



The North Carolina League of Municipalities is a member-driven organization representing the interests of cities and towns in the state. Through their collective efforts, League member cities and towns better serve their residents and improve quality of life.

For more than 100 years, the League has been one voice for cities and towns working for a better North Carolina.

NCLM
LAW ENFORCEMENT RISK REVIEW

2023





North Carolina League of Municipalities Law Enforcement Risk Management Review

In 2013, the North Carolina League of Municipalities Risk Management Services formed a Chiefs' Advisory Committee that includes police chiefs from agencies across N.C. The committee members worked on analyzing insurance and liability concerns impacting North Carolina law enforcement agencies who participate in our insurance pools. In response to these liability concerns, the chiefs assisted in developing the risk management review process to identify and mitigate high-risk activities found in police operations.

Participation in the risk management review is initiated by a voluntary request from those police departments participating in the League's property and liability insurance pool. The risk management review is not intended to replace or supplement other industry resources. The North Carolina League of Municipalities encourages agencies to participate in recognized programs that evaluate law enforcement services based on benchmarks, accountability, industry best practices, and professionalism.

This risk management review does not represent all known risks to law enforcement agencies but is intended to address specific areas of liability. The risk management review process will evolve as additional liability concerns are identified.

The following North Carolina chiefs are current members of the Chiefs' Advisory Committee and participate in the continued development and implementation of this initiative:

1. Chief Steve Parker, Black Mountain Police Department
2. Chief Brent Phelps, Lenoir Police Department
3. Chief Duane Hampton, Hillsborough Police Department
4. Chief Jeff Leonard, Wake Forest Police Department
5. Chief Ron Davis, Weaverville Police Department
6. Chief Ryan Thompson, Pine Knoll Shores Police Department
7. Chief Andy LeBeau, Boone Police Department
8. Chief David Hess Roxboro Police Department
9. Chief Anthony Davis, Clinton Police Department
10. Chief Jeremy Humphries, Leland Police Department
11. Chief Jason Armstrong, Apex Police Department
12. Chief Mike Wagner, Siler City Police Department
13. Chief Jacqui Boykin, Zebulon Police Department

Law Enforcement Risk Management Review Methodology

This instrument assesses an agency's adherence to best practices, court decisions, and policies and procedures related to high-liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures meet industry standards. The risk management review was designed and peer-reviewed by a panel of police chiefs representing a cross-section of N.C. law enforcement agencies and is available to those agencies who participate in the League's property and liability insurance pool.

The categories are assessed based on associated risk and an agency's adherence to the best practices identified within the specified dimensions.

The following principles are stressed within an agency evaluation:

1. **Policy**: Does the department have a sound policy based on professional thinking, court decisions, statutes, and the principle of "foreseeability"?
2. **Training**: Officers are expected to follow the department policy and be trained in the use of the policy. The department provides a framework for testing officers in policy and practice.
3. **Supervision**: Supervisors are engaged with subordinate staff in supporting performance excellence.
4. **Performance Management**: A transparent disciplinary process is in place, and officers are held accountable for violating rules and policies.
5. **Review and Revision**: The department utilizes a review system for high liability incidents involving the analysis of internal affairs investigations, civilian complaints, early warning system information, use of force, and officer/suspect injury patterns.
6. **Legal Counsel Review**: The department maintains current policies within a revision cycle supported by legal review and management oversight.

Getting Started

The Internal Department Review:

The risk assessment process is structured in two sections: Administration and Operations. During the **Internal Departmental Review** period, the department will take the time needed to update, add or refresh policies/practices, and make changes to meet the best practice dimensions described within the listed categories. This instrument will serve as a guide to document a department's alignment within the categories.

(NOTE: The manager should approve any policy changes and any legal entity used for policy updates. Officers should also be trained in the changes made with the training documented and memorialized in the employee training file.)

The attached Risk Review Categories are designated by the following:

(Y) - Yes;
(N) – No;
or **(N/A)**;

Each metric is based on an agency's adherence to each category dimension. The "Comments" section is where the agency designee will indicate how the agency meets the "Best-Practices" dimensions. This will include updated/revised or existing policy numbers, directives, or any other validating items that satisfy the meeting of categories.

Under each standard, the agency will indicate how the department has met the category dimensions. There are several ways to prove compliance with most standards. If a standard requires a policy, the agency's policy must cover all aspects or requirements of the standard. Supportive documentation may include the following: Include policy numbers, directives, verification of training, or other completion validation.

The reviewer will use this information during the validation process. **Each dimension listed must be met for the successful completion of each category.** All categories that apply to an agency must be met to complete the review process.

Upon completion of the Internal Review, please notify your league representative, and email a digital copy of the completed Risk Review documents, policies, and directives.

Joseph Graziano
jgraziano@nclm.org
609-868-9553

Upon receiving the documents, the validation and alignment portion will begin. The reviewer will likely need to communicate with the department contact person during the process.

After completing the validation process, a date for the on-site visit will be arranged with the agency.

On-site visit:

The site visit will include a departmental operations review, training file validations, officer field operations review, critical personnel interviews, property and assets review and survey, and any other needed policy-practice validation. This process will take approximately 1-2 days.

Presentation

Upon completing the Law Enforcement Risk Review Process, the Chief will be requested to schedule a time on the next available agenda before the governing council. A presentation will be made to recognize the department, and a plaque will be presented to the chief. A press release will also be provided for agency use.

Assessment Cycle

Upon successful completion of all steps of the risk review, the agency is on a three-year cycle before reevaluation.



Kinston Police Department - 205 E. King St. Kinston, NC 28501 - (252) 939-3160

70 Sworn Officers / 7 Non-Sworn Personnel
Chief of Police: Keith Goyette

*This 2023 NCLM Shield Services Risk Management Review was conducted by:
Chief of Police, Keith Goyette*

Table of Contents:

I. ADMINISTRATION SECTION

<u>Status</u>	<u>Section</u>
1. Completed 2023	Supervisor Training
2. Completed 2023	Early Intervention System
3. Completed 2023	Hiring of Officer/Recruit Untrained and Civilian staff
4. Completed 2023	Internal Affairs-Citizen Complaints
5. Completed 2023	Disciplinary Process
6. Completed 2023	Harassment & Discrimination
7. Completed 2023	Biased Based Policing
8. Completed 2023	Proactive Risk Reduction Strategies
9. Completed 2023	Safety Review
10. Completed 2023	Training Records
11. Completed 2023	Field Training Program
12. Completed 2023	Officer-involved Critical Incident Investigation
13. Completed 2023	Property & Evidence Management
14. Completed 2023	Social Media
15. Completed 2023	Continuity of Operations Plan

II. OPERATIONS SECTION

<u>Status</u>	<u>Section</u>
1. Completed 2023	Use of Force and Response to Active Resistance
2. Completed 2023	Less-Lethal Weapons
3. Completed 2023	Care and Custody of Suspects
4. Completed 2023	Dealing with Persons of Diminished Capacity/ Excited Delirium
5. <i>Not Applicable</i>	Holding Cells (only for agencies utilizing temporary prisoner holding cells)
6. Completed 2023	Transportation, Handcuffing-Restraint of Suspects
7. Completed 2023	Eyewitness Identification Procedures
8. Completed 2023	Confidential Informants
9. Completed 2023	In-Car Camera/Body Worn Camera
10. Completed 2023	Vehicle Operations
11. Completed 2023	K-9 Operations
12. Completed 2023	SWAT /SRT/Special Operations Teams
13. Completed 2023	Search & Seizure of Persons, Vehicles, Residences, Structures, ETC.
14. Completed 2023	Firearms qualification and training
15. Completed 2023	Vehicle Maintenance
16. Completed 2023	Facility Security
17. Completed 2023	First Aid Training & Security
18. Completed 2023	Safety Equipment
19. Completed 2023	Ballistic Vest Policy
20. Completed 2023	Off-Duty Enforcement Action
21. Completed 2023	Police Related Secondary Employment
22. Completed 2023	Civilian Ride-Along program
23. Completed 2023	Civilian Volunteers in Law Enforcement Service
24. Completed 2023	Reserve and Auxiliary Officer Programs
25. Completed 2023	Mutual Aid Agreements
26. Completed 2023	Citizen Video Encounters and Police Response
27. <i>Not Applicable</i>	RESERVED
28. <i>Not Applicable</i>	RESERVED

