



Apex Police Department General Order



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| Title Interagency Relations | | Order Number 204-20 |
| Effective Date: July 29, 2020 | Amends: General Order 204-13 | |
| CALEA Standard: 1.1.3, 2.1.1, 2.1.2, 2.1.3, 2.1.4, 3.1.1, 3.1.2 | Rescinds: | |
| Reference: NCGS: 90-95.2, 160A-288, 160A-285, 160A-289.2 and 160A-286 North Carolina Attorney General's Office – Mutual Aid Agreements Between Law Enforcement Agencies Guide Wake County, North Carolina Emergency Operations Plan North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement | Pages: 12 Addendum – <i>Concurrent Jurisdiction Agencies</i> Addendum – <i>Adult and Juvenile Social Services Referral/Resource Guide</i> | |
| Forms: F204 – Request for Mutual Aid Assistance | | |

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Purpose

The purpose of this directive is to establish guidelines for maintaining liaisons; coordinating assistance through mutual aid agreements, memorandums of understanding, and other contractual agreements; diversion; providing referrals to social service agencies; jurisdictional boundaries; and concurrent jurisdiction.

Policy

It is the policy of the Apex Police Department to maintain liaisons with other criminal justice, public safety, community, and social service agencies to promote a productive exchange of information; to coordinate efforts in investigations, the arrest of criminals, the planning of operations, and response to diversion; and other intervention activities. The department will maintain agreements with other law enforcement agencies for the purpose of managing mutual aid assistance and services as outlined in NCGS 90-95.2, 160A-288, 160A-288.1 and 160A-288.2. The department will provide mutual aid assistance to other law enforcement

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agencies, as requested, throughout the local area and region, delineate jurisdictional boundaries, and manage interagency agreements regarding concurrent jurisdiction.

Procedure

Relationships with Criminal Justice Agencies

1. The Chief of Police provides overall direction and guidance to the department and establishes liaisons with various associations of police executives and regional coordinating committees/organizations (i.e. Wake County Law Enforcement Executives Group, IACP, etc.).
 - Employees who are responsible for maintaining contact with an outside agency should meet with that agency as often as is necessary to maintain effective communications, and to discuss mutual concerns, problems, and potential solutions for addressing issues and/or problems.
2. *Patrol Division* – The Division Commander or his/her designee should develop and maintain the following liaisons:
 - Patrol Divisions of adjoining police departments and/or agencies with concurrent jurisdiction
 - Community organization(s) located within or serving the Town of Apex
 - Traffic management and control agencies/departments such as the Town of Apex Transportation Engineer, North Carolina Department of Transportation, North Carolina State Highway Patrol, and Governor’s Highway Safety Commission
 - Public Utilities –Town of Apex Public Works and power/phone companies
 - Apex Fire Department, Wake County Emergency Medical Services, and Wake County Office of Emergency Management for development and coordination of plans to address mutual public safety issues
 - **Wake County Public School System**
 - Special Response Teams (i.e. SRT/SWAT, CNT, Canine Units, etc.)
 - Other liaisons as deemed appropriate by the Division Commander
3. *Criminal Investigations Division* – The Division Commander or his/her designee should develop and maintain the follow liaisons:
 - Criminal Investigations Divisions of adjoining police departments and/or agencies with concurrent jurisdiction
 - County, state and federal law enforcement agencies
 - Wake County City-County Bureau of Identification (CCBI)
 - Juvenile resources – North Carolina Department of Juvenile Justice and Delinquency Prevention, Wake County Juvenile Detention Center, and Wake County Department of Human Services

