

LAW ENFORCEMENT PROGRAM

POLICIES AND GUIDELINES

**STATE OF NORTH CAROLINA
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
DIVISION OF PARKS AND RECREATION
REVISED 11/22/2021**

Approved by:

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STATE OF NORTH CAROLINA
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
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<u>Section</u>	<u>Chapter</u>	<u>Page #</u>
1.0	Law Enforcement Program Direction.....	3
2.0	Law Enforcement Principles and Code of Ethics	6
3.0	Law Enforcement Authority	12
4.0	Jurisdiction	14
5.0	Management and Supervision	15
6.0	Special Peace Officer Commissions.....	17
7.0	Training Standards.....	21
8.0	Defensive Equipment Policy	24
9.0	Cooperation with Other Law Enforcement Agencies.....	39
10.0	Evidence Management	40
11.0	Law Enforcement Vehicles/Vessels and Emergency Devices.....	41
12.0	Use of Emergency Vehicles	42
13.0	Report Procedures	45
14.0	Supplemental Operating Procedures.....	46
15.0	Review Process.....	47
16.0	Firearms Training	48
17.0	Psychological Screening.....	49
18.0	Crisis Intervention Policy	50

<u>APPENDICES</u>	page 55
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1.0 LAW ENFORCEMENT PROGRAM DIRECTION

1.1 Introduction

Beginning with the establishment of Mount Mitchell State Park in 1916, the North Carolina state park system now includes more than thirty-eight operating parks and recreation areas. Presently hosting more than 15,000,000 visits per year, a primary responsibility of park employees continues to be resource, visitor, and property protection. These duties have been accomplished, with a varying degree of success, by a combination of non-law enforcement actions by employees to direct assistance and enforcement actions by local law enforcement agencies. Over the last 30 years both national and state legal requirements, as well as increasing park visitation and law violations, have mandated a formal program approach to the enforcement of laws and regulations in the state park system. The North Carolina General Assembly, through passage of General Statutes 113-28.1 through 113-28.4 (see Appendix A), has provided the Division with a specific mechanism to meet its law enforcement responsibility and authority to enforce applicable laws and regulations.

The general public recognizes and depends upon uniformed state park personnel as a source of information and assistance. As commissioned special peace officers, uniformed personnel occupy an even higher position of public trust. Among numerous unique and challenging public contact duties, the field staff must always bear in mind that (1) the park visitor is often in an unfamiliar environment, and (2) field staff who contact a park visitor are commonly the only employees the visitor may see. Thus, the impression conveyed by the field staff is the impression the visitor will retain of that park, in particular, and all parks in general. It is imperative, then, that public contact situations be conducted in the most positive manner possible.

The law enforcement program of the Division shall be recognized and supported by managers and supervisors as an important tool for resource and property protection and visitor safety. Managers and supervisors should emphasize a basic educational approach in every enforcement contact where it is possible and reasonable to do so. The objective is to gain compliance at the lowest possible level of enforcement. In addition to the provisions of the State Personnel Act and the CJETSC, the management and supervision of the Division's law enforcement program will be in accordance with these policies and guidelines.

1.2 Policy

As a state land management agency, the Division is dedicated to the establishment and maintenance of current and relevant law enforcement policies and guidelines as one part of a broad-based resource management and visitor safety program. To this end the Division will initiate, operate and maintain a formal law enforcement program for these purposes.

The Division will maintain law and order, protect persons and their property and protect park resources through the enforcement of all applicable laws and regulations.

Commissioned officers will conduct themselves in an exemplary manner as representatives of the Division and will abide by the Division's law enforcement principles and code of ethics at all times.

The Division law enforcement program will be managed and supervised in accordance with applicable law, regulations, Departmental policy and Division policy.

1.3 **Guidelines**

The goals of the Division law enforcement program are:

- (1) Safety of park visitors and employees
- (2) Protection of natural and cultural resources
- (3) Protection of state-owned and personal property
- (4) Absence of crime

1.4 **Definition of Terms**

In order to clarify and ensure a thorough understanding of the Division of Park and Recreation's Resource Protection and Visitor Safety Program the following recurring and important terms are defined.

State Park, park, park area, recreation area, natural area, state river, state trail, or area refer to components of the State Park System administered by the Division of Parks and Recreation and therefore covered by this program.

Department means the Department of Natural and Cultural Resources or any future "department level" state agency to which the Division of Parks and Recreation is assigned or any lands administered by the department.

Division means the North Carolina Division of Parks and Recreation.

Law enforcement officer, Commissioned Park Ranger, commissioned special peace officer, or special peace officer for the purposes of this guideline refers to any commissioned, law enforcement certified employee of the Division pursuant to G.S. 113-28.1. The acronym LEO stands for Law Enforcement Officer.

BLET means Basic Law Enforcement Training as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission.

CJETSC refers to the North Carolina Criminal Justice Education and Training Standards Commission or any of its successors.

The term "lethal weapon" means a firearm. The term "non-lethal weapon" means all other approved defensive equipment.

The term "injury" means any wound that requires attention or care by a physician or medical doctor as a result of the use of a lethal weapon, non-lethal weapon, or force by a commissioned

employee.

Supervisor or supervisory officer means Park Superintendent, District Superintendent, Parks Chief Ranger, Law Enforcement Specialist, Deputy Director of Operations and Director, or their Acting personnel. Supervisory officers have authority to provide direction to commissioned staff or staff required to obtain a commission who are not normally within their chain of command in situations where supervisory direction is warranted such as deployments or training away from an officer's normal duty station.

Oleoresin Capsicum (O.C.) Spray means an aerosol chemical agent made from cayenne pepper contained in a pressurized canister used as a defensive weapon.

Deadly Weapon for the purposes of this guideline, section 8.2, means a Bowie knife, dirk, dagger, slungshot, loaded cane, metallic knuckles, razor, shuriken (star shaped martial arts throwing weapon), stun gun, firearm, pistol, gun or other deadly weapon of like kind.

Division Issue Weapons for the purposes of this guideline, section 8.2, means the Glock Model 21 pistol, the Glock model 22 pistol and the Mossberg Model 500 and 590 shotguns.

Defensive Equipment means any Division issued or approved law enforcement equipment to include service weapons, ammunition magazines, handcuffs, collapsible baton, oleoresin capsicum spray, body armor and the associated duty gear,

Officer Required to Obtain a Commission means any employee whose position requires the obtaining of a law enforcement commission, but who has not yet completed the required process to obtain certification from CJETSC.

Emergency Medical Responder (EMR) certification refers to the specific state training mandated by the North Carolina Office of Emergency Medical Services, directive 4954.

De-escalation is the process of returning a person from a heightened state of emotion to a more reasonable level of functioning.

De-escalation Techniques: Actions used by officers, when safe and feasible without compromising officer or public safety, that seek to minimize risk during any situation, and increase the likelihood of gaining voluntary compliance from a subject.

2.0 LAW ENFORCEMENT PRINCIPLES AND CODE OF ETHICS

2.1 Principles

Objectivity - All of our actions should be directed toward accomplishing our assigned mission.

Enforcement of the law is one method to achieve this goal and is not a goal unto itself. Law Enforcement officers must relate to the spirit of the law, as well as to the letter of it.

Adaptability - Law enforcement operations within the Division offer as many unique assignments as there are areas within the System. It is essential that the commissioned officer develop the confidence and flexibility necessary to adjust to the different attitudes and procedures that exist from area to area. Law enforcement officers should be able to cultivate the support and cooperation of the public in the Division's operations. Citizen approval is essential to an effective program.

Integrity - Public respect is essential to any law enforcement activity. To establish this respect, the officer must render impartial enforcement of the law. The officer's private life should be free from scandal and suspicion which would result in public criticism. Most importantly, the officer must honestly believe in the law and abide by it.

Versatility - Division commissioned personnel are much more than enforcers of the law; they are protectors of park resources and the public. They must possess the ability to perform all other protection duties and they must be adept in all facets of visitor services and resource management required by their current assignment.

Honesty - The value of any law enforcement officer is dependent upon the ability of the judicial system, the law enforcement community, the Division, and the public to trust the officer statements whether verbal or written as being fully truthful. To maintain this trust and their value as a law enforcement officer, the officer must provide information in any form in a completely factual, complete and honest manner.

Transparency- Individual officers and the Division as a whole agency must strive to strengthen public confidence in law enforcement. To that end when an individual officer or the Division makes mistakes that impact the community, they should appropriately publicly acknowledge the mistakes as a way of building trust and transparency.

In order to help preserve and protect the state park system for the use of present and future generations, and to provide for needed visitor services, the officer must also be skilled in search and rescue, emergency medical services and firefighting. These activities, in turn, complement other park functions in interpretation, resource management and maintenance. The officer must have the capacity to understand the purpose and function of these other activities as the role of the law enforcement officer is just one of several directed at the same mission. The officer must be able to work in concert with others in pursuit of the organization's overall mission and goals.

2.2 Code of Ethics

I will faithfully abide by all laws, rules, regulations, and policies governing the performance of my duties and I will commit no act that violates these laws and regulations, or the spirit or intent of such laws and regulations while on or off duty.

In my personal and official activities, I will never knowingly violate any local, State, or Federal laws and regulations, recognizing that I hold a unique position of public trust which carries an inherent personal commitment to uphold laws and the integrity of my profession. For these reasons, I understand that this code places special demands on me to preserve the confidence of the public, my peers, my supervisors, and society in general.

I will commit no act in the conduct of official business or in my personal life that subjects the Department and the Division to public censure or adverse criticism.

While a commissioned officer or an officer required to obtain a commission, I will neither accept outside employment nor make any display representative of the Department or Division that will in any way conflict with the law enforcement interests or jeopardize the activities or mission of the Department or Division or give the appearance of conflict. I will also comply with the Departmental rules and regulations regarding employee conduct.

As a commissioned officer and representative of the Department and Division, I will conduct all investigations and law enforcement functions assigned to me impartially and thoroughly, and report or testify to the results thereof fully, objectively, and with meticulous accuracy.

In investigative process, I will be judicious at all times and I will release information pertaining to my official duties, orally or in writing, only in accordance with the law and established policy.

In connection with my official duties, I will accept no gift, gratuity, entertainment or loan except as provided by Departmental regulations. I will not accept favored treatment of any kind, from anyone on my behalf or on behalf of any other person, recognizing that acceptance may result in a conflict or give the appearance of a conflict with my official duties or hinder my effectiveness as a commissioned officer.

I will provide information in any form to the Division, criminal justice system and the public in a completely factual, complete and honest manner.

I will abide by all rules, regulations, and policies of the Department and Division including those relating to health, safety, and technical requirements of my position.

2.3 **Bias-Free Policing**

Purpose

The purpose of this policy is to emphasize this agency's commitment to fair and bias-free treatment of all people and to clarify the circumstances in which agency personnel may consider specified characteristics when carrying out duties. Fair and bias-free policing enhances legitimate law enforcement efforts and promotes trust within the community. Racial and ethnic profiling in law enforcement is unacceptable. Furthermore, the purpose of this policy is to provide guidelines to officers to prevent such occurrences, and to protect officers from unwarranted accusations when adhering to the law and Division Policies and Guidelines.

Policy

It is the policy of the Division that all Parks and Recreation Officers shall treat every person with courtesy and respect while patrolling in a proactive manner, to investigate suspicious persons and circumstances, and to actively enforce the state criminal laws as well as park rules and regulations. Officers shall not abuse their law enforcement powers by acting in a manner that discriminates against individuals based on race, color, ethnicity, age, background, gender, national origin, sexual orientation, gender identity/expression, economic status, culture, language fluency, physical handicap, religion or belief system, immigration status, housing status, occupation, political ideology, or any physical or personal characteristic of such individuals.

While the practice of racial or bias-based profiling is strictly prohibited, it is recognized that race or cultural differences may be legitimately considered by an officer in combination with other legitimate factors; to establish reasonable suspicion or probable cause (e.g., subject description is limited to a specific race or group), to establish relevant elements of a crime (e.g. exploitation of an elderly or disabled individual), or to gather evidence relevant to enhanced punishment due to offenses committed because of bias or prejudice (e.g., whether or not a crime is hate-based).

Procedure

All field interviews, investigative detentions, traffic stops, arrests, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances, and conclusions, which support probable cause or reasonable suspicion for an arrest, traffic stop or investigative detention.

Except as provided below, officers shall not consider race, color, ethnicity, age, background, gender, national origin, sexual orientation, gender identity/expression, economic status, culture, language fluency, physical handicap, religion or belief system, immigration status, housing status, occupation, political ideology, or any physical or personal characteristic of such individuals in establishing either reasonable suspicion or probable cause.

Officers may take into account the reported race, color, ethnicity, age, background, gender, national origin, sexual orientation, gender identity/expression, economic status, culture, language fluency, physical handicap, religion or belief system, immigration status, housing status, occupation, political ideology, or any physical or personal characteristic of a specific suspect or

suspects based on relevant information that links a person to a particular criminal incident or links a specific series of crimes in an area to a group of individuals.

Criminal profiling is a legitimate tool in the fight against crime. Criminal profiling is an investigative method in which an officer, through observation of activities and environment, identifies suspicious behavior by individuals and develops legal basis, consistent with Fourth Amendment, to stop them for questioning. Officers must articulate specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.

The Department recognizes that with experience, individual officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/citizen contacts.

Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle, or a prolonged detention once reasonable suspicion has been dispelled.

To promote positive law enforcement interactions and to dispel perceptions of biased law enforcement, each officer shall:

- Be courteous and professional. During any interaction with the public, the only person that has a duty to be professional at all times is the officer;

- Identify themselves to the citizen by providing their name, Department affiliation, and the reason for the encounter as soon as practical. When conducting a vehicle stop, the officer shall normally provide this information before asking the driver for their license and registration;

- Ensure the detention is no longer than necessary to take appropriate law enforcement action and that the citizen understands the purpose of reasonable delays;

- Answer any relevant questions the citizen may have to include waivable citation disposition procedures, court dates, etc.;

- Provide his/her name and department badge number when requested in writing or on a business card; and

- Provide a professional explanation should it be determined that the person was not involved in the suspected criminal activity.

No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.

In each case where a search is conducted and items are seized, this information shall be recorded in an incident report to include the legal basis for the search and the results thereof.

Officers are required to document and report any detention, search, nonconsensual stop and/or arrest of a person.

Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are essential in maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

Supervisors shall identify and correct instances of bias in the work of their subordinates.)

Park level supervisors and Division Management shall be held accountable for repeated instances of biased enforcement of their subordinates.

2.4 Bias Free Police Training

North Carolina State Parks will ensure personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the citizens and visitors that utilize the park system. It is the goal of North Carolina State Parks to administer a training program that will provide for the professional and continued development of its officers. North Carolina State Parks seeks to provide on-going training and encourages all officers to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates.

Training on techniques to eliminate bias-based policing shall be conducted as directed by the Director of North Carolina State Parks, Deputy Director of Operations, Parks Chief Ranger, North Carolina State Parks' Training Committee and North Carolina Criminal Justice and Standards Commission. Training should be based on developments in North Carolina or federal law and North Carolina State Park policy.

This training shall address:

- (a) Methods and strategies for more effective policing that rely upon non-discriminatory factors
- (b) Police and community perspectives related to discriminatory policing
- (c) Constitutional and other legal requirements related to equal protection and unlawful discrimination
- (d) The protection of civil rights as a foundation of effective policing
- (e) The existence and impact of arbitrary classifications, stereotypes, and bias, including unconscious or implicit bias
- (f) Methods and strategies for identifying stereotypes and implicit bias in officer decision-making
- (g) Identification of key decision points at which discrimination can take effect
- (h) Methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived discrimination or bias.

All commissioned officers must complete at least two hours of bias-based policing refresher training each calendar year. Training records will be retained in accordance with NC State Parks and North Carolina Criminal Justice and Standards Commission policies.

The Director of North Carolina State Parks or their designee is responsible for providing the opportunity for every commissioned officer to obtain two hours of bias-based policing refresher training annually. However, each individual commissioned employee is responsible to obtain the minimum requirement of two hours. When the annual bias-based policing refresher training is complete employees will submit documentation to the Parks Chief Ranger for verification. Per section 7.2 of the Law Enforcement Policies and Guidelines officers who fail to complete the required annual refresher training shall have their commission suspended by their supervisor until such training has been acquired.

2.5 Duty to Intervene

Officers working for the Division of Parks and Recreation have a sworn duty and obligation to protect members of the public. Consistent with this obligation, officers should take a preventive approach, whenever possible, if observing behavior that suggests that another officer is about to engage in unlawful or inappropriate behavior, as described more fully below. Officers working for the Division of Parks and Recreation have an ethical and legal duty to intervene when necessary to prevent or stop another officer from using a level of force that the officer knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances. Officers shall also intervene in any case where the officer observes another officer treating a member of the public in any manner that is inconsistent with law or policy (i.e., conducting an unlawful detention or making an unlawful arrest). This duty also extends when the officer is called to assist, or is assisting, any other law enforcement agency. Failure to intervene, as required by this policy, may result in disciplinary action up to and including dismissal.

