

## GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES

<b>Chapter 1</b>	<b>Law Enforcement Role and Authority</b>	
<b>Date Initially Effective: 09/30/94</b>	<b>By the Order Of:</b> <b>Mark Holtzman, Chief of Police</b>	
<b>Date Revised: 08/08/19</b>	<b>Date Reissued: 10/11/2019</b>	<b>Page 1 of 14</b>

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

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

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

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

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

CALEA Standard: 1.1.1 (Oath of Office), 1.1.2 (Code of Ethics)

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

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

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

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

### **1.1.2 LIMITED ENGLISH PROFICIENCY**

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

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

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

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

### **Interpreting Services**

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

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

### **Translation Services**

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

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

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

CALEA Standard 1.1.3 (Agency's Role in Criminal Justice Diversion Programs)

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

### **1.1.4 CONSULAR NOTIFICATION**

CALEA Standard 1.1.4 (Consular Notification)

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

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

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

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

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

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

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

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

CALEA Standard 1.2.1 (Legal authority defined) 1.2.2 (Legal Authority to Carry/Use Weapons), 1.2.3 (Compliance with Constitutional Requirements)

#### **Legally Mandated Authority**

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

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

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

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

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

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

The authority to carry and use weapons shall at all times comply with applicable federal and state laws and all policies and procedures of the Department. The "Law Enforcement Officers Safety Act of 2004" (18 USCS 926B) permits a qualified law enforcement officer, carrying the photo ID issued by his or her law enforcement agency, to carry a concealed firearm anywhere in the United States. Officers shall, however, obey local prohibitions against the carrying of concealed weapons including but not limited to prohibitions involving the consumption of alcohol or on private property where the owner imposes such prohibitions and state or public property, such as a courthouse.

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

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

### **Constitutional Requirements**

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

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

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

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

CALEA Standard: 1.2.4 (Search and Seizure), 1.2.5 (Arrest With/Without a Warrant), 74.3.1 (Procedure/Criminal Process)

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

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

#### **Search Warrants**

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

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

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

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

When executing a warrant, an officer may force entry into a premise or vehicle when the officer has previously announced identity and purpose and based on the totality of the circumstances, the officer has reasonable suspicion that admittance is being unreasonably denied or delayed. Entrance or access to occupied premises or vehicles may occur when the officer has probable cause to believe that giving notice would endanger the life or safety of any person.

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

### **Seized Vehicles or Property**

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

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

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

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

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

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

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

Additionally, the consent must be:

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

### **Vehicle and Person Searches**

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

- A second officer to witness consent given orally

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

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

#### **Search of a Residence**

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

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

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

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

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

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

#### **Stop and Frisk**

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

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

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

### **Warrantless Vehicle Searches**

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

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

### **Crime Scene Searches**

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

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

### **Urgent Necessity**

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

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

### **Exigent Circumstances**

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

### **Other Searches and Seizures**

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

### **Non-Testimonial Identification**

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

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

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

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

**Arrest**

Under the authority of N.C.G.S. 15A-401, a police officer may arrest a person pursuant to the existence of a valid arrest warrant. Under the cited authority, an officer having a warrant in their possession may arrest the person named on or described in the warrant at any time and at any place within the officer's jurisdiction. An officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in their possession, may arrest the person named in the warrant at any time. The officer must inform the person arrested that the warrant has been issued and serve the warrant on the person as soon as possible. This applies even when the arrest process has been returned to the Office of the Clerk of Court.

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

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

When making an arrest, a law enforcement officer must:

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

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

**Charging and/or Arresting Juveniles**

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

**Immunity**

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

**1.2.5 RECORDING ARREST INFORMATION**

CALEA Standard 1.2.5 (Arrest with/without Warrant)

**Preparing Reports**

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



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

### **Fingerprinting and Photographing**

North Carolina General Statute 15A-502 authorizes photographs and fingerprints to be taken of individuals charged with a felony or misdemeanor when the individual is arrested or placed in the detention facility; or convicted and imprisoned; or convicted of a felony. It shall be the duty of the arresting agency to require a person charged with the commission of a felony to be fingerprinted and submit those fingerprints to the State Bureau of Investigation.