I. ADMINISTRATION SECTION:

1. Supervisor Training:

- **Basic Leadership:** The department requires **initial** supervisory training for new sergeants, supervisors, and commanders. This can include documented agency and town policy review/testing and the completion of the NCLM Online-Supervision Training.
- **Professional Development:** The department provides structured (internal or external) **annual** training in high liability policy, trends, and supervisory practices for supervisors and commanders. This may include structured-internal training and policy review, professional conferences, workshops, lectures, NCLM RMS Training, and other recognized professional training.

Suggested Proof of Compliance: The department seeks professional development for supervisors and command staff, including, but not limited to:

- Management Development Program (MDP)-NCJA
- Administrative Officers Management Program (AOMP)-NCSU
- FBI National Academy (NA)
- Southern Police Institute- University of Louisville
- Law Enforcement Executive Program (LEEP)-NCSU
- Any professionally recognized leadership program or seminar
- IACP Annual Conference
- NCPEA Annual Conference
- NCACP Annual Conference
- FBI National Academy (NA)- Alumni Annual Conference
- Documented high-risk agency and town policy review/testing, and the completion of the NCLM Online Supervision Training
- Any other professionally recognized leadership-training organization

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Agency Policy Number(s):

<ul style="list-style-type: none"> • 100-13 Career Development

<p>Per 100-8: M: The City of Kinston is a member of the North Carolina League of Municipalities. The NCLM offers multiple online training courses related to law enforcement, supervisor and safety through Neo.gov. Periodically, the City of Kinston Human Resources Division will assign members of the agency to complete mandatory courses. All staff members must comply with the assigned courses. Staff members are also encouraged to take additional courses from Neo.gov that may assist them in their daily duties.</p>

<p>In order to stay complaint with the NCLM Risk Management Certification, all Kinston Police Department supervisors shall complete the mandatory supervisor training courses offered through Neo.gov, as mandated by the NCLM. These training courses may change from year to year.</p>
--

- The Agency has mandatory training courses for our career development program as well as promotion program.
- The Agency's SWAT Team also has a career development section as well and courses are mandatory for those members.
- All members of the agency have completed the NCLM Online-Supervision Training.

Has completion of the NCLM Online-Supervision Training been verified, and have certificates printed and maintained in the supervisor's training file? **Yes**

Please provide validation of other supervisory training, certificates/transcripts

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category, verified through proofs provided by the Department and agency on-site visit. The agency has clearly defined policies that outline career advancement and new supervisor training to achieve their goal of providing as much training to supervisors as possible.

2. Early Warning System:

The department utilizes a process for the early identification of employees exhibiting symptoms of stress, negative performance, or behavior that could pose liability to the community, agency, and officer.

The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention. The department should have a clear disciplinary process or proper intervention in place to address willful or at-fault violations. The system should also include referral options (voluntary or involuntary) to the employee for assistance or counseling when warranted.

It is mandatory that the Early Warning System track, at a minimum, all of the following:

- Biased Based Policing Complaints
- Domestic Violence Misconduct Incidents
- Citizen Complaints
- Incidents involving the use of force
- Internal Affairs Investigations
- Shooting incidents/Discharge of firearms
- Vehicle Accidents/Preventable accidents
- Vehicle Pursuits

In Compliance? Yes No

Agency Policy Number(s)

- 200-3 Employee Leave
- 200-15 Officer Involved Shootings
- 400-10 Domestic Violence Assistance
- 800-1 Use of Force

- 900-8 Internal Affairs

Describe the system the agency utilizes and how the system identifies prioritized performance:

Benchmark Analytics – the IA sergeant is notified via an alert once an officer reaches a certain threshold regarding the Early Warning System listed above.

How does the agency track trend and patterns for intervention?

The Agency relies on employee intervention via several different factors to include:

1. Supervisor accountability: Supervisors are tasked with mentoring and evaluating employees.
2. Employee Evaluations: An annual evaluation is completed on each employee, which describes in detail past performances completed by the employee.
3. Each IA complaint and Use of Force complaint starts with the immediate supervisor and then is forwarded up the chain to include: Sergeant, Captain, IA Sergeant, Major and finally - the Chief of Police. There are numerous supervisors that check off on each investigation.
4. Benchmark Management System software also aids our agency with early intervention with our sworn and nonsworn personnel.

Each sworn officer must complete a 14-week FTO process as well, which identifies weakness indicators for officers. FTOs further aid trainees with assistance in training and evaluation.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category, verified through proofs provided by the Department and agency on-site visit. During my time at the agency, Sgt. Walker who oversees I.A. created an impressive document that helps the agency maintain and adhere to best practices!

3. Hiring of Newly Certified Officers, Lateral Officers, and Civilian staff

- A. The department meets all requirements of the North Carolina Training and Standards Commission when hiring new officers:
 - All newly certified officers, lateral officers, and civilian staff are required to have a thorough **background** investigation
 - The **background** investigation includes the contact of previous employer(s) (*reason for leaving previous positions*) and checks of criminal, traffic records, and financial/credit checks
 - Instruct new hires and lateral transfer officers on the Brady/Giglio requirements for all sworn personnel.
 1. Any person who is certified by the Commission or has received a conditional offer of employment and the Department has been notified that the person may not be called to testify at trial based on bias, interest, or lack of credibility shall report and provide a copy of that notification to the

Criminal Justice Standards Division within 30 days of receiving the notification.

- The background investigation for police applicants additionally includes that the applicant:
 1. Has a medical examination
 2. Passes a drug screening test
 3. Is thoroughly interviewed by designated departmental staff
 4. Successfully completes a psychological examination

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s):

- 100-7 Recruitment & Hiring

The Department follows guidelines set forth by the NCCJ Training and Standards Division. All potential candidates for the position follow the same standard for hiring. Policing states both lateral transfers and new probation officers hired go through the same process including full background checks and psychological evaluations.

I have spoken with Sergeant Moody with the Kinston Police Department who has verified that all Officers whether probationary out of BLET and/or Lateral Transfer Officers go through the same hiring process all the way through the FTO program.

Since January of 2020, this Agency has hired over 50 police officers/police officer trainee, over numerous application processes; this Agency has followed all requirements via the City of Kinston, the NCTSC and this Risk Review.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category, verified through proofs provided by the Department and agency on-site visit. Proof also showed best practices with complete, detailed background investigation following state-mandated guidelines.

4. Internal Affairs-Citizen Complaints:

- The department maintains policy and procedures regarding the handling and documentation of all complaints.
- Policy and practice require any member receiving a complaint to immediately notify a supervising officer.
- Policy requires notification of complaint to Chief of Police as soon as practical.
- Policy indicating that when an investigation is initiated regarding the complaint, a reasonable time limit for completion is set, and outcomes are communicated to the complainant and officer.
- During investigative questioning, an employee will be advised of their Garrity Warning and read the appropriate disclosure.
 - Officer should not be compelled to make a statement during any criminal investigation and shall be treated like any other defendant during a criminal investigation.