2.6 Duty to Report

Division of Parks and Recreation officers shall immediately notify a supervisor after conducting any type of intervention, when safe to do so. Division of Parks and Recreation officers also have a duty to immediately report any unlawful or otherwise inappropriate conduct when observed or when learned about. This includes specifically reporting fellow officers for illegal or inappropriate use of force. Notification shall be made to a supervisor, documented, and submitted through the Chain of Command and/or established internal affairs process. All types of interventions whether physical or verbal shall be documented and submitted through the Chain of Command and/or established internal affairs process. Failure to report, as required by this policy, may result in disciplinary action up to and including dismissal.

3.0 LAW ENFORCEMENT AUTHORITY

3.1 Guidelines

Only designated employees who are commissioned as special peace officers are authorized to take actions based on the following authorities:

Source of Authority

General Statute 113-28.1 states that, "...the Governor is hereby authorized and empowered to commission as special peace officers such of the employees of the Department of Natural and Cultural Resources as the Secretary may designate for the purpose of enforcing the laws, rules and regulations enacted or adopted for the protection, preservation and government of State parks, lakes, reservations and other lands or waters under the control or supervision of the Department of Natural and Cultural Resources."

Scope of Authority

A person commissioned by the Governor as a special peace officer (G.S. 113-28.2) "...shall have the right to arrest with warrant any person violating any law, rule or regulation on or relating to the State parks, lakes, reservations and other lands or waters under the control or supervision of the Department of Natural and Cultural Resources, and shall have the power to pursue and arrest without warrant any person violating in his presence any law, rule or regulation on or relating to said parks, lakes, reservations and other lands or waters under the control or supervision of the Department of Natural and Cultural Resources."

Special Peace Officers

Employees commissioned as special peace officers are "criminal justice officers" under G.S. 17C-2 (see Appendix B) and are subject to state-required education and training before exercising the powers of law enforcement (see 6.0 and 7.0).

Employees commissioned as special peace officers may, upon request by other law enforcement officers, assist such officers in effecting an arrest or preventing a violator's escape when the violator has entered the park after committing an offense(s) outside the park, in accordance with G.S. 15A-405 (see Appendix C).

Non-Commissioned Employees

Employees without a commission as a special peace officer are not to be assigned duties for the specific purpose of performing law enforcement functions. Examples of law enforcement duties are road and/or boat patrols, hunting and poaching patrols, disturbance calls, criminal investigations and the execution of warrants.

Non-commissioned officers should be trained to observe, recognize, and record illegal activities. Their observations must then be brought to the attention of commissioned officers for appropriate action.

NORTH CAROLINA DIVISION OF PARKS AND RECREATION
LAW ENFORCEMENT GUIDELINES REVISED 11/22/2021

Non-commissioned officers may detain offenders or assist a commissioned employee(s) in making an arrest or preventing an escape from arrest when the commissioned employee(s) asks for assistance in accordance with G.S. 15A-404 and G.S. 15A-405 (see Appendix C and D).

Non-commissioned officers who are required to obtain a commission shall comply with all applicable sections of the Law Enforcement Policies and Guidelines.

Non-commissioned officers shall not possess any defensive equipment or weapons while performing their official duties with the exception of defensive equipment issued for approved law enforcement training.

4.0 JURISDICTION

4.1 Territorial Jurisdiction

Jurisdiction is confined to the geographical boundaries of the units of the state park system. Jurisdiction may be expanded within the parameters of an approved mutual aid agreement or State Emergency Response Team Deployment. Commissioned officers are empowered to exercise law enforcement powers in all units of the state park system.

Where a person commits a violation in the presence of an officer and flees, the officer may pursue the violator outside of the park while attempting to effect an arrest. In the case of vehicle infractions, the officer's pursuit must terminate at the park boundary unless there is documented record(s) that the offender has committed a previous violation or is a repeat offender.

An officer may arrest with a warrant the person named in the warrant at anytime and anyplace pursuant to G.S. 15A-401(a) and G.S. 15A-402(a). (See Appendix E and F)

Warrant-less arrests must be made in accordance with G.S. 15A-401(b)(1). (See Appendix G)

An officer may detain offenders in accordance with G.S. 15A-404 when the officer is outside of his/her territorial jurisdiction. (See Appendix D)

4.2 Subject-Matter Jurisdiction

Commissioned officers are authorized to enforce the state criminal laws as well as park rules and regulations. In order to exercise the power of arrest these violations of law must have occurred on the lands or waters of the state park and in the presence of the commissioned officer.

While commissioned officers are authorized to enforce all drug laws in North Carolina, they are encouraged to deemphasize drug possession arrests for trace quantities (under 0.25 grams).

5.0 MANAGEMENT AND SUPERVISION

5.1 Responsibilities

The supervision of the law enforcement program daily and at all levels is in accordance with the Division's current organizational structure and assigned functional responsibilities.

The management and supervision of the law enforcement program at the park is the responsibility of the park superintendent.

The District Superintendent is responsible for the management and supervision of the law enforcement program in his/her district.

The Parks Chief Ranger is responsible for development and management of the law enforcement program guidelines, operating procedures and major incident investigations.

The Deputy Director of Operations is responsible for the management and supervision of the law enforcement program in the state park system.

The Director is responsible to ensure that the overall management and supervision of the law enforcement program is in compliance with the division's program direction (1.0).

5.2 Supplemental Policy and Guidelines

The park superintendent, with the concurrence of the district superintendent, may implement additional law enforcement policy and guidelines for his/her area that supplements, but is not contrary to, the division policy and guidelines.

The district superintendent, with the concurrence of the Deputy Director of Operations, may implement supplemental policy and guidelines for the district.

5.3 Investigations

Commissioned officers or an officer required to obtain a commission shall provide information in any form, in a factual, complete and honest manner as part of any investigation involving matters covered by the provisions of the Division Law Enforcement Policies and Guidelines, State Personnel Policies and the CJETSC.

5.4 Fitness for Duty

The Division may require a commissioned officer, or an officer required to obtain a commission to be evaluated by a medical professional at the Division's expense to determine the officer's physical or psychological fitness for duty. This provision will be employed when the officer's performance or behavior brings their fitness for duty into question.

The Division may remove a commissioned officer from law enforcement duties prior to an evaluation by a medical professional if there is reason to believe the officer's physical or

NORTH CAROLINA DIVISION OF PARKS AND RECREATION
LAW ENFORCEMENT GUIDELINES REVISED 11/22/2021

psychological fitness will inhibit the employee's ability to perform their duties in a safe and professional manner. In the event of this action, the Division will facilitate a fitness for duty evaluation with a medical professional as quickly as feasible.

A commissioned officer that has been removed from law enforcement duties for a fitness for duty issue, may be required to obtain written approval from a medical professional prior to resuming law enforcement duties.

A commissioned officer who is pregnant will be removed from law enforcement duties and/or firearms training at the request of the employee with appropriate supporting medical documentation through the ADA Request for Accommodation process.

Within DNCR policy, the Division may require a commissioned officer, or an officer required to obtain a commission to participate in a drug or alcohol screening test. This provision will be employed when the officer's performance or behavior brings their fitness for duty into question.

A commissioned officer who is removed from law enforcement duty due to a fitness for duty issue will transfer possession of their issued weapons, duty gear and law enforcement identification to the Park Superintendent or appropriate supervisor.

6.0 SPECIAL PEACE OFFICER COMMISSIONS

6.1 Guidelines

Employees commissioned as special peace officers with the Division are prohibited from maintaining or accepting a law enforcement commission from another agency while they are commissioned.

Employees commissioned as special peace officers with the Division who leave a position requiring a law enforcement certification will be prohibited from retaining their commission. This will apply to commissioned staff moving to a non law enforcement position or leaving employment with the Division.

A background investigation must be made and completed for each applicant who has received a conditional offer of employment for a position requiring a special peace officer commission prior to employment, even if the applicant has prior Division experience or has previously held a law enforcement commission.

The background investigation must be completed in accordance with the requirements of the state Criminal Justice Education and Training Standards Commission (CJETSC). Evidence of dishonesty, criminal history, mental or physical health concerns or other questionable information obtained during the background investigation process will be documented and presented to the Deputy Director of Operations for a determination of the applicant's fitness to serve as a Division commissioned employee. A conviction within any legal jurisdiction involving any statutory level of DWI will serve as a disqualifying employment factor for all applicants.

Prior to issuance of a commission, an applicant must have documented completion of the following minimum standards:

Law enforcement training requirements as prescribed by the State Criminal Justice Education and Training Standards Commission including First Responder Training.

American Red Cross or American Heart Association Cardio-Pulmonary Resuscitation (CPR).

Within 2 years of hire applicants must successfully complete Emergency Medical Responder (EMR) training.

Once issued, the special peace officer commission is valid throughout the state park system.

Officers transferring to new positions in the state park system will retain their commission.

Commissions have no expiration date and are issued on a permanent basis unless removed through an administrative action such as revocation or suspension, departure from the Division or failure to maintain training standards. Termination of employment will be in accordance with the provisions of the CJETSC and Staff Directive 89-16 (see Appendix K).

6.2 Suspension of Special Peace Officer Commission

A special peace officer commission may be suspended pending an investigation of matters covered by the provisions of the Division Law Enforcement Policies and Guidelines or the State Personnel Manual, or the CJETSC.

6.3 Motor Vehicle Driver's License Requirement

The possession of a valid motor vehicle driver's license by all commissioned officers or a division officer who is required to obtain a commission is mandatory in order to carry out the duties and responsibilities of the position.

Revocation, suspension or restriction of a motor vehicle drivers license of a commissioned officer or a Division officer who is required to obtain a commission for a charge or a conviction of a violation of law shall be reported to the employee's immediate supervisor and the District Superintendent within 12 hours. The Deputy Director of Operations will be notified within 48 hours.

6.4 Charge of a Criminal Offense

Commissioned law enforcement officers take an oath reflective of the "Code of Ethics" thereby committing to abide by all local, state and federal laws and regulations and agree to never knowingly violate these laws and regulations in their personal and official activities.

When a commissioned officer, or an officer required to obtain a commission, is charged with a criminal offense other than a minor traffic violation, the Division may place the officer on paid investigatory placement. During paid investigatory placement, an investigation will be conducted to determine if conduct or performance deficiencies have occurred that would warrant disciplinary action.

Commissioned officers or officers required to obtain a commission shall provide information in any form requested, in a factual, complete and honest manner as part of any investigation.

Dependent upon the results of the investigation, the Director will determine the next appropriate action to be taken, from no disciplinary action up to dismissal.

While on paid investigatory placement, an officer's law enforcement commission may be suspended. When the officer's law enforcement commission is suspended, the officer will transfer possession of their issued weapons, duty gear and law enforcement identification to the park Superintendent or appropriate supervisor.

A commissioned officer or officer required to obtain a commission who has received a disciplinary action upon being charged with a criminal offense other than a minor traffic violation may receive additional disciplinary action up to and including dismissal upon conviction, if additional relevant information comes forth during the court proceedings that was not known to the Division during the investigatory placement.

6.5 Conviction of a Criminal Offense

The Criminal Justice Education and Training Standards Commission will be notified by the Division of Parks and Recreation Chief Ranger as required by law of any commissioned officer or officer required to obtain a commission being convicted of a criminal offense other than a minor traffic violation. The CJETSC may suspend or revoke the commission of any officer convicted of a Class B misdemeanor or felony.

The Division may pursue dismissal of a commissioned officer who has had their commission suspended. The Division will pursue dismissal of a commissioned officer who has had their commission revoked by the CJETSC.

The Division will pursue dismissal of any officer required to obtain a commission if their application for certification is denied by the CJETSC due to a conviction of a criminal offense.

Upon the conviction of a criminal offense, other than a minor traffic violation or by a commissioned officer or an officer required to obtain a commission, the Director will determine the appropriate disciplinary action to be taken, up to and including dismissal.

The Division will pursue dismissal of a commissioned officer or an officer required to obtain a commission convicted of any statutory level of Driving While Impaired while on or off duty within any legal jurisdiction.

6.6 Division Notification of Criminal Charges

Division commissioned officers or Division officers who are required to obtain a commission shall notify their immediate supervisor and the District Superintendent of all criminal offenses which the officer is arrested for, or charged with, including by citation, immediately. The Deputy Director of Operations will be notified within 48 hours.

This notification requirement shall include all criminal offenses except minor traffic offenses. A minor traffic offense as defined by the Criminal Justice Standards Division is an offense where the maximum punishment by law is 60 days or less. Traffic offenses that specifically require notification include driving while impaired, driving under the influence, driving while license is permanently revoked or permanently suspended, duty to stop in event of an accident and persons under the influence of drugs.

Upon notification of a commissioned officer or an officer who is required to obtain a commission having been charged with a crime other than a minor traffic offense, the Deputy Director of Operations at their discretion may direct the Parks Chief Ranger and/or the District Superintendent to investigate the incident.

The investigation will identify legal and policy requirements that apply to the facts of the incident and determine compliance with those requirements. The investigation results will be provided to the Deputy Director of Operations.

Results of the investigation will remain confidential, consistent with general statute 132-1.4

NORTH CAROLINA DIVISION OF PARKS AND RECREATION
LAW ENFORCEMENT GUIDELINES REVISED 07/30/2021

and other administrative procedures that serve to protect all employees.

Upon receiving the investigation results, the Deputy Director of Operations will determine the appropriate action to be recommended to the Division Director including no action be taken or appropriate disciplinary action.

A commissioned officer or an officer who is required to obtain a commission who has been charged with a criminal offense other than a minor traffic offense shall notify their immediate supervisor and District Superintendent immediately of the time the charges were disposed of in court. Deputy Director of Operations will be notified within 24 hours. This notification will include the final disposition of the criminal charges.

The Division will notify the Criminal Justice Standards Division of the involved employees name, all arrests and criminal charges filed and the final court disposition of the charges in writing within 30 days of the court disposition date as required by 12 NCAC09B.0101(8).

7.0 TRAINING STANDARDS

7.1 Guidelines

Division officers may qualify for a special peace officer commission by fulfilling the requirements of the state's Basic Law Enforcement Training course (BLET) as set forth by the Criminal Justice Education and Training Standards Commission.

All full-time permanent Parks Chief Ranger, Law Enforcement Specialist, District Superintendent, Park Superintendent, and Park Ranger positions hired on or after September 28, 1987, are required to obtain and maintain a special peace officer commission.

Officers hired prior to September 28, 1987, who obtain a special peace officer commission must maintain the commission in accordance with the provisions of the CJETSC and these guidelines.

Officers are permitted to attend one Division-sponsored BLET course. Failure to complete the course of instruction or pass the state final examination will be cause for termination of employment. Exceptions may be granted by management for physical injury, illness, family death or other matters deemed by management to be beyond the control of the officer.

Officers should complete BLET within 18 months after employment. The term "employment" means probationary, non-permanent or permanent status. A minimum of three months active service by a new employee prior to attending BLET is recommended.

All division officers who complete the state's Basic Law Enforcement Training may be required to complete additional Division training before being commissioned as special peace officers. Division training may be conducted by any commissioned personnel approved by the Parks Chief Ranger. Non-commissioned instructors or speakers within or outside the Division may be included for specialized topics.

All commissioned officers must maintain at minimum a current First Responder training and Cardio-Pulmonary Resuscitation certification (CPR). In addition, there is an expectation that all commissioned employees will attend EMR (emergency medical responder) training within two years of being hired.

7.2 Refresher Training

All officers must complete all required in-service training as mandated by the CJETSC every year. It shall be the responsibility of the Parks Chief Ranger and/or Law Enforcement Specialist to report any deficiencies in mandated training to CJETSC as per that organization's reporting requirements.

These mandated hours of refresher training may be accomplished in a single session or done in increments throughout the year.

The following subjects are required as mandatory annual training for all commissioned employees:

Division Policy and Guidelines - this subject should address any new or revised policies

and guidelines. These shall include the entire division code of ethics.

State Law and Park Regulations (Also known as 'legal update')- this subject should address any additions or amendments in state law or park rules affecting law enforcement operations in the field.

Any subject(s) required by the CJETSC.

Whenever feasible and possible training in de-escalation tactics should be attended.

Firearms requalification will be conducted in accordance with the provisions of 12 NCAC 9E.0100 (See Appendix M).

In accordance with 12 NCAC 9E.0103 the designated representatives to review division policies regarding the use of force are the District Superintendents, Parks Chief Ranger, Law Enforcement Specialist and Division Firearms Instructors in addition to the Director.

Handgun and shotgun requalification may be conducted on the same date or on separate dates. Likewise, the handgun day course and night course may be conducted on the same date or on separate dates.

