sessions will be placed out-of-service until the missed training is completed and the Canine Training Coordinator reinstates the team to full-duty. The CIU First Sergeant, with the concurrence of the Canine Training Coordinator, will designate make-up sessions and/or evaluation sites. The Canine Training Coordinator will publish the recertification and in-service training schedule annually. The certification and in-service training will consist of a minimum of thirty-two (32) training hours annually.

Only issued equipment authorized by the Director of Training shall be used when training or working with Patrol canines.

VI. CERTIFICATION

All Patrol canine teams must receive formal training and certification through a recognized course of instruction approved by the Director of Training. All canine teams must be certified prior to field deployment. All canine teams must undergo annual performance evaluations to maintain their certification. The certification shall be conducted by a canine trainer from an outside agency approved by the Director of Training.

The Canine Training Coordinator shall immediately notify the Director of Training of any certification failures.

VII. HANDLER DECERTIFICATION

Only the Patrol Commander may decertify a handler. A Patrol Supervisor or the Canine Training Coordinator may request a member be decertified by submitting a recommendation in writing through the chain-of-command to the Patrol Commander.

If a handler is promoted and/or transferred from CIU, he/she will be decertified as a handler. In such case, the canine in question may be placed with another handler and/or retired from service after an evaluation performed by the Canine Training Coordinator. If the canine is reassigned to a new handler, the team must receive formal training and certification through a recognized course of instruction approved by the Director of Training.

A handler may be decertified in the discretion of the Patrol Commander or for any of the following reasons:

- Failure to recertify
- An established pattern of failure to attend training sessions
- A documented failure to progress in training
- Any documented mistreatment, neglect, or improper use of the canine

- Failure to maintain proper training and utilization records
- Exhibition of a pattern of unsafe practices

VIII. CONTROLLED SUBSTANCE TRAINING AIDS (CALEA 84.1.4)

Maintenance of the canine's proficiency requires controlled substance odors in training. To protect the integrity of the Patrol and the canine handler, the use of controlled substances for training must be carefully monitored.

Controlled substances used as *training aids* will be obtained through the courts. A court order will be prepared designating the controlled substance from the case to be used by the Highway Patrol for canine training. All controlled substances will be obtained from cases in which the Highway Patrol or a Federal Agency was the arresting entity. Prior to obtaining these training aids, they must be tested and weighed by an approved laboratory.

The Canine Training Coordinator will be responsible for the custody of the training aids and shall prepare and document the packaging of each controlled substance training aid. Canine Controlled Substance Training Aid Preparation and Destruction Record Form (HP-400A) will be used to record all information regarding the preparation and/or destruction of the training aids. The documentation shall contain the type and weight of the controlled substance. When this form is completed, a numbering system for each training aid will be used to identify the controlled substance. All controlled substance training aids will be secured in separate airtight "Pelican" brand or similar style briefcases and stored in a storage locker. This training aid storage locker will be accessible only to the Canine Training Coordinator and his direct supervisor. The Patrol vehicle trunk may be used for temporary storage (maximum of twenty-four (24) hours unless an emergency prevents return to storage) during training periods. The addition, loss, or destruction of controlled substances must be recorded on the HP-400A. Any significant addition, loss or theft (five (5) percent for marijuana, hashish; two (2) percent for heroin, cocaine, ecstasy, or methamphetamine) of training aid materials will be immediately reported to the Director of Training.

Controlled substance training aids should be replaced at yearly intervals (dependent on the availability of appropriated replacements). The training aids shall be destroyed by the Canine Training Coordinator while accompanied by his immediate supervisor and documented on the original Controlled Substance Preparation form HP-400A. The original HP-400A shall be maintained in the file for two (2) years following destruction, then placed in the Canine Training Coordinator's supervisor's files for two (2) additional years.

Canine Training Aid Controlled Substance Annual Inventory Form (HP-400) shall be completed on all controlled substances on hand. The form must remain in the storage locker with the training aid for one (1) year from the date the inventory is conducted. A copy of the inventory will also be maintained by the Canine Training Coordinator's supervisor. When it is replaced with a new HP-400, the

original (expired) HP-400 shall be retained in the Canine Training Coordinator's supervisor's files for two (2) years. Unannounced inventories may be conducted at the discretion of the Director of Training.

The Canine Training Coordinator or his supervisor will be responsible for signing out training aids and upon their release and return shall note the date, time, and item number on form HP-400B. The HP-400B shall remain in the storage locker for two (2) years after the last entry and then maintained in the Canine Training Coordinator's supervisor's files for an additional two years.

At no time will any Canine Handler have in his/her possession any controlled substance training aids unless authorized in writing by the Canine Training Coordinator.

IX. SAFETY

When a canine is deployed, the handler is responsible for the canine's actions and safety. Handlers will not engage in any form of careless activity that jeopardizes the health, welfare, or safety of the canine or any other person. Canine bites must be reported via the chain-of-command to the Director of Training. All canines will wear a NCHP identification collar.

X. TESTIMONY IN COURT

The canine handler shall be prepared to testify regarding the experience, training, and the circumstances of each use of the canine. The canine handler shall notify the CIU First Sergeant, who will, via the chain-of-command, notify the Director of Training of any court determination that the canine is not adequately trained, reliable, or that he/she is not sufficiently qualified to allow testimony of the actions of the canine to be admitted as evidence in any trial or hearing. Further training or other appropriate action shall be taken prior to any additional use of the canine.

XI. RETIREMENT OF CANINE

A canine handler may apply to take possession of his/her canine when:

- The Canine Training Coordinator has determined, by evaluation, the canine in question is not suitable for reassignment to another handler.
- An Agreement for Disposition of Dog is signed by the handler and approved by the Commander's Office and Director of State Surplus Property.

I. POLICY

This policy sets forth guidelines governing uniform Criminal Interdiction activities by members. Criminal Interdiction activities shall, at all times, be consistent with the United States Constitution, the Constitution and laws of the State of North Carolina, applicable federal laws and regulations, and policies of the North Carolina State Highway Patrol. Members shall safeguard the rights of all persons. Factors such as race, color, religion, sex, and national origin shall not influence members in the performance of their duties.

II. OBJECTIVES

While aggressively enforcing traffic laws and regulations applicable to commercial and non-commercial motor vehicles, members shall maintain an increased awareness of terrorism and criminal activity on State highways. Members not assigned to the Criminal Interdiction Team **shall not** make pre-textual stops or detain motorists for the purpose of aggressively investigating state and/or federal controlled substance violations unless requested to do so by a member of the Criminal Interdiction Unit.

Deploy a specialized Criminal Interdiction Unit with unique training in the detection of criminal and terrorist activity at strategic locations throughout the State with a concentration of enforcement efforts within the main corridors of the State. This Unit shall complement and enhance the overall mission of the Highway Patrol while working in a coordinated effort with all levels of government to reduce terrorism and criminal activity. This mission will be accomplished through the aggressive detection, apprehension and prosecution of persons involved in the use, transportation and trafficking of controlled substances, and other criminal activities on North Carolina highways.

Maintain a communication network of criminal/terrorist-related information throughout the Highway Patrol and other state, federal and local agencies to ensure cooperation, teamwork and exchange of intelligence data.

III. OPERATIONAL GUIDELINES

Request(s) for Assistance

- Any request(s) from allied agencies for coordinated Criminal Interdiction Activity assistance shall be referred to the Criminal Interdiction Supervisor on call. Any member who has articulable information on a subject is involved in criminal activity shall contact a Criminal Interdiction Unit Supervisor.

Vehicle Stops

- Vehicle stops may be based on any of the following:
 - Probable cause to believe that a crime or traffic violation has occurred or is about to occur
 - Reasonable articulable suspicion that a crime or traffic violation has occurred or is about to occur
 - In connection with enforcement of state or federal laws and regulations at any lawfully operated weigh station
- While conducting traffic enforcement and/or criminal interdiction activities, officer safety shall be a primary concern.

Detention

- Motorists stopped for investigation of routine criminal or traffic violations may be detained for a reasonable period of time sufficient to conduct those duties normally associated with traffic stop investigations. Such investigations include, but are not limited to; checking the status of the driver's license, vehicle registration, vehicle identification number (VIN), appropriate motor carrier documentation, other pertinent information, and completing any related paperwork.
- Members certified to complete the North American Standard (CVSA) inspection must, at a minimum, conduct a Level III Commercial Vehicle Inspection on all commercial vehicles stopped that are subject to Federal Motor Carrier Safety Administration (FMCSA) regulations.
- Immediately upon completing the investigation associated with the traffic violation and/or Level III Commercial Vehicle Inspection, the member shall immediately inform the driver and/or occupant(s) that they are free to leave unless the member has developed reasonable articulable suspicion that they are involved in additional criminal activity.

Vehicle Searches

- In those cases where a member develops reasonable articulable suspicion that the driver and or occupant(s) of the vehicle may be engaged in additional criminal activity, the member shall complete enforcement activities pertaining to the initial traffic violation or inspection and immediately return the driver's license, registration and any other documents to the operator. If a decision is made to detain the vehicle, **do not** tell the driver and/or occupants that they are **free to leave**. Instead, the member should detain the driver and/or occupant(s) for a reasonable period of time in which to confirm or dispel the reasonable articulable suspicion. Members shall not request consent to search any vehicle based upon a mere **hunch** of criminal activity, but shall

have reasonable articulable suspicion that the driver and/or occupant(s) are involved in criminal activity.

- Members shall obtain back up and, whenever practicable, a canine team prior to searching a vehicle.
- Vehicle searches may be conducted based on several legal justifications, please refer to Directive B.04

Consent to Search

- Voluntary consent to search by the owner/operator of the vehicle confers authority to conduct such a search. Consent to a search must be voluntary and freely given rather than a mere submission to an expressed or implied authority, duress, or coercion. Although consent to search need not, as a matter of law, be written, members shall, pursuant to this policy, attempt to obtain written consent whenever practicable. In those cases where an individual indicates a willingness to consent to a search of the vehicle but desires not to sign a Consent to Search (HP-52A), the member shall document the verbal consent on the HP-52A and proceed with the vehicle search. In all cases where a consent search is conducted, a copy of the HP-52A shall be furnished to the person consenting to the search. Once consent to search is obtained, members shall, as expeditiously as practicable, either confirm or dispel their belief that drugs, contraband or other criminal activity exists during the enforcement contact. **Under no circumstances** shall any person or vehicle be detained for a period of time longer than is reasonably necessary under the existing circumstances.
 - Whenever available, a Canine Team will be requested to assist in the search of the vehicle unless use of the Canine Team would delay rather than expedite conduct of the search. Canine Teams will be notified in accordance with Directive N.02 (Use of Canine Teams).
 - While conducting a vehicle search, members shall, at all times, treat the motorists in a courteous and considerate manner and provide for their comfort and safety.

Documentation of Searches

- Members shall complete all applicable forms and reports consistent with Highway Patrol policy, Highway Patrol forms and reports, and Federal Motor Carrier Safety Regulations.
- In all cases where a search of a vehicle was conducted, by a Criminal Interdiction Unit member, the interdiction team member shall submit a contemporaneous report documenting the basis of the stop, the subsequent detention, consent to search, if any, and search of the vehicle. If the duration of the stop exceeds one (1) hour, the contemporaneous report shall include

any particular facts and circumstances necessitating the duration of the detention.

Damage to Vehicle / Property

- Every reasonable effort shall be made to avoid causing damage to vehicles and/or contents of vehicles being searched. Members conducting a vehicle search will be guided by the principle that they shall treat the property of others with the level of respect with which they would want their property treated. Following a vehicle search, every effort shall be made to restore the vehicle and its contents to the condition prior to the search. In the event that property damage results in the course of a search, the member causing such damage shall immediately notify the owner and the member's supervisor that such damage has occurred. The property owner shall be informed by the member of his or her right to seek fair compensation for damages and the applicable procedures to be used. The member shall provide a written statement describing the extent of damage and affix photographs to illustrate the damage. Additionally, the member shall request that the property owner provide a written statement or initial the member's written statement.

IV. TRAINING

The Criminal Interdiction Unit members shall attend annual and other in-service training as may, from time to time, be prescribed for all members of the Highway Patrol. Additionally, these members shall meet a standard of training as directed by the Troop I Commander and approved by the Commander's Office. These members will also meet to review and discuss interdiction policy and procedures, legal updates, and receive specialized in-service training. A minimum of thirty-two (32) hours of Criminal Interdiction in-service training shall be conducted annually. All training shall be approved through the Training Academy and upon completion documented on a HPTC-1.

The Troop I Commander shall approve all training standards relating to Criminal Interdiction activities by members. No member shall provide or participate in Criminal Interdiction Training without prior approval of the Troop I Commander unless such training is provided by the Training Academy. Members are not authorized to teach and or attend any aspect of Criminal Interdiction Training without obtaining prior approval as required herein.

V. EQUIPMENT

Criminal Interdiction Unit members shall be issued such equipment and uniforms as approved by the Commander's Office or designee.

VI. FOLLOW-UP INVESTIGATIONS

Members shall conduct follow-up investigations that include the following:

- Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations
- Conducting additional interviews and interrogations
- Seeking additional information (from uniformed officers, informants)
- Planning, organizing, conducting searches, and collecting physical evidence
- Identifying and apprehending suspects
- Determining involvement of suspects in other crimes
- Checking suspects' criminal histories
- Preparing cases for court presentation

VII. PARTICIPATION IN / PARTNERSHIP WITH OUTSIDE AGENCY TASK FORCE(S)

All Memorandums of Understanding (MOU) shall include at a minimum the following:

- The member's purpose for participation / partnership with the outside agency task force(s)
- Defining specific authority, responsibilities, and written agreements for the member
- Evaluating results and the need for continued operation(s) for the position

Four-Wheel Drive Vehicles

Applicable to: Employees
CALEA Chapter 41

Directive N.04

Revised 9/29/2011
Effective 7/20/2000

I. POLICY

This policy establishes basic procedures and responsibilities for employees using Patrol four-wheel drive vehicles during emergencies, natural or manmade disasters, unusual occurrences, and special operations. This directive shall govern a member's conduct in the evaluation of unusual occurrences while engaged in special vehicle operation. It is neither the intent nor the purpose to place the primary responsibility for the handling of these incidents upon the Patrol. Such duties are properly assigned to local emergency services and law enforcement personnel. **(CALEA 41.1.3)**

II. TRAINING (CALEA 41.1.3)

Any employee assigned to operate a four-wheel drive Patrol vehicle during unusual occurrences and/or special operations shall have successfully completed all appropriate training on the use of these vehicles. In case of a disaster or severe weather situation, an employee may temporarily operate a patrol issued four wheel drive vehicle with briefing in operations from a garage mechanic or other qualified individual.

III. OPERATIONS

Most special purpose four-wheel drive vehicles are not designed for high speed driving. Excluded is the pursuit rated Jeep Cherokee. Employees operating a non-pursuit rated four-wheel drive Patrol vehicle shall not engage in a chase.

Emergency response is permitted in a life-threatening situation upon the member's evaluation of the external physical conditions. These conditions include but are not limited to:

- Width and physical condition of the areas of operation
- Weather conditions
- Geographic area
- The performance capabilities and limitations of the vehicle
- Passengers in the vehicle

A district supervisor or higher authority shall have the authority to determine if a special vehicle(s) is warranted and commit the same to special operations. **(CALEA 41.1.3)**

Section Directors/Troop Commanders shall have the authority to select qualified personnel to participate and receive training in four-wheel drive operations. Qualifications for participation will include but not be limited to the following:

- Desire and willingness to participate in the program
- Hold the rank of Senior Trooper
- Ability to make competent decisions under stress

IV. MAINTENANCE (CALEA 41.1.3)

The operator of the four-wheel drive vehicle shall be responsible for ensuring the vehicle is in proper working order and report any damages upon the completion of an assignment to his/her supervisor. The Troop Garage Supervisor or his/her designee shall be responsible for maintenance of special operation vehicles.