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- Court system – Wake County District Attorney’s Office, North Carolina Attorney General’s Office, United States Attorney’s Office, and Felony and Misdemeanor Diversion Program
 - Other liaisons as deemed appropriate by the Division Commander
4. *Administrative Division* – The Division Commander or his/her designee should develop and maintain the follow liaisons:
- North Carolina Criminal Justice Education and Training Standards Commission
 - North Carolina Sheriff’s Education and Training Standards Commission
 - North Carolina Justice Academy
 - North Carolina BLET Programs (i.e. Wake Technical Community College, etc.)
 - North Carolina Division of Criminal Information
 - National Crime Information Center (NCIC)
 - Administrative Office of Courts (AOC)
 - Town of Apex Information Technology Department
 - Other liaisons as deemed appropriate by the Division Commander
5. In order to enhance our professionalism and working relationships, and have effective liaisons with federal, state, regional, and local law enforcement agencies, the department will maintain membership in a variety of professional organizations.
- Employees will not join, endorse or otherwise affiliate with any organization that does not adhere to professional standards, laws, regulations, and constitutional guarantees.

Geographical Boundaries (2.1.1)

1. Under North Carolina law and the Town of Apex Charter, the department has jurisdiction in the following instances. (**SOURCE:** NCGS 15A-402; 160A-286, TOA Code of Ordinances)
- *Within the Corporate City Limits* – Apex Police Officers have all the powers vested in law enforcement officers by state statute or common law while within the Town of Apex corporate limits. Officers also have power to serve all civil and criminal processes issued by any officer of the General Court of Justice. They may enforce Town of Apex Code of Ordinances, as the Town Council directs.
 - *One-Mile Extraterritorial Extension* – Apex Police Officers are granted all the powers vested in a law enforcement officer for a distance of one mile from the corporate city limits.
 - **NOTE:** Officers will not engage in regular patrol or enforcement within this one-mile extraterritorial area.
 - *Immediate and Continuous Flight* – Apex Police Officers are also entitled to all of the powers of a law enforcement officer when in pursuit of an offender who has committed a criminal offense within the officer’s jurisdiction for which an arrest

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could be made, and who then flees outside the corporate or extraterritorial limits of the Town of Apex.

➤ **NOTE:** The pursuit must be immediate and continuous.

- *City Property Outside the Corporate Limits* – Apex Police Officers have jurisdiction within any property owned or leased by the Town of Apex, even though it may be outside the Town’s corporate or extraterritorial limits.
2. Maps of the corporate limits/jurisdictional boundaries of the Town of Apex are located in the Communications Center and the Patrol Division. All personnel have access to Town of Apex and department maps through printed hard copies and/or electronic format (police network). All Town of Apex and department maps are updated as needed.
- The Town of Apex Planning Department provides updates to the Wake County Geographic Information Services (GIS) when property is annexed, purchased by the Town of Apex, or as needed.
 - Wake County Geographic Information Services (GIS) is responsible for updating the department’s Computer Aided Dispatch System (CAD).
 - The Town of Apex Planning Department is responsible for updating town limits/jurisdictional maps.
 - The department’s Crime Analyst is responsible for updating police districts and zone maps as directed by the Administrative Division Commander, Deputy Chief of Police and/or Chief of Police.

Concurrent Jurisdictions (2.1.2)

1. The department acknowledges that other law enforcement agencies have concurrent jurisdiction within the Town of Apex and the jurisdiction of the Apex Police Department. (**NOTE:** Refer to Addendum – *Concurrent Jurisdiction Agencies* for a list of those agencies.)
- Mutual aid assistance agreements are not required for assistance received from other law enforcement agencies that have concurrent jurisdiction within the Town of Apex (i.e. Wake County Sheriff’s Office, North Carolina Highway Patrol, North Carolina State Bureau of Investigation, North Carolina Alcohol Law Enforcement, etc.).
 - If the Apex Police Department is requested to provide assistance to the above agencies (which are outside the town’s jurisdictional limits), NCGS requires a written mutual aid assistance request be submitted by the requesting agency.
 - In a pre-planned event (i.e. a major sporting competition) where the Apex Police Department desires assistance from the North Carolina State Bureau of Investigation (SBI), the SBI requires a written letter of request from the Chief of Police to the SBI Director.