- The police department **will** not conduct an internal investigation on other municipal departments within the town. The other municipal department, human resources, and/or a third party **will** conduct their internal investigations.
- Criminal investigations within the police department **will** be handled by the North Carolina State Bureau of Investigations (**NCSBI**)
- **All** records of complaints are considered confidential and are accessed by authorized personnel only.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s):

- 900-8 Internal Affairs
- 200-15 Officer Involved Shootings

NOTE: The Person who handles Internal Affairs Investigations will be interviewed for this category regarding the above listed dimensions. (Sgt. Julian Walker)

Policy details the complaint process and directs KPD accept and investigation all complaints against the Department or Department employees that also include anonymous sources as well.

The overall policy clearly defines and categorizes expectations of conduct. The Department utilizes a comprehensive complaint and investigative process with proper due process for the officer provided. The outcome of all complaints with an outcome are communicated to both the officer and the complainant. Complaint records are maintained.

The Department is very proactive with the process. Sergeant Walker has been assigned to Internal Affairs since 2022. He has completed training through Justice Academy and through Thomas and Meade's Training titled Managing Police Discipline. Sergeant Walker has also attended numerous conferences for internal affairs training. The Department takes complaints via email, phone, anonymous, form at front desk, as well as from other officers too. Sergeant Walker contacts the DA Office when the violation is criminal and lets the DA Office decide whether to charge. KPD lets the DA Office call in an outside agency for an investigation.

The agency recently utilized the NCSHP for several vehicle crashes that involved KPD personnel. The agency also reached out to the District Attorney's office recently regarding a personnel matter that may have been a criminal matter – the DA decided not to prosecute.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

NOTE: The individual who handles Internal Affairs Investigations will be interviewed for this category regarding the above-listed dimensions.

Name of Individual Interviewed: Sgt Walker

I interviewed Sgt. Walker, who manages the daily functions of Internal Affairs and complaints. Sgt. Walker has been with the agency for 12 years and has over 20 years of law enforcement experience. He has been through several training related to his job function. Currently, the agency uses an extremely detailed Excel spreadsheet that was created by Sgt. Walker to track all complaints, and it is also used for use of force, and pursuit tracking. Each complaint is logged and assigned individual numbers. The agency's processes adhere to policy and best practices. The agency works closely with its HR department regarding any discipline. If, during an I.A., allegations or criminal actions are discovered, they notify the SBI.

5. Disciplinary Process:

- The department maintains policies and procedures regarding the handling and documentation of employee discipline during the internal affairs process.
- Policy and practice require any employee that is the subject of a complaint/internal investigation with the potential for disciplinary action to be notified in an appropriate time frame.
- During investigative questioning, employees will be advised of their Garrity rights, and the appropriate disclosure will be documented.
- Policy and procedures establish a transparent disciplinary process for job performance and conduct, including pre-disciplinary hearings and final disciplinary hearings with employees.
- Procedures establish training as a potential function of discipline to improve employee productivity and effectiveness
- Procedures in place if an agency takes punitive actions against an employee, including:
 - Suspension
 - Demotion
 - Dismissal
- Procedures in place for an employee to grieve final discipline ruling
- Procedures in place that if an employee is subject to termination that they are afforded the opportunity for a Name Clearing Hearing
- All records of complaints are considered confidential and are accessed by authorized personnel only.

Human Resources Update: Name-Clearing Hearings
April 12, 2019

Remember Liberty Interests When Terminating Employees

(Cannon v. Village of Bald Head Island, 891 F.3d 489)

It is important to remember that North Carolina municipalities must comply with the 14th Amendment to the U.S. Constitution when terminating employees. The 14th Amendment dictates that "no state shall deprive any person of life, liberty, or property, without due process of law..." A procedural due process right is implicated when governmental action threatens a person's liberty interest in his reputation and choice of occupation.

Public employees are entitled to have a name-clearing hearing – or a chance dispute public accusations made against them in connection with termination or a serious demotion. A name-clearing hearing differs from the pre-dismissal conference that many municipalities already provide pursuant to their personnel policies. The name-clearing hearing allows the employee to invite members of the public to the hearing so that they can clear their name, publicly, regarding the allegations that have been made against them so that they are not stigmatized from obtaining future employment opportunities.

Under the recent holding in Cannon, the hearing must be offered prior to the dismissal letter becoming public, if it contains negative or stigmatizing information that could affect the employee's ability to obtain employment in the future. Since termination notices are public records pursuant to N.C.G.S. §160A-168, the dismissal letter could become a public as soon as it is placed into the personnel file. Towns should be aware that name-clearing hearings are part of due process for all public employees regardless of status including those that are considered probationary employees.

In light of these requirements, Towns may want to consider providing employees subject to termination with the alleged policy violations in writing prior to the pre-dismissal conference. Additionally, the policy violations should be included in the pre-dismissal notice as opposed to publishing this information in the dismissal letter. This serves a two-fold purpose. First, it allows the employee to respond to the alleged policy violations at the pre-dismissal conference. Second, it can eliminate the need for a name-clearing hearing, if no negative or stigmatizing information regarding the adverse employment action has become public or could become public. Instead of stating the specific allegations of policy violations in the dismissal letter, the dismissal letter may simply reference the pre-dismissal conference (i.e. state that the employee is being terminated for the reasons discussed in the pre-dismissal conference). If no negative or stigmatizing information has been made public or could become public, no name-clearing hearing is required.

It should be noted that, if the terminated position is a sworn law enforcement officer and negative or stigmatizing language will be noted on the North Carolina Criminal Justice Standards "Form F-5B(LE)," specifically under the section requiring a "detailed description of reasons for investigation" the officer must be offered a name-clearing hearing prior to the form becoming public.

If you have questions about name-clearing hearing as part of due process, please reach out to Human Resource Consultants Heather James (hjames@nclm.org) or Hartwell Wright (hwright@nclm.org). Additionally, North Carolina League of Municipalities will be offering training at Garner Town Hall about the name-clearing hearing process for human resources professionals on June 18, 2019. Registration information will be sent in May and seating will be limited.

In Compliance? Yes No

Related Agency Policy Number(s):

- 200-1 Disciplinary Action
- 200-2 Grievance Procedures
- 200-15 Officer Involved Shooting
- 900-8 Internal Affairs

The Agency has a sound procedure for following the disciplinary policy and at times, utilizes the City Attorney when needed. During termination cases, the City Attorney attends Name Clearing Hearings as well as cases of appeal.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

6. Harassment & Discrimination:

- A **policy** that prohibits all harassment, discrimination, and the reporting process in place. Policy also shows procedures for **reporting** outside to a neutral party when necessary
- The policy includes that no employee shall be **retaliated** against for the reporting of allegations of harassment or discrimination.
- The policy directs that the department shall promptly investigate **all** related complaints
- During the investigation, the alleged **victim** is communicated with and kept informed
- Policy and practice include that if the complaint is sustained, **immediate** action is taken to remedy the matter and to protect the impacted employee
- Employees receive **annual** training, related updates, and/or policy review

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 200-19 Harassment and Discrimination

Department Policy directs that allegations of harassment are promptly investigated with proper action taken. Sexual Harassment is defined by policy and retaliation against reporting members prohibited. The policy was updated in 2019 to fit the best practices recommended by the NCLM.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

Annual policy review verified?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
--------------------------------	---	-----------------------------

7. Biased-Based Policing:

- The department policy clearly defines and prohibits any type of contacts or enforcement by any member related to: “biased-based policing/enforcement practices”. This would include using race, ethnicity, gender, religion, or national origin as a reason to restrict a person’s liberty where these attributes are not descriptive factors relating to a suspected criminal event
- The Department includes **annual** employee policy review, training, and updates regarding this category

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 200-7 Bias-Free Policing <p>The department prohibits the use of bias based and/or racial profiling in all citizen encounters and contacts. Policy directs that Officers receive training and policy prohibits the practice of Bias Based Profiling.</p>	
Evaluator Comments (To be completed by NCLM Staff): <p>The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit. Furthermore, the agency is recognized for its continued commitment to breaking down racial barriers with racial disparity by its continued monthly meetings with disproportionate minority meetings.</p>	
Was the annual policy review verified? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

8. Proactive Risk Reduction Strategies:

- The department utilizes a comprehensive driver’s evaluation instrument during field training and for post-accident retraining.
Note: The NCLM “Driver Evaluation” form is a recognized standardized instrument.
- A cycle exists for the review and update of the department’s policy including legal council approval on new policies:
 - An **annual** review is preferred; a three-year review is acceptable.