V. SPECIALIZED EQUIPMENT (CALEA 41.1.3)

Special operation four-wheel drive vehicles shall have on board the following equipment:

- First Aid/EMT Kit
- Fire extinguisher
- Tow strap
- Flashlight/Charger
- Patrol radio
- Disposable blanket
- Flares
- Axe

The Section Director/Troop Commander or District First Sergeant who is assigned a special operation vehicle shall have the authority to add other equipment they determine necessary for their particular troop/district.

VI. COURSE COMPLETION – ENTRY INTO PERSONAL HISTORY INFORMATION (C.A.D.) (CALEA 41.1.3)

It shall be the responsibility of the Precision/Defensive Driving Supervisor to make notification of successful course completion through the NCSHP intranet Training Records. It will be incumbent upon that District First Sergeant to make the appropriate entry into the Computer Automated Dispatch (C.A.D.) system.

Motor Unit

Applicable to: Members

Directive N.05

Revised 04/2015

Effective 10/24/2007

I. POLICY

This policy establishes guidelines and responsibilities for the Highway Patrol Motor Unit.

II. USE

A Motor Unit member will patrol an area designated by his/her supervisor and provide traffic supervision for highway users, supervise and direct vehicular and pedestrian traffic, promptly investigate traffic collisions, enforce all North Carolina Motor Vehicle Laws consistent with Patrol policy, and render courteous service to highway users.

Weather conditions will be considered when assigning motorcycles to tasks.

Requests for the services of the Motor Unit are sent to the Troop I Commander or his/her designee, who authorizes assignments.

III. CHAIN-OF-COMMAND

The Motor Unit is under the direct supervision of the Troop I Commander.

IV. TRAINING

Members of the Motor Unit shall participate in at least eight (8) hours of motor skills training per quarter. The Motor Unit Training Coordinator will confer with the Training Academy Motorcycle Training Coordinator to determine the most appropriate training for each quarter. Such training may include, but is not limited to, police motorcycle training classes provided by Northwestern University, the Institute of Police Technology and Management (IPTM), and other schools that concentrate on safe motorcycle operations such as braking and curves skills.

V. EQUIPMENT

The motorcycle and motor uniform are unique to the Motor Unit member. Only members of the Motor Unit are authorized to wear the Motor Unit Uniform. Only Motor Unit members and members holding a current Basic Police Motorcycle School Certification shall operate Patrol issued motorcycles. The only exception is when an authorized motorcycle civilian mechanic or a Patrol mechanic must road test the issued motorcycle; however the mechanic must possess a motorcycle endorsement on their driver's license

The Motor Unit supervisor will schedule mechanical maintenance on the motorcycle. Each Motor Unit member shall provide routine care and maintenance for his/her assigned motorcycle and motorcycle trailer.

Motor Unit members will be issued a motorcycle helmet, gloves, rain suit, protective jacket, protective pants, boots and motorcycle related uniforms and protective gear. Additional uniforms and equipment will be issued as deemed necessary.

Motor Unit members shall be responsible for the care of all issued equipment, and shall not abuse or misuse such equipment. Motor Unit members shall report any damaged or lost equipment to their immediate supervisor as soon as possible.

I. POLICY

This policy establishes guidelines and responsibilities for the operation and care of the North Carolina State Highway Patrol's mobile command and communications vehicles as they are used to serve the citizens of North Carolina in emergency and non-emergency situations. **(CALEA 41.1.3)**

II. AUTHORIZATION (CALEA 41.1.3)

Section Directors/Troop Commanders or higher authority may authorize the dispatch of the command/communications vehicles to emergency and/or non-emergency situations.

Emergency situations are defined as aircraft crashes, toxic chemical spills, natural gas line ruptures, public disturbances, natural and manmade disasters, crashes involving radioactive materials, major highway collisions or incidents, and major crimes.

Non-emergency situations are defined as scheduled DWI Checkpoints, educational and training events, community service programs, NC State and Western NC State Fairs, and scheduled sport/race events.

Use of the command/communications vehicles by other emergency response agencies is authorized provided such request emanates from a command staff officer representing the requesting agency and made to the Commander's Office or his/her designee.

For use outside this state, a mutual aid agreement must be signed by an authorized person of command staff level from the requesting agency and the Commander's Office prior to use.

III. MEMBERS AUTHORIZED TO DRIVE THE COMMAND / COMMUNICATIONS VEHICLES (CALEA 41.1.3)

The Patrol Communications Equipment Manager (PCEM) has been authorized by the Director of Support Services to train and certify authorized members designated to drive the command/communications vehicles. Only trained and properly licensed personnel are authorized to drive the command/communications vehicles. This section does not limit the driving of both vehicles by non-enforcement personnel, when the vehicle is being driven by a certified mechanic for the purpose of providing maintenance.

Each Troop Commander shall select personnel from his/her respective troop to be certified as an authorized driver. Troop Commanders shall adhere to the following criteria during the selection process. The personnel must:

- Be properly licensed.
- Be in good standing with the Highway Patrol.
- Successfully complete related training requirements to include written and practical examinations.

IV. VEHICLE OPERATIONS (CALEA 41.1.3)

Driver's Responsibility

- Conduct an inspection of the command/communications vehicle prior to departure to ensure the vehicle is safe to drive, and free of visible damage. Any damage located to the vehicle shall be documented on the Driver's Vehicle Inspection Report. If the damage will prevent the vehicle from being driven safely, it shall not be driven, and the PCEM or designee must be notified without delay.
- Never use vehicle in pursuit situations.
- Ensure all doors are closed, and equipment is properly secured prior operation.
- The driver is responsible for the safe operation of the command/communications vehicle during operation. Drivers of the command/communications vehicles shall comply with all applicable North Carolina Motor Vehicle Laws during operation.
- Verify proper fluid levels, i.e. engine oil and electrical generator oil, prior to operation.
- The driver shall park the vehicle at a safe location to prevent damage to the vehicle and injury to persons entering and leaving the vehicle. Pylons or other protective equipment must be used as the situation dictates.
- The driver may be reassigned to perform additional duties by the Commissioned Officer in charge of the event, once the vehicle is safely parked and secured for operation.

Operator's Responsibilities

- Operators are defined as personnel that have received proper training and have demonstrated the ability to conduct MCCU operations during a deployment. These personnel may include SHP Telecommunicators, garage personnel, and radio engineers.

- Operators shall be utilized to handle communications in the command/communications vehicles. Whenever possible a certified Telecommunicator should be utilized. If a Telecommunicator is unavailable, a member will be assigned to this position that is DCI/MDT certified.

V. VEHICLE EQUIPMENT (CALEA 41.1.3)

The command/communications vehicles contain specialized agency equipment such as:

- NC Department of Health and Human Services certified Intoxilizers for which preventive maintenance has been performed
- NC Department of Health and Human Services certified simulators
- Highway checkpoint signs/brackets
- Mobile Data Terminals (MDT)
- Viper Radio Equipment
- Satellite data connection (Command Vehicle)
- Telephone PBX (Command Vehicle)
- Flares/barricades

An inventory form shall be posted inside the command/communications vehicles, and the driver shall conduct an inspection and inventory of the command/communications vehicle equipment prior to departure, and upon the vehicle's return. Any observed damage to the equipment, or if equipment is needed, it shall be documented on the inventory form. Damage that will prevent any item from being used safely shall be reported to the PCEM or his/her designee without delay and the damaged equipment shall be taken out of service until repaired or replaced.

The Inventory Form shall be maintained by the driver on equipment or items issued, used, damaged, or lost during command/communications vehicles operations. He/she shall submit the Inventory Form to the PCEM or his/her designee. At the conclusion of the operation, a copy of the inventory form shall be submitted to the PCEM or his/her designee with the operations report.

VI. COMMAND / COMMUNICATIONS VEHICLE STAGING AND RESPONSE

The PCEM is responsible for ensuring proper staging for all command/communications vehicles.

The Director of Support Services shall receive notification of all requests for service, regardless if the request is an emergency, routine or scheduled, and

shall forward the request to the PCEM. Upon receiving the request, the PCEM will coordinate with the requesting authority in order to ensure the most appropriate response.

Emergency Response. Depending on the location for the response, the PCEM will activate a local on-call driver to proceed to the response area with the requested equipment, and meet the requesting Troop operator on scene. The Troop operator will assume control of the equipment, and the on-call driver will be relieved. (An example that would warrant this type of response would be a shooting, manhunt or other pressing need).

Routine Response. Same procedures as an emergency response. A (unscheduled) routine response would be any event that is not emergency or scheduled.

Scheduled Response. In response to a request for a scheduled event, the MCCU will be delivered to the requesting authority and placed into service. Once in operation, the MCCU will be released to the Troop Operator for the duration of the event. Once the mission is completed, a certified driver will return the MCCU to the staging area in Raleigh.

VII. COMMUNICATIONS (CALEA 41.1.3)

The command/communications vehicles are equipped with **UHF, VHF, and 800 MHz** radios to ensure radio contact with other emergency agencies in the area. A list of channels and assignments are located at the communications console inside the command/communications vehicles. **NCSHP assigned FCC identifiers are KA4407.**

VIII. AUXILIARY POWER UNIT (CALEA 41.1.3)

The command/communications vehicles are equipped with propane/diesel generators. The generators are mounted under the left side of the command/communications vehicles with an access door to same. The generator operates from the vehicles fuel tank and/or associated fuel tank and has its own starting batteries.

The manufacturer's instructions pertaining to starting and stopping the generator shall be followed.

The command/communications vehicles are equipped with power cables to connect the units to a stationary power source.

IX. AIR CONDITIONER AND HEATER (CALEA 41.1.3)

The command/communications vehicles are equipped with both air conditioners and heater units, which operate from 220/240-volt generator source. If the command/communications vehicle is connected to a stationary power source other than 220/240 volt, only one air conditioner will operate. The MCCU requires a 100amp single phase auxiliary power source.

X. ADDITIONAL LIGHTING (CALEA 41.1.3)

Additional 1000 candle-power lights are stored in the cabinets. These stand type lights run off a 110-volt system.

- Care shall be exercised in handling these lights because they become very hot while in use.
- Extension cords for the lights and associated auxiliary equipment are to be wiped clean and rolled up properly after each use and returned to the designated cabinet.
- Portable Maxi-Lites are available from each Patrol garage for assignments.

XI. AFTER USE PROCEDURE

A visual inspection shall be conducted upon the vehicle return, and the driver will list any needed repairs or maintenance on a Vehicle Repair Request form and deliver it to the PCEM or his/her designee.

The command/communications vehicles will be cleaned inside and out at the conclusion of the operation under the direction of the PCEM or his/her designee.

All equipment is to be left or replaced in its proper location according to the inventory form. All equipment shall be in working order, or reported to the PCEM or his/her designee.

The PCEM or his/her designee shall ensure the command/communications vehicles are maintained in a state of readiness at all times.

XII. MAINTENANCE (CALEA 41.1.3)

The PCEM or his/her designee, under the direction of the Patrol Fleet Manager First Sergeant, shall ensure routine maintenance, as well as the Annual Automotive Service Schedule (AASS) equipment checks for the command/communications vehicles are conducted.

The PCEM or his/her designee shall ensure the vehicles and equipment are checked on a monthly basis. A log shall be completed and maintained with the vehicles by the PCEM or his/her designee.

XIII. RESPONSIBILITY

The command/communications vehicles belong to the North Carolina State Highway Patrol, the North Carolina Governors Highway Safety Program, and the citizens of North Carolina. Any misuse or abuse of the command/communications vehicles will be considered a serious violation of policy and the violator will be held individually responsible.

SHP Professional Range Instructor Simulator (PRISim) Judgment and Shooting Skills Trainer

Applicable to: Members
CALEA Chapter 41

Directive N.07

Revised 11/10/2004
Effective 7/20/2000

I. POLICY

This policy establishes guidelines and operational procedures, and responsibilities for operation and care of the North Carolina State Highway Patrol's mobile and fixed site "PRISim" Shooting Simulators. Due to the responsibility required for competent and safe handling of firearms and the ability to deploy and fire them accurately, it shall be the policy of the North Carolina State Highway Patrol to provide and maintain the "PRISim" Judgment and Shooting Skills Trainer. **(CALEA 41.1.3)**

II. AUTHORIZATION (CALEA 41.1.3)

Use of the "PRISim" Shooting Simulator will be provided for Patrol personnel on a regular basis to augment regular firearms training. This training shall include, but not be limited to "Shoot – Don't Shoot" scenarios.

Training of personnel from allied agencies shall only be conducted when approved by the Highway Patrol Director of Training in response to a written request and signed Agreement to the Terms and Conditions for Use of the "PRISim" Simulator by the director of the allied agency making the request for use.

III. AUTHORIZED PERSONNEL (CALEA 41.1.3)

Only certified firearms instructors specifically trained in the use of the "PRISim" Shooting Simulator shall be authorized to operate the mobile or fixed unit.

Authorized training of personnel for use of the simulator shall only be provided by the unit manufacturer (Advanced Interactive Systems, Incorporated, Tukwila, Washington) or the Patrol's Training Academy Armory staff.

IV. SIMULATOR OPERATIONAL PROCEDURES (CALEA 41.1.3)

The mobile unit, which is housed in a 36-foot trailer, shall only be towed by a member having a valid Class A CDL driver's license.

Only the vehicle specifically provided for towing this unit shall be used. All laws and regulations for trailer hook-up and towing shall be strictly observed.

The trailer shall be parked in a safe location and leveled with equipment provided by the manufacturer.

Absolutely no live ammunition or duty weapons will be allowed inside the simulator during training. NO EXCEPTIONS.

The air pressure setting for the “Shoot-Back” Cannon shall not exceed the factory-specified limit of 55 psi.

Power supply for the simulator shall be by electrical current supplied from two separate outlets while using the factory supplied electrical cords only. If electrical outlets are not available, use of the diesel generator installed in the simulator is permissible.

It shall be the responsibility of the Armory Supervisor to ensure that regular and/or any other maintenance is performed on the trailer and the simulator as required by the manufacturer or for whatever reason when needed.

The firearms instructor conducting training shall be responsible for safe and proper operation of the unit. He/She shall also be responsible to verify that the unit is working correctly and notify the Training Academy Armory staff of any defects or malfunctions as quickly as possible.

When the “Shoot-Back” Cannon is utilized, none of the plastic projectiles shall be intentionally fired at the student’s face, groin area, or bare hands. Protective eyewear shall be worn by the student at all times while participating in the scenarios.

V. VEHICLE EQUIPMENT (CALEA 41.1.3)

Towing unit which shall contain at least the following equipment:

- One case of fuses
- Patrol radio
- Cellular telephone
- First Aid Kit
- Flashlight with charger
- Reflective vest
- Fire extinguisher

Trailer which shall contain at least the following equipment:

- Two simulator pistols complete with laser inserts and batteries
- “Shoot-Back” Cannon ammunition
- Protective eyewear

- Two electric power cords supplied with the unit by the manufacturer
- Fire extinguisher
- First Aid Kit

The above items utilized in the trailer shall also be present at the site of the fixed unit.

