



# Apex Police Department Bulletin



<b>Title</b> <b>Reiteration of Policy Statements Related to Campaign Zero Research</b>		<b>Order Number</b> B003-20
<b>Effective Date:</b> June 8, 2020	<b>Amends:</b>	
<b>CALEA Standard:</b>	<b>Rescinds:</b>	
<b>Reference:</b> Applicable Written Directives as Noted	<b>Pages:</b> 7	
<b>Distribution:</b> All Department Personnel		

## Reiteration of Policy Statements Related to Campaign Zero Research

### Purpose

The purpose of this directive is to reiterate specific statements contained in various Apex Police Department written directives, to compile them into one document, and identify more holistically the culture, practice, philosophy, and policies of the Apex Police Department to “Do No Harm” as we carry out our duties in line with our Mission, Vision and Values, and the best practices of professional policing. As such, only select portions of the indicated written directives are included in this Bulletin. All employees are required to comply with the provisions of all applicable written directives. To the extent expectations are clarified through this Bulletin, compliance is also required.

### Background

Campaign Zero is a not-for-profit organization that has conducted research, published in September of 2016, of 91 agencies from the top 100 agencies in the nation by size, which resulted in eight recommendations to reduce excessive use of force by police.

To put this small sample size in perspective, there are approximately 18,000 law enforcement agencies in the United States, and most are small to midsized. The Apex Police Department would be considered midsized, and does not fall into the criteria as studied for this project.

However, the recommendations can be applied universally, even if the situations faced (by volume and potentially type) may differ greatly in agencies of different size. As an agency accredited by the Commission on Law Enforcement Agencies (CALEA), all aspects of our

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administration, training, operations, and written directives are subject to review to ensure they meet or exceed the Standards.

This Bulletin will serve to compile various written directives to demonstrate that the Apex Police Department supports and has measures in place to address each recommendation.

### Statement of Policing Philosophy

The Apex Police Department is committed to bias-free, professional policing as we carry out our duties with respect and dignity, while protecting the constitutional rights of all.

### Campaign Zero's Research-Based Recommendations

1. **Ban Chokeholds and Strangleholds.** Allowing officers to choke or strangle civilians, in many cases where less lethal force could be used instead, results in the unnecessary death or serious injury of civilians.
2. **Require De-escalation.** Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.
3. **Require Warning Before Shooting.** Require officers to give a verbal warning, when possible, before shooting at a civilian.
4. **Exhaust All Alternatives Before Shooting.** Require officers to exhaust all other reasonable means before resorting to deadly force.
5. **Duty to Intervene.** Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.
6. **Ban Shooting At Moving Vehicles.** Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.
7. **Require Use of Force Continuum.** Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.
8. **Require Comprehensive Reporting.** Require officers to report each time they use force or threaten to use force against civilians.

### General Order 202 – Mission, Vision and Values

1. Policy Statement
  - The Apex Police Department is committed through its slogan, “Protectors of the PEAK”, to achieving its mission. We develop partnerships and specific goals designed to

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enhance our police service to the community in a manner that is consistent with our vision and the principles of our core values.

### 2. Mission Statement

- Through our every action, we enhance the quality of life by providing exceptional public service while respecting the rights and dignity of all people.

### 3. Vision Statement

- The dedicated professionals of the Apex Police Department will strive to be a benchmark of law enforcement excellence through our innovative problem solving efforts and tireless pursuit of personal and organizational improvement as we foster public trust.

### 4. Values

- **Professionalism:** We are open, honest, and forthcoming in our words and actions. We treat everyone with dignity, respect, and fairness regardless of individual background. Our appearance, demeanor, and bearing exemplify the highest standards in modern law enforcement.
- **Excellence:** We pledge to challenge ourselves in achieving the very best results in everything we do. We provide exceptional public service in a polite and responsive manner that surpasses all public expectations. We will continue to maintain or exceed national accreditation standards.
- **Awareness:** Through our vigilance, we remain aware of our surroundings and the needs of the public. We are ready for action and are prepared to successfully resolve any situation. We anticipate changes and view challenges as opportunities.
- **Knowledge:** We are innovative problem solvers in an ever-changing world. We apply cognitive thinking to address community concerns by applying the skills gained through education. We invest heavily in the growth and development of our employees as our greatest asset.

### 5. Slogan

- Protectors of the PEAK

### 6. Discussion

- These statements resulted from a comprehensive process where sworn and civilian staff came together to develop a Strategic Plan, and update our Mission and Values. The committee worked diligently to do so and added a Vision and Slogan to document specifically how we will carry out our duties.
- All employees have been trained in these statements, and all new employees engage in a discussion regarding them during New Employee Orientation with the Chief of Police.
  - During those sessions, employees are reminded of their duty to honor these values, in themselves and others, and their duty to intervene when others display

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behavior that violates law, policy, training, our Mission, Vision and Values, or any other written directive. (*Recommendation #5*)

### General Order 301 – Code of Conduct

1. Code of Ethics
  - The Law Enforcement Code of Ethics established by the International Association of Chiefs of Police (IACP) is adopted as the official Code of Ethics for the Apex Police Department for sworn and non-sworn employees (other than Telecommunicators).
    - Employees will abide by the Code of Ethics and the IACP Canons of Police Ethics in the performance of their duties.
  - The Telecommunicator Code of Ethics established by the Association of Public Safety Communications Officials (APCO) is adopted as the official Code of Ethics for Apex Police Department Telecommunicators.