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Mutual Aid Assistance Agreements

1. In accordance with NCGS 160A-288, 160A – 288.1, 160A-288.2, and 90-95.2, agreements may be maintained with other law enforcement agencies for purposes of providing mutual aid assistance, services, equipment and/or supplies. (2.1.3 (a)(b))
 - The police department may temporarily provide immediate mutual aid assistance to another law enforcement agency if so requested.
 - When mutual aid assistance is provided to another law enforcement agency, a request will be made by the Apex Police Department to the department head of the requesting agency to provide any necessary documentation required to comply with NCGS governing mutual aid requests.
 - Officers from the assisting agency can work temporarily with officers of the requesting agency (including in an undercover capacity) and lend equipment and supplies. Maintaining a mutual aid agreement is no longer required before providing assistance. The department will establish and maintain mutual aid assistance agreements in accordance with this General Order.
 - The police department may temporarily provide assistance (mutual aid) to another law enforcement agency through (NCSHP, ICAC Task Force, and ISAAC), contractual agreements (WCPSS), inter-local agreements (ILA), service level agreements (SLA), etc. with other agencies in North Carolina as deemed appropriate.
 - The following will be considered the equivalent of a municipal police department:
 - Municipal police departments
 - Sheriff's offices
 - State law enforcement agencies
 - Local or state agencies with the purpose of enforcing violations of Chapter 90, the North Carolina Controlled Substance Act
 - Campus law enforcement agencies established pursuant to NCGS 116-40.5(a) and NCGS 74E or 74G, G.S. 115D-21.1(a) or G.S. 116-40.5(a)
 - Colleges or universities which are licensed or exempted from licensure by G.S. 116-15, and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes
 - **NOTE:** The department by statute may not enter into mutual aid assistance agreements with "company police" agencies
(SOURCE: (NCGS 160A-288, 160A-288.1, 160A-288.2 and 90-95.2))
2. The Chief of Police has the authority to authorize mutual aid assistance for a requesting law enforcement agency and is not required to have prior authorization from a governing body (town council) to provide mutual aid assistance. (§ 160A-288, § 90-95.2.)

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3. The department may enter into a mutual aid assistance agreement with other local and state agencies for purposes of enforcing Chapter 90 violations under the North Carolina Controlled Substances Act.
 - **NOTE:** This statute is substantially similar to NCGS 160A-288, with certain exceptions (**SOURCE:** NCGS 90-95.2):
 - Under this agreement, the assistance is for the limited purpose of enforcing Chapter 90 violations under the North Carolina Controlled Substances Act
 - Agreements may be entered into with any state or local law enforcement agency, force, department, or unit responsible for enforcing criminal laws in North Carolina
4. To enhance cooperation between law enforcement agencies, the mutual aid assistance agreement will include the following:
 - The legal status of agencies and agency personnel responding to mutual aid requests (2.1.3 (a))
 - Procedures for vesting provider agency personnel with the legal authority to act within the receiver agency's jurisdiction (2.1.3 (b))
 - Procedures for requesting mutual aid assistance (2.1.3 (c))
 - Identity of those persons authorized to request mutual aid assistance (2.1.3 (d))
 - Identity of persons to whom outside personnel are to report (2.1.3 (e))
 - Procedures for maintaining radio communication with outside personnel (2.1.3 (f))
 - Expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agency's resources (2.1.3 (g))
 - Procedures for review and revision if prescribed in the agreement (2.1.3 (h))
5. Mutual aid assistance agreements will be reviewed at least annually by the Chief of Police or his/her designee to ensure agreements remain current, unless prescribed differently in the agreement. (**NOTE:** The election or appointment of a different Chief Executive Officer (CEO) for a law enforcement agency that has entered into a mutual aid assistance agreement with the department will require a new agreement be executed with the new CEO.) (2.1.3 (h))
 - The review will be completed no later than January 31st of the year following the period subject to the administrative review.
 - This date may be extended with the approval of the Chief of Police.