In addition, the agency incorporates at least (1) one of the following:

- The department participates in **NCLM**-sponsored risk-reduction training seminars

- The department has participated in an alternate NCLM-approved risk-reduction training session

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s) 100-8 – Proactive Risk Reduction Strategies

Agency Comments:

The entire department conducts annual review of high risk policy and procedures and shift captains go over policies during shift briefings. Each officer signs off on policies while they are in the training process. Annually, the administrative staff looks over the policies to see if they need to be upgraded, updated or new policies need to be added. A large portion of our supervisors have attended NCLM training, to include 1st Amendment and 4th Amendment rights training courses. All supervisors have taken the NCLM supervisor courses as well.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

During my time at the agency, the Chief indicated that the driver's instrument would be more consistently integrated into the FTO program.

Driving Evaluation-NCLM instrument or equivalent verified?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
--	---	-----------------------------

9. Safety Review:

- Accidents resulting in injury are investigated and fully documented
- Injury related incidents are reviewed and used for prevention training and shared with employees where root causation factors are identified
- The municipality has an established “Safety Employee”, charged with the investigation of accidents in which injury or property damage has occurred with the causative factors identified, documented, and corrective action taken
- The department participates in a municipal safety committee that meets regularly to communicate safety concerns and issues.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

Two of our officers attended NCLM driving training – train the trainer course.

The Agency has incorporated the NCLM driving form during the FTO phase and when accidents have taken place; annual ride-along w/supervisor.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

10. Training Records:
A. Departmental Training Records

- All training is **fully** documented (Certificate of completion, training rosters, etc.)
- The department records and **maintains** all training required by federal, state and OSHA mandates
- The department provides annual training on **use** of force including policy review and case law updates
- The department provides annual training on **bloodborne** pathogens

B. Driving Training:

- The department utilizes post-crash evaluation and re-training. “New vehicle orientation training” is provided to familiarize officers with the police vehicle, equipment, and expectations.

C. The department additionally provides any of the following options:

- **Annual** classroom and/or track instruction. Class topics may include a review of departmental, pursuit, and emergency response policies, and a review of departmental and national accident trends
- Annual officer ride-along and evaluation by department trainer/evaluator

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)
Agency Comments: KPD completes the following policy reviews annually:

- 700 - 2 Search and Seizure **UPDATED**
- 700 - 9 Recording Police Activity
- 200 - 19 Harrassment and Discrimination
- 200 - 4 Standard Rules of Conduct
- 200 - 7 Bias-Free Policing
- 400 - 3 Emergency Response and Pursuit Guidelines
- 400 - 5 Vehicle Stops
- 700 - 1 Arrest and Detention Procedures
- 700 - 10 Search Warrant Execution (2)
- 800 - 1 Use of Force **NEW (2)**

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

NOTE: The Training Supervisor will be interviewed for this category regarding the above listed dimensions.

Name of Individual Interviewed: I interviewed Captain McLawhorn, who has been with the agency for 21 years and in law enforcement for over 26. Their staff attends the NCJA Course for in-service training coordinators when assigned to that position. The agency utilizes ACADIS to deliver its annual MIST Training. We also discussed the agency's FTO operations, the different phases new officers are trained through, and the remedial process for trainees. HR is involved during the remedial phase. Currently, the agency has specialized instructors for firearms. There is no limiting of officers on training, as long as it does not leave the agency short-staffed. The agency's processes adhere to policy and understand the value of keeping their officer's well-trained.

11. Field Training Program:

- The department maintains policies and procedures establishing a field training program for all newly sworn officers, both newly certified officers and in-state lateral transfers.
- Policy establishes guidelines for evaluating individuals in training by the field training officers. Examples – Daily Observation Reports, Weekly Observation Reports, etc.
- Policy and procedures establish a designated individual who oversees the agency Field Training Program. Agency will ensure that training is conducted by trained, qualified individuals.
- If appropriate, a rotation of individuals in training to different assignments within the agency.
- During field training, the agency utilizes the driving evaluation tool (or similar documentation) to ensure that the newly trained officer safely operates the vehicle.
- Policy establishes a procedure for individuals in training that may require remedial training.
- A formal training program is utilized for all new hires supervised by a certified FTO or PTO.
- During the FTO phase- Instruct new hires and lateral transfer officers on the Brady/Giglio for all sworn personnel.

In Compliance?

 Yes No

Related Agency Policy Number(s)

- 100-8 Training
- 900-7 Field Training Program

The FTO program is supervised by the Training Sergeant and ALL FTOs complete the 40 hour FTO training certification.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

NOTE: The Training Supervisor will be interviewed for this category regarding the above listed dimensions.

Name of Individual Interviewed: See above notes from interview with Captain McLawhorn

12. Officer-involved Critical Incident Investigation:

- Policy guides the initial incident response to include:
 - First responding supervisor and;
 - Steps to properly secure any evidence
- Policy guides the Post Incident Procedures:
 - Administrative leave;
 - Counseling assistance;
 - Family counseling;
 - Department-wide debriefing;
 - Daily stress recognition;
 - Employee Assistance Program (EAP);
- Policy requires proper notification to the Criminal Justice Standards Division when an officer is involved in a critical incident.
 - Reporting requirements define "Critical incident" as an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person."
- The SBI will be contacted by the Chief of Police or District Attorney to investigate and prepare evidence if a sworn law enforcement officer with the power to arrest uses force against an individual in the performance of the officer's duties that results in the death or serious bodily injury of the individual.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 200-1 Disciplinary Action
- 200-3 Employee Leave
- 200-29 Critical Incident Stress Management
- 600-4 Collection & Preservation of Evidence

200-29 and 800-1 were both updated to reflect the Senate Bill 300 Update

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

13. Property & Evidence Management:

- Department maintains proper evidence storage areas with controlled access. Access to evidence storage areas is restricted to authorized personnel only, and is restricted to any unauthorized personnel unless they are escorted.
 - Escorted individuals must sign in and out on access log for proper tracking.
- A dedicated and trained evidence custodian / staff, is responsible for the storage and distribution of all evidence
- High-risk property and evidence such as guns, drugs, and money must be secured in a separate area within the evidence storage area that requires additional security measures.
- The policy should include a provision for conducting a criminal history check on any person who is seeking the return of a firearm before the return of the firearm from evidence
- Utilization of evidence auditing is in place, including, at a minimum, semi-annually small random audits
- Procedures require a complete inventory when a change of evidence custodian or Chief of Police occurs.
- Policy clearly defines the procedures for documenting property and evidence collection into custody. Documentation regarding the disposition of property and evidence in secure custody is also utilized.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 600-4 Collection & Preservation of Evidence
- 600-5 Property & Evidence Control

NOTE: Evidence Custodian/Supervisor will be interviewed for this category regarding the above listed dimensions. Sgt. Jay Burkett

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

NOTE: The Evidence Custodian/Supervisor will be interviewed for this category regarding the above listed dimensions.