Any officer who fails to requalify with the handgun shall be prohibited from possessing any firearm and from performing law enforcement duties until a qualification score(s) is attained. Any officer who fails to requalify with the shotgun but qualifies with a handgun shall be prohibited from possessing a shotgun while on duty until a qualification score(s) is attained.

Any officer who fails to requalify with either the handgun or the shotgun or both will be allowed 90 calendar days or through December 31, whichever is shorter, to attain a qualifying score(s). Failure to qualify under this section will be cause for termination of employment from the Division. Exceptions may be granted by management for physical injury, illness, death of family member or other matters deemed by management to be beyond the control of the officer.

Where applicable, CJETSC trainer certification requirements are prerequisite for authorized instructors.

7.3 Suspension of Law Enforcement Authority

Notwithstanding the provisions of any other chapter, officers commissioned in accordance with Chapter 6.0 who fail to complete the required annual refresher training or firearms requalification, or maintain EMR and CPR certification shall have their commission suspended by their supervisor until such training has been acquired.

7.4 Training with Blank Ammunition

Training with commercially manufactured blank ammunition for use in properly modified and clearly marked training handguns is approved in division training sessions.

No weapons capable of firing any type of live ammunition may be used in training exercises where such weapons are aimed at, or pointed in the direction of, another person.

Shotguns and rifles will not be used to shoot blank ammunition in training sessions.

7.5 Authority of Instructors

Division law enforcement, search and rescue, First Responder, EMR and wildland fire instructors shall have supervisory authority when conducting approved division training to include removing disruptive or nonparticipating students from the training. In the event that an instructor experiences such difficulty with a division officer, the instructor shall provide written documentation concerning the incident to the Parks Chief Ranger or Law Enforcement Specialist.

8.0 **DEFENSIVE EQUIPMENT**

8.1 **Guidelines**

Wearing and Carrying of Defensive Equipment

The Division uniform including a visible badge, patch, and name tag will be worn in accordance with Division policy. In addition, commissioned officers engaged in uniformed law enforcement duties will be distinguishable by the wearing of the required weapon, expandable baton, handcuffs, OC spray and ammunition.

When in uniform, commissioned officers will be armed with the exception of when the wearing of defensive equipment would be inappropriate to the officer's safety or task such as fire fighting, EE training or certain EE programs and the performance of maintenance activities. The term "armed" is defined as wearing on the person, at minimum, handcuffs with case, handgun with holster, expandable baton with holster, OC spray canister and holder and ammunition in an ammunition holder.

Each commissioned officer must receive documented Division approved Division OC guideline training to include the physiological effects, use of force, proper deployment, decontamination, use documentation and an actual OC exposure before OC may be carried on duty.

Only Division issued or Division approved weapons will be carried or worn while on duty.

When the commissioned officer is performing plainclothes law enforcement duties, the handgun will be holstered in such a manner as to be concealed from sight.

The carrying of issued service weapons off duty must be approved by the Deputy Director of Operations and be in accordance with all applicable state and federal statutes.

The carrying and use of firearms outside of areas of Division jurisdiction by officers when not charged with law enforcement responsibility must be in accordance with Federal law and applicable State and local regulations and park policy.

Currently authorized service ammunition will be used. No other ammunition is approved.

Weapons and other defensive equipment will not be loaned to or used by any unauthorized persons.

The routine carrying of shotguns or rifles in vehicles must be approved by the Superintendent. When carried, they must be located in the trunk of a sedan or in the passenger compartment of a truck or SUV in a locked mount.

Each officer is responsible for providing security for defensive equipment while on or off duty. NC G.S. 14-315.1 Storage of Firearms to Protect Minors (Appendix P) is applicable to commissioned staff.

Each commissioned officer is issued a set of division approved soft body armor. The officer is

NORTH CAROLINA DIVISION OF PARKS AND RECREATION
LAW ENFORCEMENT GUIDELINES REVISED 07/30/2021

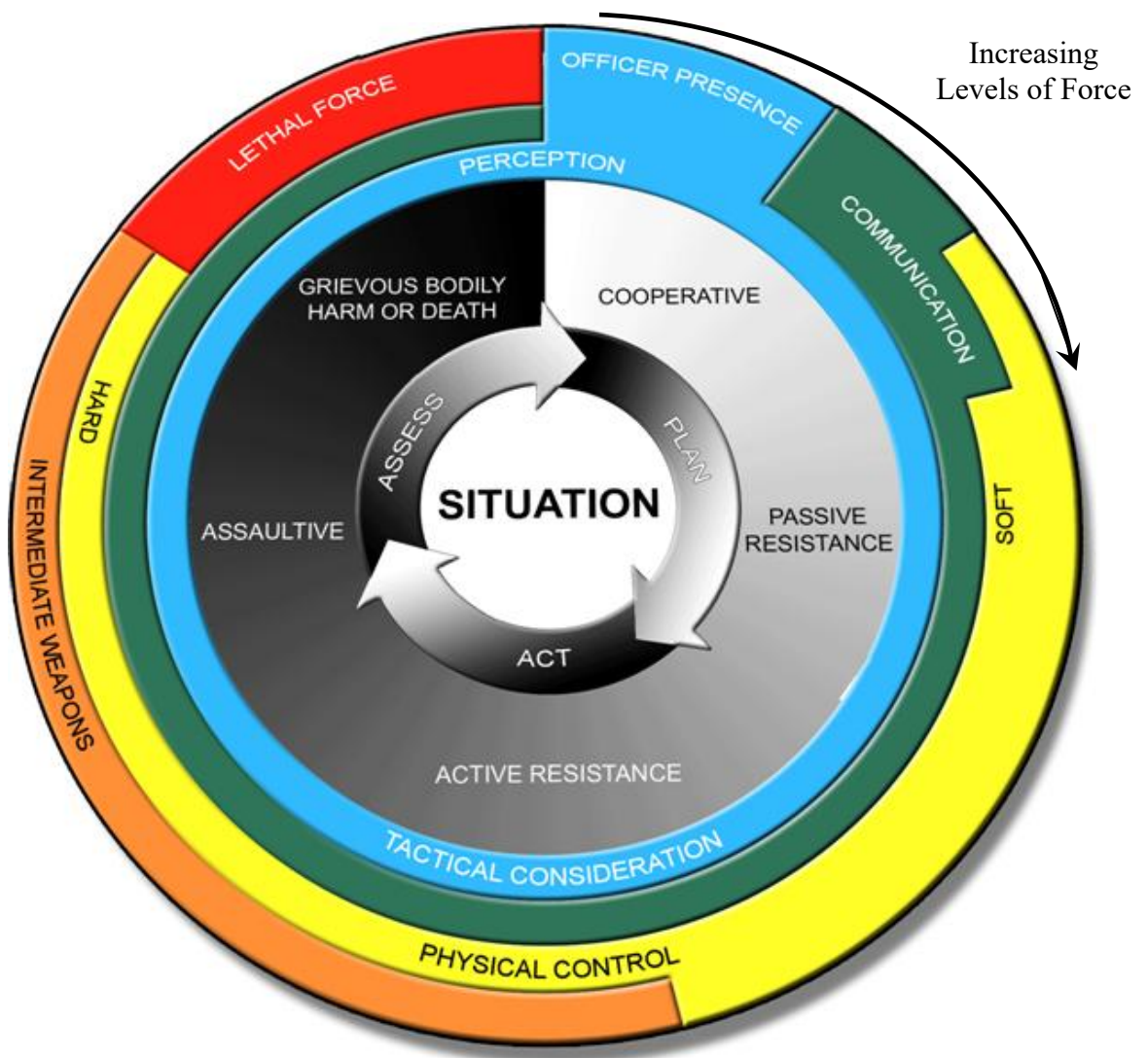
strongly encouraged to wear their body armor when armed and performing law enforcement duties. Commissioned officers will wear their body armor when so instructed by their supervisor. Division issued body armor including all accessories shall be returned to the Parks Chief Ranger upon termination of employment.

Commissioned officers are prohibited from wearing defensive equipment when not in full uniform except during approved plainclothes duty, participating in training not to include travel to and from the training site and as permitted under 11.6.2 of the Division Uniform Guidelines. Off duty commissioned officers are strongly encouraged to wear the full Division uniform when responding to law enforcement emergencies within division areas.

8.2 Use of Defensive Equipment

Use of defensive equipment shall be used in accordance with N.C. G.S. 15A-401 (d).

Use of Force Model –Public and officer safety are paramount in any situation. To that end, de-escalation techniques should be utilized whenever appropriate. In the Use of Force Model, officer presence (demeanor), and communication are elements that are present throughout the situation cycle. As indicated in the model officers should continually assess the situation and adapt accordingly. Officers should document the entire situation to the best of their ability using appropriate reporting procedures. (See Appendix Q-Use of Force Report)



-De-escalation techniques should be utilized as early as possible in a situation to maximize officer and public safety.

-Factors to consider before approaching a situation:

-Time

Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

-Distance

Maximizing tactical advantage by increasing distance to allow for greater reaction time.

-Shielding

Utilizing cover and concealment for tactical advantage

LEVELS OF SUBJECT RESISTANCE

-Psychological Intimidation - A subject's non-verbal cues indicating the subject's behavior, appearance, body language and signs of physical readiness.

-Verbal Non-Compliance - Verbal expressions/responses indicating the subject's unwillingness to comply with the officer's commands.

-Passive Resistance- Physical actions that do not prevent the officer's attempt of control.

-Defensive Resistance - Physical actions which attempt to prevent the officer's control, but never with the intent to harm the officer.

-Active Aggression - Physical actions of assault with intentions of the subject to harm the officer physically with personal weapons.

-Aggravated Active Aggression - Deadly force encounter.

LEVELS OF SUBJECT CONTROL

-Officer Presence - No force is used. The mere presence of a law enforcement officer, by his appearance, actions, and symbols of authority (badge, uniform, weapon or weapons) works to deter crime or de-escalate a situation. Officer attitudes should be professional

and non-threatening.

- Verbal Direction - Involves an officer's ability to use the spoken word to control or de-escalate a confrontation, (conversation, advice, or commands/instructions).
- Soft Empty Hand Control - Techniques which have a minimal probability of injury, (joint locks, pressure points).
- Aerosol Chemicals - Techniques designed to incapacitate without lasting aftereffects.
- Hard Empty Hand Control - Techniques that have a higher probability of injury (punches, kicks, etc.).
- Impact Weapons - Techniques using impact weapons (baton, flashlight) to apply joint locks or striking force.
- Lethal Force - Involves deadly force actions by the officer as governed by statute, [G.S. 15A-401(d)(2)] to gain control of a situation.

The officer is not required to progressively work through each level of control to resolve a resistance confrontation. Considering the totality of the circumstances, the officer must base their force response decision to a specific level of resistance as demonstrated by the subject. Officers should use the minimum amount of force needed to apprehend a suspect.

The Use of Force Model is a guideline representing the appropriate force that may be used in any given situation. Use of force confrontations are dynamic and not static. Division officers must make their use of force decisions considering the totality of the circumstances including, but not limited to, the following variables:

- Size and gender of officer and subject.
- Environmental conditions
- Reaction time
- Multiple subjects/officers
- Age of officer/subject
- Availability of other options
- Distance from subject
- Skill level of officer/subject
- Injury or exhaustion

- Availability of a weapon.
- Medical conditions
- Mental impairment
- Developmental disability
- Physical limitations
- Language barriers
- Drug interactions
- Behavioral crisis
- Fear or anxiety

The use of deadly force is governed by North Carolina General Statutes, as follows:

15A-401(d)(2) A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby:

To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;

To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or

To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.

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

Officers are required to fill out a use of force form (see appendix Q) any time they use force during the performance of their duties. This includes any time they point a gun at a subject. Officers are required to alert his or her supervisor any time the officer points a gun at someone.

8.3 Officer Use of Defensive Equipment Expectations

A Commissioned Officer:

NORTH CAROLINA DIVISION OF PARKS AND RECREATION
LAW ENFORCEMENT GUIDELINES REVISED 07/30/2021

1. Never removes the handgun from the holster unless there is reasonable and articulable explanation for its legitimate use.
2. Never fires warning shots.
3. Never fires a gun in the apprehension of a misdemeanor unless the officer reasonably believes that there is the use or imminent use of deadly physical force by the misdemeanor to resist arrest.
4. Avoids using a firearm as a striking instrument.
5. Never fires from a moving vehicle. Firing at a moving vehicle is only justified when there is an imminent and immediate danger of physical harm to commissioned personnel or another person.
6. Never uses chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, or any other tactics that restrict oxygen or blood flow to the head or neck unless necessary to protect the life of the officer.
7. Never uses projectiles against a subject's head, neck, face, and spine unless deadly force is justified.
8. Never uses force to retaliate against subjects for talking back or running away.
9. Avoids discharging OC spray directly into the eyes or face of a subject at close range (less than three (3) feet).
10. Provides the same degree of security to the OC spray dispenser that is afforded the handgun.
11. Avoids discharging a large amount of OC spray into a confined space such as a small room or closed automobile.
12. Avoids discharging OC spray in the immediate vicinity of infants.
13. Ensures that all persons exposed to OC spray are treated according to prescribed procedures in Appendix O (Oleoresin Capsicum Spray Policy).
14. Avoids delivering a blow to the head, neck, or face with the baton unless the officer reasonably believes his/her health/life is in imminent danger.
15. Always double locks handcuffs once they are applied.
16. Avoids using handcuffs to secure a person, unattended, to a fixed object.
17. Avoids using handcuffs to secure a person to other law enforcement personnel.
18. Avoids using handcuffs to secure a person to a vehicle or vessel.

19. Avoids leaving a handcuffed person unattended.
20. Always ensures that an arrestee to be transported over water is wearing a U.S. Coast Guard approved personal flotation device. Arrestee will be handcuffed in the front.
21. Unless circumstances dictate otherwise, handcuffs arrestees with their hands behind their back. Exceptions include arrestees who have difficulty or physically can't put hands behind their backs. Employing a double cuff system behind the back, using leg irons in place of handcuffs or cuffing in the front is at the discretion of the arresting officer.
22. Uses Flex cuffs only as temporary/emergency devices. An officer will not use flex cuffs unless he/she has been trained in applying and removing them. The proper cutting device will be used with regards to flex cuff removal. The use of a pocketknife is prohibited.
23. Uses Leg cuffs only if the officer reasonably believes the arrestee will attempt to kick him/her. The same procedure for handcuffing will apply to ankle cuffing including double locking of the restraints. At no time are the leg irons to be tied or secured to any part of the vehicle or to handcuffs.
24. Never hog-ties subjects (defined as connecting a subject's hand and foot restraints behind the subject's back), including when transporting them face down in a vehicle.

8.4 Consent to Search-

Voluntary consent to search by an individual or the owner/operator of a vehicle confers authority to conduct such a search. Consent to a search must be voluntary and freely given rather than a mere submission to an expressed or implied authority, duress, or coercion. Although consent to search need not, as a matter of law, be written, members shall, pursuant to this policy, attempt to obtain written consent whenever practicable. In those cases where an individual indicates a willingness to consent to a search of the vehicle but desires not to sign a Consent to Search form (appendix R), the member shall document the verbal consent on the Consent to Search form and proceed with the search. In all cases where a consent search is conducted, a copy of the consent to search form shall be furnished to the person consenting to the search. Once consent to search is obtained, members shall, as expeditiously as practicable, either confirm or dispel their belief that drugs, contraband or other criminal activity exists during the enforcement contact. **Under no circumstances** shall any person or vehicle be detained for a period of time longer than is reasonably necessary under the existing circumstances

8.5 Care of Arrestee(s) in Custody

Officers must treat those taken into custody with the highest moral and ethical standards. They must also treat them with dignity and respect to the greatest extent possible in often trying circumstances but must also keep officer safety in mind.

An arrestee(s) care and health are the responsibility of the arresting officer(s). The officer(s) remains responsible for the security of the detainee and must take all necessary steps to prevent

escape.

Medical treatment will be afforded all arrestees as required. As needed arrestees will be medically cleared on scene and before transport. Examples include but are not limited to injured arrestees, arrestees who appear or complain of being ill, highly intoxicated/mind altered arrestees, mentally unstable arrestees, etc. When in doubt an officer should contact EMS. When medical treatment is refused Officer should obtain, either through written or verbal, documentation that an arrestee refused medical treatment.

Persons stopped for investigation of routine criminal or traffic violations may be detained for a reasonable amount of time sufficient to conducting those duties normally associated with criminal or traffic investigations. Such investigations include, but are not limited to, checking driver license status, checking warrant status, checking vehicle registration or other pertinent information or completing any paperwork applicable to the stop.

8.6 Searching of Arrestees

Searching of arrestees will follow the current guidelines established by the North Carolina Criminal Justice and Training Standards.

All arrestees will be searched upon arrest and before transport.

When possible, all searches should be conducted with another officer present as witness. When possible, searches should be conducted by an officer of the same gender as the arrestee.

For safety reasons all arrestees will be kept in sight at all times. If an officer(s) loses site of an arrestee that arrestee will be searched again.

