



# APEX POLICE DEPARTMENT

*Professionalism • Excellence • Awareness • Knowledge*

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## Apex Police Department Provides Information Related to NAACP Statement of “Standards Every Law Enforcement Agency Should Have” September, 2020

### Introduction

Through research designed to ensure policies were up-to-date and reflective of leading practices in the police profession, the Apex Police Department became aware of the NAACP Statement of “Standards Every Law Enforcement Agency Should Have” in July, 2020. The Executive Staff conducted a comprehensive review of the fifteen suggested “standards” and compared them to existing policy (written directive) statements. The purpose of this document is to provide specific statements contained in various Apex Police Department written directives that address those “standards.”

Other documents exist on our website to 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, this document is not intended to be a comprehensive list, and only select portions of the indicated written directives are included.

It is also important to understand that many topics are addressed in ways that do not necessitate a specific “policy” statement. For example, basic academy training, annual mandated in-service training, advanced job-specific training, scenario-based training, supervisory mentoring, and other methods create organizational expectations and develop agency culture with a professional, service-oriented focus.

Subsequent to this review, we are confident that we are meeting, and in most cases exceeding, the NAACP standards through our system of clearly established written directives, General Orders, and on-going training. Additionally, we support the intent of these standards through our Mission, Vision, and Values, as well as through our commitment to continuous improvement.

The department began a process of posting General Orders on our website, beginning in July, 2020. Many of the directives referenced in this document are posted and we anticipate posting of the remaining General Orders to be substantially complete by the end of 2020.

### NAACP Background

Founded in 1909 in response to the ongoing violence against Black people around the country, the NAACP (National Association for the Advancement of Colored People) is the largest and most pre-eminent civil rights organization in the nation. Their mission is to secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons. (SOURCE: <https://www.naacp.org/about-us/>).

## Apex Police Department 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. In addition to other directives, the following excerpts from department directives flow from this philosophy:

### 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 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 behavior that violates law; policy; training; our Mission, Vision, and Values; or any other written directive.

## 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 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.

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## NAACP Standards Every Law Enforcement Agency Should Have

(SOURCE: <https://www.naACP.org/wp-content/uploads/2016/04/Standards%20Every%20Law%20Enforcement%20Agency%20Should%20Have.pdf>)

As a rule, in order to meet some minimum standards of policing, every police department should have a policy on the following:

### 1. Use of Force – stating when and how force may be used by police officers.

- *Response:* General Order 701 – *Use of Force* addresses this standard.
  - The “Policy” section reads, in part:
    - Apex Police Department officers will use only the amount of force reasonably necessary to accomplish lawful objectives to overcome resistance, aggression, gain compliance in effecting an arrest, or in defense of life.
  - The “Use of Force - Generally” section reads, in part:
    - Officers of the Apex Police Department will have a working knowledge of North Carolina General Statutes (NCGS) 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.
- The use of force in response to resistance and/or aggression will be reasonable and based upon the totality of the circumstances in which the force was used.
- Officers using physical force, or who initiate any action that results in or is alleged to have resulted in the injury or death of another person, will ensure their actions are consistent with current training and policies of the Apex Police Department.
- In all use of force situations, once the suspect or person involved is under control the use of force must stop, except for the minimal amount required to maintain control of an arrestee.

## 2. Racial Profiling – a ban on racial profiling and data collection measures to ensure it is not happening within the agency.

- *Response: General Order 706 – Bias Based Reviews & Deterrence* addresses this standard regarding “a ban on racial profiling”:
  - The “Purpose” statement reads:
    - The purpose of this directive is to affirm the department’s commitment to bias-free policing in all its encounters between an officer and any person. Additionally, to reinforce procedures that serve to assure public confidence and mutual trust through the provision of service and enforcing laws in a fair and equitable manner.
  - The “Policy” statement reads:
    - It is the policy of the Apex Police Department to protect the constitutional rights of all persons. The department is committed to preserving the peace and maintaining order in our community by practicing bias-free policing and respecting the rights and dignity of all. All employees are strictly prohibited from engaging in bias-based profiling in traffic contacts, field contacts, arrests, asset seizure, asset forfeiture efforts, or any other official police action or duty.
  - The definition of “Racial Profiling” states:
    - Racial Profiling – A law enforcement-initiated action based on an individual’s race, ethnicity, national origin, or religion, rather than on an individual’s behavior or information identifying the individual as having engaged in criminal or other unlawful activity. **Racial profiling is strictly prohibited.** (NOTE: Bold text is from the original document)
- *General Order 706 – Bias Based Reviews & Deterrence* also addresses this standard regarding “data collection measures”:
  - The “Documentation and Review” section reads, in part:
    - Quarterly, the Crime Analyst will prepare a report from the submitted Traffic Stop Reports, which will include demographic summaries by officer. The report will be forwarded to those at the rank of Lieutenant and above for review. Any findings, concerns, and/or actions taken in accordance with this General Order and any other applicable written directive will be documented in a memorandum and forwarded to the Chief of Police, through the chain of command.
    - Annually, the Deputy Chief of Police will conduct a documented administrative review of the department’s practices, which will include, at a minimum, the following:
      - Biased policing training conducted during the year