Bicycle Rodeo Vehicle

Applicable to: Members
CALEA Chapter 41

Directive N.08

Revised 11/10/2004
Effective 7/20/2000

I. POLICY

This policy establishes guidelines, operational procedures, and responsibilities for the operation, use, and care of the North Carolina Highway Patrol's bicycle rodeo vehicle. **(CALEA 41.1.3)**

The Highway Patrol shall utilize its members in developing, promoting, and delivering Bicycle Safety Programs (Bicycle Rodeos) that emphasize the importance and use of bicycle helmets. The Patrol shall target a population of children under the age of 10 for participation in these events. However, older children will not be turned away if they wish to participate. **(CALEA 41.1.3)**

II. AUTHORIZATION (CALEA 41.1.3)

Any member, upon coordination with a troop Traffic Safety Information Officer, (TSI) may conduct a Bicycle Rodeo Safety Clinic.

Scheduling the Bicycle Rodeos and maintaining records and statistical documentation will be supervised and coordinated by the State TSI Coordinator at Patrol Headquarters in Raleigh.

Any member or mechanic of the Highway Patrol may operate this vehicle.

III. QUALIFICATION AND TRAINING (CALEA 41.1.3)

Each Patrol TSI Officer has been trained to present the Bicycle Rodeos. He/She may be assisted by a Patrol member in the community where the Bicycle Rodeo is being held.

IV. VEHICLE MAINTENANCE (CALEA 41.1.3)

Each bicycle rodeo vehicle will be maintained at the troop garage where the required maintenance and mileage occurs. The troop TSI Officer will be responsible for ensuring the required maintenance is completed as scheduled.

V. LIST OF EQUIPMENT MAINTAINED IN BICYCLE RODEO VEHICLE

State Highway Patrol Bicycle Safety Program Equipment	
Item	Quantity
Bicycles (Student) – BMX style, 20", single speed, coaster brake, oversize frame	13
Bicycles (Instructor) – BMX style, 26"	2
Tubes (Spares)	12
Tool Kits	2
Air Pump (12 Volts)	1
Helmets (Program)	25
Helmets (Give-Aways)	25
Sizing Pads (For Helmets)	25
Helmet Liners	1,000
Cramer Two-Wheel Line Marker	1
Marking Chalk (Bags)	25
Measuring Tape (25 Foot)	1
Measuring Tape (50-100 Foot SHP Issued)	1
First Aid/EMT Kit (SHP Issued)	1
Traffic Cones (36 Inch)	20
Traffic Cones (18 Inch)	50
Table (60 Inch Folding)	2
Chairs (Metal Folding)	6
Trash Cans (Rubbermaid 20-30 Gallon)	2
Display (TSI)	1
Safety Brochures (DOT Supplied)	2,500
Props	
Stop Light	
Bull Horn with Microphone	1
Directional Signs	Quantity
Stop Signs	4
Yield Signs	2
Do Not Enter	4
Railroad (R&R)	2
One Way	2
Caution	2

I. POLICY

This policy establishes guidelines, operational procedures, and responsibilities for the operation, use, and care of North Carolina State Highway Patrol's drone vehicles. **(CALEA 41.1.3)**

Members of the Patrol shall utilize the Drone Vehicle to help reduce crashes in the immediate vicinity of active highway work zones. Highway Patrol members and Department of Transportation Engineers will work cooperatively to identify problem areas, and how best to utilize drone vehicles. When used, drone vehicles shall be placed on the shoulder of a highway, or in the median prior to an active work zone with blue lights and emergency flashers activated. Drone vehicles shall be placed in a safe location so as not to interfere with the normal flow of traffic through active work zones. It shall be the responsibility of the affected Section Director/Troop Commander to ensure that drone vehicles are periodically monitored while they are deployed in an active highway work zone or another approved location. **(CALEA 41.1.3; 61.1.6)**

II. AUTHORIZATION (CALEA 41.1.3)

Upon the approval of the appropriate Section Director/Troop Commander, or his/her designee, a district supervisor may utilize a drone vehicle when a highway work zone is active within their assigned duty station. The Drone Vehicle may also be utilized in a High Crash Corridor, however the work zone utilization shall take priority.

Scheduling and operation of drone vehicles shall be coordinated through the appropriate Section/Troop office.

III. QUALIFICATION AND TRAINING (CALEA 41.1.3)

No specialized training or qualifications are required to operate a drone vehicle. The member responsible for transporting and placing a drone vehicle in the immediate vicinity of a work zone shall have the responsibility of activating the blue lights, emergency flashers, and radar transmitter using the toggle switch located in the dash area of the drone vehicle.

IV. VEHICLE MAINTENANCE (CALEA 41.1.3)

All required and scheduled maintenance for drone vehicles shall be performed by the appropriate Troop Garage where assigned. Troop Commanders shall assign the Motor Carrier Enforcement Lieutenant to oversee the maintenance of the drone Vehicle assigned to their troop. Drone vehicles are equipped with a solar panel that supplies the necessary electrical power to operate the vehicle's blue lights and radar, and these panels must be inspected prior to each use. The

MCE Lieutenant shall be responsible for inspecting the drone vehicle prior to assigning it to a District. Upon its return, The MCE Lieutenant will re-inspect the drone vehicle to ensure all equipment is operating properly and that no damage is present. The North Carolina Department of Transportation has assumed financial responsibility for the cost of operation and upkeep of Drone Vehicles and its equipment.

V. LIST OF EQUIPMENT MAINTAINED IN THE DRONE VEHICLE (CALEA 41.1.3)

Item	Quantity
Booster Cables	1
Radar Transmitter with Antennas	1

I. POLICY

This policy establishes guidelines and procedures for the operation and maintenance of the North Carolina State Highway Patrol's Caisson Unit.

II. AUTHORIZATION

Use of the State Highway Patrol Caisson Unit will be for the purpose of conducting funerals for law enforcement officers and firefighters killed in the line of duty; current and past Governors of North Carolina; Incumbent members of the Council of State, Cabinet Members, and North Carolina General Assembly Members; Sitting Sheriffs; and, with the approval of the Patrol Commander, law enforcement officers from bordering states who are killed in the line of duty and any others deemed appropriate by the Patrol Commander, if the Caisson is reasonably available.

Request for the Caisson Unit will be forwarded to the State Duty Officer of the Day (OD) for approval. The OD will immediately notify the Commander of Troop I, or his/her designee, who will coordinate the events with the appropriate personnel. Upon notification, the Commander of Troop I, or his designee, will assemble a team consisting of two trained members, via the chain-of-command who will prepare, transport and conduct the funeral. The Caisson Team shall be placed on special assignment as soon as possible after the request notification. Caisson Team members shall remain on special assignment until the assignment is completed. Members of the North Carolina State Highway Patrol Honor Guard Team will assist in the activities as a support component to the Caisson Unit and will abide by Directive E.07 "Funerals," of Patrol Policy and Procedure Manual.

III. PERSONNEL AUTHORIZED TO OPERATE THE CAISSON UNIT

Only trained Caisson Team members with experience working with horses and operating horse team driven wagons, shall be authorized to operate the Caisson Unit.

IV. SELECTION OF CAISSON UNIT TEAM MEMBERS

The Commander of Troop I will notify each Section Director/Troop Commander and District First Sergeant via CAD of any vacancies to the unit. District First Sergeants will post the notification in each district office and satellite office. Interested members must submit an application and resume via chain of command to the Commander of Troop I. Applicants must have experience and basic understanding of equine care and upkeep and have attained the rank of Senior Trooper.

V. TRAINING

Members assigned to the Highway Patrol Caisson Unit shall receive training from the United States Army Old Guard Caisson Platoon assigned to Arlington National Cemetery, at no cost to the Patrol. Trained personnel will then conduct training sessions with all Troop Honor Guard Teams to ensure a seamless transition with the addition of the Caisson Unit.

VI. EQUIPMENT AND MAINTENANCE / BOARDING

The equipment and maintenance necessary to support the Caisson Unit will be funded through monetary or in-kind donations in accordance with State Highway Patrol Policy Directive H.03 pertaining to gifts, favors, and donations. A memorandum of Agreement will be prepared between the potential donor and the State Highway Patrol and approved by the Secretary Department of Public Safety or his/her designee.

The items and services listed below will be available to the Caisson Unit:

- (4) Draft Horses
- (1) Riderless Walker Horse
- (1) Horse Trailer (Capable of transporting 5 horses with the appropriate GVWR)
- (1) Caisson
- (1) Caisson Trailer
- (1) Dual Wheeled 4 x 4 Truck
- Assorted Tack
- (4) Sets of Uniform Riding Gear
- Horse Stables and Pasture Area
- Feed
- Veterinarian Services
- Farrier Services

All maintenance associated with the Caisson Unit will be performed by a Caisson Team Member with the necessary training and experience.

VII. OPERATIONAL GUIDELINES

The State Highway Patrol Caisson Unit will be maintained in a state of operational readiness to respond to a duly authorized funeral request. The horses will be boarded at a location that is approved by the Commander of Troop I. The approved location (farm) must be suitable and equipped to provide day-to-day care for the animals to ensure peak performance.

The Commander of Troop I will appoint a Team Leader to transport and conduct the ceremonies as it relates to the Caisson Unit. The Team Leader will coordinate his/her efforts with the appropriate Troop Commander or a representative from the requesting agency. At least one other member will be assigned to assist the Team Leader with the detail. At the conclusion of the assignment, each member of the Caisson Team will complete an expense account and submit through their appropriate chain-of-command.

VIII. FUNERAL DETAIL PROTOCOL

- Caisson request made to the Patrol Officer of the Day
- State OD notifies the Troop I Commander or his/her designee
- The Troop I Commander or his/her designee selects a Caisson Unit Team Leader and assistant
- Team Leader and assistant prepare unit for departure/travel
- Team departs for destination
- Team Leader coordinates funeral plans with the affected family members, Funeral Home Personnel, Troop Commander, Chief or Executive Officer from requesting agency
- Funeral executed
- Team Leader and assistant prepare unit for travel
- Team travels back to farm where equipment is unloaded and cleaned
- Team Leader prepares a HP-335 and submits to the Assistant Commander of Troop I, or his/her designee

Wearing Patrol Uniforms

Applicable to: Members

Directive O.01

Revised 08/05/2019

Effective 11/10/2004

I. POLICY

This policy establishes guidelines for wearing Patrol issued uniforms and equipment.

II. ON DUTY

Members shall wear a complete Highway Patrol uniform while on duty consistent with N.C.G.S. § 20-190 and Patrol regulations and directives, unless otherwise authorized by the appropriate Section Director/Troop/Unit Commander or higher authority.

Members shall be considered to be on duty when wearing the uniform and it shall be worn consistent with the following:

- The appropriate "Serving Since" pin, badge, and rank insignia shall be worn by the member at all times while in uniform. The only exception is when the member is wearing the issued Class B uniform or Jumpsuit for an official function, and after the approval of his/her supervisor.
- Headgear shall be worn at all times when out-of-doors, except when the member believes the use of headgear would interfere with his/her prompt performance with regard to officer safety. The wearing of headgear while inside Patrol vehicles is discretionary.
- Buttons on trousers, jackets, shirts, and blouses shall be buttoned. Zippers on jackets shall be fully zipped. Buttons shall not be added or attached to shirt collars.
- Trousers and shirts shall not be altered to fit tightly so as to prevent the wearing of soft body armor under the shirt
- Trousers shall be hemmed so as to break slightly at the shoes
- Neither shirts nor trousers shall have sewn-in creases; however, military creases may be pressed in shirts
- Bulky items shall not be carried in pockets
- Only gray or black socks shall be worn
- Collar stays may be worn provided they are of plain design and are the same color as the nameplate. Commissioned officers may wear silver colored stays.

- Only standard issue lapel ornaments may be worn on like jackets or blouse lapels
- Only the standard issued tie tac may be worn
- The nameplate shall be worn over the right pocket of the shirt, jacket, or blouse. Members actively participating in the FTO or STO program may wear the FTO or STO flashing.
- The Patrol Award of Valor, or the Purple Heart ribbon, may be worn by award recipients centered $\frac{1}{4}$ of an inch above nameplate, FTO or STO flashing and centered horizontally on crease (See Figure 1)
- Should a member have earned both the Valor and a Purple Heart Ribbon at anytime, the member may wear both of the ribbons at the same time on the uniform, spaced $\frac{1}{4}$ of an inch apart
- Aviation Section, Motor Unit, or other approved insignia identifying a specialization will be worn $\frac{1}{4}$ inch above the nameplate and centered horizontally on crease. It will be worn $\frac{1}{4}$ inch above Award of Valor or Purple Heart ribbon when both are worn. The Commander's Office shall be to sole authority for authorizing any insignia to be worn on Patrol Uniforms. See Figure 1.
- The black mourning band for the badge shall be worn when attending funerals of all deceased police officers, active or retired, and on other occasions as set forth in Directive E.07
- Leather and metal uniform items shall be cleaned and shined
- The Sam Browne belt without the shoulder strap shall be worn with the uniform
- Holsters shall be worn on the right side unless the member is left-handed. Patrol issued holsters shall be worn with all safety devices engaged for maximum weapon security, and officer safety. Members shall not modify issued holsters in any manner.
- The whistle and chain shall be worn with the chain attached to the right epaulet and the whistle in the right breast pocket of the shirt or blouse
- Neither miniature flags nor service pins shall be worn on the uniform
- Uniforms shall not be worn if noticeably torn or worn
- Only issued leather uniform items, including holsters, shall be worn

- The wearing of the black raincoat is optional with commissioned and non-commissioned officers and may be worn by Troopers when not performing enforcement functions
- Clip-on pocket knives shall not be visible or bulky in nature
- Oleoresin Capsicum (O.C.) Spray (If the member is issued a CEW, the wearing of the O.C. Spray is optional.), the ASP Baton, one set of handcuffs, ammo carrier, and the service pistol shall be worn at all times. Wearing of the O.C. Spray and the ASP Baton may be considered optional for uniformed members assigned to Patrol Headquarters, sections, or troop headquarters with approval of the appropriate Section Director. Those members granted an option in this instance must have these items of equipment available in their Patrol vehicles when making enforcement contacts or responding to special incidents.

Members of the Highway Patrol, on or off duty, shall not wear the uniform or any portion thereof outside the geographical boundaries of this State without prior written authorization from the Commander's Office or designee.

Patrol issued Class B Uniforms and Jumpsuits are considered official uniforms and shall be worn by Troopers and Sergeants who have the authority to do so while performing an official function, and with the approval of the member's immediate supervisor (e.g. Conducting CVSA Inspections, Diesel Compliance, Criminal Interdiction Unit, Mobile Field Force, Collision Reconstruction; Hazardous Materials Conductions, etc.).

Unless performing specific job functions (e.g. Conducting CVSA Inspections, Diesel Compliance, Criminal Interdiction, Mobile Field Force, and Collision Reconstruction; Hazardous Materials Conductions, etc.), Class B uniforms shall not be worn by the rank of First Sergeants and above.

Class B short-sleeved shirts shall not be issued to, or worn by, First Sergeants and above.

- Class B uniforms shall be black in color and bear the shoulder patch/badge emblem of the North Carolina Highway Patrol
- Class B uniforms may not be worn while attending court, conducting public speaking engagements, or attending funerals, and they may not be worn while participating in special event assignments unless directed or approved by the Troop Commander or higher authority
- The Class B trousers may be bloused when worn
- The Class B uniform shall include an approved issued boot and appropriate web gear
- Embroidered badges shall be used as opposed to metal badges

- Class B short-sleeved shirts are authorized to be worn between 1 March and 1 November.
- The Class B uniform ball cap shall always be worn with the protective hard cap insert when the member is conducting CVSA inspections or weighing CMV vehicles

III. BODY ARMOR

Only Highway Patrol issued soft body armor or personal body armor meeting Threat Level II standards or greater shall be worn.