Officers shall search any arrestee whose custody is turned over to them by another officer, whether that officer is a Park Ranger or an officer with another agency.

8.7 Arrestee Processing and Transport

The arrest and processing of an arrestee will follow North Carolina's procedure as outlined in N.C.G.S. 15A-501 – 15A-505.

The arrestee shall be told the nature of the charges being brought against him/her. The arrestee shall be informed of their constitutional rights concerning interrogations, line-ups, or tests prior to engaging in such activities. If they are to be questioned, they must also be advised of their right to council (often referred to as their Miranda Rights).

Once a person is taken into custody, the officer shall bring the arrestee before a Judicial official without unnecessary delay. Officers are, however, authorized to transport arrestees to other locations if it is reasonably necessary as outlined in N.C.G.S 15A-501.

When possible, arrestee transport should be conducted by two officers.

An arrestee's physical and mental status should be monitored during transport. Transport will be temporarily halted when necessary to provide an arrestee care up to and including contacting EMS.

When possible, an arrestee will be transported in vehicles that are designed for that duty. Vehicles should include shields that separate officer and arrestee. If such a vehicle is not available, the officer will contact a local LE agency and request a transport vehicle. If such a vehicle is not available, the arrestee should be transported in the front passenger seat in an upright position and, if possible, a second officer shall accompany the first officer. Seat belts will be used to secure all arrestees.

The primary duty of the transporting officer is the safe delivery of the arrestee. Officers should stop to render aid to third parties only when the risk to the third party is both clear and grave and the risk to the arrestee is minimal.

8.8 Reports and Investigations

Lethal Weapons: For the purpose of this section, the term "use" as applied to firearms means the drawing and pointing of a firearm at an individual or any discharge of a firearm. Use of a lethal weapon shall be documented and reported as follows:

Approved training, administrative use, and weapons maintenance will be documented on a case incident report.

Any drawing and pointing of a firearm at an individual in a law enforcement situation shall be documented with a case incident report to include a use of force report (Appendix Q). The supervisor, District Superintendent and Deputy Director of Operations will be notified within 24 hours. No other action is required unless the firearm is discharged in any circumstance other than an approved training exercise, or is used to euthanize an animal in accordance with Appendix I.

All other "use" will be documented in detail on a case incident report to include a use of force report (Appendix Q). The supervisor, District Superintendent and Deputy Director of Operations will be notified within 24 hours. Copies of reports involving such use of any lethal weapon will be submitted to the Deputy Director of Operations. The supervisor will assure that an immediate investigation is made by qualified law enforcement personnel.

Whenever the use of any lethal weapon results in human injury or death, the officer involved will be placed immediately on non-law enforcement duty and the law enforcement commission suspended, pending an investigation. The immediate supervisor will immediately notify the District Superintendent, the District Superintendent will notify the Parks Chief Ranger and Deputy Director of Operations who will establish a Board of Review as required below.

Board of Review

Whenever a firearm is discharged other than for the authorized destruction of an animal or for the purpose of approved training, a Board of Review will be convened subject to the conditions set forth below:

In any case involving accidental or intentional discharge of a firearm, the Deputy Director of Operations will establish a Board of Review as soon as practicable.

The Board will have at least three persons who will review the incident. The Board will include the District Superintendent and the Parks Chief Ranger who will serve as chairman.

The functions of a Board of Review will include, as a minimum, the following:

Finding the facts and circumstances of the incident and those which may have contributed to it.

Identifying legal and policy requirements that apply to the facts of the incident and determining compliance with those requirements by all individuals involved.

Conducting an objective review of the incident, including a review of applicable operational procedures.

Based on the facts of the incident, making recommendations, as appropriate, in the areas of policy, procedures, equipment, training, for the purpose of improving operations.

Deliberation and conclusions of the Board will remain confidential, consistent with general statute 132-1.4 and other administrative procedures that serve to protect all employees.

The Board is authorized to require the appearance of any Division employee having knowledge of the facts related to the incident.

The results of the investigation will be forwarded to the Deputy Director of Operations by the Parks Chief Ranger.

The officer will be returned to law enforcement duty when a favorable determination is made by the Deputy Director of Operations based on the findings of the Board.

In cases where a non-lethal weapon or force including OC spray is used with no resulting injury or death, the officer using the weapon or force will report the circumstances surrounding the use to the immediate supervisor within 24 hours. Details concerning the incident and any investigation will be documented on a case incident report to include a use of force report (appendix Q).

The use of any restraining device will be documented by the responsible employee utilizing the case incident report concerning the particular incident.

Review of the incident involving a restraining device is the responsibility of the immediate supervisor who will determine if additional reporting or investigation is needed.

8.9 Inspections

All Division issued and approved firearms will be inspected annually by a certified armorer. Inspections will be documented, and the records maintained by the Parks Chief Ranger or their designee.

At minimum, Supervisors shall make quarterly inspections of Division issued and approved handguns, ammunition, shotguns, rifles, handcuffs, batons, duty gear, body armor and OC spray which are used for official duty. Inspections shall be documented on a PR63. The following items should serve as a guide to inspections:

No unauthorized equipment or ammunition.

No changes made to alter the manufacturer's functional standard for any firearm. No alterations made to holster, ammunition, or other defensive equipment.

Firearms will be clean and in proper and safe mechanical condition.

Expandable batons should be clean and free of rust with moving parts lightly lubricated. The baton should deploy smoothly and completely. Locking joints should be inspected for cracks.

Age of ammunition and OC spray should also be checked during inspections. OC spray should be replaced after 4 years of use. Partially used OC spray canisters should be replaced immediately. Previously carried ammunition should be used for training.

Each park will conduct at least an annual inventory of all defensive equipment.

8.10 Acquisition and Accountability of Equipment

Acquisition of firearms, OC spray, batons and handcuffs will be the responsibility of the Raleigh office. All Division defensive equipment will be the property of the park. A signed receipt shall be obtained whenever defensive equipment is issued to individuals. Receipts shall be filed in a manner that will allow the equipment in the possession of each individual to be readily determined.

Appropriate procedures shall be established to ensure that, when individuals leave the Division, weapons, defensive equipment, badges and identification cards in their possession are turned in to the appropriate officials.

Whenever a commissioned officer transfers to another position within the Division which requires a commission, the commissioned officer will retain and transfer with him/her the equipment belt, handgun, shotgun, holster, handcuffs, handcuff case, ammunition holders, belt keepers, and expandable baton with holster.

In accordance with G.S. 20-187.2, retiring commissioned officers may request and, with Departmental approval be awarded their service sidearm. Such request must be in writing and accompanied by a pistol permit as required in G.S. 14-402. The Division Director is responsible to complete and forward a request for Departmental approval to award a service sidearm (see example in Appendix N).

8.11 Description of Authorized Defensive Equipment

Handgun--Duty (Division Issue)--Double action only, semi-automatic pistol, .45 caliber, eight shot or more capacity, 3.9 - 5.0 inch barrel, fixed or adjustable sights (luminescent sights optional), corrosion resistant finish.

Shotgun--12-gauge, pump action, receiver milled from solid block, 2-3/4 or 3 inch chamber, rifle, ghost ring or bead sights are authorized, tubular magazine, cylinder bore, 18-20 inch barrel, blue steel, stainless or Parkerized finish, wood or synthetic standard straight stock and forearm (American manufacture). No after-market magazine extenders or other modifications. No exposed hammers. No shotguns capable of being fired by having the trigger pulled to the rear and the closing of the action disengaging the sear causing the weapon to fire.

Rifles and Carbines--.223 (5.56mm) or any .30 caliber semi-automatic, bolt or pump action, stainless, blue or Parkerized finish, adjustable sights for windage and elevation. Telescopic sights optional.

Oleoresin capsicum (O.C.), aerosol irritant projector, stream pattern spray, American manufacture, maximum effective range at least eight (8) feet.

Police Baton--metal, friction-grip, expandable baton, 20-22" in length, black in color.

Handcuffs--American manufacture, double lock capability, stainless, nickel, or chrome finish.

Disposable cuffs--plastic self-locking type.

Handgun ammunition, Duty--American manufacture, .45 ACP, 230 grain semi-jacketed or jacketed hollow point (Practice rounds will be the same weight, load and muzzle velocity as duty rounds in either hollow point, or full metal jacket configurations.)

Shotgun ammunition, American manufacture, 12 gauge, plastic cased, "00" buck shot, or 7/8 oz. or 1 oz. rifled slug. Tactical, reduced recoil load optional.

Alternative shotgun ammunition may be approved by the Parks Chief Ranger for addressing wildlife control issues.

Rifle ammunition, American manufacture, jacketed soft point or hard ball for caliber needed.

Holster--American manufacture, plain, black color, no tooling, thumb-break to draw, covered trigger guard, vertical or standard tilt, high or low ride, belt loop style for 2 1/4" belts. Holsters must be of plain leather-like synthetic laminate or leather construction. Holsters will be specifically designed for the model and caliber of the weapon being carried. Safety-type holsters are authorized. Close riding or "pancake" type holsters meeting the above specifications except belt loop requirements are authorized for approved plain clothes law enforcement duties

The immediate supervisor may authorize low ride holsters for employees who have difficulty drawing the handgun from a high ride holster.

Handcuff case--American manufacture, plain leather-like synthetic laminate or leather, plain black color, pouch type with hidden snap-closure.

Equipment belt--American manufacture, two belt system, outer belt 2 1/4-inch-wide, plain leather-like synthetic laminate or leather, plain black color with no design or tooling, buckle-less, with Velcro hook lining. Inner belt, reversible plain leather-like synthetic laminate or leather, 1 1/2 inch

wide, with Velcro pile lining plain black color with no design or tooling, buckle less.

Ammunition magazine carrier--American manufacture, plain leather-like synthetic laminate or leather, plain black color, hidden snap closure, covered ammunition holder. Single or double magazine holders are authorized.

Accessories--Any other authorized plain leather-like synthetic laminate or leather items to be plain black color with no exposed buckles. Closures are to be hidden snap closure.

Surgical glove pouch in plain black with hidden snap or Velcro closure.

Safariland Model 6000 Hood Guard for the Division issue Safariland 6280 holster.

Soft body armor.

Radium luminescent material sight.

Tear gas masks--standard police type.

Safety helmet--police type with face shield.

Expandable baton holster, plain black color, swivel type or side break type.

Flashlight holder

Black rubber handgun grips.

Badge case or badge holder, plain black leather.

OC spray carrier--American manufacture, plain leather-like synthetic laminate or leather, plain black color, covered aerosol canister carrier with hidden snap closure.

Safariland Model 6001 Sentry Holster Lock for the Division issue Safariland 6280 holster. Use of this accessory requires that the officer practice until they are proficient with the holster lock prior to using the device on duty. Officers who have the holster lock installed are required to engage it during firearms qualifications.

8.12 Non-Issue Deadly Weapons

In accordance with G.S. 14-269.1 (4b) the Division Director or the Parks Chief Ranger acting on the Directors behalf may submit a written request to the court that a deadly weapon (See 1.4 Definition of Terms) confiscated by Division officers be turned over to the Division for official use, providing that the weapon has a unique legible identification number.

Division officers who believe a specific non-issue deadly weapon would have value for official Division use, should submit a written request to the Parks Chief Ranger that the weapon be retained. Division officers are prohibited from possessing nonissue deadly weapons on duty except

NORTH CAROLINA DIVISION OF PARKS AND RECREATION
LAW ENFORCEMENT GUIDELINES REVISED 07/30/2021

when they are evidence in an active criminal case or being used for Division approved training, being held pending the weapons destruction, being returned to the appropriate owner or being transferred to a Division Firearms Instructor or the Parks Chief Ranger.

Court awarded and other non-Division issue weapons that are not evidence in an active criminal case will be secured and maintained for official Division use by the Parks Chief Ranger and Certified Division Firearms Instructors. An annual inventory of these weapons will be completed by the Parks Chief Ranger and Division Firearms Instructors indicating the weapons identification number, description, location and status. This annual inventory will be maintained in the Parks Chief Ranger office and a copy will be forwarded to the Deputy Director of Operations.

All non-issue firearms used for training activities will be rendered incapable of firing live ammunition by a division armorer or a certified gunsmith. This deactivation will be documented on a case incident report. Deactivated training firearms will be identifiable by a red stripe on the weapons stock or grip.

9.0 COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES

9.1 Guidelines

Cooperative efforts and relationships will be in an appropriate written format.

The Director and, as necessary, appropriate Department heads, must approve Cooperative agreements, Memorandums of Understanding, and the like. The Park Superintendent may approve DCI service agreements.

All proposed cooperative agreements will be submitted in written form for division review and legal review before approval and implementation.

Agreements should provide for identified mutual benefits. They should document what each party is to give and receive under the agreement.

Agreements must be in effect for a specific period.

Agreements shall identify the circumstances when authority is vested in employees by other agencies.

Agreements must be signed by all parties to the agreement and dated before becoming valid.

Written agreements should address the following areas of potential conflicts:

Who is in charge, and when, for various types of law enforcement actions and criminal investigations.

Levels of authority and channels of communication to activate response.

Who communicates with the media concerning what types of incidents.

Provision to share or exchange investigative reports within legal and policy constraints.

Reimbursable costs for equipment, salaries and services, if any.

10.0 EVIDENCE MANAGEMENT

10.1 Guidelines

Each park will designate at least one park evidence custodian.

Each park will have an evidence room, safe, locker, or other secured place that serves to limit access to evidence.

Each park will include in its evidence procedures instructions for:

- Measuring and quantifying

- Marking of evidence

- Packaging of evidence

- Tagging of evidence

- Testing and analysis

- Storage of evidence

- Accessing of evidence

- Evidence Retention

- Disposing of evidence

- NCIC check on all firearms or serial numbered items of evidence.

Each park superintendent shall certify through the District Superintendent to the Deputy Director of Operations annually by January 31 that an inventory of all evidence and custody property has been completed and that they are in compliance with approved evidence procedures.

Evidence rooms, safes, lockers or other secure evidence storage areas are subject to periodic inspection and audit for verification of inventory by the Park Superintendent, District Superintendent, Parks Chief Ranger or Law Enforcement Specialist. The park evidence custodian and the Park Superintendent will be present during such audits.

11.0 LAW ENFORCEMENT VEHICLES/VESSELS AND EMERGENCY DEVICES

11.1 Guidelines

Operation of vehicles with 'State Ranger' graphics should be avoided by non-Ranger or non-commissioned staff.

In addition to any other equipment that may be provided, all vehicles used for law enforcement purposes will be equipped with a two-way radio, blue light(s) and siren.

Commissioned staff operating vehicles with 'State Ranger' graphics shall be in uniform unless approved plain clothes law enforcement duties or acting under policies outlined in the Division Uniform Guidelines.

12.0 USE OF EMERGENCY VEHICLES

12.1 Guidelines

Operation of an emergency vehicle with emergency warning signals (appropriate lights and audible siren) activated may occur:

Only when a commissioned officer performing law enforcement duties operates the vehicle and only at such times, when in the reasonable belief of the operator, an emergency is imminent or exists and the activation of emergency warning devices is necessary in order to protect life or render assistance;

When directed by a dispatcher or a supervisor;

To effect the arrest or prevent the escape of a fleeing law violator after other reasonable means have failed and when a substantial risk exists that the person to be arrested will cause death or serious bodily harm if their apprehension is delayed;

When necessary to affect a traffic stop;

When necessary while providing escort services; or

When necessary while responding to the scene of a fire, accident, or other emergency. Emergency lights shall remain activated at the scene of such incidents when necessary to protect against further injury or property damage.

If possible, commissioned officers will immediately notify appropriate dispatchers, (e.g., State Highway Patrol, County Sheriff or local police), whenever they are running siren and or blue lights on public streets, roads or highways outside of park boundaries. Such notification shall include the employee's identity, the nature of the emergency, location, direction of travel and whether backup assistance is needed.

Emergency lights shall remain activated at the incident scene when necessary to protect against further injury or property damage.

Operation of an emergency vehicle at a speed in excess of the posted speed limit without emergency signals activated is authorized when:

Responding to a law enforcement incident where emergency warning signals would likely prevent apprehension or endanger human safety.

When pacing a car a reasonable distance prior to conducting a traffic stop.

Serious consideration must always be given to whether the need to operate above the posted speed limit justifies the increased danger created when emergency equipment is not fully utilized. In these situations, it must be recognized that the officer does not have the legal right of way. At stop or yield devices, speed must be reduced, or a stop made to ensure that the way is clear to proceed.

Emergency vehicles should be operated with either headlights or headlight strobe lights turned on in conjunction with emergency lights and audible warning signals. This shall apply to daytime as well as nighttime driving. Headlight flashers are authorized.

Emergency vehicles may be operated to a maximum of 30 MPH in excess of the posted or prima facie speed limit.

However, a commissioned officer who is in fresh pursuit of a known felon may exceed these speed limit restrictions when a substantial risk exists that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed. Under no circumstances, however, may emergency vehicles be operated at a speed greater than reasonable or prudent under existing conditions.