Individuals who are arrested and do not possess valid identification and are charged with impaired driving or driving while license revoked, if the revocation was for impaired driving, shall be fingerprinted and photographed. Fingerprints and photographs are not taken for individuals charged with a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes, "Motor Vehicles", except when no valid identification is presented. This statute does not prevent the use of photographs, videos, or fingerprints to show a condition of intoxication or for other evidentiary use.

Statute 7B-2102, however, does authorize the taking of photographs and/or fingerprints of juveniles ten (10) years of age or older who have committed a non-divertible offense and are in the physical custody of law enforcement.

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

## **1.2.6 ALTERNATIVES TO ARREST**

### **CALEA STANDARD 1.2.6 (Alternatives to Arrest)**

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

- **Diversion programs** as referenced in 1.1.3
- **Warnings** either verbal or written
- **Informal resolutions**
- **Citations and Summons**

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

- **Pro Citation Based Initiative**

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

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

Examples of misdemeanor offenses where this may be an option, include, but are not limited to:

- Larceny

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

### 1.2.7 DISCRETION

CALEA Standard: 1.2.7 (Use of Discretion)

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

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

- The arrest could cause a greater risk of harm to the general public than not arresting the offender
- The arrest could cause harm to an offender who poses no threat of danger to the public, law enforcement officers or members of the community
- The seriousness of the crime committed

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

### 1.2.8 STRIP AND BODY CAVITY SEARCHES

CALEA Standard 1.2.8 (Strip/Body Cavity Search)

Although highly intrusive, strip and body cavity searches may sometimes be necessary to protect the safety of officers, civilians, and other prisoners and to detect and seize evidence of a crime. Such searches shall be conducted only with proper legal authority and justification and in accordance with Department policy and procedures, and are applicable to any individual in custody, no matter their age. An officer must obtain and document consent in accordance with policy or have a search warrant issued in order to conduct a strip search unless exigent circumstances make it impractical to obtain a warrant. Examples of such exigent circumstances include:

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

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

- Only when an individual is under arrest or has been otherwise legally detained.
- When one of the following exists:
  - Probable cause to believe that the individual is concealing weapons, contraband or evidence
  - Consent has been documented
  - A search warrant has been issued.
- Arrestees will not be subjected to a strip search for any offense unless specific factors are present which establish reasonable belief that the search will uncover a weapon or contraband.

- Within a secure facility or in a private room within a building and under conditions providing privacy from all but those authorized to conduct the search.
- Conducted only by designated Department personnel of the same gender that the individual being searched is; or in cases involving trans-gender, gender-variant or non-binary individuals, the gender preference requested by the individual to be searched.

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

- Body cavity searches shall be performed pursuant to a search warrant.
- Body cavity searches shall be performed only by a qualified physician, or other medically trained personnel directed by a physician.
- An officer of the same gender as the person being searched will be present when the search is conducted; or in cases involving trans-gender, gender-variant or non-binary individuals, the gender preference requested by the individual to be searched.
- Body cavity searches shall be performed with due recognition and regard for privacy and hygiene concerns.

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

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

### **1.2.9 BIASED POLICING**

#### CALEA Standard 1.2.9 (Biased Policing)

The Greenville Police Department recognizes the value of criminal profiling as a useful tool to assist law enforcement officers in carrying out their duties. Officers are prohibited, however, from practicing bias based profiling in any manner.

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

Any complaint of biased policing shall be investigated by the Office of Internal Affairs as outlined in Greenville Police Department's Policy and Procedures Manual. The Internal Affairs Annual Summary of Internal Affairs Complaints shall include an administrative review of agency practices on biased policing, to include citizen complaints or concerns, field contacts, arrests, consent searches, asset seizure and forfeiture efforts. As part of the Annual Summary, documentation of corrective measures taken for any violation of policy should be included.



## Oath of Office

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

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

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

\_\_\_\_\_  
Signature

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

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



## Law Enforcement Code of Ethics

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

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

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

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

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Signature

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

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Personnel / Recruitment

Attachment B

North Carolina  
County of Pitt  
City of Greenville



**Civilian Law Enforcement Professionals Code of Ethics**

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

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

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

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

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Personnel / Recruitment

Attachment C