Mutual Aid Assistance Response Procedures

1. The department may render mutual aid assistance or services to, or receive mutual aid assistance requests from other agencies as established by the mutual aid assistance agreement. The amount, type, and extent of aid will be dependent upon the situation and

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the availability of resources. Personnel, equipment, supplies, and communication services may be offered as directed by the Chief of Police or his/her designee. (2.1.3 (c))

- Mutual aid assistance generally will be requested by the Chief of Police or his/her designee. (2.1.3 (d))
 - For purposes of mutual aid assistance, the term “designee” generally refers to the highest-ranking, on-duty, Patrol Division supervisor.
 - **NOTE:** Only one designated person at any one time can authorize assistance under a mutual aid assistance agreement.
- Any request for mutual aid assistance must be in writing. (**SOURCE:** NCGS 160A-288)
 - As a practical matter, sometimes the need for assistance is immediate or urgent. In those circumstances, a written request for assistance may be subsequently prepared.
 - An immediate or urgent request for assistance may be made orally by authorized personnel as outlined in this General Order (i.e. police radio, telephone, or personally), then followed up with an additional written request as soon as practical by the Chief of Police or his/her designee. (**SOURCE:** North Carolina Attorney General’s Office - *Mutual Aid Agreements Between Law Enforcement Agencies Guide*)
 - Requests for mutual aid assistance will be made using form F204 – *Request for Mutual Aid Assistance* or other written method approved by the Chief of Police or his/her designee except for written requests made through the DCI network.
 - **NOTE:** All completed written requests made using form F204 – *Request for Mutual Aid* or other approved written method should be forwarded to the Chief of Police or his/her designee for review and approval prior to forwarding to an outside agency.
 - Once the Chief of Police or his/her designee has authorized a mutual aid request, other personnel (i.e. Telecommunicator) may make the request as directed.
- In the event that the department is contacted by another agency requesting aid, the Chief of Police or his/her designee will be immediately notified so the situation can be reviewed and a determination made as to how many officers and what type of equipment and/or resources will be sent to the requesting agency. Similarly, the Chief or his/her designee will make any necessary requests for mutual aid assistance or services from other agencies.
- If a request for mutual aid assistance is made after normal Town of Apex business hours, the highest ranking, on-duty, Patrol Division supervisor is not required to notify the Chief of Police immediately, unless notification is otherwise required by General Order 711 – *Notification Matrix* or at the discretion of the supervisor if he/she determines the circumstances warrant the notification.

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- **NOTE:** Notification through the chain of command will be made by appropriate means (i.e. phone call, email, copy of report, etc.) on the next business day.
2. All personnel from other agencies who respond to the department's request for mutual aid assistance will report to the person identified by the Chief of Police or his/her designee (Incident Commander, Watch Commander, or an on-duty supervisor). (2.1.3 (e))
 3. Communications with other agencies will be coordinated by the department's Communications Center and, as needed, through Raleigh-Wake Emergency Communications Center and/or other appropriate agencies. (2.1.3 (f))
 - The department has access to the Statewide Law Enforcement Mutual Aid Radio System through the North Carolina Viper Radio System, as well as, various mutual aid channels through the Wake County Public Safety Radio System and TRICOMM.
 4. Expenditures, if any, may be borne by the receiver agency to compensate for the use of the provider agency's resources. (2.1.3 (g))

Federal/National Guard Assistance (2.1.4)