The use of emergency warning signals shall not be considered as guaranteeing a right-of-way, but rather as an attempt to facilitate the gaining of a right-of-way.

Prudence and care must be exercised in the area of public buildings, parking lots, intersections, wildlife crossings, and at other such locations where a potential danger may arise to the public or to Division personnel. Regardless of circumstances, vehicles must always be operated with due consideration and allowance given for road, traffic and weather conditions, the possibility of pedestrians or animals on the roadway and factors influencing the driver's physical condition.

The use of emergency warning signals while transporting sick or injured shall be primarily for the use of gaining the right-of-way.

The operator of any vehicle subject to emergency use is responsible for routinely checking the vehicle and the emergency warning devices for any safety or mechanical defects and ensuring regular preventive maintenance.

When possible, emergency vehicles shall not contain less than one-half ($\frac{1}{2}$) tank of gas.

Transportation of prisoners will be done in accordance with BLET standards. See Appendix L.

Except in search of a known felon or misdemeanor suspected of being within a park, Division officers will not conduct traffic check points unless specifically authorized by the Deputy Director of Operations. Division officers may conduct a traffic check point when seeking time sensitive information regarding a missing person.

Vehicle outside speakers will be used only for law enforcement and other emergency purposes and to locate drivers of vehicles at the park closing time. Otherwise, they will not be used as a matter of convenience in place of the officer getting out of the vehicle to talk with visitors face-to-face.

Vehicle stops will be made in accordance with BLET standards. Stops will not be made unless the stopping officer is in direct communication with another Division employee or other law enforcement officer.

In pursuit situations, where a law violator has clearly demonstrated his intention to avoid apprehension, the direct responsibility for exercising good judgement is placed on the pursuing

officer. Commissioned officers involved in pursuit situations must continually question whether the seriousness of the violation reasonably warrants continuation of the pursuit. A pursuit shall be discontinued when there is a clear danger to the public or to the pursuing officer. A decision by an officer to continue pursuit must reflect weather and road conditions, visibility, dangers to other motorists and pedestrians, wildlife present, availability of assistance and probability of successful apprehension in light of these risk factors.

When engaged in emergency response or pursuit, operators of emergency vehicles shall adhere to the following minimum standards applicable to intersections:

When approaching an intersection at which a light signal or stop sign is displayed, reduce speed or stop, and proceed through only when safe and reasonable to do so.

Officers must comply with all other requirements applicable to uncontrolled intersections or intersections controlled by yield signs, proceed through only when safe and reasonable to do so, stopping if necessary.

13.0 REPORTS PROCEDURES

- 13.1 The Division has adopted the State Bureau of Investigation's Division of Criminal Investigation (DCI) reporting system. Additionally, for internal purposes the Division has devised a Case Incident Report System (PR-63). Instructions for the use of these report forms are available at the park, district, or Raleigh Offices.
- 13.2 The state Uniform Traffic Citation form will be used for both traffic and non-traffic offenses.
- 13.3 DMV form 349 will be used to report motor vehicle accidents.
- 13.4 The Warning Notice form is designed to convey appropriate information to park visitors in order to gain their voluntary compliance with park rules. The purpose of the form is to provide information only. It is not intended to be used as a punitive measure. Oral admonishments will continue to be the preferred method for handling minor violations of park rules.

14.0 SUPPLEMENTAL OPERATING PROCEDURES

14.1 Guidelines

The State Bureau of Investigation (SBI), or another appropriate agency, will be summoned to conduct major crime investigations such as, but not limited to, murder, rape, robbery, and burglary.

The State Bureau of Investigation will be summoned to conduct investigations concerning commissioned officers use of deadly force.

The State Highway Patrol will be summoned to investigate motor vehicle accidents which involve a fatality(s) or the emergency transportation of victim(s). The ranger may summon the Patrol for other types of motor vehicle accidents as needed.

Officer motor vehicle accidents involving state vehicles will be investigated the same as any other motor vehicle accident. The State Highway Patrol will be summoned to investigate Division motor vehicle accidents involving significant property damage and all injuries.

Assistance from other agencies will be summoned for unique or specialized needs such as, but not limited to, hostage-taking, terrorist acts, bombings, or the discovery of a real or potential bomb, riots, civil disorders, violent demonstrations or demonstrations likely to become violent, group confrontations likely to become violent and hazardous materials incidents.

Division officers may detain violators of other agency regulations within the park until surrendering them to the other agency's officer. If the other agency's officer cannot arrive in a timely manner, or so requests, the Division officer may act on the violation.

Motor vehicle infractions and park rule violations committed by officers while on duty will normally be handled administratively. On a case-by-case basis, a supervisory determination will be made to take corrective measures either administratively or through the judicial process.

A physical inventory of the contents of seized or impounded motor vehicles will be conducted in every case where a commissioned officer(s) has seized or impounded a motor vehicle(s) for any offense.

When the driver of a motor vehicle is arrested, they should sign the "consent to tow, remove or store vehicle" block on the reverse side of the uniform citation indicating the disposition of the vehicle.

The control of injured, dangerous, or feral animals and wildlife within a park shall be governed by the policy contained herein as Appendix I. Destruction of such animals or wildlife requires documentation of need, approval by higher authority and coordination with appropriate Wildlife Resources and animal control agencies in accordance with the guidelines set forth in Appendix I.

Additional provisions for the enforcement of state motor vehicle laws are provided by G.S. 143 116.8 (see Appendix J).

15.0 REVIEW PROCESS

15.1 Guidelines

The Division's Raleigh Office will be responsible for the annual review of these policies and guidelines. The Parks Chief Ranger will coordinate the review process.

Participation in this review by field personnel is essential and will be solicited.

Suggested changes, additions or corrections should be presented to the Parks Chief Ranger by October 1 each year.

Suggestions should explain in detail the change(s) intended. The written format of the suggestion shall conform to that of the Policy and Guideline.

Suggested changes will be analyzed and prepared for the Director's approval and incorporated into the Policy and Guideline. Approved changes will be distributed to the field areas by January 1 each year.

There will be no reminder sent to the field areas concerning the annual review process.

16.0 FIREARMS TRAINING

16.1 Guidelines

Only State certified firearms instructors are allowed to supervise courses of fire.

All specialized courses will initially be approved by the Parks Chief Ranger.

The instructor will give the command to load prior to the course being run. The instructor will visually inspect each weapon used in the running of the course to make sure the weapon or weapons are unloaded and safe after the completion of the course.

The instructor will make sure there are no live rounds loaded in the chamber of a shotgun while the shotgun is inside a vehicle.

The instructor will make certain that each person participating in any course is thoroughly familiar with each weapon used in the course prior to participating.

The instructor will make sure that the berm or bullet impact area is safe. The berm or bullet impact area should have no rocks or items that might cause a ricochet.

The instructor will make sure that the participants and observers have adequate eye and ear protection as well as a ball cap to protect from lead contamination.

There will be no firing from a moving vehicle.

Target frames should be of a type that discourage ricochets.

Prior to participating in any tactical course, the shooter must be qualified in the Division approved qualification course.

Only Division approved defensive equipment will be used in any firearms training course.

On any course where shooters advance beyond a safe point, only one shooter will be on the course at a time.

In all tactical courses the instructor/student ratio will be one to one.

Officers who are pregnant or who think they may be pregnant shall not participate in training involving live ammunition or be on the range when such training occurs.

Instructors may require the wearing of body armor by all firearms training participants.

17.0 Psychological Screening

17.1 **Guidelines**

Effective January 1, 1995, division applicants receiving a conditional offer of employment for a law enforcement position must be administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina to determine the employee's mental and emotional suitability to properly fulfill the responsibilities of a special peace officer.

The result of pre-employment psychological screening examinations administered by the Division of Parks and Recreation are valid for the purposes of this guideline for a period of one year.

The results of the pre-employment psychological screening examination must be favorable before an applicant can be recommended for a law enforcement position. Applicants receiving a non favorable psychological screening recommendation may not be considered for employment for a period of one year.

The Division of Parks and Recreation may, at its discretion and depending on the results of the psychological evaluation, require follow-up evaluations and additional screenings before an applicant can continue the employment process for a special peace officer position.

18.0 Division of Parks and Recreation Crisis Intervention Policy

18.1 Purpose-

The purpose of this policy is to assist DPR commissioned officers in recognizing individuals who suffer from mental illnesses and developmental disabilities and to establish guidelines for handling situations involving these individuals.

18.2 Policy-

North Carolina Division of Parks and Recreation understands that persons with developmental disabilities or mental illness may be limited in their ability to communicate, interact, or make reasonable decisions. This may make law enforcement interactions difficult if commissioned officers are not prepared to assess and react to the situation appropriately. Officers shall understand the symptomatic behaviors of mental illness and developmental disabilities and deal with individuals expressing such characteristics with dignity and respect and in a manner that will serve the needs of the individual as well as the Division.

18.3 Definitions

Developmental Disabilities are a group of conditions due to an impairment in physical, learning, language, or behavior areas. These conditions begin during the developmental period, may impact day-to-day functioning, and usually last throughout a person's lifetime. Some examples of more common developmental disabilities include ADHD, Autism Spectrum Disorders, Cerebral Palsy, intellectual disabilities, and vision impairment.

Mental Illnesses are conditions that affect a person's thinking, feeling, mood or behavior, such as depression, anxiety, bipolar disorder, or schizophrenia. Such conditions may be occasional or long-lasting (chronic) and affect someone's ability to relate to others and function each day.

18.4 Common Symptoms-

Although officers are not in a position to diagnose mental illness or developmental disorders, officers should be alert to symptoms common to such disabilities. Symptoms, in various combinations and degrees of severity, include, but are not limited to the following:

- Difficulty communicating or communicating by gestures instead of words;
- Repetition of phrases, words, or body movements (clapping hands, flailing arms, snapping fingers, banging head);
- Little to no eye contact;
- Tendency to show distress or inappropriate emotions (laughing or crying for no apparent reason);
- Uneven motor skills;

- Unresponsiveness to commands, appearance of being deaf even though hearing is normal;
- Aversion to touch, loud noise, bright lights, and commotion;
- No appearance of fear of danger;
- Oversensitivity or under sensitivity to pain; or
- Self-injurious behavior

18.5 Common Encounters

Officers should be prepared to encounter a person with developmental disabilities or mental illness at any time. Common situations in which such individuals may be encountered include, but are not limited to the following:

- Wandering: Individuals with developmental and mental challenges may be found wandering aimlessly or engaged in repetitive or bizarre behaviors in public places;
- Seizures: Individuals with developmental disabilities or mental illnesses are more subject to seizures and may be found in medical emergency situations;
- Disturbances: Disturbances may develop when caregivers are unable to maintain control over a person with a developmental disability or mental illness engaging in self-destructive behaviors;
- Strange and bizarre behaviors: Repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment; or Offensive or suspicious persons:
- Socially inappropriate or unacceptable acts such as ignorance of personal space, annoyance of others, inappropriate touching of oneself or others, are sometimes associated with the developmentally or mentally disabled who are not conscious of acceptable social behaviors.

18.6 Deescalating the Situation.

Persons with developmental disabilities and mental illness can be easily upset and may engage in tantrums or self-destructive behavior. Minor changes in daily routines may trigger these behaviors. The following measures should be taken to deescalate the situation:

- Speak calmly: Loud, stern tones will likely have either no effect or a negative effect on the individual;
- Use non-threatening body language: Keep your hands by your sides if possible;
- Eliminate commotion: Eliminate, to the degree possible, loud sounds, bright lights, sirens, and crowds, moving the individual to a calm environment, if possible;

- Keep animals away: Individuals with mental illness or developmental disabilities are often afraid of dogs or other large animals;
- Look for personal identification: Medical tags or cards often indicate disability and will supply a contact name and telephone number;
- Call the caregiver: The caregiver is often the best resource for specific advice on calming the person and aiding the safety of the officer;
- Prepare for a lengthy interaction: Individuals with a developmental disability or mental illness should not be rushed unless there is an emergency;
- Repeat short, direct phrases: Too much talking can distract the disabled individual and confuse the situation;
- Be attentive to sensory impairments: Many individuals with a developmental disability have sensory impairments that make it difficult to process information. Do not touch the person unless absolutely necessary, use soft gestures, avoid quick movements, use simple and direct language, and don't automatically interpret odd behavior as belligerent;
- Be aware of different forms of communication: Individuals with a developmental disability often use signals or gestures instead of words or demonstrate limited speaking capabilities;
- Do not get angry; and
- Maintain a safe distance.

18.7 Taking a person with developmental disability into custody

Taking a person with a developmental disability or mental illness into custody should be avoided whenever possible. For minor violations of the law, officers may refer persons to a mental health resource in lieu of arrest/engagement of the criminal justice system.

Voluntary Commitment: Persons with suspected mental illness who are willing to be voluntarily evaluated by a mental health professional should be referred to the appropriate resource.

Involuntary Commitment: An officer or other person who has knowledge that a person is mentally ill and is a danger to self or others, may appear before a clerk of superior court or magistrate and execute an affidavit for a Custody Order.

Emergency Involuntary Commitment: Only in the most unusual and extreme circumstances, officers may immediately, and without a custody order, take into custody any individual who is subject to involuntary commitment and who requires immediate hospitalization to prevent harm to him/herself or to others and transport the person directly to a medical center.

In serious instances where alternatives are not possible:

- Summon the individual's caregiver to assist
- Use calm and reassuring language and de-escalation techniques
- Allow the individual to keep any non-violent items that were in his/her possession (toys, blankets, rubber items, etc.) at the time of arrest if they do not pose a risk to safety.
- No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking an individual with a mental illness into custody can occur only when the individual has committed a crime or presents a danger to the safety of him/herself or others and meets criteria for involuntary mental commitment.

18.8 Interview and Interrogation

Officers attempting to conduct an interrogation with an individual with a developmental disability or mental illness should attempt to consult a mental health professional and/or the District Attorney's office to determine if the person has the mental capacity to understand and comprehend Miranda rights and his or her capacity and willingness to answer the officer's questions without an attorney.

If a person with a developmental disability is a witness:

Do not interpret lack of eye contact or strange actions as indications of deception;

Speak slowly using clear language;

Do not employ techniques such as suggestive answers, attempting to complete thoughts of persons slow to respond, or posing hypothetical conclusions; and

Recognize that the individual may be easily manipulated and highly suggestible.

18.9 Resources

Commissioned employees should be familiar with local health resources such as:

Hospital

Department of Social Services

Local Health Department

Employee Assistance Program

Counseling Services, etc.

18.10 Training

All officers will receive mandated training on the symptomatic behavioral characteristics of

mental illness and on proper response procedures.

Entry-level officers will receive documented training on Individuals with Mental Illness and Developmental Disabilities during Basic Law Enforcement Training.

The agency will make reasonable accommodations to allow officers to take Crisis Intervention Training and other related training.

APPENDICES:

- A. G.S. 113-28.1 through 113-28.4 Special Peace Officers
- B. G.S. 17C-2 NCCJE&TSC Definitions
- C. G.S. 15A-405 Assistance to Law Enforcement Officers by Private Persons
- D. G.S. 15A-404 Detention of Offenders by Private Persons
- E. G.S. 15A-401(a) Arrest by Law Enforcement Officer
- F. G.S. 15A-402 Territorial Jurisdiction of Officers
- G. G.S. 15A-401(b) Arrest by Law Enforcement Officer
- H. G.S. 14-269 Carrying Concealed Weapons
- I. G.S. Operations Policy for Management and Control of Injured, Dangerous and Feral Animals
- J. G.S. 143-116.8 Motor Vehicle Laws Applicable to State Parks and Forests Roads System
- K. Report of Separation [Form F-5B (LE)] and Procedures
- L. Minimum Standards for Transportation of Prisoners
- M. Justice Training and Standards Commission - In-Service Training Program
- N. Request for Service Sidearm
- O. DPR Oleoresin Capsicum Spray Policy
- P. G. S. 14-315.1. Storage of Firearms to Protect Minors
- Q. Use of Force Report
- R. Consent to Search Form

Article 1A.
Special Peace Officers.

§ 113-28.1. Designated employees commissioned special peace officers by Governor.

Upon application by either the Secretary of Natural and Cultural Resources or the Secretary of Environmental Quality, the Governor is hereby authorized and empowered to commission as special peace officers such of the employees of the Departments as the Secretary may designate for the purpose of enforcing the laws and rules enacted or adopted for the protection, preservation and government of State parks, lakes, reservations and other lands or waters under the control or supervision of the respective Departments. (1947, c. 577; 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1987, c. 783, s. 5; 1989, c. 727, s. 46; 1997-443, s. 11A.119(a); 2015-241, s. 14.30(oo).)

§ 113-28.2. Powers of arrest.