Interview Comments:

I interviewed Sgt Burkett, Officer Wilson and Officer Marshmern. Collectively, they have over 16 years of experience as the evidence custodians. All have had training related to evidence room management. The hallway outside of the evidence room is under 24/7 video surveillance which shows the entry way to both the areas where guns are stored as well as the main evidence room. The security of the evidence room is an alarm pad and a standard lock and key. The evidence room is very organized. The department keeps all seized guns, drugs, and money separate from general evidence. The evidence is organized by shelf and case number. The evidence packaging area is on the main floor where patrol packages and processes evidence prior to placing them in the temporary storage bins that are checked and emptied daily; we discussed possibly adding a camera to monitor the interior of the room where the guns are stored as well as increasing frequency of random audits. The agency's processes adhere to policy and best practices.

14. Social Media:

Policy guides officers in the expected behaviors and legal standards for social media activity. Policies further follow the language of the fourth circuit court of appeals regarding the [Liverman v. City of Petersburg](#) case to ensure policy does not prohibit protected speech that would not impact agency operations. This case references the impact to a department's efficiency based on an employee's social media comments.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 200-6 Social Media Networking

Agency Comments:**Evaluator Comments (To be completed by NCLM Staff):**

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

15. Continuity of Operations Plan:

- The department has established **plans** for situations in which normal operations and procedures are disrupted due to **natural** and man-made disasters to ensure **continuity** of operations.
- There is an **established** process by which the plan is activated and when **normal** operations will resume
- There are established processes when decision making authority will be **delegated** and to whom and for what functions, including the leadership's order of succession
- The department has **identified** alternate operational facilities, methods of communication, alternate processes, equipment, provisions for securing records.
- **The** department maintains a process for backing up electronic data with off-site storage
- The department updates, **maintains**, and trains the plan execution with department staff

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 300-1 Incident Management System (NIMS) • 300-2 Hurricane Preparedness • 300-3 Unusual Occurrences / Civil Disturbances • 300-4 Response to Bioterrorism • 300-5 Bomb Threat Response • 300-6 Special Events 	
Agency Comments: <p>The City of Kinston maintains alternate facilities via pre-arrangements for command post and logistics bases in addition to site identification for vehicle and equipment storage. The agency has utilized different buildings in the past for command post(s) in the past but usually utilizes the Lenoir County 911 EOC and the Kinston Police Department training room for command post(s) during emergency situations (Hurricane).</p>	
Evaluator Comments (To be completed by NCLM Staff): <p>The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.</p>	

II. OPERATIONS SECTION

1. Use of Force and Response to Active Resistance:

- The Use of Force policy and procedures are annually reviewed, anytime a new weapons system is adopted by the agency, or when new case law is passed and enacted, or when a senior leadership change occurs.
- Policy provides use of force options, for example:
 - Force Options/Controls starting with officer presence, progressing up to, and including deadly force.
 - The policy should stress the use of the reasonable and minimal force necessary to gain control
- All officers are trained and certified in the use of all issued force options, and follow recertification guidelines to maintain proficiency.
- Policy instructs personnel to provide proper medical care to anyone injured by the use of force and to report injury resulting from the use of force.
- The Department utilizes a formal use-of-force reporting form that is to be completed by the office any time a supervisor uses or reviews force when interacting with a non-compliant individual to ensure policy, training, and legal compliance.
- Policy and training reflect that “less-lethal force” devices will not be used on passive resisters or resistant individuals unless the non-compliance or resistance creates an immediate danger and safety risk that can be mitigated by the use of such force options, for example;
 - ECD or pepper spray (note: the U.S. 4th Circuit Court of Appeals has viewed the use of Taser or similar tools as “serious injurious force,” and the use must be reasonable and proportional to the event unfolding)
- All officers using less-lethal force devices will receive training from a certified instructor in the following:
 - Policy Training on proper use and legal authority for use
 - Initial training and testing
 - Annual training/re-training and testing
- Policy specifies that only department-approved weapons and equipment are to be utilized by officers
- Duty to Intervene and Report Excessive Use of Force:
 - A law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force. Additionally, the observing officer shall, within a reasonable period not to exceed 72 hours after that, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene.

- Firing at moving vehicle(s) is prohibited except in self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
- Choke, Strangleholds, and neck restraints are prohibited except in the self-defense of an officer(s) or the defense of another person(s) when deadly force is authorized, and no other reasonable options exist
- Policy strictly prohibits firing a warning shot.
- De-escalation training is instructed and documented annually during firearms training, less-than-lethal training, and when the Police Chief or designee for the Department deems it necessary

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 800-1 Use of Force (Policy is revised/signed ANNUALLY) • 800-2 Less Lethal Weapons • 800-3 CEW (Taser) Use • 800-4 Use of Weapons 	
Agency Comments: <p>Decision making and De-escalation training takes place during the annual use of force/firearms training during the combat course. The agency attended decision making and De-escalation training via the firearms simulator in 2021 and through POLIS training in 2022.</p>	
Evaluator Comments (To be completed by NCLM Staff): <p>The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.</p>	
Annual policy review verified? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

2. Less-Lethal Weapons:

- Police officers have at least one (1) less lethal force option available (two recommended) to include but not limited to; electronic control devices (ECD), chemical spray (OC), impact weapons, and bola wrap device (BWD) etc.
- The department has a current “best practices” policy in place regarding less-lethal options issued to the officers.
- The department requires initial certification and annual training on all issued devices
- The Department utilizes a formal use of force reporting form that is to be completed by the officer any time force is used with a less-than-lethal device and the report shall be reviewed by a supervisor to ensure policy, training, and legal compliance.

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s)	
<ul style="list-style-type: none"> • 800-1 Use of Force (Policy is revised/signed ANNUALY) • 800-2 Less Lethal Weapons 	
<p>The agency reviews Use of Force Policy, which discusses options – annually. ECW, Less-Lethal and Firearms certifications are all completed annually. All Officers complete ECW recertification annually but some, mostly supervisors, choose not to carry an ECW.</p>	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.	

3. Care and Custody of Suspects:

- Policy exists detailing the care, custody, restraint, and transportation of suspects
- Policy outlines procedures for providing medical attention to arrestees who report or show symptoms of injury or illness
- Policy outlines specific legal procedures regarding juvenile prisoners
- Policy guides the handling of persons with disabilities
- Proper decontamination policies and procedures exist for individuals exposed to;
 - Chemical sprays;
 - Electronic control devices;
 - Impact Weapons;
 - Bola Wrap devices;
 - or any other departmental issued equipment

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 600-7 Juvenile Operations
- 700-1 Arrest & Detention (Policy is revised/signed ANNUALY)
- 700-5 Temporary Holding Guidelines
- 700-6 Prisoner Transportation
- 800-1 Use of Force (Policy is revised/signed ANNUALY)
- 800-2 Less Lethal Weapons
- 800-3 CEW Use
- 800-4 Use of Weapons

KPD and the L.C. Jail have an eye-washing station accessible.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

4. Dealing with Persons of Diminished Capacity/ Excited Delirium:

- Officers should be adequately trained in the handling of suspected “diminished capacity/excited delirium” individuals
- Officers should be adequately trained in indicators of “excited delirium”
- Procedures for taking individuals into custody and detention should be outlined in the policy and include the following:
 1. Protocols for responding – Containment, Announcement, Backup, Medical attention
 2. Less-lethal force options should be available when individuals are taken into custody

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 400-11 Crisis & Mental Health Intervention

KPD officers have extensive experience with mental patients and all of our new officers attend CIT Training within the first year of employment.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

5. **Holding Cells (only for agencies utilizing temporary prisoner holding cells)**

- Policy should establish the maximum time prisoners could be kept in a holding cell
- Holding cell must be monitored either by an officer or by closed circuit TV with live contact every 15 minutes
- Holding cells are to be equipped with a smoke detector
- Must have an evacuation plan in the event of an emergency
- Policy directs that sight and sound separation exists between detained juveniles and adult offenders
- Males and females are not to be detained in the holding cell together
- Holding cell should be free of any materials that could be used as weapons or devices for self-injury
- Suspects are searched for any materials that could be used as weapons or devices for self-injury or assault
- Officers are required to lock and secure firearms when accessing the holding cell
- Holding cells are equipped with an officer-accessible “panic alarm.” An officer-worn radio equipped “emergency button” is sufficient
- Policy instructs personnel when and how to obtain medical assistance for an injured/ill person in custody.