- All members assigned to uniformed and plain clothes positions are required to wear body armor while assigned to field activities unless the member is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor.
- The approved outer carrier shall be worn with the Class B uniform.
- Members shall wear the approved outer carrier at all times while conducting traffic stops.
 - Note: If a member is performing duties relevant to their position and not part of a traffic stop, then the outer carrier may be temporarily removed. (Example: A CMV member performing a truck inspection, an accident reconstruction member working a collision scene, etc.)

IV. REFLECTORIZED SAFETY VEST

At all times, members shall wear their reflectORIZED safety vests while directing or exposed to traffic during assigned traffic-related events.

Members who respond to emergency situations (i.e. traffic collisions, chemical spills, requests for assistance, etc.) shall at the earliest practical time don their reflectORIZED safety vests while exposed to or directing traffic unless officer safety would be compromised. This policy should not be construed to prohibit a prompt officer response when an incident demands his/her immediate attention to prevent injury, death, or loss of property.

For the purposes of this policy, the reversible short rain jacket satisfies the OSHA requirement for visibility during inclement weather. Members are not required to don their reflectORIZED vest as long as they have on the short rain jacket with the green side turned out.

V. RANK INSIGNIA PLACEMENT

Rank Insignia (Chevrons)

- Cloth chevrons for Sergeant and First Sergeant shall be sewn on uniform shirts, Blouse, and Ike Jackets. The chevron shall be attached point up. It shall be centered and positioned 1 inch below the bottom seam of the shoulder patch. Cloth chevrons shall not be attached to Light Weight Jacket, Aviator uniform, utility overalls, or raincoats.
- The Years of Service cloth chevron (optional) shall be sewn on the left arm of the Blouse, Ike and Foul Weather Jacket. It shall be attached on the flat part of the jacket, 1 inch above the piping on the Blouse and Ike Jacket. It shall be sewn three (3) inches above the cuff on the Foul Weather Jacket.
- The Emergency Medical Technician Patch (optional) shall be worn only on the uniform shirt. The patch will be placed 1 inch above the shirt cuff seam on the right sleeve facing in a frontal position.

Rank Insignia (Metal)

- Uniform shirt rank insignias for commissioned officers shall be attached as follows: One insignia will be worn on each collar. The insignia will be centered between the top and bottom edge of the collar with the outer edge of the insignia 1 inch from the front edge of the collar except Captains and Lieutenants whose insignias will be worn ½ inch from the front edge of the collar.
 - Colonel insignias will be worn with the head of the eagle toward the top of the collar facing to the front, with the wings perpendicular to the front edge of the collar (See Figure 2)
 - Lieutenant Colonel and Major insignias will be worn with the stem toward the bottom of the collar and the line from the tip to the stem parallel to the front collar edge (See Figure 2)
 - Captain and Lieutenant insignias will be aligned with the long axis of the bars parallel to the front collar edge (See Figure 3)
- Blouse, Ike, and Foul Weather rank insignias for commissioned officers shall be attached as follows: one insignia will be worn on each shoulder. The insignia will be centered from the front and rear edges of the shoulder strap on the cross-stitching and ¾ inch from the shoulder seam.
 - Colonel insignias will be worn with the wings at right angles to the centerline of the shoulder strap with the eagle's head toward the collar and facing front
 - Lieutenant Colonel and Major insignias will be worn with the leaf stem facing the shoulder seam
 - Captain and Lieutenant insignias will be worn with the long axis of the bars parallel to the shoulder seam

Rank Insignia Metal for Light Weight Jacket

- Non-Commissioned Officers: Metal rank insignias shall be attached on the Light Weight Jacket as follows: One insignia shall be worn on each shoulder. The insignia will be centered from the front and rear edges, single point inboard, with base of the insignia positioned 1 inch from shoulder strap fold at the shoulder seam.
- Commissioned Officers: Metal rank insignias shall be attached on the Light Weight Jacket as follows: one insignia shall be worn on each shoulder. The insignia will be centered from the front and rear edges of the shoulder strap with base of the insignia positioned 1 inch from the shoulder strap fold at the shoulder seam.
 - Colonel insignias will be aligned with the wings at right angles to the center of the shoulder strap with the eagle's head toward the collar and facing forward
 - Lieutenant Colonel and Major insignias will be aligned with the leaf stem facing the shoulder seam
 - Captain and Lieutenant insignias will be aligned with the long axis of the bars parallel to the shoulder seam

Rank Insignia for Aviator Uniform and Uniform Coveralls

- Non-Commissioned Officers: Rank insignia will only be worn on the badges and nameplates not on the uniform itself
- Commissioned Officers: One cloth insignia will be worn on each shoulder. The insignias will be centered $\frac{3}{4}$ inch from the shoulder seam

Nameplate shall be worn in space provided. Award of Valor and/or Purple Heart Ribbon will be worn ¼ inch above top edge of nameplate, FTO, or STO flashing and centered horizontally on crease of shirt. Motor unit or aviation pin will be worn ¼ inch above top edge of the ribbon centered horizontally on crease.



Collar insignia will be worn centered vertically from top to bottom of the collar and with the edge of the insignia 1 inch from front edge of collar. Long edge of insignia should be parallel to front edge of collar.



Collar insignia will be worn centered vertically from top to bottom of the collar and with the edge of the insignia $\frac{1}{2}$ inch from front edge of collar. Long edge of insignia should be parallel to front edge of collar.



Personal Appearance

Applicable to: Members

Directive O.02

Revised 03/01/2016

Effective 10/1999

I. POLICY

This policy establishes guidelines for all uniformed members to maintain a neat and well-groomed appearance. These procedures, regulations and policies are intended to promote the professional image expected by the Patrol and to encourage good health for consistently optimum job performance while increasing public confidence.

II. PERSONAL APPEARANCE

All members shall maintain a neat, well-groomed appearance while on duty. Attention to personal hygiene is a requisite when in uniform. Excess body weight is detrimental to good health. It has been medically linked to the causes of many diseases proven to be common hazards to law enforcement personnel. The Patrol encourages all members to participate in a personal fitness/wellness program.

Necklaces. Necklaces may be worn, but shall not be visible in uniform. Necklaces of sufficient strength, which may choke the member, should not be worn while on duty.

Rings. Rings which restrict the wearing of gloves, shooting of firearms, use of Patrol equipment, have sharp projections which snag or cut, or otherwise create an undue hazard will not be worn while on duty.

Body Piercing. Body piercing which is visible anytime while on duty and/or in uniform is prohibited.

Earrings. **Male** members may not wear any type of ear stud or earring when in uniform or civilian clothing, on or off duty. **Female** members may wear clip-on or post-type earrings with the Patrol uniform. Earrings must be of unadorned spherical or disc shape and may not exceed 6mm or 1/4 inch in diameter. They must be of gold, silver, diamond, or white pearl and worn as a matched pair with only one earring per ear.

Fingernails. Members shall keep their fingernails clean and trimmed. Uniformed members' fingernails shall not extend beyond 1/8th inch beyond the tip of the fingers. If worn, fingernail polish shall be clear, translucent pastels, or beiges which are conservative. Ornaments or stick-ons are prohibited on the fingernails. Only one color of polish may be worn.

Tattoos and Brands. Members will not place or obtain any tattoos or brands on any part of the body which are visible while wearing the uniform. Members are not authorized to have a tattoo that is visible and cannot be covered by natural skin tone makeup.

Cosmetic Makeup. Cosmetics worn by members must be conservative both in appearance and application so as to be consistent with the uniform concept. Cosmetics used may be either traditional brands or permanent in nature.

Glasses/Sunglasses. If glasses or sunglasses are worn, they shall be maintained in good condition and shall be conventional and conservative in nature. No faddish, multi-colored, or mirrored glasses shall be worn. Glasses or sunglasses may not be hung from any part of the uniform.

Hair. All members' hair must be of a natural color (i.e. blond, black, brown, red, or grey) and not such that would diminish the professional uniform appearance. Fluorescent or similar dyed hair colors are not acceptable.

Hairstyles must be worn in a neat, trimmed, combed, clean, conservative, and professional appearance at all times.

- **Male uniformed members** shall style their hair according to the following guidelines:
 - Hair must be no longer than the top of the shirt collar at the back of the neck when the member is standing with his head in a normal posture. Hair must not cover any portion of the ears. Hair on the sides and back of the head must be tapered; a *block-cut* in back is not permitted.
 - Hair shall not be styled so as to present a bulky or bushy appearance with or without headgear. The bulk and length of hair shall not interfere with the normal wearing of standard headgear or other Patrol equipment.
 - Sideburns shall be neatly trimmed and rectangular in shape. Sideburns shall not extend below the lowest part of the exterior ear opening.
 - Members shall be clean-shaven. Mustaches, beards, and goatees are not permitted
- **Female uniformed members** shall style their hair according to the following guidelines:
 - Short hair must be no longer than the bottom of the shirt collar at the back of the neck when the member is standing with her head in a normal position. Long hair shall be worn up and be **neatly and securely pinned** (i.e. French braid, bun, twist, etc.) so as not to interfere with wearing of uniform headgear or equipment. Ponytails or other hairstyles that allow the hair to hang free are not authorized. Female members shall notify their immediate supervisor in writing of an intention to adopt a longer hairstyle. They shall be given a reasonable period of time for transition to a longer hairstyle not to exceed one (1) year. It is not the intent of this policy to allow these members to wear a hairstyle which is mid-length for an extended period of time.

- Hair may be worn over the ears but shall not extend below the bottom of the ears. Hair clips, pins, and/or barrettes that blend with the color of the hair may be worn; but non-functional hair ornaments shall not be worn.
- The bulk and length of hair shall not interfere with the normal wearing of standard headgear.
- Wigs and hairpieces are permitted only if they conform to the standards set forth in this rule.

III. USE OF TOBACCO, VAPOR PRODUCTS AND CHEWING GUM

Members shall not smoke, use vapor products (as defined by G.S. 14-313(a)(5)), chew tobacco or gum at any time while in direct contact with the public in an enforcement action, while directing traffic, or on any other official Patrol business.

Members are permitted to chew tobacco and gum while patrolling in automobiles. The Patrol vehicle shall be cleared periodically to discard spit containers. Spit containers shall be kept out of sight of the public.

Uniforms and Equipment Issued / Records

Applicable to: Employees

Directive O.03

Revised 01/08/2021

Effective 10/1/1999

I. POLICY

This policy addresses issues concerning uniforms and equipment. Employees shall be held responsible for proper care and upkeep of all issued equipment.

II. UNIFORMS AND EQUIPMENT ISSUED / RECORDS

Employees shall be issued and held responsible for maintaining the following equipment in good condition. Members must make sure that all issued equipment is readily available and notify their supervisor when the need arises to obtain a replacement.

UNIFORM ITEMS	
Item	Quantity
Alcohol Screening Test Device (ASTD)	1
Badge (Hat)	1
Badge (I.D.)	1
Badge (Uniform)	2
Belt (Sam Browne)	1
Boots (All Terrain)	1
Braid (Hat)	1
Ball Cap	1
Chain (Whistle)	1
Campaign Hat	1
Holster (Pistol)	1
Identification Holder	1
Jacket (All-Weather)	1
Jumpsuit	1
Magazine / Handcuff Carrier	1
Nameplates	2
Nameplate Attachments (Serving Since, etc.)	2
Ornaments (Collar)	1 pair
Raincoat	1
Rain Cover (Campaign Hat)	1
Rain Pants	1
Shirt	6
Shoes	2 pairs
Strap (Hat)	1
Tie	3
Tie Tac	1
Trousers (Year-Round)	6
Whistle	1

LEGEND		
A – Armory	M – MCSAP	T – Training Academy
AP – Auto Parts	OS – Office Supplies	TSU – Technical Services Unit
DT – Defensive Tactics	R – Radio Shop	UW – Uniform Warehouse

MISCELLANEOUS ITEMS		
	Item	Quantity
UW	Arrest Report Holder	1
UW	Blanket (Disposable)	1
AP	Booster Cables	1
TSU	Camera	1
A	Cleaning Rod (Multi-Cal)	1
OS	Clipboard	1
T	EMT Kit	1
AP	Fire Extinguisher	1
UW	Individual First Aid Kit	1
UW	Bloodborne Pathogens/ Latex Gloves	1
UW	Handcuff Key (Long)	1
A	Hearing Protectors	1
TSU	Mobile Data Computer (MDC)	1
UW	Meter (Measure) Rolla-Tape	1
R	Printer (In-Car)	1
TSU	800 MHz Portable Radio (Hand Held)	1
A	Safety Glasses	1
UW	Stop Sticks	1
UW	Tape (50') (Steel)	1
UW	Tape (200') (Nylon)	1
AP	Tire Tread Depth Gauge	1
UW	Traffic Wand Flashlight	1
UW	Vest (Reflectorized Safety)	1
AP	Wrench (Lug)	1

DEFENSIVE ITEMS		
	Item	Quantity
A	Ammunition, Pistol	50
A	Ammunition, Rifle	125
A	Ammunition, Shotgun (Buck)	10
A	Ammunition, Shotgun (Slug)	10
DT	Electronic Control Device (Taser)	1
UW	Flashlight, Large (Rechargeable)	1
UW	Flashlight, Small (Rechargeable)	1
UW	Baton (ASP)	1
UW	Expandable Baton Holder	1
UW	Handcuffs	2
UW	Hobble Strap	1
A	Pistol	1

DEFENSIVE ITEMS		
	Item	Quantity
A	Shotgun	1
A	Rifle	1
UW	Ties (Flex-Cuff)	5
UW	Vest (Body Armor)	1
UW	Active Shooter Vest (ASV)	1
UW	Active Shooter Helmet (ASH)	1
UW	Oleoresin Capsicum Spray	1

Additional Equipment Issued

Members authorized to perform Size and Weight, Motor Carrier Safety Assistance Program (MCSAP), Commercial Vehicle Safety Alliance (CVSA) and Dyed Diesel Fuel Compliance (DCO) duties shall be issued and held responsible for maintaining the following additional equipment in good condition:

LEGEND		
A – Armory	M – MCE	T – Training Academy
AP – Auto Parts	OS – Office Supplies	TSU – Technical Services Unit
DT – Defensive Tactics	R- Radio	UW – Uniform Warehouse

SIZE & WEIGHT / CVSA / MCSAP		
	Item	Quantity
AP	Air Gauge (Truck)	1
UW	Ball Cap and Insert	1
UW	Class B Shirts, Long Sleeves	3
UW	Class B Shirts, Short Sleeves	3
UW	Class B Trousers	4
UW	Belt Class B	1
AP	Bolt Cutter	1
UW	Boots	1
UW	Gloves, Inspection	1
UW	Holster Class B	1
UW	Magazine Carrier Class B	1
UW	O.C. Carrier Class B	1
M	Portable Scales	4
UW	Stinger Flashlight with Charger	1
UW	Brake Chamber Measuring Tool	1
AP	Creeper	1
TSU	Digital Camera	1
UW	Glove Case Class B	1
OS	Hand Calculator	1
UW	Hand Cuff Carrier Class B	1
UW	Metal Ruler	1
UW	Soap Stone	3
UW	Soap Stone Holder	1
UW	Size & Weight Clipboard Metal	1

SIZE & WEIGHT / CVSA / MCSAP		
	Item	Quantity
AP	Wheel Chocks	2
TSU	Air card	1
TSU	GPS Unit (Handheld or Portable)	1

NEW ENTRANT AUDITOR UNIFORM AND EQUIPMENT LIST		
	Item	Quantity
TSU	Document Scanner	1
TSU	Digital Camera	1
TSU	Laptop Computer	1
R	Portable Printer	1
MCE	Voltage Inverter	1
R	In-Car Printer and Power Cable	1
MCE	Rolling Bag for Computer	1
OS	Hand Calculator	1
R	In-Car Computer Docking Station	1
TSU	In-Car Radio	1
TSU	800 MHz Portable Radio (Hand Held)	1
UW	In-Car Rechargeable Flashlight	1
AP	Fire Extinguisher	1
UW	Reflective Vest	1
TSU	Cell Phone	1
UW	Cell Phone Case, Class B	1
UW	First Aid Kit	1
AP	Bolt Cutter	1
AP	Tire Depth Gauge	1
AP	Tire Pressure Gauge (Truck)	1
UW	Chalk (Soapstone) Holder with Ruler	1
UW	Brake Chamber Measuring Tool	1
UW	Head Lamp (LED)	1
AP	Creeper	1
UW	Inspection Gloves	1 pair
AP	Jumper Cables	1
UW	Metal Clipboard Document Holder	1
AP	Wheel Chocks	1 pair
UW	Shirt Class B – Short Sleeve	3
UW	Shirt Class B – Long Sleeve	3
UW	Pants Class B	3
UW	Belt Class B	1
UW	Hat	2
UW	Plastic Bump Insert (For Hat)	1
UW	Safety Glasses	1 pair
UW	Boots	1 pair
UW	All Weather Jacket	1
UW	Rain Jacket	1
UW	Rain Pants	1

III. MEMBER OWNED FIREARMS

A member is authorized to use a personally owned firearm(s) as a backup or off duty firearm if the member owned firearm(s) meets specifications, and the member has completed all required prerequisites. A member is not required to carry additional firearm(s) in addition to North Carolina State Highway Patrol issued firearm(s), but may at their discretion.