- Complaints alleging biased policing
- Corrective action taken, if any, including re-training, counseling, discipline, policy review/update, etc.
- Initiatives to address community concerns regarding biased policing

### **3. Citizen Complaint Procedure – a method for members of the community to file a complaint regarding an officer or an incident involving the law enforcement agency.**

- *Response:* Apex Police Department General Order 302 – *Personnel Complaint Investigation* addresses this standard.
  - The “Policy” statement reads:
    - The establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to demonstrate and protect the department’s integrity. It is the policy of the Apex Police Department to accept all complaints and inquiries regarding the quality of our service. Each complaint of misconduct or quality of service inquiry, will be investigated fairly and impartially to determine the validity of the allegations and any follow up actions that may be justified, in a timely and consistent manner.
  - The “Procedure” section reads, in part:
    - The department will receive and investigate all complaints related to employee conduct in a manner that will provide citizens with a fair and effective avenue for redress against an employee or the agency as a whole; while protecting employees from false allegations and ensuring all accused employees are treated in a proper and consistent manner.
  - The “Receiving and Documenting Complaints” section reads, in part:
    - Complaints may be made in person, by telephone, or in writing. Anonymous complaints and complaints from citizens who wish their names be held in confidence will be accepted for investigation.
  - The Apex Police Department Website contains additional information and a link to file a complaint, as well as commend an employee: <https://www.apexnc.org/261/Police-Department>.

### **4. Drawing and Displaying Firearms – stating when and how firearms can be used and displayed by officers.**

- *Response:* General Order 701 – *Use of Force* addresses this standard.
  - The “Use of Firearm” section reads, in part:
    - An officer may use a firearm as outlined in NCGS 15A-401(d) (2), this directive, and other applicable General Orders and written directives.
    - An officer may draw his/her weapon when he/she has reasonable grounds to suspect that the use of deadly physical force may be necessary.
      - The officer need not be under immediate attack, but need only be reasonably apprehensive that a deadly force situation could occur.
      - The officer may have his/her weapon “at the ready” in such circumstances as answering a silent alarm, conducting a building search, confronting a subject who the officer has reasonable grounds to believe may be armed, or who may otherwise cause the officer to reasonably fear for his/her life.

- The display of a weapon will only be done by an officer in the performance of his/her duties when reasonably necessary.

## 5. Vehicular Pursuits – stating when and how officers should engage in vehicular pursuits.

- *Response: General Order 709 – Vehicle Pursuits* addresses this standard.
  - The “Procedure” section contains the following subsections, among others:
    - Initiating a Pursuit
    - Decision to Pursue or Continue a Pursuit
    - When a Pursuit is Authorized
    - When a Pursuit is Not Authorized
    - Termination of a Pursuit

## 6. Fleeing Felons – stating how officers will engage with felons who are fleeing.

- *Response: Officers do not always know the adjudicated status of a particular person (i.e., if the person is a “felon”). Therefore, an officer may engage a person based upon a variety of other factors, including probable cause that a crime is being committed. Several policies and training topics address the intent of this standard and impose limitations.*
- *General Order 201 – Limits of Authority* addresses this standard.
  - The “Procedure” section contains the following subsections, among others:
    - Authority
    - Arrest With a Warrant
    - Arrest Without a Warrant
    - Immediate and Continuous Flight
    - Alternatives to Arrest
- *General Order 701 – Use of Force* addresses this standard.
  - The “Deadly Force - Limitations” section reads, in part:
    - A law enforcement officer is justified in using deadly physical force upon another person for a purpose specified in the statute. NCGS 15A-401(d)(2)(c), states:
      - “To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.”
    - While this is in fact the law of the State, this provision was designed mainly for Department of Corrections Personnel.
      - It is not the policy of the Apex Police Department to shoot a fleeing felon simply because he/she has been convicted of a felony.
      - However, if the felon is also engaging in conduct such as described in subsections 2(a) and/or 2(b) of 15A-401(d), then the officer is justified in using whatever force is necessary, up to and including, deadly physical force.

- General Order 1701 – *Canine (K-9) Unit Program* addresses this standard.
  - The “Operations Procedures” section reads, in part:
    - The following categories of calls for service should be considered as a response for a Canine Team:
      - When a suspect has fled on foot and canine tracking is possible

**7. Foot Pursuits – stating when and how officers may engage in foot pursuits.**

- *Response:* Please refer to the response to #6 above.