In Compliance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Related Agency Policy Number(s)			
KPD doesn't have any holding cells			
Evaluator Comments (To be completed by NCLM Staff): While the department does not have temporary holding cells, they have robust policy on the handling of offenders while in custody.			

6. **Transportation, Handcuffing-Restraint of Suspects:**

A. Transportation:

- **Detainee of opposite sex arrest and transport:**
 - Prior to transport, the transporting officer provides communications with time and mileage and then the officer closes time and mileage upon destination.
- **Detainee of opposite sex are not to be searched (*other than pat down for the officer's protection*) by opposite sex officers.** All extensive searches are to be conducted by an officer of the same sex or detention center personnel with attention to privacy issues.

- In the event that this is not possible, opposite sex offender searches must be conducted in the presence of another witnessing officer and the procedure included in policy
- Policy indicating the search of transport vehicles for contraband before and after transport.

B. Handcuffing:

- Officers are trained on specific policies and procedures relating to handcuffing
- Policy must include exceptions to the preferred method (behind the back), for example, when suspects are physically impaired or elderly
- Double-locks are utilized, and tightness is checked anytime handcuffing takes place
- Officers document or memorialize that the individual was handcuffed, checked for tightness, and that double locks were used
- Department conducts annual training on issues surrounding handcuffing

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 700-1 Arrest & Detention (Policy is revised/signed ANNUALY)
- 700-2 Search & Seizure (Policy is revised/signed ANNUALY)
- 700-6 Prisoner Transportation

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

7. Eyewitness Identification Procedures:

- Policy outlines the statutory provisions and the manner in which criminal suspects will be subjected to current legal identification proceedings. The policy should follow the North Carolina Eyewitness Reform act regarding the following:
 - Show-up/Drive-By
 - Photo-Array
 - Line-Up procedures

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 600-10 Photographic Line-ups

This policy is in line with the IACP.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

8. Confidential Informants:

Policy and practice include the following:

- Documentation of Confidential Informant use during drug investigations:
- Proper handling of evidence, confidential informants, informant funds and files, and safety issues concerning drug investigations.
- Prohibition from improper fraternization with informants
- Designation of who is responsible and accountable for confidential funds
- At a minimum semi-annual auditing of confidential funds and informant files and anytime the individual who is responsible for the funds is replaced

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 600-2 Vice, Drugs & Organized Crime
- 600-3 Confidential Informants

All of these issues are covered in Policy & Procedure

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

9. In-Car Camera/Body Worn Camera (If equipped):

It is recommended that the department utilizes video technology including either: in-car video cameras, body worn systems, or preferably a combination of both

- A “best practices” policy is in place for the utilization of video equipment (the IACP model policy is a recommended best practice guide) The policy should address the following recommendations:
- Controlled access to the recording media (*generally limited to a supervisor*);
- Provision of random review by supervisors (audit process)
- Use of personal recording equipment is prohibited
- Video evidence storage, use, and retention is established by policy
- Prohibited use policy is in place
- Policy and procedures in place regarding public requests of recordings.

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s)	
<ul style="list-style-type: none"> • 200-16 Body Worn Camera 	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.	

10. Vehicle Operations:

A. The department maintains policy and direction for the establishment of responsibility for the safe operation of police vehicles during:

- non-emergency operation
- emergency (light and siren) operation

B. **Distracted Driving:** The department maintains a “distracted driving policy” and provides guidance for when Mobile Data Terminal use and electronic devices are prohibited

C. Vehicle Pursuit:

- Pursuits governed by a policy that provides guidance for the following:
 - Criteria for initiating a pursuit
 - Criteria for Communications during pursuit, and if communications are lost
 - Responsibilities of the Supervisor
 - Pursuits exiting jurisdiction
 - Criteria for terminating vehicle pursuits
 - Pursuit documentation

- The department's policy gives direction in situations where emergency vehicle operation would not be generally authorized

D. Mandatory Seat Belt: - Safety Equipment:

- Department requires seatbelt use by all vehicle occupants (unless an exception exists) to ensure safe vehicle operation by policy and practice by monitoring the use of seat belts

E. Tire Deflation Devices-Deployment:

Officers shall receive practical training in the use of tire deflation devices. Tire deflation devices should only be deployed after notification to pursuing officers and the supervisor. The location of the intended deployment shall be communicated.

The department has clear policies defining the proper use of tire deflation devices, including:

- Deflation devices should be deployed to only affect the pursued vehicle
- Training should detail the adequate cover and escape from intentional or unintentional exposure to the approaching vehicle
- Officers should be trained in the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle
- Policies should prohibit the use of deflation devices when the pursued vehicle has less than four wheels or is a vehicle transporting known hazardous materials; unless deadly force would be authorized and no other options are available.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 400 -3 Emergency Response & Pursuit Guidelines (Policy is revised/signed ANNUALY)
- 800 -1 Use of Force (Policy is revised/signed ANNUALY)

Agency Comments: In addition to the relevant policies, please indicate how the category dimensions are met or exceeded:

- It is City of Kinston Policy for all employees to wear safety belts
- Officers who carry (Stop Sticks) attend Tire Deflation Training and display they understand how to utilize the tool.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

Risk Review Evaluator will ride and observe a patrol officer and the day-to-day activities. The officer will be asked to detail their understanding of the use of force and vehicle operations/pursuit policies.

Interview Comments: During my visit, I interviewed Officer Stroud. He had a very good understanding of vehicle operations, both non-emergency driving/response and emergency driving and response. He has been with the Department for over eleven years. He understood that MDTs' are not to be used while the vehicle is in motion for distracted driving issues, and seat belts are always worn. I discussed with him the Use of Force Policy. He was very familiar with Armstrong vs Pinehurst and not using the Taser on an individual who is passively resisting. He also understand the Duty to Intervene, Prohibited neck restraints, and shooting at Moving Vehicles unless deadly force is authorized, as well as a citizen's right to record/observe officer behaviors. During my observed time with both him, he practiced safe driving habits and were not distracted by any vehicle equipment. He maintained safe following distances as well as speeds during vehicle operations. Furthermore, this behavior was displayed when responding to a medical call. Upon arriving, the officer was professional and supportive of EMS, fire and his fellow officer. He is a very well-rounded officer and represents the agency exceptionally well.

11. K-9 Operations: (If Applicable)

- Department K-9 units have clear policies and procedures regarding their use
- The K-9 unit is trained under a recognized certification program and training maintained to the type and purpose of the K-9
- K-9 Training logs and documentation are maintained
- Records related to searches and other K-9 activities are maintained
- K-9 cannot be accessed by the general public unless under supervision
- K-9 vehicle is equipped with canine heat protection and public safety markings
- All officers are trained in the legal parameters of police K-9 searches and the current case law related to these searches: Illinois v. Caballes, 543 U. S. 405 (2005), and Rodriguez v. U.S. (2015)

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Related Agency Policy Number(s)			
• 900-5 Canine Operations			

Agency Comments: In addition to the relevant policies, please indicate how the category dimensions are met or exceeded:

- All K9 handlers are BLET and K9 certified. K9 handlers attend K9 Law Training.
- Police Vehicles have K9 – Caution on the windows and on the vehicle.
- K9 handlers and dogs attend the annual NCPDA trials each year for certification.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

NOTE: The Lead Canine Officer/Supervisor will be interviewed for this category regarding the above listed dimensions.