Members are authorized to use any combination of member owned and North Carolina State Highway Patrol owned long gun(s), not to exceed one (1) rifle/carbine and one (1) shotgun for duty use. If a member chooses to carry a member owned rifle/carbine and/or shotgun, in lieu of an North Carolina State Highway Patrol issued rifle/carbine or shotgun, the member shall return the North Carolina State Highway Patrol issued long gun to the Patrol Armory within ten (10) business days after successful qualification with the member owned rifle/carbine and/or shotgun.

While on duty, member owned handgun(s) will be utilized as a secondary or supplemental handgun(s) only. A member owned handgun will never be substituted for the North Carolina State Highway Patrol issued handgun for primary duty use.

PREREQUISITES FOR USE OF A MEMBER OWNED FIREARM

Handgun

A member must pass the current day and night handgun qualification test administered by a North Carolina State Highway Patrol Specialized Firearms Instructor.

The member must test under the conditions in which they intend to carry the handgun. Example; Member carries a handgun in an ankle holster as a backup on duty firearm. Member must deploy the handgun from the ankle holster during their qualification test.

Rifle/Carbine

A member must have successfully completed the North Carolina State Highway Patrol Basic Patrol Rifle Course.

A member must pass the current day and low light rifle/carbine qualification test administered by a North Carolina State Highway Patrol Specialized Firearms Instructor.

Shotgun

A member must have successfully completed the North Carolina State Highway Patrol Shotgun Course.

A member must pass the current day and night shotgun qualification test administered by a North Carolina State Highway Patrol Specialized Firearms Instructor.

SPECIFICATIONS FOR MEMBER OWNED FIREARMS

HANDGUN

Caliber

Members may use any caliber within the range of .380 to .45 caliber. Any caliber smaller than .380 or larger than .45 is prohibited.

Revolver

A revolver must be from a reputable manufacturer and be in good working order with a minimum cylinder capacity of five (5) rounds.

Semi-automatic

A semi-automatic handgun must be from a reputable manufacturer and be in good working order with a minimum magazine capacity of six (6) rounds.

A minimum of two (2) magazines are required for qualification. A member is not required to carry or purchase additional handgun magazines for on duty use, but is recommended.

A semi-automatic handgun capable of firing fully automatic or having a "burst" option allowing for multiple projectiles to be fired with a single trigger press is prohibited.

A North Carolina State Highway Patrol Specialized Firearms Instructor may disqualify any handgun for duty use due excessive wear, unsafe condition, or poor performance of the firearm.

A North Carolina State Highway Patrol Specialized Firearms Instructor may prohibit a member from utilizing a member owned handgun for duty use if the member demonstrates poor manipulation skills, demonstrates a lack of understanding of the handgun, or is unsafe with the handgun. The member may retest at the discretion of a North Carolina State Highway Patrol Specialized Firearms Instructor post remediation.

Any appeals to the decision of whether a firearm is fit for use by a North Carolina State Highway Patrol Specialized Firearms Instructor will be directed to the North Carolina State Highway Patrol Armorer or their designee. The decision of the Patrol Armorer or their designee shall be final.

RIFLE / CARBINE

Caliber

A member owned rifle/carbine must be chambered in 5.56 x 45mm NATO. A rifle/carbine that is stamped "Cal 223-5.56MM" is acceptable. A rifle/carbine stamped ".223 Rem Only" is prohibited.

Platform

A rifle/carbine shall be of an AR style platform. A member may use either a commercially produced AR, or use a custom AR built by a certified AR armorer or gunsmith.

If a member chooses to utilize a custom built AR, a North Carolina State Highway Patrol Specialized Firearms Instructor holding an AR armorer certification will inspect the rifle/carbine prior to use. If a custom built gun has been constructed with substandard parts, or the build fails to meet all specifications, then the AR will not be authorized for use. If a member believes the AR to be in compliance, then the member may appeal to the Patrol Armorer who will decide if the AR is or is not in compliance.

Commercially produced and custom built AR's must have a trigger group that meets or exceeds U. S. Military Specification for minimum trigger pull weight. The U. S. Military Specification that governs trigger pull weight is MIL-C-71186 (AR) 3.4.3.

A minimum of four (4) rifle/carbine magazines are required for duty use. Magazines will have a thirty (30) round capacity only.

Modifications to the trigger or trigger group that allow for more than one projectile to be fired with a single press and release of the trigger are prohibited.

A member owned AR will not have the capability for fully automatic fire or have a "burst" fire option.

Short Barrel Rifles/Carbines (SBR) are allowed for use only after the Patrol Armory has received legible copies of compliance with the National Firearms Act (NFA) rules, and all other prerequisites and specification are met. The Patrol Armory will include these documents in the members permanent firearms file.

A North Carolina State Highway Patrol Specialized Firearms Instructor may deny use of a personally owned AR for any non-compliance of the above specifications. Appeals to the decision of whether a firearm is fit for use by a

North Carolina State Highway Patrol Specialized Firearms Instructor will be directed to the North Carolina State Highway Patrol, Patrol Armorer or their designee. The decision of the Patrol Armorer, or their designee, shall be final.

SHOTGUN

Gauge

Shotguns shall be chambered in 12 Gauge. No other gauge is approved for use.

A shotgun must be either a Military or Law Enforcement Service Grade Shotgun. Pump action or semi-automatic actions are the only approved actions for North Carolina State Highway Patrol use. No shotgun will be capable of fully automatic fire.

All Shotguns will be single magazine tube fed.

A short barreled shotgun (SBS) is not authorized for use.

A non-magnified optic is approved for use on a shotgun. Due to limitations of the shotgun design, co-witness is not a requirement for an optic used on a shotgun. If an optic is used either on an North Carolina State Highway Patrol or personally owned shotgun, it will be a non-magnified optic.

A North Carolina State Highway Patrol Specialized Firearms Instructor may deny use of a personally owned shotgun for any violation of the above specifications. Appeals to the decision of whether a firearm is fit for use by a North Carolina State Highway Patrol Specialized Firearms Instructor will be directed to the North Carolina State Highway Patrol Armorer, or their designee. The decision of the Patrol Armorer, or their designee, shall be final.

ACCESSORIES

Optics

Non-magnified and magnified/variable optics are authorized for use in compliance with this directive.

Non-magnified

A non-magnified optic from a reputable manufacturer that must be able to co-witness with existing iron sights or back up iron sights on a rifle/carbine. Shotguns are not required to be co-witnessed.

Prior to duty use of a non-magnified optic, the member must successfully qualify with the firearm utilizing the optic on all required courses of fire.

If an optic fails to maintain zero, it will be removed from the firearm until properly serviced, repaired, or replaced.

Magnified

Members are authorized to use magnified/variable optics following successful completion of the North Carolina Justice Academy Law Enforcement Sniper Course. The Patrol Armory must receive and maintain a copy of the certificate in the member file prior to use.

Lights

A weapon light is permissible for use on a member's long gun. Members will ensure that when a light is mounted to a firearm, the mount or the light does not interfere with manipulation of the firearm.

If a weapon light is mounted to a North Carolina State Highway Patrol owned long gun, the mounting system shall not permanently alter the long gun or its components.

Slings

AR rifles/carbines and shotguns are required to have slings attached prior to training, qualification, and duty use. Although the member is not required to utilize the same sling issued by the North Carolina State Highway Patrol it is highly recommended.

Magazines

Additional magazines may be purchased and utilized by members for member owned and Patrol issued firearms. Members should purchase manufacturer specific magazines but are not required. If a non-factory magazine is to be used in a member owned firearm for duty, the member will ensure the magazine(s) function with equal or better performance as a factory magazine(s).

AMMUNITION

Rifle/Carbine, Shotgun

A member who utilizes a member owned rifle/carbine and/or shotgun will be issued the North Carolina State Highway Patrol basic load for the particular firearm(s) from the Patrol Armory at no cost to the member.

Members are authorized to carry additional rifle/carbine/shotgun ammunition at their own expense, provided it meets Patrol Armory specifications.

Handgun

Members are responsible for providing their own ammunition for a member owned handgun that is not the current caliber utilized by the North Carolina State Highway Patrol.

Ammunition will be "Service/Law Enforcement Grade" from a reputable ammunition manufacturer with the projectile being a jacketed hollow point.

Remanufactured or re-loaded ammunition is prohibited for use.

A member, who attempts to qualify with the same caliber handgun that is currently utilized by the North Carolina State Highway Patrol, may be issued ammunition for qualification if available. If the member qualifies with that weapon, the member may be issued duty ammunition if available.

Any ammunition that is either lead, or cast lead is prohibited from use unless the firearm is designed specifically for lead use. Any ammunition that is steel cased or has a lacquer finish is prohibited.

MAINTENANCE AND REPAIRS

Member owned firearms will be maintained in accordance with the manufactures recommendations.

A member owned firearm will be inspected by the member periodically to ensure cleanliness and proper lubrication.

A North Carolina State Highway Patrol supervisor will inspect any personally owned firearm used for duty or off duty use during required inspections. The inspecting supervisor will inspect the firearm for cleanliness and compliance to this policy.

The member is solely responsible for any and all repairs made to a member owned firearm(s).

North Carolina State Highway Patrol owned parts will not be used to repair any personally owned firearm(s).

IV. ANNUAL CLOTHING ALLOWANCE

An Individual Clothing and Equipment Record (HP-715) and an Annual Clothing Allowance (HP-716) for each employee shall be maintained by the Support Services Section Uniform and Supplies Warehouse Manager. These records shall be forwarded to the appropriate Section Director, Troop/Unit Commander upon request.

Uniforms unusable by the recipient may be replaced as needed, within reasonable amounts. Items destroyed or damaged in a job-related incident may be replaced

irrespective of the annual clothing allowance, provided a memorandum of explanation accompanies the requisition. The item must be inspected by the First Sergeant and declared unusable.

V. REQUISITIONS

Uniform and equipment replacements may be obtained only by requisition and/or stopping at the Uniform and Supplies Warehouse when in Raleigh. Supervisors shall prepare requisition forms and forward to troop headquarters. The Section Director, Troop/Unit Commander must approve all requisition forms. If an employee has exceeded his/her allowance, the requested items will still be issued; however, the member's Section Director, Troop/Unit Commander will be notified.

Requisitions for uniforms and equipment shall be submitted only when the need arises.

A limited number of commonly used articles will be stocked at troop headquarters for replacement purposes, namely:

- Collar ornaments
- First-aid kit supplies
- Hat braids
- Flashlight batteries
- Steel tapes
- Ties
- Whistles and chains

Requisitions must also be prepared and approved for these items and records maintained.

VI. UNSERVICEABLE ITEMS / EXCHANGES

Supervisors shall inspect items of clothing and equipment to determine if they are unserviceable prior to requisitioning replacements.

Non-fitting uniforms may be exchanged for usable items. New items will be exchanged for new items, and used items will be exchanged for used items.

VII. UNIFORM ALTERATIONS, REPAIRS, AND CLEANING

Employees may not be reimbursed for tailoring or alterations to uniforms unless pre-approved in writing, by the appropriate Section Director, Troop/Unit Commander. The pre-approval justification memorandum must be submitted with

the expense account when requesting reimbursement. An exchange of non-fitting uniforms will be made at Troop and Patrol Headquarters supply. If properly fitting uniforms are not available, written documentation of this fact is provided to the employee by the Director of Support Services. The First Sergeant may use this documentation to approve necessary alterations by a reliable business or individual.

Repairs to damaged uniforms, attachment of chevrons/patches, and hemming of trousers may be obtained without prior approval provided the expense does not exceed \$12.00 per item. Expenses of this nature exceeding \$48.00 for one employee for one month shall first be pre-approved in writing, by the appropriate Section Director, Troop/Unit Commander. The pre-approval justification memorandum must be submitted with the expense account when requesting reimbursement.

Alterations or repairs to the Class B Uniform shall be in strict compliance with this section. No items other than those items approved by this policy shall be added to any Highway Patrol uniform.

The cost of uniform alterations and repairs shall be initially paid for by the employee. A properly executed receipt should be obtained and submitted with the employee's monthly expense account.

Uniforms must be kept cleaned and pressed at the employee's expense.

VIII. COMMUNICATIONS TECHNOLOGY EQUIPMENT INVENTORY TRACKING

Communications Technology Equipment shall include, but is not limited to: mobile data computers, 800 MHz handheld radios, handheld or portable GPS units, and wireless broadband devices.

Whenever an employee who is issued any of this equipment is either separated from the State Highway Patrol, is laterally transferred to a new position and must leave his/her issued equipment with the position that he/she is vacating, is promoted into a position that is not eligible for any of these items, or has equipment that has become damaged/destroyed and is in need of repair or replacement, it shall be the responsibility of the affected employee to return this equipment to the Section/Unit Director. No unassigned Communications Technology Equipment shall be retained in the District/Section/Unit.

After collecting the equipment from the employee, the Section/Unit Director or his/her designee shall return the unit to the Technical Services Unit along with a completed CL-33 (Notice of Transfer of Equipment).

After receiving the equipment and form CL-33, the Technical Services Unit shall perform one of the following functions:

- Place the equipment into "Stock" / Update CAD / Personal Information File (PIF)

- Perform a re-imaging and re-assign the equipment to an employee filling the vacated position
- Perform a re-imaging and re-assign of the equipment to another employee as requested by the submitting Section/Unit (if feasible)
- Repair/replace the equipment

IX. DUTIES OF SUPERVISORS UPON SEPARATION OF MEMBER

The immediate supervisor of a member retiring, resigning, or otherwise being separated shall complete form CL-90 (Separation Clearance Checklist) when retrieving all items of equipment issued to that member and returning those items to the Section Director, Troop/Unit Commander.

