

 <p style="text-align: center;">WINSTON-SALEM POLICE DEPARTMENT WINSTON-SALEM, NORTH CAROLINA GENERAL ORDERS</p>		Issue Date	General Order #
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		Approved By	
	Catrina A. Thompson, Chief of Police		
Subject	Index/Tag		
Professional Responsibility and Philosophy of Enforcement	Philosophy, Professional Conduct		
	Law Enforcement CALEA References 		
	Communications CALEA References 		
	Training Academy CALEA References 		

Purpose: To ensure that personnel of the Winston-Salem Police Department fully understand the department philosophy regarding their conduct and all responsibilities in the performance of their duties.

This General Order consists of the following numbered sections:

- I. Policy
- II. Equal Protection Under the Law
- III. Preservation of Public Order, Peace, and Safety
- IV. Community Relations
- V. Citizen Grievances
- VI. Use of Force
- VII. Professional Bearing
- VIII. Discriminatory Conduct
- IX. Application and Enforcement
- X. Continuing Responsibility

I. POLICY

The primary mission of any law enforcement agency is to serve its citizens and community. This is accomplished by protecting life and property, maintaining peace and order, and providing other police services. In order to attain these goals, it is essential that all personnel of the Department discharge their duties in a professional manner, reflecting an understanding of the Department's philosophy of enforcement.

II. EQUAL PROTECTION UNDER THE LAW

The personnel of this Department represent all citizens and are committed to the concept of equal treatment under the law. All personnel will provide professional service impartially, without regard to race, creed, color, national origin, sex, religion, disability, age, beliefs, sexual orientation, or for any other reason, and shall be unequivocal in protecting all citizens in the lawful exercise of their civil rights. Police Officers will enforce all laws and take actions consistent with this philosophy. Truth; compliance with standards, guidelines, and expectations; and integrity are primary concerns in all aspects of service delivery.

III. PRESERVATION OF PUBLIC ORDER, PEACE, AND SAFETY

- A. Preservation of Public Order, Peace, and Safety: It is the responsibility of the police to prevent crimes insofar as possible; to fully investigate crimes, complaints, and incidents; to search out and arrest violators of the law; and to present the full and complete facts of the case to the prosecuting agency. Although the police are part of the criminal justice system, the primary responsibilities of prosecuting, judging, acquitting the innocent, sentencing, and punishing or rehabilitating offenders are assigned to other agencies.
- B. Although the police do not make the laws, they are obligated to enforce regulations and impose restrictions called for by laws and ordinances for the sole purpose of preserving public order, peace, and safety, as well as protecting individual rights and freedoms. This shall be accomplished in the public interest and within the framework of the law. While the rights of persons shall always be respected, there are times when it shall be necessary for individuals and private groups to defer to the overall welfare of the community.

IV. COMMUNITY RELATIONS

- A. The Winston-Salem Police Department is firmly committed to establishing, maintaining, and constantly enhancing close ties with the community, and responding to their needs. The Department is equally committed to its partnership with the community.
- B. Personal contacts made by each member of the Department are essential to promote a practice of desirable police community relations. Therefore, the responsibility for achieving the Department's community relations objectives must be shared by all personnel. Understanding, professionalism, tact, patience, and courtesy shall be strictly observed in all circumstances.
- C. The Department is committed to modifying policies, practices, and behavior that might contribute to community tension and grievances, perceived or otherwise. Department personnel must learn to distinguish between the right to hold personal opinions as a citizen and their duties as public servants and agency members. Police officers must be especially aware of this. Any conduct inconsistent with this philosophy is totally unacceptable behavior. Supervisors shall demonstrate by example, and shall instruct subordinates in proper and desirable behavior when interacting with the public.

V. CITIZEN GRIEVANCES

All persons who furnish departmental personnel with information or who file or report complaints, including complaints about departmental personnel, will receive courteous and serious attention. All complaints, including anonymous complaints, will be evaluated carefully based on the facts presented and will be investigated thoroughly as outlined in current department policies and procedures.

VI. USE OF FORCE

- A. When situations arise that require police officers to employ physical or deadly force, officers will use only the reasonable force necessary to accomplish lawful objectives. Use of excessive or unnecessary force will not be tolerated. The guidelines governing this policy are as follows:
 - 1. By law, police officers are required to arrest law violators. Officers are allowed to use only such force as is necessary to complete the arrest.
 - 2. It must be clearly understood that the Winston-Salem Police Department not only supports, but expects all officers to defend themselves from physical attack or force, while engaged in the performance of their official duty. Officers are not expected to place themselves or others at unreasonable unnecessary risk by actions or inaction. It is expected that all use of force will be lawful, professional, appropriate, and effective. Even though a level of force