I interviewed Captain Ard who oversees the K9 Unit (K9 Knox), his handler Officer Stroud demonstrated the K-9 bailout and installed heat protection equipment on the vehicle. Officer Stroud has been a K9 Officer for a little over one year. He had a strong understanding of Illinois vs. Cabelless and Rodriquez vs US cases. He adheres to best practices for continual training and trains for roughly 16 hours a month with his K9. The agency also completes home inspections prior to the selection of their handler and has a separate cloud-based software to track all k9 activity.

12. SWAT /SRT/Tactical, Special Operations Teams: (If Applicable)

This category refers to any organized group of officers who operate as a “tactical unit” for the purposes of high-risk apprehensions, structural entries, hostage situations, warrant services, or any other “high-risk” activity that would require increased training and experience.

- Team members are properly equipped to include tactical vests, radio systems, and approved weapons and uniforms
- The department has established fitness standards for team members
- Annual training is required on issued specialized equipment
- Department adheres to member selection standards
- Team tactics are based on accepted best practices
- Department maintains an initial training of officers - (40-hour Basic SWAT Training Course)
- Monthly team training- (minimum of 8 hours of training per month)
- Sniper requirements include an initial training course
- Snipers are, at a minimum, required to qualify quarterly, separate from the mandated team training schedule

A. Tactical team Call-Out Procedures

- Clear policies and procedures exist regarding when and under what criteria, tactical teams should be used: Agency or Mutual-Aid
- Notification procedures should designate which command staff members should be notified.

B. Command Notification

- Standardized procedures should specify when supervisor notification and tactical team service are required

C. High-Risk Warrant Service:

- The department maintains specific training and procedures regarding warrant-service such as the proper tactics involving a residence or structure
- Planning - completion of search warrant operational plan prior to service including, but not limited to: photographs/video taken of target location, diagram, criminal records checks, history of the location, etc.
- Written operational plans are completed and maintained for any high-risk service, detailed and team-briefed by the operational leader, with a chain-of-command approval process completed
- Officers involved in the operation review the operations plan during the briefing process
- When possible, the operational team completes a practice “dry-run” of the operation before the actual operation

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 300-3 Emergency Response and Pursuit Guidelines (Policy is revised/signed ANNUALY) • 700-10 Search Warrant Execution (Policy is revised/signed ANNUALY) • 900-1 SWAT 			
Evaluator Comments (To be filled out by NCLM Staff): <p>The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.</p>			
NOTE: The Tactical Commander/Team Leader will be interviewed for this category regarding the above listed dimensions.			
Officer Name: <u>Major Brandon Turner</u>			
Interview Comments: I interviewed the Team Leader who has been with the team leader for the Department for a little over 3 years. He has over a thousand hours of SWAT training, and the department, at a minimum, trains for 12 hours a month. There is a member selection process to establish a fitness standard and an oral board with team members. Team is well trained on distracted devices and other team equipment. Everyone attends SWAT I and II training. SWAT equipment is fairly new as the agency has items on a budget cycle to ensure their equipment is always up to date. The agency has a well-run, well-trained, and well-organized team.			

13. Search & Seizure of Persons, Vehicles, Residences, Structures, Property, and Electronic Devices:

Policies direct and gives clear guidance concerning the procedures and justification for searches, and the various types of property searches including direction involving the following options:

- Arrest Warrants
- Search Warrants
- Consensual searches and “Knock and Announce”
- Exigent/dynamic searches
- Vehicle searches
- Clear policies detailing legal detentions and guidelines of what constitutes the physical seizure of an individual
- Policies exist detailing consensual contacts, Terry Stops, when frisks of individuals for weapons are legal, and how contacts should be documented
- Clear policies and procedures are instituted regarding strip and body searches, including:
 - Supervisor notification
 - Location
 - Reporting requirements and when a strip or body cavity search would be justified
 - Medical Staff Requirements
- The department maintains current policies and procedures regarding motor vehicle stops and searches (*Arizona v Gant*). The policy should include current case law regarding searches incident to arrest and when searches may be legally conducted

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 700-1 Arrest & Detention (Policy is revised/signed ANNUALY)
- 700-2 Search & Seizure (Policy is revised/signed ANNUALY)
- 700-10 Search Warrant Execution (Policy is revised/signed ANNUALY)

Evaluator Comments (To be completed by NCLM Staff):

Comprehensive and detailed policies define the legal framework and application of search standards.

Policy directs the proper guidelines for searching property and reasonable expectation of privacy. Proper statutory and legal references are made. Legal updates are given annually regarding search issues. The department meets and exceeds the dimensions within this

category.

The department defines and directs the proper procedures for the detention and searches of vehicles. The department meets the dimensions within this category.

14. Firearms qualification and training:

- Range used for training is “purpose-built” reflecting best practices
- All range use includes the supervision of a certified range instructor
- Range use includes the utilization of safety officers
- A First-Aid kit is available during firearms related training
- Safety rules are posted and reviewed
- The physical address of range is visibly posted in the event of an emergency, or communications notified of range status in the event of an emergency
- No eating, drinking, or smoking is allowed on the range during training
- Eye and ear protection are provided to officers
- Officers wear ballistic vests during training/qualifying and in proximity to the range
- Training includes practical exercises, or scenarios, allowing officers to select appropriate weapons for the level of threat identified

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	---	-----------------------------

Related Agency Policy Number(s)

- 800-5 Department Weapons Range

See attached photograph of the street sign. The actual physical address is: 2240 Hwy 11/55 Kinston, NC

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

NOTE: The Lead Firearms Instructor will be interviewed for this category regarding the above listed dimensions. **Major Brandon Turner**

I interviewed Major Turner who has been the Lead Firearms Instructor for three years.

There are 5 firearm instructors on staff. The firing range location has two signs posted for the address. Two safety signs were posted as well. The Department issues a well-equipped First Aid Kit to each officer, so during range days there are several bags on scene in the event of an emergency. The agency discusses range safety, safety equipment, and ensures everyone wears eye and ear protection. Officer are required to wear their assigned SBA vest

and duty belt.

15. Vehicle Maintenance

- A record is maintained of maintenance provided to police vehicles
- Policy and practice provide a “pre-shift” vehicle inspection process and checklist
- The checklist should include visual checks for condition of tires, lights, emergency equipment, etc.

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s)	
<ul style="list-style-type: none"> • 400-15 Daily Vehicle Inspection 	
Agency Comments	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.	

16. Facility Safety and Security:

- Police facilities should be designed to be reasonably secure from physical attack or sabotage
- Must have an evacuation plan/map in the event of an emergency posted
- Sensitive areas should be secured from public access

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s)	

No Policy set in place for the facility. **Additional facility security measures would be to add a fence around the rear of the facility but until now, hasn't been discussed. The current administration is currently working on a building purchase for the back of the station for equipment and a fence would be added to the purchase request.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

I verified the facility has surveillance cameras that are monitored and recorded 24/7. The Department uses a key fob entry system that is recorded when an officer enters the facility. Sensitive area secured from public access, and some area officers are not allowed to enter through the key fob due to sensitive information.