**8. Internal Review – stating the procedures of the agency’s internal review mechanisms.**

- *Response:* This is a broad topic without specific identification of the meaning of “internal review.” Therefore, in addition to the following directives, more information can be found on the department’s website.

Additionally, the department earned Advanced Accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA) in 2014, and voluntarily submits to a comprehensive review of operations as they relate to the CALEA standards. While not an “internal” review, participation in this voluntary “external” review results in a myriad of internal reviews necessary to document compliance with applicable standards and written directives.

Further external reviews are conducted by other town departments, the State of North Carolina, and the United States governments.

- General Order 302 – *Personnel Complaint Investigation* addresses this standard.
  - The “Policy” statement reads, in part:
    - 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.
  - The “Annual Review” section reads, in part:
    - Annually, the Deputy Chief of Police will review the activities of the Internal Affairs function and prepare a statistical summary of data related to the investigation of complaints against employees to identify, at a minimum, the following:
      - Patterns or trends that may indicate potential training needs
      - Patterns or trends that may require policy modification
      - Patterns or trends that are revealed in the context of internal investigations
- General Order 310 – *Disciplinary System and Complaint Resolution Procedure* addresses this standard.
  - The “Procedure” section contains the following subsections, among others:
    - Guidelines
    - Remedial/Punitive Actions
    - Relief From Duty

- Unsatisfactory Job Performance
  - Detrimental Personal Conduct
  - Role of Supervisors in Discipline
  - Analysis of Matters Subject to the Complaint Resolution Process
- General Order 311 – *Personnel Early Warning System* addresses this standard.
    - The “Policy” statement reads:
      - It is the policy of the Apex Police Department to actively monitor employee conduct and provide appropriate intervention where it is evident that behavioral problems exist and have the potential to adversely affect the employee, the employee’s work performance, workplace safety, and/or department operations. The intent of this system is to provide a positive employee benefit by providing Town and department resources to assist the employee in enhancing his/her performance to attain at least acceptable levels in all performance factors.
    - The “Procedures” section reads, in part:
      - The Apex Police Department Personnel Early Warning System (PEWS) is designed to provide a process to review material, situations, and circumstances to determine if patterns of concern exist, so that remedial action may be taken before a problem escalates.
  - General Order 604 – *Inspections* addresses this standard.
    - The “Policy” statement reads:
      - It shall be the policy of the Apex Police Department to develop and implement an inspections process that compares the department’s formal expectations with actual performance. The inspectional process is an essential mechanism for evaluating the quality of the agency's operations; ensuring that the agency's goals are being pursued; identifying the need for additional resources; and ensuring that control is maintained throughout the agency. Inspections, conducted with clear objectives and a positive approach, provide a means of communication within the agency. The inspectional process, at both the line and the staff levels, provides a means of regularly assessing the department’s efficiency and effectiveness and provides information necessary to plan for change. (Reference: CALEA)
    - The “Goals of the Inspection Process” section reads:
      - To ensure compliance with departmental written directives, state and federal law, and Town of Apex Code of Ordinances, and to ensure uniformity of operations throughout the department.
      - To evaluate how agency resources, including both personnel and equipment, are being used to meet the needs of the community and to identify the need for additional resources.
      - To provide specific information regarding the efficiency and effectiveness of individual organizational components, to identify deficiencies and areas in need of improvement so that corrective action may be taken, and to determine areas where the agency or its employees may be vulnerable and/or at risk.
      - To highlight the positive and successful aspects of agency activities, procedures and programs, and to ensure that training is appropriate, timely and effective.
      - To provide information for departmental planning and budget development, and to provide current and timely information on the status and condition of personnel, materials, equipment, and facilities.



- To ensure that investigative procedures are effective and productive, and to ensure that reports and records are updated, and accurate.

#### **9. Shooting at/from a Motor Vehicle – stating when and how officers may shoot from a motor vehicle.**

- *Response:* General Order 701 – *Use of Force* addresses this standard.
  - The “Use of Firearm” section reads, in part:
    - 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.

#### **10. Use of Impact, Edged, and Other Similar Weapons – stating when and how these weapons may be used.**

- *Response:* The department does not issue edged weapons. Impact and other instruments are governed by applicable directives, use is subject to certification training and also fall under Use of Force guidelines.
- General Order 503 – *Less Lethal Instruments* addresses this standard.
  - The “Policy” statement reads, in part:
    - Apex Police Department officers will carry only department issued less lethal instruments. Such instruments will be used only when necessary to overcome resistance, effect an arrest and/or order, or to defend the officer or another from physical harm. All use of less lethal instruments will be in compliance with NCGS 15A-401 and department policy. Only those officers demonstrating proficiency in the use of authorized less lethal instruments will be approved to carry and use such instruments.
  - The “Procedure” section reads, in part:
    - The decision to engage a suspect with a less lethal force option is left to the discretion of the individual officer. The officer must have a specific factual basis to believe that the less lethal force option is reasonably necessary, and must comply with state law and departmental written directives regarding use of less lethal instruments, use of force and any other applicable written directives.
  - The directive includes the following sections, among others:
    - Authorization
    - Use of Less Lethal Instruments
    - Training and Certification
- For additional guidelines, please refer to the response to #1 above.