1. The Apex Police Department may request assistance from federal law enforcement agencies as follows:
 - Response to crimes that may violate federal law (i.e. bank robbery, counterfeiting, weapons violations, etc.):
 - An on-duty supervisor, Watch Commander, Patrol Division Commander, Criminal Investigations Commander, Administrative Division Commander, Deputy Chief of Police, Chief of Police or other designee may contact or authorize the contact of the most appropriate federal law enforcement agency for assistance
 - Assistance with investigations that may violate federal law:
 - The Criminal Investigations Commander, Patrol Division Commander, Administrative Division Commander, Deputy Chief of Police, Chief of Police or other designee may contact or authorize the contact of the most appropriate federal law enforcement agency for assistance
 - Assistance with critical incidents in which a specialized response or investigative unit is necessary (i.e. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) response to a suspicious fire or explosion, etc.):
 - The Incident Commander, Patrol Division Commander, Criminal Investigations Division Commander, Administrative Division Commander, Deputy Chief of Police, Chief of Police or other designee may contact or authorize the contact of the most appropriate federal law enforcement agency for assistance

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- Assistance with or the providing of intelligence/information regarding terrorism related activities:
 - The Criminal Investigations Division Commander, Patrol Division Commander, Administrative Division Commander, Deputy Chief of Police, Chief of Police or other designee may contact or authorize the contact of the most appropriate federal law enforcement agency and/or fusion center (i.e. FBI Joint Terrorism Task Force (JTTF), North Carolina Information Sharing and Analysis Center (ISAAC), etc.) to provide intelligence/information or request assistance
 - Prior to making the request for federal law enforcement mutual aid, the need should be discussed with the Town Manager and Town of Apex Emergency Manager
 - Requests should include an estimate of the time (number of days) and any additional resources that will be needed (**SOURCE:** NC Emergency Management)
2. The Apex Police Department may request assistance from the North Carolina National Guard for civil disturbance support as follows:
- If an emergency should arise that requires the activation of the North Carolina National Guard (NCNG), the Chief of Police or his/her designee will notify the Town Manager of the circumstances surrounding the need for the request
 - If authorization to activate the NCNG is given, the Chief of Police, or his/her designee, will contact the Wake County Emergency Management Director (WCEMD)
 - The individual making the request will provide an estimate of the number of days the NCNG will be needed, as well as, how the local police department will provide support to the NCNG through coordinating staging, lodging, and meals, as the local partners usually have better knowledge and may be able to better identify places for NCNG personnel to stage, sleep, and eat
 - Generally, the state will pay for eligible associated costs (**SOURCE:** NC Emergency Management)
 - The NCNG are not first responders and the earliest they can be on-site is normally no less than 24 hours from the time the NCNG receives the mission (**SOURCE:** NC Emergency Management)
 - The WCEMD will place a Resource Request into the North Carolina Emergency Management Crisis Management Program, WebEOC (**SOURCE:** NC Emergency Management)
 - In the event Wake County WebEOC is not operationally active, and the need to activate the NCNG occurs, the Raleigh-Wake Communications Center will be notified and will facilitate the request through the on-duty Emergency Management Watch Commander
 - **NOTE:** Pursuant to Town of Apex Code of Ordinances Chapter 7, the Mayor may request the activation of the NCNG under a proclamation of “martial law”

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- In the event members of the NCNG or State defense militia are called out by the Governor pursuant to the authority vested in him/her by the Constitution, they will have such power of arrest as may be reasonably necessary to accomplish the purpose for which they have been called out (SOURCE: NCGS 127A 149)
 - NCGS 14-288-1 defines a “law enforcement officer” as including “any member of the armed forces of the United States, the North Carolina National Guard or the State defense militia called to duty in a state of emergency in North Carolina and made responsible for enforcing the laws of North Carolina or preserving the public peace...”
- If the NCNG is activated to provide assistance in the Town of Apex, the Incident Commander, Chief of Police or his/her designee, in consultation with NCNG officials, will determine the scope of their assistance
 - Whenever possible, an officer from the department or another police agency providing temporary assistance through an active mutual aid assistance agreement will accompany NCNG personnel involved in police operations

Adult and Juvenile Social Service Referrals (1.1.3)