17. First Aid Training:

- Department provides **first** aid training and retraining for officers. Examples would include CPR and basic first aid for gunshot wounds

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s)	
<ul style="list-style-type: none"> • 200-27 Infectious Disease Control 	
<p>The agency purchased 3 additional AED machines in the summer of 2023 and they will be placed throughout the agency once personnel have completed training on the new equipment.</p>	
Evaluator Comments (To be completed by NCLM Staff):	
<p>The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.</p>	

18. Safety Equipment

The department directs those officers utilize safety equipment when applicable. Equipment includes the following: Biohazard bags (red), face protection mask, latex gloves, disinfectant solution, sharps container, ballistic vest, traffic safety vest, fire extinguisher, North American Guide Book

- Vehicle is equipped with a reflective vest, PPE, equipment
- Each patrol car is equipped with a first-aid kit and a tourniquet.
- Each patrol car has roadway visibility devices such as cones, strobes, etc.

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 200-13 Personal Protective Equipment • 200-24 Uniform & Equipment Issue Specification • 200-27 Infectious Disease Control • 300-4 Response to Bioterrorism • 500-2 Traffic Direction & Control 	
Agency Comments:	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.	

19. Ballistic Vest Policy:

- Agency requires a mandatory-wear policy for uniformed patrol officers

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 200-17 Ballistic Vest 	
Agency Comments:	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.	

20. Off-Duty Enforcement Action:

- This policy should detail off-duty response to police related matters
- Procedures regarding identification, limitations of when to respond, and what actions to be taken, such as neighborhood disputes, crimes in progress, etc.
- The policy should prohibit the carrying of a weapon while under the influence of alcohol

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 200-28 Off Duty Arrest & Encounters (New Policy) • 800-1 Use of Force (Policy is revised/signed ANNUALLY) • 800-4 Use of Weapons 	
Agency Comments: 	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.	

21. Police Related Secondary Employment: (If Applicable)

- The department policy directs procedures for secondary employment
- Policy includes occupations or conditions that are not acceptable
- Off-duty employment is contingent upon approval by chief of police or designee
- Documentation includes: detailing the duties, type of business, uniform to be worn, date, time, number of hours, and if a departmental vehicle is to be utilized
- Workers Compensation, and/or liability responsibilities, status and notification is made known to the officer

In Compliance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Related Agency Policy Number(s) <ul style="list-style-type: none"> • 200-5 Extra & Off-Duty Employment 	
Agency Comments: 	
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit. Furthermore, the agency utilizes a third-party company (Off Duty	

Management) to assist with the management of their off-duty program.

22. Civilian Ride-Along program: (If Applicable)

- Policy is established relating to **civilian** “ride-along” program
- The department has an **established** minimum age of participants
- Request should be made in writing and include a consent and **waiver** of liability
- The department policy should **limit** the number of times civilians are allowed to ride
- The policy should prohibit civilians being armed, driving police vehicles, accompanying officers during **“high risk”** encounters, accompanying officers inside homes on search warrants, domestic situations, and participating in pursuits
- Civilians are not permitted to wear **“police-like”** clothing
- **A** background check must be completed on the participant

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Related Agency Policy Number(s)			
<ul style="list-style-type: none"> • 400-14 Ride-Along Program 			
Agency Comments:			
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.			

23. Civilian Volunteers in Law Enforcement Service: (If Applicable)

- This program should include its **own** separate policy manual specifying the duties that can be performed and those that are prohibited
- **Specific** disqualifiers shall be listed in the procedure manual.
- **Background** is conducted on applicants to include **criminal** history

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Related Agency Policy Number(s)			
<ul style="list-style-type: none"> • 100-7 Recruitment and Hiring • 100-15 Non-sworn Personnel 			

There aren't "specific disqualifiers" in the policy manual; however, you must pass numerous criteria points in order to pass the process and become an employee. With that being said, the City of Kinston HR policy does in fact list qualifiers in the license requirements policy – I will attach that information (examples are: DWI within 3 years).

Reviewer Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

24. Reserve and/or Auxiliary Officer Programs: (If Applicable)

The department distinguishes between Reserve/Auxiliary NON-compensated sworn officers and "Part-Time" compensated sworn officers.

- The department adheres to the statutory requirements pertaining to auxiliary officer programs under NCGS 160A-282. The establishment of the program has been enacted by a municipal ordinance
- Reserve officers are required to adhere to all department policies and procedures.
- Reserve officers are required to attend and complete all annual in-service training requirements
- The department requires reserve officers to complete structured training before engaging in any assignments or activities

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
----------------	---	-----------------------------	------------------------------

Related Agency Policy Number(s)

- 100-16 Reserve Police Officer Program

This is a new policy, put into place in late 2022. We currently only have 3 reserve police officer positions.

Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

Municipal Ordinance Established? Yes No

Municipal Ordinance Attached?

25. Mutual Aid:

The department has established policies for the cooperation between law enforcement agencies in accordance with NCGS 160A-288.

- The department has proper authorization from the governing board or council to enter into mutual aid agreements in accordance with NCGS 160A-288
- The Department maintains up to date and current Mutual Aid Agreements between outside law enforcement agencies that are being assisted or who are providing assistance

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Related Agency Policy Number(s)		
<ul style="list-style-type: none"> • 100-10 Mutual Aid Agreements 		
*Chief Goyette updated all mutual aid agreements in the spring of 2023.		
Evaluator Comments (To be completed by NCLM Staff): The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.		

26. Citizen Video Encounters and Police Response:

Policy and/or training direct officers to the First Amendment protections of the rights of private citizens to record police officers during the public discharge of their duties, considering the recording-citizens:

- Remain at a reasonable distance
- Do not interfere with the officers' duties or create a safety concern for the officer, person detained, or another onlooker.

In Compliance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Related Agency Policy Number(s)		
<ul style="list-style-type: none"> • 700-9 Recording Police Activity (Policy is revised/signed ANNUALY) 		
This policy has been in place since 2019 and officers have had extended training/research on this topic. Officers have had "visits" from an auditor and the officers in both occasions "passed" his test – per the auditor.		



Evaluator Comments (To be completed by NCLM Staff):

The department meets and exceeds the dimensions in this category through a comprehensive and robust policy and verified through proofs provided by the Department and agency on-site visit.

FINAL AGENCY COMMENTS / RECOMENDATIONS:

The department meets or exceeds all of the recommended dimensions assessed

Yes No

If all of the standards have not been achieved, indicate the dimensions addressed and the steps being taken to meet the recommendations.

1.	
2.	
3.	
4.	
5.	

Evaluator Final Comments

Their agency, like most in the state are struggling to get dispositions from the DA's office to help with their evidence destruction, which only compounds space issues. As noted, also looking into additional cameras, policy revisions and already budgeted items shows that the department is always looking for new ways to better themselves. The Chief, command staff, and officers that I encountered demonstrate a high level of professional commitment and understand the importance of their relationships within the community and the impact of perception. The Chief and staff were highly invested in taking part in the Risk Review process and taking the necessary steps to meet the recommendations throughout the review period. It was evident during the staff interviews and contacts that the agency has strong leadership and training focus throughout the ranks, starting at the executive level. The officers take pride in the agency and demonstrate professionalism in their citizen contacts as observed during my ride-along.

EVALUATOR: JG **DATE: 02/08/2024**



The findings of the Law Enforcement Risk Management Review have been explained in detail regarding how the department meets the categories defined.

Any changes to policy or procedures that are made, as recommended by the Risk Review Evaluator, will be published to departmental personnel, with training provided regarding any changes. Any updates and notification of changes will be memorialized in the employee's training/personnel file indicating the employees' receipt and understanding of any policy changes.

I have reviewed and understand the findings of the Law Enforcement Risk Management Review and further agree to maintain a policy review schedule to ensure that the department's policies, procedures, and training activities are reviewed and updated to comply with court rulings, general statutes, and industry best practices.

Chief of Police:

PRINT Keith Goyette

SIGN 

RMS Evaluator:

PRINT - Joseph Graziano

SIGN JG

Date of Final Review: 02/08/2024