## 11. Crisis Intervention Training and Response – stating how officers should handle crisis situations (e.g. involving the mentally disturbed, hostage situations, etc.).

- *Response:* The department was one of the first North Carolina law enforcement agencies to commit to the International Association of Chiefs of Police “One Mind Campaign.” In doing so, we have committed to 100% of eligible officers and Telecommunicators trained in the Crisis Intervention Team model, and the training of civilian staff with a public-facing role in Mental Health First Aid.
- The One Mind Campaign seeks to ensure successful interactions between police officers and persons affected by mental illness. The initiative focuses on uniting local communities, public safety organizations, and mental health organizations so that the three become “of one mind.” To join the campaign, law enforcement agencies must pledge to implement four promising practices over a 12-36 month time frame. These practices include: establishing a clearly defined and sustainable partnership with a community mental health organization, developing a model policy to implement police response to persons affected by mental illness, training and certifying sworn officers and selected non-sworn staff in mental health first aid training or other equivalent mental health awareness course, and providing Crisis Intervention Team Training. (SOURCE: <https://www.theiacp.org/projects/one-mind-campaign>).
- General Order 904 – *Interactions with the Mentally Ill* addresses this standard.
  - The directive includes the following sections, among others:
    - Recognition of Persons Suffering from Mental Illness
    - Crisis Intervention Techniques/Dealing with the Mentally Ill
    - Crisis Intervention Team (CIT)
    - Making Referrals/Accessing Community Mental Health Resource
    - Commitment Procedures
    - Training
- General Order 1601 – *Crisis Negotiations Team* addresses this standard.
  - The “Mission” statement reads:
    - The mission of the Apex Police Department Crisis Negotiation Team is to facilitate in the successful resolution of hostage and/or barricaded subject situations and to provide crisis intervention strategy and negotiation skills to save the lives of all people involved in critical incidents. The Crisis Negotiation Team works in concert with the Special Response Team and supports other field units during police operations.

## 12. Investigation Procedures – detailing procedures for investigating incidents.

- *Response:* General Order 903 – *Patrol Operations* addresses this standard.
  - The “Preliminary Investigations” section reads, in part:
    - Patrol officers will routinely be assigned responsibility for the preliminary investigation of all reported incidents. However, members of the Criminal Investigations Division are not prohibited from initiating cases and conducting preliminary investigations as necessary or appropriate. Preliminary investigations will be conducted pursuant to General Order 1101 – Criminal Investigations and other applicable departmental written directives.

- General Order 1101 – *Criminal Investigations* addresses this standard.
  - The directive includes the following sections, among others:
    - Preliminary and Follow-up Investigations
    - Patrol Squad Responsibility
    - Criminal Investigations Division Responsibility
    - Case Management
    - Electronic Recordings of Interrogations
    - Area Canvasses
    - Cold Case Investigations
    - Investigative Task Forces

**13. Canine Use – stating when and how police canine should be used.**

- *Response:* General Order 1701 – *Canine (K-9) Unit Program* addresses this standard.
  - The “Operations Procedures” section reads, in part:
    - The following categories of calls for service should be considered as a response for a Canine Team:
      - Burglary or robbery alarms, open door/window calls, or intrusion alarm calls where the Canine Team will be the primary building search unit
      - When a suspect has fled on foot and canine tracking is possible
      - Assisting in locating lost individuals
      - Drug sniffs and article searches
      - Any other call where, in the opinion of the Canine Handler, the team would be helpful
  - The directive includes the following sections, among others:
    - Objective and Assignment
    - Authorization, Conditions, and Limitations of Use
    - Operations Procedures

**14. Evidence Preservation and Presentation – detailing how evidence is preserved and presented to investigators (internal and external).**

- *Response:* General Order 802 – *Collection and Preservation of Evidence* addresses this standard.
  - The directive includes the following sections, among others:
    - Wake County City-County Bureau of Identification (CCBI)
    - Preservation of Scene
    - Crime and Crash Scenes
    - Preliminary Scene Assessment of the Scene
    - Collection, Processing, and Preservation of Evidence
    - Evidence Inventory
    - Documentation and Reporting

**15. Use of Tasers – stating when and how a taser device may be used.**

- *Response:* Please refer to the response to #1 and #10 above.