- may be lawful, it may not be the best or most appropriate level for the situation. The circumstances of the situation and incident will dictate appropriate action. If a person being arrested offers no resistance, then no force is necessary and none will be used.
3. There are two kinds of situations involved in the use of force. The first is when an officer must defend himself from physical attack, and the second is when there is no physical attack on the officer, but force must nevertheless be used to overcome resistance in carrying out the police mission.
 - a. In situations wherein an officer is defending against physical attack, it is expected that the officer will professionally, competently, quickly, and effectively neutralize the threat. The level of force used is expected to be not only effective but reasonable and appropriate for the circumstances. The level of force used by the officer in these situations will likely be more than the force being used by the attacker.
 - b. In situations wherein an officer must use force to overcome resistance, including flight to avoid arrest, such force must also be professional, competent, quick, and effective. The level of force used is expected to be reasonable and appropriate for the circumstances.
 4. Any action taken by an officer in self-defense or in the defense of others, up to and including the death of the assailant, or any action taken by an officer in apprehending a suspect, will be considered warranted and justified if there is sufficient cause, as would appear real and reasonable to a prudent police officer, to fear that the life or safety of the officer or another is in imminent danger, providing each of the following factors is present, given the specific circumstances at hand:
 - a. The police officer is acting officially within the boundaries of statutory legal authority and established Department policies, procedures, and philosophies; and
 - b. The means and the force employed are not such as a prudent police officer would consider excessive, unreasonable, or unnecessary, and is within the law, and established Department policies, procedures, and philosophies; and
 - c. The use of force, techniques, tools, items, and firearms is within the guidelines set forth in current policies, procedures, and philosophies; and
 - d. The use of force must not only be lawful, but must be appropriate for the circumstances.
 5. Officers have a duty to intervene and report any and all inappropriate actions that they witness of another officer, including supervisors. This includes, but is not limited to, excessive use of force, misuse of authority, and unprofessional actions. The officer witnessing such action(s) will immediately contact and report their observations to a supervisor in their chain of command as soon as they can safely do so.
- B. When undertaking a specific police mission and bringing it to a successful conclusion (getting the job done), an officer's actions must be tempered by good judgment, common sense, restraint, understanding, and appropriateness. The use of force by an officer would not fall within the definition of unreasonable or excessive when:
1. The officer is acting officially within the restrictions and guidelines imposed by law and established Winston-Salem Police Department policies, procedures, and philosophies
 2. The officer's conduct is impartial and dispassionate
 3. The officer is firm without being unreasonable
 4. If circumstances permit, the officer provides reasonable opportunity for compliance with the law and directions
 5. The officer used proper force only after other available means of securing compliance failed as circumstances permit
 6. The force employed is not more than is required to produce compliance

VII. PROFESSIONAL BEARING

- A. It is the policy of the Winston-Salem Police Department that agency personnel shall not use discourteous, abusive, or insulting language under any circumstance in the performance of their duties. Officers shall enforce the law impartially and professionally. When addressing citizens in a normal situation, the officer will do so in an ordinary, businesslike manner. When it is necessary for an officer to give orders, he/she will do so in a professional yet firm manner. Departmental policy in this matter is:
1. An officer shall not use profanity or derogatory terms in the discharge of duties
 2. An officer shall not address people in harsh, belittling, or sarcastic terms nor use undue familiarity in the discharge of duties
 3. It is understood that different circumstances, may require different tactics, actions, voice tones, or words. While it is the policy of this Department that all personnel will be professional in every action, consideration will be given to the totality of circumstances of each specific situation.
 4. When it is necessary for an officer to issue orders, give a warning, or request cooperation, the officer will do so in clear, positive terms, using ordinary civil language. An officer is expected to speak affirmatively and emphatically, as the circumstances require.

VIII. DISCRIMINATORY CONDUCT

- A. The Winston-Salem Police Department and the City of Winston-Salem are committed to the equal treatment of persons, without regard to race, color, national origin, sex, religion, handicap, or age. As part of that commitment, the Department prohibits personnel from using slurs, derogatory comments, or any other physical or verbal conduct directed at or based upon another person's race, creed, color, national origin, sex, religion, disability, age, beliefs, sexual orientation, or for any other reason when intended solely to denigrate a person or group for matters unrelated to the mission of the department and proper discharge of one's duties. Personnel shall not engage in such conduct during working hours and also while off duty if such conduct affects the person's ability to perform his or her Departmental duties, and/or brings discredit and disrepute upon the Department.
- B. Such incidents threaten the safety, security, and wellbeing of not only those against whom the conduct is directed, but all who live and work here as well. This conduct gives the erroneous impression that the Department, the City, and its officials and personnel do not accept the concepts of equal opportunity and treatment under the law. For this reason, the Department considers such incidents to be among the most serious violations of policy, philosophy, and professionalism which a member can commit. Such violations warrant serious disciplinary action up to and including termination.

IX. APPLICATION AND ENFORCEMENT

- A. All managers and supervisors are expected and required to ensure that these policies are fully implemented and vigorously enforced.
- B. Any complaints concerning personnel violations shall be thoroughly investigated by the Professional Standards Division for immediate and corrective action as warranted.
- C. Violation of the policy shall be grounds for significant actions outside of progressive disciplinary practices.

X. CONTINUING RESPONSIBILITY

- A. All personnel have an obligation to assist the Department, the City, and the community in having the lowest crime rates, highest quality of life, and overall justice. This obligation is mandatory upon employment with the Department and it is also expected upon separation from the Department.
- B. In many instances, investigations continue beyond the time a specific involved employee is employed with the Department. Personnel who have separated from the Department are expected to participate in and cooperate with investigations and inquiries regarding their actions during their employment. This is necessary to ensure that pending court cases are appropriately handled, that full information is available in various processes, and to help ensure justice is served.