### General Order 503 – Less Lethal Instruments

1. Authorization
  - If possible and appropriate taking into account the volatility of a situation, a verbal warning should be given prior to the use of a less lethal instrument so that the subject has the opportunity to voluntarily comply with the officer's direction and command.
  - A warning is not required when the defendant resists soft/hard hands techniques or when there is a risk to the safety of the officer or others if the use of a less lethal instrument is delayed or if there is an imminent threat to the safety of any person. (*Recommendation #2 & #3*)

### General Order 701 – Use of Force

1. Policy
  - Apex Police Department officers will use only the amount of force reasonably necessary to accomplish lawful objectives to overcome resistance, aggression or gain compliance in effecting an arrest or in defense of life. (*Recommendation #4*)
2. Use of Force
  - Officers of the Apex Police Department will have a working knowledge of North Carolina General Statutes relating to Use of Force, specifically 15A-401, Use of Force.
  - Officers will be in compliance with NCGS 15A-401 and this order in all instances where force is used by an officer.
  - In all instances, officers will seek to employ the minimum amount of force required to successfully overcome physical resistance, prevent escapes and effect arrests.
3. Use of Force Continuum

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- The Use of Force Continuum as taught by the North Carolina Justice Academy is incorporated into policy. (*Recommendation #7*)
  - Officers' use of force is a response to the subject's behavior and does not specifically follow a preset order of escalation. Officers must continually assess a subject's behavior to allow for appropriate escalation/de-escalation in the use of force. (*Recommendation #2*)
  - Verbal Commands - Conversation, advice, commands, or instructions utilized by the officer to control or de-escalate a confrontation. Verbal communication, when applicable, should accompany officer actions, including the officer's identification and announcement of arrest as outlined in NCGS 15A-401(c)(2) (*Recommendations #2 & #3*)
4. Deadly Force
- Strangle or choke holds are prohibited unless the circumstances would justify deadly force and there is no other alternative to protect the officer or another person. (*Recommendation #1*)
    - NOTE: Training Lesson Plans as approved by the North Carolina Justice Academy do not include strangle or choke holds as an approved method for using force.
5. Use of Firearm
- Officers will not discharge a firearm at or from a moving vehicle except when reasonably necessary to prevent serious bodily injury or death to an innocent person or officer, and it reasonably appears that no innocent bystander will be seriously injured or killed by such action.
    - Officers using deadly physical force directed at a moving vehicle must consider and believe that the use of deadly force will serve to eliminate the threat of death or serious injury to the innocent public as opposed to creating that threat. (*Recommendation #6*)
6. Actions and Reporting Use of Force
- All uses of force will be documented in the following manner:
    - An incident report will be completed with a detailed narrative about the incident
    - Form F701a - *Use of Force Report* will be completed with a detailed narrative about the use of force
    - A separate Form F701a- *Use of Force Report* will be completed by each officer involved
    - The on-duty supervisor will complete the supervisor portion of the form
    - If the use of force involved discharging a firearm Form F601d - *Firearms Discharge Report* will be completed
    - All paperwork will be completed and forwarded to the appropriate Division Commander before the officer and supervisor complete his/her tour of duty
    - The Division Commander will review the paperwork, complete the review and forward a complete *Use of Force Documentation Package* to the Chief of Police (*Recommendation #8*)

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- Discussion
  - A *display* of force is not a *use* of force. However, the display of a firearm or less-lethal instrument is a pertinent aspect of a police-citizen encounter which provides additional descriptive information and may indicate the level of resistance and/or non-compliance faced by the officer. As such, it will be recorded in the official report to fully document the circumstances of the encounter.
  
- 7. Duty to Intervene
  - All employees and other persons regularly associated with the department (i.e. Explorer, volunteer, etc.), and specifically police officers, have a duty and obligation to protect the public as well as other employees, within the scope of their overall duties. The duty to intervene also applies when present at a scene where unreasonable physical force is being applied.
    - Officers (and employees as described above) will either stop, or make a direct attempt to stop, another employee or officer when:
      - The force used is not in compliance with this or other applicable written directives (i.e., North Carolina Justice Academy training, etc.)
      - The force used is no longer required to effect a function of public safety
      - The force used can reasonably be determined to be unnecessary or inappropriate based upon the circumstances of the situation
  - This duty also extends when the Apex Police Department is called to assist, or is assisting, any other law enforcement agency.  
(*Recommendation #5*)
  
  - Discussion
    - In review of the written directives system, it was identified that, although the Duty to Intervene was clearly understood by officers and had already been a part of department training and expectations, it was not specifically stated in any General Order. To clearly and thoroughly identify this duty, the above statement was added to policy.

### General Order 302 – Personnel Complaint Investigation

1. Policy
  - All employees and other persons regularly associated with the department (i.e. Explorer, volunteer, etc.) are responsible for reporting complaints; allegations of violations of written directives, laws, and statutes; allegations of misconduct; and acts of misconduct by other employees as outlined in this General Order.

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**BY ORDER OF:**

*John Letteney*

**Chief of Police**