The member's immediate supervisor shall be responsible for securing the member's service weapon(s) by ensuring that the weapon(s) are unloaded and the slide/bolt secure in an unlocked, partially open position, utilizing a wire tie or the provided orange barrel flag if feasible. The weapon shall be returned to the Patrol Armory in the original issued container along with the issued magazines (bandoleers for carbines), grip panels, and cleaning kits. Form CL-33 (Transfer of Equipment) shall be submitted with the weapon within 10 business days.

Mandated and detailed weapon records shall be maintained by the Patrol Armorer in a secure location. Weapon reassignments or transfers in the field shall be indicated on form CL-33 (Transfer of Equipment) and submitted to the Patrol Armorer without delay.

An inventory shall be conducted under the direction of the Section Director, Troop/Unit Commander to ascertain that every item issued to the member has been relinquished. With the exception of firearms, conducted electrical weapons (CEW) and technical items issued by the Technical Services Unit (TSU), all uniforms and equipment shall be delivered to the Logistics Unit Uniform Warehouse within 30 calendar days after a member's separation. In consultation with the Logistics Unit Commander, the Section Director, Troop/ Unit Commander or their designee shall conduct an investigation into any missing items. The investigation shall include the completion of the Report of Investigation (HP-721) and SBI-78. At the discretion of the Director of Support Services, the cost of any items not returned to the State Highway Patrol at the time of retirement or separation may be deducted from the member's or employee's pay or billed to the member or employee. This shall not apply to uniform clothing items including, but not limited to, trousers, shirts, shoes, boots, used gloves or ball caps.

Sworn members separating from employment through a "service retirement" as defined in Directive E.09, Section VIII are permitted to retain the number of items that are prepopulated in the "Retained by Retiree" column on the CL-90.

Members separating from employment other than through a “service retirement” as defined in Directive E.09, Section VIII, shall return all badges attained in each rank the member once held, e.g. Trooper, Senior Trooper, Master Trooper, Sergeant, etc. Exceptions may be made for members separated from employment due to disabling injuries received in the line of duty. These exceptions will be evaluated by the Director of Support Services on a case by case basis.

X. UNAUTHORIZED USE OR SALE OF PATROL EQUIPMENT

Please refer to Directive O.03, Section VII of this policy. Unauthorized use or sale of Patrol issued equipment is strictly prohibited.

XI. RETURN OF UNIFORM BADGES UPON MEMBER REALLOCATION OR PROMOTION

When a member is reallocated to the rank of Senior or Master Trooper, one (1) shirt badge of the previously held rank shall be returned to the Logistics Unit Uniform Warehouse. Each Troop Commander shall ensure the badge from each newly reallocated member in their respective Troop are returned within 30 calendar days of the reallocation date. Badges should be packaged together along with an attached list documenting the name, registry number and previously held rank of each member returning a badge.

When a member is promoted to the rank of Sergeant or above, one (1) shirt badge and one (1) wallet badge of the previously held rank shall be returned to the Logistics Unit Uniform Warehouse. The new Section Director, Troop Commander or Unit Commander shall ensure both badges from each newly promoted member in their respective Section, Troop or Unit are returned within 30 calendar days of the promotion date. Badges should be packaged together along with an attached list documenting the name, registry number and previously held rank of each member returning badges.

Patrol Vehicle Assignment and Maintenance; Use of Patrol Vehicles

Applicable to: Employees

Directive O.04

Revised 11/13/2020

Effective 10/1/1995

I. POLICY

This policy maintains a standard for the use and maintenance of Patrol Vehicles.

II. PATROL VEHICLE ASSIGNMENT

Each member shall be issued a Patrol vehicle. Patrol vehicles will not be replaced until they have been driven for at least 100,000 miles or for four (4) years. Earlier replacement will be made only if the Director of Support Services determines such replacement to be in the best interest of the Patrol.

The Support Services Section shall notify Section Directors, Troop/Unit Commanders as to the make, model, vehicle identification number, and the license number of each vehicle issued to members within their respective troops.

Section Directors, Troop/Unit Commanders shall not change or transfer motor vehicles without notifying the Unit Commander of Logistics.

Unmarked Patrol vehicles shall be issued in accordance with law and with the approval of Field Operations and the Director of Support Services.

Each member shall park his/her issued Patrol Vehicle at his/her established residence as defined in Directive E.09.

III. WHO MAY DRIVE

Only the persons listed below are authorized to drive Patrol vehicles:

- Enforcement members while on duty
- A Patrol mechanic while road testing a vehicle or while delivering a vehicle to a member or to a garage
- A civilian while transporting a member to a hospital who is incapacitated by illness or injury
- Civilian employees of the Department when authorized by a Section Director, Troop/Unit Commander or higher authority
- Civilian mechanics on premises of garage or service stations while servicing Patrol vehicles
- Any person participating in a course of instruction provided by the Training Academy that requires the operation of a Patrol vehicle

IV. PERSONS AUTHORIZED AS PASSENGERS

Members shall not transport unauthorized persons in Patrol vehicles. Authorized persons may be transported when circumstances require.

A. Authorized Passengers in the Line of Duty

This shall include, but is not limited to:

- Accident victims
- Stranded motorists
- Witnesses
- Prisoners
- Other persons when required or authorized by a First Sergeant or higher authority
- Request for Transport from the Governor's office or the Secretary of DPS

An HP-3 (Ride Agreement) is **not** required and does not have to be approved by the First Sergeant or higher authority.

Members shall **not** engage in extraordinary patrol vehicle operations.

Members shall **not** transport arrested persons who were charged with Driving While Impaired back to their vehicles if the persons were released by a magistrate for any reason.

Members shall notify the Communications Center using Signal 30 when an individual of the opposite sex must be placed within the Patrol vehicle for the purpose of public service or enforcement contacts

B. Authorized Passengers by Request

This shall include but is not limited to:

- **Applicants**
 - Applicants may ride along with Highway Patrol Field Training Officers or Members holding the rank of Senior Trooper or higher (if an FTO is not available) provided he/she has successfully completed the "Initial Screening," "Pre-Employment Polygraph" and he/she remains eligible for employment throughout the State Highway Patrol Applicant process.

Prior to approval, the Applicant's eligibility status must be verified through the Training Academy by the approving authority.

- The Applicant shall be limited to two (2) ride along sessions at the discretion of the approving supervisor
- **Chaplains**
 - The Communications Center shall be advised any time a Chaplain is in a Patrol vehicle. Chaplain ride alongs are part of the Chaplaincy Program; however, a member may decline to have a Chaplain ride along with him/her. At no time during the course of the ride along should a Chaplain interfere with the member in the performance of his or her law enforcement duties.
- **Interns**
 - Interns may ride along with Highway Patrol Field Training Officers or Members holding the rank of Senior Trooper or higher (if an FTO is not available). He/she must be participating in the Patrol's Internship Program and an Internship Ride Agreement (HP-3A) or High School Internship Ride Agreement (HP-3B) must be completed.
- **Media**
 - Members of the media may ride along with Members holding the rank of Senior Trooper or higher provided they have received authorization from either the Section Director/Troop Commander or his/her designee. If the ride along is approved, the appropriate Section Director/Troop Commander or designee shall notify the PIO that is on call.
- **Judicial Officials**
 - Judicial Officials may ride along with members holding the rank of Senior Trooper or higher for the purpose of observing Patrol law enforcement procedures and to promote relations between respective agencies. Prior to any official riding, he/she must have received authorization from the affected District First Sergeant or higher authority.
- **Legislative Officials**
 - Legislative Officials may ride along with members holding the rank of Senior Trooper or higher for the purpose of observing Patrol law enforcement procedures. Prior to any official riding, he/she must have received authorization from the affected District First Sergeant or higher authority.

- **Other Sworn Law Enforcement Officers**

- Law Enforcement officers may ride along with Members holding the rank of Senior Trooper or higher for the purpose of observing Patrol law enforcement procedures and to promote relations between respective agencies. Prior to any official riding, he/she must have received authorization from the affected District First Sergeant or higher authority.

An HP-3 (Ride Agreement), HP-3A (Internship Ride Agreement), or HP-3B (High School Internship Ride Agreement) is required before the ride begins and must be approved by a First Sergeant or higher authority. Members shall hold the rank of Senior Trooper or higher to transport an "Authorized Passenger by Request".

Members are not authorized to take enforcement action or engage in extraordinary patrol vehicle operations with non-sworn passengers. Members shall not initiate or engage in a chase with non-sworn members inside the vehicle. Members must employ due caution for the safety of said passengers at all times.

Members shall provide a "pre-ride" training session that shall include, but is not limited to the following information:

- Familiarization with the Highway Patrol radio functions
- Instructions on remaining inside of the patrol vehicle while the patrol member is involved in a traffic stop unless a life threatening situation exists
- Instructions to maintain vigilant watch over the driver and possible occupant(s) inside the violator vehicle in order to react to officer and/or personal safety concerns

The "Authorized Passenger by Request" shall possess no weapon of any type during the ride along (with the exception of Sworn Law Enforcement Officers), and shall take no action of any type against a violator except to protect themselves or the Member from the eminent use of deadly force

The "Authorized Passenger by Request" shall not report for a ride along with any odor of an alcoholic beverage on their breath or while under the influence of any impairing substance

Persons Authorized as Passengers	
Line of Duty (No HP-3 needed)	Request to Ride (HP-3 needed)
<ul style="list-style-type: none"> - Accident victim - Stranded motorist - Witnesses - Prisoners - Other people authorized by FSG or higher - Request for Transport from Gov., Sec. of DPS 	<ul style="list-style-type: none"> - Chaplain - Interns (HP-3A or HP-3B) - Media - Applicant - Judicial Official - Legislative Official - Other LEO

C. Family Members

Members are authorized to transport family members and/or active or retired Highway Patrol personnel in an issued patrol vehicle when traveling to a specific State Highway Patrol funeral service, retirement event, or promotional ceremony. Prior to transporting individual(s) in their issued patrol vehicle, the member shall provide their immediate supervisor with the name(s) of the individual(s) that will be transported. Members shall take no enforcement action and shall not engage in any extraordinary patrol vehicle operations. Members must exercise due caution for the safety of transported individual(s) at all times.

V. REQUESTS FOR TRANSPORTATION

Any request from the Governor or the Secretary for Patrol transportation or services shall be acknowledged and handled immediately.

All requests for security, medical or other emergency assistance shall be assessed by the Section Director, Troop/Unit Commander or higher authority for approval based on need.

Requests from other governmental officials for Patrol transportation or services shall be granted only on approval by the Commander's Office, his/her designee, or the Secretary.

VI. MEMBERS TO BE IN UNIFORM

Members shall be in uniform while operating a Patrol vehicle unless granted permission to wear civilian apparel by a Section Director, Troop/Unit Commander or higher authority.

VII. USE OF PATROL VEHICLES FOR AUTHORIZED OFF-DUTY TRAVEL

Authorized Use for Off-Duty Functions

- Members may be authorized to use Patrol vehicles for off-duty travel with the consent of and in the discretion of the First Sergeant or higher authority.
- Members are encouraged to enroll in advanced education courses and may use the Patrol vehicle for travel to classes with the approval of the First Sergeant or higher authority
- Time spent operating the Patrol vehicle for authorized off-duty travel is not compensable. Members must check 10-86 (Beginning Authorized Travel) and 10-87 (Ending Authorized Travel) with the appropriate Communications Center. Members traveling to the Training Academy shall use on-duty hours when reporting for training and when traveling back to their duty stations at the conclusion of the course of instruction. If a member elects to return to his/her residence at night while still assigned to the Training Academy, 10-86 and 10-87 shall be used.
- The member shall park the Patrol vehicle on arrival at the designated location and the vehicle shall not be used again until the return trip

Preparation of the Request for Use of Patrol Vehicle for Off-Duty Travel (HP-312)

- All Troopers and Sergeants, regardless of duty station, must complete form HP-312 for all off-duty travel, consistent with the instructions set forth in this policy and in the Forms Section on the Highway Patrol's Intranet Site
- A member authorized to use a Patrol vehicle for off-duty travel shall have an approved copy of the HP-312 in his/her possession. The form must bear the signature of the member and his/her First Sergeant or higher authority.
- Deviations from the planned route of travel shall be recorded on form HP-312 with explanations for the deviation
- Form HP-312 may be submitted to cover an entire school semester or other period of training

Taking Enforcement Action

- When confronted with a situation normally performed by on-duty personnel, members shall respond unless a local member is available. Members should attempt to obtain assistance from a member assigned to the area to avoid the need to return to court. If assistance is not readily available, members shall take the necessary action required by the situation. Members who are out of uniform must follow the policy concerning arrest while out of uniform.
- Time spent performing enforcement duties must be considered work time. Members shall contact the appropriate Communications Center, check 10-87 (Ending Authorized Travel), check 10-41 (Beginning Tour of Duty), complete

the necessary action, check 10-42 (Ending Tour of Duty), check 10-86 and continue travel. The work time shall be recorded on the HP-201.

- All work time and duties performed shall be recorded on the member's copy of the HP-312

Off-Duty Use by Commissioned Officers and First Sergeants

- Commissioned Officers and First Sergeants are authorized to travel without a travel request after receiving verbal approval from their respective supervisor. They must notify the Communications Center of their travel status and destination.

VIII. MAINTENANCE / ALTERATIONS / ACCESSORIES

- All installed equipment to include radios, radars, Vascars/trackers, in-car cameras, computers, and any other equipment shall not be altered or moved without the written authorization of the Troop/Unit Commander/Section Director
- All Patrol vehicles shall be repaired and maintained at Patrol garages whenever practical. Minor repairs costing \$20.00 or less may be made at public garages whenever such repairs are necessary.
- Patrol vehicles shall be serviced (gas, oil, lubrication, and washing) only at Patrol installations except when special authorization is granted. This service shall be performed each 6,000 miles with a 500-mile tolerance given before and after the 6,000-mile interval.
- Section Directors or Troop/Unit Commanders may authorize the painting of wheel covers on Patrol vehicles. Wheel covers shall only be painted black after prior authorization from the appropriate Section Director or Troop/Unit Commander.
- NCSHP garage personnel are not responsible for painting wheel covers. Lug nuts are not to be painted.
- Aside from the above wheel cover authorization, patrol vehicles shall not be painted or altered in any way without prior written authorization by the Director of Support Services.
- No additional accessories may be placed on a Patrol vehicle after it is issued.
- Compact Disc players may be installed in the dash of the vehicle provided it is of the same type and design as original equipment on the make of the vehicle upon which it is installed

**Telephone Use and Mandates, Use of CB Radios,
Amateur Radios, Wireless Telephones, Scanners, and
Two-Way Radios by State Highway Patrol Members**

Directive O.05

Revised 8/19/2021
Effective 3/1/1995

I. POLICY

This policy establishes rules governing the use of telephones, cell phones, radios, and scanners by members of the State Highway Patrol.

II. TELEPHONE AT RESIDENCE

At all times, members shall maintain a residential telephone that is in proper working order. For the purposes of this directive, cellular telephones may be considered residential telephones.

Members may have their telephone numbers non-published or unlisted. In either case, it is the members' responsibility to furnish their residential telephone number to certain essential personnel. Members shall appropriately notify all personnel outside the Highway Patrol, including police agencies, other governmental units, or other persons on a need-to-know basis. Members' non-published/unlisted telephone numbers must be provided by written memorandum via chain-of-command or the Information Management System to the following:

- All Patrol Communications Centers
- Patrol Headquarters
- All Section Directors/Troop Commanders and Supervisors

The residential telephone number, assigned cellular telephone number, and assigned pager number of each member shall be listed in the *Employee Roster* section of the Information Management System. Additionally, the residential telephone number of each member will be listed in the *Patrol Personnel Roster*. All residential home telephone numbers, whether published or non-published, are to be considered confidential and not to be released to unauthorized persons.