Any employee of either the Department of Natural and Cultural Resources or the Department of Environmental Quality commissioned as a special peace officer shall have the right to arrest with warrant any person violating any law or rule on or relating to the State parks, lakes, reservations and other lands or waters under the control or supervision of the employee's respective Department, and shall have the power to pursue and arrest without warrant any person violating in his presence any law or rule on or relating to said parks, lakes, reservations and other lands or waters under the control or supervision of the employee's respective Department. (1947, c. 577; 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, s. 47; 1997-443, s. 11A.119(a); 2015-241, s. 14.30(pp).)

§ 113-28.2A. Cooperation between law enforcement agencies.

Special peace officers employed by either the Department of Natural and Cultural Resources or the Department of Environmental Quality are officers of a "law enforcement agency" for purposes of G.S. 160A-288, and each Department shall have the same authority as a city or county governing body to approve cooperation between law enforcement agencies under that section. (2002-111, s. 1; 2015-241, s. 14.30(qq).)

§ 113-28.3: Repealed by Session Laws 1989, c. 485, s. 1.

§ 113-28.4. Oaths required.

Before any employee of either the Department of Natural and Cultural Resources or the Department of Environmental Quality commissioned as a special peace officer shall exercise any power of arrest under this Article, the employee shall take the oaths required of public officers before an officer authorized to administer oaths. (1947, c. 577; 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, s. 218(48); 1997-443, s. 11A.119(a); 2015-241, s. 14.30(rr).)

APPENDIX B

§ 17C-2. Definitions.

Unless the context clearly otherwise requires, the following definitions apply in this Article:

- (1) Commission. – The North Carolina Criminal Justice Education and Training Standards Commission.
- (2) Criminal justice agencies. – The State and local law-enforcement agencies, the State correctional agencies, other correctional agencies maintained by local governments, and the juvenile justice agencies, but shall not include deputy sheriffs, special deputy sheriffs, sheriffs' jailers, or other sheriffs' department personnel governed by the provisions of Chapter 17E of these General Statutes.
- (3) Criminal justice officers. – The administrative and subordinate personnel of all the departments, agencies, units or entities comprising the criminal justice agencies who are sworn law-enforcement officers, both State and local, with the power of arrest; State correctional officers; State probation/parole officers; State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors.
- (4) Entry level. – The initial appointment or employment of any person by a criminal justice agency, or any appointment or employment of a person previously employed by a criminal justice agency who has not been employed by a criminal justice agency for the 12-month period preceding this appointment or employment, or any appointment or employment of a previously certified criminal justice officer to a position which requires a different type of certification. (1971, c. 963, s. 2; 1979, c. 763, s. 1; 1983, c. 558, s. 2; c. 745, s. 2; 1989, c. 757, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 4(a); 1997-503, s. 2; 2001-490, s. 1.1; 2018-5, s. 17.1(a).)

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_17C/GS_17C-2.pdf

12/18/2020

§ 15A-405. Assistance to law-enforcement officers by private persons to effect arrest or prevent escape; benefits for private persons.

(a) Assistance upon Request; Authority. – Private persons may assist law-enforcement officers in effecting arrests and preventing escapes from custody when requested to do so by the officer. When so requested, a private person has the same authority to effect an arrest or prevent escape from custody as the officer making the request. He does not incur civil or criminal liability for an invalid arrest unless he knows the arrest to be invalid. Nothing in this subsection constitutes justification for willful, malicious or criminally negligent conduct by such person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.

(b) Benefits to Private Persons. – A private person assisting a law-enforcement officer pursuant to subsection (a) is:

- (1) Repealed by Session Laws 1989, c. 290, s. 1.
- (2) Entitled to the same benefits as a "law-enforcement officer" as that term is defined in G.S. 143-166.2, the Public Safety Employees' Death Benefit Act; and
- (3) To be treated as an employee of the employer of the law-enforcement officer within the meaning of G.S. 97-2(2) (Workers' Compensation Act)

The Governor and the Council of State are authorized to allocate funds from the Contingency and Emergency Fund for the payment of benefits under subdivision (3) when no other source is available for the payment of such benefits and when they determine that such allocation is necessary and appropriate. (1868-9, c. 178, subch. 1, s. 2; Code, s. 1125; Rev., s. 3181; C.S., s. 4547; 1973, c. 1286, s. 1; 1979, c. 714, s. 2; 1989, c. 290, s. 1; 2018-5, s. 35.29(b).)

APPENDIX D

§ 15A-404. Detention of offenders by private persons.

(a) No Arrest; Detention Permitted. - No private person may arrest another person except as provided in G.S. 15A-405. A private person may detain another person as provided in this section.

(b) When Detention Permitted. - A private person may detain another person when he has probable cause to believe that the person detained has committed in his presence:

- (1) A felony,
- (2) A breach of the peace,
- (3) A crime involving physical injury to another person, or
- (4) A crime involving theft or destruction of property.

(c) Manner of Detention. - The detention must be in a reasonable manner considering the offense involved and the circumstances of the detention.

(d) Period of Detention. - The detention may be no longer than the time required for the earliest of the following:

- (1) The determination that no offense has been committed.
- (2) Surrender of the person detained to a law-enforcement officer as provided in subsection (e).

(e) Surrender to Officer. - A private person who detains another must immediately notify a law-enforcement officer and must, unless he releases the person earlier as required by subsection (d), surrender the person detained to the law-enforcement officer. (1973, c. 1286, s. 1.)

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_15a/GS_15a-404.html

12/18/2020

§ 15A-401. Arrest by law-enforcement officer.

- (a) Arrest by Officer Pursuant to a Warrant. –
 - (1) Warrant in Possession of Officer. – An officer having a warrant for arrest in his possession may arrest the person named or described therein at any time and at any place within the officer's territorial jurisdiction.
 - (2) Warrant Not in Possession of Officer. – An officer who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in his possession, may arrest the person named therein at any time. The officer must inform the person arrested that the warrant has been issued and serve the warrant upon him as soon as possible. This subdivision applies even though the arrest process has been returned to the clerk under G.S. 15A-301.

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-401.pdf

12/18/2020

APPENDIX F

§ 15A-402 Territorial jurisdiction of officers to make arrests.

- (a) Territorial Jurisdiction of State Officers. — Law enforcement officers of the State of North Carolina may arrest persons at any place within the State.

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-402.pdf

12/18/2020

§ 15A-401 Arrest by law enforcement officer.

(b) Arrest by Officer Without a Warrant. –

- (1) Offense in Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense, or has violated a pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2), in the officer's presence.
- (2) Offense Out of Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe:
 - a. Has committed a felony; or
 - b. Has committed a misdemeanor, and:
 1. Will not be apprehended unless immediately arrested, or
 2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
 - c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3, 20-138.1, or 20-138.2; or
 - d. Has committed a misdemeanor under G.S. 14-33(a), 14-33(c)(1), 14-33(c)(2), or 14-34 when the offense was committed by a person with whom the alleged victim has a personal relationship as defined in G.S. 50B-1; or
 - e. Has committed a misdemeanor under G.S. 50B-4.1(a); or
 - f. Has violated a pretrial release order entered under G.S. 15A-534 or G.S. 15A-534.1(a)(2).
- (3) Repealed by Session Laws 1991, c. 150.
- (4) A law enforcement officer may detain an individual arrested for violation of an order limiting freedom of movement or access issued pursuant to G.S. 130A-475 or G.S. 130A-145 in the area designated by the State Health Director or local health director pursuant to such order. The person may be detained in such area until the initial appearance before a judicial official pursuant to G.S. 15A-511 and G.S. 15A-534.5.

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-401.pdf

12/18/2020

APPENDIX H

§ 14-269. Carrying concealed weapons.

(a) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shuriken, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises.

(a1) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any pistol or gun except in the following circumstances:

- (1) The person is on the person's own premises.
- (2) The deadly weapon is a handgun, the person has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, and the person is carrying the concealed handgun in accordance with the scope of the concealed handgun permit as set out in G.S. 14-415.11(c).
- (3) The deadly weapon is a handgun and the person is a military permittee as defined under G.S. 14-415.10(2a) who provides to the law enforcement officer proof of deployment as required under G.S. 14-415.11(a).

(a2) This prohibition does not apply to a person who has a concealed handgun permit issued in accordance with Article 54B of this Chapter, has a concealed handgun permit considered valid under G.S. 14-415.24, or is exempt from obtaining a permit pursuant to G.S. 14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the person's locked vehicle, and the vehicle is in a parking area that is owned or leased by State government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

(b) This prohibition shall not apply to the following persons:

- (1) Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (2) Civil and law enforcement officers of the United States;
- (3) Officers and soldiers of the militia and the National Guard when called into actual service;
- (3a) A member of the North Carolina National Guard who has been designated in writing by the Adjutant General, State of North Carolina, who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, and is acting in the discharge of his or her official duties, provided that the member does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the member's body.
- (4) Officers of the State, or of any county, city, town, or company police agency charged with the execution of the laws of the State, when acting in the discharge of their official duties;
- (4a) Any person who is a district attorney, an assistant district attorney, or an investigator employed by the office of a district attorney and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while in a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The district attorney, assistant district attorney, or investigator shall secure the weapon in a locked compartment when the weapon is not on the person of the district attorney, assistant district attorney, or investigator. Notwithstanding the provisions of this subsection, a district attorney may carry a concealed weapon while in a courtroom;
- (4b) Any person who is a qualified retired law enforcement officer as defined in G.S. 14-415.10 and meets any one of the following conditions:
 - a. Is the holder of a concealed handgun permit in accordance with Article 54B of this Chapter.
 - b. Is exempt from obtaining a permit pursuant to G.S. 14-415.25.

- c. Is certified by the North Carolina Criminal Justice Education and Training Standards Commission pursuant to G.S. 14-415.26;
 - (4c) Detention personnel or correctional officers employed by the State or a unit of local government who park a vehicle in a space that is authorized for their use in the course of their duties may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that: (i) the firearm is in a closed compartment or container within the locked vehicle, or (ii) the firearm is in a locked container securely affixed to the vehicle;
 - (4d) Any person who is a North Carolina district court judge, North Carolina superior court judge, or a North Carolina magistrate and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The judge or magistrate shall secure the weapon in a locked compartment when the weapon is not on the person of the judge or magistrate;
 - (4e) Any person who is serving as a clerk of court or as a register of deeds and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24; provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body. The clerk of court or register of deeds shall secure the weapon in a locked compartment when the weapon is not on the person of the clerk of court or register of deeds. This subdivision does not apply to assistants, deputies, or other employees of the clerk of court or register of deeds;
 - (5) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body;
 - (6) State probation or parole certified officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.
 - (7) A person employed by the Department of Public Safety who has been designated in writing by the Secretary of the Department, who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, and has in the person's possession written proof of the designation by the Secretary of the Department, provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body.
 - (8) Any person who is an administrative law judge described in Article 60 of Chapter 7A of the General Statutes and who has a concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under G.S. 14-415.24, provided that the person shall not carry a concealed weapon at any time while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the person's body.
 - (9) State correctional officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body. If the concealed weapon is a handgun, the correctional officer must meet the firearms training standards of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
- (b1) It is a defense to a prosecution under this section that:
- (1) The weapon was not a firearm;

- (2) The defendant was engaged in, or on the way to or from, an activity in which the defendant legitimately used the weapon;
- (3) The defendant possessed the weapon for that legitimate use; and
- (4) The defendant did not use or attempt to use the weapon for an illegal purpose.

The burden of proving this defense is on the defendant.

(b2) It is a defense to a prosecution under this section that:

- (1) The deadly weapon is a handgun;
- (2) The defendant is a military permittee as defined under G.S. 14-415.10(2a); and
- (3) The defendant provides to the court proof of deployment as defined under G.S. 14-415.10(3a).

(c) Any person violating the provisions of subsection (a) of this section shall be guilty of a Class 2 misdemeanor. Any person violating the provisions of subsection (a1) of this section shall be guilty of a Class 2 misdemeanor for the first offense and a Class H felony for a second or subsequent offense. A violation of subsection (a1) of this section punishable under G.S. 14-415.21(a) is not punishable under this section.

(d) This section does not apply to an ordinary pocket knife carried in a closed position. As used in this section, "ordinary pocket knife" means a small knife, designed for carrying in a pocket or purse, that has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive, or spring action. (Code, s. 1005; Rev., s. 3708; 1917, c. 76; 1919, c. 197, s. 8; C.S., s. 4410; 1923, c. 57; Ex. Sess. 1924, c. 30; 1929, cc. 51, 224; 1947, c. 459; 1949, c. 1217; 1959, c. 1073, s. 1; 1965, c. 954, s. 1; 1969, c. 1224, s. 7; 1977, c. 616; 1981, c. 412, s. 4; c. 747, s. 66; 1983, c. 86; 1985, c. 432, ss. 1-3; 1993, c. 539, s. 163; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 398, s. 2; 1997-238, s. 1; 2003-199, s. 2; 2005-232, ss. 4, 5; 2005-337, s. 1; 2006-259, s. 5(a); 2009-281, s. 1; 2011-183, s. 127(a); 2011-243, s. 1; 2011-268, s. 3; 2013-369, ss. 1, 21, 25; 2014-119, s. 12(a); 2015-5, s. 1; 2015-195, s. 1(a); 2015-215, s. 2.5; 2015-264, s. 3; 2017-186, s. 2(hh).)

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_15A/GS_15A-401.pdf

12/18/2020

APPENDIX I

Operations Policy for the Management and Control of Injured, Dangerous, and Feral Animals

The presence of feral animals and diseased wildlife within a park can pose a real threat to park visitors and employees, as well as to the park's natural resources. This policy is issued to provide each park employee with guidance concerning the proper methods for resolving these problems when they develop.

Definitions:

- | | |
|--------------------|--|
| Injured Animal - | an animal, either wildlife or domesticated, that is determined to be in poor health due to an infectious disease, the observation of obviously serious injuries or severe mal nourishment. |
| Feral Animal - | a domesticated animal such as dogs, cats, hogs, cows, or horses, that have been abandoned in or near the park or that have otherwise reverted to a wild state. An animal will not be classified as "feral" until there are repeated, documented incidents, similar in nature involving the same animal(s) and ownership cannot be established in the local area. |
| Dangerous Animal - | a wild animal, that poses an obvious threat to park visitors or park employees; or a domestic animal that poses a threat to park visitors, park employees or resident wildlife through its actions, or as a result of its poor health. |

All park employees during their normal duties should be aware of any unusual activities involving resident wildlife or domestic animals. If the observed activities indicate to the employee an abnormal situation, these observations should be brought to the attention of the Park Superintendent. If, in the superintendent's opinion, a report or series of reports indicates that a problem is emerging, he should initiate a preliminary investigation to determine the extent and character of the problem.

1. If it is determined that the problem involves resident wildlife, the Park Superintendent should initially document the investigation and summarize its findings. He will request, through the District Superintendent, the assistance of other division personnel or he may elect to work directly with the local Wildlife Officer. Capture of the animal will be the preferred method of resolution; however, if destruction of the animal is recommended by the Wildlife Officer as the most humane method, the animal's destruction will be done by the Wildlife Officer or under his/her direct supervision.
2. If the problem involves domestic animals, whether they be feral, injured, dangerous, or a simple case of local animals running free in the park, the Park Superintendent will attempt to identify the animals' owners by contacting neighboring landowners. Every effort will be made to locate the animals' owners and allow them to remove their animals. If unsuccessful, he will contact the local animal control officials or humane society for assistance in capturing and removing the animals. If these agencies are unwilling or unable to assist the park staff in removing the animals, the Park Superintendent will attempt to set live traps or otherwise apprehend the animals. If successful, the captured animals will be delivered to the appropriate animal control facility or Humane Society shelter. The capture attempts will be reported on the Case Incident Report, PR-63, which will be used to document the resolution of the problem, or if unsuccessful, used to justify further action.

Capture attempts will not be done in any manner that may place the safety of any park employee in jeopardy. If the animals are too large to be safely trapped, too wild or wary, or appear too dangerous to be caught by hand or with appropriate equipment, the Park Superintendent will request permission from the

District Superintendent to destroy the animal(s); part of this request will be the PR-63 documenting all previous attempts to resolve the animal problem. If the District Superintendent concurs with the recommendation, a Plan of Action will be recommended by the Park Superintendent and discussed in detail with the District Superintendent. This plan of action will include coordination with the local animal control agency or Humane Society, if possible.

Wildlife that has been so severely injured that rescue or rehabilitative efforts would be obviously futile and prolong suffering of the animal may be destroyed immediately. Such incidents must be documented on a Case Incident Report.