1. Officers, in the course of performing their duties, often encounter people in need of a type of help best provided by another criminal justice agency or social service agency. Officers should exercise sound discretion and good judgment in determining which type of agency would most likely suit the needs of a particular individual. The following factors should be taken into account:
 - Assessment of the subject’s needs through discussion (with the subject, the subject’s guardian, or someone else familiar with the subject’s behavior)
 - Request by the subject or relatives for specific assistance
 - Individuals requesting services not provided by the department
 - Necessity for immediate aid
2. The Apex Police Department will participate in and divert individuals from the criminal justice system through criminal justice and/or social service diversion and referral programs when appropriate.
3. Juveniles may be referred to diversion programs such as Capitol Area Teen Court or to specific agencies that may best serve the minor and family needs as outlined in General Order 1309 – *Juvenile Operations*.
4. Officers may choose to refer adults to the various social service agencies in the Wake County area when they see that those services may benefit the person, family, or community at large.
5. Diversion programs include, but are not limited to:
 - Detoxification – UNC WakeBrook Crisis and Assessment Center, Healing Place, etc.

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- Mental Health – UNC WakeBrook Crisis and Assessment Center, Holly Hill, etc.
 - Drug Abuse – UNC WakeBrook Crisis and Assessment Center, Healing Place, etc.
 - Domestic Violence – Interact, APD Victim Advocate (SOP I102 – *Domestic Violence Victim’s Advocate*), General Order 905 – *Domestic Incidents*
 - Juvenile Delinquency – NC Department of Juvenile Justice and Delinquency Prevention
 - Salvation Army
 - Victim and Witness Program
 - American Red Cross
6. The department has specially trained sworn officers who are designated to handle situations involving persons mentally incapacitated by crisis and their families. These officers should be called when an arrest may not be appropriate and the individual appears to need long-term, community service assistance. For specific procedures regarding the Crisis Intervention Team, refer to General Order 904 – *Interactions with the Mentally Ill*.
- **NOTE:** All officers will be trained in assisting persons in need of mental health assistance and de-escalation when they are eligible to participate in the National Alliance on Mental Illness (NAMI) hosted Crisis Intervention Team training program.
7. Employees have access to a comprehensive list of human service agencies that serve Wake County, Apex, and the surrounding community. Directories of these services are located on the internet, outlined in Addendum – *Adult and Juvenile Social Service Referral/Resource Guide* or by contacting the Wake County Local Management Entity (LME) Access Center at (919) 651-8400 or 1-800-510-9132.

Written Agreements Governing Contractual Law Enforcement Services

1. A written agreement will govern the provision of contracted law enforcement services by the department.
2. Any contract entered into by the department for the provision of law enforcement services will contain:
 - A statement of the specific services to be provided (3.1.1 (a))
 - Specific language dealing with the financial agreement between parties to include at a minimum: (3.1.1 (b))
 - Salaries
 - Fringe Benefits
 - Support Services
 - Workers’ Compensation Coverage
 - Legal Liability

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- Specification of the records to be maintained by the department concerning the performance of services by the department (3.1.1 (c))
 - Language dealing with the duration, modification, and termination of the contract (3.1.1 (d))
 - Specific language dealing with legal contingencies (3.1.1 (e))
 - The stipulation that the department will maintain control over its personnel (3.1.1 (f))
 - Language specifying arrangement for the use of equipment and facilities (3.1.1 (g))
 - The Chief of Police or his/her designee will review the written agreement at least annually, or as specified in the agreement
 - When necessary to provide for the appropriate and legal discharge of contracted services between the department and an outside agency, such written contract will be reviewed by the Town Attorney to ensure it complies with all applicable legal standards (3.1.1 (h))
3. Employment rights of Apex Police Department personnel assigned to provide law enforcement services to another entity under a contract agreement will not be abridged by the provider agency. (3.1.2)

Text in “Green” denotes a significant change in policy.

BY ORDER OF:



John W. Letteney
Chief of Police