III. USE OF STATE TELEPHONES

Members shall exercise the utmost courtesy and project the best professional image possible at all times while conducting Patrol business over the telephone. The following guidelines will normally apply to the use of Patrol telephones:

- When answering a telephone at a Patrol facility, identify your agency, rank, and name. Example: "State Highway Patrol, Trooper Doe, may I help you."
- When placing a call of an official nature, identify your agency, rank, and name. Example: "Hello, this is Trooper Doe, with the State Highway Patrol in Raleigh."

- Members shall not engage in lengthy telephone conversations unnecessarily.
- Members shall not deliver death messages by telephone.
- Members shall not utilize state telephones, or credit cards to make personal long distance or toll calls.

Members will courteously accept reports and information over the telephone and will take appropriate action in accordance with Patrol policy concerning all such information even when it is anonymous.

State Owned Wireless Telephones / Personal Digital Assistants (PDAs aka Smart Phones)

- State owned wireless telephones will be issued only to employees whose position and/or responsibilities are deemed essential to the Highway Patrol's mission. The position and job functions of each member will govern the type of wireless telephone to be issued and the number will appear in the Roster Details located on the Highway Patrol's Intranet. To determine eligibility, refer to the "Wireless Telephone Eligibility List" (posted on the intranet). If a position is authorized to receive a wireless telephone, it shall be provided to the employee at the agency's expense and shall not be used to conduct personal business.
- All Highway Patrol Personnel issued a wireless telephone shall have the unit in their immediate possession "**powered-on**" at all times whether on duty or off duty.
- State issued data enabled wireless telephones may be used to transmit e-mail messages, text messages, documents, photographs, videos and audio recordings only when they pertain to state-related business.
- All members issued a wireless telephone shall immediately contact the Unit Commander of the Technical Services Unit should the issued device become lost or stolen.
- If a member separates from the Highway Patrol or their job function no longer supports the requirement for a state-owned phone, the device and all accessories shall be returned to the Technical Services Unit.

Wireless Telephone Special Approval Procedures

- In order for a state-owned wireless telephone to be issued to personnel that do not prequalify based on job functions, the employee's supervisor must submit a justification memorandum via the chain-of-command, to the Unit Commander of the Technical Services Unit. This memorandum must include the change in job function(s) that warrant the issuance of a state-owned

wireless telephone and if those changes are temporary or permanent. If the new functions are temporary, a timeframe for use should also be defined.

- When a civilian employee is approved to be issued a state-owned wireless telephone, the appropriate supervisor shall have the affected civilian employee read and sign a copy of form HP-30, "State-Owned Wireless Telephones Procedures," which is located on the intranet. Once signed, a copy of the HP-30 shall be given to the civilian employee. The original HP-30 shall be filed in the affected civilian employee's Personal History file at the appropriate Section, Troop/Unit, or District office and shall remain on file indefinitely, or until the employee no longer has a state-owned wireless telephone.
- Members issued a wireless telephone shall be responsible for the care of all wireless communications equipment and shall neither abuse, damage, nor lose it through carelessness.

IV. AUTHORITY TO INSTALL CB RADIOS, AMATEUR RADIOS, SCANNERS, OR TWO-WAY RADIOS IN PATROL VEHICLES

Members are permitted to install the following communication units in their issued Patrol vehicle: amateur radio, CB radio, scanner, or two-way radio with the approval of the Section Director/Troop Commander. Such installation and maintenance or any damage incurred shall be the sole responsibility of the member. All such radio equipment installed in Patrol vehicles shall be operated in conformance with Federal Communications Commission regulations and Patrol procedures.

Any member who intends to install a two-way radio equipped with frequencies assigned to the Sheriff's Department of the county in which the member is assigned must obtain approval from the Section Director/Troop Commander. The installation of such radio must be determined to be necessary for the safety of the member or other law enforcement officers in the county. The monitoring of Patrol radio communications is a primary responsibility of members; therefore, use of both types of radios and scanners should receive careful attention to prevent distraction that may cause essential Patrol radio traffic to be missed.

V. PERSONALLY-OWNED WIRELESS TELEPHONES AND PAGERS

Members may carry and use personally-owned wireless telephones. Members who choose to carry their own wireless device must adhere to the following guidelines:

- The member may be permitted to carry a personally-owned wireless telephone on duty once the member completes and submits form HP-30A (Personally-Owned Wireless Telephone Notification) to his/her supervisor.
- The member shall not use a personally-owned wireless telephone to conduct secondary employment business while on duty.

- The member shall have the personally-owned wireless telephone number entered into the Comments section of the CAD.
- The member must have full subscriber rights and privileges of the wireless telephone or pager account he/she wishes to carry while on duty (i.e. contract for service for the wireless telephone or pager to be carried must authorize the member access to itemized bills upon request).
- The member shall be responsible for all expenses relating to the use and maintenance of the personally-owned wireless device.
- When requested, the member shall furnish a copy of his/her billing records to his/her First Sergeant or Section Director/Troop Commander for review. The requested billing records provided shall display all incoming and outgoing calls made or received by the phone in question during the time period requested. Information such as dates, times, telephone numbers, and minutes used may be redacted if such information is not pertinent to an inquiry or investigation.
- The wireless device shall not be used to circumvent normal radio communications procedures or the records management system. **Wreckers shall not be called by wireless telephone.** The use of the wireless telephone to check 10-41 (Beginning Tour of Duty), 10-42 (Ending Tour of Duty), 10-7 (Out of Service), 10-8 (In Service), or other procedures relating to the member's activity is prohibited unless dictated by justifiable circumstances.
- Use of the *HP (*47) or the Patrol's toll-free (1-800) numbers shall be limited to emergency or supervisory situations, or when directed to telephone a Communications Center.
- Use of the wireless telephone does not interfere with the members' ability to monitor Patrol radio traffic or to safely operate the vehicle.

Any member who abuses the privilege of having a wireless telephone shall have this privilege revoked.

VI. LIMITATIONS ON USE OF SCANNERS OR TWO-WAY RADIOS

Members shall not communicate directly with members of other agencies through the scanner receivers or two-way radios **unless an emergency requires otherwise.**

Emergency information obtained by members through the scanner or two-way radio shall be communicated directly to the appropriate Patrol Communications Center by radio or telephone. Members shall notify the Communications Center when they are responding to an emergency they have learned about through the scanner or two-way radio.

The scanner-receiver or Sheriff's Department radio shall not be used by members to circumvent patrol communications or records management systems.

VII. INSTALLATION AND MAINTENANCE OF CB RADIOS, AMATEUR RADIOS, SCANNERS, OR TWO-WAY RADIOS

The installation and maintenance of privately owned CB or amateur radios, scanners, or two-way radios shall be the responsibility of the members owning the units. Any damage incurred during installation or use shall be the sole responsibility of the members. Privately owned CB or amateur radios, scanners, or two-way radios cannot be installed at Patrol facilities without prior approval of the Section Director/Troop Commander.

Members installing CB or amateur radios, scanners, or two-way radios on Patrol vehicles shall use only antennas of a clip-on type which are similar to antennas issued by the Patrol. **Members shall install only one antenna for each authorized communications unit with the approval of the Section Director/Troop Commander.**

VIII. IDENTIFICATION OF PATROL MEMBERS ON CB RADIO

Members shall use the Patrol call sign, KXB-7782, during all CB radio transmissions.

There are occasions when Patrol members equipped with CB radios may have a need to identify themselves as individuals when transmitting to both Patrol operators and civilian CB operators. On those occasions, members shall use their own Patrol call number in conjunction with the Patrol call sign as in the following example: "This is KXB-7782, Unit D-111, go ahead with your traffic."

Members shall not use "CB handles" in communicating through privately owned CB radios in their issued Patrol cars. The purpose of the use of CB radios is not to carry on frivolous conversations with the motoring public, it is to obtain information useful to the Patrol in carrying out its assigned duties; therefore, handles are not necessary.

IX. ADDITIONAL REGULATIONS GOVERNING THE USE OF CB RADIOS

No member shall transmit false or deceptive information or in any way entice any person to commit an unlawful act.

Members shall monitor Emergency Channel 9, except that other channels may be monitored if radio traffic is sufficiently light.

Citizen band calls should be answered promptly and courteously. Non-emergency calls will be terminated as promptly and tactfully as possible. **The formality expected on Patrol radio frequencies will be maintained on CB transmissions.**

There will be no retaliation either by stopping or by radio transmission against any person recording members' location or activities for the apparent purpose of evading traffic laws.

CB contacts calling for action beyond giving information by radio shall be reported to Patrol base Communications Center as soon as practicable.

Members shall not communicate with base CB stations that have been installed or may in the future be installed in their residences.

Members shall comply with all Federal Communications Commission (FCC) rules and regulations governing the use of CB radios.

X. ADDITIONAL REGULATIONS GOVERNING THE USE OF AMATEUR RADIOS

No member shall transmit false or deceptive information or in anyway entice any person to commit an unlawful act.

Members shall use their own FCC issued radio license call sign, but shall, in the course of conversation, identify themselves as Patrol members giving their Patrol call number (e.g. "Highway Patrol Unit C-411"). **The formality expected on Patrol radio frequencies will be maintained on amateur transmission.**

Amateur radio equipment installed in Highway Patrol vehicles shall not be used for recreation purposes, but shall be used to enhance coordinating assistance to motorists and/or citizens in emergency situations.

Other than requests for routine information, amateur radio communications shall be reported to the Patrol Communications Center serving the area in order that important traffic will be electronically logged.

Members shall comply with all FCC rules and regulations governing the use of Amateur Radio.

Civilian Assignment / Use of Vehicles

Applicable to: Employees

Directive O.06

Revised 07/27/2018

Effective 6/20/2006

I. POLICY

This policy establishes guidelines and procedures for the assignment and/or use of non-enforcement state-owned vehicles assigned to a civilian employee by the Highway Patrol, when approved by the appropriate Section Director, Troop/Unit Commander or higher authority.

State-owned vehicles shall be driven only by state employees when used for official state business only.

II. APPROVED CIVILIAN EMPLOYEES

Non-sworn employees assigned a state-owned vehicle, shall not use such vehicle for commuting or other personal use unless an exception has been granted by the Patrol Commander and Secretary pursuant to DPS policy ([https://www2.ncdps.gov/emp/DPS%20Travel%20Policy%20\(6-19-2018\).pdf](https://www2.ncdps.gov/emp/DPS%20Travel%20Policy%20(6-19-2018).pdf)). In any event where an exception has been made, the employee shall reimburse the State for mileage through payroll deduction. Commuting, for purposes of this restriction, does not include the following field positions that do not have an assigned SHP office and who work exclusively out of their vehicle:

- VIPER Technician
- VIPER Tower Climber
- VIPER Power Distribution Electrician
- VIPER Facility Maintenance
- VIPER HVAC Mechanic
- New Entrant Auditor
- New Entrant Auditor Supervisor
- Compliance Review Officer

Civilian employees with duties that require him/her to attend meetings, training, or perform other official duties, may be temporarily assigned/use a state-owned vehicle. (This provision shall also include Patrol mechanics test driving or transporting official Patrol vehicles.)

III. VEHICLE USE

Employees with a permanently/temporary assigned state-owned vehicle may drive to and from his/her residence. The appropriate supervisor shall instruct the employee to park the vehicle once they have arrived at their home and that the vehicle shall not be driven again except for official business.

Employees who are issued a vehicle or authorized to use a state-owned vehicle may use the vehicle for the purpose of meal breaks (in-state), and/or other

necessities (if traveling out-of-state) while on official business, but not for entertainment purposes.

Seat Belts

- In accordance with North Carolina General Statutes and the North Carolina State Highway Patrol, the driver and all other passengers shall be properly restrained by seat belt or approved child safety device, when the vehicle is in forward motion.

Motor Vehicle Laws and Ordinances

- Employees who are authorized to drive a state-owned vehicle shall observe all state motor vehicles laws and ordinances. All violations and fines shall be the responsibility of the affected employee. An employee who is cited for a violation of state law or city/county ordinance shall report same to his/her supervisor within 24 hours of issuance.

Firearms, Other Weapons, and Explosives

- Employees shall not possess, transport, or store firearms, others weapons, or explosives in any state-owned vehicle at anytime.

Alcohol and Drugs

- Employees shall not operate any state-owned vehicle while under the influence of an alcoholic beverage or illegal drug. Employees are also prohibited from operating a state-owned vehicle while taking any physician prescribed or over-the-counter medication, which could impair the employees' ability to operate a vehicle safely. Under no circumstances will an employee possess, transport, or store any alcoholic beverage, or illegal drug in a state owned vehicle.

Hitchhikers

- Employees operating state-owned vehicles shall not transport hitchhikers under any circumstances.

Relatives

- After being approved by the appropriateSection Director, Troop/Unit Commander or higher authority, the employee may be allowed to transport their family members in accordance with the provisions outline in this section.
- Employees may be authorized to transport family members and/or active or retired Highway Patrol personnel in an issued state-owned vehicle when traveling to a specific State Highway Patrol funeral service, retirement event, or promotional ceremony. Prior to transporting individual(s) in their issued state-owned vehicle, the employee shall provide their immediate supervisor

with the name(s) of the individual(s) that will be transported. Employees must exercise due caution for the safety of transported individual(s) at all times.

Non-State Employees

- Non-state employed persons may accompany state employees driving state-owned vehicles when they have an interest in the purpose of the trip and their presence is related to state business. Non-state employed persons are not allowed to operate a state-owned vehicle.

Fuel

- Employees shall use only the type of fuel designated by the manufacturer for the type of vehicle being driven by the employee. Also, an employee driving state-owned vehicles shall only obtain fuel from those locations that are approved by the Commander's Office or his/her designee.

IV. TRAFFIC COLLISIONS

Any employee involved in a traffic collision while driving a state-owned vehicle shall, as quickly as possible, notify the appropriate supervisor of the Section, Troop/Unit in which the employee is assigned, and he/she shall also contact the appropriate Highway Patrol district supervisor, or appropriate law enforcement agency for investigation. The employee's supervisor or his/her designee shall submit form HP-721B (Notification of SHP-Owned Vehicle Collision (48 Hours)) via e-mail to Field Operations within forty-eight (48) hours of the Patrol vehicle collision.

The employee's supervisor or his/her designee shall ensure that a Report of Investigation (HP-721A) is completed, and documented on a Vehicle Accident/Incident Report in BlueTeam for internal management purposes. The employee's supervisor shall ensure that a preventable collision be documented on a NCVIP and HR-562. Furthermore, remedial drivers training shall be considered in direct consultation with the Section Director of Drivers Training. The investigating supervisor shall forward the BlueTeam report with attached documentation to the Unit/Troop Commander or their designee in which the employee is assigned via chain of command within twenty (20) business days of the date of occurrence. The Unit/Troop Commander shall confer with the Internal Affairs Unit Commander or their designee to make sure appropriate discipline is administered. The Unit/Troop Commander or designee shall then forward the BlueTeam report to the PVCIC Board for review.

At any time an employee is involved in a collision while driving a state-owned vehicle which results in serious bodily injury or death, the employee shall be ordered by the appropriate patrol supervisor to take a drug and alcohol test to eliminate the possibility that drug/alcohol use may have affected the employee's actions or judgment, to include an administrative review of the collision. The testing protocol set forth in Directive E.02C, "Civilian Employee / Applicant Drug Screening" located on the intranet shall be followed for this test.