If any animal, wild or domestic, presents a serious and imminent threat to the safety of an employee or visitor, such dangerous animals may be immediately destroyed, or otherwise rendered harmless. This will be done immediately if the employee at the scene has such means available and can do so without endangering persons or property; the authorization of the District Superintendent is not required in this situation. Likewise, the District Superintendent's authorization is not required to destroy or render harmless a feral animal that is in the act of chasing or has caught wildlife in the park; this condition applies only to feral animals that have been proven to meet all the criteria for this classification as defined above. A Case Incident Report will document the destruction of any animal and the circumstances which dictated the action. **The destruction of wildlife or other animals, when necessary, will be done discreetly and as humanely as possible. It will not be done in the presence of park visitors or park neighbors unless the animal presents an imminent threat to life or limb.** If it is known or suspected that a park visitor or neighbor may have witnessed the animal's death, the Park Superintendent will immediately notify the District Superintendent.

ALL EMPLOYEES ARE REMINDED THAT EXTREME CARE MUST BE EXERCISED TO ASSURE THAT FIREARM PROJECTILES WILL NOT ENDANGER PARK VISITORS OR NEIGHBORS AND WILL IMPACT IN A SAFE AREA WHEN ANIMALS ARE DESTROYED.

APPENDIX J

§ 143-116.8. Motor vehicle laws applicable to State parks and forests road system.

(a) Except as otherwise provided in this section, all the provisions of Chapter 20 of the General Statutes relating to the use of highways and public vehicular areas of the State and the operation of vehicles thereon are made applicable to the State parks and forests road system. For the purposes of this section, the term "State parks and forests road system" shall mean the streets, alleys, roads, public vehicular areas and driveways of the State parks, State forests, State recreation areas, State lakes, and all other lands administered by the Department of Natural and Cultural Resources or the Department of Agriculture and Consumer Services. This term shall not be construed, however, to include streets that are a part of the State highway system. Any person violating any of the provisions of Chapter 20 of the General Statutes hereby made applicable in the State parks and forests road system shall, upon conviction, be punished in accordance with Chapter 20 of the General Statutes. Nothing herein contained shall be construed as in any way interfering with the ownership and control of the State parks road system by the Department of Natural and Cultural Resources and the forests road system by the Department of Agriculture and Consumer Services.

- (b) (1) It shall be unlawful for a person to operate a vehicle in the State parks road system at a speed in excess of twenty-five miles per hour (25 mph). When the Secretary of Natural and Cultural Resources determines that this speed is greater than reasonable and safe under the conditions found to exist in the State parks road system, the Secretary may establish a lower reasonable and safe speed limit. No speed limit established by the Secretary pursuant to this provision shall be effective until posted in the part of the system where the limit is intended to apply.
- (1a) It shall be unlawful for a person to operate a vehicle in the State forests road system at a speed in excess of 25 miles per hour. When the Commissioner of Agriculture determines that this speed is greater than reasonable and safe under the conditions found to exist in the State forests road system, the Commissioner may establish a lower reasonable and safe speed limit. No speed limit established by the Commissioner pursuant to this provision shall be effective until posted in the part of the system where the limit is intended to apply.
- (2) Any person convicted of violating this subsection by operating a vehicle on the State parks and forests road system while fleeing or attempting to elude arrest or apprehension by a law enforcement officer with authority to enforce the motor vehicle laws, shall be punished as provided in G.S. 20-141.5.
- (3) For the purposes of enforcement and administration of Chapter 20, the speed limits stated and authorized to be adopted by this section are speed limits under Chapter 20.
- (4) The Secretary may designate any part of the State parks road system and the Commissioner may designate any part of the State forests road system for one-way traffic and shall erect appropriate signs giving notice thereof. It shall be a violation of G.S. 20-165.1 for any person to willfully drive or operate any vehicle on any part of the State parks and forests road system so designated except in the direction indicated.
- (5) The Secretary shall have power, equal to the power of local authorities under G.S. 20-158 and G.S. 20-158.1, to place vehicle control signs and signals and yield-right-of-way signs in the State parks road system; the Secretary also shall have power to post such other signs and markers and mark the roads in accordance with Chapter 20 of the General Statutes as the Secretary may determine appropriate for highway safety and traffic control. The failure of any vehicle driver to obey any vehicle control sign or signal, or any yield-right-of-way sign placed under the authority of this section in the State parks road system shall be an infraction and shall be punished as provided in G.S. 20-176.
- (5a) The Commissioner shall have power, equal to the power of local authorities under G.S. 20-158 and G.S. 20-158.1, to place vehicle control signs and signals and yield right-of-way signs in the State forests road system. The Commissioner also shall have power to post such other signs and markers and mark the roads in accordance with

Chapter 20 of the General Statutes as the Commissioner may determine appropriate for highway safety and traffic control. The failure of any vehicle driver to obey any vehicle control sign or signal or any yield right-of-way sign placed under the authority of this section in the State forests road system shall be an infraction and shall be punished as provided in G.S. 20-176.

(c) The Secretary of Natural and Cultural Resources may, by rule, regulate parking and establish parking areas, and provide for the removal of illegally parked motor vehicles on the State parks road system, and the Commissioner of Agriculture may, by rule, regulate and establish parking areas and provide for the removal of illegally parked motor vehicles on the State forests road system. Any rule of the Secretary or the Commissioner shall be consistent with the provisions of G.S. 20-161, 20-161.1, and 20-162. Any removal of illegally parked motor vehicles shall be in compliance with Article 7A of Chapter 20 of the General Statutes.

(d) A violation of the rules issued by the Secretary of Natural and Cultural Resources or the Commissioner of Agriculture under subsection (c) of this section is an infraction pursuant to G.S. 20-162.1, and shall be punished as therein provided. These rules may be enforced by the Commissioner of Motor Vehicles, the Highway Patrol, forest law enforcement officers, or other law enforcement officers of the State, counties, cities or other municipalities having authority under Chapter 20 of the General Statutes to enforce laws or rules on travel or use or operation of vehicles or the use or protection of the highways of the State.

(e) The provisions of Chapter 20 of the General Statutes are applicable at all times to the State parks and forests road system, including closing hours, regardless of the fact that during closing hours the State parks and forests road system is not open to the public as a matter of right.

(f) Notwithstanding any other provision of this section, a person may petition the Department of Natural and Cultural Resources for a waiver authorizing the person to operate a vehicle in the State parks road system at a speed in excess of 25 miles per hour in connection with a special event. The Secretary may impose any conditions on a waiver that the Secretary determines to be necessary to protect public health, safety, welfare, and the natural resources of the State park. These conditions shall include a requirement that the person receiving the waiver execute an indemnification agreement with the Department and obtain general liability insurance in an amount not to exceed three million dollars (\$3,000,000) covering personal injury and property damage that may result from driving in excess of 25 miles per hour in the State parks road system subject to the conditions determined by the Secretary.

(g) Notwithstanding any other provision of this section, a person may petition the Department of Agriculture and Consumer Services for a waiver authorizing the person to operate a vehicle in the State forests road system at a speed in excess of 25 miles per hour in connection with a special event. The Commissioner may impose any conditions on a waiver that the Commissioner determines to be necessary to protect public health, safety, welfare, and the natural resources of the State forest. These conditions shall include a requirement that the person receiving the waiver execute an indemnification agreement with the Department and obtain general liability insurance in an amount not to exceed three million dollars (\$3,000,000) covering personal injury and property damage that may result from driving in excess of 25 miles per hour in the State forests road system subject to the conditions determined by the Commissioner. (1987, c. 474, s. 1; 1989, c. 727, s. 218(96); 1997-443, ss. 11A.119(a), 19.26(e); 2013-155, s. 19; 2014-120, s. 31(a); 2015-241, s. 14.30(xx).)

Referenced from website

https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_143.html

12/20/2020

APPENDIX K

PROCEDURES FOR SEPARATION OF COMMISSIONED EMPLOYEES

The Criminal Justice Standards FORM F-5B (LE) shall be completed by the immediate supervisor for every commissioned officer who is separated from the Division for any reason. It is also to be completed for those commissioned officers who move to a non-law enforcement position within the Division.

The following procedures shall be followed for completion of FORM F-5B (LE):

1. The form must be typed and submitted to the Criminal Justice Standards Division not later than ten days after final separation. The District Superintendent will sign the form as the Division's authorized representative for subordinate personnel. The Superintendent of State Parks will sign the form for direct subordinates.
2. The separating agency is the N.C. Division of Parks and Recreation.
3. The ORI number is the park ORI number. Separated officers not assigned or located at a particular park will use ORI number NC 0922600.
4. The immediate supervisor will obtain the separated officer's special peace officer commission, photo/identification card and oath of office form. These documents will be forwarded with the Report of Separation to the District Superintendent.
5. The Parks Chief Ranger or Law Enforcement Specialist will review and sign the original Report of Separation with the commission, photo/identification card and oath of office form. They will retain copies of the Report of Separation for inclusion in the separated officer's personnel records.
6. The Parks Chief Ranger or Law Enforcement Specialist will forward the Report of Separation to the Criminal Justice Standards Division.

These procedures supersede Staff Directive 89-16.

APPENDIX L

MINIMUM STANDARDS FOR TRANSPORTATION OF PRISONERS

Currently the vehicle most frequently used for transporting prisoners is the automobile wherein two officers transport from one to three persons.

In all prisoner movements using other than specifically screened vehicles, the guarding officer shall always be seated to the rear, and immediately behind, the driver. This is done to prevent the prisoner from butting the driver with his head. The guarding officer, while in this position, **MUST NOT BE ARMED**. His or her weapon, and any extra weapons, should be locked in the trunk of the vehicle during transit. Prisoners should always be seated in the vehicle before law enforcement personnel. When transporting one or two prisoners, the first prisoner should be seated on the right side of the rear seat and secured with safety seat belt.

The second prisoner should be seated in the rear center and secured with a safety seat belt. The officer should enter the vehicle on the left side (avoid crossing over your prisoners) and take his seat immediately behind the driver's seat. The driver enters the vehicle last. When transporting three prisoners, repeat the same seating arrangement with one exception. Prior to the officer taking his seat in the rear, the third prisoner should be seated on the right front seat and secured with a safety seat belt and shoulder harness.

One area that is always inherently dangerous to law enforcement officers is the one officer, one prisoner transport. After the appropriate restraints have been applied, under the ideal situation the officer should request transportation assistance. If this is not available, the officer should proceed as follows.

If using a vehicle with a screen device between the front and rear vehicle seats, the officer after securing his prisoner should place him on the right rear (passenger side) seat. The subject should have been seat belted in place.

Upon entering the driver's seat, the officer should adjust his rear view mirror so that he can observe the prisoner's actions. He should then notify the dispatcher of his location, destination, situation and estimated time of arrival.

If using an unscreened vehicle, the prisoner should be placed on the passenger side, front seat of vehicle and strapped into place with the safety belt. The officer again needs to notify his dispatcher of the situation.

Three safety notes that need to be mentioned are: First, do not cuff a prisoner to any part of your vehicle. Second the officer needs to be aware of the position of his firearm when transporting a prisoner in the front seat and, if at all possible, consider moving the weapon to his left side. Third, when transporting with the use of handcuffs alone all prisoners will be handcuffed behind the back.

APPENDIX M

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0101 PURPOSE

In order to ensure a minimum level of proficiency in specific topical areas for law enforcement officers serving the governmental agencies within the state, the Commission establishes the law enforcement officers' annual in-service training program.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.
May 25, 2019.*

12 NCAC 09E .0102 REQUIRED ANNUAL IN-SERVICE TRAINING TOPICS

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2005;
Temporary Amendment Eff. January 1, 2005;
Amended Eff. February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February
1, 2007; January 1, 2006; Repealed Eff. February 1, 2013.*

12 NCAC 09E .0103 DEPARTMENT HEAD RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING

The Department head shall ensure that the annual in-service training is conducted according to specifications as outlined in Rules 09E .0105 and 09E .0106. In addition, the Department head or designated representative:

- (1) shall review departmental policies regarding the use of force during the agency's annual in-service training program. The Department head or designated representative shall certify that this review has been completed by submitting a Commission form to the Criminal Justice Standards Division; and
- (2) shall report to the Criminal Justice Standards Division once each calendar year a roster of all law enforcement officers who fail to successfully complete the annual in-service training and firearms qualification and shall certify that all law enforcement officers in the agency not listed did successfully complete the training. This roster shall reflect the annual in-service training and firearms qualification status of all law enforcement officers employed by the agency as of December 31 of each calendar year and shall be received by the Criminal Justice Standards Division no later than the following January 15th; and
- (3) shall maintain in each officer's file documentation on a Commission form that the officer has completed the annual in-service training requirement; and
- (4) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains qualification; and
- (5) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge of that agency's official duties, and shall deny the officer authorization to carry such weapon(s) concealed when off-duty, except when the officer is on his own premises; and
- (6) shall, where the officer has access to any specialized or tactical weapon(s) not specifically covered in Rule 09E .0106(a) and (b), use industry accepted practices and procedures to ensure that officers authorized to use such weapon(s) are qualified. Where

the officer fails to qualify, the agency head or designated representative shall restrict access to such weapon(s).

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2005; January 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.
May 25, 2019.*

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors:
 - (A) delivering CPR certifications that include cognitive and skills testing;
 - (B) delivering use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (C) delivering Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

In addition, each instructor certified by the Commission to teach in a Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or Commission-recognized in-service training course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by completing all instructor updates issued by the Commission.

- (2) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this Rule, or a Firearms Training and Qualification course pursuant to Rule .0105(a)(1) of this Section, shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be teaching. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented by the Department Head or In-Service Training Coordinator once completed.
- (3) Instructors who, no more than 60 days prior to the upcoming calendar year, complete mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program shall have satisfied the requirements of 12 NCAC 09E .0105 for the upcoming calendar year.
- (4) The instructor shall deliver the training consistent with the specifications established in Rules 09E .0105 and .0106.
- (5) The instructor shall report the successful or unsuccessful completion of training for each officer to the Department Head.
- (6) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form F-9A (Firearms Qualification and Record) to the officer that shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Department Head or designated representative within 24 hours of the failure to qualify. The instructor shall personally deliver this form or send the form by certified mail to the Department head or designated representative within 72 hours of the failure to qualify.

All Commission forms are available for download on the Criminal Justice Standards Division website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January 1, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.
May 25, 2019; Amended Eff. July 1, 2020.*

12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING

(a) The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling 14 credits, shall be specifically required:

- (1) 2021 Firearms (minimum 4 credits);
- (2) 2021 Legal Update (minimum 4 credits);
- (3) 2021 Continue to Make a Difference: Positive Engagement Stories and Studies (minimum 2 credits);
- (4) 2021 School Safety and Responding to School Incidents (minimum 4 credits); and
- (5) Topics of Choice (12 credits);
 - (A) Officer Awareness: Responding to Victims of Trauma (minimum 4 credits);
 - (B) Patrol Vehicle Operations (minimum 4 credits);
 - (C) Hemp Industry: Overview and Officer Roles (minimum 2 credits); and
 - (D) Physical and Mental Wellness: Building & Implementing a Plan for Improvement (minimum 2 credits).

(b) All sworn law enforcement officers shall complete a minimum of 10 in-service credits, in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

(c) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

(d) The "In-Service Lesson Plans" published by the North Carolina Justice Academy shall be applied as a minimum curriculum for conducting the annual in-service training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99

(e) Lesson plans are designed to be delivered in hourly increments. A student who completes an online in-service training topic shall receive the number of credits that correspond to the number of hours of traditional classroom training, regardless of the amount of time the student spends completing the course.

(f) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. The Firearms Training and Qualifications in-service course and topics delivered pursuant to Rule .0104(1) of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2005; November 1, 1998;
Temporary Amendment Eff. January 1, 2005;
Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016; January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, 2021; January 1, 2020.

12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS

(a) All certified law enforcement officers shall qualify for both day and night use with their individual and department-approved service handguns at least once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training Law Enforcement Officers" course requirements for firearms qualification.

(b) If an officer's duty handgun is replaced the officer shall qualify both day and night with the new handgun within 15 days of issuance.

(c) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and night use at least once each calendar year.

(d) The qualifications required by Paragraphs (a) through (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.

(e) All certified law enforcement officers who are authorized to carry off-duty handguns shall qualify with each such handgun consistent with the specifications outlined in Rules .0105(1) and .0106(a) and (h) of this Section.

(f) To satisfy the training requirements for all in-service firearms qualifications, an officer shall attain at least 70 percent accuracy with each weapon.

(g) The qualifications required by Paragraphs (a) and (c) of this Rule shall be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and Rule .0103(4) and (5) of this Section shall apply.

(h) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division

North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be viewed and downloaded at no cost from the Academy's website at the following address:
<http://www.jus.state.nc.us/NCJA>

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2019; April 1, 2018; January 1, 2006; January 1, 2005;
November 1, 1998; March 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.
May 25, 2019.

12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING

(a) Where an officer is employed with an agency that establishes a higher standard for annual in-service firearms training than those specified in this Subchapter and the officer has failed to meet the requirements of the employing agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule and the higher standard of the employing agency for continued employment. Prior to transfer to another agency, the officer shall meet the requirements of this Rule and the requirements of the subsequent agency, if the subsequent agency requires a higher standard for annual in-service firearms training than those required in 12 NCAC 09E .0105(1) and .0106.