An employee, who is involved in a collision which results in serious injury or death under the provisions of this directive, shall not operate a state-owned vehicle until the administrative review has been completed, and the drug and alcohol test results return to the satisfaction of the Medical Director in consultation with the Director of Professional Standards. Employees who are involved in any critical incident shall be referred to the Patrol Medical Office for post-incident counseling pursuant to Directive E.15, Section VI (Procedures for the Member's Assistance Team).

V. MAINTENANCE / ALTERATIONS / ACCESSORIES

All state-owned vehicles shall be repaired and maintained at Patrol garages whenever practical. Minor repairs costing \$20.00 or less may be made at public garages whenever such repairs are necessary.

State-owned vehicles shall be serviced (gas, oil, lubrication, and washing) only at Patrol installations except when special authorization is granted. This service shall be performed each 6,000 miles with a 500-mile tolerance given before and after the 6,000-mile interval.

State-owned vehicles shall not be painted or altered in any way without prior written authorization by the Director of Support Services with the exception of wheel covers as outlined in Directive O.04.

State-owned vehicles shall not be decorated without authorization of the Director of Support Services. This includes, but is not limited to, unauthorized decals, bumper stickers, baseball caps, hard hats, and stuffed animals, etc.

No additional accessories may be placed on a State-owned vehicle.

Tape or Compact Disc players may be installed in the dash of the vehicle provided it is of the same type and design as original equipment on the make of vehicle upon which installed.

VI. ADMINISTRATIVE REVIEW

The Unit/Troop Commander or their designee shall consider any special circumstances in all Patrol vehicle collisions or incidents. The Unit/Troop Commander or their designee shall verify for accuracy, clarification, and discrepancies, during the submission process of BlueTeam, and notations inputted into the "Comment" section. If the appropriate documentation is in order, the designated Unit/Troop Commander or their designee shall approve said collision/incident and route this via the electronic format of BlueTeam To: the Patrol Vehicle Collision-Incident Board Chairperson and Cc: PVCIC – Board Members distribution list within ten (10) business days of the date of initial receipt. Due to the complexity of these types of investigations, an extension can be granted by contacting the Patrol Vehicle Collision-Incident Board Chairperson via chain of command. The extension should only be granted for substantiated

reasons. (i.e. Recon Unit assisting, Serious Injury of a member, etc...). NOTE: Dissemination of these reports shall be completed within thirty (30) business days of the date of occurrence, unless an extension is granted.

Use of Highway Patrol Computer Systems, Internet, and E-Mail

Applicable to: Employees

Directive P.01

Revised 08/2014

Effective 11/30/1999

I. POLICY

This policy ensures proper and professional use of North Carolina Highway Patrol computer systems including Internet, e-mail, and all forms of computerized transactions made available to employees by the Highway Patrol. This policy establishes rules and regulations which govern the use of Highway Patrol information and computer systems.

II. USE OF COMPUTER SYSTEMS

Only authorized employees of the Department of Public Safety (DPS) or its contractors and agents may use Highway Patrol computers, networks, or computerized databases.

- Employees shall not access or attempt to access any Highway Patrol computer system without being authorized to use the system and assigned a valid password and user identification.
- Employees shall not use or permit the use of passwords or user identifications assigned to other persons unless there are extenuating circumstances and both parties are aware and agree to the use. In these instances, the original passwords shall be changed as soon as practical.
- Employees shall keep all passwords confidential. Passwords must be made available to immediate supervisors when requested.
- Employees shall not knowingly enter or cause false information to be entered into any Highway Patrol computer system.

Unauthorized copying or unauthorized use of computer software is a violation of State and Federal law. Copyright law also prohibits loading of software from one disk to multiple machines unless allowed by a license. The Patrol's Technical Services Unit Commander or his/her designee shall first approve all software used on Highway Patrol computer systems.

- Typically, all software used on Highway Patrol computer systems will be purchased and owned by the Highway Patrol.
- Other software deemed appropriate and approved for use on Highway Patrol computer systems shall fall under the rules and regulations of this directive. Although an individual employee may be granted permission to use software not purchased and owned by the Highway Patrol, the software is not protected from managerial review once it is loaded into or operated on a machine owned by the Highway Patrol.

Only trained and authorized Patrol employees or authorized service personnel are allowed to work on, repair, or modify any Patrol computer equipment.

III. INTERNET

Internet access is provided to Patrol employees for the sole purpose of supporting the mission, goals, and objectives of the Highway Patrol.

- Employees shall refrain from downloading information from the Internet unless it is job related and originates from a reliable source. Downloading non-job-related information or data shall be considered a violation of this directive.
- Employees are prohibited from utilizing Highway Patrol computer systems, on or off duty, to access Internet sites which would embarrass and/or have an adverse impact on the Highway Patrol or constitute a violation of law. Prohibited sites include but are not limited to those that promote and/or provide access to adult and/or child pornography, hate groups, and online gambling. Visiting such sites with Patrol computer systems will constitute a violation of this directive and may also constitute violations of other Patrol directives. An exception to this regulation is granted to the Technical Services Unit Commander or his/her designee and/or a member of Internal Affairs when conducting official investigations, inquiries, or random checks to ensure compliance with this directive. This exception is allowed solely for the purpose of determining the identity of the site and in no way permits interaction.
- Visiting and interacting with non-job related chat room sites are prohibited.
- Employees are permitted to utilize Internet access for personal use on a limited basis provided it does not adversely impact the employee's performance of public duties, generate more than a negligible direct measurable cost to the public, or constitute a violation of the restrictions outlined above.

IV. E-MAIL

E-mail connectivity is provided to Patrol employees for the purpose of supporting the mission, goals, and objectives of the Highway Patrol. It is intended to enhance and expedite communications both internally and externally.

- The content of any message and/or attachment sent over the Intranet, Internet, or the Patrol's CAD system must be appropriate and consistent with Patrol policy and subject to the same restrictions as any other correspondence.

- Other rules and regulations pertaining to computer use and information content contained elsewhere in this directive will apply when exchanging e-mail.
- The sending of a non-patrol related message (i.e. a chain letter) intended to generate excessive or multiple transmissions is strictly prohibited.
- Employees are permitted to utilize e-mail for personal use on a limited basis provided it does not adversely impact the employee's performance of public duties. However, accessing personal e-mail accounts (e.g. AOL, Hotmail, Yahoo) through the Internet from Highway Patrol computers exposes the Patrol's Network to risk of virus and cyber attacks, and is therefore prohibited.

V. USE OF WIRELESS DEVICES (AIR CARDS, MIFI, ETC.)

The Department of Public Safety or Highway Patrol assigned cellular/data devices should only be used for official business related activities. Personal use of assigned equipment is prohibited. This includes connecting personally owned computers, laptops, tablets, smartphones, or other data capable equipment to State issued Blackberries, smartphones, air cards, MiFi, or other Internet device.

Additionally:

- The use of these devices is strictly limited to accessing the Internet for official Highway Patrol business (i.e. CJ Leads, NC Aware, etc.)
- These devices may only be used with Highway Patrol owned computer equipment. Under no circumstances may an issued MiFi device be used with any personally owned equipment (computers, smartphones, etc.).

VI. SECURITY, CONFIDENTIALITY, AND PRIVACY

All electronic messages or files sent or received via Patrol connections are not to be considered confidential and will be considered Patrol business communications that may be monitored, audited, read, copied, archived, or otherwise accessed and reviewed.

VII. ADDITIONAL PROVISIONS

Patrol owned computer systems, including portable laptop devices and MDCs, shall not be connected to the Internet in any manner other than that provided by the Patrol.

Employees shall also be governed by the Department of Public Safety Policy entitled *Policy Governing the use of the North Carolina Integrated Information Network and the Internet*.

I. POLICY

This policy sets forth guidelines governing the State Highway Patrol communication network.

II. GENERAL

In accordance with N.C.G.S. § 20-196, the State Highway Patrol is charged with the responsibility of establishing and maintaining a statewide radio system, and will direct and confine its communications operations and transmissions to official law enforcement business and to emergency services.

All information transmitted over the Division of Criminal Information (DCI) and the National Law Enforcement Teletype System (NLETS) shall be restricted to law enforcement agencies and court officials.

III. OPERATIONAL LIMITATIONS

Patrol Communications Centers are licensed by the Federal Communications Commissions (FCC) and must adhere to FCC rules and regulations.

Patrol Communications Centers are licensed to carry only police related service messages. Employees shall confine use of the radio to messages of urgent police nature. Patrol Communications Centers provide 24-hour, toll-free telephone access for non-emergency and emergency calls for service.

Telecommunicators are authorized to refuse to handle any message deemed improper for radio transmission and classified as 10-71 traffic unless otherwise directed by a commissioned or noncommissioned officer.

Radio operational procedures shall be uniform throughout the State, and changes in procedures shall not be made except as approved by Patrol Headquarters.

IV. USE OF RADIO

Patrol Communications Centers have 24-hour 2-way radio capability providing continuous communications between the center and officers on duty.

Members shall memorize the official Ten Signals (10-Code) and use the code for Patrol radio transmissions. All radio communications shall be made in a businesslike manner and the use of slang and satirical or humorous comments shall be avoided.

When an emergency exists, the emergency signal 10-33 should be used. The member and Telecommunicators handling the emergency shall have the first radio priority until the emergency traffic is concluded.

The radio call number assigned to all employees shall be utilized during radio transmissions for identification.

Members shall check 10-7 each time they go out-of-service unless instructed otherwise by a Section Director/Troop Commander or higher authority. They shall inform the Communications Center of their location and give the telephone number, if possible, when going 10-7 at locations other than their residences. Members shall promptly check 10-8 each time they return to service and shall maintain radio contact with the appropriate Communications Center while in service.

Supervisors shall notify the Communications Center when a change is made in the work schedule.

Members shall promptly cancel radio messages when matters to which the messages are related have been concluded.

V. LOUDSPEAKER ON PATROL VEHICLES

Loudspeaker equipment may be used as a means of communicating from a safe distance with persons who display suspicious or questionable behavior. Such equipment may also be used to provide for official announcements or instructions at accident locations or other crowd situations. It may be used at other times when the normal voice is inadequate to accomplish communication.

A loudspeaker may be used to issue instructions to occupants of a vehicle when information or actions indicate that a normal approach would expose the member to possible danger. All such communication will be given in a clear and courteous manner.

Members shall not use the loudspeaker when the Patrol vehicle is in motion unless circumstances demand communicating with highway users and it is impractical or impossible to communicate in any other manner.

When used in crowds or heavy traffic situations where several units are available, all loudspeaker announcements should be coordinated and given by the member in charge.

Restrictions

- The loudspeaker will not be used to circumvent the arrest policy. All motorists committing definite, clear-cut, and substantial violations shall be stopped and enforcement action taken.

- The device should never be used when a normal person-to-person contact can be safely accomplished with reasonable precaution.

VI. DRIVER'S LICENSE / REGISTRATION CHECKS

Verification of driver's license status may be obtained by radio. The Telecommunicator should be given the driver's license number, the driver's full name (last name first), date of birth, and address.

Members may obtain vehicle registration information by providing the Telecommunicator with one of the following:

- Registration plate number
- Make of vehicle and vehicle identification number
- Name and address of registered owner
- Title number

Driver's license and registration information shall not be disclosed except for official Patrol purposes (Reference N.C.G.S. § 20-43.1).

VII. HIT-AND-RUN REPORTS

A member learning of a hit-and-run violation shall immediately transmit all available details to the troop Communications Center.

A member following through with an investigation of a hit-and-run case shall advise the Telecommunicator of any substantial errors or omissions in the hit-and-run report.

Members reporting hit-and-run cases should transmit the report in the following sequence:

- Location of hit-and-run collision
- Any personal injury
- Time of collision
- Color, year, make, body style, and registration plate number of the hit-and-run vehicle
- Identifying features of the hit-and-run vehicle, such as a crushed fender or broken bumper
- Description of driver of the hit-and-run vehicle and passengers, if known
- Direction of travel of hit-and-run vehicle and highway where it was last seen

VIII. STOLEN VEHICLE REPORTS

Upon receipt of a report that a vehicle has been stolen, members shall advise the Telecommunicator of the theft as follows:

- Site of theft
- Time and date of theft
- Color, year, make, body style, license number, registered owner's name and address, and vehicle identification number of the stolen vehicle
- Direction of travel of suspect, if known

IX. REPORTING ROBBERIES, RIOTS, AND DISASTERS

A member who learns of a riot, public disturbance, labor dispute, robbery, or other man-made or natural disaster shall immediately report it to the appropriate Communications Center. It is the Telecommunicator's responsibility to contact the appropriate District Supervisor and/or Troop Officer of the Day. If contact with the immediate supervisor is not possible; the member shall advise the Communications Center to contact the Troop Officer of the Day. Telecommunicators who learn of any such event shall immediately notify the Supervising Telecommunicator or his/her designee.

X. SIGNAL 22

Members shall promptly report each traffic collision they investigate in which a person is killed to their Communications Center. Priority should be given to handling this traffic by telephone, where possible.

The following procedure will be used to assure uniformity:

- Members will proceed to report the collisions as follows:
 - Time of collision
 - Date
 - County (where collision occurred)
 - Highway number and exact location (state distance to nearest town and intersection)
 - Number of vehicles involved
 - Number of persons killed

- Name, race, sex, age, and address of person(s) killed and whether the next of kin has been notified
- Cause of collision: this shall be restricted to the physical evidence available at the scene. Also, include if the deceased was operator or passenger, which vehicle they were occupying, seat belt information, and if alcohol was a contributing factor
- Number injured

The names of deceased persons shall not be released until next of kin has been notified.

If the next of kin was not notified at the time of the original Signal 22 report, members must notify the Communications Center when next of kin has been contacted at which time all information may be released.

If injuries sustained in a traffic collision later result in death and the death occurs within twelve (12) months of the collision, the investigating member shall contact the appropriate Communications Center and update the collision slip log to reflect a fatality. Supervisors must instruct the investigating member under their supervision; that he/she must use sound professional judgment, based on available medical reports, in determining if the delayed death occurred as the result of the traffic collision.

XI. SIGNAL 24

Signal 24 is a summary of collision fatalities during the preceding 24-hour period ending at midnight, plus a summary of the number of traffic fatalities for the year-to-date and to-date for last year. The report will be transmitted in that order.

XII. RADIO EQUIPMENT MAINTENANCE

Employees shall not permit any person other than a Patrol radio engineer or technician to adjust or repair Patrol radio equipment. Patrol radio equipment shall not be assigned to any person, agency, or department without the approval of the Secretary of Crime Control and Public Safety.

XIII. MISCELLANEOUS

Each District First Sergeant shall have a completed Trooper Work Schedule entered in the Computer Assisted Dispatch System (CAD) prior to a copy of the work schedule being posted in accordance with Directive E.04, Section V, "Shift Schedule / Regular Days Off".

Employees shall not transmit on the Patrol radio within 300 feet of a quarry, construction job, or any project where electric blasting caps are used. Blasting caps shall not be transported in a Patrol vehicle.

Members shall not transport acids, fertilizer, sand, gravel, cement, or other similar materials in the trunk of the Patrol vehicle.

Members shall secure all emergency equipment carried in the trunk to prevent damage to radio equipment and the Patrol vehicle.

Employees shall use care when driving beneath low-hanging tree limbs, garage doors, and other obstructions, which present a hazard to the radio antenna. Employees shall have the radio antenna approximately vertical at all times. Employees shall promptly remove ice and snow from the base of the radio antenna because ice will reduce the range of the radio unit.