(b) Upon notification that an officer has failed to meet the requirements for in-service firearms training and qualification as specified in 12 NCAC 09E .0106(a) of this Subchapter, the law enforcement officer's certification shall be suspended.

(c) The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement Training" course to complete the firearms training topic.

(d) Such enrollment and successful completion must occur within the 12 month period following suspension of law enforcement officer certification.

(e) Failure to enroll and successfully complete the firearms training topic in a "Basic Law Enforcement Training" course within the prescribed 12 month period shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.

(f) No officer suspended under Paragraph (b) of this Rule may work as a certified law enforcement officer until:

- (1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has successfully completed the firearms training topic during a limited enrollment in a Basic Law Enforcement Training Course within the 12 month period following suspension of law enforcement officer certification, and has successfully qualified with a duty weapon as required in 12 NCAC 09E .0106(a) and (b).
- (2) the department head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.

History Note: Authority G.S. 17C-6; 17C-10; Eff. July 1, 1989;
Amended Eff. January 1, 2005; August 1, 2000; March 1, 1992; March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff.
May 25, 2019.

Referenced from website

<http://reports.oah.state.nc.us/ncac/title%2012%20-%20justice/chapter%2009%20-%20criminal%20justice%20education%20and%20training%20standards/subchapter%20e/subchapter%20e%20rules.html>

12/20/2020

APPENDIX N

SAMPLE OF REQUEST FOR SERVICE WEAPON MEMO- updated 12/15/2020

NC DIVISION OF PARKS AND RECREATION
Date

MEMORANDUM

TO: (name of director), Director, NCDPR

FROM: (name of retiring officer), (job title), NCDPR

SUBJECT: Request for Service Weapon and Badge

I will be retiring from the Division of Parks and Recreation on (date here) Pursuant to GS: 20-187.2, I am requesting that my service weapon Glock Model 21, serial number (serial number here) (DNCR FAS# here) and badge number (badge number here) to be issued/sold to me for \$1.00 upon my retirement. Enclosed is the documentation as requested to include a completed Surplus OC-50 form form and a copy of my North Carolina pistol purchase permit.

I appreciate your assistance and consideration of this request.

Attachments: Copy of North Carolina pistol purchase permit
State Surplus OC-50
NC Drivers License Copy
Cashier's Check to SSP

REQUEST APPROVED

Dwayne Patterson, Director
Division of Parks and Recreation

Date

APPENDIX O

Oleoresin Capsicum Spray Policy

NORTH CAROLINA DIVISION OF PARKS AND RECREATION Oleoresin Capsicum Spray Policy

I. POLICY

The Division's Law Enforcement Guideline, Program Direction, Section 1.2 sets forth division policy regarding the role of the law enforcement program. Commissioned staff should emphasize a basic educational approach in every enforcement contact where it is possible and reasonable to do so. The Division's objective is to gain compliance at the lowest possible level of enforcement action.

Levels of enforcement action range from mere officer presence up to and including the use of deadly force. Commissioned staff are trained in the appropriate use of a wide spectrum of enforcement actions generally referred to as the "use of force model" (ref. L. E. Guideline, Section 8.2, Use of Defensive Equipment). Aerosol chemical agents represent a non-lethal defensive weapon that is placed on the low to middle range of the use of force model.

The Division issues oleoresin capsicum (O.C.) Spray to qualified commissioned staff as an optional chemical agent. Only commissioned staff who have been trained in the use of Division issued O.C. Spray, including experiencing the effects of the spray, are authorized to carry it.

II. DEFINITION

- A. Oleoresin Capsicum Spray is an organically based, less-than-lethal weapon designed to incapacitate without lasting aftereffects. Oleoresin Capsicum (O.C.) is a mixture of essential oil and a resin found in any solanaceous plant of the genus capsicum, such as cayenne pepper, which is a natural product listed in many foodstuffs. O.C. spray may be referred to as pepper spray, pepper mace or pepper gas.
- B. O.C. spray is a personal defense spray that disables a suspect by causing severe irritation of the eyes, throat and upper respiratory tract. This product can create spasms and involuntary closing of the eyes, coughing, gasping and shortness of breath similar to a severe asthma attack. These effects may last up to 45 minutes.

III. DEPARTMENTALLY-APPROVED SPRAY

- A. An officer shall only possess and use O.C. spray approved and issued by the Division.
- B. Issued O.C. spray will be carried on the equipment belt in a holster approved and issued by the Division.

IV. TRAINING

- A. Each officer must receive training prior to being issued the product.
- B. The training will be delivered in the following format:
 - 1. Classroom instruction and practical exercise provided by an instructor who has received training from a manufacturer of O.C. spray or an instructor recognized

as appropriate by the North Carolina Justice Academy, North Carolina Department of Justice.

2. The training will be delivered in a four-hour block of instruction which includes lecture and practical exercise including decontamination.
3. The classroom instruction will include the following topical areas:
 - a. History of Oleoresin Capsicum Spray
 - b. Product Components
 - c. Physiological Effects of O.C. spray
 - d. Use of Force (Continuum)
 - e. Proper Deployment of O.C. spray
 - f. Decontamination Procedures
 - g. Documentation of Use of Spray
4. A written examination will be given to each officer with regard to the above-mentioned topics.
5. Each officer will be required to participate in a practical exercise in which they will be sprayed with a one (1) second burst of Division approved and issued O.C. in order to receive the effects of the spray. In addition, each officer will assist in the decontamination procedures used on the participants who have been sprayed. A BLET exposure meets these criteria if it is performed with a Division issued O.C. canister. Subjects not sprayed with Division issued O.C. will be subject to an exposure by a Division approved instructor. Officers are required to be exposed with the same product that the Division issues them to carry on duty. This policy also pertains to officers transferring from another agency with a previous O.C. exposure.

V. ANTICIPATED REACTIONS OF SUBJECTS EXPOSED TO O.C. SPRAY

- A. The effects of O.C. spray are usually instantaneous; however, the effects to the eyes usually precede the effects to the respiratory or skin areas.
- B. When a subject is surprised with an application of O.C. spray, he/she will often gasp in surprise, thus inhaling additional amounts of spray into the lungs. This will result in a broader range of field-observed effects from those observed and experienced in the classroom training exercise.
- C. Generally, the subject experiencing O.C.. spray exposure may:
 1. Drop to both knees and fall onto their chest. [A forward moving subject still operating on inertia must be avoided. The officer must be prepared to deflect and/or sidestep the subject that has been sprayed.]
 2. Drop whatever is in his/her hands;
 3. Bend forward at the waist;
 4. Put his/her hands to his/her face; or
 5. Place his/her hands on the knees or will go down on one knee.

- D. The officer should note at this point that the subject is reacting to the O.C. spray and he/she should be ordered into a prone position for handcuffing. The officer should reassure the subject that he/she will be treated and that the effects will wear off shortly. The officer will notify EMS and have the subject checked by a medical professional prior to the transporting to a detention facility. The subject may sign a waiver if no medical treatment is desired. This EMS notification shall be documented by the officer in his/her notes and reports. It is noteworthy that most detention facilities will not accept a prisoner that has been exposed to O.C. spray and not been medically evaluated prior to arriving for intake procedures and detention.

VI. GUIDELINES FOR USAGE

- A. The officer may use O.C. spray in situations where physical force is authorized by law and Division policy. In particular, O.C. spray may be used:
1. where the officer's presence and verbal commands are ineffective or inappropriate; or
 2. where soft hand techniques (light touching, escort techniques) have failed and the officer may be required to use hard hand techniques to maintain control, or where the officer has reasonable grounds to believe soft hands techniques will not succeed or will expose the officer to physical assault by the subject.
- B. An officer may use the O.C. spray under any other circumstances where it is reasonably necessary to effect an arrest, prevent an escape, or protect the officer, the arrestee, or another from injury. When practical, O.C. spray should be used in place of striking the subject with a fist or weapon in order to avoid injury to the subject and the officer.
- C. O.C. spray shall be used in accordance with prescribed training procedures. An officer shall not engage in horseplay with O.C. spray. The spray shall not be used to quiet a verbally abusive subject, to punish a subject, as part of interrogation of a subject, as a pain compliance technique, or against a subject who peacefully complies with orders and commands.

VII. PROCEDURES

- A. An officer should disengage from a subject, when possible, prior to drawing the O.C. spray. The effective range of the O.C. canister is 8 to 12 feet.
- B. Once the O.C. canister is drawn, the officer, when possible, should give a verbal warning to the subject prior to the use of the spray. Example: "Stop resisting. Get down on the ground, or I'll pepper spray you." This warning is recommended if a warning can be given without risk of injury to the officer or other officers on the scene.
- C. The target area for the spraying of O.C. is the bridge of the nose.
- D. An officer should utilize a spray pattern consistent with approved training and adequate for the circumstances.
- E. A one-second spraying onto the facial area of a person will usually produce effective results. Additional spraying may be required if the person remains aggressive and does not respond to verbal commands.

- F. After the subject has been sprayed, he/she should assure the subject that he/she will be treated and that the effects will dissipate shortly. The officer will first handcuff and then search the subject.

VIII. DECONTAMINATION

- A. Officers must pay strict attention to the physical condition of a prisoner after using pepper spray. Immediate medical attention should be provided if breathing difficulties persist after 2 minutes or the prisoner loses consciousness, appears sick, or sweats profusely.
- B. When circumstances permit, the officer should wait a period of fifteen (15) minutes before transporting the subject to allow natural evaporation to reduce the effects of the O.C. spray in the patrol car. During these fifteen (15) minutes, the officer should handcuff and search the subject. The officer will also decontaminate the subject at the scene of the arrest when an officer's safety is not jeopardized.
- C. After handcuffing and searching the subject, an officer should instruct the subject to stay still, not to rub his/her eyes, breathe normally, and relax as much as possible.
- D. An officer should move the subject into an uncontaminated area as soon as possible and face the subject into the wind.
- E. Prior to transporting the subject and when safety permits, an officer will utilize an appropriate spray bottle and spray water only into the subject's face and eyes. The subject's face may be patted dry with paper towels.
- F. While transporting the subject, an officer shall provide ventilation to the subject by opening the window and/or directing the air conditioning vent toward the subject's face.
- G. Upon arrival, an officer shall allow the subject to flush his face and eyes with cool water. A non oil-based soap or detergent can be used and will help remove the resin from the skin.
- H. Do not use any commercial eye wash during the decontamination process.
- I. Subjects wearing contact lenses should remove them before flushing the eyes with water and soak the lenses with appropriate cleaning solutions.
- J. Under normal circumstances, all symptoms should disappear within forth-five (45) minutes. If symptoms persist beyond forth-five (45) minutes, an officer must seek medical attention for the subject. If the subject requests medical attention after the flushing of the eyes and face, an officer shall verbally reassure the subject that medical attention will be on scene as soon as possible. Officers shall notify EMS for patient care.

IX. DOCUMENTATION

The use of O.C. spray will be documented in detail on a Case Incident Report. The supervisor and district superintendent shall be notified within 24 hours. All other use of force will be documented in accordance with the Division law enforcement policies and guidelines.

§ 14-315.1. Storage of firearms to protect minors.

(a) Any person who resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the minor:

- (1) Possesses it in violation of G.S. 14-269.2(b);
- (2) Exhibits it in a public place in a careless, angry, or threatening manner;
- (3) Causes personal injury or death with it not in self-defense; or
- (4) Uses it in the commission of a crime.

(b) Nothing in this section shall prohibit a person from carrying a firearm on his or her body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body.

(c) This section shall not apply if the minor obtained the firearm as a result of an unlawful entry by any person.

(d) "Minor" as used in this section means a person under 18 years of age who is not emancipated. (1993, c. 558, s. 2; 1994, Ex. Sess., c. 14, s. 11.)

APPENDIX Q Use of Force Report



Use of Force Reporting

A. Incident Information

Date <input style="width: 90%;" type="text"/>	Time <input style="width: 90%;" type="text"/>	Day of Week <input style="width: 90%;" type="text"/>	Park <input style="width: 90%;" type="text"/>	Location <input style="width: 90%;" type="text"/>	OCA <input style="width: 90%;" type="text"/>
Type of Incident: <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Domestic <input type="checkbox"/> Investigation <input type="checkbox"/> Patrol <input type="checkbox"/> Assisting <input type="checkbox"/> Other <input style="width: 150px;" type="text"/>					

B. Officer Information

Name (Last, First, Middle) <input style="width: 95%;" type="text"/>	Badge # <input style="width: 90%;" type="text"/>	Sex <input style="width: 90%;" type="text"/>	Race <input style="width: 90%;" type="text"/>	DOB <input style="width: 90%;" type="text"/>	Injury <input type="checkbox"/> Y <input type="checkbox"/> N	Death <input type="checkbox"/> Y <input type="checkbox"/> N
Call Out <input type="checkbox"/> Y <input type="checkbox"/> N	Uniform <input type="checkbox"/> Y <input type="checkbox"/> N					

C. Subject 1

Name <input style="width: 95%;" type="text"/>	Sex <input style="width: 90%;" type="text"/>	Race <input style="width: 90%;" type="text"/>	DOB <input style="width: 90%;" type="text"/>	Age <input style="width: 90%;" type="text"/>
Alcohol <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk Drugs <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk Developmental Disability <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk	Arrest <input type="checkbox"/> Y <input type="checkbox"/> N	Charges <input style="width: 150px; height: 40px;" type="text"/>		
Subject's Level of Resistance <input type="checkbox"/> Psychological Intimidation <input type="checkbox"/> Passive Resistance <input type="checkbox"/> Defensive Resistance <input type="checkbox"/> Active Aggression <input type="checkbox"/> Aggravated Active Aggression		Subject Control (Check all used) <input type="checkbox"/> Officer Presence <input type="checkbox"/> Verbal De-escalation <input type="checkbox"/> Soft Empty Hand Control <input type="checkbox"/> Hard Empty Hand Control <input type="checkbox"/> Intermediate Weapons <input type="checkbox"/> Lethal Force		
Injury Death <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk		Weapon Used <input type="checkbox"/> Y <input type="checkbox"/> N <input style="width: 100px;" type="text"/>		



Use of Force Reporting

Subject 2

Name <input type="text"/>	Sex <input type="text"/>	Race <input type="text"/>	DOB <input type="text"/>	Age <input type="text"/>
Alcohol <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk Drugs <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk Developmental Disability <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk	Arrest <input type="checkbox"/> Y <input type="checkbox"/> N	Charges <input type="text"/>		
Subject's Level of Resistance <input type="checkbox"/> Psychological Intimidation <input type="checkbox"/> Passive Resistance <input type="checkbox"/> Defensive Resistance <input type="checkbox"/> Active Aggression <input type="checkbox"/> Aggravated Active Aggression	Subject Control (Check all used) <input type="checkbox"/> Officer Presence <input type="checkbox"/> Verbal De-escalation <input type="checkbox"/> Soft Empty Hand Control <input type="checkbox"/> Hard Empty Hand Control <input type="checkbox"/> Intermediate Weapons <input type="checkbox"/> Lethal Force			
Injury <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk Death <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk	Weapon Used <input type="checkbox"/> Y <input type="checkbox"/> N <input type="text"/>			

D. Use of weapon

Officer Weapon involved <input type="checkbox"/> Pistol <input type="checkbox"/> Shotgun <input type="checkbox"/> OC Spray <input type="checkbox"/> Baton <input type="checkbox"/> Other <input type="text"/> Serial #: <input type="text"/>
Weapon handling <input type="checkbox"/> Unholstered <input type="checkbox"/> Pointed Officer Firearm Discharge <input type="checkbox"/> Y <input type="checkbox"/> N Rounds Fired: <input type="text"/>
Medical Care <input type="checkbox"/> Requested <input type="checkbox"/> Required <input type="checkbox"/> Provided Agency Responded: <input type="text"/>



This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Signature: _____ Date: _____
Supervisor _____ Date: _____

APPENDIX R
Consent to Search and Seize

NORTH CAROLINA
DIVISION OF PARKS AND RECREATION
Consent to Search and Seize

I, _____ hereby authorize _____
(Name of person Consenting to Search) (Name of Commissioned Officer)

of the North Carolina Division of Parks and Recreation and any other law enforcement officer designated to assist to conduct a complete search of _____
(Description of residence, property, vehicle, etc.)

Located at _____
(Description of location and/or complete address)

I further authorize the above officers to remove any letters, documents, papers, materials, or other property which is considered important to the investigation, provided that I am given a receipt for anything that is removed.

I have knowingly and voluntarily given my consent to search the above described location without fear, threat or promise either expressed or implied. Further, I understand that I have a constitutional right to refuse consent to this search and that any items seized may be used against me in a court of law.

(Signature of person consenting to search)

Witness: _____

Date: _____ Time: _____

ITEMIZED LIST OF ARTICLES TAKEN AS EVIDENCE

Item Number	Description of what was taken, location found and by whom located
Case #	Signature of officer and date

